

Gamesa



June 2, 2010

VIA OVERNIGHT MAIL

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**RE: Motion to Intervene, Provide Comments and Request Assurance Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, With Respect to the Relocation of Transmission Facilities In Fairless Hills, Falls Township, Bucks County, Pennsylvania – Docket No. A-2010-2175030**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is an original and fifteen (15) copies of the Motion to Intervene, Provide Comments and Request Assurance, of Gamesa Wind US, LLC. This Motion is in response to the Letter of Notification of PECO Energy Company.

Also enclosed is an extra copy of this letter, which I respectfully request that you date stamp and return to me in the enclosed envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above Motion was served on the interested parties.

Very truly yours,

A handwritten signature in black ink, appearing to read "Victor Contract".

Victor Contract  
Counsel and Secretary for Gamesa Wind US, LLC

Cc: Affidavit of Service List  
Jeanne J. Dworetzky, Esq.

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JUN 02 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Gamesa Wind US, LLC  
2050 Cabot Blvd. West  
Langhorne, PA 19047  
Tel: 1.215.710.3100  
www.gamesacorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Re: Letter of Notification of PECO Energy :  
Company Filed Pursuant to 52 Pa. Code : Docket No. A-2010 2175030  
Chapter 57, Subchapter G, With Respect To :  
The Relocation of Transmission Facilities :  
Needed to Accommodate a Landfill Proposed :  
By Waste Management, Inc. In Fairless Hills, :  
Falls Township, Bucks County, Pennsylvania :

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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**MOTION TO INTERVENE, PROVIDE COMMENTS  
AND REQUEST FOR ASSURANCE**

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1. Gamesa Wind US, LLC (“GWUS”) has received a copy of a Letter of Notification dated May 10, 2010 (the “Notification Letter”), as subsequently published, regarding the relocation of approximately 4 miles of transmission lines on property located in Fairless Hills, Falls Township, Bucks County, Pennsylvania. (A copy is attached as Exhibit A). Capitalized terms not capitalized herein shall have the meaning given to such terms in the Notification Letter.

2. GWUS is a Delaware limited liability company with its principal place of business at 2050 Cabot Blvd. West, Langhorne, PA 19047. GWUS is a wholly-owned subsidiary of Gamesa Technology Corp., Inc., a Delaware corporation which is part of a global wind energy manufacturing and development company headquartered in Spain.

3. Gamesa Wind PA, LLC (“GWPA”, together with GWUS, “Gamesa”) is a Delaware limited liability company with a place of business located at 400 Gamesa Drive, Fairless Hills, PA 19030 (the “Plant”). GWPA also is wholly-owned by Gamesa Technology Corp., Inc. and thus GWPA and GWUS are affiliates.

4. Gamesa hereby files a Motion to Intervene and participate in the proceedings. Correspondence in this proceeding should be directed to:

Victor Contract  
General Counsel and Secretary  
Gamesa Wind US, LLC  
3050 Cabot Blvd. West  
Langhorne, PA 19047  
215-710-3100  
[vcontract@gamesacorp.com](mailto:vcontract@gamesacorp.com)

5. Gamesa is an interested party in this matter because it is the fee simple owner of the land on which the Plant and laydown areas are located, which pursuant to the Notification Letter may be adversely impacted by the proposed Relocation of Transmission Facilities across a portion of said property. GWPA owns that portion of the site where the Plant is located, and GWUS owns the laydown area adjacent to the Plant.

6. While Gamesa offers its conditional support of a Relocation of the Transmission Facilities, this support is predicated on Gamesa's present understanding of the Relocation and receiving assurance from the proponents of the Relocation that the Relocation conforms with Gamesa's understanding thereof and will not deviate. Currently Gamesa understands that there may be some impact from the Relocation, and that the Relocation is required to permit another third party (either United States Steel Corporation or Waste Management) to further utilize its property.

7. Gamesa suggests that there may be a better alternative for relocating the lines, as proposed, because other options exist that would not impact Gamesa while only impacting the interested parties. Gamesa believes that such other locations would better suit the proposed relocation of the Transmission Facilities -- on the opposite side of the public right of way from Gamesa's Plant and laydown areas -- on a portion of the land

where the third party landowner (Gamesa understands it is for a landfill) intends to expand its operations.

8. Gamesa respectfully seeks more information regarding the proposed Relocation, including a survey showing the precise location of all equipment, towers and easement areas so that it may determine whether the Relocation will impact Gamesa's properties and business. The information provided to Gamesa in the Notification Letter provides an overview but is not sufficient to make an accurate determination of the impact the Relocation could have on Gamesa.

9. Gamesa has been informally advised that the Relocation as presently proposed would cross Gamesa's Plant and laydown site, but would remain entirely within an existing utility right of way along the public roadway adjacent to the proposed landfill expansion.

10. It is of great importance to Gamesa that such Relocation not adversely impact Gamesa's current and future operations on its manufacturing property and Gamesa's development of the Plant site and laydown yard. Of particular significance is the preservation of Gamesa's ability to continue its design, construction and operation of a rail spur that will be located at the laydown portion of the site in the general area adjacent to the right of way where PECO proposes to relocate the Transmission Facilities. The development of the rail spur is a critical issue for Gamesa's Plant site and operations, and with the increased need for "green energy" – its ability to meet market demands and continue its operations within Fairless Hills.

11. Gamesa's contingent support of this Relocation is predicated upon Gamesa's understanding that: (i) the proposed Relocation will not include the location of

any towers (or other equipment or similar structures) on Gamesa's Plant site, neither within the right of way nor within first 30 feet of the boundary lines of Gamesa's laydown yard or Plant property; (ii) lines will be installed at heights in excess of any height that could impact a rail spur and the operation thereof; and (iii) the area within which the Transmission Facilities shall be relocated will not exceed the first thirty (30) feet of an existing approximately sixty (60) foot right of way (being the 30 feet closest to the public road and the proposed landfill expansion).

12. To the extent that any portion of Gamesa's understanding as to the proposed Relocation is incorrect or inaccurate – whether with respect to the location of towers and equipment, the location of other Transmission Facilities, including the lines, or the impact on Gamesa's ability to construct its railroad spur in the general area immediately adjacent to the right of way -- Gamesa reserves the right to withdraw its support of this proposed Relocation and to assert objections thereto.

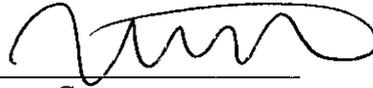
13. PECO has advised in its Notification Letter that the Relocation is not “need” based, but rather is strictly an accommodation at the request of a private party (United States Steel) so that it may realize financial gain through the sale of property to a neighboring business operated by Waste Management seeking to expand its operations. As such, the proposed Relocation should not be allowed to adversely impact neighboring property owners and their business needs. It is worth noting that land on the proposed Waste Management site could be used to accommodate the Relocation and there appears to be no valid reason or need for the proposed Relocation across the street from that land.

14. Gamesa respectfully requests that the Commission not approve a Relocation that would adversely impact Gamesa and its Plant and laydown operations

and future development of its site, and grant Gamesa's motion to intervene and request for assurance or require the Relocation to occur on the adjacent third party land.

WHEREFORE, Gamesa respectfully requests that the Commission grant this Motion to Intervene and its other requested relief.

Respectfully submitted,



Victor Contract  
General Counsel and Secretary  
Gamesa Wind US, LLC  
2050 Cabot Blvd. West  
Langhorne, PA 19047  
215-710-3100  
[vcontract@gamesacorp.com](mailto:vcontract@gamesacorp.com)

DATED: June 2, 2010

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Re: Letter of Notification of PECO Energy :  
Company Pursuant to 52 Pa. Code Chapter 57, :  
Chapter 57, Subchapter G, With Respect To the : Docket No. A-2010-2175030  
Relocation of Transmission Facilities Needed To :  
Accommodate a Landfill Proposed by Waste :  
Management , Inc. In Fairless Hills, Falls :  
Township, Bucks County, Pennsylvania :

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**AFFIDAVIT OF SERVICE**

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

I hereby certify and affirm that I have this day served a copy of the above document on the following persons in the manner specified:

Via First Class Mail

Robert Harvie, Chair  
Board of Supervisors  
Falls Township  
188 Lincoln Highway  
Suite 100  
Fairless Hills, PA 19030

Brian W. Binney, Chair, Planning Board  
Falls Township  
188 Lincoln Highway  
Suite 100  
Fairless Hills, PA 19030

Michael P. Clarke, Esquire  
Rudolph, Pizzo & Clarke  
Eight Neshaminy Interplex, Suite 215  
Trevose, PA 19053  
Solicitor for Falls Township

Charles H. Martin, Chair  
Bucks County Board of Commissioners  
55 East Court Street  
Doylestown, PA 18901

Lynn T. Bush, Executive Director  
Bucks County Planning Commission  
55 East Court Street  
5<sup>th</sup> Floor  
Doylestown, Pennsylvania 18901

The Pennsylvania Department of Environmental Protection  
Attention: Bureau of Environmental Planning  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, Pennsylvania 17105-2063

The Secretary of the Department of Transportation  
Commonwealth Keystone Building  
400 North Street, 8<sup>th</sup> Floor  
Harrisburg, Pennsylvania 17120

The Chairman of the Historical and Museum Commission  
State Museum Building  
300 North Street  
Harrisburg, Pennsylvania 17120

USS Real Estate  
c/o United States Steel Corporation  
Keystone Industrial Port Complex  
One Ben Fairless Drive  
Fairless Hills, Pennsylvania 19030-5012  
Attn: William K. Ream, Project Engineer

USS Law Department  
600 Grant Street, Room #1683  
Pittsburgh, Pennsylvania 15219  
Attn: Attorney – Real Estate

Waste Management, Inc.  
1000 New Ford Mill Road  
Morrisville, PA 19067  
Attn: Barry T. Sutch, Market Area Engineer/Manager

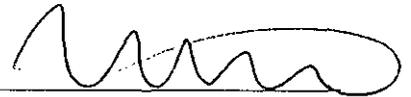
Fred Lodini  
Plant Manager  
Wheelabrator Falls Inc.  
1201 New Ford Mill Road  
Morrisville, PA 19067

Gamesa Wind US LLC  
2050 Cabot Blvd.  
Langhorne, Pa 19047  
Attn: Victor Contract, Esquire  
General Counsel

Gamesa Wind US LLC  
Gamesa Drive  
Fairless Hills, PA 19030  
Attn: Chief Business Officer

Janet Miller, Esq.  
Hawke, McKeon and Sniscak  
PO Box 1778  
100 North Tenth Street  
Harrisburg, PA 17101  
Counsel for Dominion/Fairless

Dated at Langhorne, Pennsylvania, June 2, 2010.

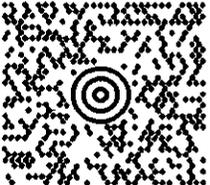
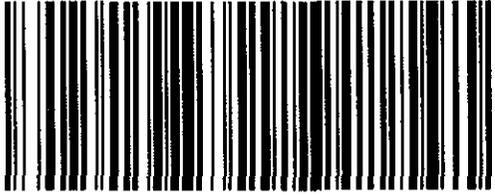


**VICTOR CONTRACT**  
Counsel for Gamesa Wind US LLC

**UPS CampusShip: View/Print Label**

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
  - Customers without a Daily Pickup**
    - Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.
    - Hand the package to any UPS driver in your area.
    - Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services<sup>SM</sup> (including via Ground) are also accepted at Drop Boxes.
    - To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.
  - Customers with a Daily Pickup**
    - Your driver will pickup your shipment(s) as usual.

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DARA MITCHELL 215-553-0006 GAMESA ENERGY USA TEN PENN CENTER PHILADELPHIA PA 19103	<b>0.0 LBS LTR</b>	<b>1 OF 1</b>	
<b>SHIP TO:</b> ROSEMARY CHIAVEITTA, SECRETARY PA PUBLIC UTILITY COMMISSION 400 NORTH STREET, SECOND FLOOR COMMONWEALTH KEYSTONE BUILDING <b>HARRISBURG PA 17120-0093</b>			
	<b>PA 171 9-20</b> 		
<b>UPS NEXT DAY AIR</b> TRACKING #: 1Z 1R4 116 24 9919 0220		<b>1</b>	
			
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