

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-02

**Re: Application of Antrim Wind Energy, LLC
for a Certificate of Site and Facility**

February 16, 2016

**ORDER
ON
PETITIONS TO INTERVENE**

I. Background

On October 2, 2015, Antrim Wind Energy, LLC (Antrim Wind), filed an Application for a Certificate of Site and Facility (Application) with the Site Evaluation Committee (Committee). Antrim Wind proposes to site, construct, and operate 9 Siemens SWT-3.2-113 direct drive wind turbines capable of generating 3.2 MW for a total nameplate capacity of 28.8 MW and associated civil and electrical infrastructure (Project.) *See* Application, at 19, 27. The Project is proposed to be located in the Town of Antrim on the Tuttle Hill ridgeline spanning southwestward to the northeastern slope of Willard Mountain (Site). *Id.* at 5. The Project will be constructed primarily on the ridgeline that starts approximately 0.75 miles south of NH Route 9 and runs south-west, for approximately 2 miles. *Id.* The Project will be located in the rural conservation zoning district on private lands owned by six landowners and leased by Antrim Wind. *Id.* at 5-6. Antrim Wind seeks the issuance of a Certificate of Site and Facility approving the siting, construction, and operation of the Project.

On October 20, 2015, pursuant to RSA 162-H:4-a, the Chairman of the Committee appointed a Subcommittee in this docket.

On November 18, 2015, the Subcommittee reviewed the Application and determined that it contained sufficient information for the Subcommittee to carry out the purposes of RSA 162-H.

An Order accepting the Application was issued on December 1, 2015. A Procedural Order in this docket was issued on December 10, 2015. The Procedural Order, among other deadlines and notifications, set forth the deadline for motions to intervene as January 15, 2016.

Pursuant to the Procedural Order, the following parties filed Motions to Intervene with the Subcommittee:

1. Town of Antrim Board of Selectmen;
2. Stoddard Conservation Commission;
3. Harris Center for Conservation Education;
4. Audubon Society of New Hampshire;
5. Windaction Group;
6. International Brotherhood of Electrical Workers;
7. Meteorologists – Richard Hendl, PhD., Joseph D’Aleo, PhD., Robert Copeland, MS, Bruce Schwoegler, Fred Ward, PhD.;
8. Bruce Berwick and Barbara Berwick;
9. Stephen Berwick;
10. Brenda Schaefer, Mark Schaefer and Nathan Schaefer;
11. Janice Duley Longgood;
12. Clark A. Craig, Jr.;
13. Lorraine Carey Block and Richard Block;
14. Annie Law and Robert Cleland;
15. Ken Henninger and Jill Fish;
16. Elsa Voelcker;
17. Mary Sherbourne;

18. Joshua Buco;¹
19. Katherine Sullivan;
20. Rosamund Iselin;
21. Wesley Enman;
22. Charles A. Levesque;
23. Mary E. Allen;
24. Benjamin Pratt;
25. John F. Giffin;
26. Apryl L. Perry and Timothy A. Perry; and
27. Karen Weisswange.

On January 25, 2016, Antrim Wind filed Objections to the Motions to Intervene filed by Stoddard Conservation Commission and the meteorologists. Antrim Wind also filed a response to other Motions to Intervene requesting the Subcommittee to combine potential intervenors in the following groups:

1. Audubon Society of New Hampshire;
2. Antrim Board of Selectmen;
3. Harris Center for Conservation;
4. Non-Abutting Property Owners – Mary Allen, Charles Levesque, Katherine Sullivan, Rosamund Iselin, Ken Henninger, Jill Fish, Richard and Loranne Block, Annie Law, Robert Cleland, Elsa Voelcker, Mary Sherbone, Fred Ward, Joshua Buco and the Windaction Group;
5. Abutting Property Owners – Janice Duley Longgood, Clark Craig Jr., Brenda, Mark, and Nathan Schaefer, Bruce and Barbara Berwick, and Stephen Berwick.

¹ Mr. Buco's Petition to Intervene was filed after the deadline set forth by the Procedural Order. However, Antrim Wind did not object to Mr. Buco's late filed Petition. In addition, acceptance of late filed Petition by Mr. Buco is in the public interest and will not disrupt the orderly and efficient resolution of matters before the Subcommittee. *See* N.H. CODE ADMIN. R. ANN. Site 202.15. Therefore, Mr. Buco's Petition is accepted and considered in this docket.

The Applicant neither objected nor responded to the Motions to Intervene filed by the following parties: International Brotherhood of Electrical Workers, John Griffin, Benjamin Pratt, Apryl and Timothy Perry, Wesley Enman, and Karen Weisswanger.

On January 25, 2016, Richard Block and Loranne Carey Block filed their Objection to Motions to Intervene filed by Karen Weisswanger, Benjamin Pratt, Wesley Enman, Apryl and Timothy Perry, and John F. Giffin.

II. Intervention

A. Standard for Intervention

The New Hampshire Administrative Procedure Act provides that an administrative agency must allow intervention when:

- (a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing;
- (b) The petition states facts demonstrating that the petitioner's rights, duties, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervener under any provision of the law; and
- (c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

See RSA 541-A:32, I. The statute also, in the alternative, permits the presiding officer to allow intervention "at any time upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings." RSA 541-A:32, II.

Similarly, New Hampshire Code of Administrative Rules, Site 202.11(b), requires that a petition to intervene before the Committee be granted if:

- (1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the order of notice of

the hearing or prehearing conference, not less than 3 days before the hearing or prehearing conference;

- (2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law, including a state agency pursuant to RSA 162-H:7-a, VI; and
- (3) The presiding officer or hearing officer, as applicable, determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

See N.H. CODE ADMIN. R. ANN. Site 202.11 (b). New Hampshire Code of Administrative Rules, Site 202.11 also provides that the presiding officer shall grant one or more late-filed petitions to intervene upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the hearings. *See* N.H. CODE ADMIN. R. ANN. Site 202.11(c).

Pursuant to RSA 162-H:4, V, disputed petitions for intervention may be decided by the presiding officer.

The Administrative Procedure Act and our procedural rules also allow the presiding officer to place limits on an intervenor's participation. *See* RSA 541-A:32, III; N.H. CODE ADMIN. R. ANN. Site 202.11(d). The presiding officer may limit the issues pertaining to a particular intervenor, limit the procedures in which a particular intervenor may participate, or combine intervenors and other parties for the purposes of the proceeding so long as the limitations placed on intervenors do not prevent the intervenor from protecting an interest that formed the basis of intervention. *See* N.H. CODE ADMIN. R. ANN. Site 202.11(d).

B. The Motions to Intervene

1. Antrim Board of Selectmen. The Antrim Board of Selectmen (Antrim) filed a motion to intervene in this proceeding. Antrim Wind did not object to this request.

The Board of Selectmen in Antrim is the governing body of the town with the legal duty to “manage the prudential affairs of the town” pursuant to RSA 41:8. Under RSA 162-H:16, IV(b), the Subcommittee must give due consideration to the views of the municipal governing body. RSA 162-H:16, IV(b). RSA 541-A:39 I, requires the Subcommittee to afford Antrim a reasonable opportunity to submit data, views, or comments with respect to the issuance of any permit, license or any other action within its boundaries. RSA 561-A:39, I. Antrim’s motion to intervene in this proceeding is granted and Antrim shall participate as a full party to the proceeding.

2. Stoddard Conservation Commission. The Chairman of the Stoddard Conservation Commission, Geoffrey T. Jones, requested the Subcommittee to grant him a status of intervenor so that he could represent the interests of the Stoddard Conservation Commission. Mr. Jones asserts that the Town of Stoddard contains 21,431 acres of land that is permanently protected from development through the use of conservation easements or fee ownership of land by land trusts. Stoddard’s conservation lands abut protected lands of Washington, Windsor, Antrim, Hancock, Sullivan, Nelson, Harrisville, Gilsum and Marlow. The protected land in these towns and Stoddard collectively represents over 40,000 acres of protected conservation land known as a “Super Sanctuary.” Mr. Jones further asserts that the Town of Stoddard has an interest and is concerned about the impact the Project may have on lands of Robb Reservoir (1,700+ acres) that abuts the northwestern bound of Antrim and Pierce Reservation (3,400 acres) that lies approximately 2 miles northwest of Tuttle Mountain. Mr. Jones states that the Project and associated facilities will have a profound impact on the interconnected conservation values of the lands northwest of Antrim and adjacent conservation lands in Stoddard, will fragment high elevation habitat and will splinter wildlife corridors. Mr. Jones further asserts that the Project will have a significant adverse effect on the aesthetics of the region in general and the views

from Pitcher Mountain located in Stoddard specifically. Finally, Mr. Jones asserts that Stoddard Conservation Commission was granted status of intervenor in Docket No. 2012-01.

Antrim Wind objected to the Stoddard Conservation Commission's request. Antrim Winds asserts that the Stoddard Conservation Commission has failed to articulate a particular right, duty, privilege, immunity or interest that may be affected by these proceedings. Specifically, Antrim Wind asserts that the Project will not be constructed in the Town of Stoddard and, therefore, will not impact the Stoddard Conservation Commission's rights, duties, privileges, immunities or interests. Antrim Wind further asserts that the Stoddard Conservation Commission has failed specifically identify any right or interest and simply seeks to protect interests that are generally represented by Counsel for the Public. Finally, Antrim Wind asserts that, if the Subcommittee decides to grant the Stoddard Conservation Commission's request, the Commission's participation should be combined with other non-abutting property owners.

Pursuant to RSA 36-A:2 a city or town may choose to create a conservation commission "for the proper utilization and protection of the natural resources and for the protection of the watershed resources" of the municipality. RSA 36-A:2. The statutory authority of municipal conservation commissions is outlined in RSA 36-A:2 and includes: research of local land and water areas; coordination of unofficial bodies organized for similar purposes; the publication of books maps and charts relevant to its work; maintain an index of open space, natural aesthetic and ecological areas within the town; obtaining information concerning the proper utilization of such areas. In addition a conservation commission is charged with recommending a program for the protection, development and better utilization of such natural, aesthetic and ecological areas RSA 36-A:2. The statutory obligations of a municipal conservation commission include planning functions pertaining to the protection of the natural environment and watershed resources. RSA 36-A:2. Pursuant to RSA 162-H:16, IV(b) the Subcommittee is required to give due

consideration to the views of such commissions when determining whether the Project will interfere with the orderly development of the region. In addition, the Stoddard Conservation Commission possesses knowledge about the conservation lands and environment surrounding the Site. Such knowledge may assist the Subcommittee with making its determination. Furthermore, as an abutter to the west and north of the Site, the Stoddard Conservation Commission has demonstrated a substantial interest in the proceedings. The Stoddard Conservation Commission is permitted to fully participate as an intervenor in this docket. Finally, due to the Commission's unique role in these proceedings, the Stoddard Conservation Commission's participation cannot be combined with other non-abutting property owners. Antrim Wind's request to combine the Stoddard Conservation Commission's participation with other intervenors is denied.

3. Harris Center for Conservation Education. The Harris Center for Conservation Education (HCCE) is a charitable corporation organized under New Hampshire law and pursuant to §501(c)(3) of the Internal Revenue Code. HCCE asserts that, among other things, it is a conservation land trust whose mission is dedicated to “promoting understanding and respect for the natural environment through education of all ages, direct protection and exemplary stewardship of the region’s natural resources, conservation research, and programs that encourage active participation in the great outdoors.” HCCE asserts that it is the current owner of property identified on Antrim Tax Map 240, Lot 12, a 185 acre tract which directly abuts the Site of the proposed Project. HCCE also asserts that it has entered into agreements with five landowners, four of whom have leased land to Antrim Wind, for the purpose of acquiring and maintaining conservation easements over portions of the proposed Site and certain abutting property amounting to a total of approximately 800 acres. HCCE also submits that it owns or directly manages, for conservation purposes, approximately 7,000 acres of land near the proposed Project; 2,135 acres of which are within a 3 mile radius of the center of the proposed

Project. In addition, HCCE asserts that it holds conservation easements on lands owned by others in excess of 10,000 acres in the eight town area including Antrim, Greenfield, Hancock, Harrisville, Nelson, Peterborough, Stoddard, and Windsor. HCCE asserts that its interest in the land that it owns and the land that it manages, including the conservation easements, establishes substantial rights and interests which will be affected by the outcome of these proceedings. HCCE was previously granted intervention status in Docket Nos. 2011-02 and 2014-05. HCCE is represented by counsel.

Antrim Wind did not object to the HCCE's request.

HCCE owns and has other rights to property within the Site of the proposed Project and directly abutting the proposed Site for the Project. These are exactly the type of rights and interests that may be affected by the outcome of this proceeding. Therefore, the petition to intervene filed by HCCE is granted. HCCE may participate as a full party in this proceeding.

4. Audubon Society of New Hampshire. The Audubon Society of New Hampshire (ASNH) filed a petition to intervene in these proceedings. ASNH is a New Hampshire corporation and a tax exempt charity pursuant to §501(c)(3) of the Internal Revenue Code. ASNH operates as a conservation land trust. ASNH owns property that directly abuts the Site. ASNH owns and manages the dePierrefeu-Willard Pond Wildlife Sanctuary. ASNH reports that the wildlife sanctuary consists of 1,659 acres in Antrim and Hancock, New Hampshire, and is situated immediately adjacent to the Site. ASNH also asserts that it has, under conservation easement or other conservation protection, an additional 1,126 acres of land abutting the Sanctuary. Within the Sanctuary's borders is Willard Pond, a 96 acre "great pond" with scenic views of the surrounding hills including hills within the Site proposed for the Project. ASNH also asserts that Bald Mountain and Goodhue Hill are scenic viewpoints which are accessible by foot from trails on its properties, and that those scenic viewpoints will be affected by the proposed

Project. Finally, ASNH asserts that it was granted intervenor status in Dockets Nos. 2011-02, 2012-01, and 2014-05. ASNH is represented by counsel.

Antrim Wind did not object to the ASNH's request.

ASNH ownership and management of abutting lands represents a substantial property interest that may be affected by the outcome of this proceeding. ASNH's interest arises by virtue of its ownership and the conservation management of large tracts of abutting property and other nearby property that may be affected by the proposed Project. ASNH is permitted to intervene in this matter as a full party.

5. Windaction Group. The Windaction Group (Windaction) filed a petition to intervene *pro se*. The petition was signed by Lisa Linowes of 286 Parker Hill Road, Lyman, New Hampshire. Windaction asserts that it had previously been granted full intervenor status in Docket Nos. 2012-01 and 2014-05. In both these dockets the Committee established that Windaction failed to demonstrate any rights or interests that would be affected by the outcome of these proceedings. The Committee allowed Windaction to intervene, however, in the interest of justice. In this docket, Windaction submits that its interests have expanded since the conclusion of prior dockets. Specifically, Windaction asserts that it actively participated in the development and enactment of the New Hampshire Site Evaluation Committee's regulations and is interested in participating in the docket where such regulations will be applied.

Antrim Wind did not object to Windaction's request to intervene. Antrim Wind requested, however, to combine Windaction's participation in this docket with other non-abutting residents.

Windaction has participated in other dockets before the Committee with full party status. On each occasion the Committee determined that Windaction did not have a direct substantial interest or other right that may be impacted by the outcome of the proceedings. However, on

each occasion Windaction was permitted to intervene as an independent party after a finding that intervention would be in the interest of justice and would not impede the prompt and orderly disposition of the proceeding. In the past Windaction has acted within the procedural rules and orders set forth by the Committee. In this matter, once again, Windaction failed to state a direct interest in the outcome of these proceedings. However, intervention by Windaction will not impair the prompt and orderly conduct on the proceedings and will be in the interest of justice. Windaction's petition to intervene is granted. Windaction may participate in this docket as a full party. The request to consolidate Windaction's participation with other non-abutting property owners is denied. Windaction does not own real estate abutting or in close proximity to the Project. Windaction possesses a level of expertise and experience that may assist the Subcommittee in deciding whether to issue the Certificate. Windaction's interest and purposes in participating in these proceedings is different from the non-abutting property owners. Its participation cannot be combined with non-abutting property owners.

6. International Brotherhood of Electrical Workers. The International Brotherhood of Electrical Workers (IBEW) is a labor organization that represents more than three thousand employees in New Hampshire. IBEW asserts that it has an interest in the outcome of these proceeding "because of [its] expertise and experience in constructing wind turbines." IBEW further asserts that its members' future employment depends on the development of renewable energy facilities in general and the Project specifically. IBEW assert that, as a result of the Subcommittee's decision in this docket, its members can get an estimated 84 full-time positions during construction of the Project and 12 full-time positions during the operation of the Project. IBEW requests the Subcommittee to allow it to intervene to ensure that its members'

interests are fully represented and addressed in this docket. Antrim Wind did not address IBEW's request.

IBEW is an organization that represents numerous members that may lose or receive economic benefits and employment as a result of the Subcommittee's decision to grant or deny the Certificate. IBEW has a substantial interest in the outcome of these proceedings. IBEW's request is granted. IBEW is permitted to intervene in this docket as a full party.

7. Meteorologists. Richard Hendls, PhD, Joseph D'Aleo, PhD, Robert Copeland, MS, Bruce Schwoegler and Fred Ward, PhD filed a joint motion requesting the Subcommittee to allow them to intervene in this docket. They asserted that they are professional meteorologists who could provide the Subcommittee with valuable relevant meteorological information as it relates to the Project.

Antrim Wind objected to Hendls', D'Aleo's, Copeland's, and Schwoegler's request to intervene in this docket. Antrim Wind asserts that they failed to state specific rights, duties, privileges, immunities or interests that maybe or will be affected as a result of these proceedings. Antrim Wind further asserts that none of these individuals reside in the Town of Antrim or in the close proximity to the Project. Therefore, none of their rights or interests will be affected by the Subcommittee's decision to grant or deny the Certificate. According to Antrim Wind meteorologists in this docket assert their generalized interests may be addressed by Counsel for the Public. If the Subcommittee decides to grant status of intervenors to these individuals, Antrim Wind requests the Subcommittee to combine meteorologists' participation with non-abutting property owners. As to Dr. Ward's request to intervene as one of the meteorologists, Antrim Wind does not object to his intervention, but seeks to combine his participation with other non-abutting property owners.

Meteorological information can be provided by Richard Hendls, PhD, Joseph D'Aleo, PhD, Robert Copeland, MS, Bruce Schwoegler and Fred Ward, PhD. This meteorological information may be helpful and may assist the Subcommittee with determining whether to issue the Certificate. It is in the in the interest of justice to allow the meteorologists to participate in this docket. Antrim Wind's request to combine the meteorologists' participation in this docket with non-abutting property owners is denied. The meteorologists do not reside in the Town of Antrim. They do not seek to participate in these dockets to protect their specific rights but seek to assist the Subcommittee with the meteorological aspect of the Project. Meteorologists and non-abutting property owners have different interests in these proceedings and cannot be combined. However, to ensure prompt and orderly conduct of the proceedings, the meteorologists shall be combined in one group of intervenors. They shall designate a single spokesperson for the purposes of filing pleadings, conducting discovery and for examination at evidentiary hearings.

8. Motions Filed by Owners of Abutting Residents.

Stephen Berwick and Bruce and Barbara Berwick reside at 72 Reed Carr Road in Antrim, New Hampshire. They assert that their property directly abuts the area proposed for the construction of the Project. The Berwick family further asserts that the proximity of their property to the proposed Project demonstrates substantial rights and interests that may be affected by the proceeding before the Subcommittee.

Brenda Schaefer, Mark Schaefer and Nathan Schaefer reside at 128 Salmon Brook Road in Antrim, New Hampshire. They assert that their property abuts the Project Site and, due to said proximity, the Project will affect their substantial rights and interests.

Janice Duley Longgood's property abuts the Project Site. Ms. Longgood asserts that the Project will have a long lasting negative impact on her property and on the rural quality of life that she have enjoyed for the past 30 years.

Clark A. Craig, Jr. asserts that his property abuts the Project Site. He further asserts that the Project, if approved, will have a negative impact on him and his land.

Antrim Wind did not object to abutting property owners' requests to intervene. Antrim Wind requested the Subcommittee, however, to combine their participation in a single group of abutting property owners.

Stephen, Bruce and Barbara Berwick, Brenda Schaefer, Mark Schaefer and Nathan Schaefer, Janice Duley Longgood, and Clark A. Craig, Jr., as residential abutters, have a profound and substantial interest in the outcome of these proceedings. There is no issue related to the provisions contained in RSA 162-H, that any residential abutter should be prohibited from addressing. Their ownership and residence on land abutting the proposed Project requires that they be permitted to fully participate. However, their interests are similar to each other. Therefore, in order to avoid duplicative arguments and ineffective process, they shall be combined as a full party in this proceeding. Although they may work together and each may testify (if they choose) they must designate a single spokesperson for the purposes of filing pleadings, conducting discovery and for examination at evidentiary hearings. This will assure the prompt and orderly conduct of the proceedings.

9. Motions Filed by Non-Abutting Property Owners. Several non-abutting property owners have sought intervenor status.

Loranne Carey Block and Richard Block of 63 Loveren Mill Road, Antrim, New Hampshire, assert that their home is located on approximately 242 acres of property, which is 0.5 to 1.5 miles away from, but directly faces and is in full view of, the site of the proposed Project.

The Blocks assert that they are concerned that noise from the Project, visual disturbance, and other negative effects will decrease their property value. Therefore, they assert that they have a substantial interest in the outcome of these proceedings. They also point out that they were granted intervenor status in Dockets Nos. 2011-02, 2012-01, and 2014-05.

Annie Law and Robert Cleland of 43 Farmstead Road, Antrim, New Hampshire, assert that they have a substantial interest in the outcome of the proceeding because they reside within 1.5 miles directly across the valley from the proposed Project and their home will be directly in the view shed of the Project. They believe that the Project may have an impact on the wildlife in the vicinity of their home, as well as the value of their home and their health. Ms. Law and Mr. Cleland were previously granted intervenor status in Docket Nos. 2011-02, 2012-01 and 2014-05.

Ken Henninger and Jill Fish reside on Route 123 in Stoddard, New Hampshire. They also own real estate on Salmon Brook Road in Antrim, New Hampshire. Their Antrim property is located less than three-quarters of a mile from the proposed Project.

Elsa Voelcker of 97 Old Pound Road, Antrim, New Hampshire, asserts that her residence is within one mile of the proposed Project. Ms. Voelcker states that she was granted intervenor status in Docket Nos. 2011-02, 2012-01, and 2014-05.

Mary Sherbourne resides within a mile and a half of Tuttle Hill.

Joshua Buco resides at close proximity to the Project at 80 Reed Carr Road in Antrim, New Hampshire. He asserts that he is concerned about the noise and vibration associated with the Project and the effect the Project may have on the value of his real estate.

Katherine Sullivan resides within the boundaries of Willard Pond/dePierrefeu Sanctuary. Ms. Sullivan is concerned about the effect the Project may have on the aesthetics of the region

and asserts that such effect will negatively impact her rights as a resident who enjoys the sceneries. Ms. Sullivan was allowed to intervene in Docket No. 2012-01.

Similarly to Ms. Sullivan, Mr. Iselin asserts that he resides within the boundaries of the Willard Pond Wildlife Sanctuary, within the sight of the Pond. He is concerned about the effect the Project will have on the Sanctuary and its wildlife. Mr. Iselin further asserts that his intervention is warranted because no other party may ensure that Project's effect on the Sanctuary will be fully addressed.

None of the non-abutting property owners are represented by counsel.

Antrim Wind does not object to the motions to intervene filed by the non-abutting property owners. Antrim Wind requests, however, that the non-abutting property owners be consolidated for the purposes of any hearings to be held in this matter.

It appears that the non-abutting property owners have expressed a combination of interests that may be affected by the outcome of these proceedings. Their motions to intervene are granted. In order to assure the orderly conduct of these proceedings and to avoid duplication of arguments, however, it is necessary to combine the non-abutters as a single party in this proceeding. The non-abutters shall designate a single spokesperson for the purposes of filing pleadings, conducting discovery and for examination at evidentiary hearings.

10. Wesley Enman. Mr. Enman resides at 16 Pierce Lake Road in Antrim, New Hampshire. His residence is located approximately 3 miles from the Project. Mr. Enman asserts that he supports construction of the Project and would like to receive a status of intervenor so that he can express his views. The Blocks objected to Mr. Enman's intervention. They assert that Mr. Enman failed to demonstrate interests, rights or privileges that would be affected by the outcome of these proceedings. As to his views, the Blocks assert that Mr. Enman may advise the Subcommittee of his position by submitting a public comment.

Although Mr. Enman's property is located three miles from the Project, it appears that his interests and property rights may be affected by the outcome of these proceedings. Furthermore, Mr. Enman's participation as a property owner who resides in proximity to the Project and as a resident who supports the Project, cannot be combined with other non-abutting property owners in this docket. Therefore, Mr. Enman is allowed to intervene in this docket as a full party individually and separately from all other intervenors in this docket.

11. Motions Filed by Town of Antrim's Officials. Several past and present town officials have sought intervenor status.

Mr. Charles A. Levesque asserts that he has lived in the Town of Antrim since 1997 and that he has previously demonstrated an interest in this matter as a former member of the Antrim Planning Board. In his Petition for Intervention, Mr. Levesque asserts that he was a member of the Antrim Planning Board and one of two spokespersons for the Planning Board in Docket No. 2011-02. Mr. Levesque also asserts that he was granted the status of intervenor in Docket No. 2014-05. Mr. Levesque also advises that he was "lead author" of the Antrim Open Space Committees 2005 "Open Space Conservation Plan for Antrim." He reports that the Open Space Plan contains substantial study and conclusions about the land area for which the Project is proposed. Additionally, Mr. Levesque asserts that his residence is 1.7 miles from the ridgetop where the Project is proposed to be built and that his proximity to the proposed Project will impact him. Finally, Mr. Levesque asserts that his interests in this docket are similar to the interests of Ms. Mary E. Allen. Therefore, Mr. Levesque requests the Subcommittee to grant his request for intervention and to combine his participation in this docket with Ms. Allen.

Ms. Mary E. Allen asserts that she has been residing in the Town of Antrim for the last 40 years. She further reminds the Subcommittee that she was previously granted status of intervenor in Docket Nos. 2011-02 and 2014-05. Ms. Allen further asserts that she was a 12-year

member of the Antrim Zoning Board of Adjustment, served as an alternative member on the Antrim Planning Board, served as a member of the Antrim Planning Board's *ad hoc* Committee that authored the Town's first large-scale wind energy zoning ordinance, and served on two Master Plan Committees and the Town's Capital Improvement Committee. Ms. Allen asserts that her interests in this docket are similar to the interests asserted by Mr. Levesque and requests the Subcommittee to allow her to participate in this docket as a group with Mr. Levesque.

Benjamin Pratt asserts that he has served as the Water and Sewer Commissioner and Chairman of the Antrim Board of Adjustment and Antrim Selectman. Currently, he serves as Antrim Town treasurer, Chairman of the Capital Improvements Committee and Chairman of the Antrim Energy Committee. Mr. Pratt requests to intervene in this docket and asserts that his participation will contribute a valuable perspective and serve the interests of justice.

John F. Giffin asserts that he is the Chairman of Antrim's Zoning Board of Adjustments. He has been a member of the Board since 2006. Mr. Griffin further asserts that he has a strong understanding of the planning and zoning procedures and their effect on the Town of Antrim. He submits that his knowledge and experience is valuable and will assist the Subcommittee with reaching its decision.

Antrim Wind did not address requests to intervene filed by Mr. Griffin and Mr. Pratt. As to Mr. Levesque and Ms. Allen, Antrim Wind does not object to their intervention, but requests to combine them with other non-abutting property owners as a single group of intervenors.

Richard and Lorraine Block objected to Mr. Pratt's and Mr. Griffin's requests. They assert that Mr. Pratt and Mr. Griffin failed to assert the interests, rights and privileges that would be affected by the outcome of these proceedings and may advise the Subcommittee of their views by submitting a public comment.

Mr. Griffin, Mr. Pratt, Mr. Levesque and Ms. Allen, as residents of the Town of Antrim and long-term members of Town's Planning Board, Board of Adjustment and other Committees, possess a level of historical knowledge that may be helpful. Their participation in this docket is in the interest of justice and does not interfere with the prompt and orderly conduct of the proceeding. Their request to intervene is granted. Furthermore, it appears that their views and goals in these proceedings differ from the views expressed by other non-abutting property owners. It also appears that Mr. Pratt's and Mr. Griffin's views differ from the views of Mr. Levesque and Ms. Allen. Therefore, they cannot be combined with each other and other non-abutting property owners. Their consolidation into two groups of intervenors, however, will assure the orderly conduct of these proceedings and avoid duplication of arguments. Therefore, Mr. Griffin and Mr. Pratt shall be combined in a single group of intervenors. Mr. Levesque and Ms. Allen shall be combined as a single group of intervenors. Each group shall designate a single spokesperson for the purposes of filing pleadings, conducting discovery and for examination at evidentiary hearings.

12. Karen Weisswange, Apryl L. and Timothy A. Perry. Karen Weisswange resides at 91 Old Hancock Road in Antrim, New Hampshire. Ms. Weisswange's property does not abut the Project and does not lay in a close proximity to the Project. Ms. Weisswange asserts that she seeks status of intervenor because she wants the Subcommittee "to hear from someone who is for the proposed wind project."

Apryl Perry and Timothy Perry reside at 152 Clinton Road in Antrim, New Hampshire. Their property neither abuts the Project nor lies in the close proximity to the Project. They assert that Ms. Perry is a climate researcher who is finishing her Bachelor of Science Degree and Mr. Perry is a "lifelong environmentalist and avid outdoorsmen" who worked briefly as network administrator at the Lempster wind facility. They assert that they should be granted status of

intervenors so that they can assert their position in support of the Project and assist the Subcommittee with understanding the benefits of the Project.

Antrim Wind did not address the request of Mr. and Mrs. Perry and Ms. Weisswange.

Richard and Lorraine Block objected to the request of Mr. and Mrs. Perry and Ms. Weisswange. The Blocks asserted that Mr. and Mrs. Perry and Ms. Weisswange assert general views and failed to set forth specific interests, rights and privileges that would be affected by the outcome of these proceedings.

Mr. and Mrs. Perry and Ms. Weisswange do not demonstrate a substantial right, privilege or interest in the outcome of the proceedings. Moreover their concerns about the substance of the proceedings will be adequately addressed by Counsel for the Public and the other parties. The motions to intervene filed by Ms. Weisswange, and Apryl L. and Timothy A. Perry are denied.

III. Orders

It is hereby ordered that the motions to intervene filed by the Town of Antrim Board of Selectmen, the Stoddard Conservation Commission, the Harris Center for Conservation Education, the Audubon Society of New Hampshire, Windaction Group, International Brotherhood of Electrical Workers, Richard Hendl, PhD, Joseph D'Aleo, PhD, Robert Copeland, MS, Bruce Schwoegler, Fred Ward, PhD, Bruce Berwick and Barbara Berwick, Stephen Berwick, Brenda Schaefer, Mark Schaefer and Nathan Schaeffer, Janice Duley Longgood, Clark A. Craig, Jr., Lorraine Carey Block and Richard Block, Annie Law and Robert Cleland, Ken Henninger and Jill Fish, Elsa Voelcker, Mary Sherbourne, Joshua Buco, Katharine Sullivan, Rosamund Iselin, Wesley Enman, Charles A. Levesque, Mary E. Allen, Benjamin Pratt, John F. Giffin are granted subject to the limitations contained in this Order; and;

It is hereby further ordered that the motions to intervene filed by Apryl L. and Timothy A. Perry and Karen Weisswange are denied.

February 16, 2016



Robert R. Scott, Presiding Officer
Commissioner, Public Utilities Commission