



The Senate of the State of New Hampshire

107 North Main Street, Concord, N.H. 03301-4951

May 27, 2022

Daniel C. Goldner, Chairman
 New Hampshire Public Utilities Commission
 21 South Fruit Street
 Concord, NH 03301-2429

Re: SB 271 Relative to Burgess BioPower

Dear Chairman Goldner:

As you may be aware, the Legislature adopted SB 271, an act that provides support for the continued operation of Burgess BioPower, the biomass plant in Berlin. As you may also be aware, the legislation, which has bipartisan support in both the House and Senate, recognizes the important contributions that the plant makes in helping the state reach its renewable energy goals and in promoting the state's energy independence. In addition, the biomass industry is a key factor in environmental forest management issues. The plant also makes important economic contributions in the form of jobs and revenue to the North Country and the state as a whole. SB 271 reflects the Legislature's policy decisions regarding the suspension of the so-called cumulative reduction factor, as approved by the Commission in Order 26,333, and directs the Commission to extend that suspension for an additional year.

While SB 271 does not contain any specific timeframes to guide the Commission in completing the regulatory process necessary to implement the legislation, there are impending financial deadlines facing the plant that require the Commission's immediate attention. Specifically, the regulatory relief authorized by SB 271 must be implemented by November 30, 2022 in order to avoid triggering financial provisions in the plant's power purchase agreement with Eversource. Accordingly, to ensure the finality of any Order issued by the Commission, including the expiration of the statutory rehearing and appeal periods provided in RSA 541, it is imperative that the Commission issue its Order no later than October 1, 2022.

The Legislature recognizes the tight period in which the Commission must act, but appreciates the Commission's cooperation in implementing the important energy, environmental, and economic policy choices reflected in SB 271. Please do not hesitate to reach out to me if you have any questions.

Sincerely,

Senator Jeb Bradley
 Senate Majority Leader
 NH Senate District 3

Senator Kevin Avar
 Chair, Senate Energy & Natural Resources Committee
 NH Senate District 12

Representative Michael Vose
 Chair, House Science, Technology & Energy Committee
 Rockingham – District 9