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**Please respond to the Portsmouth office**

July 2, 2015

**Jane Murray**  
**Site Evaluation Committee**  
**NH Department of Environmental Services**  
**PO Box 95**  
**Concord, NH 03302-0095**

**Re: Docket No. 2014-05**  
**Petition of Antrim Wind Energy**

Dear Ms. Murray:

Enclosed please find an original and 10 copies of *Objection to Non-abutting Property Owners' Motion to Strike*.

If you have any questions, please contact me.

Very truly yours,

Justin C. Richardson  
jrichardson@uptonhatfield.com

JCR/sem

Enclosure(s)

cc: Service List (w/ enclosure)(via Electronic Mail)

BEFORE THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

*Petitions of Antrim Wind, LLC and the Town of Antrim*

*NHSEC No. 2014-05*

**OBJECTION TO NON-ABUTTING PROPERTY OWNERS' MOTION TO STRIKE**

NOW COMES the Town of Antrim, by and through Upton & Hatfield, LLP, and objects to the *Non-Abutting Property Owners' Motion to Strike* as follows:

1. A memorandum of law is not evidence. *See* RSA 541-A:33. It is argument based on the law as it applies to the evidence. The Committee imposed no deadlines for the submission of memoranda or argument. In the absence of a such a deadline, RSA 541-A:31, IV allows argument to be made at any time prior to the close of the hearing.
2. The suggestion that argument is subject to the same deadline as testimony makes no sense. A memorandum of law could not be filed until after the testimony is filed and the technical sessions completed.
3. By filing the Town's Memorandum on June 26, 2015, *10 days prior to the hearing*, the Town sought to provide both the Committee and the parties the opportunity to consider the law related to this case, rather than consume limited and valuable time at the hearing. In addition, Antrim sought to avoid claims of unfair surprise or prejudice from parties who may have failed to consider the law as it applies to this proceeding.
4. RSA 541-A:31, VI, provides that: "[t]he record in a contested case shall include [...] (b) All pleadings, motions, objections, and rulings." There is no reason to strike a memorandum of law that, by statute, is a pleading and part of the record.

WHEREFORE, Antrim respectfully requests that the Committee deny the Non-Abutting Property Owners' Motion to Strike.

Respectfully submitted,

**Town of Antrim,**

By Its Counsel,

**UPTON & HATFIELD, LLP,**

Date: July 2, 2015

By:



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CERTIFICATION

I hereby certify that a copy of the foregoing was this day forwarded to all parties in this proceeding by electronic mail.



Justin C. Richardson