

December 5, 2008

Thomas S. Burack, Chairman
New Hampshire Site Evaluation Committee
c/o New Hampshire Department of Environmental Services
29 Hazen Road, PO Box 95
Concord, New Hampshire 03302-0095

RE: Docket No. 2008-04 - Application of Granite Reliable
Power, LLC for a Certificate of Site and Facility for the Granite
Reliable Wind Park in Coos County

Dear Chairman Burack:

Enclosed, please find one (1) original and nine (9) copies of Kathlyn J. Keene's Response to a Response of Granite Reliable Power, LLC to a Motion from Ms. Keene, Intervenor to Request Enlargement of Time to submit Pre-filed Testimony in the above-referenced matter. I am sending this to you by electronic mail and first class mail.

Thank you for your cooperation. Please let me know if you have any questions.

Sincerely,



Kathlyn J. Keene, Intervenor
PO Box 163
Jefferson, New Hampshire 03583
(603) 586-7052
mollydog@ncia.net

cc: Service list in SEC Docket No. 2008-04
by electronic mail

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2008-04

**RE: Application of Granite Reliable Power, LLC
for a Certificate of Site and Facility
to Construct and Operate the Granite
Reliable Power Windpark**

**INTERVENOR'S RESPONSE TO APPLICANT'S RESPONSE TO KATHLYN J.
KEENE'S MOTION TO REQUEST ENLARGEMENT OF TIME TO FILE PRE-FILED
TESTIMONY**

NOW COMES Kathlyn J. Keene ("Intervenor") responding to Douglas L. Patch (Applicant's Counsel) responses to Intervenor's request for enlargement of time to file pre-filed testimony in the above referenced case by stating as follows:

1. On September 26, 2008 the Presiding Officer in the above-captioned matter issues a Report of the Pre-hearing Conference ("the Report"). The Report included the procedural schedule agreed to by, Public Council and the Prospective Intervenor present at the pre-hearing conference. Ms. Keene did not appear at the pre-hearing conference. The above-referenced schedule called for the Intervenor and Public Counsel to file pre-filed testimony by December 10, 2008 and contained a number of other deadlines that followed from that date and that were based on statutorily prescribed deadlines. **Response: This Intervenor called Michael Iacopino, Attorney for the Site Evaluation Committee, on Tuesday, September 16, 2008 to inform him that three (3) deaths occurred in our family (Uncle, Doug Patch; Family Friend, J. Paquette; Cousin, T. Shipley; all from Massachusetts) making it impossible to attend the pre-hearing conference on September 18, 2008. I hope that this will clarify for Mr. Patch why the Keene's were not present at this pre-hearing conference. The Keene's followed the proper procedure for notification. I see no need, after this explanation, wasting the Committee's time on such a trivial matter. I hope this explanation will satisfy the Applicant's Counsel from continuing to keep putting this in his responses. *I am requesting additional time because of the overrun of Technical Session #2 and the need for an "independent consultant" to Public Counsel for future technical sessions and hearings, NOT because of the procedural schedule that was originally set.***

2. GRP has responded to over 440 data requests from the parties to this proceedings and met the deadlines contained in the September 26, 2008 Report. On November 21, 2008, consistent with the schedule, the parties met in Lancaster and held Technical Session #2. At that technical session it was agreed that the parties would hold another technical session in December. That has since been scheduled for December 19, 2008. When this additional technical session was discussed during the technical session, both the Applicant's Counsel for the Committee explicitly

asked the parties a number of times whether they understood that this would not change the rest of the schedule for this proceeding. In addition, Counsel for the Committee specifically noted that the next deadline in the schedule was the December 10th deadline for Intervenor and Public Counsel to file testimony. None of the parties (including Ms. Keene) disagreed with this.

Response: This Intervenor will not speculate how other parties understood or did not understand any discussions that took place at the technical session on November 21, 2008, as Mr. Patch (Applicant's Counsel) has done. I remember Applicant's Counsel referring twice to the fact that he would not like to see a change in the scheduling with the continuance of technical session # 2. This discussion was between Mr. Iacopino, Counsel to the Site Evaluation Committee and the Applicant's Counsel, was not directed to other parties present. I was listening and kept a non-descript face and did not respond as this was not directed at me or others. I did not hear a response from others, except the Applicant's Counsel. How Mr. Patch can draw a conclusion that "I did not disagree" is beyond my understanding. Noone involved in these proceedings should assume anything. If Mr. Iacopino wants opinions of the parties he should poll us individually.

While Mr. Patch also brings up the fact that several data requests had been answered by his Applicant, he must also understand that without an "independent" environmental consultant to advise and submit pertinent data it is impossible, with the enormity of the thousands of acres effected by environmental impacts, to compile complete data for this case. His job is to protect the Applicant. My job is to uncover and weed through as much data as I can to inform the Site Evaluation Committee with important information. I am trying to get the tools to do my job and for other parties to do theirs. I would also point out to the Committee that the Applicant has an insurmountable amount of professionals, attorneys and consultants helping in the preparation of the answers of the data requests. Intervenor have themselves for ALL the preparation work to these proceedings. An environmental consultant suggested by Public Counsel is not only needed, but imperative.

3.) December 3, 2008, Kathlyn J. Keene sent via email to Thomas S. Burack, Chairman of the Site Evaluation Committee, seeking an extension of the deadline for filing of Intervenor and Public Counsel testimony to January 10, 2008. While Ms. Keene does not suggest any other changes to the schedule, some changes will in fact be necessary if the date for the Intervenor and Public Counsel testimony is changed. **Response: It is true that this Intervenor sent a motion via electronic mail and first class mail to Chairman Burack for an enlargement of time for pre-filed testimony. It is NOT true that a date of January 10, 2008 was requested. I would not submit a motion with a date that has long ago expired and waste the Committee's valuable time. The date was for January 10, 2009 to submit pre-filed testimony. I was hopeful that the Committee would take under consideration that a motion and order is still pending, nearly a month, to hire an environmental consultant to be present at the technical sessions to allow for further information to be gathered by the parties involved.**

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The information received by the parties at this moment have been from the Applicant. It is imperative that all parties have another source to gather information from other than the Applicant that is clearly bias in this application process.

4. In response to Ms. Keene's request for an extension of the December 10th deadline, on December 2, 2008 GRP proposed the following to Ms. Keene and Public Counsel in good faith to try to accommodate their concerns, but still keep the schedule on track to meet the statutory deadlines:

December 19, 2008 Technical Session #3

Response: Change to: Technical Session #2A; Agree to December 19th date.

January 2, 2008 Responses to Data Requests from #3

Response: Change to: Technical Session #2A. Date Expired; Change date to January 2, 2009. Change to: Responses to Technical Session #2A data requests due.

January 5, 2008 Intervenors and Public Counsel to file Pre-filed Testimony

Response: Date Expired - Suggest date of: January 10, 2009.

January 15, 2008 Applicant to Propound data requests to Intervenors and Public Counsel

Response: Date Expired - Suggest date of : January 15, 2009.

January 29, 2008 Intervenors and Public Counsel to answer data requests propounded by Applicant.

Response: Date Expired - Suggest date of: January 29, 2009.

February 3, 2008 Technical Session #4

Response: Date Expired - Suggest date of: February 3, 2009. Change to: Technical Session #3.

February 13, 2008 Responses to Technical Session #4 data requests due.

Response: Date Expired: Suggest date of: February 13, 2009. Change to: Responses to Technical Session #3 due.

The rest of the schedule would stay the same.

Response: Agree.

5. Ms. Keene indicated she could not agree with this change. GRP's undersigned counsel believes, based on an exchange of voicemails with Public Counsel, that this change is acceptable to Public Counsel. **Response: This Intervenor exchanged electronic mail with Mr. Roth, Public Counsel and he indicated a support of my motion with the condition of the January 10, 2009 date. I have no other communication between Mr. Roth, Public Counsel and**

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myself to change that date of the 10th. This Intervenor also polled ALL other parties involved in these proceedings and the majority agreed with the January 10th date. This Intervenor has stated legitimate reasons for this date and see no reason to suggest another. The majority of Intervenor's agreed along with Public Counsel. This date does not interfere with other dates that Mr. Patch, Applicant's Counsel wishes to change.

6. While GRP objects to Ms. Keene's Motion because it does not reflect any consideration of the remainder of the schedule, GRP could support the schedule change noted above. The interested parties who took time and were present for the pre-hearing conferences developed a reasonable and thoughtful schedule, which conforms to the statutory time frames. In these circumstances, GRP believes that the remainder of the schedule, other than the proposed changes noted above, should remain in place. **Response: This Intervenor does appreciate the Applicant and their Counsel's opinions and suggested dates. I sent by electronic mail a message to the Applicant's Counsel, Mr. Patch with copies to Counsel for the Public and Ms. Geiger, Mr. Patch's Associate, explaining my reasoning behind the January 10, 2009 date to file pre-filed testimony. The only contention that Mr. Patch and myself have is his date of January 5, ~~2008~~ (2009) and I would like January 10, 2009 for filing the pre-filed testimony. I am in support of all other suggested dates, however, cannot speak for the other parties involved. Mr. Patch does not indicate if he polled all parties concerning his suggested date changes. I apologize to the Committee if my motion to change one (1) date has caused such discord. It certainly was not my intention.**

WHEREFORE, this Intervenor respectfully requests that the Presiding Officer:

A. Grant the request to modify the procedural schedule, with corrected dates as referenced in this response (~~2009~~), for this proceeding consistent with the proposed by GRP, by its Counsel, Douglas L. Patch, with the exception of "B" listed below.

B. Grant my original Motion, dated December 3, 2008, for enlargement of time to January 10, 2009 for pre-filed testimony to be submitted by the Intervenor's and Counsel to the Public. This date was agreed to by Counsel for the Public and the majority of the Intervenor's involved in this case as reported to the Committee in the Motion.

C. Leave in place the remainder of the schedule included in the Report of Pre-Hearing Conference dated September 26, 2008.

D. Grant such other relief as may be just and equitable.

Respectfully,


Kathlyn J. Keene, Intervenor

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Jefferson, New Hampshire 03583

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