



McLane, Graf,  
Raulerson & Middleton  
Professional Association

11 South Main Street, Suite 500 | Concord, NH 03301  
Tel: 603.226.0400 | [www.mclane.com](http://www.mclane.com)

OFFICES IN:  
MANCHESTER  
CONCORD  
PORTSMOUTH  
WOBURN, MA

PATRICK H. TAYLOR  
Direct Dial: 603-628-1266  
Email: [patrick.taylor@mclane.com](mailto:patrick.taylor@mclane.com)  
Admitted in NH and MA

January 22, 2015

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

**Re: Docket No. 2014-05: Antrim Wind Energy, LLC Petition for Jurisdiction  
Over a Renewable Energy Facility**

Dear Sir or Madam:

In connection with the above-referenced docket I enclose an original and eighteen (18) copies of the following:

- Antrim Wind Energy (AWE)'s Limited Objection to the Petition to Intervene By the Audubon Society of New Hampshire; and
- AWE's Limited Objection to the Petition to Intervene By the Harris Center for Conservation Education.

If you have any questions regarding these materials, please do not hesitate to contact me.

Sincerely,

*Adam Smith*  
for:

Patrick H. Taylor

Enclosures

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

PETITION FOR JURISDICTION OVER A RENEWABLE FACILITY  
BY ANTRIM WIND ENERGY LLC

SEC DOCKET NO. 2014-05

**APPLICANT'S LIMITED OBJECTION TO PETITION TO INTERVENE BY  
HARRIS CENTER FOR CONSERVATION EDUCATION**

NOW COMES the Applicant, Antrim Wind Energy, LLC ("AWE"), and respectfully submits this Limited Objection to the Petition to Intervene by the Harris Center for Conservation Education ("HCCE") and requests that, to the extent the New Hampshire Site Evaluation Committee ("SEC") grants HCCE's Petition to Intervene, the SEC limit HCCE's participation in the proceedings.

**I. Introduction**

AWE submitted its petition requesting that the SEC assert jurisdiction or maintain previously asserted jurisdiction over the Antrim Wind Project on November 26, 2014. The SEC subsequently opened Docket 2014-05, and on December 30, 2014, the SEC issued an Order and Notice of Public Hearing. AWE has not yet submitted a revised Application for a Certificate of Site and Facility for the Antrim Wind Project, and Docket 2014-05 is limited to adjudicating the issue of whether the SEC should assert or maintain jurisdiction over the Project.

HCCE asserts several interests in its Petition to Intervene, including: a claimed legal interest arising out of agreements with AWE and five private landowners pursuant to which it can or must acquire conservation easements over the proposed Project site and abutting properties; ownership interest in property abutting the proposed Project site; ownership of significant acreage within three miles of the proposed project site; and a property interest in conservation easements within three miles of the proposed Project site. Though HCCE has not

articulated any specific interest that may be affected by the SEC's decision on AWE's petition for jurisdiction, AWE does not object to HCCE's participation as an intervenor. However, HCCE's participation should be limited to issues arising directly out of the property interests articulated in its petition.

## **II. Standard for Intervention**

Pursuant to RSA 542-A:32, I and Site 202.11, the SEC shall grant a petition to intervene in a proceeding if: (1) the petition is timely and submitted in writing; (2) the petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. RSA 541-A:32, I; N.H. Code Admin R., Site 202.11(b). The SEC may also impose conditions limiting an intervenor's participation in a proceeding to designated issues in which the intervenor has a particular interest. RSA 541-A:32, I; N.H. Code Admin R., Site 202.11(b).

In this case, HCCE has articulated no specific rights, duties, privileges, immunities or other substantial interests that may be affected by this jurisdictional proceeding, nor does it allege that it qualifies as an intervenor as a matter of law. Rather, HCCE has articulated certain interests that may arguably be affected in a subsequent and separate proceeding in which the SEC will evaluate AWE's application for a certificate of site and facility, should the SEC grant AWE's jurisdictional petition in this docket. Though HCCE was granted intervention in the previous jurisdictional docket related to the Antrim Wind Project, Docket 2011-01, it took no position on whether the SEC should take jurisdiction over the Project as it was proposed at the time.

Though it is unclear as to what specific rights, duties, privileges, immunities or other substantial interests of HCCE, if any, may be affected by the outcome of this Docket, AWE does not object to HCCE's petition to intervene. However, to the extent that the SEC permits HCCE's intervention, it should impose conditions limiting HCCE's participation to its interests as an abutting landowner.

**III. To the Extent That the SEC Grants HCCE's Petition to Intervene, HCCE's Participation Should Be Limited to Issues Arising Directly Out of Its Property Interests**

The interests identified by HCCE in its Petition to Intervene are essentially property interests held as an owner or conservator, either in the proposed Project site itself, abutting land, or land within several miles of the Project. HCCE Petition at ¶¶ 6-9. Though HCCE has not articulated how the outcome of this jurisdictional docket may affect those interests, AWE recognizes that HCCE, as an owner or conservator of significant acreage abutting or in close proximity to the proposed Project site, is concerned about safeguarding its interests and may wish to participate in proceedings related to the Project. As such, AWE does not object to HCCE's intervention to the extent that it is limited to issues directly arising out of the property interests articulated in its petition. However, HCCE's participation as an intervenor in this Docket, if allowed by the SEC, should not broadly encompass issues that may be addressed in this Docket but do not pertain to or arise out of HCCE's property interests.

**IV. Conclusion**

HCCE has asserted substantial property interests that may be affected by the proposed Project. Though it is not clear how the outcome of this jurisdictional docket will affect those interests, AWE does not oppose the intervention of HCCE in this Docket provided that its

participation is limited to issues directly arising out HCCE's property interests. The scope of HCCE's intervention should not, however, be unlimited.

Respectfully submitted,

Antrim Wind Energy, LLC

By its attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON  
PROFESSIONAL ASSOCIATION

Dated: January 22, 2015

By: Adam Duntle for:  
Barry Needleman, Esq. Bar No. 9446  
Patrick H. Taylor, Esq. Bar No. 17171  
11 So. Main Street, Suite 500  
Concord, NH 03301  
(603) 226-0400  
[barry.needleman@mclane.com](mailto:barry.needleman@mclane.com)  
[patrick.taylor@mclane.com](mailto:patrick.taylor@mclane.com)

**Certificate of Service**

I hereby certify that on this 22<sup>nd</sup> day of January, 2015, I served the foregoing Objection by electronic mail to the service list in this docket.

Adam Duntle for:  
Patrick H. Taylor, Esq.