

**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 27, 2010**

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

With respect to the Applicant’s objection (the “objection”) to the Buttolph/Lewis/Spring Group of Intervenors (the "Intervenors") motion (the “motion”) to compel the applicant and Iberdrola Renovables to bear the costs of the property value expert witness Michael McCann dated November 23, 2010, we respectfully offer the following comments responding to the specific points raised by the applicant.

1. In paragraph 1, page 1 of the objection, the applicant inappropriately presents that the Site Evaluation Committee (the “Committee”) lacks the authority to grant the relief requested by the Intervenors under RSA 162-H:10, V. The Statue grants substantial flexibility to the Committee and its presiding officer to carry out its duties as imposed by the law. The Committee was clear in its October 27, 2010 order that the impact of the proposed project on the local real estate market is one of the economic issues that may be considered by the Committee by statute. There is no question that RSA 162-H:10, V provides for the Committee’s option to order the applicant to incur the costs necessary to assist the committee and Counsel for the Public in meeting statutory concerns. However, the law does not provide details on precisely how any reasonable studies and investigations deemed necessary or appropriate are defined and incorporated into these proceedings. The law merely

provides that this employment be undertaken with the effect of “furtherance of the duties imposed by this chapter”. The law does not expressly prohibit payment to an intervenor or to any other entity for that matter. Further, had Counsel for the Public found fundamental flaws with the motion, an objection would have been forthcoming. Subsequent to the intervenors’ filing, the Counsel for the Public indicated that he was not inclined to oppose our motion. Clearly the employment of Mr. McCann served the purpose of assisting the Committee and Counsel for the Public with its statutory responsibilities. As such, we maintain that employment is eligible for Committee consideration under RSA 162-H:10, V.

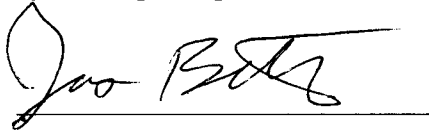
2. On page 2 of the objection, the applicant argues that, “An order requiring an applicant to pay costs incurred by a group of intervenors would improperly incentivize those in opposition to a renewable energy project to incur substantial costs simply to harass and discourage an applicant...”. No reasonable person reading our motion could draw the conclusion that our request has anything to do with renewable energy. Rather, our focus is on a specific provision of the statute which applies to all energy facilities regardless of fuel source. Regarding the suggestion that awarding relief to the intervenors in this situation would somehow incentivize harassment, pursuant to RSA 162-H:10, V, decisions for reimbursement are solely at the discretion of the committee based on the merits of the workscope involved. The applicant is suggesting that a future committee will ignore the plain words of RSA 162-H:10, V and award compensation for workscope that does not serve the purposes outlined in statute. We take strong issue with the suggestion that we, or any other appropriately designated intervenor, is likely to “...incur substantial costs simply to harass...”. We are compelled to reassert, in accordance with RSA

541-A:32 I (b), that our motivations are determined by statute, with intervenors having demonstrated that “the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected by the proceedings.” Said differently, intervenors are the parties most likely to be directly and personally impacted by the proceedings, and are driven by this motivation alone. However, in the case of Mr. McCann’s testimony, the outcome of this contracted workscope clearly served the interests of those in the public realm who reside in several towns throughout the Baker River Valley. As such, we respectfully submit that reasonable charges are appropriate to be considered under the reimbursement provisions of RSA.162-H:10, V.

Respectfully submitted,

The Intervenors Buttolph/Lewis/Spring

By their spokesperson

A handwritten signature in black ink, appearing to read "James Buttolph", is written over a horizontal line.

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.