

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

May 19, 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 the Fire Marshal's Response to the May 8, 2014 Order Regarding Correspondence in the above-captioned case.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary C. Evans".

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

mce  
Enclosures  
cc: Parties on the Service List (electronic mail only)  
1043808

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

APPLICATION OF GROTON WIND, LLC

NO. 2010-01

OFFICE OF THE FIRE MARSHAL'S RESPONSE TO THE MAY 8, 2014 ORDER  
REGARDING CORRESPONDENCE

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 files this Response, and in support thereof states as follows:

1. The "Agenda for PreHearing Conference" dated September 24, 2013 required the Applicant and the Office of the Fire Marshal to file certain correspondence with the Site Evaluation Committee ("SEC"). Thereafter, on March 14, 2014, the Applicant filed a "Motion for Rehearing or Reconsideration of Procedural Order Regarding Filing Certain Correspondence Between the Office of the State Fire Marshal and Groton Wind, LLC." In its Motion, the Applicant sought to avoid producing correspondence between the Office of the Fire Marshal and Groton Wind, LLC that occurred following the October 18, 2013 filing on the basis that it constituted settlement discussions.
2. In its Response to the Applicant's Motion for Rehearing, the Office of the Fire Marshal disputed the Applicant's characterization of correspondence between the parties as "settlement" discussions and indicated that it believed the correspondence involved efforts to obtain compliance as part of the Fire Marshal's enforcement

matter, rather than “settlement” negotiations. The Office of the Fire Marshal’s position remains the same.

3. The “Order on Pending Motions Pertaining to Issues Raised by the Fire Marshal” dated May 8, 2014 (the “Order”), granted the Applicant’s motion for reconsideration as it pertains “settlement correspondence,” apparently eliminating the requirement that the correspondence the Applicant characterized as “settlement” discussions in its Motion for Rehearing be filed. *See* Order on Pending Motions Pertaining to Issues Raised by the Fire Marshal dated May 8, 2014 at page 8.
4. The remaining correspondence includes:
  - a. A series of emails in late October, 2013 between employees of Iberdrola Renewables, LLC and Ron Anstey of the Office of the Fire Marshal regarding new technology related to fire suppression that the Applicant objects to releasing on the basis that it includes confidential proprietary information;
  - b. E-mails regarding procedural issues, scheduling, and requests for concurrence that do not relate to the substantive issues before the Committee; and,
  - c. Correspondence created during the period following the Compliance Agreement that does not appear to be covered by the Order<sup>1</sup>.
5. In light of the May 8, 2014 Order and the Applicant’s position that documents in question constitute settlement discussions, no additional correspondence are being provided at this time.

Respectfully submitted,

STATE OF NEW HAMPSHIRE

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<sup>1</sup> Post-Compliance Agreement correspondence is available upon request. It should be noted that it includes significant technical documentation regarding construction of the structures that is voluminous.

DEPARTMENT OF SAFETY

By its attorneys,

ANN M. RICE  
DEPUTY ATTORNEY GENERAL

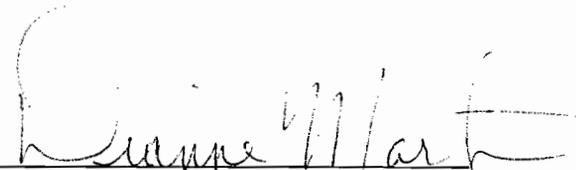
Dated: May 19, 2014

  
\_\_\_\_\_  
Dianne Martin, NH Bar # 15350

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has this 19th day of May, 2014 been electronically mailed to the parties on the service list.

  
\_\_\_\_\_  
Dianne Martin