

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

ORDER AND NOTICE
OF
PRE-HEARING CONFERENCE

January 9, 2014

Docket No. 2010-01

**Application of Groton Wind, LLC for a Certificate of Site and Facility
for a Renewable Energy Facility in Groton, N.H.**

PLEASE TAKE NOTICE that the Site Evaluation Committee for the State of New Hampshire will conduct a prehearing conference in this docket on January 30, 2014 at 10:00 AM. The prehearing conference shall be held at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire.

Background

On May 6, 2011, a duly appointed subcommittee of the Site Evaluation Committee (Committee) issued a decision granting a Certificate of Site and Facility with Conditions (Certificate) to Groton Wind, LLC, (Applicant), authorizing the construction and operation of a renewable energy facility (Facility or Project) consisting of 24 Gamesa G82 turbines each having a nameplate capacity of 2 megawatts (MW), for a total nameplate capacity of 48 MW to be located in the Town of Groton, Grafton County, New Hampshire (Site). The terms and conditions for the siting, construction and operation of the Facility were contained in a Decision issued by the Committee (Decision) and in the Certificate. On October 14, 2011, the New Hampshire Supreme Court issued an order declining to review the Decision on appeal.

The Applicant subsequently completed construction of the Facility and commenced commercial operation.

Since December 31, 2012, the Committee has received correspondence and pleadings relating to the Facility. The correspondence and pleadings received by the Committee relate to whether the Facility is in compliance with the terms and conditions of the Decision and the Certificate in this docket. Copies of all correspondence and pleadings have been provided to the Applicant and the Applicant has responded thereto, filed objections and filed its own pleadings seeking relief from the Committee. Notice has been provided to the Applicant that the proceedings in this docket may result in the suspension or revocation of the Certificate of Site and Facility.

The following issues and/or motions remain in dispute in this docket:

1. Is the Facility in compliance with the terms and conditions of the Decision and the Certificate pertaining to winter safety and road maintenance within the Project area?
2. Should the terms and conditions of the Decision and the Certificate pertaining to winter safety and road maintenance within the Project area be amended?
3. Should the Motion to Re-Open the Record filed by the Buttolph/Spring intervenors be granted?
4. Is the Facility in compliance with the terms and conditions of the Decision and the Certificate as they pertain to the as-built location of the operations and maintenance building and the location of the individual turbines?
5. Should the request of the Fire Marshal to suspend the Certificate be granted?
6. Should the Applicant's Motion to Amend the Certificate be granted?

Efforts to resolve issues in dispute have been unsuccessful. Therefore, an adjudicatory hearing will be required. Prior to the scheduling of an adjudicatory hearing the parties shall participate in a pre-hearing conference pursuant to RSA 541-A: 31, V (b) and NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 202.10 (a).

Authority for the Pre-Hearing Conference

Pursuant to RSA 541-A:31, V(b), “[i]n order to facilitate proceedings and encourage informal disposition, the presiding officer may, upon motion of any party, or upon the presiding officer's own motion, schedule one or more informal prehearing conferences prior to beginning formal proceedings.” RSA 541-A: 31, V (b); see also NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 202.10 (a) (stating that prehearing conferences shall be conducted in accordance with RSA 541-A: 31).

NOTICE OF POSSIBLE SUSPENSION OF CERTIFICATE OF SITE AND FACILITY


To Groton Wind LLC: You are hereby notified that the Site Evaluation Committee has received correspondence and pleadings alleging that you are operating the Facility in the above referenced docket in violation of the terms and conditions of the Decision and the Certificate of Site and Facility. The adjudicatory proceedings described herein may result in a determination that you are in violation of the terms and conditions of the Certificate of Site and Facility issued in this docket (and the Decision underlying such Certificate). If found to be in violation of the Decision or the Certificate, the Certificate may be suspended and/or revoked pursuant to the provisions of RSA 162-H: 12, RSA 541-A: 30 and RSA 541-A: 31.

ORDER AND NOTICE

It is hereby ordered that Counsel for the Committee, Michael J. Iacopino, shall convene a prehearing conference on January 30, 2014 at 10:00 AM at the office of the Public Utilities Commission, 21 South Fruit Street, Suite 10, Hearing Room A, Concord, New Hampshire. The purpose of the prehearing conference is to schedule and discuss proposed discovery and hearing schedules for the balance of the proceedings in this docket and for all other purposes for which a prehearing conference is permitted. All parties shall attend. The pre-hearing conference shall be conducted in accordance with RSA 541-A: 31, V and NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 202.10. Counsel for the Committee, Michael J. Iacopino, shall preside.

It is hereby further ordered, that a copy of this order and notice of prehearing conference shall be distributed to the service list in this docket, published on the Committee's website and posted at the Department of Environmental Services and the Public Utilities Commission.

By Order of the Site Evaluation Committee, this 9th day of January, 2014.


Thomas S. Burack, Chairman
New Hampshire Site Evaluation Committee