

**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**

**September 12, 2016**

**PROCEDURAL ORDER FOR ADJUDICATIVE HEARINGS**

The adjudicative hearings in this docket are scheduled to commence at 10 AM on September 13, 2016. A final prehearing conference was held with Counsel to the Committee on September 7, 2016.

As a result of that conference, Counsel to the Committee issued a report of prehearing conference dated September 12, 2016. The report contained a proposed order of inquiry, a proposed order of presentation of witnesses and a Master Exhibit List. The order of inquiry and the order of presentation of witnesses are approved and shall become the schedule for the adjudicative hearings, unless otherwise ordered by the Presiding Officer or the Subcommittee during the course of the hearings.

The Master Exhibit List is adopted for the use of the parties and the Subcommittee during the hearings. However, exhibits on the Master Exhibit List shall not be considered to be admitted at the hearing unless formally moved into and admitted to the record at the appropriate time.

September 12, 2016



Robert R. Scott, Presiding Officer  
Site Evaluation Committee

**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**

**September 12, 2016**

**REPORT OF PREHEARING STRUCTURING CONFERENCE**

On September 7, 2016, a prehearing conference was held in the above referenced docket. Michael J. Iacopino was the presiding officer. This memorandum will serve as the Report of Prehearing Conference pursuant to RSA 541-A: 31, V (d). Notice of the prehearing conference pursuant to RSA 541-A: 31, V (b), was issued on December 10, 2015 and February 23, 2016.

**Participants**

The following parties were present for the prehearing conference: Barry Needleman, Esq. and Rebecca Walkley, Esq. of McLane Middleton representing Antrim Wind Energy, LLC; Jack Kenworthy from Antrim Wind Energy, LLC; Mary E. Maloney, Esq., Counsel for the Public; Justin Richardson, Upton & Hatfield representing the Town of Antrim; Geoffrey T. Jones, Town of Stoddard Conservation Commission; Stephen Froling, Esq. and James Newsome, Esq., representing the Harris Center for Conservation Education; Lisa Linowes, Windaction Group; Carol Foss from the Audubon Society of New Hampshire; Charles Levesque and Mary Allen, intervenors; Annie Law and Robert Cleland, Barbara and Bruce Berwick, non-abutting intervenors; Janice Duley Longgood, abutting intervenors; Richard Hendl, PhD. meteorologist intervenor.

**General Discussion**

The parties were advised of the scope and nature of a pre-hearing conference.

The purpose of the prehearing conference was to attempt to set a schedule for the adjudicative proceeding and to assist the parties in the submission of their exhibits. The parties agreed to the following order of inquiry during the presentation of witnesses by the Applicant and parties supporting the Application:

### **Order of Inquiry**

1. Applicant
2. Wes Enman
3. Giffen-Pratt Intervenors
4. Harris Center for Conservation Education
5. Abutting Landowners
6. Non-Abutting Landowners
7. Stoddard Conservation Commission
8. Levesque-Allen Intervenors
9. Meteorologist Intervenors
10. WindAction
11. Audubon Society of New Hampshire
12. Counsel for the Public

The parties agreed to the following order of inquiry during the presentation of witnesses opposing the Application:

1. Counsel for the Public
2. Audubon Society of New Hampshire
3. WindAction
4. Meteorologist Intervenors
5. Levesque-Allen Intervenors
6. Stoddard Conservation Commission
7. Non-Abutting Landowners
8. Abutting Landowners
9. Harris Center for Conservation Education
10. Giffin-Pratt Intervenors
11. Wes Enman
12. Applicant

## Order of Presentation

The parties discussed the order of witness presentation and discussed generally the expected time frames for cross-examination. The following order of presentation was agreed to:

ORDER OF WITNESS PRESENTATIONS				
Order of Witnesses/Panels	Witness/Panel	Witnesses	Estimated Date	Estimated Time for cross-examination by all parties
<b>Applicant's Witnesses</b>				
1	Financial Capability	Henry Weitzner Eric Saw	9/13/2016	3.5 hours
2	Technical and Managerial Capability	Jack Kenworthy Henry Weitzner Darrell Stovall Arthur Cavanagh Donald Marcucci	9/13/2016 – 9/15/2016	8.5 hours
3	Economic Impacts	Matt Magnusson	9/15/2016	3 hours
4	Archeological/Historical Resources	Richard Will Russell Stevenson	9/15/2016	1.5 hours
5	Avian/Bat/Environmental	Dana Valleau Adam Gravel	9/15/2016 – 9/20/2106	5.0 hours
6	Water Quality/ Construction/Public Health & Safety	Patrick Martin	9/20/2016	2.0 hours
7	Noise/Shadow Flicker	Robert O'Neal	9/20/2016 – 9/22/2016	6.0 hours
8	Aesthetics	David Raphael	9/22/2016 – 9/23/2016	13.0 hours
9	Orderly Development	Jack Kenworthy	9/23/2016	4 hours
<b>Wes Enman</b>				
10	General Impacts	Wes Enman	9/28/2016	1 hour

Town of Antrim <sup>1</sup>				
11	Orderly Development	Michael Genest John Robertson Robert Edwards	9/28/2016	2.5 hours
12	Orderly Development	Everett Thurber	9/28/2016	1 hour
Abutting Landowners				
13	General Impacts	Bruce Berwick Barbara Berwick Stephen Berwick Clark Craig Rick Schaefer Janice Longgood	9/28/2016	1.0 hours
14	Noise/Public Health & safety	Richard James	9/28/2016 – 9/29/2016	1.5 hours
Non-Abutting Landowners				
15	General Impacts	RichardBlock LorraneCarey Block Kenneth Henninger Annie Law Robert Cleland Elsa Voelker	9/29/2016	2.0 hours
Stoddard Conservation Commission				
16	Natural Environment - Wildlife	Geoffrey Jones	9/29/2016 – TBD Date	2.5 hours
Levesque - Allen Intervenors				
17	Orderly Development	Charles Levesque Mary Allen Chris Wells	TBD	2.0 hours

<sup>1</sup> The Parties agree that the Board of Selectman panel and Mr. Thurber shall be specially scheduled for cross-examination testimony on 9/28/2016.

Meteorologists				
18	Noise – Aesthetics	Fred Ward. Ph.D	TBD	2 hours
WindAction				
19	Various Issues	Lisa Linowes	TBD	2 hours
Audubon Society of New Hampshire				
20	Aesthetics Natural Environment Wildlife	Carol Foss Francie VonMertens Michael Bartlett Douglas Bechtel Michael Buscher	TBD	3 hours
Counsel for the Public				
21	Aesthetics	Kellie Connelly	TBD	6 hours

### Exhibits

In response to instructions from Counsel to the Committee, most of the parties pre-filed their exhibits. From those filings, Counsel to the Committee compiled the attached Master Exhibit List to be used during the course of the adjudicatory proceeding. In the event that any party seeks to add additional exhibits, they should be sure to bring enough copies of the exhibits for all parties, all members of the Subcommittee and three additional copies.

It is recommended that the presiding officer adopt the order of inquiry and schedule set forth in this report as the procedural order for the adjudicative hearings.



September 12, 2016

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Michael J. Iacopino, Esq (NH 1233)  
Counsel to the Committee

**ANTRIM WIND ENERGY, LLC**

**MASTER EXHIBIT LIST**

<b>APPLICANT</b>	
Exhibit	Title
App. 1	Henry Weitzner/Eric Shaw Testimony
App. 2	Darrell Stovall Testimony
App. 3	Arthur Cavanagh/Donald Marcucci Testimony
App. 4	Matt Magnusson Testimony
App. 5	Richard Will/Russ Stevenson Testimony
App. 6	Rob O’Neal Testimony
App. 7	Dana Valleau/Adam Gravel Testimony
App. 8	Dan Butler/Patrick Martin Testimony
App. 9	David Raphael Testimony
App. 10	Jack Kenworthy Testimony
App. 11	Comment Letter from NH Sierra Club – January 5, 2016
App. 12	Comment Letter from NH Sustainable Energy Association – February 19, 2016
App. 13	Rob O’Neal Supplemental testimony in Response to Rule Changes – February 19, 2016
App. 14	Supplemental Testimony of Jack Kenworthy – Filed on March 3, 2016
App. 15	Supplemental Testimony of Henry Weitzner/Eric Shaw – Filed on March 3, 2016
App. 16	Comment Letter from the Nature Conservancy – April 8, 2016
App. 17	Letter from Antrim Wind Energy, LLC to the Site Evaluation Committee providing an update regarding PPA Negotiations and FAA lighting – May 17, 2016
App. 18	Letter from Antrim Wind Energy, LLC to the Site Evaluation Committee providing responses to DES Data Requests – June 27, 2016
App. 19	NHF&G Letter re: Biological Assessment – July 1, 2016
App. 20	Supplemental testimony of Henry Weitzner/Eric Shaw
App. 21	Supplemental Testimony of Rob O’Neal
App. 22	Supplemental Testimony of Dana Valleau/Adam Gravel
App. 23	Supplemental Testimony of David Raphael

App. 24	Supplemental Testimony of Jack Kenworthy
App. 25	NH DHR Letter of Final Decision
App. 26	AWE and NH Department of Historical Resources Memorandum of Understanding
App. 27	Letter from George Bald, Board Chair at Pease Development Authority
App. 28	Letter from New England Forestry Foundation – July 29, 2016
App. 29	New Hampshire Sierra Club Letter – August 15, 2016
App. 30	Antrim Wind Energy Decision Tree – Provided in Response to Counsel for the Public Data Request
App. 31	V-Bar Summary of Wind Resource Assessment – April 8, 2016
App. 32	DES Final Decision and Conditions – August 30, 2016
App. 33	Application Volume 1 – October 2, 2015
App. 34	Supplement to Application re: New Rules – February 19, 2016
App. 35	Second Supplement to Application – March 3, 2016
<b>WES ENMAN</b>	No Exhibits Submitted
<b>GIFFEN PRATT INTERVENORS</b>	No Exhibits Submitted
<b>TOWN OF ANTRIM</b>	
Antrim 1	Testimony of Lempster Selectmen Everett Thurber dated May 23, 2016
Antrim 2	Testimony of the Antrim Board of Selectmen dated May 23, 2016
Antrim 3	Supplemental Testimony of the Antrim Board of Selectmen dated August 18, 2016
<b>ABUTTING PROPERTY OWNERS</b>	
Abutter 1	Jan Longgood prefiled testimony
Abutter 2	Jan Longgood exhibits
Abutter 3	Antrim Selectmen prefiled testimony
Abutter 4	Audubon prefiled testimony
Abutter 5	AE 2012-01 Appendices 13A, 13B Sound level and flicker study assessment report 2011
Abutter 6	Prefiled Testimony of Barbara Berwick
Abutter 7	Barbara Berwick’s addendum to prefiled testimony
Abutter 8	Supplemental testimony of Barbara Berwick
Abutter 9	Prefiled testimony of Bruce Berwick
Abutter 10	Prefiled testimony of Stephen Berwick
Abutter 11	Prefiled testimony of Lorraine Block

Abutter 12	Prefiled testimony of Richard Block
Abutter 13	Prefiled testimony-Richard Block exhibits
Abutter 14	Prefiled supplemental testimony of Richard Block
Abutter 15	Exhibits for prefiled testimony of Michael J. Buscher
Abutter 16	Prefiled testimony of Christopher Condon – docket 2014-05
Abutter 17	Prefiled testimony of Kellie Connelly
Abutter 18	Wes Enman Rebuttal Submission Testimony
Abutter 19	Carol Foss supplemental testimony
Abutter 20	Prefiled Testimony of Richard James
Abutter 21	Supplemental testimony of Richard James
Abutter 22	Exhibits to prefiled testimony from Geoff Jones
Abutter 23	Annie Law exhibits
Abutter 24	Prefiled testimony of Annie Law
Abutter 25	Lisa Linowes testimony
Abutter 26	Lisa Linowes supplemental testimony
Abutter 27	Prefiled testimony of Everett Thurber
Abutter 28	Prefiled testimony of Fred Ward
Abutter 29	Jack Kenworthy attachment JK10
Abutter 30	Jack Kenworthy supplemental testimony JK 12
Abutter 31	Jack Kenworthy supplemental testimony 14a
Abutter 32	Jack Kenworthy supplemental testimony 14b
Abutter 33	Jack Kenworthy supplemental testimony 14c
Abutter 34	Jack Kenworthy supplemental testimony 14d
Abutter 35	Visual impact assessments
<b>NON-ABUTTING PROPERTY OWNERS</b>	
NA 1	Article “Wind Turbine Setbacks” by Michael McCann – July 1, 2010
NA 2	Letter September 9, 2004 re: Impact of Wind Turbine Generators on Property Values
NA 3	Article “Falmouth Real Estate – The (Wind) Turbine Effect – May 14, 2013
NA 4	Article – Fairhaven, MA – May 25, 2013 – “Turbines Complicate Sales of Abutting Homes”
NA 5	Article – Cumberland Times-News “32 Lawsuits Filed Against Pinnacle Wind Farm” – November 14, 2013
NA 6	Article – Blog Post by Thomas Content of the Journal Sentinel September 11, 2009 “Critics Say Wind Turbines Hurt Land Values”

NA 7	Submitted with Supplemental Pre-filed Testimony Property Value Impact & Zoning Evaluation 1/6/11 prepared by McCann Appraisal, LLC
NA 8	Pre-Filed Direct Testimony of Richard Block
NA 9	Pre-Filed Direct Testimony of Richard Block – Attachments
NA 10	Data Map Color Coding
NA 11	Pre-Filed Direct Testimony of Lorraine Carey Block
NA 12	Pre-Filed Direct Testimony of Michael J. Buscher
NA 13	Supplemental Pre-Filed Direct Testimony of Richard Block
<b>STODDARD CONSERVATION COMMISSION</b>	
SCC Exhibit A	August 22, 2016 Letter from Stoddard Selectmen supporting the SCC's position
SCC Exhibit B	SEC AWE Powerpoint Presentation (in PDF format), to be presented using powerpoint
SCC Exhibit C	Prefiled Testimony of SCC
SCC Exhibit D	JWM Article: Wind Energy Development and Wildlife Conservation: Challenges & Opportunities
<b>LEVESQUE/ALLEN INTERVENORS</b>	
LA 1	Mary Allen Pre-Filed Testimony
LA 2	Keene Sentinel Article 1996
LA 3	Charles Levesque Pre-Filed Testimony
LA 4	Levesque Resume
LA 5	Antrim Master Plan
LA 6	Antrim Zoning Ordinance
LA 7	Antrim Open Space Conservation Plan
LA 8	Antrim Zoning Ordinance Town Meeting Votes
LA 9	Chris Wells Pre-Filed Testimony
LA 10	Chris Wells Resume
LA 11	Quabbin to Cardigan fact sheet
LA 12	Quabbin to Cardigan plan
LA 13	Quabbin to Cardigan 10 year progress – map
LA 14	Supersanctuary map
<b>METEOROLOGY INTERVENORS</b>	
MI 1	Pre-filed Testimony of Fred Ward
MI 2	Billboard Valuation Guide

MI 3	Schomer Reply
MI 4	Reilly Letter to M. Honigberg
MI 5	Wind Speed Correlation, 12 Stations, January 2012
MI 6	Albany, NY January 2012
MI 7	Bangor, ME January 2012
MI 8	Blue Hill, MA January 2012
MI 9	Boston, MA January 2012
MI 10	Bridgeport, CT January 2012
MI 11	Burlington, VT January 2012
MI 12	Concord, NH January 2012
MI 13	Hartford, CT January 2012
MI 14	Mt Washington, NH January 2012
MI 15	Portland, ME January 2012
MI 16	Providence, RI January 2012
MI 17	Worcester, MA January 2012
<b>WIND ACTION</b>	
WA-01	Linowes Prefiled Testimony corrected
WA-02	Linowes Supplemental Prefiled Testimony
WA-03	Linowes Supplemental Prefiled Testimony <b>CONFIDENTIAL</b>
WA-04	Pro-forma scenarios <b>CONFIDENTIAL</b>
WA-05	Why NearField Measurements and noise model
WA-06	Wallace Noise Modeling Verification
WA-07	SWT-Acciona Compare
WA-08	AWE Response to Data Requests
WA-09	Andrew Timmins e-mail
WA-10	2016-06-Thurber Responses to WindAction Data Requests Updated
WA-11	Town of Antrim Responses to Tech Session Requests
WA-12	MassCEC Wind Turbines Acoustics Study
WA-13	Hessler-Buckeye Noise Analysis
WA-14	Noise Impact Assessment of the Proposed Hermanville Wind Farm
WA-15	09-15-15 Mason County Planning and Zoning Department to the SEC
<b>AUDUBON SOCIETY OF NEW HAMPSHIRE</b>	
ASNH 1	Pre-filed Testimony of Michael J. Bartlett on Behalf of ASNH with Attachments – May 24, 2016

ASNH 2	First Supplement Pre-filed Direct Testimony of Douglas A. Bechtel on Behalf of ASNH with Attachments – August 15, 2016
ASNH 3	Pre-filed Direct Testimony of Carol R. Foss on Behalf of ASNH with Attachments – May 24, 2016
ASNH 4	First Supplemental Pre-filed Direct Testimony of Carol R. Foss on Behalf of ASNH with Attachments – August 15, 2016
ASNH 5	Pre-filed Testimony of Frances Von Mertens on Behalf of ASNH with Attachments – May 24, 2016
ASNH 6	Pre-filed Direct Testimony of Michael J. Buscher on Behalf of ASNH with Attachments – May 23, 2016
ASNH 7	Visual Simulation Antrim Wind: Willard Pond Prepared by T.J. Boyle Associates – May 10, 2016
<b>COUNSEL FOR THE PUBLIC</b>	
CFP 1	Pre-filed Testimony Kellie Connelly
CFP 1	Attachment 1
CFP 1	Attachment 2
CFP 1	Attachment 3
CFP 1	Attachment 4
CFP 1	Attachment 5
CFP 1	Attachment 6
CFP 1	Attachment 7
CFP 1	Attachment 8
CFP 1	Attachment 9
CFP 1	Attachment 10
CFP 1	Attachment 11
CFP 1	Attachment 12
CFP 1	Attachment 13
CFP 1	Attachment 14
CFP 1	Attachment 15
CFP 1	Attachment 16
CFP 1	Attachment 17
CFP 1	Attachment 18
CFP 1	Attachment 19
CFP 1	Attachment 20
CFP 1	Attachment 21
CFP 1	Attachment 22