

January 10, 2014

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

RE: SEC Docket No. 2013-02: Application of Atlantic Wind, LLC for a Certificate of Site and Facility for the Wild Meadows Wind Project

Dear Commissioner Ignatius:

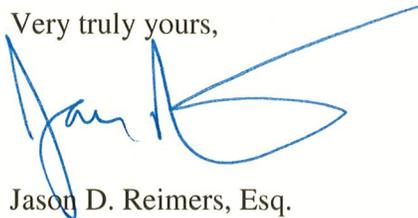
Enclosed for filing in the above-referenced docket, please find an original and 18 copies of the following pleadings:

1. Petition to Intervene of Society for the Protection of New Hampshire Forests;
2. Appearances of Attorneys Jason D. Reimers and Amy Manzelli; and
3. Partially Assented-to Motion of Society for the Protection of New Hampshire Forests to Suspend Deliberations and Time Frame Pursuant to RSA 162-H:6-a, IX.

We recognize that filing items 2 and 3 is contingent upon the decision of the Petition to Intervene.

Thank you for your attention to this matter. Please contact me if you have any questions about these filings.

Very truly yours,



Jason D. Reimers, Esq.

cc: Clients
Michael J. Iacopino, Esq.
Barry Needleman, Esq.
Patrick H. Taylor, Esq.
Sherilyn Burnett Young, Esq.
Michael S. Lewis, Esq.
Eric W. Macaux, Esq.
Mary Maloney, Esq.



STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2013-02

Application of Atlantic Wind, LLC for a Certificate of Site and Facility
for the Wild Meadows Wind Project

**PARTIALLY ASSENTED-TO MOTION OF SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS TO SUSPEND DELIBERATIONS
AND TIME FRAME PURSUANT TO RSA 162-H:6-A, IX**

The Society for the Protection of New Hampshire Forests (the Forest Society), by and through its attorneys, BCM Environmental & Land Law, PLLC, moves for suspension of further proceedings with respect to the New Hampshire Site Evaluation Committee's consideration of the Application for Site and Facility ("Application") of Atlantic Wind, LLC, until after completion of the Senate Bill 99 process and that, upon resumption of its deliberations, the subcommittee apply the resultant administrative rules to the Application, as follows:

1. On December 12, 2013, Atlantic Wind, LLC, filed an Application with the New Hampshire Site Evaluation Committee (SEC) for a Certificate of Site and Facility ("Certificate") to build an energy facility, known as the Wild Meadows Wind Project, in the Towns of Danbury and Alexandria, New Hampshire.
2. The central part of Atlantic Wind's proposal is the construction of 23 wind turbines on ridges in Danbury and Alexandria; each turbine would be approximately 492 feet in height.
3. All or most of the wind turbines are expected to be visible from Newfound Lake and Cardigan State Park, among other places of at least statewide importance.

4. In addition to the 23 turbines, according to the Application, the Wild Meadows Wind Project would also include the construction of access roads, turbine foundations, crane pads, electrical collection systems, a maintenance building, a permanent meteorological tower, a connector road, an overhead collector line, an interconnection substation, utility poles, approximately two miles of overhead lines, and a voltage step-up substation. See Application at v.

5. Pursuant to RSA 162-H:6-a, IX, the subcommittee is authorized to “temporarily suspend its deliberations and enlarge the time frame . . . to issue or deny a certificate.”

6. The subcommittee may exercise this authority “at any time” if it deems a suspension “to be in the public interest.” RSA 162-H:6-a, IX.

7. The subcommittee’s suspension of its consideration of the Wild Meadows Wild Project would be in the public interest for the following reasons.

8. Senate Bill 99 (SB 99), enacted in 2013, acknowledges that the siting process as set out currently in RSA 162-H is inadequate to its statutory task of balancing the energy needs and environmental quality of New Hampshire, and so does not best serve the public interest. (SB 99 attached as Attachment A.)

9. For this reason, through SB 99, the legislature tasked the Office of Energy and Planning (OEP) with commissioning a comprehensive study of the SEC.

10. One of the primary purposes of the OEP’s study is “to better ensure that the review of energy facility applications serves the public good.” SB 99.

11. Significantly, SB 99 requires that the SEC adopt administrative rules no later than January 1, 2015 that include “specific criteria to be applied in determining if the requirements of

RSA 162-H:16, IV(b) and (c) have been met by the applicant for a certificate of site and facility.” See RSA 162-H:10, VII (codifying SB 99).

12. RSA 162-H:16, IV(b) concerns the “orderly development of the region” and is the section of RSA 162-H:16 that requires the SEC to give “due consideration” to the views of the town governing bodies, among others.

13. RSA 162-H:16, IV(c) contains many of the critical findings that the SEC must find in order to issue a Certificate.

14. Currently, neither RSA 162-H nor the SEC’s administrative rules provide any guidance whatsoever with respect to the findings required by RSA 162-H:16, IV(b) or (c).

15. The adoption, by January 1, 2015, of rules containing specific criteria to make these critical determinations will help ensure that a decision on whether to issue a Certificate to Atlantic Wind is made in the public good.

16. Therefore, suspending consideration of the Wild Meadows Wind Project until after the SB 99 process is complete would be in the public interest because it would ensure that the specific criteria to implement RSA 162-H guide the determinations of whether Atlantic Wind has met the statutory requirements.

17. Further, employment of specific criteria will greatly increase judicial economy, not only for the benefit of the SEC itself, but also for the public, Atlantic Wind, and future applicants.

18. The specific criteria required by SB 99 and RSA 162-H:10, VII will serve to define the contours of the requirements that applicants must satisfy, and will narrow the issues, resulting in a more efficient, streamlined process overall, including with respect to public participation and the demands of the hearing.

19. The legislature’s concern for public input in the process of siting energy facilities is evident in the manner by which it required OEP to study the SEC process.

20. Finally, specific criteria will also yield predictability to Atlantic Wind and other applicants, as they will know what they must do to satisfy the rigorous, yet not well defined, requirements of RSA 162-H:16. See SB 99 (citing “clarity to potential energy project developers” as one of its primary purposes).

21. The purposes of RSA 162-H itself also strongly support the conclusion that suspension is in the public interest.

22. In enacting RSA 162-H, “the legislature [found] that it is in the public interest to maintain a balance between the environment and the need for new energy facilities in New Hampshire.” RSA 162-H:1.

23. This professed need for new energy facilities **in New Hampshire** is underscored by the statute’s conclusion that all of the legislature’s findings are for the purpose “to assure that **the state** has an adequate and reliable supply of energy in conformance with sound environmental principles.” RSA 162-H:1 (emphasis added).

24. Thus, the central purpose of the statute is to assure that energy facilities are sited in New Hampshire, so that New Hampshire has enough energy, and in such a way that New Hampshire’s environment is protected.

25. On information and belief, the energy generated by the Wild Meadows Wind Project will not be used in New Hampshire.

26. Iberdrola has signed a fifteen-year contract under which all of the energy generated by the Wild Meadows Wind Project will be sold to Massachusetts utilities, and all or

most will be used to satisfy the requirements of the Renewable Portfolio Standard (RPS) in Massachusetts, not New Hampshire.

27. At the same time that New Hampshire will not consume the Wild Meadows energy, New Hampshire will bear all of the environmental, economic, and other impacts of the Wild Meadows Wind Project, primarily in Danbury, Alexandria, and the Newfound Lake Region.

28. This does not strike the balance contemplated in the purposes of RSA 162-H.

29. In light of this striking imbalance, as well as the currently absent, but forthcoming, specific criteria regarding the statutory findings most critical to the public, it would be in the public interest for the subcommittee to temporarily suspend its deliberations and enlarge the time frame to issue or deny a Certificate for the Wild Meadows Wind Project until after the SB 99 process is complete.

30. Pursuant to Site 202.14, counsel for Atlantic Wind, LLC does not assent to this Motion, Counsel for the Public has not responded to a request for assent to this Motion, and Counsel for Wild Meadows Legal Fund assents to this Motion.

WHEREFORE, for the foregoing reasons Society for the Protection of New Hampshire Forests respectfully requests:

A. Suspension of deliberations and time frame pursuant to RSA 162-H:6-a, IX until after the conclusion of the SB 99 process;

B. Upon resumption of deliberations, application of the administrative rules resulting from the SB 99 process; and

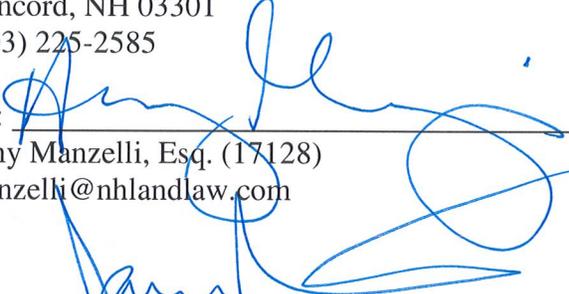
B. Grant such further relief as it deems appropriate.

Respectfully Submitted,

**SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS**

By its Attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that on this day, January 10, 2014, a copy of the foregoing motion sent by electronic mail or U.S. Mail, postage prepaid, to persons named on the Service List of this docket.

By: 

Jason Reimers