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February 9, 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 AWE's Motion to Strike Filings by Counsel for the Public.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick H. Taylor". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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 MOTION TO STRIKE FILINGS
BY COUNSEL FOR THE PUBLIC

The Applicant, Antrim Wind Energy, LLC ("AWE"), respectfully submits this Motion to Strike Filings made by Counsel for the Public in the above-captioned docket.

I. Introduction

1. AWE submitted its petition requesting that the New Hampshire Site Evaluation Committee ("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 (the "Project") pursuant to RSA 162-H:7, and Docket 2014-05 is limited to adjudicating the issue of whether the SEC should assert or maintain jurisdiction over the Project.

2. In its December 30, 2014 Order and Notice of Public Hearing, the SEC scheduled a prehearing conference for January 30, 2015 and required that all motions to intervene in this docket be filed on or before January 23, 2015.

3. On January 23, 2015 Counsel for the Public submitted an Objection to Petition for Jurisdiction. However, as of this writing, the New Hampshire Attorney General has not appointed Counsel for the Public in this Docket pursuant to RSA 162-H:9. Furthermore, Counsel for the Public did not submit a timely petition to intervene in this docket.

4. On January 30, the New Hampshire Site Evaluation Committee (the “Committee”) held a duly noticed prehearing conference in the above-captioned docket. Counsel for the Public appeared at the prehearing conference and made requests and statements about, *inter alia*, AWE’s Petition and the procedural schedule in this docket.

5. On February 2, 2015, Counsel for the Public submitted a proposed Procedural Schedule in the above-captioned docket.

II. The SEC Should Strike Counsel For The Public’s Procedural Schedule and Other Filings In This Docket Absent Appointment By The Attorney General

6. Pursuant to RSA 162-H:9, the Attorney General shall, “[u]pon notification that an application for a certificate has been filed with the committee in accordance with RSA 162-H:7, . . . appoint an assistant attorney general as a counsel for the public.” RSA 162-H:9, I. Once appointed, Counsel for the Public “shall represent the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy.” *Id.* Neither of these issues are presently before the SEC in this jurisdictional docket.

7. AWE has not yet filed an application for a certificate pursuant to RSA 162-H:7; rather, it has submitted a petition requesting that the SEC take jurisdiction over the proposed Project so it may file such an application.

8. AWE is aware that the SEC has previously declined to strike filings made by Counsel for the Public on these grounds, concluding that there is nothing in RSA 162-H prohibiting participation of Counsel for the Public in the absence of an application for a certificate of site and facility. Docket 2011-02, Order on Motions to Intervene and Further Procedural Order at 8-9 (May 6, 2011). However, the SEC need not reach the question of Counsel for the Public’s statutory authority to submit filings in this docket because Counsel for the Public has not actually been appointed by the Attorney General.

9. In Docket 2011-02, the Chairman of the SEC, by letter dated April 19, 2011, invited the Attorney General to appoint public counsel notwithstanding the fact that a formal application for a certificate of site and facility had not been filed. Docket 2011-02, Letter from Chairman Burack (April 19, 2011). The Attorney General subsequently appointed Counsel for the Public in Docket 2011-02 by letter dated April 20, 2011, the same day that Counsel for the Public submitted an objection to AWE's petition for jurisdiction in that docket. Docket 2011-02, Letter from Attorney General Delaney (April 20, 2011).

10. In contrast to Docket 2011-02, the Attorney General has not appointed Counsel for the Public in this docket pursuant to RSA 162-H:9 or any other authority.

11. In the absence of an appointment by the Attorney General, Counsel for the Public failed to make a timely motion to intervene in this docket consistent with Site 202.11 or RSA 542-A:32. All motions to intervene were to be filed with the SEC no later than January 23, 2015.

12. Absent appointment by the Attorney General or a grant of intervention by the SEC, the SEC should strike Counsel for the Public's proposed procedural schedule and any other filings made by Counsel for the Public in this docket.

WHEREFORE, AWE respectfully requests that this Committee:

- A. Strike the Procedural Schedule proposed by Counsel for the Public;
- B. Strike any other filings made by Counsel for the Public, including its Objection to AWE's Petition for Jurisdiction dated January 23, 2015; and
- C. Grant any other relief that this Committee deems just and equitable.

Respectfully submitted,

Antrim Wind Energy, LLC

By its attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON
PROFESSIONAL ASSOCIATION

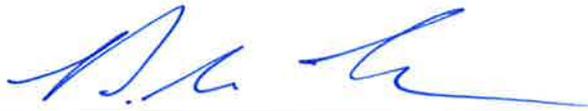
Dated: February 9, 2015

By: 

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Certificate of Service

I hereby certify that on this 9th day of February, 2015, I served the foregoing Objection by electronic mail to the service list in this docket.



Patrick H. Taylor