

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

ORDER AND NOTICE OF PUBLIC MEETING

January 18, 2013

PLEASE TAKE NOTICE that the Site Evaluation Committee for the State of New Hampshire will conduct a public meeting on February 19, 2013 at 10:00 AM. The meeting shall be held at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire.

The business of the Site Evaluation Committee shall include the following dockets and any other business that is lawfully before the Committee.

**Docket No. 2012-04
Petition for Jurisdiction over a Renewable Energy Facility Proposed by
Timbertop Wind I, LLC, to be Located in Temple and New Ipswich NH**

Background

On December 21, 2012, Timbertop Wind I, LLC (Petitioner) filed a Petition for Jurisdiction (Petition). The Petitioner proposes to site, construct, and operate a wind energy facility on Kidder Mountain in the towns of Temple and New Ipswich, Hillsborough County N.H. The Petitioner plans to site and construct a total of five wind turbines, two in New Ipswich and three in Temple. As currently configured the facility would consist of five (5) Siemens SWT turbines each having a nameplate capacity of 3 MW. The total nameplate capacity for the facility would be 15 MW. The Petitioner proposes to interconnect the facility to the Public Service Company of New Hampshire distribution circuit #3235.

The Petition asserts that the facility will have a nameplate capacity of more than 5 MW but less than 30 MW and requests that the Committee exercise jurisdiction over the siting, construction and operation of the Facility pursuant to RSA 162-H: 2, XII (petition of the applicant).

The Petition and other information pertaining to this matter may be reviewed during business hours at the Office of the Chairman of the Site Evaluation Committee located at:

New Hampshire Department of Environmental Services
29 Hazen Drive
Concord N.H. 03301

or at the Committee's website: www.nhsec.nh.gov.

Authority for Hearing

The Committee's authority to undertake this proceeding is set forth at RSA 162-H: 2, XII, RSA 162-H: 4, and N.H. CODE OF ADMINISTRATIVE RULES, Site 203.01. The Committee must determine if it is consistent with the findings and purposes of RSA 162-H: 1 to assert jurisdiction over the proposed facility and require that the Petitioner file an application for a certificate of site and facility. See, RSA 162-H: 2, XII.

Intervention and Public Comment

Any person wishing to intervene in this matter shall file a motion to intervene on or before February 8, 2013. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, Site 202.11 and shall be filed with:

Jane Murray, Secretary
NH Site Evaluation Committee
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord N.H. 03301

Motions to intervene may be electronically mailed to Ms. Murray at Jane.Murray@des.nh.gov. A copy of any motion to intervene shall also be provided to counsel for the Petitioner, Thomas B. Getz, Esq. at Devine Millimet & Branch, 111 Amherst Street, Manchester, NH 03101 or by electronic mail at Tgetz@devinemillimet.com.

Objections to motions to intervene shall be filed by February 13, 2013.

Written public comment on the Petition will be accepted through the conclusion of the proceedings. Written public comment shall be mailed to the Secretary to the committee at the above-listed address or sent by electronic mail to Jane.Murray@des.nh.gov.

At the public meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of the Petition or may determine that further proceedings are necessary.

Docket No. 2010-01 Application of Groton Wind, LLC for a Certificate of Site and Facility for a Renewable Energy Facility in Groton, N.H.

Background

On May 6, 2011, a duly appointed Subcommittee of the Site Evaluation Committee (Subcommittee) issued its Decision granting a Certificate of Site and Facility (Certificate) with conditions (Decision) to Groton Wind, LLC (Applicant), authorizing the construction and operation of a renewable energy facility (Facility or Project) consisting of 24 Gamesa G82 turbines each having a nameplate capacity of 2 megawatts (MW), for a total nameplate capacity

of 48 MW to be located in the Town of Groton, Grafton County, New Hampshire (Site). On October 14, 2011, the New Hampshire Supreme Court issued an order declining to review the Decision on appeal.

The Applicant subsequently commenced construction of the Facility.

On December 31, 2012, the Committee received a copy of a letter from the Selectmen of the Town of Rumney to the Applicant concerning cold patch repairs required on Groton Hollow Road in Rumney. The letter referenced an oral agreement and reminded the Applicant that permanent repairs were required to be made at the expense of the Applicant in the spring of 2013. In addition the letter reminded the Applicant that an engineer's inspection and report on the condition of Groton Hollow Road was required at the conclusion of construction.

On December 31, 2012 the Committee also received a letter from the Selectmen of Rumney expressing concerns about the Applicant's maintenance of the Site, reimbursable expenses incurred by the Town, and poor communication with the Town. On January 11, 2013, and January 14, 2013, the Applicant delivered letters to the Committee responding to the concerns raised by the Town.

At this time it is unclear as to whether the Applicant's responses resolved the concerns raised by the Rumney Selectmen.

On January 14, 2013, James Buttolph on behalf of certain intervenors in this docket filed a letter with the Committee asking the Committee to re-open the record. In support of his request Mr. Buttolph alleges that the construction of the project did not comport with the plans as approved by the Committee and that there were significant revisions to the plans specifically regarding the location of the operation and maintenance building and the location of two wind turbines. Mr. Buttolph also asserts that the revisions to the planned facility were outside of the purview of the wetlands permit conditions and the alteration of terrain permit conditions.

On January 16, 2013, the Applicant responded to Mr. Buttolph's letter. In response the Applicant asserts that the revisions to the plans and the facility as constructed were properly submitted to the Department of Environmental Services as modifications or amendments to the wetlands permit and the alteration of terrain permit. The Applicant asserts that further review by the Committee was unnecessary under the terms of the Certificate.

The issues raised by the letter from Mr. Buttolph and the response from the Applicant may need resolution by the Committee.

Authority for the Hearing

Pursuant to RSA 162-H: 4, I (c) the Committee has the obligation and authority to monitor the construction and operation of any energy facility that is subject to the terms and conditions of a certificate of site and facility. The Committee is also empowered to enforce the terms and conditions of a certificate of site and facility. RSA 162-H: 4 I, (d). The Committee is authorized to hold hearings as it deems necessary and appropriate. RSA 162-H: 4, II.

At the hearing the Committee will review the claims of the Town of Rumney, the intervenors and the Applicant and determine whether further monitoring or enforcement measures are necessary.

Intervention and Public Comment

Any person wishing to intervene in this matter shall file a motion to intervene on or before February 8, 2013. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, Site 202.11 and shall be filed with:

Jane Murray, Secretary
NH Site Evaluation Committee
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord N.H. 03301

Motions to intervene may be electronically mailed to Ms. Murray at Jane.Murray@des.nh.gov. A copy of any motion to intervene shall also be provided to all parties on the service list in this docket. The service list may be obtained from the Secretary to the Committee or at the Committee's website: www.nhsec.nh.gov.

Objections to motions to intervene shall be filed by February 13, 2013.

Written public comment on the issues raised in this docket will be accepted through the conclusion of the proceedings. Written public comment shall be mailed to the Secretary to the Committee at the above-listed address or sent by electronic mail to Jane.Murray@des.nh.gov.

At the Public meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of all issues raised or may determine that further proceedings are necessary. This Order and Notice is not an injunction and does not prohibit the continued construction or operation of the Facility.

ORDER AND NOTICE

It is hereby ordered, that the Site Evaluation Committee for the State of New Hampshire, will meet in public session for consideration of matters pending in the above referenced dockets on **FEBRUARY 19, 2013 at 10 AM at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, N.H. 03301**; and,

It is hereby further ordered, that Timbertop Wind I, LLC, and Groton Wind, LLC shall cause a copy of this order and notice of public meeting to be published no later than January 29, 2013, in the New Hampshire Union Leader or New Hampshire Sunday News which are newspapers of regular statewide circulation. Timbertop Wind I, LLC and Groton Wind LLC may share the cost of said publication; and,

It is hereby further ordered, that Timbertop Wind I, LLC, shall cause a copy of this order and notice of public meeting to be published in an additional newspaper of regular circulation in Hillsborough County on or before January 29, 2013. In addition, Timbertop Wind I, LLC, shall publish a display ad in said newspaper advising the public of the date, time, place, and subject matter of the public meeting in Docket Number 2012-04. The display ad shall include the deadline for filing motions to intervene;

It is hereby further ordered, that Groton Wind, LLC, shall cause a copy of this order and notice of public meeting to be published in an additional newspaper of regular circulation in Grafton County on or before January 29, 2013. In addition, Groton Wind, LLC, shall publish a display ad in said newspaper advising the public of the date, time, place, and subject matter of the public meeting in Docket Number 2010-01. The display ad shall include the deadline for filing motions to intervene.

By Order of the Site Evaluation Committee, this 18th day of January, 2013.



Thomas S. Burack, Chairman
New Hampshire Site Evaluation Committee