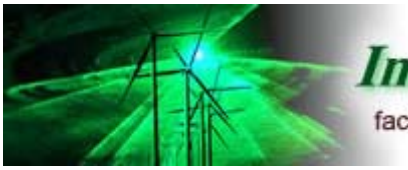

September 29, 2008

Thomas B. Getz, Chairman
New Hampshire Site Evaluation Committee
Sub-committee Chairman
c/o New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301-2429

Re: Docket No. 2008-04 Application of Granite Reliable Power, LLC

Dear Chairman Getz:

The Industrial Wind Action Group, Inc., ("IWA") received via electronic mail, Granite Reliable Power, LLC's ("Applicant") response to the Intervention Requests submitted to the New Hampshire Site Evaluation Committee ("Committee"). We've read the Applicant's comments and are compelled to respond to several of the arguments put forth in the letter. IWA recognizes it is not a party to these proceedings and thus makes no comments on the intervention letters received by the Committee.

Standard for Granting Intervention

In paragraphs 7 and 8 of the Applicant's response, the Applicant details the standard for granting intervention as written in RSA 541-A:32 and reiterates the Committee's practice of applying RSA 541-A:32, II to grant intervention requests that may not meet the standard under RSA 541-A:32, I. The Applicant proffers a different reading of the State statue arguing that the standard in RSA 541-A:32, II should only be invoked on late filings so as to be "more consistent with the Committee's new rules".

It appears the Committee's newly adopted rules deviate from the Statute in a material way. Site 202.11(c) now includes the phrase "late-filed" thus limiting the applicability of the rule to those intervention requests received after the deadline set by the Committee. It's not clear why the Committee made this change to the rules, but as written the rules appear to remove some of the discretionary powers granted the Committee by Statute, a change not supported by Statute.

With the addition of the phrase "late-filed", the rule also unfairly discriminates against those petitioners who submitted intervention requests on time since the permissive provision applies only to late filers. The Applicant attempts to get around this by claiming that all filers, timely and late, are subject to the mandatory standards, 202.11(b) and those late filers are subject to BOTH 202.11(b) and 202.11(c). However, as

written, there is no apparent link between 202.11(b) and 202.11(c), nor does any such link exist between provisions I and II of RSA 541-A:32.

The Applicant goes on to argue that his interpretation of the Committee's rules is also the correct interpretation of the Statute, and that "*the discretionary provisions of RSA 541-A:32, II should, as the Committee's rules provide, only be invoked in the event that a petition for intervention is late-filed*."

The attorneys for the Applicant are experienced in proceedings before this Committee and understand the intent and spirit of the intervention statute. To argue at this point that the addition of the words "late-filed" into the Committee's rules should now be the *standard* for the State Statute appears to be an underhanded, inappropriate tactic intended to deprive a substantial portion of the public a fair chance to participate in the hearings in a meaningful way.

We do not believe the Legislature considered such an interpretation as offered by the Applicant. Rather, we believe the legislature fully intended to provide the Committee (or any governmental entity) the full discretionary powers to permit intervention as it deemed appropriate and if it served the interests of justice. To do otherwise would have unreasonably constrained the authority of the Committee and severely limit the public's opportunity to participate. Perhaps this is exactly the outcome the Applicant is trying to secure, however, he offers no credible basis but for his own twisting of the plain language of the rules to reach an interpretation he seeks to get to.

Under the Statute, the Presiding Officer has considerable authority to grant or deny status for those who do not meet the mandatory requirements for intervention, to impose conditions on intervenor participation, and to change those conditions at any time. By exercising this authority when needed, the Committee can be assured the hearings will not become disorderly and unproductive. We contend that this authority is the right and fair way to address intervenors who are admitted into the proceedings under the permissive provision and who might prove problematic.

We believe that the new rules governing intervention have not been fully considered and the consequences of following them as written would be untenable. And it would seem that the Applicant is the only potential beneficiary of his stricter and twisted interpretation of the Statute at the expense of the Committee's authority and the public's involvement. We respectfully ask that the Committee apply the Statute RSA 541-A:32, and not the rules, in considering any intervention requests for Docket 2008-04. Since rules are usually written to implement laws and not the other way around, applying the Statute would be in order.

Industrial Wind Action Group, Inc. (IWA).

The Applicant objects to IWA's request for intervention on the grounds that we have not met the mandatory requirements he establishes are intended for timely petitioners. In his letter, the Applicant cites statements from the www.windaction.org website and concludes the organization's mission is "anti-wind".

It is important to note that no representatives of IWA, including Lisa Linowes, have been contacted by the Applicant to determine our position on this project nor has the Applicant attempted to ascertain our position in general on wind energy development. Permit us to point to Ms. Linowes' cross-examination testimony under oath during the Lempster Wind proceedings as follows:

Q. *What sources of electricity generation does that organization support, if any?*

A. *We have not come out and stated we're opposed to wind energy, and I think I made that clear in the prefiled. But the source – the position of the organization is that we're interested in electricity sources, including renewable, to take it – that are capable of producing electricity that is in synch with human activity. That is, during the time when it is able to effectively – create effective capacity on the grid not just energy on the grid. And, so, it's electricity that's generated, that is in synch and utilized by at the time when people are actively pulling electricity from the grid and also will not have any really negative environmental impacts, or at least abide by all the laws that are in place.*

The above testimony was under cross-examination by Ms. Susan Geiger, an associate of Douglas Patch, attorney for the Applicant and who was also present at the hearings. Perhaps the Applicant is alleging the Ms. Linowes is prevaricating, but nonetheless, it is our position on wind development.

Later in his letter, the Applicant presses again with the "anti-wind" theme by asserting the law does not contemplate "anti-wind groups with few, if any, local ties."

The "anti-wind" epithet is nothing more than schoolyard name-calling, a form of ad hominem attack that attempts to link IWA with a negative image in hopes of degrading and marginalizing any interests we have in these proceedings and thus diminishing the value we will provide in the eyes of the Committee and other parties. We respectfully ask that the Committee ignore Paragraph 22 and select statements in Paragraph 23 of the Applicant's response as they are unproductive and disrespectful of this process.

In our motion to intervene, IWA established how our subscribers' substantial interests would be impacted by the outcome of these proceedings. Without repeating the content of our letter, we wish to add that our subscribers, many of whom are residents of New Hampshire and New England and who live, own property,

or otherwise visit and enjoy the beauty of the area as tourists and sportsmen, have asked IWA to enter into these proceedings and represent their concerns.

In addition to the aesthetic and heritage issues we raise, it is important to recognize that rate and taxpayers would be subsidizing the whole of the proposed project, and IWA has information that will help explain how this project would impact them. The organization has a wealth of knowledge on the many facets of wind energy development and seeks to provide the Committee with good reasons to interrogate the claims the Applicant is making about electricity production in ways that will help it to protect the public interest.

Other Comments

As mentioned, IWA is not a party to these proceedings and takes no position on the Intervention letters received by the Committee. However, we wish to comment on three points raised by the Applicant in his letter as follows:

1) **Clean Power Development**: The Applicant asserts that discussions pertaining to constraints on the Coos transmission loop do not belong in these proceedings. We disagree with this assertion and consider the transmission issue to be highly relevant.

   As the Committee takes testimony on the application and considers the benefits and harms of the proposal, it is entirely appropriate for the Committee to contemplate adjustments to the final operating configuration of the project should it be certificated. Such adjustments could potentially provide for the sharing of available transmission capacity including a) reducing the installed capacity of the Applicant's proposal or phasing construction to allow for other power plants in anticipation of the transmission being upgraded and b) curtailing output at certain times of day and year (periods of anticipated low-wind conditions) to enable another, more reliable generator to power up. If discussion on the transmission issue is omitted entirely and CPD and other parties prohibited from raising these questions, than the Committee will be denied the opportunity to make an informed decision based on a fundamental aspect of the development.

   We disagree with the Applicant's assertion that these technical issues are "more appropriately addressed by ISO-New England". The ISO-NE has made it clear to anyone who would listen that it does not engage in energy policy or siting decisions made by the States. Rather, the ISO assumes a more passive responsibility through System Impact Studies performed on new power plants (i.e. minimum interconnection standard) and in determining eligibility in New England's Forward Capacity Market. We note that the ISO has agreed to conduct a study to determine whether the costs to upgrade

the Coos transmission loop can be regionalized, but this study was instigated by the State and not the ISO.

2) **Wayne R. Urso**: The Applicant supports Mr. Urso's requests as representing the voters of the unincorporated area known as Millsfield. As an unincorporated area of Coos County and we believe Millsfield is not vested with the powers of towns except for the purposes of electing local, state, national or county officers (RSA 53:1). We agree with and fully support Mr. Urso's assertion that the citizens of Millsfield "ought to be directly involved in matters pertaining to their own interests". We respectfully ask the Committee to determine whether Mr. Urso can speak legally for the voters of Millsfield and under what authority given the limited authority granted an unincorporated area by the General Court.

3) **Mrs. Sheldon**: In the Applicant's response to the Intervention letters, he takes issue with Mrs. Sheldon's statement that "Granit Reliable Power, LLC or Coos County never informed us of the wind farm project." As proof, he points to a July 10, 2008 letter sent to Mrs. Sheldon and the other abutters from the Applicant's consultant, Horizons Engineering "informing her of the proposed wind project". A copy of that letter was included as an attachment to Mr. Jonathan Frizzell's (an abutter) letter dated Sep 12, which Mr. Frizzell sent to the Committee. The letter merely fulfills the Applicant's statutory requirement to inform abutters that a wetlands permit application for the adjacent property had been submitted to the NH Department of Environmental Services. A simple reading of the letter confirms that its purpose was not to inform Mrs. Sheldon or the residents of the area of the proposed wind project.

It appears the Applicant is trying to enforce the orderliness of these proceedings by prohibiting public participation. We offer that enabling informed participation is not a recipe for disorder. Rather, we believe it essential in securing the public trust and serving the public good.

Thank you for your attention to this important matter. If IWA can supply the Committee with additional information in support of its request for intervenor status, we would welcome hearing from you. Please do not hesitate to contact me by phone at 603-838-6588 or e-mail at llinowes@windaction.org.

Sincerely,

Lisa Linowes
for the Industrial Wind Action Group

cc: Michael Iacopino, Esq
Peter Roth, Esq., Counsel for the Public
Douglas L. Patch, Esq., Counsel for Granite Reliable Power, LLC