

**STATE OF NEW HAMPSHIRE**  
**SITE EVALUATION COMMITTEE**

**Docket No. 2022-01**

**Town of Lempster**  
**Petition for Declaratory Ruling**

**AVANGRID RENEWABLES, LLC'S AND LEMPSTER WIND, LLC'S**  
**PETITION FOR INTERVENTION**

NOW COME Avangrid Renewables, LLC (“Avangrid Renewables”) and Lempster Wind, LLC (“Lempster Wind”), by and through their attorneys, Orr & Reno, P.A., and pursuant to N.H. RSA 541-A:32 and N.H. Admin. R. Site 202.11, respectfully petition the New Hampshire Site Evaluation Committee (“the SEC”) to permit Avangrid Renewables and Lempster Wind to intervene in the above-captioned docket. In support of this Petition, Avangrid Renewables and Lempster Wind state as follows:

1. Lempster Wind owns and operates a 24 megawatt wind-powered electricity generating facility (“the Lempster Wind Facility”) in Lempster, New Hampshire which received a Certificate of Site and Facility from the SEC on June 28, 2007 in SEC Docket No. 2006-01.
2. Avangrid Renewables holds a 100% ownership interest in Lempster Wind and is the member-manager of Lempster Wind.
3. On February 16, 2022, the Town of Lempster (“the Town”) filed a Petition for Declaratory Ruling with the SEC requesting findings that Avangrid Renewables, Lempster Wind, and Kevin and Debra Onnela (“the Onnelas”) are interfering with the use of Bean Mountain Road in Lempster, New Hampshire in a manner violative of N.H. RSA 231:21-a, II. The Town’s Petition also seeks an order that: requires Avangrid, Lempster

Wind and the Onnelas to remove all locked gates and signs on Bean Mountain Road that restrict public travel; prohibits further installation of locked gates and signs that restrict the public's right to travel on Bean Mountain Road; and requires that gates be installed on access roads.

4. On February 28, 2022, the SEC Chairman issued an Order Appointing Subcommittee ("the Order") in this docket. Among other things, the Order requires the Town of Lempster to serve the Order by March 7, 2022 on any person whose substantive rights may be impacted by the Subcommittee's decision on the Petition. The Order also establishes a deadline of March 14, 2022 for intervention requests to be filed by persons so served. Accordingly, this Petition for Intervention is timely filed.
5. On March 3, 2022, the undersigned counsel for Avangrid Renewables and Lempster Wind received a copy of a certificate of service signed by the Town's attorney certifying that a copy of the Petition for Declaratory Ruling, Memorandum of Law, and Exhibits were forwarded via e-mail to counsel for Avangrid, Lempster Wind and the Onnelas.
6. Although the Town provided a copy of the above-described documents to counsel for Avangrid Renewables and Lempster Wind at the time of filing, it did not serve the Order on Avangrid Renewables and Lempster Wind by the March 7, 2022 deadline as required by the Order. Counsel for Avangrid Renewables and Lempster Wind became aware of the Order when searching the SEC's website on March 3, 2022, prior to receiving the above-described certificate of service.
7. Avangrid Renewables and Lempster Wind meet the intervention standards set forth in N.H. RSA 541-A:32, I. and N.H. Admin. R. Site 202.11(b). The fact that the Petition for Declaratory Ruling seeks relief directly aimed at Avangrid Renewables and Lempster

Wind demonstrates that their rights, duties, privileges, immunities or other substantial interests will be affected by this proceeding. Further, at the heart of the Petition for Declaratory Ruling lies a question about the proper interpretation of the SEC's Decision Issuing Certificate of Site and Facility with Conditions ("Decision"), and its Order/Certificate of Site and Facility issued to Lempster Wind, LLC on June 28, 2006 ("Order/Certificate") which contain the terms, conditions and authority for operating the Lempster Wind Facility. The gates and signage on Bean Mountain Road (which runs through the Lempster Wind Facility site) about which the Town complains in its Petition were installed pursuant to provisions in the Decision and Order/Certificate that address public health and safety concerns. In view of the foregoing, any decision interpreting Lempster Wind's authority and responsibilities under the Decision and Order/Certificate will necessarily affect the rights, duties, privileges, immunities or other substantial interests of Lempster Wind and Avangrid Renewables.

8. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing Avangrid Renewables and Lempster Wind to intervene in this proceeding. To the contrary, the orderly and prompt conduct of the proceedings requires that Avangrid Renewables and Lempster Wind participate as intervenors so that they can provide relevant information concerning the gates, signage and other issues associated with the public health and safety issues implicated by the Town's Petition, which if granted, would allow public access to the Lempster Wind facility, in contravention of the SEC's Decision and Order/Certificate.
9. The Town's attorney, Michael Courtney, has assented to the intervention of Avangrid Renewables and Lempster Wind.

WHEREFORE, Avangrid Renewables, LLC and Lempster Wind, LLC respectfully request that the SEC:

- A. Issue an order granting Avangrid Renewables, LLC and Lempster Wind, LLC full intervenor status in the above-captioned docket; and
- B. Grant such additional relief and is equitable and just.

Respectfully submitted,

**Avangrid Renewables, LLC and  
Lempster Wind, LLC**

By their attorneys:  
**Orr & Reno, P.A.**

Dated: March 8, 2022

By /s/ Susan S. Geiger  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the above date, a copy of the foregoing Petition for Intervention was provided via electronic mail upon Petitioner's counsel, Attorney Michael Courtney, Senior Assistant Attorney General K. Allen Brooks, and counsel for Kevin and Debra Onnela Attorney Thomas Quarles.

*/s/ Susan S. Geiger*

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Susan S. Geiger

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