

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2010-01**

**Application of Groton Wind, LLC for a Certificate of Site and Facility  
for a Renewable Energy Facility in Groton, New Hampshire**

**ORDER ON PARTIALLY ASSENTED MOTION  
TO AMEND ORDER AND NOTICE AND  
SUPPLEMENTAL ORDER REGARDING INTERVENTION**

**Issued July 7, 2010**

**I. Notice**

On March 26, 2010, Groton Wind LLC (Applicant) filed an Application for a Certificate of Site and Facility (Application) to construct a 48-MW wind turbine renewable energy facility (Facility or Project) in the Town of Groton, Grafton County, New Hampshire. On May 21, 2010, an Order and Notice of Prehearing Conference, Site Visit and Public Information Hearing (Order and Notice) was issued. The Order and Notice was required to be published by the Applicant on or before May 27, 2010, in a newspaper of general statewide circulation. Pursuant to RSA 162-H:6-a, IV, the public must be given thirty days notice of a public information hearing.

In addition to the statutorily required notice, the Applicant was directed to publish the Order and Notice in a newspaper of general circulation in Grafton County "as soon as practicable, consistent with such newspaper's publication schedules" and to publish "at least one display advertisement publicizing the public information hearing in a newspaper of general circulation in Grafton County not less than ten, nor more than fourteen days, prior to the public information hearing." See, Order and Notice.

On June 18, 2010, the Applicant filed an Affidavit of Publication documenting the timely publication of the Order and Notice in a newspaper of general statewide circulation. Statewide publication occurred in the *Union Leader* on May 26, 2010. See, Affidavit of Publication, June 18, 2010. Publication in the *Union Leader* complied with RSA 162-H: 6-a, IV, by providing thirty days notice to public.

On June 21, 2009, the Applicant filed a Partially Assented to Motion to Amend Order and Notice, which advises the Subcommittee that additional publication requirements of the Order and Notice had not been met. In its motion, the Applicant asserts that it made a good faith effort to comply with the publication provisions of the Order and Notice by publishing the legal notice and the display advertisement in the publication known as the *Plymouth Record Enterprise*, a newspaper with general circulation in Grafton County. The Applicant asserts that, despite instructions from its counsel and employees, the *Plymouth Record Enterprise* published the display

advertisement on June 3, 2010, some 25 days before the public information hearing. In addition, the Applicant claims that, as of the date of the motion, the *Plymouth Record Enterprise* had not published the Order and Notice. The Applicant further asserts that the Order and Notice and the display advertisement were expected to be published in the *Plymouth Record Enterprise* on June 24, 2010, which is only four days notice. The Applicant requests that the Order and Notice be amended to read as follows:

"FURTHER ORDERED, that the Applicant shall cause this Order and Notice to be published, on or before May 27, 2010, in a newspaper of general statewide circulation. The Applicant shall also cause a display advertisement to be published in at least one newspaper of general circulation in Grafton County prior to the public hearing on June 28, 2010."

In essence, the Applicant asks the Subcommittee to rule that the actual notice provided by publication was sufficient.

The Applicant reports that it provided a copy of its motion to all parties in this proceeding and that none have expressly objected<sup>1</sup>. No written objections to the motion have been filed with the Subcommittee<sup>2</sup>.

On June 28, 2010, the Public Information Hearing was held in Room 220 of Hyde Hall at Plymouth State University. The meeting was attended by approximately 120 members of the public. Numerous questions were posed to the Applicant, and numerous individuals made public comment.

On July 1, 2010, the Subcommittee was notified that an additional display advertisement and the Order and Notice was, in fact, published in the *Plymouth Record Enterprise* on June 24, 2010. The Applicant filed an Affidavit of Publication and accompanying tear sheets demonstrating the publication of both the display advertisement and the Order and Notice in the *Plymouth Record Enterprise* on June 24, 2010. In addition to the foregoing formal notice, news media also reported the time, date and place of the June 28, 2010, public information meeting in the *Union Leader*, *Laconia Citizen* and *Fosters Democrat*.

RSA 162-H: 6-a, IV, requires that the Committee provide thirty days notice of a public information hearing. RSA 91-A: 2, II, provides that with the exception of emergency situations, meeting notices shall be "posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings." While the notice by publication in this case did not strictly comply with the Order and Notice, it did satisfy the notice

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<sup>1</sup> The Applicant states that the Town of Plymouth assents to the requested relief, the town of Groton takes no position and the remaining parties have not responded. Additionally, the motion suggests that a Mr. Thibedeau indicated an objection. However, Mr. Thibedeau is not an intervenor in this proceeding.

<sup>2</sup> New Hampshire Code of Administrative Rules, Site 202.14 (f) requires that objections be filed within 10 days of the date of the motion. In this matter, objections were due by July 1, 2010.

provisions of both RSA 162-H: 6-1, IV and RSA 91-A: 2, II. In fact, notice was published on four separate occasions rather than the three occasions required by the Order and Notice. The notice by publication thus provided reasonable and timely notice of the public information hearing that was held on June 28, 2010.

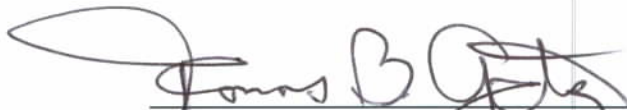
## **II. Intervention**

On June 25, 2010, a Report of Prehearing Conference and Technical Session and Procedural Order was issued in this docket. The Procedural Order resolved the pending Motions to Intervene. Theodore Mazur, however, was not referenced in the Order. Theodore Mazur is a member of the household of Dr. Lawrence Mazur. Dr. Mazur had requested in one of his communications that Theodore be included as an intervenor. Theodore Mazur is permitted to participate in this matter as a member of the group of intervenors that include Richard Wetterer and the other Mazur family members. He will be subject to the same terms and conditions as set forth in the Procedural Order.

### **Based upon the foregoing, it is hereby**

**Ordered**, that the notices, as published by the Applicant, were reasonable and provided sufficient and timely notice of the Public Information Hearing; and it is

**Further Ordered**, that Theodore Mazur is granted intervention as described herein.



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Thomas B. Getz, Presiding Officer  
Vice Chair, Site Evaluation Committee