

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
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March 24, 2014

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

Re: Application of Groton Wind, LLC
Docket No. 2010-01

Dear Ms. Murray:

Enclosed please find the original and one copy of: (1) Response of the Department of Safety, Office of the Fire Marshal to the Applicant's Contested Motion to Modify Procedural Order; and (2) Response of the Department of Safety, Office of the Fire Marshal to the Applicant's Contested Motion for Rehearing/Reconsideration in the above-captioned case.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary C. Evans".

Mary C. Evans
Legal Assistant
Transportation & Construction Bureau
(603) 271-3675

mce
Enclosures
cc: Service List (electronic mail only)
1020474

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

APPLICATION OF GROTON WIND, LLC

NO. 2010-01

RESPONSE OF THE DEPARTMENT OF SAFETY, OFFICE OF THE FIRE MARSHAL TO
THE APPLICANT'S CONTESTED MOTION FOR REHEARING/RECONSIDERATION

NOW COMES the State of New Hampshire, Department of Safety, Office of the Fire Marshal, by its attorneys, the Office of the Attorney General, and responds to the March 14, 2014, Contested Motion for Rehearing/Reconsideration filed by Groton Wind, LLC and in support thereof states as follows:

The Site Evaluation Committee (“Committee”) issued a procedural order requiring Groton Wind, LLC (“Groton Wind”) and the Office of the Fire Marshal to “file an exhibit containing all of the correspondence between the Office of the Fire Marshal and Groton Wind by February 28, 2014.”

Groton Wind objects to the public release of many of the documents on the basis that they are confidential, exempt from RSA 91-A, and constitute settlement discussions. *See* Contested Motion for Rehearing/Reconsideration at 1-3. As a result, Groton Wind has filed a motion seeking to eliminate the joint filing of the correspondence exhibit entirely.

The Office of the Fire Marshal disagrees with the position of Groton Wind regarding some of the documents. While a number of the documents may be confidential by prior agreement or designation, or because they contain commercial information, the Office of the Fire Marshal cannot agree that *all* of the correspondence is confidential. The discussions between the

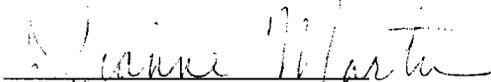
parties involve both the SEC matter, and the Office of the Fire Marshal's enforcement matter. The enforcement matter will be resolved by compliance with the requirements of the law. Many documents related to enforcement matters are generally public documents. In addition, all settlement related documents are not per se exempt from RSA 91-A. *See* RSA 91-A:5. The Superior Court rules, and the PUC rules regarding confidentiality of settlement negotiations on which Groton Wind relies in its motion, do not apply to this matter, and there does not appear to be any similar legal basis to retain the documents in a proceeding before the SEC.

For these reasons, while the Office of the Fire Marshal does not object to the postponement or elimination of the *joint* filing, it does not waive its right to include them in its exhibit list to be filed by June 4, 2014, and to seek to use them as exhibits at the hearing.

Respectfully submitted,

STATE OF NEW HAMPSHIRE
DEPARTMENT OF SAFETY
By its attorneys,

ANN M. RICE
DEPUTY ATTORNEY GENERAL


Dianne Martin, NH Bar # 15350
Attorney

Transportation & Construction Bureau
33 Capitol Street
Concord, NH 03301
(603)271-3675

Dated: March 24, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has this day been electronically mailed to the parties on the service list.

March 24, 2014


Dianne Martin