

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2010-01

RE: GROTON WIND, LLC

November 4, 2013

ORDER GRANTING MOTIONS TO INTERVENE

In this docket the Site Evaluation Committee (Committee) is called upon to consider compliance issues related to the construction and continued operation of the certificated wind energy facility owned and operated by Groton Wind, LLC and located in Groton, New Hampshire. The Committee has received motions to intervene from Mario Rampino, Jr. and from Mark H. Watson. Mr. Rampino resides on Groton Hollow Road and is a direct abutter to the Facility and has a direct view of the operations and maintenance building at the Facility. There is no objection to Mr. Rampino's motion to intervene. Mr. Watson resides on a private road. His home is the only residence on the road and it sits approximately 1 ½ miles from turbines 12 and 13. Only forest separates Mr. Watson's home from the Facility. Mr. Watson's motion to intervene expresses concern regarding fire safety at his residence. Fire safety is an issue in dispute in this docket. The Applicant objects to Mr. Watson's motion to intervene, and asserts that his interests are more properly represented by the Fire Marshal. At the same time the Applicant has reserved the right to dispute the authority of the Fire Marshal in this docket.

The New Hampshire Administrative Procedure Act, RSA 541-A: 32, I, sets forth circumstances under which an administrative agency must allow intervention. RSA 541-A: 32, I, requires that a petition for intervention be granted if:

- (a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing;
- (b) The petition states facts demonstrating that the petitioner's rights, duties, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervener under any provision of the law; and
- (c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

See also, NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 202.11. If a petitioner meets the requirements of RSA 541-A: 32, I, the presiding officer must allow the petitioner to intervene. However, if a petitioner cannot demonstrate that his rights, duties, immunities or other substantial interests are affected by the proceedings a presiding officer may nevertheless allow intervention. RSA 541-A:32, II, provides that "(t)he presiding officer may grant one or more petitions for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings."

After reviewing the motions to intervene and the Applicant's objection to Mr. Watson's motion, I find that both Mr. Rampino and Mr. Watson have demonstrated a sufficient and substantial interest in the compliance matters now before the Committee and shall be permitted to intervene. In addition, I find that allowing intervention at this stage of the proceedings will not impair the orderly and prompt conduct of the proceedings. Both motions are granted.

So ordered this 4th day of November, 2013 by the Site Evaluation Committee.



Thomas S. Burack
Chairman and Presiding Officer
NH Site Evaluation Committee