

State of New Hampshire
Site Evaluation Committee



Thomas S. Burack
Chairman

Thomas B. Getz, Esquire
Vice-Chairman

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March 18, 2008

Donald J Pfundstein
Gallagher, Callahan & Gartrell
214 N. Main St
Concord, New Hampshire 03301

RE: Joint Application of Newington Energy, LLC ("NEL") and North American Energy Alliance, LLC ("NAEA") for approval of transfer of membership interests in NEL – SEC Docket No. 2008-01

Dear Atty. Pfundstein:

Enclosed is the Site Evaluation Committee's Order and Notice of Public Hearing and Meeting for the subject application. Please have this Order and Notice published no later than March 28, 2008, in the Manchester Union Leader, and in at least one additional newspaper having a regular circulation in Rockingham County. Also, please file an affidavit of publication no later that April 11, 2008.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Thomas S. Burack".

Thomas S. Burack, Chairman
Site Evaluation Committee

TSB/jam

cc: Barry Needleman, Esq
Michael Iacopino, Esq

Enclosure

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Order and Notice of Public Hearing and Meeting

It is hereby ordered that a public hearing and meeting of the State of New Hampshire Site Evaluation Committee shall be held on April 18, 2008, at 9 A.M. at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 110, Room 103, Concord, New Hampshire.

The agenda for this public meeting shall include the following:

- I. Docket No. 2008-01. Joint Application of Newington Energy, LLC (“NEL”) and North American Energy Alliance, LLC (“NAEA”) (“Co-Applicants”) for approval of transfer of membership interests in NEL.**

Hearing on the Merits of the Joint Application

In this Joint Application, as amended, NEL and NAEA, the Co-Applicants, seek approval from the Site Evaluation Committee to transfer the membership interests in NEL from CED/SCS, Newington, LLC, a Delaware Limited Liability Company (“CED/SCS”) to NAEA. NEL operates a nominal 525 megawatt (MW) combined-cycle, dual fuel merchant electric generation facility situated near the Piscataqua River in Newington, New Hampshire, pursuant to a Certificate of Site and Facility issued in Docket No. 98-01 effective May 25, 1999. The facility consists of two GE 7FA combustion turbines, two heat recovery steam generators with supplemental firing, and one steam turbine in combined-cycle configuration. The facility has low NOx burners and selective catalytic reduction for emissions control. The primary fuel is natural gas and the secondary fuel is ultra-low sulfur diesel.

In addition to the site proper, the facility includes a water supply pipeline and intake structure in the Piscataqua River, and an electric transmission line interconnecting the facility to the substation at the Public Service of New Hampshire (“PSNH”) Newington Power Station. A natural gas pipeline runs from the Portland Natural Gas Transmission System and Maritimes Northeast (joint facilities) interconnection point to the site to transport the primary fuel. An oil transfer pipeline, which is owned by Sprague Energy, transmits the alternate diesel oil fuel to the site. One above ground diesel fuel storage tank (“AST”), with one million gallons of storage capacity, is also located on site.

The proposed transferee, NAEA, is now wholly owned by subsidiaries of Industry Funds Management, Limited. Subsequent to the transfer of NEL to NAEA, the Co-Applicants submit that day-to-day responsibility for facility operations will continue to be handled by General Electric. General Electric has operated the facility since the commercial operation date of the facility in November, 2002.

The Site Evaluation Committee previously issued orders pertaining to motions to intervene and scheduling a Pre-Hearing Conference. The Committee did not receive any requests or motion to intervene in these proceedings.

At this hearing the Site Evaluation Committee will hear evidence and arguments on the merits of the Application. The Committee will also hear public comment if any. At the conclusion of the evidence and public comment the Committee may deliberate and issue a decision and order on the merits of the Application.

The aforementioned Application as amended and the attachments thereto are available for public inspection at the office of the Chairman of the Committee located at the Department of Environmental Services, 29 Hazen Drive, Concord, NH.


II. Promulgation of Organizational and Procedural Rules

The Committee shall conduct a public meeting to establish the text of a final proposal for Organizational and Procedural Rules. Copies of the proposed rules are available from the Committee's web site: <http://nhsec.state.nh.us/site100.htm>, or from the office of the Vice Chairman of the Committee at the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 110, Concord, New Hampshire, 03301. Formal notice of the proposed rules was published on January 18, 2008, in the New Hampshire Rulemaking Register, Vol. XXVIII, No. 3, pp. 1 and 3. A public hearing on the proposed Organizational and Procedural Rules was held on February 11, 2008. Written comments on the proposed Organizational and Procedural Rules were received through February 21, 2008.

III. New Business

It is further ordered, that the Co-Applicants shall cause a copy of this Order and Notice of Public Meeting and Hearing to be published, no later than March 28, 2008 in the *Manchester Union Leader*, a newspaper of regular statewide circulation, and in at least one other newspaper having a regular circulation in Rockingham County. The Co-Applicants shall file an affidavit documenting such publication on or before April 11, 2008.

By **ORDER** of the Site Evaluation Committee, this 18th day of March, 2008.



Thomas S. Burack, Chairman
New Hampshire Site Evaluation Committee