

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

Motion of Granite Reliable Power, LLC,)	
To Amend Certificate of Site)	Docket No. 2014-03
And Facility with Request for)	
Expedited Relief)	
_____)	

**MOTION OF COUNSEL FOR THE PUBLIC
TO COMPEL PAYMENT OF FEES**

Counsel for the Public, by his attorneys, the Office of the Attorney General, hereby moves the Committee for entry of an order compelling Granite Reliable Power, LLC to pay the fees of Dr. C. William Kilpatrick in the amount of \$15,000, and to require it to pay Counsel for the Public’s reasonable attorneys fees associated with bringing this motion. The reason for the relief requested is that Dr. Kilpatrick’s budgeted fees were already approved by the Committee and GRP has refused to pay them. In support hereof, Counsel for the Public respectfully represents as follows:

1. On June 18, 2014, Counsel for the Public moved the Committee pursuant to RSA 162-H:10, V, for leave to hire Dr. C. William Kilpatrick and to have GRP bear the fees and costs in the amount of \$15,000.

2. GRP did not object to the Motion to retain Dr. Kilpatrick or the request that GRP be required to pay his fees and costs.

3. On July 7, 2014, the Committee entered its Order On Motion To Retain Consultant (the “Order”) granting Counsel for the Public’s motion and ordering:

The motion of Counsel for the Public to retain Dr. C. William Kilpatrick is granted and the Applicant shall pay for the services of Dr. Kilpatrick, as invoiced, in an amount not to exceed \$15,000.

4. On January 2, 2015, Counsel for the Public forwarded Dr. Kilpatrick's invoice for his fees and costs to Attorney Pachios and requested payment. A copy of the invoice is attached hereto as Exhibit "A". Counsel for the Public followed up with emails to Attorney Pachios on January 20, 2015, and again on February 12, 2015 (also to Attorney Warner). To date Attorney Pachios has not responded to any of the emails and GRP has not paid the fees to Dr. Kilpatrick.

5. Counsel for the Public seeks his attorneys fees in the amount of \$500 being an estimate of the time required to follow up with Attorney Pachios, and Dr. Kilpatrick and to file and prosecute this motion. Such is necessary owing to GRP's unexplained and extraordinary refusal to comply with the Order and timely pay Dr. Kilpatrick's fees.

WHEREFORE, Counsel for the Public respectfully requests that the Committee enter an order requiring payment of the fees as invoiced in the amount of \$15,000 and requiring payment of Counsel for the Public's attorney's fees in the amount of \$500, and granting such other and further relief as may be just.

Respectfully submitted,

COUNSEL FOR THE PUBLIC

By his attorneys

JOSEPH A. FOSTER
ATTORNEY GENERAL



Peter C.L. Roth
Senior Assistant Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, New Hampshire 03301-6397
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Certificate of Service

I, Peter C.L. Roth, do hereby certify that I caused the foregoing to be served upon each of the parties on the Service List via electronic mail.



Dated: February 17, 2015

Peter C.L. Roth

Northeastern Wildlife Genetics, Inc.

C. William Kilpatrick
763 Goose Pond Rd.
Fairfax, VT 05454

Invoice

December 1, 2014

Consulting Services for the Counsel for the Public in Regards to Docket No.
2014-03

Date	General Activity	Cost
July 2014	Review of documents, made contact with biologists with NHFG, travel to Concord, New Hampshire, and participation in Technical Session (7/24/2014)	\$1000.00
August 2014	Reviewed literature and documents, Worked on draft of report, made request for readable site plans, arranged for field assistant (Chris Gray) to participate in site visit (8/29/2014)	\$4500.00
September 2014	Contacted Dr. Kimball, completed evaluation and prepared report for the Counsel for the Public, and prepare pre-filed testimony	\$5000.00
October 2014	Responded to data request from pre-filed testimony and written report, traveled to Concord to attend Technical Session (10/9/2014) with field assistant (Chris Gray), responded to data request from Technical Session, and prepared supplemental testimony	\$3000.00
November 2014	Review of transcript of Technical Session 2, supplemental testimony of Dr. Kimball, and pre-filed testimony, report, and other documents; travel to Concord with Chris Gray and responded to question at hearing on November 24	\$1500.00

Total

\$15,000.00

Please make payments to Northeastern Wildlife Genetics