

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2006-01

JURISDICTIONAL ORDER

Re: Community Energy, Inc. and Lempster Wind, LLC. A jurisdictional inquiry regarding the proposal to construct a wind powered generation project in Lempster, Sullivan County, New Hampshire.

On or about December 1, 2005, the New Hampshire Site Evaluation Committee (Committee) received a letter from the Selectmen of the Town of Lempster (Sullivan County), New Hampshire, requesting “an initial site inspection” of a wind powered electric generation facility proposed by Community Energy, Inc. (CEI), for a prominent ridge line in Lempster. On or about March 30, 2006, the Selectmen of the abutting Town of Washington “joined in the request from the Town of Lempster” and formally requested that the Committee “review the significant wind energy project proposed for a prominent ridge line in Lempster.” On or about April 10, 2006, the Committee received a petition to review the project which was signed by 122 registered Lempster voters and certified by the Town Clerk.

Treating the correspondence from the Towns of Lempster and Washington as petitions defined by R.S.A. 162-H:2, X-a and XI (c), the Committee held hearings on June 21, 2006, and July 6, 2006, to determine whether the proposed wind powered electric generation facility should require the issuance of a Certificate of Site and Facility as set forth at R.S.A. 162-H: 1 *et. seq.*

On June 20, 2006, the Attorney General appointed Senior Assistant Attorney General Peter C.L. Roth to serve as Public Counsel in the proceedings pursuant to R.S.A. 162-H: 9.

On June 21, 2006, the Committee considered and granted requests to intervene in the proceedings filed by The Town of Lempster via Planning Board Member Mark Adams; Richard D. Webb, an abutter; Deborah Stone, a Lempster resident; Elizabeth O’Grady, an abutter; and Jeffrey P. Dwyer, an abutter.

At the hearing on June 21, 2006, the Committee heard testimony from Brett Alderferer, Chief Executive Officer of CEI and Jeffrey Keeler, Project Manager for CEI. The Committee also took comments from members of the public. Due to the late hour, the hearing was recessed until July 6, 2006.

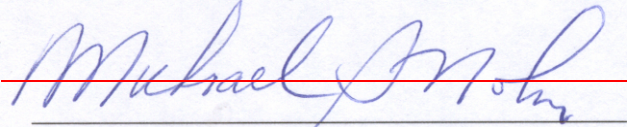
On or about June 30, 2006, CEI filed a Motion for Jurisdiction and for a Condensed Procedural Schedule. The Motion for Jurisdiction requested the Committee to assert jurisdiction over the project pursuant to R.S.A. 162-H: 2.

On July 6, 2006, the recessed hearing commenced with consideration of CEI's Motion for Jurisdiction and Condensed Procedural Schedule. There were no objections to the Motion as it pertained to jurisdiction over the proposed facility.

After hearing from the parties, the Committee determined that asserting jurisdiction over the proposed facility would be consistent with the legislative findings and purposes set forth in R.S.A. 162-H:1. Accordingly, on July 6, 2006, the Committee unanimously voted to assert jurisdiction over the proposed facility. The matter will retain the same docket number. All persons who have been permitted to intervene to this point may continue to participate as intervenors. Upon receipt of a formal application complying with R.S.A. 162-H: 7, the Committee will undertake its review as required by statute.

By **ORDER** of the Site Evaluation Committee, this 23rd day of September, 2006.

New Hampshire Site Evaluation Committee



Commissioner



Michael P. Nolin, Chairman