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October 29, 2010

**Via Hand Delivery and Electronic Mail**

NH Site Evaluation Committee  
c/o Jane Murray, Secretary  
29 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095

***Re: Docket 2010-01 Application of Groton Wind, LLC  
for a Certificate of Site and Facility for a Renewable Energy Facility***

Dear Ms. Murray:

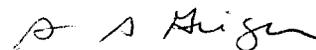
Enclosed for filing with the New Hampshire Site Evaluation Committee in the above-captioned matter please find an original and four copies of the Applicant's Objection to Motion to Suspend Hearings and Move Witnesses to a Later Date and Time.

Copies will be sent by electronic mail and provided to the parties and the Committee Counsel at the prehearing conference scheduled for today.

Please do not hesitate to contact me if you have any questions. Thank you for your assistance and cooperation in this matter.

Maureen D. Smith  
(Of Counsel)

Very truly yours,



Susan S. Geiger

cc: Parties (via electronic mail)  
Enclosure

**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 OBJECTION TO MOTION TO SUSPEND HEARINGS  
AND MOVE WITNESSES TO A LATER DATE AND TIME**

NOW COMES Groton Wind, LLC (“the Applicant”) by and through its undersigned attorneys and respectfully objects to the Motion to Suspend Hearings and Move Witnesses to a Later Date and Time (“the Motion”) filed by the Intervenor Group Buttolph/Lewis/Spring (“the Intervenors”). The Intervenors’s Motion is nothing more than an attempt to delay this proceeding by complaining about the alleged effects of the procedural schedule in this docket. The Intervenors have been aware of the procedural schedule which allowed for supplemental filings on October 12, 2010 since the procedural order was issued on June 25, 2010. Neither the Intervenors nor any other party has moved in a timely manner for reconsideration of that order. The Intervenors’ last minute attempts to delay the Applicant’s ability to receive a hearing within the timeframes established in RSA 162-H should not be tolerated. In support of this objection, the Applicant states as follows:

1. The discovery provision cited in paragraph 2 of the Motion is contained within in the Rules of the New Hampshire Superior Court. As such, that provision does not apply to this New Hampshire Site Evaluation Committee (“SEC” or “Committee”) proceeding.

2. As the information in paragraph 3 of the Motion indicates, a representative of the Applicant, Mr. Ed Cherian, informed the Intervenors on July 6, 2010, that the Applicant was continuing to work with the New Hampshire Electric Cooperative (“NHEC”) to finalize the route for the distribution line that will connect the Groton Wind Project to the grid, and that in the event that the Applicant and NHEC determine that the final route is substantially different than the one identified in the Application, the Application will be amended to reflect the modified route. The Applicant included an alternative route on October 12, 2010 when the Applicant filed its Supplement to Application. In addition, at the June 28, 2010 public information hearing in Plymouth there were a number of questions about the interconnection route. Mr. Cherian indicated that NHEC had identified five or six different routes to get from the project site to the substation. Tr., p. 23. He also indicated that the Applicant was continuing to work on the best way, economically and technically to do the route. Tr., p. 64. Other similar comments about working on the route were made throughout this hearing.

3. The Applicant is not aware that the map depicting the alternate route for the line to Route 25 is “unreadable” as alleged in paragraph 4 of the Motion, and no other Party has alleged this. The Applicant denies that no information beyond the map has been provided to the Intervenors about this alternative route. *See* Supplement to Application, Volume 1A, p. 5 (“[t]his line will be a dedicated 34.5 kV line that will run from the Project site and then along the existing distribution system of NHEC.”) The Applicant submits that the alternative route shown in Appendix 42 is appropriate and should be considered by the Committee. It was developed, in part, in response to recommendations from the New Hampshire Electric Cooperative (“NHEC”), concerns

expressed by Rumney residents at public meetings, and concerns expressed by residents of Groton Hollow Road, during a public meeting with these residents, the Applicant, and the Rumney Board of Selectmen. It also addresses the concerns expressed by some residents of Quincy Road in Rumney who had raised issues with the location of the initially proposed route. Various interconnection line alternatives have been discussed at a number of public meetings in Rumney, including those attended by some of the Intervenors, so presumably the Intervenors have long been aware that the Applicant was continuing to work with local utilities and residents to identify alternative routes. This Committee has recognized that the energy facility siting process is an iterative one and has, in the past, understood that Project developers adjust their plans to accommodate concerns of citizens. That is what the Applicant has done by submitting an alternative interconnection route. It therefore should not be penalized by the delay requested by the Intervenors.

4. Paragraph 5 of the Motion alleges that “[t]he Project now requires construction of a substation at or near the existing Beebe River substation, a fact that was kept from the Intervenors.” First, the possible requirement for a standalone substation is under study, and has not been determined. Expansion of the Beebe River Substation itself is also under study. ISO-NE and Northeast Utilities will make this determination. Secondly, this information was not “kept from” the Intervenors as alleged. The new interconnection plans came about as the result of internal studies conducted by Public Service Company of New Hampshire (“PSNH”) after the Application was filed. PSNH then re-examined the Project’s interconnection plans and became concerned about the Project interconnecting at the 34.5 kV level because of the size of the Project.

Accordingly, in early September of this year, the Applicant re-filed an interconnection application with ISO-NE proposing an interconnection at the 115 kV level. This information was presented by the Applicant in the supplemental filings made in this docket on October 12, 2010.

5. Paragraph 6 of the Motion asserts that the New Hampshire Department of Environmental Services "NHDES" findings and recommended permit conditions submitted in this docket on October 8, 2010 are "premature and incomplete" because they are silent both on the exact location of the electrical lines as well as the environmental impacts of constructing the substation. This argument is without merit as it ignores that DES's findings were made based upon a review of the comprehensive plans submitted by the Applicant and revised at DES's request. Moreover, both the Alteration of Terrain Permit Conditions and the Wetlands Permit Conditions contain requirements that the Applicant notify DES and obtain prior approval of any revisions or changes in construction details or sequences. Thus, to the extent that the plans upon which DES has based its final decisions on the Alteration of Terrain and Wetlands Permits differ from the Applicant's final construction plans, DES must be informed and give its approval. This process is expressly contemplated by RSA 162-H:4, III. and III.a.

6. The Intervenors complain in paragraph 7 of the Motion that "justification for the type and magnitude of the mitigation package is entirely, and unfairly, omitted from the record." The Applicant respectfully disagrees. The mitigation package contained in Appendix 44 of the Applicant's supplemental filing is self-explanatory and, except for the new provision requiring payment of \$150,000 by the Applicant to the NH Aquatic Resource Mitigation Fund, is substantially the same as the original mitigation plan that

was submitted with the Application. The Applicant worked with the U.S. EPA, U.S. Army Corps of Engineers, and NH DES on this mitigation package, so it has been both carefully and thoroughly considered by the relevant agencies.

7. The Intervenors' argument about the lack of information in the record regarding the Project's impacts on historical resources is an inappropriate basis upon which to order a delay in these proceedings. Subsequent to the filing of Dr. Luhman's supplemental testimony, she received a return phone call from Ms. Feighner of the Division of Historical Resources who indicated that the information presented in Dr. Luhman's end-of-field letter on the Phase IB Archaeological Survey is appropriate and that the Applicant can proceed with filing the Phase IB report. The Applicant stands by Dr. Luhman's expert opinion that the Project will not have an unreasonable adverse effect on historic sites given the continuing consultation with the Division of Historic Resources. Dr. Luhman is prepared to provide testimony on these points at the hearing.

8. The Intervenors' assertions regarding the New Hampshire Fish and Game Department's ("NH F&G") failure to offer findings or recommendations in this matter do not constitute an appropriate reason for delaying these proceedings. The procedural schedule in this docket has been in place for several months and all of the applicable state agencies have been made aware of it. The NH F&G has had all of the Applicant's studies for review for some time. The only exception is the one study referenced in a recent NH F&G letter, which was filed with the Committee but which did not reach NH F&G staff due to a misunderstanding on staff's access to information provided to the Committee.

9. The Intervenors' complaints about having insufficient time to review and fully comprehend Mr. Tocci's October 22, 2010 filing overlook the fact that the Applicant is

under the same time constraints as the Intervenors with respect to the Tocci filing. Moreover, the Intervenors have known since September 27, 2010 (the date of the SEC Order granting Public Counsel's Motion to Retain Consultants) that Mr. Tocci would be filing supplemental testimony on October 22, 2010 as that deadline is expressly mentioned in said Order. Moreover, as that Order indicates, the parties all stipulated that Mr. Tocci would conduct sound studies at Intervenor Lewis's campground "and any supplemental testimony is to be filed prior to October 22, 2010." The Intervenors did not move for reconsideration of that Order or otherwise object to it until now. In these circumstances, the Intervenors' complaints about insufficient time to review and comprehend Mr. Tocci's findings are without merit.

10. The Applicant and its attorneys categorically deny the Intervenors' unsubstantiated claims that the Applicant's filing on October 12, 2010 "was a deliberate attempt to deny the parties a fair chance to challenge this inappropriate Project." The Intervenors and all of the other parties to this docket have known since the time of the Presiding Officer's procedural order (i.e. since June 25, 2010) that October 12, 2010 was the deadline for supplemental filings. Again, the Intervenors did not move for reconsideration of this order or otherwise object to it. Thus, their complaints about that deadline at this point in the process do not warrant delaying the Committee's upcoming hearings, and have served only as an inappropriate platform for questioning the integrity of the Applicant.

11. The Intervenors' arguments concerning the Committee's failure to rule on outstanding motions have been rendered moot by the order on pending motions issued October 27, 2010.

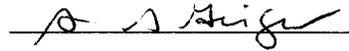
12. Lastly, the Intervenor's claim that a delay in this proceeding will not have an adverse effect on the Applicant's development plans due to Applicant's position in the ISO-NE interconnection queue is incorrect. The Applicant's original ISO-NE queue position included a projected Commercial Operation Date ("COD") of year end 2011. Because such a COD date does not appear possible given the current Project schedule, the Applicant provided a more conservative date when it re-filed its interconnection request with ISO-NE.

WHEREFORE, for all of the foregoing reasons, the Applicant respectfully requests that the Committee deny the Motion and grant such other and further relief as it deems appropriate.

Respectfully submitted,

Groton Wind, LLC  
By Its Attorneys

Dated: October 29, 2010



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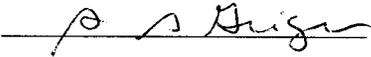
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Certificate of Service

I hereby certify that, on the date written below, I caused the foregoing objection to be sent by electronic mail and/or hand delivery to the persons on the service list (exclusive of Committee members).

10/29/10

Date



Susan S. Geiger

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