

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

**In the matter of the
Application for Certification
Pursuant to RSA 162-H of
GROTON WIND LLC**

Docket No. 2010-01

**BUTTOLPH/LEWIS/SPRING GROUP OF INTERVENORS MOTION TO ALLOW FOR
PARTICIPATION OF EXPERT WITNESS VIA TELECONFERENCE OR
VIDEOCONFERENCE DURING THE ADJUDICATORY PROCEEDING FOR THE
ABOVE REFERENCED MATTER**

The Buttolph/Lewis/Spring Group of Intervenors ("Intervenors") hereby respectfully moves the Site Evaluation Committee ("Committee") to allow for participation of an expert witness via teleconference (or alternatively videoconference) during the adjudicatory proceeding for the above referenced matter.

Fortunately, advances in technology have allowed for a significant expansion in the use of teleconferencing and videoconferencing to improve efficiencies in a number of areas around the country and the world. Fortune 500 companies are now routinely facilitating meetings through the use of technology, and federal bankruptcy, district and appellate courts are currently using videoconferencing to conduct court proceedings. The United States Bankruptcy Court, District of New Hampshire, provides for telephonic hearings utilizing the service of CourtCall, an independent conference call company. In Arizona, an Administrative Law Judge may grant a motion for Telephonic Hearing, if properly submitted and appropriate. Arizona Administrative Code (A.A.C.) R2-19-114 A.A.C. sets forth the factors taken into account by the Administrative Law Judge. They include whether there is an undue hardship to the party or witness to appear in person and whether telephonic testimony would cause undue prejudice to any party. There are now many examples of the use of technology for this purpose around the country.

As noted in my prefiled testimony dated August 31, 2010, the Buttolph/Lewis/Springer Intervenor group has enlisted a highly competent expert witness. We have entered into the record the prefiled testimony of Michael McCann, Certified General Real Estate Appraiser. Mr. McCann is anticipated to be in Florida during the adjudicatory proceeding. The expert testimony of Mr. McCann is important in order to ensure the committee has a comprehensive perspective in its charge to gauge the likely impact of this project on the welfare of the population pursuant to RSA 162-H:1. According to the list of expert witnesses, Mr. McCann appears to be the only expert on real estate values, which we, and many others, judge to be crucial in the evaluation of this project's likely impacts on the surrounding community.

We as intervenors are making significant personal sacrifices for the opportunity to exercise our right to due process. Unlike many who are being paid for their participation in these proceedings, all three of us are separating ourselves from our gainful employment in order to participate. As individuals who are attempting to make a living in the midst of this significant recession, this intervenor group is not in a strong fiscal position that would allow us to afford to pay thousands of dollars in travel and hourly expenses for an expert witness to participate in these proceedings. Unlike large corporations such as the parent of Groton Wind LLC, we do not have legal staff on hand, and substantial bank accounts to be brought to bear on this or any other case. As such, we are hopeful that the committee will recognize that in the interest of justice, reasonable accommodations can and should be made in order to facilitate the fullest participation possible of the public. Further, there is no reason to believe that allowing this particular witness to participate telephonically or via videoconference would cause undue prejudice to any party.

We respectfully request the committee's affirmative decision to allow the participation of our selected expert via teleconference (or, alternatively, via videoconference) because it appears clear that this will facilitate his involvement without compromising the integrity of the proceeding. Each of the parties was provided with a draft motion with two business days to respond with their position on this matter. Although the Applicant respectfully objects to the motion, none of the remaining parties have registered a position with the exception of the Mazur/Weterrer Intervenor group who has assented to our request. We believe that your allowance of the use of this technology for expert testimony during the adjudicatory proceeding would help to level the playing field and provide the committee with a balanced assessment. We hereby respectfully request the committee's assent.

Respectfully submitted,

The Intervenors Buttolph/Lewis/Spring

By their spokesperson



James Buttolph

I, James Buttolph, do hereby certify that I caused the foregoing to be sent by electronic mail or U.S. mail to the persons on the currently active service list for docket 2010-01 (exclusive of Committee or Subcommittee members). Additionally, 9 copies as well as an original are being filed with the office of Commissioner Burack through Jane Murray, Secretary to the Committee via US mail.