

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2022-01**

**Town of Lempster  
Petition for Declaratory Ruling**

**INTERVENORS' INFORMATION TO AID SUBCOMMITTEE'S  
INTERPRETATION OF 2007 CERTIFICATE OF  
SITE AND FACILITY ISSUED TO LEMPSTER WIND, LLC**

NOW COME Avangrid Renewables, LLC (“Avangrid Renewables”), Lempster Wind, LLC (“Lempster Wind”), and Kevin and Debra Onnela (“the Onnelas”) (collectively, “the Intervenors”), by and through their undersigned attorneys, and pursuant to the Notice of Public Hearing for Deliberation issued September 22, 2022 in the above-captioned matter, respectfully submit the following information to aid the Subcommittee in interpreting the 2007 Certificate of Site and Facility issued to Lempster Wind, LLC (“the Certificate”) to determine that the Certificate requires the installation of locked gates at their current locations on Bean Mountain Road.

1. On September 22, 2022, the Presiding Officer in the above-captioned matter issued a Notice of Public Hearing for Deliberation<sup>1</sup> (“the Notice”) which, among other things, schedules a Public Meeting for Deliberation on the Town’s of Lempster’s Petition for Declaratory Ruling on Tuesday, October 11, 2022. The Notice also states that “[t]o the extent that any party wishes to file anything into the docket to aid the Subcommittee in its

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<sup>1</sup> On September 29, 2022 the title of the Notice was changed to “Notice of Public Meeting for Deliberation”.

interpretation” of “whether the 2007 Certificate requires the installation of locked gates at their current locations on Bean Mountain Road”, it must do so no later than 10 days prior to the hearing. In accordance with the Notice, the Intervenors submit the information presented below.

2. The New Hampshire Site Evaluation Committee (“the Committee”) must review “any objections or other replies received with respect to the petition [for declaratory ruling].” N.H. Admin. R. Site 203.02 (a).

3. The Intervenors respectfully submit that the following objections, responses and other submissions that Intervenors filed with the Subcommittee in this docket with respect to the Petition are part of the record of this proceeding, and per the above-referenced rule must be considered by the Subcommittee in its deliberations:

- a. Avangrid Renewables, LLC’s and Lempster Wind, LLC’s Objection to Town of Lempster’s Petition for Declaratory Ruling, and Attachments 1 through 6 (April 8, 2022);
- b. Kevin and Debra Onnela’s Objection to Town of Lempster’s Petition for Declaratory Ruling, and Exhibits A through G (April 26, 2022);
- c. Joint Statement of Material Facts (May 12, 2022);
- d. Avangrid Renewables, LLC’s, Lempster Wind, LLC’s and Kevin and Debra Onnela’s Proposed Findings of Fact and Conclusions of Law, and Exhibits A through F (June 21, 2022); and
- e. Intervenors’ Objection to Town of Lempster’s Supplemental Brief (September 1, 2022).

4. The Intervenors respectfully submit that when the Subcommittee considers and reviews the entirety of the above-referenced filings, and the particular excerpts therefrom that are

set forth below, it must conclude that the Certificate requires the installation of locked gates at their current locations on Bean Mountain Road. More specifically, the Subcommittee must find that:

a. The Certificate requires Lempster Wind to gate and lock **entrances to** the project site. (Emphasis added). *See Avangrid Renewables, LLC's and Lempster Wind, LLC's Objection to Town of Lempster's Petition for Declaratory Ruling*, Attachment 5, Bates pp. 64 -65 (Certificate and Order of Site and Facility), and Bates pp. 51-52 (Decision Issuing Certificate of Site and Facility). The Certificate and Order of Site and Facility states that the Committee's Decision dated June 28, 2007 and conditions contained therein are made a part of the Order, and that the appended Agreements between Public Counsel and the Applicant, and between the Applicant and the Town of Lempster, shall be a part of the Order and the conditions contained therein shall be conditions of the Certificate. The Decision states:

In order to restrict public access to the turbines, structures and supporting equipment, the Applicant, Public Counsel and the Town of Lempster have entered into agreements, which, in part, contain conditions governing access and warning signs... **The conditions set forth in the agreements require the Applicant to: 1. Gate and lock entrances to the project site...The Committee finds that the aforementioned conditions will assist in avoiding unauthorized access to the proposed Facility and will adopt them.**

*Avangrid Renewables, LLC's and Lempster Wind, LLC's Objection to Town of Lempster's Petition for Declaratory Ruling*, Attachment 5, Bates pp. 51-52. (Emphasis added).

b. Entrances to the site of the Lempster Wind Facility (*i.e.* "the project site") are located on Bean Mountain Road which provides access points to the site of the Lempster Wind Facility. *See Avangrid Renewables, LLC's and Lempster Wind, LLC's Objection to Town of Lempster's Petition for Declaratory Ruling*, Attachment 6 (Affidavit of Ryan Haley), ¶ 3. *See also, Joint*

*Statement of Material Facts*, p. 3 (map showing gate locations). The “project site” includes the location of the electrical transmission line that carries power generated by the project’s wind turbines, and is located on the west side of Bean Mountain Road. *See Kevin and Debra Onnela’s Objection to Town of Lempster’s Petition for Declaratory Ruling*, Exhibit F (Electrical Transmission Line and Soil Map); *see also Avangrid Renewables, LLC’s, Lempster Wind, LLC’s and Kevin and Debra Onnela’s Proposed Findings of Fact and Conclusions of Law*, ¶ 7.

c. Because the two gates in question are on Bean Mountain Road at entrances to the Lempster Wind Facility site, they are required by the Certificate.

d. The two gates on Bean Mountain Road assist in avoiding unauthorized access to the Lempster Wind Facility. *See Avangrid Renewables, LLC’s and Lempster Wind, LLC’s Objection to Town of Lempster’s Petition for Declaratory Ruling*, Attachment 6 (Affidavit of Ryan Haley), ¶ 7 (“[t]he existing gates on Bean Mountain Road are instrumental and required to prevent the public from entering the site of the Lempster Wind energy facility...”). The gates, therefore, are consistent with the Committee’s Decision adopting conditions that will avoid unauthorized access to the Lempster Wind Facility.

5. In addition to the above-stated findings, the Intervenor respectfully request that the Subcommittee rule on the Intervenor’s Proposed Findings of Fact and Conclusions of Law referenced in paragraph 3.d., above.

Respectfully submitted  
Avangrid Renewables, LLC and  
Lempster Wind, LLC  
By their Attorneys:  
**Orr & Reno, P.A.**

Dated: September 30, 2022

By:



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**CERTIFICATE OF SERVICE**

I hereby certify that on the above date a copy of this document was sent via electronic mail to the Distribution List for this docket.

A handwritten signature in blue ink that reads "Susan S. Geiger". The signature is written in a cursive style.