

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2006-01**

**Re: Community Energy, Inc. and Lempster Wind, L.L.C. Application for  
Certificate of Site and Facility for the Lempster Mountain Wind Power Project,  
Lempster, Sullivan County, New Hampshire.**

**Order on Completeness and Acceptance of the Application**

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

At the July 6, 2006 hearing, 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 and it unanimously voted to assert jurisdiction. CEI was advised at the time to file an Application for Certificate of Site and Facility complying with the requirements of R.S.A. 162-H.

On August 28, 2006, CEI filed an Application for Certificate of Site and Facility (Application). On October 2, 2006, the Committee held a public meeting at which time it reviewed the Application. The Committee was informed by Committee Member Harry Stewart, Director of the Water Division of the Department of Environmental Services, that the permit applications<sup>1</sup> filed by CEI with the Department of Environmental Services

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<sup>1</sup> CEI filed a Standard Dredge and Fill Application, a Site Specific Application, and a Request for Section 401 Water Quality Certification with the appropriate bureaus within the Department of

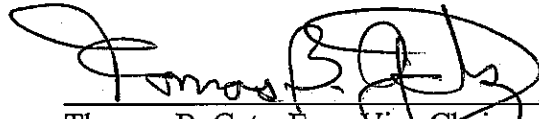
had all been deemed to be administratively complete. The Committee was also informed that no other state agency with jurisdiction over the proposed facility had noted any insufficiency in the Application<sup>2</sup>.

The Committee reviewed the Application and determined that it complied with R.S.A. 162-H: 7, III, IV and V. It further determined that the Application provided sufficient information to enable the Committee to carry out the purposes of R.S.A. 162-H. The Committee unanimously determined that the Application was complete for the purposes of R.S.A. 162-H and it voted unanimously to accept the Application.

**IT IS HEREBY ORDERED** that the Application is complete and accepted.

By **ORDER** of the Site Evaluation Committee, this seventeenth day of October, 2006.

New Hampshire Site Evaluation Committee



Thomas B. Getz, Esq., Vice Chairman  
Presiding Officer

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Environmental Services. These permit requests are contained in the Application as Exhibits 8, 9, and 10 respectively.

<sup>2</sup> The Application implicates the jurisdiction of the Water Management Bureau, Wetlands Bureau and the Site Specific Program of the Department of Environmental Services as well as the Department of Transportation. The facility as proposed will not result in emission of air pollutants or particulate matter and does not implicate the jurisdiction of the Air Resources Division of the Department of Environmental Services. On September 15, 2006, counsel for the Committee advised each state agency, in writing, of the existence of the Application before the Committee. In addition notification of the Application was provided to the United States Army Corps of Engineers and the Upper Valley/Lake Sunapee Regional Planning Commission.