

MEMORANDUM

To: All Parties
NHSEC Groton Wind Docket, No. 2010-01

From: Mike Iacopino

Date: March 21, 2013

Re: **AGENDA FOR PREHEARING CONFERENCE ON MARCH 25, 2013**

As directed by the Site Evaluation Committee a prehearing conference will be held on March 25, 2013, at the Offices of the Public Utilities Commission, 21 South Fruit Street Ste. 10 Concord, N.H. The prehearing conference will commence at 9 o'clock a.m.

The purpose of a prehearing conference is to consider any one or more of the following:

- (1) Offers of settlement.
- (2) Simplification of the issues.
- (3) Stipulations or admissions as to issues of fact or proof, by consent of the parties.
- (4) Limitations on the number of witnesses.
- (5) Changes to standard procedures desired during the hearing, by consent of the parties.
- (6) Consolidation of examination of witnesses by the parties.
- (7) Any other matters which aid in the disposition of the proceeding.

RSA 541-A: 31. See also NH CODE OF ADMINISTRATIVE RULES Site 202.10. In order to aid in the disposition of the proceeding the prehearing conference will also include discussion of discovery methods and schedules and rough scheduling of a final merits hearing on all outstanding contested issues.

I have prepared and attach the following agenda for our conference. I have listed the issues in an order designed to deal with those that are least controversial first followed by the issues that I perceive as being more controversial. It is my hope that we can resolve all issues but if not we will then turn to discussion of how best to proceed.

If you believe that I have missed an issue that should be included in this agenda please feel free to contact me. See next page for outline of agenda.

OUTLINE OF AGENDA

- I. Groton Hollow Road Repairs
 - A. Report and discussion
 - B. Timetable for engineering report
 - C. Does this need Committee action at this time?
- II. Status of Communication Issues between Applicant and the Town of Rumney
 - A. Discuss status.
 - B. Is Committee action necessary?
- III. Super-Load Delivery Reimbursement to Rumney.
 - A. Report and discuss status.
 - B. Will Committee action be necessary?
- IV. Payment of Expense for Administrative Assistant for Rumney
 - A. Resolved?
 - B. Is formal Committee action necessary?
- V. Rampino Property
 - A. Report and discuss status.
 - B. Has there been any settlement or resolution regarding the well?
 - C. Has there been any resolution regarding mitigation of his front yard view?
- VI. Training Expenses
 - A. Report and discussion of status.
 - B. Has resolution been reached or can one be reached?
 - C. Does the Town of Rumney want to pursue its claim that its first responders should be trained to climb towers?
 - D. Will any issue pertaining to training expense need to be resolved by the Committee?
 - E. If no agreement the procedural schedule will need to address this issue.
- VII. Turbine Access Road Maintenance and Safety Agreement
 - A. Response to record request for the “Safety Plan” has not yet been filed.
 - B. Can the parties reach a Road Maintenance and Safety Plan Agreement?
 1. All parties assert that safety is the number one priority.

2. If safety is the number one priority is there some agreement that can be reached that assures safety of workers and responders?
- C. Will this issue need to be litigated before the Committee?
- D. If litigation is necessary a procedural schedule will need to address this issue.

VIII. Operations and Maintenance Building/Motion to Re-Open

- A. Can mitigation as suggested in Ms. Peabody's original letter resolve this issue as it pertains to the O&M building?
- B. Other suggestions to resolve the issues raised?
- C. If this matter is required to be litigated before the Committee we will need to include in a procedural schedule.
- D. On the alleged tower relocation is there still a claim that needs to be resolved?

IX. Determination of procedural schedule for matters that cannot be resolved.

- A. Some of the above issues if still in dispute can be resolved on the interpretation of language in the certificate and will not require fact based discovery.
 1. Identify such issues that remain, if any.
 2. Set deadlines for written arguments regarding appropriate interpretation of the certificate.
- B. Some issues will require fact based discovery.
 1. Identify such issues.
 2. Determine the contours of the necessary discovery.
 - a. Data Requests
 - b. Tech Session
 3. Set deadlines.
- C. Rough scheduling for final merits hearing on all remaining unsettled matters.