

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**APPLICATION OF GROTON WIND, LLC  
NO. 2010-01**

**TOWN OF PLYMOUTH'S MOTION FOR LEAVE  
TO FILE PETITION TO INTERVENE**

NOW COMES the Town of Plymouth (the "Town"), by and through its attorneys, Donahue, Tucker & Ciandella PLLC, and respectfully requests that the Site Evaluation Committee (the "Committee"), pursuant to its authority under RSA 541-A:37 and Site 202.15, waive Site 202.11(b)(1) and allow the Town to petition the Committee to intervene in the above-referenced matter, per Site 202.11, for the following reasons:

**Waiver of Rule**

1. In light of the June 7, 2010 hearing in the above-captioned matter, the Town cannot satisfy Site 202.11(b)(1), requiring that a petition to intervene be filed at least three (3) days before the hearing, i.e. June 4, 2010.
2. The Committee's waiver of Site 202.11(b)(1), granting the Town leave to petition to intervene, will serve the public interest and not disrupt the orderly and efficient resolution of matters before the Committee. See Site 202.15.

**Petition to Intervene**

3. The rights, duties and substantial interests of the Town and its residents may be affected by the proceedings in the above-captioned matter due to the proximity of the Town to the proposed development site.
4. The interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. See Site 202.11(b)(3).
5. Per Site 202.14(d), the Town has sought the concurrence with the relief sought from all parties via electronic mail sent on Wednesday, June 9, 2010 at 6:12 p.m.

WHEREFORE the Town of Plymouth respectfully requests this Committee:

- A. Waive Site 202.11(b)(1) and grant the Town's Motion for Leave;
- B. Grant the Town's Petition to Intervene;
- C. Copy the undersigned attorneys on all notices and proceedings of the Committee in this case; and

D. Grant such other relief as the Committee deems just and equitable.

Respectfully submitted,

**TOWN OF PLYMOUTH**

By and through its attorneys,

**DONAHUE, TUCKER & CIANDELLA, PLLC**

June 10, 2010

By: s/ John L. McGowan  
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**Certificate of Service**

I hereby certify that per Site 202.07(a) and (c) a copy of the foregoing MOTION FOR LEAVE TO FILE PETITION TO INTERVENE has this 10<sup>th</sup> day of June 2010 been served upon all parties/interested parties and committee staff on the Service List (updated June 3, 2010) via electronic mail.

s/ John L. McGowan  
John L. McGowan, Esq., NHBA # 18337

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