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October 8, 2010

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

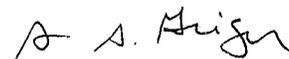
**Re: Application of Groton Wind, LLC –
SEC Docket No. 2010-10**

Dear Ms. Murray:

Enclosed for filing with the Site Evaluation Committee in the above-captioned matter, please find an original and 3 copies of the following pleadings: Applicant's Objection to Buttolph/Lewis/Spring Group of Intervenors' Motion to Allow for Participation of Expert Witness Via Teleconference or Videoconference; Applicant's Partially Contested Motion *in Limine* to Exclude the Testimony of Michael Nissenbaum; and Applicant's Contested Motion *in Limine* to Exclude the Testimony of Michael McCann.

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

Very truly yours,



Susan S. Geiger

Maureen D. Smith
(Of Counsel)

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 CONTESTED MOTION *IN LIMINE* TO EXCLUDE THE
TESTIMONY OF MICHAEL McCANN**

NOW COMES Groton Wind, LLC (“the Applicant”) by and through its undersigned attorneys and moves to exclude the testimony of the Buttolph/Lewis/Spring Group of Intervenors’ (“Intervenors”) witness, Michael McCann. In support of this motion, the Applicant states as follows:

1. The Buttolph/Lewis/Spring Group of Intervenors (“Intervenors”) has retained Michael McCann to opine on the Groton Wind project’s effects on surrounding real estate values. The Intervenors have submitted documents from Mr. McCann consisting of a letter¹ to the Site Evaluation Committee (“Aug. 31, 2010 letter”), an exhibit containing contingencies and limiting conditions of his assignment, a certification signed by Mr. McCann and a letter (with accompanying appendices) addressed to a County Board in Illinois (“June 8, 2010 letter”). In addition, the Intervenors have moved for permission to have Mr. McCann testify at the adjudicative hearing in this matter via teleconference or videoconference. The Applicant has filed an objection to the Intervenors’ motion contemporaneously with the instant motion. Because Mr. McCann’s documentary and

¹ Mr. McCann apparently considers this letter to be his written prefiled testimony, even though it is not submitted under oath or presented in the usual question and answer format commonly used by witnesses in Site Evaluation Committee proceedings.

oral testimony is irrelevant and immaterial to the instant docket, it should be excluded from the record.

2. Mr. McCann is a general real estate appraiser. See August 31, 2010 letter to N.H. Site Evaluation Committee. He owns and manages an appraisal company in Chicago, Illinois. Id. He is certified and licensed by the State of Illinois. Id. Mr. McCann claims to have five years of experience working with wind energy projects. See June 8, 2010 letter p. 2, attached as Exhibit A to Aug. 31, 2010 letter.

3. By letter dated August 31, 2010, Mr. McCann set forth his opinions regarding the Applicant's proposed project. See Aug. 31, 2010 letter. Mr. McCann opines generally that the aesthetics, views and market value of the homes in proximity to the proposed turbines will suffer as a result of the proposed project. See id. Mr. McCann then simply attaches a study he conducted in Adams County, Illinois in purported support of his position in this docket. See id., Ex. A.

4. The Committee's receipt of evidence is governed by RSA 541-A:33 and N.H. Code R. Site 202.24. Pursuant to that statute and corresponding rule, the Committee may exclude irrelevant or immaterial evidence. RSA 541-A:33, II; N.H. Code R. Site 202.24 (b); see also Appeal of Town of Newmarket, 140 N.H. 279, 285 (1995).

5. Any testimony by Mr. McCann in accordance with his August 31, 2010 letter is plainly irrelevant and immaterial. Neither the Intervenors nor Mr. McCann have submitted *any* indicia of Mr. McCann's knowledge of or experience with New Hampshire real estate. They have not established that Mr. McCann has been licensed, accredited or otherwise recognized as a qualified real estate appraiser by any New Hampshire authority. In response to the Applicant's data requests, Mr. McCann admitted

that he had never been to the Project site or surrounding community. (See attached copy of Mr. McCann's response to Applicant's data request 1-4.) Critically, Mr. McCann does not even purport to base his opinions in this case on any analysis of the local real estate market in the vicinity of the Groton Wind Project or the New Hampshire real estate market. Instead he bases his opinions on disputed general trends he believed to have existed near a wind project located in his home state of Illinois.

6. Because Mr. McCann has conducted no evaluation of the local real estate market, or set forth any methodology taking into account information concerning local properties, his opinions regarding the Groton Project are baseless and irrelevant. Therefore, the Committee should exclude Mr. McCann's testimony in its entirety. He should not be allowed to appear to testify in person (or otherwise) at the adjudicative hearings nor should the documents he submitted in this docket be entered into the record.

7. In accordance with Site 202.14(d), the undersigned has made a good faith effort to obtain concurrence with the relief sought herein from all of the parties. As of the time of the signing of this motion, the following parties have responded: Counsel for the Public, Senior Assistant Attorney General Peter Roth has indicated that he will object to this Motion; James Buttolph respectfully objects; Lawrence Mazur objects; Richard Wetterer objects; and the Town of Plymouth objects.

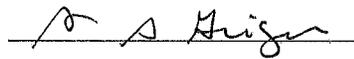
WHEREFORE, the Applicant respectfully requests that the Committee grant the following relief:

- A. Exclude from the record the written documents purporting to be the prefiled testimony of Michael McCann;

- B. Bar Mr. McCann from testifying (either in person or via teleconference or videoconference) at the adjudicative hearing; and
- C. Grant such other and further relief as deemed just and proper.

Respectfully submitted,
Groton Wind, LLC
By Its Attorneys

Dated: October 8, 2010

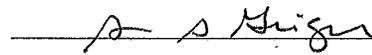

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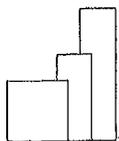
Certificate of Service

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

10/8/10

Date


Susan S. Geiger



McCann Appraisal, LLC

1-4. Please state whether you have ever been to Groton or Rumney, New Hampshire? If so, please state the date(s) of your visit(s) and the purpose(s) therefor. Also, please provide any notes or other documents that relate to such visit(s). **Answer: No. My inspections of Groton and Rumney are limited to Google satellite photos reviewed on-line, as well as photographs contained in applicant submissions.**