

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

In the matter of the)
Application for Certification)
Pursuant to RSA 162-H of)
GROTON WIND LLC)

**Docket No. 2010-01
November 17, 2010**

**MOTION OF INTERVENOR GROUP BUTTOLPH/LEWIS/SPRING FOR
ORDER DIRECTING GROTON WIND LLC AND IBERDROLA
RENOVABLES TO BEAR THE COSTS OF EXPERT CONSULTANT**

Intervenor group Buttolph/Lewis/Spring, (“the Intervenors”) hereby move, pursuant to RSA 162-H:10, V, for an order directing Groton Wind, LLC (“GWL” or “Applicant”), to bear the costs of the consultant expenses for the purpose of evaluating possible impacts to real estate values and reimburse the Intervenors in an amount of \$3,988.56. In support hereof, the Intervenors respectfully represent as follows:

1. As noted in the “ORDER ON PENDING MOTIONS” of the Site Evaluation Committee dated October 27, 2010, page 3, the committee states “The effect of wind farm visibility on property values generally is relevant to the orderly development of the region which is a statutory concern of the subcommittee. See RSA 162-H: 16, IV.”

2. As noted in the “BUTTOLPH/LEWIS/SPRING GROUP OF INTERVENORS RESPONSIVE COMMENTS TO APPLICANT’S OBJECTION TO MOTION TO ALLOW FOR PARTICIPATION OF EXPERT WITNESS VIA TELECONFERENCE OR VIDEOCONFERENCE ” dated October 17, 2010, page 1, “Mr. McCann’s ... contribution represents the only testimony from a witness who has

articulated any credible knowledge [regarding real estate values], other than superficial knowledge obtained by simply reading documents included in Appendix 37 of the Groton Wind application.”

3. Pursuant to RSA 162-H:10, V, “the site evaluation committee and counsel for the public shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee.”

4. The Intervenors successfully executed a plan to secure the services of Michael McCann, CRA, State Certified General Real Estate Appraiser, for the purposes of assisting the committee with its statutory charge outlined in #1 above. While Mr. McCann’s testimony assisted in the arguments associated in demonstrating the impacts to the Intervenors “rights, duties, privileges, immunities or other substantial interests” as noted as a condition for intervention pursuant to RSA 541-A:32, the effect of this testimony extended far beyond the narrow interests of Intervenors as outlined in this RSA, defending the interests of the entire community. As noted in APPLICANT’S RESPONSE TO INTERVENTION PETITIONS AND REQUESTS dated June 7, 2010, pages 6 and 7, [a subset of the Intervenor’s concerns] “...are no different than those faced by other members of the public. ... As such, any concerns that these individuals have can be adequately presented to the committee through Public Counsel, who is required to represent the views of the public.” While disagreeing with the characterization of the applicant that “any [of the

Intervenors] concerns ... can be adequately presented through committee through Public Counsel”, on the narrow question of real estate valuation impacts, the testimony presented by Mr. McCann, in addition to defending the interests specific to Intervenors, has a far wider application to the interests of the members of the public.

6. Every effort was made to reduce the costs consistent with the requirement noted in #3 relative to RSA 162-H:10 V that studies be “reasonable”. Mr. McCann’s invoice reflects our successful negotiation of his hourly rate billed at one half of his usual rate. Further, videoconference technology, as allowed by the committee, was employed in order to substantially reduce the expense. The total cost of Mr. McCann’s services, combined with the costs of copies and overnight shipping specific to Mr. McCann’s participation, along with costs associated with securing internet service via Virgin Mobile technology (in keeping with the requirement articulated by Ms. Janice Schultz, IT Manager, NH Department of Information Technology, that internet service provided through the PUC local area network shall not be used), totals \$3,988.56. (See attachment A).

6. Under RSA 162-H:10, V, the cost of such consultants “shall be borne by the applicant in such amount as may be approved by the Committee”. The Intervenors ask the committee to order and direct the Applicant to pay the Intervenor’s costs for Mr. McCann’s services and incidental expenses due to copying, overnight air and internet service as presented on Attachment A. Check can be payable to the undersigned spokesman, who is named as the responsible party on the McCann Invoice (see Attachment A).

7. The Intervenors consider Attachment A to represent the complete charge associated with the services of Mr. McCann to date. However, should additional discovery associated with the application show a reasonable likelihood of additional impacts to real estate values, such as may be suggested for example by possible impacts to historical properties, the Intervenors reserve the ability and right to request additional sums should the need arise.

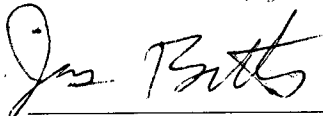
8. The Intervenors have requested that other parties communicate their respective positions on this motion. All parties were provided with an electronic draft copy of this motion on Monday, November 15, 2010. The Applicant has informed us that they object to this motion. The Counsel for the Public informed us verbally after the hearing on Friday, November 5, 2010 that they would not object, and after forwarding our draft we have received no additional comment. We have made a good faith effort to learn the position of other parties, and as of today, we have received no communication regarding this motion from the other parties to this matter.

Wherefore, the Intervenors pray that the Sub-committee enter an order directing the Applicant to bear the costs as represented on Attachment A pursuant to RSA 162-H:10, V, and granting such other relief as may be just.

Respectfully submitted,

The Intervenors Buttolph/Lewis/Spring

By their spokesperson



James Buttolph

I, James Buttolph, do hereby certify that I caused the foregoing to be sent by electronic mail or US mail to the persons on the currently active service list for docket 2010-01 (exclusive of Committee or Subcommittee members). Additionally, 9 copies as well as an original are being filed with the office of Commissioner Burack through Jane Murray, Secretary to the Committee via US Mail.

Motion of Intervenor Group Buttolph/Lewis/Spring regarding Costs of Expert Consultant

Docket 2010-01 Groton Wind

ATTACHMENT A

Michael McCann Invoice and Statement * **\$3,062.50**

Copies

Total exhibits copy charges	\$924.87	
Percentage of Exhibits for McCan	<u>70%</u>	
Prorated Copy Costs - McCann	\$642.90	
Rumney map copies - McCann analysis	<u>\$75.00</u>	
Copy costs McCann Presentation		\$717.90

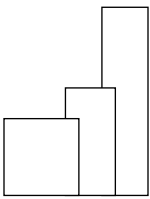
FedEx Overnight Air - Florida **\$88.28**

Internet Videoconferencing

Virgin Mobile Air Card	\$79.88	
Service Time Purchase	<u>\$40.00</u>	
		<u>\$119.88</u>

Total Cost - McCann **\$3,988.56**

*Reflects workscope as of November 10, 2010. Also reflects courtesy 50% reduction to hourly rate donated by McCann Appraisal LLC



McCann Appraisal, LLC
Real Estate Appraisal & Consulting

INVOICE & FINAL STATEMENT

November 10, 2010

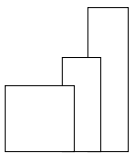
Mr. Jim Buttolph
170 Quincy Road
Rumney, NH 03266

Re: Docket No. 2010 -
Application of Groton Wind, LLC for a Certificate of Site and Facility
Groton Wind Project;
Groton, New Hampshire

McCann Invoice # MA.100803-3

For professional services rendered, per agreement:

Date	Description	Time	Fee
Sept 3	Review of application for wind project siting approval; various communications with client and other citizens regarding the project and issues related to project; preparation of written testimony letter (Aug. 31) regarding impact of wind project on neighboring property values, the relative reliability of the LBNL report, and the previous McCann Appraisal Adams County Illinois study.	5.0	\$500
	Payment received		(\$500)
Sept 20/21	Prepare written response to data request	7.0	\$875.00
Sept 27	Telcon with Michael Iacopino, Iberdola attorneys Mr., Patch & Ms. Geiger, and Peter Roth counsel for public re: response to data request; a.m. prep for telconf.:	2.50	312.50
			\$1,187.50
	Payment received		(\$1,187.50)



McCann Appraisal, LLC

October 1	Review data request from Peter Roth; review docs as necessary to respond; prepare written response to 20 questions; submit to client for forwarding to appropriate parties.	3.50	\$375.00
Oct 2 thru Nov 3	Forward to client additional exhibits per continued disclosure obligation; review Hoen Webinar update of LBNL report; interview Buttolph & Lewis re: personal investment in area real estate, review of distances, etc.	4.0	N/C
Nov 3	Review hearing exhibits recvd FedEx from client.	2.0	\$250.00
Nov 4	Set up web cam, trouble shoot with client and tech Roger; test with both client and tech	2.0	\$250.00
Nov 5	Begin prep at 8 a.m., final test of webcam with client at hearing location; review documents; commence hearing at 9 a.m., conclude hearing at 11:25 a.m.; follow up with attorney for Illinois hearing re: document from file re: Lee County MLS history.	4.0	\$500.00
	McCann Appraisal, LLC Total time expenditures	30.0	
		Total Fee	\$3,062.50
		Total Payments Received	\$1,687.50
		AMOUNT DUE	\$1,375.00

Note: Rate reduced from \$250 to \$125/hr, per agreement

Please remit payment to:

McCann Appraisal, LLC
3729 SE 12 Pl.
Cape Coral, FL 33904

I appreciate the opportunity to be of service.