

August 2, 2010

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Via Electronic Mail and Hand Delivery
NH Site Evaluation Committee
c/o Jane Murray, Secretary
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

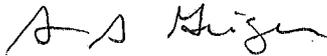
**Re: Application of Groton Wind, LLC –
SEC Docket No. 2010-10**

Dear Ms. Murray:

Enclosed for filing with the Site Evaluation Committee in the above-captioned matter, please find an original and 9 copies of Applicant's Partial Objection to Motion of Counsel for the Public for Leave to Retain Consultants.

Please contact me if you have any questions about the enclosed filing.
Thank you.

Very truly yours,


Susan S. Geiger

Maureen D. Smith
(Of Counsel)

cc: Via Electronic Mail to Service List (exclusive of Committee members)
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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2010-01

**RE: APPLICATION OF GROTON WIND, LLC
FOR A CERTIFICATE OF SITE AND FACILITY
FOR A RENEWABLE ENERGY FACILITY IN GROTON, NH**

**APPLICANT'S PARTIAL OBJECTION TO MOTION OF
COUNSEL FOR THE PUBLIC FOR LEAVE TO RETAIN CONSULTANTS**

NOW COMES Groton Wind, LLC (“the Applicant”) by and through its undersigned attorneys and respectfully objects to portions of the “Motion of Counsel for the Public for Leave to Retain Consultants and for an Order Directing Groton Wind LLC and Iberdrola Renewables, Inc. to Bear the Costs Thereof” (“the Motion”). In support of this partial objection, the Applicant states as follows:

1. As indicated in paragraph 7 of the Motion, the Applicant assents to the portion of the Motion requesting that the Site Evaluation Committee (“the Committee”) approve Counsel for the Public’s retention of Mr. Lloyd- Evans and Mr. McGlinchey under the terms outlined in Mr. Lloyd-Evans’ letter of 7/1/10.

2. While the Applicant does not object to Counsel for the Public hiring Mr. Tocci, it does object to the scope of services Mr. Tocci proposes to provide and to the proposed cost of those services for the following reasons:

A. RSA 162-H:10, V. authorizes the Committee and Counsel for the Public to “**jointly** conduct ...**reasonable** studies” and to employ consultants in furtherance of the duties imposed by RSA 162-H, the cost of which shall be borne by the Applicant in an amount approved by the Committee. A portion of the proposed scope of work set forth in Exhibit B of the Motion

involves conducting sound studies and the production of analysis which repeats work already performed by the Applicant's sound consultant (i.e. ambient measurement at six locations already monitored.) Thus, because these studies are not going to be conducted jointly by Counsel for the Public and the Committee, they are not authorized by RSA 162-H:10, V. In addition, they are unreasonable because they duplicate work already conducted by the Applicant's sound consultant. Duplicative information is of questionable value as it could ultimately be excluded from the record under RSA 541-A:33, II. (presiding officer may exclude unduly repetitious evidence.) Given that this work repeats work already conducted by the Applicant's expert, and given its potential for exclusion from the record as unduly repetitious evidence, this work should not be allowed.

B. Because Mr. Tocci's scope of work also includes sound monitoring at two locations without identifying those locations or why they are relevant to the instant proceeding, this portion of his scope of work is unreasonable and should not be allowed. Moreover, as the attached map indicates, all potential areas of interest have been surveyed. Thus, conducting two additional surveys at undisclosed locations will contribute very little, if anything, to the overall sound analysis. Since additional sound analysis of this type is unnecessary, the Applicant should not be compelled to incur the additional expense associated with Counsel for the Public's proposal for additional sound monitoring at two undisclosed locations.

C. The portion of Mr. Tocci's scope of work that proposes to analyze sound levels "during quieter winter months" should be disallowed as it incorrectly assumes that ambient sound levels during the winter will be quieter than those measured during the summer. Winter sound data is not expected to be materially different than summer sound data. The Lempster Mountain Wind Farm Post Construction Sound Survey filed with the Committee in the Lempster

Wind docket indicates that the difference between ambient sound levels monitored during the summer of 2007 (pre-construction) and in the winter of 2008 (post-construction) at the same sites was negligible (i.e. between 1-2 dBA). Thus, it is unnecessary to conduct additional ambient sound monitoring during the winter months. Moreover, additional winter sound data is of questionable value, as residents in the vicinity of the project are unlikely to keep their windows open during winter months; thus, summer sound measurements are more relevant in determining the project's potential sound impacts.

D. Mr. Tocci's recommendation that winter ambient sound data is needed because the summer data was measured during a time when insects were likely active (and therefore presumably contributed to higher ambient sound levels) does not take into consideration that insect noise was not shown to be a large contributing factor to the summertime noise levels that were observed by the Applicant's consultant. The Applicant's summer noise surveys occurred during times when high wind events occurred; thus insects did not contribute significantly to the sound levels. Although there were a few periods of notable insect noise at Locations 1 (Halls Brook) and 4 (Tenney Mountain), these incidents would not have changed the average/median sound levels shown in Table 6-1 of Appendix 35 of the Application by more than a few decibels. Ambient sound monitoring measures existing environmental sounds – from the wind, vehicular traffic, insects and many other existing sources-so that current sound environment can be documented. Accordingly, the fact that insect activity may have been occurring during the summer ambient noise surveys does not, in and of itself, warrant that additional winter noise surveys be conducted. For the reasons discussed above, the proposed winter sound surveys are unnecessary, unreasonable and therefore should not be allowed.

E. The proposed cost of Mr. Tocci's engagement is \$29,500 which is nearly double the entire amount that the Applicant spent on the comprehensive sound analysis and survey submitted in support of the Application. The Committee should therefore disallow this amount as it is excessive and unreasonable. In the event that the Committee authorizes Counsel for the Public to retain Mr. Tocci, it should also limit the amount that the Applicant must pay for his services to no more than \$10,000.00, which is more in line with the expense that the Applicant has already incurred for the sound analysis and survey submitted in support of its Application.

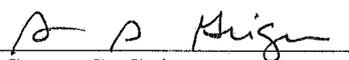
In view of the foregoing, the Applicant respectfully requests that the Committee;

- A. Deny the Motion insofar as it seeks permission to retain Mr. Tocci to perform additional ambient sound studies;
- B. Limit the Applicant's payment for Mr. Tocci's services to an amount not to exceed \$10,000; and
- C. Grant such further relief as is appropriate.

Respectfully submitted,

Groton Wind, LLC

By Its Attorneys


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Dated: August 2, 2010

Certificate of Service

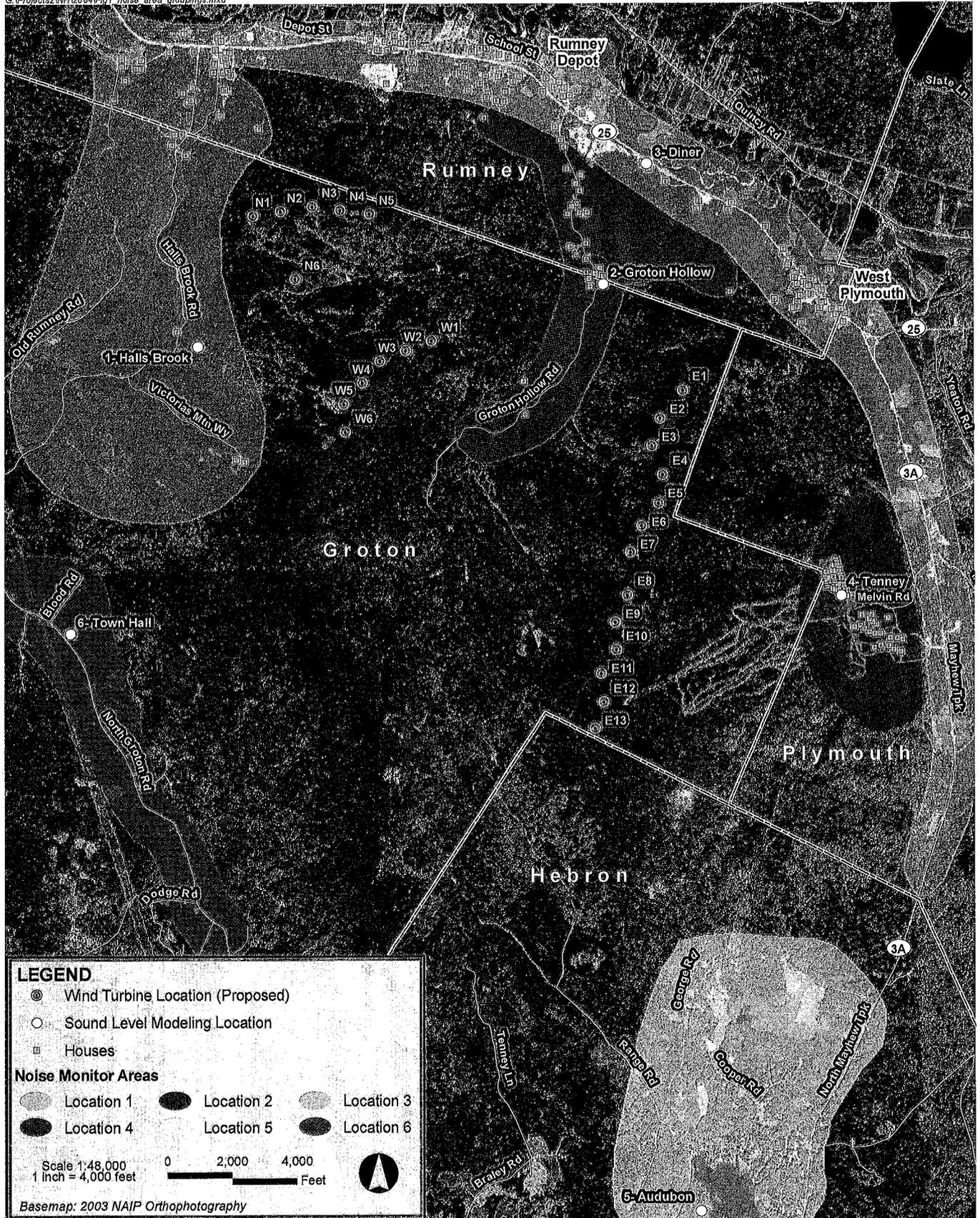
I hereby certify that, on the date written below, I caused the foregoing Partial Objection to be sent by electronic mail or U.S. mail, postage prepaid, to the persons on the service list (exclusive of Committee members).

8/2/10

Date

Susan S. Geiger

Susan S. Geiger



Groton Wind Project Groton, New Hampshire