COMMONWEALTH OF MASSACHUSETTS Energy Facilities Siting Board

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In the Matter of the Petition of)	
Silver City Energy Limited Partnership)	
for Approval to Construct a Bulk) EFSB	3 91-100
Generating Facility and Ancillary Facilities	;)	

ACTION BY CONSENT

This "Action by Consent" is made pursuant to authority granted the Chairman of the Energy Facilities Siting Board ("Siting Board") under 980 C.M.R. § 2.06. Section 2.06 provides the Siting Board with authority to render a decision "when it would be a hardship to the public welfare to defer the decision until the next scheduled meeting of the [Siting Board]." 980 C.M.R. § 2.06(1).

On June 15, 1994, the Siting Board by a unanimous vote conditionally approved the petition of Silver City Energy Limited Partnership ("SCE Petition") to construct a bulk generating facility and ancillary facilities in the City of Taunton, Massachusetts (Docket No. EFSB 91-100). Appeals of that Final Decision were taken by the Office of the Attorney General, and Silver City Energy Limited Partnership, and a joint appeal was taken by the Conservation Law Foundation and the Massachusetts Public Interest Research Group (Docket Nos. SJC-94-0460, SJC-94-0463, and SJC-92-0464, respectively).

On June 28, 1996, Silver City Energy Limited Partnership formally withdrew the SCE Petition, thereby mooting the Siting Board's June 1994 Final Decision. As (1) the three appeals are pending and currently subject to Motions to Stay, filed by the Siting Board, and (2) there are no meetings of the Siting Board scheduled or planned for scheduling in the near future, we find that it would be a hardship to the public welfare to defer a decision to rescind the June 15, 1994 conditional approval.

Now, therefore, the Siting Board by unanimous written consent do hereby rescind the

conditional approval granted Silver City Energy Limited Partnership in Docket No. EFSB 91-100 on June 15, 1994 to construct a bulk generating facility and ancillary facilities in the City of Taunton, Massachusetts.

This Action by Consent may be executed in any number of counterparts, each of which shall be an original, but all of which constitute one agreement, and shall be dated and become effective when the copies bearing all of the signatures of the Siting Board members are received by the Chairman. 980 C.M.R. § 2.06(2).

John B. Howe Mary Clark Webster Chairman Commissioner Department of Public Utilities Energy Facilities Siting Board/ Department of Public Utilities David L. O'Connor Janet Gail Besser For David A. Tibbetts Commissioner Department of Public Utilities Secretary of Economic Affairs Joseph Flaherty Sonia Hamel for Trudy Coxe Public Member William Sargent Public Member August 22, 1996

Effective Date