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June 22, 2012

Via Electronic Mail and Hand-Delivery

Ms. Jane Murray, Secretary
New Hampshire Site Evaluation Committee
N.H. Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

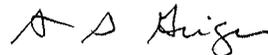
***Re: Docket 2012-01 - Application of Antrim Wind Energy, LLC
for a Certificate of Site and Facility for a Renewable Energy Facility***

Dear Ms. Murray:

Enclosed for filing with the New Hampshire Site Evaluation Committee in the above-captioned matter please find an original and 9 copies of Applicant's Response to Counsel for the Public's Motions for Leave to Retain Consultants/Experts.

Please contact me if there are any questions about this filing. Thank you.

Very truly yours,


Susan S. Geiger

Lawrence A. Kelly
(Of Counsel)

Enclosures

cc: Service List, excluding Committee Members
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THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

**RE: APPLICATION OF ANTRIM WIND ENERGY, LLC
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANT'S RESPONSE TO
COUNSEL FOR THE PUBLIC'S MOTIONS FOR LEAVE
TO RETAIN CONSULTANTS/EXPERTS**

NOW COMES Antrim Wind Energy, LLC ("the Applicant"), by and through its undersigned attorneys, and responds to four motions filed by Counsel for the Public, all of which seek leave to retain experts or consultants at the expense of the Applicant. In support of this Response, the Applicant states as follows:

Trevor Lloyd-Evans

1. The Applicant does not object to Counsel for the Public's Motion to retain Trevor-Lloyd Evans to provide the services described in the Motion, so long as the invoices for Mr. Lloyd-Evans's services are reviewed and approved as reasonable by the Site Evaluation Committee ("SEC"), and are capped at the total amount of \$12,000 for this engagement.

Jean Vissering

2. The Applicant does not object to Counsel for the Public hiring Ms. Vissering. However, the Applicant does object to the scope of services Ms. Vissering proposes to provide and to the proposed cost of those services for the following reasons:

A. Some of the services proposed by Ms. Vissering are unreasonable and unnecessary as they duplicate similar work performed by the Applicant's consultants,

Saratoga Associates as part of its comprehensive Visual Impact Analysis which is contained in Appendix 9A of Antrim Wind's Application. For example, Ms. Vissering proposes to "conduct a comprehensive visual assessment" and to prepare and independent viewshed analysis and photographic simulations. Such duplicative information is of questionable value as it constitutes unduly repetitious evidence that is properly excluded from the record of this proceeding. *See* RSA 541-A: 33, II (presiding officer may exclude unduly repetitious evidence.) In these circumstances, this duplicative work should not be approved.

B. The proposed cost of Ms. Vissering's engagement is \$18,020. The Applicant objects to this amount as it is unreasonably high - it exceeds the cost of the Applicant's visual impact studies by several thousand dollars. Moreover, to the extent that some of that cost (i.e. \$8,900 - total amount associated with viewshed analysis and photographic simulations) relates to work that - as noted above - is unnecessary and duplicative, the expense is unreasonable and should be not be allowed.

Gregory C. Tocci and Cavanaugh Tocci Associates

3. The Applicant does not object to Counsel for the Public hiring Mr. Tocci and Cavanaugh Tocci Associates. However, the Applicant does object to the scope of services that Mr. Tocci and Cavanaugh Tocci Associates propose to provide and to the proposed cost of those services for the following reasons:

A. Some of the services proposed by Mr. Tocci are unreasonable and unnecessary as they duplicate similar work performed by the Applicant's sound consultant, Epsilon Associates, Inc. as part of its comprehensive Sound Level Assessment Report which is contained in Appendix 13A of Antrim Wind's Application. For

example, Mr. Tocci proposes to “conduct additional monitoring during leaf-on season” at Greg Lake, Willard Pond and possibly other locations. Such duplicative information is of questionable value as it constitutes unduly repetitious evidence that is properly excluded from the record of this proceeding. *See* RSA 541-A: 33, II (presiding officer may exclude unduly repetitious evidence.) In these circumstances, this duplicative work should not be approved.

B. Mr. Tocci’s proposal to conduct additional monitoring during leaf-off season is unreasonable and should not be permitted as it would delay the statutorily-driven procedural schedule in this docket. Adjudicative hearings are scheduled for the week of September 10, 2012, which is during leaf-on season. Because Mr. Tocci’s proposed monitoring cannot occur prior to the conclusion of the hearings in this docket, it is unreasonable and should not be allowed.

C. The proposed cost of Mr. Tocci’s engagement is \$33,300, with a retainer of \$15,000. The Applicant objects to paying such a retainer fee. In addition, the Applicant object to the total amount of this engagement as it is unreasonably high - it is approximately 75% higher than the cost of the Applicant’s comprehensive sound analysis. Moreover, given that \$6,600 of that total relates to unnecessary/duplicative work (i.e. additional sound monitoring during leaf-on) and that \$8,100 of that total relates to inappropriate work that cannot be performed during the established schedule of this docket (i.e. additional sound monitoring during leaf-off), these expenses are unreasonable and should be disallowed.

Financial Consultant/Deloitte Financial Advisory Services LLP

4. The Applicant does not object to Counsel for the Public hiring Deloitte Financial Advisory Services LLP (“DFAS”). However, the Applicant does object to the proposed cost of those services for the following reasons:

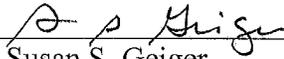
A. The proposed cost of DFAS’s services is up to \$75,000, with a retainer in the amount of \$30,000. The Applicant objects to paying a retainer fee. In addition, the Applicant objects to the total amount of this engagement as it is unreasonably high. For example, the estimated cost does not include DFAS’s participation as a witness subject to cross-examination. The Applicant notes that Public Counsel’s request for a financial expert in the Granite Reliable Power, LLC docket was in the same amount but included additional services, i.e. the filing of supplemental prefiled testimony and appearance for cross-examination at the adjudicative hearings. In these circumstances, the request for a financial consultant in the stated amount is unreasonable and should be disallowed.

WHEREFORE, the Applicant respectfully requests that the Site Evaluation Committee:

- A. Allow Counsel for the Public to retain the above-named consultants;
- B. Limit the amounts of the Applicant’s responsibility for these consultants’ expenses to amounts that the Committee deems just and reasonable;
- C. Require that all invoices for services provided by these consultants in this docket be reviewed and approved as reasonable by the Committee prior to payment by the Applicant; and
- D. Grant such additional relief as is appropriate.

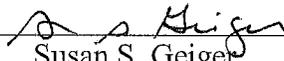
Dated: June 22, 2012

Respectfully submitted,
Antrim Wind Energy, LLC
By its Attorneys,
Orr and Reno, P.A.

By: 
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Certificate of Service

I hereby certify that on this 22nd day of June, 2012, a copy of the foregoing Response was sent by electronic mail or U.S. Mail, postage prepaid, to persons named on the Service List of this docket, excluding Committee Members.


Susan S. Geiger

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