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October 17, 2008

Via Electronic (.pdf) and First Class Mail

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

# Re: Site Evaluation Committee Docket No. 2008-004 Response of Clean Power Development to Applicant's Response to Intervention Requests

Dear Mr. Chairman:

Enclosed please find Clean Power Development, LLC's Response to Granite Reliable Power, LLC's Response to Intervention Requests, for filing with the Subcommittee.

Very truly yours,

Jeffrey A. Meyers

Jeffrey A. Meyers

Enclosure

 cc: Michael Iacopino, Esq. Douglas Patch, Esq. Susan Geiger, Esq. Assistant Attorney General Peter Roth Service List

#### STATE OF NEW HAMPSHIRE

#### SITE EVALUATION COMMITTEE

## IN RE: APPLICAPTION OF GRANITE RELIABLE POWER, LLC

FOR CERTIFICATE OF SITE AND FACILITY **Docket No. 2008-04** FOR GRANITE RELIABLE WINDPARK

#### **<u>RESPONSE OF CLEAN POWER DEVELOPMENT, LLC</u> TO APPPLICANT'S RESPONSE TO INTERVENTION REQUESTS**

NOW COMES Clean Power Development, LLC (CPD), by and through its undersigned attorney, and seeks leave to file this limited response to Granite Reliable Power, LLC's (Granite Reliable Power) Response to Intervention Requests relative to CPD, as follows:

1. Granite Reliable Power, in its response to CPD's Petition to Intervene raised three specific issues regarding CPD's participation as an intervenor in this proceeding. First, Granite Reliable Power urged that CPD's participation should be limited to the "orderly development of the region" criteria, which the Committee is statutorily required to consider and make findings upon. Second, Granite Reliable Power argued that because transmission issues are not within the jurisdiction of the Committee, that CPD should be precluded from raising transmission issues in this proceeding. Lastly, Granite Reliable Power asks that CPD not be allowed to seek through discovery the Applicant's "competitively sensitive commercial and financial information". These issues being addressed, Granite Reliable Power does not otherwise object to CPD's intervention.

2. CPD responds as follows:

a. CPD has no objection to the Committee conditioning its participation to issues concerning the "orderly development of the region" criteria.

b. CPD also does not object to the Committee restricting CPD from propounding discovery requests or otherwise eliciting testimony from Applicant's witnesses regarding information that constitutes competitive commercial and financial information of the Applicant.

c. In regard to transmission issues, CPD does not fundamentally disagree with Granite Reliable Power's characterization of the Committee's jurisdiction relative to transmission, and CPD is not planning on affirmatively eliciting testimony on transmission issues relative to the pending application. To the extent, however, that Granite Reliable Power or any party granted intervention status propounds requests for discovery or elicits testimony from witnesses, directly or indirectly, through pre-filed testimony or upon live examination, regarding any transmission issue that would or could impact the development of renewable energy on or near the existing Coos Country loop, or should any member of the Committee ask questions of the Applicant or other witnesses regarding such transmission issues, CPD believes that it should be permitted to respond by propounding its own discovery requests or through eliciting testimony on direct or cross examination, or to respond to such questions of the Committee, all subject to the administrative rules of the proceeding. Respectfully submitted,

CLEAN POWER DEVELOPMENT, LLC

By Its Attorneys,

NELSON, KINDER, MOSSEAU & SATURLEY, PC

By:

Jeffrey A. Meyers, Esq. N.H. Bar # 8211 99 Middle Street Manchester, N.H. 03104 Tel. 603.606.5012 email: jmeyers@nkms.com

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this 17th day of October, 2008, forwarded Clean Power Development, LLC.'s Response to Applicant's Response to Intervention Requests to the Chairman of the Site Evaluation Committee and its legal counsel, Michael Iacopino, Esq., Douglas Patch, Esq. and all other persons of record.