



Industrial Wind Action Group

facts, analysis, exposure of wind energy's real impacts

August 24, 2009

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:

Industrial Wind Action Group respectfully submits the attached objection to Granite Reliable Power's motion for rehearing. We have also attached a response to the Applicant's objections to motions submitted by New Hampshire Fish and Game and Industrial Wind Action Group.

If you have any questions, please contact me by phone at 603-838-6588 or by e-mail at llinowes@windaction.org.

Sincerely,

Lisa Linowes
for the Industrial Wind Action Group

cc: Service List for Docket 2008-04

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

RE: Application of Granite Reliable Power, LLC)
for Certificate of site and facility to construct up)
to 99 MW of wind electric generation in Coos)
County, New Hampshire and operate the same.)

**INDUSTRIAL WIND ACTION GROUP'S OBJECTION FOR
REHEARING OF GRANITE RELIABLE POWER, LLC**

Industrial Wind Action Group ("IWA") respectfully objects to the Motion of Granite Reliable Power ("Applicant") for rehearing, reconsideration, and/or clarification in the above referenced matter for the following stated reasons:

1. Prefiled testimony and extensive testimony centered on the fact that the project as proposed will be sited in sensitive, rare habitat necessary for the survival of several state endangered and/or threatened species. The Committee correctly ordered additional pre-construction studies necessary for determining a baseline of activity by certain species at the project site. The Committee also ordered necessary post-construction studies to determine whether the project, after construction, would have an unreasonable adverse impact on birds, bats, raptors and breeding birds. Committee member Dr. Kent stated during deliberations that there was a void of information on what the impacts of the project will be other than perhaps the direct effect of losing forest. (Transcript June 10, 2009 Page 150, Lines 21-24) Nonetheless, the Committee found that the project should be approved with the full knowledge that impacts of the project unknown today could rise to the level of unreasonably adverse at a future time.
2. The Applicant raises objection that the Committee's order "leaves the door open" for a new or different finding by the Committee on the question of the effects of the project on the natural environment. We aver that this is a consequence of the Committee proceeding with an approval without having first made an explicit finding on this matter. RSA 162h:16 states "the site evaluation committee... must find that the site and facility will not have an unreasonable adverse effect". The Committee is aware that the record lacks sufficient information to allow it to make this finding as conclusively as the Applicant would like.
3. The Applicant suggests that while the same language was included in the Lempster Wind decision it is not appropriate in this case because the financial backing of the Lempster developer is

different. However, the differences between the Lempster project and the Applicant's project are far more significant on scale (5 miles of access roads versus 30+ miles), location (low elevation land versus sensitive, and very rare high elevation habitat), and costs (\$40 million versus \$275 million). To make such a comparison to financial backing as justification for the Committee to weaken its requirements, without consideration of the other significant differences between the projects is inappropriate. There is nothing in the statute which allows the Committee to adopt a more relaxed standard for approval based upon difficulties in obtaining financing.

4. The Applicant now argues that inclusion of this condition will prohibit its ability to obtain financing for the project. The Applicant includes with its motion supporting testimony prepared by Martin Pasqualini. We firmly object to the addition of this testimony; the record was closed months ago.

We respectfully request that the Committee:

- A. Deny the Applicant's motion for rehearing, reconsideration, and/or clarification;
- B. Discard any reference to and testimony submitted by Martin Pasqualini;
- C. Grant other such relief as may be just and equitable.

Dated this day of August 24, 2009

INDUSTRIAL WIND ACTION GROUP

By:



Lisa Linowes

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cc: Parties to Docket 2008-04