

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-02

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

March 27, 2018

**ORDER ON JOINT MOTION FILED IN DOCKET NO. 2015-02, APPLICATION OF
ANTRIM WIND ENERGY, LLC FOR A CERTIFICATE OF SITE AND FACILITY**

I. BACKGROUND

On March 17, 2017, a Decision and Order was issued granting Antrim Wind Energy, LLC, a Certificate of Site and Facility with Conditions. Timely motions for rehearing were filed by various parties. On May 5, 2017, at a public meeting, the Subcommittee deliberated on the motions for rehearing and voted to deny each motion. On June 21, 2017, an Order was issued that memorialized the deliberations and decision of the Subcommittee. The Subcommittee's decision is currently on appeal at the New Hampshire Supreme Court.

The Certificate required Antrim Wind to provide documentation to the Administrator demonstrating that debt and/or equity financing required for the construction of the Project is in place prior to commencing construction. On December 27, 2017, the Administrator received an e-mail from Jack Kenworthy of Antrim Wind that had as attachments letters from Henry Weitzner of Walden Green Energy, Antrim Wind's parent; and Stephen O'Reilly of RWEST, Walden Green Energy's majority investor. The letters provided information on the construction financing and the construction schedule, as required by the Certificate.

On January 24, 2018, the Administrator received a letter from Richard Block, Annie Law, Mary Allen, Richard Block, and Lisa Linowes (Linowes Letter). Among other things, the

letter requested that the Committee convene a hearing to address the correspondence received from Messrs. Weitzner and O'Reilly. On February 8, the Administrator responded to the Linowes Letter, stating that the information provided satisfied the requirements in the Certificate, that the Committee would not hold a hearing, and that if additional relief was requested, to file a Petition for declaratory ruling. *See* Attachment A.

On March 7, 2018, a "Joint Motion to Reconsider of Decision of Administrator, for Adjudicative Hearing to Determine Satisfaction of Condition of Certificate of Site and Facility, and to Suspend Certificate of Site and Facility" was filed on behalf of the Abutting Landowners Group, the Non-Abutting Landowners Group, the Stoddard Conservation Commission, and Lisa Linowes on behalf of Windaction Group (the Complainants). All of the Complainants participated in Docket No. 2015-02, and were intervenors opposed to the Project.

II. ANALYSIS

At this time, the Site Evaluation Committee has completed its exercise of authority in Docket No. 2015-02. A certificate was granted, motions for rehearing were denied, and the matter is on appeal at the New Hampshire Supreme Court. This is not an open docket.

The Committee's rules establish the process for responding to complaints and for determining whether there is a violation of a condition of a certificate. *See* N.H. CODE ADMIN. RULES Site 302.01(a). The Administrator reviewed the information in the Linowes Letter, treated it as a complaint, reviewed the terms and conditions in the Certificate to determine compliance, and responded to the Complainants.

The issue of whether anyone can request review or reconsideration of a decision by the Administrator in response to a complaint is a procedural issue. The Chair of the Committee is

authorized to address procedural matters. *See* RSA 162-H:3, IX, RSA 162-H:4, V, and Site 202.02(d).

As a matter of procedure, seeking rehearing of a decision by the Administrator is not proper under the Committee's statutes and rules. The Complainants do, however, have an administrative avenue to seek the relief requested by filing a petition for declaratory ruling in accordance with Site 203.01.

If, within 10 days of this Order, the Complainants notify the Committee, in writing, that they want the Motion submitted on March 7, 2018, to be treated as a Petition for Declaratory Ruling, and also pay the filing fee specified in RSA 162-H:8-a, then the Motion will be treated as a Petition for Declaratory Ruling. Otherwise, no further action will be taken on the Motion.

SO ORDERED this twenty-seventh day of March 2018.



Martin P. Honigberg, Chair
Site Evaluation Committee