

**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 MOTIONS PERTAINING TO THE
PARTICIPATION OF THE TOWN OF HOLDERNESS**

Issued February 28, 2011

I. Background

On March 26, 2010, Groton Wind, LLC (Applicant) filed with the Site Evaluation Committee (Committee) an Application for a Certificate of Site and Facility seeking authority to site, construct and operate a renewable energy facility (Facility) in the Town of Groton, Grafton County. The Applicant proposes a wind energy facility consisting of 24 wind turbines, each having a nameplate capacity of two (2) MW for a total nameplate capacity of 48 MW. On April 26, 2010, the Vice-Chairman of the Committee accepted the Application as provided in RSA 162-H: 6-a, III. On May 7, 2010, the Chairman of the Committee designated a Subcommittee to review the Application as provided in RSA 162-H: 4, V.

An Adjudicatory hearing in this docket commenced on November 1, 2010, and continued through November 5, 2010, at which time, consistent with the Order and Notice of Final Prehearing Conference and Public Adjudicative Proceedings dated October 12, 2010, the proceeding was recessed to the call of the Chair.

Shortly before the commencement of the adjudicatory hearings, the Subcommittee was advised that the Applicant was considering an alternative route for the transmission line that would deliver power from the project area in Groton to the Beebe River Substation. The Subcommittee was also advised that, contrary to the original Application, the interconnection with the substation would be required at 115 kV, necessitating the construction of a step-up transformer station not contemplated in the original Application. The Subcommittee was also informed that the New Hampshire Division of Historical Resources (DHR) had rejected the project area form submitted by the Applicant as part of its federal Section 106 review.

On December 3, 2010, the Sub-Committee held a public meeting for the purpose of discussion and deliberated on the procedural schedule for the balance of the proceeding. The developments regarding the alternative route, the 115 kV interconnection and the DHR review are relevant to the statutory findings the Subcommittee must make. It is therefore in the public interest to ensure that these matters are appropriately addressed in the course of the proceedings. As a result, the

Subcommittee unanimously found it to be in the public interest to extend deliberations in this docket until April 26, 2011.

On December 30, 2010, the Subcommittee was advised by the Applicant that the voltage step-up facilities would be constructed in the Town of Holderness in Grafton County. On January 18, 2011, the Subcommittee issued an Order and Notice to the Town of Holderness. The Order and Notice provided information about the Application for the Town of Holderness and permitted the Town of Holderness to file an appearance and motion to intervene in the proceedings by February 1, 2011.

On or about January 21, 2011, the Town of Holderness filed a motion to intervene in the proceedings, seeking full intervenor status without condition. Counsel for the Public and the Town of Groton assented to the Motion to Intervene. The Applicant partially objected to the Motion, arguing that the Town's participation should be limited to "issues relating solely to the facilities that are proposed to be located in the Town of Holderness." The remaining parties did not file formal objections to the motions but apparently did not assent to the motion.

On or about February 9, 2011, the Town of Holderness and the Applicant filed a Joint Motion for Modified Procedural Schedule (Joint Motion). The Joint Motion requests that the Committee adopt the following modified procedural schedule to govern the Applicant and the Town of Holderness:

- February 11, 2011: Town submits no more than 25 data requests to Applicant.
- February 16, 2011: Applicant submits responses to Town.
- February 23, 2011: Previously scheduled Technical Session at which all parties could ask the Applicant follow-up questions on Data Request responses.
- March 2, 2011: Town submits prefiled testimony.
- March 7-11, 2011: Applicant reserves right to hold a technical session in lieu of written data requests on Town's prefiled testimony.

The Joint Motion notes that Counsel for the Public, the Town of Groton, the Town of Rumney and the Buttolph/Spring intervenor group assent to the relief requested. No written objections have been received.

II. Motion to Intervene

The proposed step-up transformer station is proposed to be located in the Town of Holderness, New Hampshire. Participation of affected local municipalities is consistent with RSA 162-H:16, IV(b), requiring the Committee to give due consideration to the views of municipal and regional planning agencies and municipal governing

bodies with respect to the orderly development of the region. Likewise, RSA 541-A:39 requires an administrative agency to give notice to and afford all affected municipalities a reasonable opportunity to submit data, views or comments with respect to the issuance of a permit, license, or other action within its boundaries that directly affect the municipality. Therefore, the motion of the Town of Holderness to intervene in this docket is granted. The Town of Holderness may participate fully as an intervenor for the balance of the adjudicative proceedings in this docket.

III. Modified Procedural Schedule for the Town of Holderness

The change of circumstances and amendment of the Application has led to the late entry of the Town of Holderness in this docket. The modified procedural schedule suggested by the Town of Holderness and agreed to by the Applicant provides a meaningful opportunity to participate in the balance of the proceedings before the Subcommittee. Thus, the Joint Motion to Modify the Procedural Schedule is granted.

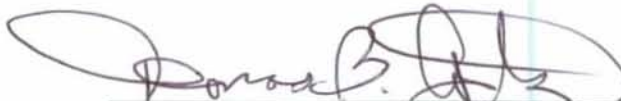
IV. Conclusion and Order

Based upon the foregoing it is hereby:

Ordered: that the Motion to Intervene filed by the Town of Holderness is granted and the Town of Holderness may participate fully in the balance of the proceedings before the Subcommittee; and,

Further Ordered: that the Joint Motion to Modify the Procedural schedule as it pertains to the participation of the Town of Holderness is hereby granted.

By Order of the Site Evaluation Committee this 28th day of February, 2011.



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