

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

Docket No. 2022-01

Town of Lempster  
Petition for Declaratory Ruling

**KEVIN AND DEBRA ONNELA'S ASSENTED-TO**  
**PETITION FOR INTERVENTION**

NOW COME Kevin and Debra Onnela, by and through their attorneys, Devine, Millimet & Branch, 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 Kevin and Debra Onnela to intervene in the above-captioned docket. In support of this Petition, Kevin and Debra Onnela 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. Some of the Project site is leased by Lempster Wind from Kevin and Debra Onnela, including the parts of Bean Mountain Road at issue in the Town of Lempster's Petition for Declaratory Ruling.

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.

5. The Onnelas 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 the Onnelas, 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 the Onnela's and 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 the Onnelas, Lempster Wind and Avangrid Renewables.

6. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the Onnelas, Avangrid Renewables and Lempster Wind to intervene in this proceeding. To the contrary, the orderly and prompt conduct of the proceedings requires that the Onnelas, Avangrid Renewables and Lempster Wind participate as Intervenors so that they can provide relevant information concerning the authority and need for the gates, signage and other public health and safety matters raised 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.

7. The Town's attorney, Michael Courtney, has assented to the intervention of the Onnelas in this proceeding.

WHEREFORE, Kevin and Debra Onnela respectfully request that the SEC:

- A. Issue an order granting Kevin and Debra Onnela full Intervenor status in the above-captioned docket; and
- B. Grant such additional relief as is equitable and just.

Respectfully submitted,

KEVIN AND DEBRA ONNELA

By their attorneys,

DEVINE, MILLIMET & BRANCH, P.A.

Dated: March 14, 2022

By: /s/ Thomas Quarles, Jr.  
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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 and first class mail to Petitioner's counsel, Attorney Michael Courtney, and counsel for Avangrid Renewables and Lempster Wind, Attorney Susan S. Geiger.

Dated: March 14, 2022

/s/ Thomas Quarles, Jr.

Thomas Quarles, Jr.