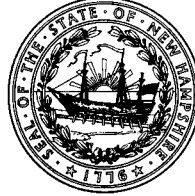


**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



January 26, 2011

NH Site Evaluation Committee
c/o Jane Murray, Secretary
29 Hazen Drive, PO Box 95
Concord, New Hampshire 03301-0095

Re: Application of Groton Wind, LLC
Docket No. 2010-01

Dear Ms. Murray:

Enclosed for filing with the New Hampshire Site Evaluation Committee with reference to the above-captioned matter please find an original plus three copies of the *Reply of Counsel for the Public to Applicant's Response to Partially Assented to Petition of the Town of Holderness to Intervene*.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Manuela Perry".

Manuela Perry
Paralegal II
Environmental Protection Bureau
(603) 271-3679

/MP
Enclosure
cc: Service List

**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

**REPLY OF COUNSEL FOR THE PUBLIC TO APPLICANT’S RESPONSE TO
PARTIALLY ASSENTED TO PETITION OF THE TOWN OF HOLDERNESS TO
INTERVENE**

Counsel for the Public, by his attorneys, the Office of the Attorney General, hereby replies to the Applicant’s Response to the Town of Holderness’ Petition for Intervention. Counsel for the Public supports the Town’s intervention without the limitations requested by the Applicant.

The only basis for the limitation suggested by the Applicant is that it is authorized by RSA 541-A and that the Committee included such a condition in the Lempster case upon the intervention of the Town of Goshen. The limitation on the Town of Goshen, however, was likely because Goshen had acknowledged both in its petition and at a hearing that it was primarily interested in the impacts of transmission facilities on its town and did not take a position on intervention in the case as a whole. Moreover, the orders of the Committee in a previous case have no binding precedential effect in a subsequent case. But in this case, the Applicant points to no facts which suggest that there is some real and practical reason that the Town should not have full intervenor status.

It is not clear how the Committee would reconcile the requirement in the governing statute that the Committee give “due consideration . . . to the views of municipal governing

bodies” if the participation of one of the bodies most affected by the project’s infrastructure is hobbled by an unnecessary and unjustified limiting condition to its intervention. RSA 162-H:16, IV(b). Clearly, where the legislature intended to deprive municipalities of their powers to make land use decisions involving power facilities such as the one proposed by the Applicant, it did so understanding that the process here “assured that their concerns would be considered in a comprehensive site evaluation.” *Public Serv. Co. of N.H. v. Town of Hampton*, 120 N.H. 68, 71 (1980). In so doing, the Committee’s work under RSA 162-H “protects the ‘public health and safety’ of the residents of the various towns with respect to” the proposed facilities. *Id.* Limiting the participation of one of those towns in this case is not consistent with the statutory design and the holding of the Court in *Town of Hampton*.

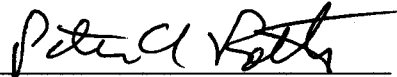
Wherefore, Counsel for the Public prays that the Committee enter an order granting the Town of Holderness full rights of intervention, and for such other and further relief as may be just.

Respectfully submitted this 26th day of January 2011,

COUNSEL FOR THE PUBLIC

By his attorneys

MICHAEL A. DELANEY
ATTORNEY GENERAL



Peter C.L. Roth
Senior Assistant Attorney General
33 Capitol Street
Concord, New Hampshire 03301-6397
Tel. (603) 271-3679

Certificate of Service

I, Peter C.L. Roth, do hereby certify that I caused the foregoing to be served upon each of the parties on the attached Service List.

Dated: January 26, 2011


Peter C.L. Roth

SERVICE LIST
Docket No. 2010-01

Application of Groton Wind, LLC

Sub-Committee Members

Thomas Getz, Vice Chairman Site Evaluation Committee NH Public Utilities Commission 21 South Fruit St., Suite 10 Concord, NH 03301 Tom.Getz@puc.nh.gov	Robert Scott, Director Air Resources Division Department of Environmental Services 29 Hazen Dr., PO Box 95 Concord, NH 03302-0095 Robert.Scott@des.nh.gov
Brook Dupee, Bureau Chief Department of Health and Human Services Division of Public Health Services 29 Hazen Drive Concord, NH 03301 bdupee@dhhs.state.nh.us	Richard Boisvert (designee) State Archaeologist NH Division of Historical Resources 19 Pillsbury St., 2 nd Floor Concord, NH 03301-3570 richard.a.boisvert@dcr.nh.gov
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Committee Members Not on Sub-Committee

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<p>George N. Campbell, Jr., Commissioner Department of Transportation 7 Hazen Drive, PO Box 483 Concord, NH 03302-0483 GCAMPBELLCOMMISSIONER@DOT.STATE.NH.US</p>	<p>Clifton Below, Commissioner NH Public Utilities Commission 21 South Fruit St., Suite 10 Concord, NH 03301 Clifton.Below@puc.nh.gov</p>
<p>Van McLeod, Commissioner Department of Cultural Resources 20 Park Street Concord, NH 03301-6314 Van.Mcleod@dcr.nh.gov</p>	<p>Joanne Morin, Director Office of Energy and Planning 4 Chenell Drive Concord, NH 03301 Joanne.Morin@nh.gov</p>
<p>George Bald, Commissioner Dept. of Resources & Economic Dev. 172 Pembroke Rd., PO Box 1856 Concord, NH 03302-1856 george.bald@dred.state.nh.us</p>	

Committee Staff

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Parties

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<p>Counsel for the Public</p> <p>Evan Mulholland, Esq. Assistant Attorney General Environmental Protection Bureau Department of Justice 33 Capitol Street Concord, NH 03301 Evan.Mulholland@doj.nh.gov</p>	<p>Counsel for the Public</p> <p>Peter C.L. Roth, Esq. Senior Assistant Attorney General Department of Justice 33 Capitol Street Concord, NH 03301 Peter.Roth@doj.nh.gov</p>
<p>Manuela Perry, Paralegal Department of Justice 33 Capitol Street Concord, NH 03301 Manuela.Perry@doj.nh.gov</p>	<p>Michelle Thibodeau Department of Justice 33 Capitol Street Concord, NH 03301 michelle.thibodeau@doj.nh.gov</p>

Intervenors

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<p>Laura A. Spector, Esq Atty for the Town of Groton Mitchell Municipal Group 25 Beacon Street East Laconia, NH 03246 laslaw@metrocast.net</p>	<p>H. Bernard Waugh, Esq. Attorney for the Town of Rumney Gardner Fulton & Waugh 78 Bank St Lebanon, NH 03766-1727 bernie.waugh@gardner-fulton.com and Ann.kerrigan@gardner-fulton.com</p>
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<p>Richard Wetterer Shanware Pottery 1819 Rumney Rte 25 Rumney, NH 03266 rwetterer@roadrunner.com</p>	<p>Carl S. Spring Susan M. Barickman Paul S. Spring 331 Groton Hollow Rd Rumney, NH 03266-3403 Cspring31375@roadrunner.com</p>
<p>Theodore Mazur 774 Quincy Rd Rumney, NH 03266 theomazur@msn.com</p>	

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<p>Gerard L. Thibodeau Priscilla J. Thibodeau 855 Quincy Road Rumney, NH 03266 jerry@thibco.com</p>	<p>Michael Marino & Lee Ann Moulder 37 Birch Lane Holderness, New Hampshire 03245 Marinolee@aol.com</p>
<p>Lisa Linowes 286 Parker Hill Rd Lyman, NH 03585 lisa@linowes.com</p>	<p>Ed Cherian Iberdrola USA Echerian@iberdrolaren.com</p>
<p>Kristen Goland Iberdrola USA Kristen.Goland@iberdrolaren.com</p>	<p>Tara E. Bamford, Planning Director North Country Council, Inc. 107 Glessner Road Bethlehem, NH 03574 tbamford@nccouncil.org</p>
<p>Stephen E. Kaminski VP, Power Resources and Access New Hampshire Electric Cooperative, Inc. 579 Tenney Mountain Hwy Plymouth, NH 03264-3154 kaminski@nhec.com</p>	<p>Mark W. Dean, Esq. Attorney for NHEC 13 Samuel Dr Concord, NH 03301 mdean@mdeanlaw.net</p>
<p>Paula Tracy Union Leader paulatracy@roadrunner.com</p>	