

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

ORDER AND NOTICE OF PUBLIC MEETING

December 10, 2012

PLEASE TAKE NOTICE that the Site Evaluation Committee for the State of New Hampshire will conduct a public meeting on January 10, 2013 at 9 AM. The meeting shall be held at the Berlin City Hall, 168 Main Street, Berlin, New Hampshire.

The business of the Site Evaluation Committee at said meeting shall include the following dockets and any other business that is lawfully before the Committee:

Docket Number 2011- 01

**Motion of Berlin Station, LLC for Amendment
of the Certificate of Site and Facility**

Background

On November 8, 2010, the New Hampshire Site Evaluation Committee (Committee) issued a Certificate of Site and Facility (Certificate) to Laidlaw Berlin BioPower, LLC, for the siting, construction, and operation of a 70 MW biomass fueled power facility located in Berlin, Coos County, New Hampshire (Facility). On July 12, 2011, the Committee granted a Motion to Amend the Certificate and to Transfer the Certificate to Berlin Station, LLC. Further information regarding the Certificate, the Amended Certificate and the Facility is available at the Office of the Chairman of the Committee located at:

New Hampshire Department of Environmental Services
29 Hazen Drive
Concord N.H. 03301

or at the Committee's website: www.nhsec.nh.gov.

On November 6, 2012, Berlin Station LLC (Applicant) filed a Motion to further amend the Certificate (Motion). The Motion seeks to further amend the Certificate in four (4) areas: (1) the Applicant seeks to reconfigure the wood yard area of the facility including (i) the use of an A-frame overhead stack-out conveyer and an under-pile reclaim conveyor system and (ii) a shift of the processing building approximately 250 feet to the south with the installment of a set of two conveyors to be used to handle incoming woodchips and stack out to piles; (2) the Applicant proposes to eliminate the development of an area referred to as the "River Walk"; (3) the Applicant seeks to eliminate some of the fencing requirements due to the elimination of the "River Walk";

and (4) the Applicant seeks to modify the landscaping plan as a result of closer on-site inspection of the Site.

The Motion and attachments, including Testimony of Dammon M. Frecker on behalf of Berlin Station, LLC and an updated wood yard plan, are available for review at the office of the Chairman of the Committee (set out above) and on the Committee's website: www.nhsec.nh.gov.

Authority for Hearing

Amendments to the Certificates are required to be approved by the Committee pursuant to RSA 162-H. The Committee's authority to approve or deny the proposed amendments is set forth in RSA 162-H; 4, RSA 162-H: 5, I, and N.H. CODE OF ADMINISTRATIVE RULES, SITE 203.

Intervention and Public Comment

Any person wishing to intervene in this matter shall file a motion to intervene on or before January 3, 2013. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, SITE 202.11. Objections to motions to intervene shall be filed by January 10, 2013. Written public comment on the Motion will be accepted through the conclusion of the proceedings.

At the Public Meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of the Motion or may determine that further proceedings are necessary.

Docket Number 2012- 03

Motion for Declaratory Ruling by Atlantic Design Engineers, Inc on behalf of Jericho Power, LLC

Background

On October 3, 2012, Atlantic Design Engineers, Inc. on behalf of Jericho Power, LLC (Applicant), filed a Motion for Declaratory Ruling pursuant to N.H. CODE OF ADMINISTRATIVE RULES, SITE 203.1 with the New Hampshire Site Evaluation Committee (Committee). The Applicant seeks to construct a wind energy facility (Facility) consisting of up to three (3) turbines on the western slope of Jericho Mountain in Berlin, NH. The Applicant anticipates that the Project will have a rated capacity between 4.95 and 8.55 megawatts. The Applicant requests the Committee to issue an Order stating that the Committee's review of the Project would not be required. Further information regarding the Motion, together with the aerial site plan and USGS map of the Project's location, are available for review at the office of the Chairman of the Committee (set out above) and on the Committee's website: www.nhsec.nh.gov.

Authority for Hearing

Pursuant to RSA-H: 2, VII (g) and XII, the Committee shall determine whether the Project requires a Certificate and Facility consistent with the findings and purposes set forth in RSA 162-H: 1.

Intervention and Public Comment

Any person wishing to intervene in this matter shall file a motion to intervene on or before January 3, 2013. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, SITE 202.11. Objections to motions to intervene shall be filed by January 10, 2013. Written public comment on the Motion will be accepted through the conclusion of the proceedings.

At the Public Meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the issue of whether the Project should require a Certificate or may take other action consistent with its statutory mandate and administrative regulations.

ORDER AND NOTICE

It is hereby ordered, that the Site Evaluation Committee for the state of New Hampshire, will meet in public session for consideration of matters pending in the above referenced dockets on January 10, 2013 at 9 AM at the Berlin City Hall, 168 Main Street, Berlin, New Hampshire; and,

It is hereby further ordered, that Laidlaw Berlin Station, LLC, and Atlantic Design Engineers, Inc. on behalf of Jericho Power, LLC, shall cause a copy of this order and notice of public meeting to be published no later than December 19, 2012, in the New Hampshire Union Leader or New Hampshire Sunday News which are newspapers of regular statewide circulation. Berlin Station, LLC, and Atlantic Design Engineers, Inc on behalf of Jericho Power, LLC may share the cost of said publication; and,

It is hereby further ordered, that Laidlaw Berlin Station, LLC, and Atlantic Design Engineers, Inc. on behalf of Jericho Power, LLC, shall cause a copy of this order and notice of public meeting to be published in an additional newspaper of regular circulation in Coos County on or before December 19, 2012. In addition, Laidlaw Berlin Station, LLC, and Atlantic Design Engineers, Inc. on behalf of Jericho Power, LLC, shall publish display ads in said newspaper advising the public of the date, time, place, and subject matter of the public meeting in Docket Number 2011-01 and in Docket Number 2012-03. Laidlaw Berlin Station, LLC, and Atlantic Design Engineers, Inc. on behalf of Jericho Power, LLC may share the cost of said publication and advertisement; and,

It is hereby further ordered, that Laidlaw Berlin Station, LLC, and Atlantic Design Engineers, Inc. on behalf of Jericho Power, LLC, shall file affidavits documenting the required publications of this order and notice on or before January 3, 2012.

By Order of the Site Evaluation Committee, this 10th day of December, 2012.

A handwritten signature in dark ink, reading "Thomas S. Burack", is written over a horizontal line.

New Hampshire Site Evaluation Committee
Thomas S. Burack, Chairman