

1 STATE OF NEW HAMPSHIRE
2 SITE EVALUATION COMMITTEE

3 April 29, 2009 - 1:16 p.m.
4 21 South Fruit Street
5 Suite 10
6 Concord, New Hampshire

7 In re: SITE EVALUATION COMMITTEE:
8 SEC DOCKET NO. 2008-04:
9 Application of Granite Reliable
10 Power, LLC, for a Certificate
11 of Site and Facility for the
12 Granite Reliable Power
13 Windpark in Coos County, New
14 Hampshire. (Regarding record
15 request responses, request to
16 suspend deliberations and to
17 reopen the public record, et al.)

14 PRESENT: SITE EVALUATION COMMITTEE:
15 Thomas B. Getz, Chrmn. Public Utilities Commission
(Chairman of SEC Subcommittee - Presiding)
16 Donald Kent Dept. of Resources & Econ. Dev.
17 Glenn Normandeau, Exec Dir. Fish & Game Department
18 Robert Scott, Director DES - Air Resources Division
19 Christopher Northrop N.H. Office of Energy & Planning
20 William Janelle Dept. of Transportation
21 Michael Harrington Public Utilities Commission

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21 Counsel for the Committee: Michael J. Iacopino, Esq.

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

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I N D E X

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5	Motion by CHAIRMAN GETZ to enlarge the time	6
6	frame for consideration of the Application	
	until May 29, 2009	
7	Second by MR. HARRINGTON	6
8	VOTE ON THE MOTION	7
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{SEC 2008-04} [Deliberations] {04-29-09}

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1 PROCEEDINGS
2 CHAIRMAN GETZ: Good afternoon,
3 everyone. I'll reopen the meeting of the Site Evaluation
4 Committee for purposes of deliberation in Docket 2008-04,
5 concerning the Application of Granite Reliable Power.
6 I'll note that six members of the Subcommittee are present
7 at this time, which constitutes a quorum. At our last
8 meeting, on April 17, we made three record requests
9 concerning the -- one was concerning the status of the

10 Altona turbine failure root cause analysis. The second
11 was with respect to the status of requests for FAA
12 approvals. And, the third was with respect to the
13 mitigation parcels that were the subject of a Settlement
14 Agreement among the Applicant, Fish & Game, and
15 Appalachian Mountain Club.

16 On April 23rd, the Applicant responded
17 with respect to Items Number 1 and 2, the Altona turbine
18 issue and the FAA approvals. On April 23, Fish & Game
19 responded with respect to the so-called "Habitat
20 Assessment". And, we have a motion by Ms. Linowes that
21 was filed on April 27 asking to suspend deliberations and
22 reopen the public record. She refers to all three of the
23 issues that were the subject of information requests by
24 the Committee, and makes certain arguments about ex parte

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1 communications, and also makes arguments about reopening
2 the record pursuant to Site Committee Rule 202.27. And,
3 then we have a response, an objection by the Applicant
4 that was filed on April 28, responding to Ms. Linowes'
5 motion.

6 I think there are some fundamental
7 misunderstanding of some procedural issues. There's at
8 least, at a minimum, some conflation of some legal
9 principles, in terms of Ms. Linowes' motion, especially as
10 it goes to ex parte communications. I don't think there's
11 any basis for a conclusion that improper ex parte
12 communications occurred, especially in light of the
13 Committee, in an open noticed proceeding asking the
14 Applicant and Fish & Game to respond to record requests

15 for the docket. So, that's clearly not an ex parte
16 communication.

17 There are some other issues within the
18 filing, though, that I think require some analysis. And,
19 I would suggest that we recess to consult with counsel, to
20 get a better understanding of the procedural arguments and
21 issues that are raised by the motion. And that,
22 basically, we recess now to have that discussion, and then
23 come back on the record after we've heard from counsel.

24 So, does anybody have any thoughts,

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1 concerns, questions about any of that? Any other issues
2 that are percolating?

3 (No verbal response)

4 CHAIRMAN GETZ: Okay. Hearing nothing,
5 then we will recess to consult with counsel.

6 (Whereupon a recess was taken at 1:21
7 p.m. and the meeting reconvened at
8 2:35 p.m.)

9 CHAIRMAN GETZ: Okay. Good afternoon.
10 We're back on the record in Site Evaluation Committee
11 Docket 2008-04, concerning Granite Reliable Wind Power.
12 We had recessed to consult with counsel about pending
13 record requests that had been -- responses had been filed
14 in this proceeding, and a motion -- and an objection that
15 has been filed to that motion to suspend deliberations and
16 reopen the record. And, I'll focus on probably the most
17 important issue here, and that concerns the response filed
18 by Fish & Game on April 27 regarding the so-called
19 "mitigation parcels" that have been offered as a

20 settlement in this proceeding. And, the Fish & Game
21 filing of April 27 is not fully responsive to our request
22 for information about the mitigation parcels. And, in
23 light of that, Ms. Linowes raises a valid procedural issue
24 pursuant to PUC -- or Site Evaluation Committee Rule
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1 202.27, regarding reopening the record, about the
2 treatment of such information and our reliance on it for
3 making any decision in this proceeding.

4 So, my recommendation to the
5 Subcommittee is that, as presiding officer, I issue a
6 procedural order that would set forth the next steps
7 regarding the treatment of the various requests for
8 information and the motion that has been filed with
9 respect to the record requests. So, is there any
10 objection, comment, thoughts, about, as presiding officer,
11 that I issue a procedural order addressing those issues?

12 (No verbal response)

13 CHAIRMAN GETZ: Okay. Well, in light of
14 that then, and given the timing, today is April 29, we
15 had, at our public hearing in Lancaster during closing
16 arguments, had extended the time frame consideration of
17 the Applicant's -- of the Applicant's petition until May
18 6th. I would move, pursuant to RSA 162-H:6-a, IX, that we
19 suspend deliberations and enlarge the time frame for our
20 consideration of the Application until 30 days from today,
21 which would be May 29. Is there a second?

22 MR. HARRINGTON: I'll second.

23 CHAIRMAN GETZ: Second by
24 Mr. Harrington. Any discussion about the motion?

1 (No verbal response)
2 CHAIRMAN GETZ: Okay. All those in
3 favor of the motion, signify by saying "aye"?
4 (Multiple members indicating "aye".)
5 CHAIRMAN GETZ: Any opposed?
6 (No verbal response)
7 CHAIRMAN GETZ: Note for the record that
8 the motion is carried unanimously. So, --
9 MR. IACOPI NO: Mr. Chairman?
10 CHAIRMAN GETZ: Yes.
11 MR. IACOPI NO: You might want to reflect
12 that Mr. Janelle is here and we do have the full seven
13 members of the Committee.
14 CHAIRMAN GETZ: Okay. So noted for the
15 record. Any other further discussion this afternoon?
16 (No verbal response)
17 CHAIRMAN GETZ: Okay. Hearing nothing,
18 then we will recess our meetings for the purposes of
19 deliberations until a date that will be set forth in a
20 procedural order that we will -- that I will issue as soon
21 as possible. So, thank you.
22 (Whereupon deliberations were adjourned
23 at 2:40 p.m. and will reconvene at the
24 call of the Subcommittee.)