



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 29, 2016

Martin Honigberg, Chairman
Site Evaluation Committee
c/o Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

RE: Docket No. 2016-02 Subcommittee

Dear Chairman Honigberg:

In exercise of the authority granted pursuant to RSA 162-H:4-a, III to me in my capacity as Commissioner of the Department of Environmental Services, I hereby name John J. Duclos as my designee to sit in the above-captioned matter. Mr. Duclos' contact information is as follows:

John J. Duclos, Administrator, Hazardous Waste Compliance Bureau
NH Department of Environmental Services
29 Hazen Drive
Concord, NH 03301
Telephone: 271-1998
Email: john.duclos@des.nh.gov

Sincerely,

Thomas S. Burack
Commissioner

cc: Pamela G. Monroe, Administrator, NH Site Evaluation Committee
Michael Iacopino, Esquire, Site Evaluation Committee Counsel
John Duclos, DES Hazardous Waste Compliance Bureau Administrator

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2016-02

**Joint Petition of IFM Global Infrastructure Fund and Nautilus Generation, LLC for
Approval of the Transfer of Membership Interests in
Essential Power Newington, LLC**

ORDER APPOINTING SUBCOMMITTEE

On February 29, 2016, IFM Global Infrastructure Fund (IFM) and Nautilus Generation, LLC (Nautilus), filed a Joint Petition with the Site Evaluation Committee (Committee) seeking approval to transfer membership interests in Essential Power Newington, LLC (EP Newington), to Nautilus. The Joint Petition requested the appointment of a three-member subcommittee under RSA 162-H and an expedited review and approval of the proposed transfer of ownership interests in IFM to Nautilus.

According to the Joint Petition, EP Newington owns and operates a 525 megawatt combined-cycle, dual fuel merchant electric generation facility in Newington, New Hampshire (Facility), pursuant to a Certificate of Site and Facility issued in Docket No. 98-01, effective May 25, 1999 (the Certificate). The Certificate was issued to and is currently held by, EP Newington (which was known as Newington Energy, LLC, at the time that the Certificate was issued). IFM itself owns 100% of the membership interests in Essential Power Investments, LLC (Essential Power Investments). Essential Power owns, through several wholly-owned subsidiaries, a 100% equity interest in EP Newington. Essential Power, LLC (EPLLC), a subsidiary of Essential Power Investments acquired 100% of the membership interests in EP Newington, and thus acquired the Facility, in 2008 after the Committee authorized the transfer of

all membership interests in EP Newington to EPLLC in Docket No. 2008-01. A "Pre-Transfer Organization Chart" is included as an Appendix to the Joint Petition.

RSA 162-H:5, I, provides that a Certificate of Site and Facility shall not be transferred or assigned without approval of the Committee.

RSA 162-H:4-a, III, provides that the Chairperson of the Committee may establish a subcommittee of three members for matters that do not involve the issuance of a certificate or a petition for jurisdiction. The subcommittee assumes the role of and is considered the committee, with all of its associated powers and duties in order to execute the charge given it by the chairperson.

In order to assure the prompt and efficient consideration of the Petition, I hereby appoint the following Subcommittee:

1. Thomas Burack, Commissioner, Department of Environmental Services;
2. Elizabeth Muzzey, Director, Division of Historical Resources; and
3. Patricia Weathersby, Public Member.

Pursuant to RSA 162-H:4-a, III, each state agency member may designate a senior administrative employee or staff attorney from his or her respective agency to sit in his or her place on the subcommittee. It is requested that the state agency members of the Subcommittee intending to designate a staff member do so, in writing to the attention of Pamela Monroe, Site Evaluation Committee Administrator, prior to April 8, 2016. RSA 162-H:4-a, III, also provides that the chairperson shall designate one member or designee to be the presiding officer who shall be an attorney whenever possible. I hereby appoint Patricia Weathersby, Public Member of the Committee, as the Presiding Officer in this docket.

Any party whose interests may be affected may object to the matter being assigned to a 3-person subcommittee no less than 14 days before the first hearing.

The Subcommittee is charged with resolving all issues that may arise in this docket and determining whether to grant or deny the petition as filed.

So Ordered this twenty-eighth day of March 2016.



Martin P. Honigberg, Chairman
Site Evaluation Committee