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July 12, 2012

Via Hand Delivery and Electronic Mail

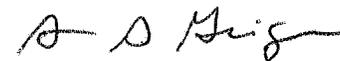
Ms. Jane Murray, Secretary
New Hampshire Site Evaluation Committee
N.H. Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

***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 Unassented-To Motion for Protective Order and Confidential Treatment, and an original and 9 copies of Applicant's Unassented-To Motion for Protective Order and Confidential Treatment for Acciona Sound Data. Also enclosed are two sealed envelopes containing copies of the confidential documents that are the subjects of the enclosed motions. Please contact me if there are any questions about this filing. Thank you.

Very truly yours,


Susan S. Geiger

Enclosures

cc: Service List, excluding Committee Members
Clark A. Craig, Jr. (by first class mail)

900937_1

**THE STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

DOCKET NO. 2012-01

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

**APPLICANT'S UNASSENTED-TO MOTION FOR PROTECTIVE ORDER AND
CONFIDENTIAL TREATMENT FOR ACCIONA SOUND DATA**

NOW COMES Antrim Wind Energy, LLC (“AWE” or “the Applicant”) by and through its undersigned attorneys, and respectfully moves that the Site Evaluation Committee (“SEC” or “Committee”) issue a protective order which preserves the confidentiality of information supplied by Acciona to the Applicant and that the Applicant has agreed to provide in response to Technical Session Data Request 1-42, propounded in the above-captioned matter. In support of this Motion, AWE states as follows:

1. At the technical sessions held June 27 – June 29, 2012, parties requested the following information from the Applicant: TS 1-42: Please provide all data from the manufacturer that you used in determining the sound modeling.

2. The above-described information is submitted herewith and has been marked confidential. This information is Acciona’s commercially sensitive and proprietary sound data, and is not disclosed publicly. Acciona provided this confidential information to the Applicant with the understanding that it would be maintained confidentially. However, the Applicant may make Acciona’s data available to the parties subject to a Protective Order.

3. RSA 91-A:5, IV. provides, *inter alia*, that records pertaining to confidential, commercial or financial information, and other files whose disclosure would constitute an invasion of privacy, are exempt from the public disclosure requirements of RSA 91-A. Under the three-pronged analysis in *Lambert v. Belknap County Convention*, 157 N.H. 375 (2008) and *Lamy v. New Hampshire Public Utilities Commission*, 152 N.H. 106 (2005), the Acciona information is exempt from public disclosure under RSA 91-A, IV.: 1) The Applicant has identified a privacy interest in the information as demonstrated above. 2) There is no public interest in disclosure of this information. Although parties to this proceeding may have an interest in this data, it is unlikely that this data will be relied upon by the Committee in its decision in this docket. Therefore public disclosure of this data will not reveal anything to the public about the Committee's operations. 3) Lastly, even assuming, *arguendo*, that there is a public interest in disclosure of this information, that interest is greatly outweighed by AWE's and Acciona's privacy interests in non-disclosure as described above.

4. In view of the foregoing, the Committee should issue an order that protects the above-described confidential information from public disclosure, and allows it to be available only for review by the parties. The Applicant respectfully requests that the Committee issue a protective order containing provisions similar to those contained in the Order Granting Applicant's Motion for Protective Order/Confidential Treatment issued in SEC Docket No. 2006-01, *Re: Community Energy, Inc. and Lempster Wind, L.L.C.*, (Oct. 17, 2006) ("Lempster Wind Confidentiality Order"). Those provisions are as follows:

This information shall [therefore] be marked confidential. One copy shall be filed with the Committee and maintained in a secure file separate from the public records of the proceedings in this matter.

If a party desires to view the confidential information, said party will execute a protective agreement in the form set forth in Appendix A¹, and forward true copies of the agreement to the Applicant and the Committee. Only parties authorized by the Committee, after receipt of the executed protective agreement, shall be afforded access to the confidential information. The parties shall not make any copies of such information or use the information for purposes other than the preparation for, and conduct of, the proceedings in this docket.

Unless otherwise ordered, the parties shall not reference the confidential information during public proceedings in this docket or at any time in public. Unless otherwise ordered, upon completion of this proceeding and any resulting appeals, the Parties shall destroy any notes referencing the confidential information and return all confidential information to the Applicant. Within sixty days after the completion of this proceeding, or any resulting appeal, each Party shall certify to the Applicant that said notes have been destroyed and all confidential information returned. The rights of the Parties under this Order are not assignable and may not be transferred in any manner.

Lempster Wind Confidentiality Order at 2.

5. In addition to the foregoing provisions, in order to minimize the risk of inappropriate disclosure of the Applicant's protected confidential information, the Applicant respectfully requests that the Committee's Protective Order: 1) Specify that the Applicant is not required to provide confidential information via electronic mail to the parties, other than Counsel for the Public; and 2) Specify that if parties other than Counsel for the Public are to be afforded access to the protected information, such access shall occur by viewing the confidential information at the Committee's offices.

6. Pursuant to N.H. Admin. Rule Site 202.14 (d), the undersigned has contacted the parties to this docket in an effort to determine their positions on the within motion. The following parties have responded with their positions noted below: The

¹ A sample Appendix A is submitted herewith.

Harris Center for Conservation Education neither supports nor opposes the motion.

Industrial Wind Action Group states as follows:

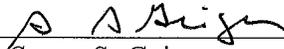
IWA objects to protective treatment of this information. The motion provides no documentation to demonstrate this information is company confidential. In addition, we object for the same reasons cited in the above paragraph, i.e. IWA objects to the applicant's claims that other parties beyond Counsel for the Public have no reason to have access to the information. This claim is not supported by statute or any ruling made by the Committee to date. IWA objects to the requested restrictions for accessing the information by parties other than Counsel for the Public, including in-person viewings at the Committee's office. There is no precedence for this requirement from prior proceedings. Such unreasonable restrictions, if imposed, will impair the orderly and prompt conduct of the proceedings. Finally, IWA objects to the excessive delay by the applicant in filing this motion given that the technical session confirming the need for this information was two weeks ago.

WHEREFORE, AWE respectfully requests that this Committee:

- A. Issue a protective order containing the provisions requested herein that preserves the confidentiality of the documents that are the subject of this Motion; and
- B. Grant such further relief as it deems appropriate.

Respectfully submitted,

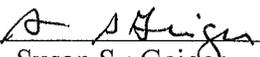
Antrim Wind Energy, LLC
By its attorneys,
ORR & RENO, P.A.
One Eagle Square
P.O. Box 3550
Concord, NH 03302-3550

By: 
Susan S. Geiger
Telephone: (603) 223-9154
Email: sgeiger@orr-reno.com

July 12, 2012

Certificate of Service

I hereby certify that on this 12th day of July, 2012, a copy of the foregoing Motion was sent by electronic or U.S. mail, postage prepaid, to persons named on the Service List of this docket, excluding Committee Members.



Susan S. Geiger

900827_1

APPENDIX A

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

Application of Antrim Wind Energy, LLC

I, _____, hereby certify that I am a party to the above-captioned proceeding and in connection with my interests therein, I request to be given access to the following Confidential Information maintained by the Site Evaluation Committee: _____.

I further certify that I have read the Site Evaluation Committee's protective order issued in the above-captioned matter, understand it and agree to be bound by it. I understand that this Appendix A does not authorize my access to the Confidential Information identified above until I have signed and delivered it to counsel for Antrim Wind Energy, LLC and until it has been provided to the Site Evaluation Committee by said counsel.

Dated: _____

Signature of Party to Docket No. 2012-01