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August 19, 2009

Via HAND DELIVERY

Thomas S. Burack, Chairman
NH Site Evaluation Committee
c/o NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

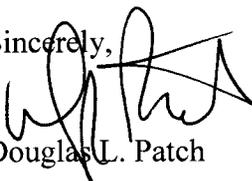
Re: Docket No. 2008-04 - Application of Granite Reliable Power, LLC for a Certificate of Site and Facility for the Granite Reliable Power Wind Park in Coos County

Dear Chairman Burack:

Enclosed for filing with the Site Evaluation Committee in the above-captioned matter please find an original and 9 copies of the Applicant's Response to Motion of Fish and Game Department for Rehearing or Amendment and the Applicant's Objection to Motions for Rehearing of Industrial Wind Action Group and Public Counsel.

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

Sincerely,



Douglas L. Patch

cc. Service List
Enclosure

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**

**APPLICANT'S RESPONSE TO MOTION OF
NEW HAMPSHIRE FISH AND GAME DEPARTMENT
FOR REHEARING OR AMENDMENT**

NOW COMES Granite Reliable Power, LLC (“GRP” or “the Applicant”) by and through its undersigned attorneys and responds to the Motion for Rehearing or Amendment filed by the New Hampshire Fish and Game Department (“NHFGD”) in the above-captioned matter dated August 14, 2009, by stating as follows:

1. In the Motion, the NHFGD asks the New Hampshire Site Evaluation Committee Subcommittee in the above captioned matter (“the Subcommittee”) to require GRP to do three different things, which it breaks down into sections A, B and C. In section A, NHFGD requests that GRP make a one-time payment of \$25,000 to NHFGD no later than 30 days from the date the certificate is final for the work involved in the tasks listed in the motion. In section B, NHFGD requests that the certificate be amended to require GRP to transfer fee title to the entire 620 acre wetland mitigation parcel to NHFGD. Section C requests that the certificate be amended to specify that all fee transfers from GRP to NHFGD made by deed include an acceptance line for signature by a NHFGD official and, for any transfers made by other than

warranty deed, that GRP be required to provide NHFGD with any title work or other information in its possession regarding the parcels to be transferred.

2. At the outset, the Applicant wishes to point out that under the terms of the High Elevation Mitigation Agreement (which was approved by the Subcommittee), at section B. 2, NHFGD is prohibited from “legally challeng[ing] the certificate for the Windpark, whether by rehearing, appeal or otherwise.” Thus, insofar as the motion may be viewed as challenging the certificate granted by the Subcommittee to the Applicant, it is arguable that NHFGD has breached its agreement with the Applicant and has violated the order which incorporated the terms of the agreement. In addition, some of the issues raised by this motion could be construed as asking the Subcommittee to reform the terms of the High Elevation Mitigation Agreement. Nonetheless, GRP submits this response in a good faith effort to accommodate the requests for relief contained in NHFGD’s motion.

3. GRP does not object to the relief that NHFGD requests in sections B and C of its motion. With regard to the relief requested in section A, GRP is willing to reimburse NHFGD up to \$25,000 for the work detailed in the motion. However, GRP believes it is inappropriate to depart from the process by which other fees for this case have been paid by GRP, and therefore objects to NHFGD’s request that a payment be made within 30 days of the date the certificate is final. GRP is also not willing to pay these expenses until financing for the Project is in place, nor is it willing to make a lump sum payment in advance of the completion of the work. Instead, GRP believes that, consistent with past practice, it should reimburse NHFGD once the work has been completed and invoices are submitted to and approved by the Subcommittee Chairman for the work detailed in the motion.

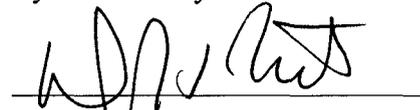
4. Notwithstanding, GRP's willingness to make the payments in the amount and manner noted above, such willingness should not be construed as GRP's acquiescence to payment of any further amounts requested by any party to this proceeding. GRP has already been assessed and paid substantial expenses, agreed to or incurred as a result of this process, including the permit fees for the Department of Environmental Services (\$173,586); the fees for Public Counsel's consultants (\$130,726.51); the fees for the Subcommittee's consultants, Mr. Iacopino and Ms. Murray (\$85,500.81); the fees for the stenographer (\$21,794.14); the amount to be paid to NHFGD as part of the High Elevation Mitigation Agreement (\$950,000); the amount GRP has to pay for rights to land being conveyed to NHFGD and/or DES (\$1,476,250). All of these expenses have been incurred prior to the Applicant obtaining financing for this Project, which can not occur until this process is complete. This does not include consultant and legal fees which the Applicant has incurred and other related expenses.

Wherefore, the Applicant respectfully requests that the Subcommittee:

- A. Address the relief requested in the NHFGD Motion for Rehearing as noted above; and
- B. Grant such other relief as may be just and equitable.

Respectfully submitted,

Granite Reliable Power, LLC
By Its Attorneys



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Dated: August 19, 2009

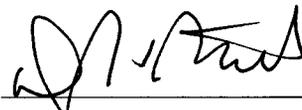
dlp@orr-reno.com

Certificate of Service

I hereby certify that, on the date written below, I caused the within Response to be sent by electronic mail or U.S. mail, postage prepaid, to the persons on the attached list.

August 19, 2009

Date



Douglas L. Patch

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APPLICATION OF GRANITE RELIABLE POWER, LLC

DOCKET NO. 2008-04

Service List

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Christopher Northrup NH Office of Energy and Planning 4 Chenell Drive Concord, NH 03301 chris.northrop@nh.gov	

Committee Members Not on Sub-Committee

<p>Thomas Burack, Chairman Site Evaluation Committee Department of Environmental Services 29 Hazen Drive, Box 95 Concord, NH 03302-0095 Thomas.Burack@des.nh.gov</p>	<p>Harry T. Stewart, Director – Water Division Department of Environmental Services 29 Hazen Drive, Box 95 Concord, NH 03302-0095 Harry.Stewart@des.nh.gov</p>
<p>George Bald, Commissioner Dept. of Resources & Economic Dev. 172 Pembroke Road, Box 1856 Concord, NH 03302-1856 george.bald@dred.state.nh.us</p>	<p>Brook Dupee Department of Health & Human Services Division of Public Health Services 29 Hazen Drive Concord, NH 03301 bdupee@dhhs.state.nh.us</p>
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<p>Other State Agencies and Officials:</p> <p>Counsel to the Public:</p> <p>Peter C.L. Roth, Esq. Department of Justice 33 Capitol Street Concord, NH 03301 <u>Peter.Roth@doj.nh.gov</u></p>	<p>Timothy Drew, Administrator Public information & Permitting Dept. of Environmental Services 29 Hazen Dr., Box 95 Concord, NH 03301 <u>Timothy.Drew@des.nh.gov</u></p>
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<p>Elizabeth H. Muzzey, Director NH Division of Historical Resources 19 Pillsbury St., 2nd Floor Concord, NH 03301-3570 <u>elizabeth.muzzey@dcr.nh.gov</u></p>	<p>Richard A. Roach US Army Corps of Engineers New England District 969 Virginia Road Concord, MA 01742-2751 <u>Richard.A.Roach@usace.army.mil</u></p>
<p>Louise Cote, Clerk Millsfield (Unincorporated Place)] 25 Main Street, Box 190 Errol, NH 03579</p>	<p>Richard C. Erwin, Clerk Dixville (Unincorporated Place) 1000 Cold Spring Road Dixville, NH 03576</p>
<p>A Bradford Wyman, Chair Dummer Board of Selectmen 75 Hill Road Dummer, NH 03588</p>	<p>Patricia S. Stinson, Clerk Town of Stratford PO Box 366 Stratford, NH 03579 <u>stinsonp@ncia.net</u></p>
<p>Coos County Commissioners' Office Po Box 10 West Stewartstown, NH 03597</p>	<p>Counsel to NH Fish and Game Evan Mulholland, Esq Assistant Attorney General Environmental Protection Bureau Department of Justice 33 Capitol Street Concord, NH 03301 <u>Evan.Mulholland@doj.nh.gov</u></p>

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