

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

**Docket No. 2022-01**

**Petition for Declaratory Ruling Regarding Avangrid Renewables, LLC  
and Lempster Wind, LLC**

**TOWN OF LEMPSTER'S OBJECTION TO  
INTERVENORS' MOTION FOR CLARIFICATION AND/OR REHEARING**

The Town of Lempster objects to the Intervenor's Motion for Clarification and/or Rehearing, stating as follows:

1. On April 11, 2022, a prehearing conference was held in which all parties were present and represented by counsel.
2. The Presiding Officer went through many issues with the parties, and the parties agreed to the Prehearing Order.
3. The Prehearing Order is sufficiently clear. The parties submit a Joint Statement of Material Facts and "agreed that the scope of a declaratory ruling petition limits the available relief in the proceeding." *Prehearing Order* at 2.
4. The Prehearing Order was necessary as it narrowed the issues before the SEC to: "Whether the 2007 Certificate requires the installation of locked gates at their current locations on Bean Mountain Road." *Id.* at 2.
5. Interveners should not be allowed to object now as the parties submitted a Joint Statement of Material Facts in reliance on the agreed-to Prehearing Order.

6. The sole reason we are before the SEC is because the Intervenor argued at the Superior Court that gates on Bean Mountain Road are *required* by the Committee and if the gates were removed that would nullify the 2007 Certificate.

7. Apparently, the Intervenor are taking a different approach now that they are finally before the SEC, now claiming that the Agreements “allow” the gates. That is a different argument than what they made at the Superior Court. Had they made that argument at the Superior Court, it is likely the SEC review would not have even been required by the Superior Court.

8. But this subcommittee need not review the pleadings of the Superior Court because the inquiry is narrow: Whether the 2007 Certificate requires the installation of locked gates at their current locations on Bean Mountain Road? *See id.* at 4.

9. Furthermore, the parties agreed with the Hearings Officer that supplemental briefing may help the subcommittee, and the Prehearing Order makes clear that supplemental briefing may be requested after the subcommittee reviews the Joint Statement of Material Facts, including argument and evidence submitted that is consistent with the applicable SEC statute and rules. *Id.* at 4.

10. Accordingly, no clarification or rehearing is needed as the Intervenor agreed to the Prehearing Order and the subcommittee will advise if supplemental briefing is needed.

**WHEREFORE**, the Town of Lempster respectfully prays that the Site Evaluation Committee:

- A. Deny Intervenor’s motion; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,  
**TOWN OF LEMPSTER**  
By Its Attorneys  
**UPTON & HATFIELD, LLP**

Dated: June 3, 2022

By: /s/ Michael P. Courtney  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2022, a copy of this Objection was forwarded via e-mail to:

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

- Susan Geiger, Esquire ([sgeiger@orr-reno.com](mailto:sgeiger@orr-reno.com))
- Robert S. Carey, Esquire ([rcarey@orr-reno.com](mailto:rcarey@orr-reno.com))
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- Thomas Quarles, Jr., Esquire ([tquarles@devinemillimet.com](mailto:tquarles@devinemillimet.com)).

Dated: June 3, 2022

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