

1 STATE OF NEW HAMPSHIRE
 2 SITE EVALUATION COMMITTEE

3
 4 June 7, 2010 - 10:01 a.m.
 21 South Fruit Street, Suite 10
 5 Concord, New Hampshire

6
 7 RE: Application of Groton Wind, LLC,
 8 for a Certificate of Site and
 Facility for a 48 Megawatt Wind
 9 Energy Facility in Groton,
 Grafton County, New Hampshire.
 (Prehearing conference)

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 11 PRESENT: SITE EVALUATION COMMITTEE:
 12 Chairman Thomas B. Getz N.H. Public Utilities Comm.
 (Presiding)
 13 Counsel for the Committee: Michael Iacopino, Esq.
 14
 15 APPEARANCES:
 16 Counsel for the Applicant: Susan S. Geiger, Esq.
 Douglas L. Patch, Esq.
 17 Counsel for the Public: Peter Roth, Esq.
 18 Senior Asst. Atty. General
 Michelle Thibodeau
 19 Department of Justice
 20 Reptg. the Town of Groton: Laura Spector, Esq.
 21 Reptg. the Town of Rumney: H. Bernard Waugh, Jr., Esq.
 22 Richard Wetterer, pro se
 23 Cheryl Lewis, pro se
 24 COURT REPORTER: Steven E. Patnaude, LCR No. 52

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 2 I N D E X
 3 PAGE NO.
 4 STATEMENTS OF PRELIMINARY POSITION BY:

5	2010-1PC.txt	
	Ms. Geiger	8
6	Mr. Wetterer	8
7	Ms. Lewis	9
8	Ms. Spector	9
9	Mr. Waugh	9
10	Mr. Roth	9

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12 STATEMENTS REGARDING PETITIONS TO INTERVENE BY:

13	Ms. Geiger	10
14	Mr. Wetterer	19
15	Ms. Lewis	20
16	Ms. Spector	22
17	Mr. Waugh	22
18	Mr. Roth	22

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P R O C E E D I N G

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CHAIRMAN GETZ: Good morning, everyone.

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I'll open the prehearing conference in docket Site

4

Evaluation Committee 2010-01. This proceeding concerns

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the Application of Groton Wind, LLC, for a Certificate of

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Site and Facility for a renewable energy facility in

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Groton, New Hampshire. My name is Tom Getz. I'm the

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Chairman of the Public Utilities Commission. I'm also

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Vice Chairman of the Site Evaluation Committee, and I will

10 be the presiding officer in this docket. And, also with
11 me is Michael Iacopino, who is Counsel for the Site
12 Evaluation Committee.

13 MR. IACOPI NO: Good morning.

14 CHAIRMAN GETZ: For those of you who
15 haven't participated in a proceeding of this nature, I'm
16 going to explain a little bit about what we're going to do
17 this morning and some other background. I'll start with
18 the procedural history, then talk a little bit about the
19 timeline, then we'll talk about how the prehearing
20 conference is conducted.

21 So, first of all, with respect to
22 procedural history, on March 26, 2010, Groton Wind filed
23 an Application for a Certificate of Site and Facility for
24 authority to construct a renewable energy facility in the
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1 Town of Groton, New Hampshire. The Applicant proposes a
2 wind energy facility consisting of 24 wind turbines, each
3 having a nameplate capacity of two megawatts, for a total
4 capacity of 48 megawatts. On April 26, 2010, I issued an
5 order accepting the Application as provided in RSA
6 162-H:6-a, III. Subsequently, on May 21, 2010, I issued a
7 procedural order that, among other things, set the
8 prehearing conference for this morning. And, the purpose
9 of a prehearing conference is to review Petitions to
10 Intervene, determine contested issues, prepare a discovery
11 schedule, and discuss proposed hearing schedules for the
12 balance of the proceedings.

13 It's important to note that, under RSA
14 162-H:6-a, which sets out the timeframes for review of a

15 renewable energy facility, that once a application has
16 been accepted, it starts a time clock that requires the
17 Committee to issue or deny a certificate for a renewable
18 energy facility within 240 days of acceptance of the
19 application.

20 The proceeding that we're undertaking is
21 a formal judicial proceeding. We have a proposed
22 procedural schedule, and I'll ask Mr. Iacopino to
23 circulate. And, you will see in that schedule that it
24 lays out the types of opportunities for participation in
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1 the proceeding. It contemplates testimony, some has
2 already been filed by the Applicant. That testimony will
3 be provided under oath. Parties to the proceeding will
4 have an opportunity to conduct discovery and to file
5 testimony of their own. And, when we get to the hearings
6 in this proceeding, then there will be an opportunity for
7 cross-examination. And, this -- we'll have an opportunity
8 later this morning to talk about this procedural schedule.

9 One thing I also wanted to do at this
10 time is to indicate the names or parties that have sought
11 intervention so far in this proceeding. The list I have
12 includes Annie Valdmans from Rumney; Dr. Mazur, and it
13 appears to be other members of his family, from Rumney;
14 the Town of Groton, represented by Ms. Spector.

15 MS. SPECTOR: Good morning.

16 CHAIRMAN GETZ: Richard Wetterer, who is
17 from Rumney; Kathleen Park is from Rumney as well; and the
18 Town of Rumney represented by Mr. Waugh; and Carl Spring,
19 James Buttolph, and Cheryl Lewis, all from Rumney. And,

20 I'll note for the record that Mr. Peter Roth has been
21 designated by the Attorney General as Counsel for the
22 Public in this proceeding.

23 So, in terms of formal proceedings then,
24 what I'd like to do now is take appearances by all those
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1 parties or those petitioners that are here, just so we can
2 get those on the record for the transcript.

3 So, if we could begin with the
4 Applicant.

5 MS. GEIGER: Good morning, Mr. Chairman
6 and Attorney Iacopino. I'm Susan Geiger, from the law
7 firm of Orr & Reno, representing the Applicant, Groton
8 Wind, LLC. And, with me this morning at counsel table is
9 Mr. Edward Cherian, from Groton Wind, LLC, and Attorney
10 Douglas Patch, from Orr & Reno.

11 CHAIRMAN GETZ: Good morning.

12 MR. CHERIAN: Good morning.

13 MR. PATCH: Good morning.

14 CHAIRMAN GETZ: Sir.

15 MR. WETTERER: Richard Wetterer,
16 resident of Rumney.

17 CHAIRMAN GETZ: Good morning.

18 MS. LEWIS: Cheryl Lewis, resident of
19 Rumney.

20 CHAIRMAN GETZ: Good morning.

21 MS. SPECTOR: Good morning. Laura
22 Spector, from the Mitchell Municipal Group, on behalf of
23 the Town of Groton. With me this morning is Miles
24 Sinclair, Chair of the Board of Selectmen.

1 CHAIRMAN GETZ: Good morning.

2 MR. WAUGH: I'm Bernard Waugh,
3 representing the Town of Rumney.

4 CHAIRMAN GETZ: Good morning.

5 MR. ROTH: Good morning. Peter Roth, as
6 Counsel for the Public, from the New Hampshire Department
7 of Justice. And, with me this morning is Michelle
8 Thibodeau, a second year law student, an intern in my
9 office this summer.

10 CHAIRMAN GETZ: Good morning. Okay.
11 So, there's going to be two other things I wanted to do.
12 I want to give everybody who is here an opportunity to
13 briefly state their position. And, at this point, it
14 really can be as little as saying whether you oppose or
15 support, or something more significant than that. I just
16 want to make clear, today is not the day for testimony.
17 This proceeding is going to last a number of months. But,
18 if I could get a feel for basically where the parties are,
19 could be important to how we deal with the Petitions to
20 Intervene.

21 And, I'll also note that we have a -- I
22 just received the Applicant's response to the intervention
23 petitions and requests, which I have not had an
24 opportunity to read. But let's take things one step at a

1 time. And, let's start, we'll take one round around the
2 room just for brief statements of positions. And, then,
3 once we've done that, then we'll move on to dealing with

4 the Petitions to Intervene.

5 So, Ms. Geiger.

6 MS. GEIGER: Thank you, Mr. Chairman.
7 Groton Wind, LLC, appreciates the opportunity to appear
8 before the Site Evaluation Committee to present its
9 Application for a 48-megawatt facility in Groton, New
10 Hampshire. We have, obviously, made a significant filing
11 with the Committee. We've met the filing requirements
12 established in the Committee's rules and in RSA 162-H. We
13 look forward to working with the parties in the technical
14 session to establish a procedural schedule. And, I'll
15 look forward to a resolution of this docket that results
16 in the granting of our Application and the issuing of a
17 Certificate of Site and Facility by the deadline
18 established in 162-H. Thank you.

19 CHAIRMAN GETZ: Okay. Thank you.
20 Mr. Wetterer.

21 MR. WETTERER: Yes. I'm opposed to the
22 building of the Groton Wind Project because of possible
23 health concerns. I think it's being built too close to
24 where people live. And, there need to be more studies
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1 done on the possible adverse health effects from such a
2 project.

3 CHAIRMAN GETZ: Okay. Thank you.
4 Ms. Lewis.

5 MS. LEWIS: I also oppose the
6 construction of this wind farm. I own a business, excuse
7 me, very close by, and extremely concerned about the
8 possible impact of that business. And, I'm very concerned

9 about the environmental impact of our beautiful ridgeline.
10 Thank you.

11 CHAIRMAN GETZ: Thank you. Ms. Spector.

12 MS. SPECTOR: As set forth in the Town's
13 April 20th, 2010 submission to this Committee, the Town is
14 in favor of the proposed project.

15 CHAIRMAN GETZ: Thank you. Mr. Waugh.

16 MR. WAUGH: The Town of Rumney, as such,
17 doesn't have a position on this project as yet. We are --
18 have had communications with the Applicant and are hoping
19 to come to an agreement concerning the resolution of the
20 Town's legitimate concerns, but that is still ongoing.

21 CHAIRMAN GETZ: Okay. Thank you. And,
22 Mr. Roth.

23 MR. ROTH: As Counsel for the Public,
24 it's my responsibility under the statute to ensure that
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1 the project produces an appropriate balance between the
2 environmental impacts and the production of energy. And,
3 I intend to do that in this case, as I have in others.
4 And, at this point, I don't take any particular position
5 on that one way or the other. Thank you.

6 CHAIRMAN GETZ: Okay. Thank you. Well,
7 let me turn to the Petitions to Intervene. I note as well
8 for the record that there are a number of petitions or
9 petitioners who have filed, but who are not here this
10 morning. But, as I understand the response, Ms. Geiger,
11 that the Applicant's position is to deny the intervention
12 requests. But, since I haven't had time to go through
13 this, if you would just summarize what the Applicant's

14 position is, and with respect to which parties it takes
15 this position.

16 MS. GEIGER: Yes. Thank you, Mr.
17 Chairman. The Applicant has no objection to the
18 intervention requests made by the Towns of Groton and
19 Rumney. However, as for the intervention requests made by
20 the several individuals who reside in the Town of Rumney,
21 the Applicant objects to granting intervenor status to
22 them. The people requesting intervention have not met the
23 standard for intervention that is articulated in RSA
24 541-A: 32, I. And, although their intervention requests
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1 express many concerns, the requests do not show that
2 rights, duties, privileges, immunities or other
3 substantial interests might be affected by this
4 proceeding.

5 For example, as indicated in the map in
6 Appendix D to the Wetlands Permit Application, which I
7 believe is in Volume III of the Application, these parties
8 or these would-be intervenors are not direct abutters to
9 the Project. Moreover, I think, if you look at another
10 map that's included under Appendix 35 to the Application,
11 you'll get a better sense of where some of the residences
12 are. Although they're not -- they're not delineated or
13 described by name, I think it shows, in relation to the
14 sound study that was done, where the residences in the
15 area are. So, I would refer you, Mr. Chairman, to those
16 maps.

17 I think, therefore, based on the maps
18 and based on the circumstances that are outlined in the
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19 requests for intervention, these individuals do not have a
20 substantial interest in the docket within the meaning of
21 the intervention statute that I cited before.

22 In addition, a recent decision of the
23 presiding officer in the Site Evaluation Committee docket
24 involving the Laidlaw Project denied intervention requests
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1 of -- a request of a citizen of Berlin, which was the host
2 community for that project. That individual, Mr. Edwards,
3 asserted that the project may impact the quality of his
4 life in Berlin. However, the presiding officer found that
5 this does not or that particular assertion does not
6 demonstrate an interest distinguishable from an interest
7 of any member of the general public. And, he further
8 found that the Berlin citizen's interest is most
9 appropriately within the purview of Counsel for the
10 Public.

11 In this case, we have residents of the
12 Town of Rumney making similar assertions regarding the
13 project's alleged impact on their lives and property.
14 And, under the rationale in the Laidlaw intervention order
15 that I just mentioned, these individuals' requests should
16 be denied. Moreover, whatever interests these Rumney
17 residents or citizens have will be adequately represented
18 by the Town of Rumney, which has sought intervention in
19 this docket and to which the Applicant has no opposition.
20 Moreover, Public Counsel also has the -- in the terms of
21 the Public Counsel's role, and in accordance with the
22 Laidlaw intervention order, the interests of the Rumney
23 citizens may be adequately presented -- represented and

24 presented to this Committee through Public Counsel.
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1 Lastly, we think in these circumstances
2 the prompt and orderly conduct of the proceeding would be
3 better served if the intervention requests were denied and
4 if the individuals' interests and positions were
5 represented either by the Town of Rumney or Public
6 Counsel.

7 The individuals requesting intervention
8 in this docket can participate in the docket as members of
9 the public and through public comment at the various
10 public hearings and adjudicative proceedings that the
11 Committee holds. They have the opportunity to provide
12 comment and submissions in writing to the Committee, and
13 therefore need not participate as formal intervenors as
14 parties with full rights to discovery, cross-examination,
15 and so forth.

16 In the alternative, however, if the
17 Committee decides to grant or the presiding officer
18 decides to grant intervention to these applicants -- to
19 these intervenors, the Applicant would respectfully
20 request that their participation in this docket be
21 consolidated, as we've indicated in our response. And,
22 basically, what that consolidation would consist of is
23 that all of the intervenors participate together as a
24 group through one representative, one set of discovery
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1 requests, one participant speaking on their behalf at

2 hearings and in technical sessions. We believe that that
3 would promote the prompt and orderly conduct of the
4 proceedings, rather than having each of the seven
5 individuals participate on their own.

6 And, I'd be happy to answer any
7 questions, if you have them. Thank you.

8 MS. GEIGER: Okay. Thank you. Well,
9 Mr. Wetterer and Ms. Lewis, we'll give you an opportunity
10 to respond to Ms. Geiger's objection, then we'll give
11 other counsel an opportunity to respond. Mr. Roth.

12 MR. ROTH: Just as a point of order,
13 this was scheduled as a prehearing conference. And, we
14 have a number of people who did not -- who no doubt, in
15 making their request for intervention, did not expect to
16 be present for a hearing on a motion for intervention
17 today. And, the deadline for objecting to the
18 interventions is yet to come. And, I think it's a bit
19 unfair to allow Attorney Geiger to make an argument about
20 intervention at this point without having properly noticed
21 the other people who may have a reason to be here and make
22 a similar argument. And, maybe I missed something in the
23 procedural order, but my understanding is is that where
24 the calendar shows interventions were only due the other
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1 day, and the objections were only just made this morning,
2 to have a hearing on it at this point I think is probably
3 a denial of due process and kind of unfair.

4 In addition to the people who are here,
5 who probably were not expecting to be making an argument
6 on intervention this morning, I didn't come prepared to

7 make an argument on intervention. And, if this is the
8 hearing on intervention, then I'm going to support those
9 requests for intervention and object to this objection.
10 And, although I do support the basic idea of consolidating
11 the intervention requests, as was suggested by Attorney
12 Geiger.

13 CHAIRMAN GETZ: Well, let me say this.
14 I think that the issues have been properly noticed. I
15 think the statute contemplates it. And, I'm going to give
16 the parties, who have petitioned to intervene and have
17 shown up here today, an opportunity to respond to the
18 objection.

19 MR. ROTH: Just one. I would hope that,
20 you know, with the other people who have requested
21 intervention, once they have an opportunity to review the
22 Applicant's objection, that you afford them a hearing on
23 the intervention as well, if they request one.

24 MR. IACOPINO: Mr. Chairman, I would
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1 just point out that, on June 3rd, 2010, I did forward an
2 e-mail to all of the people who have been -- who you have
3 referenced as potential intervenors in the case. That
4 went over the purposes of the prehearing conference,
5 specifically identified intervening as an issue, and also
6 provided verbatim copies of RSA 541-A:31 regarding the
7 proper scope of a prehearing conference, as well as Site
8 -- administrative rule Site 202.10, which is our
9 administrative regulation regarding a prehearing
10 conference.

11 So that, in addition to the notice that

12 was published in the paper, which, by the way, we do have
13 a copy that that was, in fact, published on May 7th, they
14 have received additional instructions from me with respect
15 to what this proceeding is about, and the fact that
16 intervention is one of the likely issues. And, in fact,
17 the number one issue that I identified for them is "issues
18 that are likely to be litigated in the context of the
19 adjudicated proceeding", certainly intervention would be
20 one of the first ones. My e-mail also referenced the
21 possible consolidation of intervenor requests and
22 examinations. So that there's been, not only the formal
23 notice that was published in the newspaper, and copied to
24 those whom we've had correspondence from at that point in
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1 time, but also my e-mail from June 3rd, 2010.

2 MR. ROTH: Mr. Chairman, again, you
3 know, notice on June 3rd of a hearing on June 7th is
4 probably not consistent with the rules of this body. And,
5 in any case, this is intended to be a prehearing
6 conference. And, I don't think it's a fair interpretation
7 that a prehearing conference is actually a hearing on,
8 I'll quote, "on a contested matter".

9 CHAIRMAN GETZ: Ms. Geiger.

10 MS. GEIGER: Yes. Thank you, Mr.
11 Chairman. I would just note, so that the record is clear,
12 the Order of Notice or Order and Notice of Prehearing
13 Conference issued by you, Mr. Chairman, on May 21st, 2010,
14 expressly states that the purpose of the prehearing
15 conference, and again, it states "June 7th at 10:00 a.m",
16 is "to review petitions to intervene, determine contested

17 issues, prepare a discovery schedule and discuss proposed
18 hearing schedules." This order was published in the Union
19 Leader on May 26th. I believe Attorney Iacopino may have
20 said "May 7th". I want the record to be clear, it was
21 published by the deadline indicated in the order, which
22 was May 27th.

23 In addition to that, later on in the
24 order it expressly says that "The Chairman of the
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1 Subcommittee will rule on all motions for intervention and
2 parties may be subject to conditions, limitations and/or
3 consolidation with others."

4 So, I believe the Committee's order is
5 very clear that what was going to happen today, and
6 consistent with past practice of the Committee, is that
7 arguments would be taken on the requests for intervention,
8 which I know did not all follow the Committee's rules.
9 So, I believe Attorney Iacopino had expressly contacted by
10 electronic mail some of the requesting parties to strongly
11 urge them to transform their requests into more formal
12 petitions for intervention. Notwithstanding the way that
13 those requests were framed, I felt it was important to
14 provide a written response to them by today's prehearing
15 conference, just so that you, Mr. Chairman, would have
16 something to review. Because of the way the order of
17 notice was worded, I felt that today was the appropriate
18 time at which intervention requests would be addressed.
19 And, that's just the way I interpreted the plain meaning
20 and the plain reading of the Order of Notice. Thank you.

21 CHAIRMAN GETZ: Okay. Thank you.

22 Actually, I've heard enough on this issue for now,
23 Mr. Roth. I want to give the opportunity to Mr. Wetterer
24 and Ms. Lewis, if they would like to respond to the
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1 substance of Mr. Geiger's opposition to your intervention?

2 MR. WETTERER: Yes, I would. I came to
3 the meeting not really prepared to argue my intervenor
4 status. I felt -- I realize that you were going to make a
5 decision today, but I thought that would be based solely
6 on my letter. I do have some comments to make on my
7 proposed status, however.

8 I feel that, you know, I alone can speak
9 for my concerns, because I will be living less than one
10 mile from the proposed wind turbine farm. And, while
11 there are no regulations, as far as I know, in New
12 Hampshire as to distances, Vermont has proposed
13 legislation that would require a much greater distance
14 setback from wind farms and residences, especially in
15 terrain such as in Rumney, where there is a greater than
16 500 foot distance of vertical separation between a
17 residence and the base of the tower. I know, where I
18 live, it's more than 500 feet.

19 And, in that case, I have a regulation
20 that's proposed in Vermont, and I believe it calls for at
21 least two miles distance, based on health concerns and
22 sound level noises. Because of high elevation
23 differences, sound levels can travel and they can
24 reverberate off of mountaintops and travel for quite long
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1 distances.

2 And, as I say, I don't believe that the
3 attorney for the State or the attorney for the Town of
4 Rumney with their concerns, which are quite legitimate,
5 will adequately represent my personal concerns.

6 CHAIRMAN GETZ: Thank you. Ms. Lewis,
7 would you like an opportunity?

8 MS. LEWIS: Yes. I, too, was not
9 prepared to provide a detailed defense of my ability to
10 become an inter -- have an intervenor status throughout
11 this process. I was also under the impression that it
12 would be based solely on our written document that had
13 been submitted. And, therefore, you know, I was prepared
14 to defend that. However, I will do my best at this point.

15 I think I strongly disagree with
16 Attorney Geiger's motion to either have us dropped for
17 intervenor status or to form us into a group. I feel that
18 I alone are the only one that understands my business and
19 the impact that it could have on my business as a
20 campground. And, the fact that I have many tenters, and
21 that we are quite a short distance from where this project
22 is going to be. And, based on the noise that may take
23 place, I could lose all of my tenters and have a major
24 impact on my business as a whole.

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1 Secondly, I also have major issues with
2 the environmental aspect of it. Our tourism is based on
3 people coming to the area to enjoy the beautiful scenery.
4 And, if we don't have that, we don't have a tourist
5 industry within the whole Baker Valley region.

6 I also feel that Attorney Waugh,
7 although I respect him, I don't feel that he could use the
8 Town of Rumney's backing, as far as I don't think it would
9 apply to my personal situation. And, secondly, the Town
10 of Rumney has not even decided whether they oppose this or
11 not, whereas I am fully opposed to this project. So, I
12 don't think they can do me the type of service that I feel
13 I deserve in having a voice in this process.

14 Secondly, I do feel that all of the
15 intervenors, I know those that have applied in our town,
16 many of them who wish they could be here, but they did
17 have other business things that they had to attend to and
18 were not able to make this. However, I think they thought
19 they would be afforded an ability to be a part of this
20 process. And, you know, I guess I would like to speak for
21 them and say that I hope that the Committee will allow
22 them to at least have a further voice in being part of
23 this. Thank you.

24 CHAIRMAN GETZ: Thank you. Ms. Spector,
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1 would you like to weigh in on this issue?

2 MS. SPECTOR: The Town of Groton takes
3 no position on the individual interventions.

4 CHAIRMAN GETZ: Mr. Waugh?

5 MR. WAUGH: I think the Town of Rumney
6 takes no position, except that I do want to respond to one
7 thing that Attorney Geiger said, which is that the
8 individuals, who are residents of Rumney, would be
9 adequately represented by me. I think that's not true.
10 That is to say, I believe that the Town, as an official

11 body, is going -- is most likely to concentrate its
12 testimony vis-a-vis the interests in common to all Rumney
13 taxpayers, for example, the integrity of their roads and
14 so forth, and that individual residents may have interests
15 over and above those.

16 CHAIRMAN GETZ: Thank you.

17 MR. ROTH: If I may speak to the merits
18 of the motion at this point?

19 CHAIRMAN GETZ: I thought you already
20 had, but --

21 MR. ROTH: Yes. I was speaking to what
22 I believe was a due process problem in hearing it today.
23 On the merits, I agree with Mr. Waugh, that essentially
24 conflating the interests of all the individual intervenors

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1 with Counsel for the Public is similarly not correct. I
2 may turn out to not oppose certain aspects of this
3 project, not choose to litigate certain elements of it. I
4 may even reach a point where we support it, where the
5 State of New Hampshire supports it. So, to suggest that
6 my office is somehow going to adequately represent people
7 who will oppose this project to the bitter end I think is
8 an inappropriate conclusion at this time.

9 CHAIRMAN GETZ: Okay. Thank you.

10 (Chairman Getz and Mr. Iacopino
11 conferring.)

12 CHAIRMAN GETZ: Okay. Let me discuss
13 the petitions to intervene in the context of the governing
14 statute, 541-A:32. As I read the statute, it basically
15 provides that certain parties in proceedings may have a

16 right to intervene. The statute at the same time grants
17 the presiding officer in a proceeding a certain amount of
18 discretion to permit intervention. I think there may be
19 certain questions of fact that I would need to review to
20 determine whether Mr. Wetterer or Ms. Lewis or anyone else
21 who lives in Rumney qualified for intervention as a matter
22 of right. But I think my inclination is that, given the
23 discretion that's afforded me to permit intervention as a
24 matter of in the interest of justice, and so long as it
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1 would not impair the orderly and prompt conduct of the
2 proceedings, I'm inclined to grant the petitions to enter
3 intervene of the residents of Rumney, but to require that
4 they -- that the participation be combined in this
5 proceeding.

6 One problem we have is that only
7 Ms. Lewis and Mr. Wetterer are here today; the remaining
8 five individuals or families are not here. It's been my
9 experience in the past, with Site Evaluation Committee
10 proceedings and PUC proceedings, that pro se intervenors
11 do not necessarily understand the difference between
12 intervention as a party and having the opportunity to
13 comment. It may be helpful, and I would ask Mr. Iacopino
14 to follow up on this, to see which of those individuals
15 truly wants to intervene as a party and which may be more
16 interested in participating through public comment.

17 But my inclination is to grant
18 intervention to some number of people in the Town of
19 Rumney, including at least the two that are here today,
20 and to combine their intervention, their participation,

21 for matters of conducting discovery, filing testimony,
22 conducting cross-examination, and submitting written
23 briefs in this proceeding.

24 So, and what we'll do after we close the
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25

1 hearing today, after it's adjourned and I leave, then
2 there will be opportunity for Mr. Iacopino to sit down
3 with the parties to talk through any of these issues about
4 the details of how combined or consolidated participation
5 would occur, and to talk about the procedural schedule
6 that's been circulated, and see if we can come to some --
7 if the parties can come to some agreement that then
8 Mr. Iacopino can formalize in a written way, and that I
9 will then submit an order, a procedural order in this case
10 that will resolve the issues that have been raised or
11 noticed and raised today.

12 So, with that, I think that addresses
13 the list of issues I had. So, Mr. Iacopino, is there
14 anything else that we needed to get on the record before
15 adjourning?

16 MR. IACOPI NO: Not that I'm aware of.

17 CHAIRMAN GETZ: Are there any other
18 issues that anyone here today would like to raise on the
19 record before we adjourn or any questions? Ms. Lewis.

20 MS. LEWIS: I just wanted to ask, as
21 intervenors, would we be able to get a hard copy of the
22 Application and all the detail for it?

23 CHAIRMAN GETZ: Ms. Geiger?

24 MS. GEIGER: There is a full set of the
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1 four volumes of the Application that you see here on
2 counsel table at the Town Hall in Rumney and in Groton as
3 well.

4 MS. LEWIS: It closes at 2:00.

5 MS. GEIGER: Okay.

6 CHAIRMAN GETZ: Well, I guess what I
7 would suggest, I think, to the extent that there is going
8 to be a Rumney group of citizens who are going to be
9 intervening as parties in this proceeding, there should be
10 at least one full hard set provided to someone in that
11 group. And, if, you know, Ms. Lewis, Mr. Wetterer wants
12 to organize who should get it, how that should occur, then
13 I think they should be at least afforded one full hard
14 copy set.

15 MS. GEIGER: We'll do that. Thank you.

16 CHAIRMAN GETZ: Anything else that needs
17 to be addressed this morning?

18 (No verbal response)

19 CHAIRMAN GETZ: Okay. Then, hearing
20 nothing further, I'm going to adjourn the prehearing
21 conference. And, then, if the parties could discuss with
22 Mr. Iacopino the details of the proposed procedural
23 schedule, and hopefully there will be some agreement that
24 can be reached. And, then, I will make sure that all of

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1 this is included in a written order addressing the
2 prehearing conference. So, thank you, everyone.

3 MR. ROTH: Thank you.

4 2010-1PC.txt
5 (Whereupon the prehearing conference
6 ended at 10:37 a.m.)
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