

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
SEC Docket No. 98-02

Application of AES Londonderry, L.L.C.

Application of AES Londonderry, L.L.C. for a Certificate of Site and Facility to construct and operate a 720 megawatt combined cycle natural gas fired power facility in the Town of Londonderry, Rockingham County known as the "AES Londonderry Cogeneration Facility or Project."

**ORDER ON AES REQUEST FOR APPROVAL OF AMENDMENT TO ROUTE
RESTRICTIONS FOR THE DELIVERY OF TWO COMBUSTION TURBINES
TO THE AES LONDONDERRY SITE**

On March 30, 2001, the New Hampshire Site Evaluation Committee (SEC or Committee) received a document entitled "Request for Approval of Amendment to Route Restrictions for the Delivery of Two Combustion Turbines to the AES Londonderry Site." AES Londonderry (AES) holds a Certificate of Site and Facility for the construction of the AES Londonderry Cogeneration Project located in the eco-industrial park in Londonderry, New Hampshire. The Certificate, as originally issued by the Committee, limited construction related traffic and deliveries to certain roadways in the Town of Londonderry. The designated roadways were the product of a stipulation between the Town of Londonderry and AES and were attached to the Certificate as Attachment G.

AES now seeks to amend the Certificate to permit the delivery of two combustion turbines over some of the roads where construction traffic was limited by the Certificate. The turbines weigh approximately 642,000 pounds each and exceed the normal dimensions which are normally permitted as cargo upon public roads. AES asserts that its original plan to deliver the turbines by railroad has been determined to be infeasible because of a lack of dimensional clearance along the railroad route.

The Town of Londonderry, an intervenor in these proceedings has indicated through a telephone call from its counsel that it takes no position on the AES request.

Public Counsel, Assistant Attorney General M. Kristin Spath, has telephonically indicated her assent to the request.

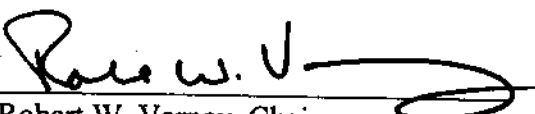
The Londonderry Neighborhood Coalition (LNC), a limited intervenor in these proceedings, filed a written objection to the request on April 3, 2001. The LNC objection attacks the managerial and technical capability of AES but does not assert any specific harm which would result to any individual, the environment or the safety of the public if the requested amendment is granted.

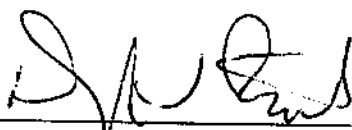
RSA 162-H: 4, I, authorizes the committee to monitor the construction and operation of certificated energy facilities and to enforce the terms of a Certificate. RSA 162-H: 4, III-a permits the SEC to delegate to an agency or official represented on the Committee the "authority to specify the use of any technique, methodology, practice, or procedure approved by the Committee within a certificate . . ." The construction of energy facilities is a process which requires detailed advance planning and preparation. However, at times, even the most advanced planning procedures cannot forecast conditions which may be encountered during the actual construction process. When such circumstances arise, it is appropriate for the Certificate owner to seek relief from this Committee or a designated state agency or official if provided for in the Certificate. No state agency was delegated the authority to approve modifications to the construction delivery routes covered by the Certificate in this case. The Committee will consider the request as part of its authority to monitor and enforce the Certificate.

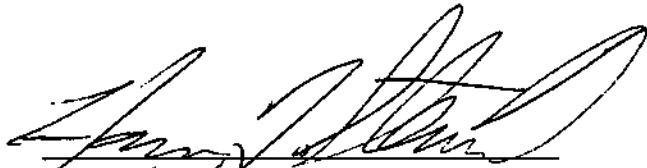
The transportation and delivery of the turbines to the construction site is necessary to the successful completion of construction of the AES plant which this Committee has found to satisfy the requirements of RSA 162-H. The New Hampshire Department of Transportation (NHDOT) is charged with the "planning, developing, and maintaining a state transportation network which will provide for safe and convenient movement of people and goods throughout the state by means of a system of highways . . ." RSA 21-L: 2. As part of its authority, NHDOT has promulgated regulations concerning the travel of overweight loads upon state highways. NEW HAMPSHIRE CODE OF ADMINISTRATIVE REGULATIONS Tra - 304.01, *et. seq.*

Having reviewed the AES request, the Committee finds that, for the purpose of the delivery of the two combustion turbines, the conditions set forth in Attachment G to the Certificate should be amended. However, the Committee also finds that the Department of Transportation is the best suited agency to determine the methods, practices, procedures, and route that should be used in the transportation and delivery of the turbines. Thus, the Committee will grant the AES request to amend the Certificate. Attachment G of the Certificate is amended to permit the transportation and delivery of the two combustion turbines via public roadways subject to terms and conditions to be established by the New Hampshire Department of Transportation. All other terms and conditions of the Certificate of Site and Facility shall remain in full force and effect.

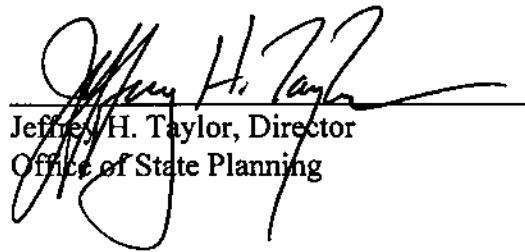
By Order of the Site Evaluation Committee this 4th day of April, 2001:


Robert W. Varney, Chairman
Commissioner, Department of
Environmental Services


Douglas I. Patch, Chairman
Public Utilities Commission

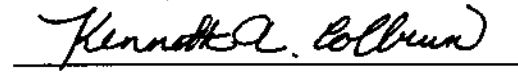


Harry T. Stewart, Director
Water Division
Department of Environmental Services




Jeffrey H. Taylor, Director
Office of State Planning

Wayne E. Vetter, Director
Fish and Game Department

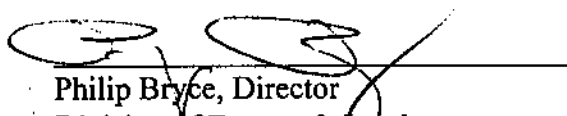


Kenneth A. Colburn, Director
Air Resources Division
Department of Environmental Services



Mary Ann Manoogian, Director
Governor's Office of Energy &
Community Services

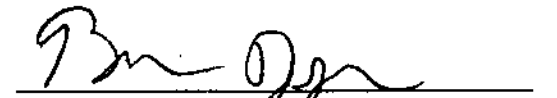
George M. Bald, Commissioner
Department of Resources & Economic
Development



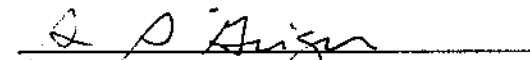
Philip Bryce, Director
Division of Forests & Lands
Department of Resources & Economic
Development

Richard McLeod, Director
Division of Parks
Department of Resources & Economic
Development

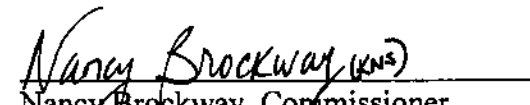
Carol Murray, Acting Commissioner
Department of Transportation



Brook Dupee, Assistant Director
Office of Community & Public Health
Department of Health & Human Services



Susan S. Geiger, Commissioner
Public Utilities Commission



Nancy Brockway, Commissioner
Public Utilities Commission

Chief Engineer
Public Utilities Commission