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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

September 18, 2008 - 10:03 a.m.
Public Utilities Commission
21 South Fruit Street
Suite 10
Concord, New Hampshire

In re: SITE EVALUATION COMMITTEE:
SEC DOCKET NO. 2008-04:
Application of Granite Reliable
Power, LLC, for a Certificate
of Site and Facility for the
Granite Reliable Power
Windpark in Coos County,
New Hampshire.
(Prehearing conference)

PRESENT: SITE EVALUATION COMMITTEE:
Thomas B. Getz, Chrmn. Public Utilities Commission
(Vice Chairman of SEC - Presiding)

Counsel for the Committee: Michael J. Iacopino, Esq.
Counsel for the Public: Alan Brooks, Esq.
Assistant Attorney General
N.H. Dept. of Justice

COURT REPORTER: Steven E. Patnaude, LCR No. 52

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3 APPEARANCES: Reptg. Granite Reliable Power and
4 Noble Environmental Power:
5 Douglas L. Patch, Esq. (Orr & Reno)
6 Susan S. Geiger, Esq. (Orr & Reno)
7 Mark Lyons, Senior Counsel

8 Reptg. Clean Power Development:
9 Bill Gabler

10 Reptg. Appalachian Mountain Club:
11 David Publicover

12 Reptg. U.S. Army Corps of Engineers:
13 Richard Roach

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{SEC 2008-04} [Prehearing conference] {09-18-08}

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P R O C E E D I N G S

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VICE CHAIRMAN GETZ: Okay. Good

3 morning, everyone. We'll open this prehearing conference
4 in Site Evaluation Committee Docket Number 2008-04,
5 regarding the application of Granite Reliable Power, LLC.
6 My name is Tom Getz. I'm the Chairman of the Public
7 Utilities Commission, and, by virtue of that position, I'm
8 the Vice Chairman of the Site Evaluation Committee. And,
9 I have been designated as the presiding officer of the
10 subcommittee that will be reviewing the application. I'm
11 going to start with some procedural history, and then
12 we'll move on from there to the business of this
13 prehearing conference.

14 On July 15, 2008, Granite Reliable
15 Power, LLC, filed an Application for a Certificate of Site
16 and Facility for the Granite Reliable Windpark. The
17 renewable energy proposed to be located in the Town of
18 Dummer and in the unincorporated places known as Dixville,
19 Ervings Location, Millsfield, and Odell. The Applicant
20 seeks authority for the construction and operation of 33
21 wind turbines, each having a nameplate capacity of 3
22 megawatts, for a total capacity of 99 megawatts, and the
23 Application also seeks approval of associated facilities,
24 including transmission and distribution lines.

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1 An order accepting the Application and
2 designating the Subcommittee was issued on August 14,
3 2008. And, on August 27, we issued an order and notice of
4 public information hearing, site inspection visit, and

5 prehearing conference. The relevant part of that order
6 for today's purposes is the prehearing conference. It
7 indicated it would commence at 10:00 today. The purpose
8 of the prehearing conference is to consider Petitions to
9 Intervene, determine contested issues, prepare a proposed
10 discovery schedule, and discuss the proposed hearing's
11 schedule.

12 I'll take care of one other item of
13 administrative business. We do have a copy of the
14 affidavits of publication that was filed by the Applicant
15 on September 11, 2008. And, at this point, I would like
16 to take appearances from the parties, and that means the
17 Applicant, any individual or any organization that's
18 seeking to intervene in this proceeding formally, and also
19 representative counsel for the public from the Attorney
20 General's Office. After we take the appearances for the
21 record, and just give your name and association and
22 address for our court reporter, so we'll have that
23 information for the record. After that, we'll give an
24 opportunity to discuss Petitions to Intervene, if there

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1 are any objections and any discussion on that issue this
2 morning. Then, we will provide the parties an opportunity
3 for a brief statement of their position in the proceeding.

4 That would pretty much conclude the
5 formal part of this proceeding, and intend after that to

6 adjourn the prehearing conference and allow the parties to
7 discuss among themselves a proposed procedural schedule
8 for this proceeding. The Site Committee's counsel,
9 Mr. Iacopino, will participate in that discussion about a
10 procedural schedule, and then a recommendation will come
11 in writing from him recording what took place in that
12 discussion. And, if there is an agreement about a
13 procedural schedule, then that, of course, makes the job
14 of the Committee much easier. If there's not agreement,
15 then we would determine what the procedural schedule will
16 be for the remainder of the proceeding. And, recognizing,
17 of course, that by statute there's very strict guidelines
18 and deadlines for the conduct of a proceeding of this
19 nature.

20 So, with that, let's turn to
21 appearances. We'll start with the Applicant.

22 MR. PATCH: Good morning, Mr. Chairman.
23 Doug Patch and Susan Geiger, from the law firm of Orr &
24 Reno. We're appearing on behalf of Granite Reliable Power
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1 and Noble Environmental Power. And, with us at the table
2 today is Mark Lyons, who is the Vice President and Senior
3 Counsel for Noble, and Pip Decker, who is Development
4 Manager.

5 VICE CHAIRMAN GETZ: Good morning.

6 CMSR. GEIGER: Good morning.

7 MR. GABLER: Good morning, Mr. Chairman.

8 Bill Gabler representing the Clean Power Development.

9 VICE CHAIRMAN GETZ: Good morning. Any
10 other parties who have filed a Petition to Intervene or
11 seeking to intervene? And, it looks like there is none on
12 this side, sir.

13 MR. PUBLICOVER: Yes. David Publicover,
14 with the Appalachian Mountain Club.

15 VICE CHAIRMAN GETZ: And, that's
16 "Publicover"?

17 MR. PUBLICOVER: "Publicover", yes.

18 MR. BROOKS: And, Alan Brooks, Counsel
19 for the Public.

20 VICE CHAIRMAN GETZ: Good morning.

21 MR. BROOKS: Good morning.

22 VICE CHAIRMAN GETZ: Okay. Sir.

23 MR. ROACH: Mr. Chairman, I'm Richard
24 Roach, with the Army Corps of Engineers.

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1 VICE CHAIRMAN GETZ: Oh.

2 MR. ROACH: We've spoken. I wanted to
3 just announce that the Corps of Engineers, if this project
4 is to go forward, will have to issue a permit under
5 Section 404 of Clean Water Act. And, we have a process to
6 try to come to a determination of whether and under what
7 circumstances we would issue a permit. We are neither a
8 proponent or opponent, but would wish to try to meld our

9 process with the SEC's process, so that we would be in a
10 position to make a decision at about the same time that
11 the Site Evaluation Committee would make their
12 determination. So, I propose to come to these hearings,
13 try to use them for our public involvement process, and if
14 you'll allow us to do that and exhort you to let us do
15 that.

16 VICE CHAIRMAN GETZ: And, you also will
17 be participating with the Committee at the public
18 information hearing at Groveton High School in the evening
19 on October 2nd?

20 MR. ROACH: Yes, those and other
21 meetings as they're held. And, we may, as a matter of
22 process, have to issue our own public notice about it to
23 take care of our particular requirements. But I think
24 that could be done sometime between now and this spring.

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1 And, hoping, by involving ourselves in this public
2 process, to avoid the necessity of holding a separate
3 Corps of Engineers public hearing on the Application. We
4 think that it's best if the public could come to one place
5 and have their say about the Application, and not have to
6 go to various different organizations to do it. So, we're
7 going to try to participate in this process, and hopefully
8 we can fulfill all our requirements that way.

9 VICE CHAIRMAN GETZ: Okay. Thank you.
10 All right. Then, let's turn to opportunity for statements

11 of positions. Mr. Patch.

12 MR. PATCH: Thank you, Mr. Chairman.
13 Obviously, Granite Reliable Power is here, we have
14 submitted the Application, as you've noted in the record,
15 on July 15th of this year. We are here seeking the
16 approval of the Subcommittee of the Site Evaluation
17 Committee for this project. We're happy to work with
18 counsel and the parties to come up with a procedural
19 schedule that meets the requirements of the statute.
20 Obviously, from Noble and Granite Reliable Power's
21 perspective, we'd like to do that as expeditiously as
22 possible. And, we're here and willing to cooperate with
23 all the parties involved.

24 If there's anything else you'd like us
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1 to address, we'd be happy to this morning?

2 VICE CHAIRMAN GETZ: Do you have a
3 position at this time on the Petitions to Intervene?

4 MR. PATCH: We don't really have a
5 prepared position. I guess, given the order from the
6 Committee, it had indicated that those petitions could
7 come in through today. So, we were anticipating that
8 there might be more today. And, we had hoped to get sort
9 of the big picture of all of the interventions that were
10 being requested, and then provide hopefully one pleading
11 to the Subcommittee about what our position is on all of

12 them. There may be room for consolidation, as the
13 Administrative Procedures Act and the Committee's rules
14 provide for. And, so, that was our intent, you know, was
15 not to state our position today, if that's acceptable to
16 you.

17 VICE CHAIRMAN GETZ: Well, I understand
18 the rules permit ten days for objections, so that's your
19 privilege to use the full time and combine your response
20 regarding the various Petitions to Intervene.

21 MR. PATCH: Okay. Thank you.

22 VICE CHAIRMAN GETZ: Thank you.
23 Mr. Gabler, do you have something that you would like to
24 address this morning?

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1 MR. GABLER: No, Mr. Chairman. We have
2 filed as intervenor status given the nature of the
3 application, but have no position relevant at this time.

4 VICE CHAIRMAN GETZ: Okay. Thank you.
5 Mr. Publicover?

6 MR. PUBLICOVER: Yes. At this time, we
7 don't have a position. We have an interest in seeing some
8 additional information to be submitted. Some of this may
9 come from the Applicant, some of it may come from the
10 evaluation of the state agencies. Whether it's
11 appropriate to go into the detail in those areas right now
12 or --

13 VICE CHAIRMAN GETZ: Do you have the

14 copy of the full Application?

15 MR. PUBLICOVER: I've been through the
16 full Application, yes.

17 VICE CHAIRMAN GETZ: Discovery will be
18 an issue that will be part of the procedural schedule. So
19 that can be something that can be addressed in the
20 technical session that will follow this adjournment of
21 this prehearing conference.

22 MR. PUBLICOVER: Okay.

23 VICE CHAIRMAN GETZ: Mr. Brooks, do you
24 have a position this morning?

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1 MR. BROOKS: Yes. We have no objections
2 to the Motions to Intervene.

3 VICE CHAIRMAN GETZ: Thank you. Well,
4 is there anything else that should be addressed in the
5 formal part of the prehearing conference this morning,
6 before we adjourn and allow the parties to address the
7 procedural schedule?

8 (No verbal response)

9 VICE CHAIRMAN GETZ: Okay. Then,
10 hearing nothing, we're going to close the prehearing
11 conference, and then we will await a recommendation from
12 the parties as to a procedural schedule, and then we will
13 address the issue of interventions once we have the full
14 response from the Applicant. So, thank you, everyone.

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MR. PATCH: Thank you.

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(Whereupon the prehearing conference was

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adjourned at 10:14 a.m.)

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