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July 20, 2012

Ms. Jane Murray, Secretary
New Hampshire Site Evaluation Committee
New Hampshire Department of Environmental Services
P.O. Box 95
29 Hazen Drive
Concord, NH 03302-0095

Re: Docket No. 2012-001 Application of Antrim Wind Energy, LLC for a Certificate of Site and Facility for a Renewable Energy Facility

Dear Murray:

Enclosed please find for filing in this matter the limited objection of the Audubon Society of New Hampshire to the Applicant's Motions for Protective Orders and Confidential Treatment.

Very truly yours,



David M. Howe

Cc Service List

Enc.

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012 – 01

Re: **Antrim Wind Energy, LLC**

LIMITED OBJECTION OF THE AUDUBON SOCIETY OF NEW HAMPSHIRE
TO THE APPLICANT’S MOTIONS FOR PROTECTIVE ORDERS
AND CONFIDENTIAL TREATMENT

NOW COMES the Intervenor, the Audubon Society of New Hampshire (“ASNH”), by its attorney, and respectfully objects in part to the Motion for Protective Order and Confidential Treatment and the Motion for Protective Order and Confidential Treatment for Acciona Sound Data of the Applicant, Antrim Wind Energy, LLC, and in support thereof, ASNH states as follows:

1. On July 13, 2012 counsel to the Applicant filed two motions, one entitled Applicant’s Unassented Motion for Protective Order and Confidential Treatment and one entitled Applicant’s Unassented Motion for Protective Order and Confidential Treatment for Acciona Sound Data.

2. In these motions the Applicant seeks confidential treatment of certain information requested in data requests by Intervenors and Counsel for the Public. The Applicant asserts that the sound data of the turbine manufacturer utilized by the Applicant in its sound modeling (the “Sound Data”), which was requested in the Technical Session, is subject to confidentiality restrictions imposed by the turbine manufacturer, Acciona, and that the remaining information (the option agreement for the substation property, the Applicant’s actual and estimated project

expense data and project pro forma information (collectively, the “Financial Data”) is confidential, proprietary information of the Applicant.

3. The Applicant asserts that all of the Sound Data and the Financial Data is entitled to exemption from disclosure to non-parties and that the Financial Data is entitled to exemption from disclosure to the parties, other than Counsel to the Public, pursuant to RSA 91-A: 5, IV of the Right to Know Law.

4. ASNH questions the Applicant’s reliance on Lamy v. New Hampshire Public Utilities Commission, 152 N.H. 106 (2005) in so far as Lamy addresses the right of privacy of individuals whose personal information is contained in an agency’s files and does not concern confidential proprietary information of a party that has initiated an adjudicative process that affects the right of other parties whose due process rights of parties to such a proceeding require access to information that is relevant or may be relevant to the ongoing adjudicative proceeding.

5. ASNH does not object to the Applicant’s asserted need of confidentiality and protective orders for the Sound Data and the Financial Data, but does object to the Applicant’s attempt to use the Counsel for the Public as a shield against disclosure of the Financial Data, which is relevant to the issues of this proceeding.

6. The Committee has requested the parties to submit legal briefs on the question of its jurisdiction to render subdivision approval for the substation property. The terms of the Option Agreement may be relevant to the issues that must be considered in addressing that question.

7. The remainder of the Financial Data is relevant to the issue of whether the Applicant has adequate financial, technical and managerial capability to assure construction and

operation of the facility...” within the meaning of RSA 162-H: 16, IV (a) even if the Applicant intends to finance the Project through project financing.

8. ASNH agrees that Counsel for the Public has an important role in this proceeding, but providing him with access to the Financial Data, which is information that is relevant to this proceeding, and denying access to other parties in the proceeding will not satisfy the rights to procedural due process of the Intervenors, including ASNH, under the Fourteenth Amendment of the United States Constitution and Part I of the New Hampshire Constitution.

6. If the Committee denies the Applicant’s request to limit access to the Financial Data to Counsel for the Public, the Applicant has requested certain confidential treatment of the Financial Data by those Intervenors who request it. ASNH would accept those requirements with respect to the Financial Data.

7. The Applicant would like the same restrictions to apply to the Sound Data and would require other parties to review it at the offices of the Committee.

8. ASNH objects to that treatment of the Sound Data.

9. The noise impact of the Project is an important issue of this case. According to the Applicant, actual sound data of the turbines that the Applicant has stated it is most likely to use is not available, and in his report the noise consultant of the Applicant has relied upon estimates or calculations prepared by the manufacturer.

10. ASNH desires to review the Sound Data and believes that it may not be able to adequately access the Sound Data because it may need to compare it with other Sound Data.

11. The confidentiality of the Sound Data can be adequately protected if the Applicant delivers the data only to parties who desire it and who sign a confidentiality agreement in the form prescribed by the Committee's order.

WHEREFORE, ASNH respectfully requests that:

1. If the SEC issues a protection order as requested by the Applicant that:

(a) The Committee deny the Applicant's request to limit the access to the Financial Data to only the Counsel to the Public; and

(b) The Committee require the Applicant to provide ASNH and other parties who so request with an electronic copy of the Sound Data, subject to each such party's execution and delivery of a confidentiality agreement in the form and manner required by the Committee, and

2. The Committee grant such other and further relief as justice requires.

Respectfully submitted,

AUDUBON SOCIETY OF NEW HAMPSHIRE

By Its Attorney,

Date: 7/20/12



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Certificate of Service

I hereby certify that, on this 2nd day of July, 2012 I have sent the foregoing Objection via electronic mail to the persons named on the Service List of this Docket.

A handwritten signature in blue ink, appearing to read "David M. Howe", written over a horizontal line.

David M. Howe