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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

April 1, 2014 - 10:22 a.m.
Public Utilities Commission
21 South Fruit Street
Suite 10
Concord, New Hampshire

In re: **SITE EVALUATION COMMITTEE:**
DOCKET NO. 2010-01: Application
of Groton Wind, LLC, for a
Certificate of Site and Facility
for a 48 MW Wind Energy Facility
in Groton, Grafton County,
New Hampshire.
(Technical Session)

PRESENT:

Michael J. Iacopino, Esq. Counsel for the Committee
(Presiding) (Brennan Caron Lenehan & Iacopino)

COURT REPORTER: Steven E. Patnaude, LCR No. 52

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APPEARANCES: **Reptg. Groton Wind, LLC:**
Susan S. Geiger, Esq. (Orr & Reno)
Jeff Murphy (SFC Engineering)

Reptg. Counsel for the Public:
Peter C. L. Roth, Esq.
Senior Asst. Atty. General
N.H. Attorney General's Office

Reptg. N.H. Dept. of Safety:
Dianne Martin, Esq.
Senior Asst. Atty. General
N.H. Attorney General's Office
Ronald Anstey, State Fire Marshal's Office

**Reptg. the Buttolph/Lewis/Spring
Intervenor Group:**
Cheryl Lewis
Lisa Linowes (Wind Action Group)

 Mark Watson, *pro se*
 (Resident - Groton, Stone Glade Lane)

ALSO PRESENT: Eric Werme

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I N D E X

PAGE NO.

WITNESS: RONALD ANSTEY

INTERROGATORIES BY:

Ms. Linowes	10, 66, 72
Ms. Lewis	25, 101
Mr. Watson	30
Mr. Roth	36, 58, 69, 102
Ms. Geiger	53, 58, 68, 70, 72, 96
Mr. Iacopino	91

P R O C E E D I N G

1
2 MR. IACOPINO: Okay. We are here in
3 Site Evaluation Committee Docket 2010-01, the Application
4 of Groton Wind, LLC. The date is April 1, 2014. It is
5 10:22 a.m. And, we are about to begin a technical
6 session. This technical session is dedicated to discovery
7 based upon the Fire Marshal's prefiled testimony. I
8 have previous -- well, first, let me apologize to
9 everybody here. I was about 22 minutes late in arriving.
10 My apologies to everybody. It was something that,
11 unfortunately, I could not resolve in time to get here on
12 time. But, hopefully, we'll be able to make up the time.

13 The purpose of this technical session is
14 for the parties to ask questions of Investigator Anstey,
15 who has filed prefiled testimony in this matter. I have
16 circulated an agenda. Forgot to keep a copy for myself.
17 And, what I basically did with the agenda was, since
18 there's only one witness, really, the biggest issue is
19 who -- what the order of inquiry will be of Investigator
20 Anstey. I have one proposed there, it's not set in stone,
21 basically starting off with the Lewis/Buttolph/Spring
22 intervenors; followed by Mr. Watson; followed by the Town
23 of Rumney, if they're here; followed by Counsel for the
24 Public; followed by the Town of Groton; and then finally

1 the Applicant. My thinking here was to have those who
2 might be closer in viewpoint to the witness to go first,
3 and those who might have more opposing views to go towards
4 the end. Does anybody have any objection to that
5 particular order of inquiry?

6 (No verbal response)

7 MR. IACOPINO: Not hearing any. So, I
8 guess it's okay. Most of the people that I see here have
9 attended tech sessions before. We ask that you -- this
10 one's a little bit different, in that we are actually
11 having it transcribed. And, there is a court reporter
12 here who is taking everything down verbatim. So, there
13 are a little bit different rules. Please don't talk over
14 each other. Investigator Anstey, let the questioner
15 finish the question before you start to answer, and,
16 likewise, to the questioners, please let him finish his
17 prior answer before you ask the next question that you may
18 have. Amongst the parties, let's not try to talk over
19 each other. I am here for the purpose of simply resolving
20 any issues that might arise. To the extent that there are
21 questions that might require some kind of subsequent
22 follow-up, with a document or something like that, I've
23 got just a general time frame of seven days put in -- put
24 in this agenda. But, like I said, the agenda is not set

1 in stone. And, what may happen, Ms. Martin, is, if
2 there's something that is requested that the Fire
3 Marshal's Office may be asked to provide, I'm probably
4 going to ask you or your witness just, you know, "can you
5 get that in a certain amount of days?" And, what will
6 happen at the end of this is I will file a report. That
7 report will list basically who was here, I'm not going to
8 list all the questions, we'll have a transcript for that,
9 and -- but the report will also have a summary of any
10 documents that are outstanding.

11 So, does anybody have any objection to
12 proceeding in that manner?

13 (No verbal response)

14 MR. IACOPINO: Before we do, let's start
15 with having everybody identify themselves. I'll start to
16 my right with Ms. Lewis, and go down to the left.

17 MS. LEWIS: Cheryl Lewis, intervenor.

18 MR. WATSON: Mark Watson, intervenor.

19 MS. LINOWES: Lisa Linowes, representing
20 Cheryl Lewis and the Buttolph/Lewis/Springer Group --
21 Spring.

22 MR. ROTH: Peter Roth, Counsel for the
23 Public.

24 MS. GEIGER: Susan Geiger, counsel for

1 Groton Wind, LLC. And, with me is Jeff Murphy.

2 MR. IACOPINO: I'm sorry, what's his
3 name?

4 MR. MURPHY: Jeff Murphy, from SFC
5 Engineering, a consultant to Orr & Reno.

6 MR. WERME: Eric Werme. I'm not a party
7 here, I'm just an interested observer.

8 MR. IACOPINO: Thank you.

9 MS. MARTIN: Dianne Martin for the
10 Department of Safety.

11 MR. ANSTEY: Ron Anstey, State Fire
12 Marshal's Office.

13 MR. IACOPINO: And, as you all know, I'm
14 Mike Iacopino, so -- okay. Cheryl, I don't know how your
15 group wanted to start off, but --

16 MS. MARTIN: Mike, can I ask one
17 question?

18 MR. IACOPINO: Sure.

19 MS. MARTIN: I know it said technical
20 consultants could appear. What's the role and how does
21 that work? Do the questions go through counsel or --

22 MR. IACOPINO: Well, if the technical
23 consultant is here with counsel, this is normally a fairly
24 informal process. And, when we don't have a verbatim

1 record going, many times it boils down to basically a
2 conversation. That probably won't happen today, because
3 we have to have things in the form of questions. But,
4 generally, we will, at least in the first instance,
5 require the questions to come through counsel. But, if
6 there is an issue that it's better for the technical
7 people to talk to each other in their own language, we can
8 accommodate that as well. But, in the first instance,
9 just to make things as clear as possible, let's try to do
10 it through the representatives first.

11 Okay. I'm sorry, Ms. Lewis, you were
12 going to start. I don't know how you were going to
13 proceed?

14 MS. LEWIS: I believe I -- do you want
15 to start?

16 MR. IACOPINO: Are you going to defer to
17 Ms. Linowes?

18 MS. LEWIS: I have questions as well
19 that I was hoping to follow up with after Lisa does.

20 MS. GEIGER: Excuse me. I don't
21 understand. Is -- I understand Ms. Linowes has filed an
22 appearance on behalf of this intervenor group. So, is she
23 functioning as their attorney representative?

24 MR. IACOPINO: I don't think she's an

[WITNESS: Anstey]

1 attorney, but --

2 MS. LINOWES: That's correct. I'm not
3 an attorney, but I am representing them. However, Cheryl
4 and I prepared questions, and along two different lines.
5 And, so, it was thought it would be more efficient to have
6 Cheryl ask the questions that she has and I ask questions
7 that I have, all tied together, all for the Fire Marshal.

8 MR. IACOPINO: I don't really have a
9 problem, if they want to split up their questions. What I
10 don't want is repetitive questions. I don't want, you
11 know, you to be asking the same questions that she has
12 asked. I mean, it may come, when you guys are inquiring
13 from the Fire Marshal, that your technical specialist may
14 want to ask a question in his language. I don't see it as
15 being much different. However, if things become
16 repetitive or argumentative, I'll put the kibosh on it.

17 MS. GEIGER: Okay. I'd just, I guess,
18 note my objection for the record, just because this isn't
19 typically how the representative/client relationship works
20 at tech sessions, but --

21 MR. IACOPINO: I understand. The goal
22 here, though, is to get information for the parties. And,
23 you know, I'll let that go as long as it's reasonable.

24 MS. LINOWES: I don't expect repetition

[WITNESS: Anstey]

1 of questions. Good morning, Mr. Anstey, is it?

2 MR. ANSTEY: Yes.

3 MS. LINOWES: Okay. I just wanted to go
4 over some background. And, mainly, my questions are tied
5 to what transpired, information that was brought up during
6 the hearings back several years ago, and now your position
7 today.

8 **WITNESS: RONALD ANSTEY**

9 BY MS. LINOWES:

10 Q. The first question is, the Town of Plymouth had asked
11 that there would be -- that some equipment be provided
12 to Plymouth. And, they were specifically looking for
13 brush trucks, 6-person ATVs, a forestry -- six forestry
14 high-pressure portable pumps, and other kinds of
15 things. And, I think he put a price tag on that of
16 about \$150,000. My question to you is, are you aware
17 of standards or more typical costs for fire suppression
18 or safety concerns -- safety apparatus that might be
19 required in large scale development? And, what
20 percentages you -- let's say this Project is about
21 \$120 million. Is there some kind of standard for
22 percentage that some developer would spend on fire
23 suppression or safety that you might know of?

24 A. No, I don't.

[WITNESS: Anstey]

1 Q. In this case, the Applicant had objected to --

2 MR. ANSTEY: Excuse me one second.

3 Mike, can we close the door? Because I'm getting a
4 reflection off a windshield that's killing me.

5 MR. IACOPINO: Thank you.

6 MR. ANSTEY: Thank you. I'm sorry?

7 BY MS. LINOWES:

8 Q. The Applicant had objected to the equipment being
9 purchased for the Town of Plymouth, and argued that
10 Plymouth was not -- the Project was not built in
11 Plymouth, and, therefore, it would not -- it was not
12 appropriate. Do you think that's a valid response?

13 MS. GEIGER: I'm going to object to this
14 line of questioning. I thought that it was stated in the
15 order of notice, as well as in your statements this
16 morning, that the purpose of today's session is to ask Mr.
17 Anstey questions about his prefiled testimony. And, if
18 we're going to revisit things that transpired at the
19 hearing about what others wanted and what others said, I
20 think we're going to be here a long time. So, I would
21 object to this question.

22 MR. IACOPINO: Lisa, does your question
23 have some --

24 MR. ROTH: Mike?

[WITNESS: Anstey]

1 MR. IACOPINO: -- bearing on the
2 prefiled testimony? If you could just tell us the page or
3 paragraph of it, that's --

4 MS. LINOWES: Well, --

5 MR. ROTH: Mike, that's not the
6 limitation of this session. Your own agenda says
7 "Questions regarding qualifications of witness" and
8 "issues pertaining to the witness's field of expertise".
9 I think this falls within the "field of his expertise".

10 MR. IACOPINO: Right. But that's also
11 just the agenda. There was also an order that issued that
12 said that there would be questions with respect to the
13 prefiled testimony. So, my first question for you, Lisa,
14 is do you have -- does this connect some way to the
15 prefiled testimony?

16 MS. LINOWES: Well, I was going on -- I
17 was looking for his expertise on that. But I'll move on,
18 if it doesn't -- if that one question is not --

19 MR. IACOPINO: No, I'm not trying to
20 move you on. I just wanted to know if you were coming to
21 something in the prefiled testimony itself?

22 MS. LINOWES: Well, it's more general a
23 question of his --

24 MR. IACOPINO: Okay. So, can you tell

[WITNESS: Anstey]

1 me what the general field is that you want to ask the
2 witness about then?

3 MS. LINOWES: I was going towards the --
4 what the expectations are of communities that are
5 responding to fire situations. Would it be --

6 MR. IACOPINO: I'm going to let you ask
7 the question, okay? And, you can answer it to the best of
8 your ability, sir.

9 MR. ROTH: Can I just, this -- I realize
10 that this setup is somewhat unusual. And, it's -- what's
11 even more unusual is that the witness, nor his counsel,
12 has objected to the question. And, it seems to me it's
13 not your purview, Mike, to object to questions, nor is it
14 Ms. Geiger's purview to object to questions. If the
15 witness and his counsel don't want to answer questions,
16 it's up to them to object to the questions.

17 MR. IACOPINO: I think that everybody
18 here has an interest in this proceeding going smoothly and
19 being efficient. And, if somebody has a complaint about
20 the way that it's being conducted, I'm going to hear it.
21 And, to the best that I can address the issues, if I find
22 it to be a reasonable issue that's raised, I'm going to
23 let her ask the question, because I find that it's a
24 reasonable question.

[WITNESS: Anstey]

1 MS. LINOWES: Mike, --

2 MR. ROTH: But it's not up to you to
3 decide what's a "reasonable question". And, she's only
4 asked two questions, and we're already engaged in this
5 debate about whether she's wasting time. I think that
6 that itself is a waste of time.

7 MR. IACOPINO: It's up to me to mediate
8 any disputes, and that's what I'm going to do. I'm going
9 to resolve any disputes that come up here. That's why I'm
10 here, Mr. Roth.

11 MS. LINOWES: Mike, I think I have less
12 than ten questions.

13 MR. IACOPINO: Actually, you can ask --

14 MS. LINOWES: But I didn't come here
15 with the expectation that this was cross-examination. I'm
16 not cross-examining the witness. But, apparently, I'm
17 being perceived as cross-examining him. So, --

18 MR. IACOPINO: I'm going to say it for
19 the third time, you can ask your question, okay? So,
20 please ask your question. I'm sorry, Investigator Anstey.
21 You probably have to repeat the question now.

22 MS. LINOWES: Okay. I will rephrase the
23 question.

24 MR. IACOPINO: You don't have to. The

[WITNESS: Anstey]

1 question is fine. Just ask it again, so that the record
2 is clear on what the question was.

3 MS. LINOWES: Okay.

4 BY MS. LINOWES:

5 Q. In a situation where you have multiple towns that are
6 responding to a fire situation, as would be the case
7 here, Plymouth, Rumney, and others, it is -- is it
8 reasonable for a town that is adjacent, that would be
9 responding to, require or ask for more equipment to
10 service the fire needs?

11 A. It's all going to be subject to whatever mutual aid
12 agreements they have with the home community. That's
13 what their role is going to be, it's going to be
14 dependent on what that mutual aid agreement is and how
15 they would -- how they respond to that, that agreement.

16 Q. The community being Groton or the community being
17 Rumney that is --

18 A. It would be the mutual aid agreement with the community
19 of Groton.

20 Q. Now, the fire chief of Plymouth had stated that he
21 was -- that the road system leading up to the Project
22 would be quite a bit -- quite a bit better than what
23 was available at the time prior to the Project being
24 built. So, the access roads would be in better

[WITNESS: Anstey]

1 condition than any kind of trails or roads that were
2 leading up to that, and felt that that might have
3 obviated the need for the Applicant to -- or, at least
4 agreed that it might obviate the need for the Applicant
5 to provide more equipment. In looking at the roads
6 that are out there today, is it your sense that
7 emergency vehicles can go up there?

8 A. I've been to the site only once. Access is certainly
9 far more difficult than it would be, say, if it were
10 down on Route 25 somewhere. Narrower roads, curvier
11 roads.

12 Q. I'm sorry?

13 A. Curvier.

14 Q. Curvier.

15 A. I guess that's not a road -- that's not a word.
16 Winding roads. So, access, obviously, would be more
17 difficult.

18 Q. And, in your testimony, I believe you stated that the
19 5 percent grade was necessary or preferred?

20 A. Fire Code calls out a 5 percent grade for access.

21 Q. And, you're aware that the roads are, in some cases, 12
22 to 15 percent grade?

23 A. I am.

24 Q. And some steep drop-offs?

[WITNESS: Anstey]

1 A. I am.

2 Q. No guardrails?

3 A. I'm aware.

4 Q. So, what kind of emergency vehicle could make up those?

5 A. Based on my experience? Some of the brush trucks that
6 several departments have could access there. Winter,
7 basically nothing, with four wheels, for the most part.

8 Q. And, what is the capacity of a brush truck? What could
9 a brush truck do?

10 A. Depends on the -- it depends on the municipality. The
11 one that I worked in, we had 250 gallons of water on
12 our truck. Some have more, 500, some may even have a
13 thousand gallons, with some tools. But it all depends
14 on what -- what the municipalities.

15 Q. Okay. So, do you know, and this may be a question for
16 Rumney, but does the Town of Rumney have a brush truck?

17 A. I do not know.

18 Q. Okay. And, you don't require -- the State doesn't
19 require certain minimum requirements, at least for the
20 mutual aid?

21 A. No, ma'am.

22 Q. And, so, right now, you can't say if there's any
23 equipment within some radius of the Project that is
24 capable of dealing with a fire situation?

[WITNESS: Anstey]

1 A. Can not.

2 Q. And, have you asked the Applicant?

3 A. I have not.

4 Q. And, you have asked for fire suppression in the
5 turbines and other things. And, is it your sense that
6 fire suppression would be able to deal with most of the
7 problems?

8 A. Fire suppression in the turbines is required under NFPA
9 1 as an added means of fire protection by the State
10 Fire Marshal. And, the reason was, in that section of
11 Code allows for topography, access to the building and
12 such, that he has a right to ask for that additional
13 protection if unique situations are involved, such as
14 this. The turbines are, as the crow flies, relatively
15 close to residential areas and could impact residential
16 areas. You're not going to fight a fire in the
17 turbine. What the intent of the fire suppression
18 system is is to control the fire, to allow the fire
19 departments to mobilize more quickly. If they know
20 that there is a fire there, they, you know, given wind
21 directions and other, they can estimate where they may
22 need to mobilize to mitigate a problem. And, the
23 intent is that the localized fire suppression would be
24 in place to at least control a fire to a point that

[WITNESS: Anstey]

1 would allow them more time to mobilize.

2 Q. Okay. And, you said that's part of the Codes now?

3 A. State Fire Code.

4 Q. State Fire, okay.

5 MR. IACOPINO: Which code was that?

6 MR. ANSTEY: NFPA 1.

7 BY MS. LINOWES:

8 Q. Now, during the original hearings, a witness for the
9 Applicant stated that, and I'm paraphrasing here, that
10 "putting fire suppression into the wind turbines
11 actually increases the risk of hazard to employees
12 because of the possibility of accidental discharge
13 while the employees are in the turbines." Is that a
14 valid concern?

15 A. Most systems that you have have a lock-out ability.
16 So, when they're doing maintenance in the area of the
17 system, there's a means by which they can lock it out
18 so it doesn't accidentally discharge.

19 Q. Okay. So, --

20 A. Most systems that I'm aware of.

21 Q. And, he also stated that it was "always Iberdrola's
22 policy to construct projects in accordance" -- "in
23 accordance with relevant codes and specifications."

24 Based on your testimony, do you believe that the

[WITNESS: Anstey]

1 Project was constructed in accordance with relative --
2 relevant codes and specifications?

3 A. We have not completed our inspections. So, I'd prefer
4 to answer that after the inspections are completed,
5 rather than at this time.

6 Q. Has the Applicant told you what relevant codes he might
7 be referring to?

8 A. It's normal in the plans review progress to put what
9 codes they applied on that, on the plan. I didn't
10 directly review the plan.

11 Q. Uh-huh.

12 A. The citations given from the plans reviewer and the
13 answers given by Iberdrola were based on the
14 International Building Code, which is a relevant code,
15 based on --

16 Q. Relevant or irrelevant?

17 A. Relevant.

18 Q. Relevant. Okay.

19 A. Based on NFPA 101, the Life Safety Code, which, too,
20 would be a relevant code. So, I know at least those
21 two are used.

22 Q. Okay. And, I just have a couple more questions. You
23 wrote a letter, or at least the Fire Marshal did, and I
24 don't know if you're familiar with -- you're aware of

[WITNESS: Anstey]

1 it. It was received by the SEC October 19th, it's an
2 October 17th letter. I have a copy here, if you want.

3 MR. IACOPINO: In 2010?

4 MS. LINOWES: In 2010, that's correct.

5 (Atty. Iacopino handing document to Mr.
6 Anstey.)

7 MR. ANSTEY: Thank you.

8 BY MS. LINOWES:

9 Q. And, the Applicant objected to that letter being
10 submitted to the -- into the record of the proceedings,
11 and argued that it did not meet the deadlines under RSA
12 162-H:6-a, and further argued that you didn't -- the
13 Fire Marshal didn't submit testimony and your
14 information was not subject to discovery or
15 cross-examination. Okay.

16 My question for you is, and you have
17 taken the position, I just want to verify this, you
18 have taken the position that you're operating outside
19 of those, the RSA 162-H, is that correct?

20 A. I don't know what RSA 162-A is.

21 MS. LINOWES: Can your attorney answer
22 that question?

23 MS. MARTIN: That's the statute for the
24 Committee, for the Committee's jurisdiction.

[WITNESS: Anstey]

1 MR. ANSTEY: Okay.

2 **BY THE WITNESS:**

3 A. Yes.

4 BY MS. LINOWES:

5 Q. Okay. And, that's one of the issues that's before
6 this, the Committee in these hearings, correct or not?

7 MS. MARTIN: Is this a -- is this a
8 question about within the Fire Code or is this a legal
9 question?

10 BY MS. LINOWES:

11 Q. It's more of a -- it's a question of regarding the
12 position of the Fire Marshal's jurisdiction in these
13 proceedings. And, I believe that the Fire Marshal has
14 taken the position that he has jurisdiction over this
15 Project. And, that's what I'm asking.

16 A. We do, in fact, have jurisdiction over the Project,
17 outside of the scope of the Committee.

18 Q. Okay. So, that letter that is there that you submitted
19 is -- do you stand by that letter?

20 A. We do.

21 Q. Okay. Now, you've also raised in your testimony that
22 there was representations by Ed Cherian of Iberdrola
23 during the proceedings that -- that might have
24 misrepresented what the Fire Marshal was asking for.

[WITNESS: Anstey]

1 And, essentially, and I'm reading from the Applicant's
2 brief that he filed back in 2011, I believe, or '10.
3 That "Mr. Cherian testified on March 22nd, 2011 that he
4 expects the Fire Marshal to submit a letter clarifying
5 its position, i.e. that the Fire Marshal's Office is
6 more concerned about compliance with the intent of the
7 codes than the actual specifications." And, it goes on
8 to say "No such letter [has] been filed at the time
9 this brief was submitted." And, this brief --

10 MR. IACOPINO: Lisa, can I stop you?

11 Can you tell us what page of the brief it is?

12 MS. LINOWES: Yes. This is Page 72 of
13 the Applicant's brief --

14 MR. IACOPINO: Thank you.

15 MS. LINOWES: -- back in 2011.

16 BY MS. LINOWES:

17 Q. My question for you is, why does Iberdrola take the
18 position that the Fire Marshal had softened or relaxed
19 its requirements? Why do you think that is?

20 A. I don't know.

21 Q. Were there any communications with the Fire Marshal and
22 Iberdrola that suggested there was a change?

23 A. No. We have mandated the fire suppression system in
24 the nacelle pretty much since we've been involved with

[WITNESS: Anstey]

1 the Project. I --

2 Q. Excuse me. What date would that have been? Dating
3 back before it was built?

4 A. Oh, yes. I have never met, to the best of my
5 knowledge, or spoken to Mr. Cherian. And, I don't know
6 where he got his information. Most of my conversation
7 was with Karl Delooff, I believe, in early stages of
8 the Project. We never relaxed our requirement for
9 suppression.

10 Q. And, so, the idea that a letter -- that he was
11 expecting a letter to be forthcoming, and no such
12 letter was delivered to the SEC, you have no knowledge
13 of that?

14 A. I do not.

15 Q. Okay. And, one last question for you. You visited the
16 Lempster Project?

17 A. I did.

18 Q. And, I don't believe that project has fire suppression
19 in it?

20 A. It does not.

21 Q. It was built in the 2007-2008 time frame. Did the
22 State codes have any requirement at that time?

23 A. We did not know of the Lempster Project, which is why
24 we were not involved with it. We didn't know about the

[WITNESS: Anstey]

1 Groton Project. The reason that our letter was dated
2 as it is initially is we didn't know about the Project.
3 Once we found out about it, that letter was generated
4 within a week of our finding out.

5 Q. Okay. Then, would you say that you didn't know about
6 the Granite Reliable Project as well? The Granite
7 Reliable is a 99-megawatt project in Coos County.

8 A. We did not.

9 MS. LINOWES: Thank you very much.

10 Thanks.

11 MS. LEWIS: Good morning.

12 MR. ANSTEY: Good morning.

13 BY MS. LEWIS:

14 Q. As the Fire Marshal, do you hold any authority over the
15 presence of hazardous waste material, particularly
16 those which may be flammable?

17 A. Just for clarification, I'm not the Fire Marshal. I do
18 work for him. The Office does, yes.

19 Q. Okay. Per the Health and Safety Plan, which has been
20 submitted by Groton Wind in 2013, October, it includes
21 hazardous material being housed in the O&M building.
22 Do you have any concerns about what is being housed,
23 given their additional Fire, Safety, and Building Codes
24 which have not been met?

[WITNESS: Anstey]

1 A. Without knowing exactly how much and what the commodity
2 is that they're housing, it's really difficult to
3 answer the question. If I knew the specifics about
4 what they were doing and how they were doing it, it
5 would be much easier. It would be speculation on my
6 point to say "yes" or "no" to that.

7 Q. Given that your Office does have the authority, is that
8 something that will be pursued, as far as exactly what
9 and how it's being used?

10 A. Yes, ma'am. It will be subject to regular inspections,
11 like any other industry. So, yearly inspections, and
12 sometimes more frequently, if needed.

13 Q. Were you aware of any DES public hearings which took
14 place for the Application in order to be a hazardous
15 waste facility?

16 A. No, ma'am.

17 Q. Do you normally attend those, if there are hearings
18 that take place?

19 A. I don't believe we do. We have a Hazardous Materials
20 Coordinator in our Office. He interacts with DES quite
21 a lot. I'm not sure exactly what hearings he attends
22 and he does not. I suspect we didn't, because he never
23 talked to me, and he knew I was involved with the
24 Project, and we have a pretty good internal

[WITNESS: Anstey]

1 communications chain.

2 Q. Quite honestly, there weren't any hearings.

3 A. All right.

4 Q. There were supposed to be two hearings, but to our
5 knowledge there were none. So -- but, normally, your
6 Office would be involved in that?

7 A. Through his --

8 Q. At least through a letter or --

9 A. I'm not sure of his involvement in the DES hearings,
10 when he would become involved and when he would not, as
11 representing our office.

12 Q. Thank you. Are you familiar with three turbine fires
13 at wind projects that are all owned by Iberdrola, and
14 they all involved Gamesa 87 turbines, same as the ones
15 in Groton Wind?

16 A. I'm familiar with one that happened in Pennsylvania a
17 couple of weeks ago. I've done some research in
18 dealing with the Project on various fires.
19 Specifically, can I say "I know of all of the Iberdrola
20 fires"? No, I don't. I tried to look at globally, as
21 a background, globally what was happening.

22 Q. Were you aware that there were two wind technician
23 deaths due to a turbine fire in the Netherlands last
24 fall?

[WITNESS: Anstey]

1 A. I was aware of it. I don't know the specifics.

2 Q. Are you aware of any lawsuits filed against the Fire
3 Marshal's Office due to damage or injury from a fire in
4 which the Fire Marshal was aware of violations prior to
5 the fire?

6 A. Against the New Hampshire State Fire Marshal's Office?

7 Q. Yes.

8 A. None that I know of.

9 Q. Okay. Will you revoke the Certificate to Operate when
10 the fire danger is high, even if the adjudicatory
11 hearings have not been completed?

12 A. We can't revoke something that hasn't been issued. So,
13 there would be no revocation of a Certificate of
14 Occupancy, because none have been issued as yet. We
15 have stated and are prepared to issue cease and desist
16 or stop work orders for that site when the fire danger
17 hits a Class 3 day.

18 Q. Will you seek indictments for Ed Cherian for perjury
19 during the SEC hearings?

20 A. That's not a question that I can answer now. I'm a
21 technical code guy.

22 Q. And, over the years with your experience, have you ever
23 been questioned by various commercial buildings or
24 commercial owners of the authority of the State Fire

[WITNESS: Anstey]

1 Marshal?

2 A. Yes, ma'am.

3 Q. And, could you just give a brief explanation of what
4 normally takes place?

5 A. Well, generally, once we go to statute, we show that
6 the State Fire Marshal has the authority to enforce the
7 State Fire Code throughout the state, and that we're
8 applying that in a reasonable manner, then we don't get
9 a lot of -- people want to know the answers. We give
10 them the answers and explain them, a lot of times it's
11 a satisfactory answer.

12 Q. Okay. My only last question is regarding the occupancy
13 permit. In your experience, what normally happens for
14 a newly built commercial facility, as far as the
15 occupancy permit? Is that a given, basically, in every
16 commercial building or commercial facility throughout
17 the state?

18 A. Yes. Under the Building Code, there are only -- there
19 are some exceptions where permits are not required.
20 You know, small swimming pools, some stonewalls type
21 thing, reroofing, would be a couple of the examples.
22 But an occupancy permit, in most cases, will close out
23 the building permit. Building permit is taken for
24 construction, you do the reviews, you do the

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1 inspections, and -- in order to close out that file.
2 When the occupancy permit is issued, it generally
3 closes out that file, closes out that building permit.

4 MS. LEWIS: Thank you very much.

5 MR. ANSTEY: You're welcome.

6 MR. IACOPINO: Mr. Watson.

7 BY MR. WATSON:

8 Q. My first question will kind of continue on the
9 liability issue. When I read your letter that you
10 submitted last August, I got a little worried about my
11 house insurance. So, I called them you up, my
12 insurance agent.

13 A. Uh-huh.

14 Q. And, said "I know there's an industrial facility
15 without adequate fire protection near my residence. If
16 there is a fire, who is liable?" And, her answer was
17 "Well, they wouldn't allow it to be built without
18 adequate fire protection." You're on the record as
19 saying it's not. Does that completely alleviate the
20 state from any liability? And, would I have to go
21 after the Town of Groton?

22 A. That would be a question for an attorney. I'm not.

23 MS. MARTIN: I'm sorry, I'm trying to
24 follow your question. Are you asking, if --

[WITNESS: Anstey]

1 MR. WATSON: Who is liable now, if there
2 is a fire?

3 MS. MARTIN: I think you would have to
4 ask your own attorney, if something happened to your
5 house.

6 MR. WATSON: Okay.

7 BY MR. WATSON:

8 Q. How many other commercial businesses in New Hampshire
9 are operating without a CO right now?

10 A. I don't know.

11 Q. Is it a common practice?

12 A. I hope not. But, no, I couldn't give you an honest
13 answer.

14 Q. Okay. On Page 6, Item Number 4, you state "monitored
15 fire suppression systems".

16 A. Yes, sir.

17 Q. How are they monitored and how does the fire
18 suppression release? Is there a third party that will
19 periodically check this, the testing of the systems?

20 A. Systems under the Code are required to be inspected
21 once a year as a rule. So, somebody technically
22 qualified would have to inspect those systems once a
23 year, to make sure the pressures are correct, make sure
24 they're not damaged, and that they will operate. We

[WITNESS: Anstey]

1 can require paperwork certifying that they have
2 inspected that, which we would do.

3 Q. Okay. To actually release it, is this a temperature
4 sensor, vibration on the bearings?

5 A. This particular?

6 Q. Yes.

7 A. It's a tube that's heat-sensitive. And, when it
8 reaches a certain temperature, the tube will break and
9 release, release the product. That's, if I could back
10 up, that's what Iberdrola has suggested that they want
11 to put in. We don't -- we don't dictate what system
12 they use. We tell them they have to put one in. They
13 come back with a system and say, and then we approve
14 the system. So, the one that they have been talking
15 about and they have submitted paperwork on works in
16 that fashion.

17 Q. Okay. The word "monitored" is what confuses me. Is
18 this monitored from a remote location or is this --

19 A. It is.

20 Q. And, where would that be?

21 MR. ANSTEY: Might I ask a question
22 first?

23 (Mr. Anstey conferring with
24 Atty. Martin)

[WITNESS: Anstey]

1 **BY THE WITNESS:**

2 A. What Iberdrola has proposed is to monitor through their
3 SCADA system, which is a system that they monitor all
4 their functions through. It would go to their
5 monitoring facility in Portland, Oregon, who would then
6 call the local fire department. If, say, they got the
7 suppression system activated, they'd get a signal, and
8 they would call the local fire department.

9 Q. Okay. And, each of the 24 turbines would have to have
10 is it a radio signal to the operation building, and
11 then -- or is it hard wired?

12 A. I'm not sure how their SCADA system works. I couldn't
13 tell you.

14 Q. Would you have any idea of what the expense would be to
15 have 24 separate fire suppression systems installed?

16 A. I do not.

17 Q. Okay. Has the Groton Fire Chief ever asked for your
18 advice or assistance?

19 A. No.

20 Q. You said earlier today that you, you know, you asked
21 for fire suppression right from the beginning.

22 A. Uh-huh.

23 Q. Was there any way that he would be aware of that?

24 A. I don't know.

[WITNESS: Anstey]

1 Q. Okay. I live near Groton Wind. I'm wondering, are the
2 people who live near Groton Wind adequately protected
3 from the inherent dangers of a fire in wind turbines
4 the way they're currently constructed?

5 A. We feel, with the installation of the fire suppression
6 systems in the wind turbines, that we are providing the
7 best protection that we can for the residents of Groton
8 and surrounding communities.

9 Q. Okay. So, before you ever issue a CO, there will have
10 to be fire suppression installed?

11 A. Correct.

12 Q. And, on Page 8 of your testimony, you said "After
13 reviewing NFPA 850", you have "one of the additional
14 fire protection features the Fire Marshal requires is
15 fire suppression". Are there other? The way you
16 worded it, it sounded like there's "one of the". Are
17 there other requirements you may require from NFPA 850?

18 A. That we are going to require?

19 Q. Yes.

20 A. No.

21 Q. No. Okay.

22 A. Well, let me back. The fire protection plan, that's
23 also in 850, for power generation. So, to say "just
24 the fire protection is the only thing we're going to

[WITNESS: Anstey]

1 require", that's not true. That comprehensive fire
2 protection plan that they have put together is also
3 part of a requirement in 850 that we're looking at.
4 So, those two issues would be out of 850.

5 Q. Okay. Just so I have it straight, the "comprehensive
6 plan" is the one that the Town of Groton is signing, is
7 that --

8 A. Yes. The plan that Iberdrola submitted to
9 Groton/Rumney for fire suppression access and
10 protection. That, too, 850 also says that that would
11 need to be part and parcel. So, that could be -- that
12 could be taken out of 850.

13 Q. Okay. On Page 8, going into Page 9, you wrote "I'm
14 very comprised to learn the certificate has been issued
15 and the plan is up and running...without an occupancy
16 permit." You also told Groton Wind that the plant is
17 operating violating the law. Is this a concern for
18 public safety?

19 A. What page were you on?

20 Q. It's the bottom of Page 8, going onto Page 9.

21 A. I have to answer "yes". And, the reason is, because,
22 if it were not, we would not be pursuing the fire
23 suppression as we are.

24 Q. Okay. Has the SEC Committee taken any action to

[WITNESS: Anstey]

1 support your bringing this to their attention?

2 A. Not, from my knowledge, beyond these hearings.

3 MR. WATSON: Okay. I guess that's all I
4 have.

5 MR. ANSTEY: Thank you.

6 MR. IACOPINO: Nobody is here from Town
7 of Rumney. So, Peter.

8 MR. ROTH: Thank you.

9 BY MR. ROTH:

10 Q. In your testimony, on Page 3, you've indicated that you
11 have the authority to enforce all these laws, including
12 the entire Fire Code, irrespective of the existence of
13 any other authority at the local or state level, and
14 that you're the ultimate authority with regard to the
15 Fire Code. Are there any exceptions to that general
16 statement?

17 A. No, sir. None that I know of.

18 Q. When Ms. Linowes asked you earlier about dealings
19 between Mr. Cherian and you, you indicated you had
20 never spoken with Mr. Cherian. I assume --

21 A. To the best of my knowledge, I've never spoken to him
22 or met him.

23 Q. Okay. Is there anybody else at the Department of
24 Safety or the Fire Marshal's Office that Mr. Cherian

[WITNESS: Anstey]

1 was dealing with --

2 A. No, sir.

3 Q. -- during the pre-construction period?

4 A. No, sir. I was assigned this Project from the start.

5 Q. Okay. So, was he communicating with anybody else at
6 the Fire Marshal's Office about --

7 A. Not to my knowledge.

8 Q. Okay. Now, on Page 7 and 8 of your testimony, you
9 referred to -- as I understand it, if I can summarize
10 it a little bit, is that the Project, as configured and
11 situated, doesn't meet the Fire Code. And, so, the
12 solution is, and forgive me if I'm being overly
13 general, but the solution is fire suppression systems
14 in each of the turbines. Is that a fair summary of
15 what you're saying here?

16 A. I wouldn't want to say "solution" as an end-all. But
17 it certainly is -- compensates for the lack of
18 access --

19 Q. Okay.

20 A. -- and proximity to residential homes.

21 Q. So, let me ask you about the lack of access. Your
22 testimony says "Fire Department access roads are
23 required" under this code provision.

24 A. Uh-huh.

[WITNESS: Anstey]

1 Q. Which "mandates that access roads must have an
2 unobstructed width of not less than 20 feet". And, do
3 you have information that suggests that the access
4 roads on the Project site are not of a width of at
5 least 20 feet?

6 A. On my visit to the Project. I didn't measure them, but
7 they do not appear to meet the requirement.

8 Q. Okay. Have you looked at plans that show that they're
9 less than 20 feet?

10 A. Haven't seen the site plan yet.

11 Q. In addition, you suggest that there are grade
12 requirement for an access road not exceeding 5 percent.

13 A. Correct.

14 Q. Are there -- are you aware of places on the Project
15 site where the grade is not 5 -- is greater than
16 5 percent?

17 A. Based on my observation, yes.

18 Q. Okay. But you haven't measured it?

19 A. Haven't measured it.

20 Q. And, the plans, have you looked at the plans?

21 A. Didn't look at the plan.

22 Q. Okay. What about the turning radius of an access road?
23 Are the turning radii of the access roads inadequate?

24 A. Based, again, on my observation, yes.

[WITNESS: Anstey]

1 Q. But you haven't looked at the plans or done any
2 measurements?

3 A. Not --

4 (Court reporter interruption.)

5 **BY THE WITNESS:**

6 A. I have not measured them on the plans.

7 BY MR. ROTH:

8 Q. Okay.

9 MS. GEIGER: Excuse me. I just want a
10 clarification. Did you say that the turning radii were or
11 were not adequate?

12 MR. ANSTEY: Were not.

13 MS. GEIGER: Okay.

14 BY MR. ROTH:

15 Q. Now, as you may recall, when this latest part of the
16 case began, one of the issues was the Emergency
17 Response Plan. And, were you aware that the
18 Certificate required the owner of the Project to
19 maintain the roads essentially in a plowed condition
20 during the wintertime?

21 A. I became aware of that on the April meeting that we had
22 in Groton.

23 Q. Okay.

24 A. That's when I became aware of that. That they had

[WITNESS: Anstey]

1 agreed to maintain the roads.

2 Q. Is it of concern to you that the roads are not being
3 plowed in the wintertime, from a fire protection
4 perspective?

5 A. Yes.

6 Q. Okay. Is it a concern to you, from a life safety
7 perspective, that the roads are not being plowed in the
8 wintertime?

9 A. Yes.

10 Q. Okay. I guess I should ask this foundation question.
11 Is life safety part of your jurisdiction?

12 A. It is.

13 Q. Okay. And, that involves if somebody gets hurt on the
14 site and needs to be transported or given medical
15 attention at the site?

16 A. We would enforce the Life Safety Code for structures.
17 As far as access and the medical aspect of an ambulance
18 responding, that doesn't fall to our jurisdiction.

19 MS. LINOWES: Does not?

20 MR. ANSTEY: Does not.

21 BY MR. ROTH:

22 Q. Okay. So, you mentioned a "comprehensive plan" --

23 MS. MARTIN: Can I just clarify? Are
24 you speaking of the "Life Safety Code" or "life safety" in

[WITNESS: Anstey]

1 general?

2 MR. ROTH: "Life safety", with small
3 letters, in general.

4 MS. MARTIN: Okay.

5 MR. ROTH: And, I assume that these
6 things are, and without being that informed on the Life
7 Safety Code, that the Life Safety Code deals with issues
8 concerning small letter "l" life safety.

9 MS. MARTIN: Great assumption. But the
10 Life Safety Code does fall within the jurisdiction of the
11 Fire Marshal. I think he may be differentiating
12 between --

13 MR. ANSTEY: Medical response.

14 MS. MARTIN: -- EMS types of things --

15 MR. ROTH: Okay.

16 MS. MARTIN: -- versus Life Safety,
17 which is a specific code.

18 MR. ROTH: Okay.

19 BY MR. ROTH:

20 Q. Are there specific life safety issues within the
21 turbine structures themselves, such as fall protection
22 or -- I don't know what else there are. Are there any?

23 A. Fall protection wouldn't fall under what we would
24 enforce. The structure, how it's built, egress from

[WITNESS: Anstey]

1 the structure, electrical wiring and such within the
2 towers and turbines would be under our jurisdiction.
3 Fall protection, do you have to wear a hardhat and
4 steel-toed boots, are not something that we would be --

5 Q. Okay.

6 A. -- we would be involved with.

7 Q. As I recall from perhaps the April meeting, there was a
8 discussion about the difficulty in trying to remove a
9 person, an injured person from a turbine structure.

10 A. Uh-huh.

11 Q. Do you remember that?

12 A. I do.

13 Q. Are you aware of issues about that?

14 A. Not issues, other than the question that I had was
15 Iberdrola -- they self-rescue, their people are trained
16 in bringing themselves down from the nacelles, rescuing
17 from the nacelles. My only question at that time was
18 their qualifications, other than the -- other than the
19 height certification. First aid, what are their
20 qualifications to render first aid? That was the
21 situation I brought up at that meeting.

22 Q. Okay. Does it concern you that there are difficulties
23 associated with removing a injured person from a
24 turbine structure?

[WITNESS: Anstey]

1 A. A concern, yes.

2 Q. Now, you mentioned a "comprehensive plan".

3 "Comprehensive" -- I guess, a "comprehensive fire
4 prevention plan", an "emergency plan"?

5 A. That was the Emergency Response Plan that we've been
6 discussing.

7 Q. Okay. Is this the plan that was submitted to the Site
8 Evaluation Committee last fall? Or is this something
9 else that's been under development since then?

10 A. That would be the plan -- well, I'd have to see what
11 was submitted to the Site Evaluation Committee last
12 fall. I'm not -- I don't know. I believe it to be the
13 plan that we discussed, began to discuss in April, and
14 with Rumney, with Iberdrola.

15 Q. Okay. To your knowledge, has that plan been completed
16 and signed by everybody involved?

17 A. I don't know.

18 Q. Okay. Have you been asked to approve it?

19 A. I was asked to look at one draft, which I did.

20 Q. When was that?

21 A. Months ago. It was --

22 Q. Were there leaves on the trees and it was warm and
23 humid?

24 A. Yes.

[WITNESS: Anstey]

1 MS. MARTIN: Are you referring to the
2 safety plan that was filed with the Committee?

3 MR. ROTH: That's what I'm asking,
4 whether that's the one he's saying is the comprehensive
5 plan that is --

6 MR. ANSTEY: That's -- yes.

7 BY MR. ROTH:

8 Q. Okay. So, as far as you know, there's been nothing
9 else that's been developed or presented to you, other
10 than what's already been on -- that's in the record
11 from last fall?

12 A. Not to my knowledge.

13 Q. Okay. And, do you think that that plan that you saw
14 the draft of last fall or last summer is adequate?

15 A. I'd have to reread it. I had comments. I can't -- I
16 can't remember what they are, to be honest with you.

17 MS. MARTIN: And, he did submit comments
18 to the Committee.

19 BY MR. ROTH:

20 Q. Has anybody responded to you about your comments?

21 A. Not to my knowledge.

22 Q. Okay. So, you've not seen a revised draft taking into
23 account suggestions that you made?

24 A. Not to my knowledge.

[WITNESS: Anstey]

1 Q. Okay.

2 MR. IACOPINO: Just so you know, Peter,
3 November 18th he filed the response to the plan,
4 November 18th, 2013. At least that's on the website, that
5 date.

6 MR. ROTH: Okay.

7 BY MR. ROTH:

8 Q. Going back to the top of the mountain again, assuming
9 that you had a plan, and assuming that you had access,
10 that is the road was clear and you could get apparatus
11 from Route 25 to a turbine location.

12 A. Uh-huh.

13 Q. Is there any apparatus that you're aware of in Groton
14 or Rumney or Plymouth that would be capable of fighting
15 a fire in a turbine nacelle?

16 A. There's no apparatus in the world that I know of that
17 is capable of fighting a fire in a nacelle.

18 Q. Okay. What about a helicopter?

19 A. That would probably do it.

20 Q. Okay. So, my next question was, is there any such
21 apparatus in New Hampshire? And, --

22 A. Well, last I checked, I think the tallest ladder truck
23 manufactured only reached an operational height of
24 about 85 to 90 feet.

[WITNESS: Anstey]

1 Q. Okay. So, let's talk about a building like -- I
2 believe the tallest building in New Hampshire is the --
3 I think it's 900 Elm Street.

4 A. Uh-huh.

5 Q. And, they call it "City Hall Plaza"?

6 A. Yes. I believe so.

7 Q. If there were a fire in an upper story there, and
8 that's 200 some feet tall, if there were a fire in an
9 upper story there, how would a fire company respond to
10 that?

11 A. Highrise buildings are designed by code to have areas
12 of, you know, to have an area of refuge. It's taken on
13 a different meaning in the last few years. But,
14 basically, what they will do is every so many stories
15 they will rate the entire story like a two-hour --
16 they'll fire rate it two hours. So, that entire story
17 will have a two-hour fire resistance rating. So, the
18 intent is that people can come from upper floors down
19 to that protected area. And, from there, they can get
20 into protected stair towers. So, when things get over,
21 I believe, 75 feet, is what's considered "highrise",
22 the construction changes to be able to protect people
23 where ladder access couldn't happen.

24 Q. Okay. So that this sounds like it depends upon

[WITNESS: Anstey]

1 multiple access points? Stairwells?

2 A. Yes. Stairwells, at various levels.

3 Q. And, what do you call it, a "fire break" or a "fire
4 stop" kind of an approach, to use a layman's term?

5 A. That would be correct.

6 Q. And, do you find those types of features present in
7 wind turbine structures?

8 A. No.

9 Q. Okay. And, so, a fireman could not enter a turbine
10 tower and climb the ladder and fight the fire in the
11 nacelle?

12 A. No.

13 Q. Why not?

14 A. Number one, from a tactical standpoint, if you have the
15 nacelle burning, the tower is an open shaft. So, you
16 could conceivably now have stuff falling down through
17 in the center of the tower on the firefighter, without
18 any kind of protection, based on what I've seen in
19 those, in the towers. So, just tactically, you're
20 trying to put them up to where the stuff is falling
21 down. Secondly, the nature of the nacelle is they're
22 all fiberglass. They're going to be burning, you're
23 still going to have stuff falling down around that
24 tower. So, from a tactical standpoint, to put somebody

[WITNESS: Anstey]

1 in there to try to go up, it would not be feasible.

2 Q. It would -- certainly sounds like it would be unsafe?

3 A. Oh, yeah.

4 Q. Do the -- from your knowledge, when a turbine catches
5 fire, what is the owner's general response to it?

6 A. Everything I've read is they let -- they will burn.
7 They let them burn themselves out.

8 Q. Okay. And, in the process, from what you've -- from
9 your understanding and knowledge, when they do that,
10 does the nacelle fall off of the tower?

11 A. It will eventually.

12 Q. Okay. Will the tower itself collapse?

13 A. It shouldn't.

14 Q. It shouldn't. Do they?

15 A. I've never seen one that did. You're not compromising,
16 for the most part, the steel structure. The only thing
17 that's compromised is that fiberglass shell and what's
18 in it. Once that goes, you're not -- the flame is not
19 impinging on the steel, for the most part, to weaken
20 the steel. You basically have to have flame impinge on
21 the steel structure to weaken the steel for it
22 generally to go over.

23 Q. Okay. Does the rotor structure, you know, the blades
24 and the hub, does that fall off as well?

[WITNESS: Anstey]

1 A. They do.

2 Q. And, isn't there some sort of a steel frame to the
3 nacelle that supports all the fiberglass and stuff to
4 hold it all in place?

5 A. It would be a -- I believe it's a steel frame.

6 Q. And, does that become compromised by the fire, and then
7 that collapses and causes the nacelle and its
8 components to drop?

9 A. Given the -- given the right set of circumstances, the
10 steel could weaken and fail.

11 Q. Okay. And, what are the possible causes of a fire in a
12 wind turbine structure?

13 A. Based on the research that I've done, the areas of
14 concern mainly were the rotor brakes, the control
15 cabinets, --

16 Q. "Brakes", as in brakes to stop it?

17 A. To stop the blades.

18 Q. Okay.

19 A. Control cabinets, transformers. There's -- in the
20 generator, there are bearings that are lubed, and
21 there's a bearing lube system in the generators. And,
22 then, there's a hydraulic system that causes the
23 blades -- that allows them to pitch the blades. Those
24 were the areas that generally -- that, and lightning.

[WITNESS: Anstey]

1 There's not much we're going to do with lightning.

2 Lightning is the preeminent cause of fires in nacelles.

3 Q. Would a fire suppression system be useful in a case of
4 a lightning strike?

5 A. No.

6 Q. So, the lightning strike would overwhelm the fire
7 suppression system?

8 A. Lightning strike, as a rule, is going to, if it doesn't
9 dissipate through their grounding system and does
10 ignite the nacelle, then the lightning strike is going
11 to win.

12 Q. So, the fire suppression system would activate, but it
13 wouldn't -- what would happen, I guess?

14 A. The one -- the fire suppression system that would
15 activate, in the case of what Iberdrola has proposed to
16 us, are localized. They would just suppress in that
17 specific -- for that specific hazard, not totally
18 within the nacelle. Even if you had a total flooding
19 system in a nacelle, with a lightning strike, I've seen
20 lightning where it hits and it blows a hole into the
21 side of a building. Those total flooding systems are
22 designed for, basically, an airtight structure. So,
23 once you violate the skin of the structure, the product
24 would dissipate and wouldn't be effective, or as

[WITNESS: Anstey]

1 effective. It may have a little, but --

2 Q. Is there a danger that, when the burning material from
3 the nacelle drops to the ground, that it will cause
4 other fires?

5 A. Yes.

6 Q. And, what is that danger?

7 A. Well, the nature of the turbine is to be in a windy
8 space. The wind, depending on the size, obviously, a
9 big chunk would fall relatively straight, but smaller
10 brands would follow the wind.

11 Q. Are there flammable liquids or other substances used
12 inside the nacelle?

13 A. There are two oils used in the nacelle. One is in the
14 gear lube, the other is in the hydraulic system.
15 They're two different types of oils. But, yes, they
16 are used up there.

17 Q. Are they flammable?

18 A. No, sir.

19 Q. Okay. Are there other -- are there flammable liquids
20 up there?

21 A. There are no flammable liquids.

22 Q. Okay.

23 A. Based on the documentation that I've been given.

24 MS. MARTIN: And, to clarify,

[WITNESS: Anstey]

1 "flammable" is a term of art. And, so, there are other
2 terms that define things that ignite at different
3 temperatures.

4 MR. ROTH: Ah. Okay. I wasn't aware of
5 that. Thank you.

6 MR. ANSTEY: Flammable liquid has a
7 flashpoint of 100 degrees Fahrenheit or less.

8 BY MR. ROTH:

9 Q. Okay. So, are there ignitable? Is that a different
10 temperature point?

11 A. Yes. Try to keep it easy. They -- the oils that they
12 have in the nacelles have a high enough flashpoint that
13 they would not be readily ignitable, but they could
14 ignite, yes.

15 Q. Okay. So, what is -- I envision these things as, you
16 know, a lot of metal and other stuff up there. What is
17 going to -- what's going to burn?

18 A. Fiberglass.

19 Q. Fiberglass. So, the --

20 A. The wiring.

21 Q. And the wires. Okay.

22 MR. ROTH: I may be done. That's all
23 the questions I have for you. Thank you.

24 MR. ANSTEY: Thank you.

[WITNESS: Anstey]

1 MR. IACOPINO: Susan.

2 MS. GEIGER: Okay. Thank you. Good
3 morning, Mr. Anstey.

4 MR. ANSTEY: Good morning.

5 MS. GEIGER: I'll try to ask my
6 questions based upon the information contained in your
7 prefiled testimony in the order in which it's given. So,
8 I'm going to try to do it in a fairly systematic way, but
9 I may jump around.

10 BY MS. GEIGER:

11 Q. So, the first question I have is, at the bottom of
12 Page 2, you've indicated that the Office of the Fire
13 Marshal was not notified by the Site Evaluation
14 Committee of the Application?

15 A. Correct.

16 Q. All right. How did you become aware of the
17 Application?

18 A. I don't remember.

19 Q. And, again, that goes to the top of Page 3, when you
20 said you became aware or the Fire Marshal's Office
21 became aware in late 2010 about the Project. But is it
22 your testimony that you don't remember?

23 A. I don't remember how we became aware of the Project.

24 Q. Okay.

[WITNESS: Anstey]

1 A. I know the date, only because the letter that we
2 submitted. Within a week of us becoming aware of the
3 Project, we submitted that letter.

4 Q. Okay. Now, again, moving down that page, next -- in
5 response to the next question, you said that "The Fire
6 Marshal has the authority to regulate the Project and
7 enforce the Fire Code and the Building Code." I guess
8 the question that I have is, who is the -- in terms of
9 enforcing the Building Code, is it the local -- who's
10 the local enforcement authority in Groton?

11 A. There isn't one.

12 Q. Okay. Now, and this is sort of a generic question,
13 throughout your testimony you referred to various
14 sections of the NFPA --

15 A. Uh-huh.

16 Q. -- and other codes. And, it isn't clear to me, when
17 you cite the codes, whether you're citing to the 2009
18 version or the 2012 version?

19 A. 2009.

20 Q. 2009 throughout? I guess, maybe I'll just let you
21 explain to me which versions of the code you're
22 applying and which -- and why.

23 A. International Building Code is 2009; Life Safety Code
24 NFPA 101 is 2009; NFPA 1 is 2009.

[WITNESS: Anstey]

1 Q. Okay.

2 A. Those are the editions --

3 (Court reporter interruption.)

4 **BY THE WITNESS:**

5 A. Those are the editions that were in effect at that
6 time.

7 BY MS. GEIGER:

8 Q. Okay.

9 A. Had been adopted by the State.

10 Q. Okay. And, so, at the -- I guess the question I have
11 now is that, here we are in 2014, have any of the codes
12 that you're applying in this case or any of the
13 sections of the codes been changed as of subsequent
14 versions?

15 A. No. The state hasn't adopted anything newer.

16 Q. Okay. So, it's the 2009 versions of all of the codes
17 that I should be --

18 A. Correct.

19 Q. -- looking at? Okay. Thank you. Now, and, again,
20 this is sort of a generic question, throughout you're
21 indicating that -- you're citing certain provisions of
22 the codes. And, I guess I'd like some help from you as
23 to whether or not you are taking the position that all
24 of the codes that you're citing are mandatory or

[WITNESS: Anstey]

1 whether there are any of them that are discretionary?

2 A. The code, by its nature, is mandatory. It's a
3 requirement.

4 Q. Okay. Okay. If you could turn to Page 4 of your
5 testimony.

6 A. Uh-huh.

7 Q. You indicate, in the second full paragraph, "When the
8 building code requires a certificate of occupancy",
9 which section of the Building Code are you referring
10 to?

11 A. I will work on memorizing it next week. Section 111.

12 Q. Okay. And, you're indicating that the NFPA "provides
13 that the certificate "shall not be issued" until
14 approved by the Fire Marshal." Does the Fire Marshal's
15 Office typically issue certificates of occupancy?

16 A. We do statutorily for state buildings. And, we will do
17 them, if we take on that role as building inspector for
18 a municipality, then we will issue the certificate of
19 occupancy.

20 Q. So, you're taking the position in this case that you've
21 taken on the role for the municipality?

22 A. Correct.

23 Q. Okay. Has the municipality -- has Groton asked you to
24 take on that role?

[WITNESS: Anstey]

1 A. No, ma'am.

2 Q. Okay. And, again, by what authority are you indicating
3 that you can take that role on?

4 A. RSA -- I need to look. RSA 155-A:7.

5 Q. Okay. And, again, I'm staying in that same paragraph I
6 just referred you to on Page 4. In the second
7 sentence, you said that "there are" -- that "These are
8 just a few of the many provisions of the Fire Code that
9 apply to the Groton Wind project". Are there -- again,
10 with respect to, you know, you've indicated many code
11 provisions in your testimony --

12 A. Uh-huh.

13 Q. -- that you indicate apply here. Are there any
14 provisions that are applicable that, to this Project,
15 in your opinion, that aren't cited in your testimony?

16 A. I didn't itemize.

17 Q. Okay.

18 A. I mean, we have talked about road access, we have
19 talked about building permits, we've talked about the
20 plans review, the fire suppression. So, you know, I
21 mean I didn't itemize.

22 Q. But is -- so, I guess I'm just trying to get a sense
23 of, have you identified the universe of issues in your
24 prefiled testimony that you believe are problematic?

[WITNESS: Anstey]

1 Or are there any other issues out there that you're
2 aware of that Groton Wind may not be aware of, in terms
3 of code compliance?

4 A. No.

5 Q. All right. Okay.

6 MR. IACOPINO: I'm sorry, I don't
7 understand the answer. Do you mean there's no other
8 issues or no that you haven't identified?

9 MR. ANSTEY: Any outstanding issues that
10 I know of that they may not be aware of. And, there are
11 none that I have not --

12 MR. IACOPINO: Okay.

13 MR. ROTH: Could I just ask a small
14 clarification?

15 BY MR. ROTH:

16 Q. When I asked you about the Emergency Response Plan, the
17 Fire Plan, is that -- would recalling that change your
18 answer?

19 A. It's outstanding, but they're aware of it.

20 MR. ROTH: Okay.

21 BY MS. GEIGER:

22 Q. On Page 5 of your testimony, you've indicated that "the
23 Building Code provides no building or structure shall
24 be used or occupied until the building official has

[WITNESS: Anstey]

1 issued a certificate of occupancy". Who is the
2 "building official" in this case?

3 A. That would be us. The State Fire Marshal.

4 Q. Now, I just want a clarification on Page 6. You've
5 cited the NFPA Section 850, and that's the 2010
6 edition.

7 A. Uh-huh.

8 Q. Does that change your prior answer to the question I
9 had about which editions apply?

10 A. 850 is not an adopted code, it's a recommended
11 practice.

12 Q. What's the difference between an adopted code and a
13 recommended practice?

14 A. A code will tell you what you have to do. A standard
15 will generally tell you how you have to do what you
16 have to do. And, a recommended practice is that the
17 Committee has gotten together and put together a
18 document in that, for a specific industry.

19 Q. And, could you explain, if your -- is it your position
20 that NFPA 850 is something that you're recommending
21 here or that your office is mandating?

22 A. We're using it as a reference document, because it's
23 specific to power generation. And, the turbines are
24 power generation. And, it's specific to power

[WITNESS: Anstey]

1 generation. So, when a specific code doesn't address a
2 given industry, we will go and find other nationally
3 recognized documents to use as reference, to be able to
4 apply the code in a manner which is consistent with the
5 safety of that --

6 (Court reporter interruption.)

7 **CONTINUED BY THE WITNESS:**

8 A. Which is consistent with the safety of the code.

9 BY MS. GEIGER:

10 Q. So, just to be clear, is it your testimony that NFPA
11 850 is the -- is the basis upon which you are -- are
12 you saying that Groton Wind must install fire
13 suppression systems, because those systems are required
14 by 850?

15 A. No, ma'am. NFPA 1, Chapter 18, allows for additional
16 fire protection, based on topography and other factors,
17 access, *etcetera*. That's where the requirement for the
18 fire suppression is coming in. NFPA 850, we went to to
19 look and see how it addressed wind turbines, and it
20 actually does address fire protection in wind turbines.

21 Q. Okay. If you could please turn to Page 7 of your
22 testimony, in Paragraph numbered 4. You indicate
23 that -- you cite a code provision that -- well, you
24 state that "the grade requirement for an access road

[WITNESS: Anstey]

1 generally must not exceed 5 percent" --

2 A. Uh-huh.

3 Q. -- "unless the design limitations of the fire apparatus
4 provide otherwise." Do you have a code citation upon
5 which you're relying for that statement?

6 A. That statement is 18 --

7 (Court reporter interruption.)

8 **BY THE WITNESS:**

9 A. I'm sorry. I believe it's NFPA 18.2.3.1.4. Access
10 roads and the angle of approach is 18.2.3.4.6.2, is the
11 grade.

12 BY MS. GEIGER:

13 Q. Okay. And, is "5 percent" stated there?

14 A. It's "1 in 20", which is 5 percent.

15 Q. Okay. And, it also indicates that you're saying that
16 the angle of approach and departure and the turning
17 radius is subject to the Fire Marshal's approval,
18 correct?

19 A. Correct.

20 Q. And, is it your testimony, based on the questions and
21 answers I heard this morning that you do not approve of
22 the turning radii?

23 A. That's correct.

24 Q. Okay. And, upon what basis are you making that

[WITNESS: Anstey]

1 position?

2 A. Physical observation, number one. Having been on the
3 site and seeing what they have for angles of turn.

4 Q. And, you've also stated that the road -- the roads
5 installed to access the turbines on the Groton Wind
6 site do not meet the code requirements -- or, the Fire
7 Code requirements. And, is that -- that's your
8 opinion?

9 A. Based on my observation.

10 Q. Okay. Okay. Now, on Page 9, you've indicated that you
11 have "not received a complete set of required
12 documents". And, I believe, by "required documents",
13 you're talking about plans, is that correct? Or are
14 you talking about --

15 A. It would be the plans, technical documents on the -- a
16 brain cramp -- on the fluids and such at the time.

17 Q. Is it your position today that you've not received all
18 of the required documents or all the documents that
19 you've required and requested?

20 A. We have still not received the fire suppression for the
21 nacelles.

22 Q. Okay. Have you received any documentation?

23 A. We have received some documentation, yes.

24 Q. Okay. What documentation are you still missing?

[WITNESS: Anstey]

1 A. I'd have to verify. In the nacelle, the fire
2 suppression for the nacelles, there's documentation
3 we're missing. O&M building --

4 Q. What -- I guess I don't understand. What type of
5 documents are you missing?

6 A. For fire suppression, it would be the design of the
7 system.

8 Q. You've not -- it's your testimony you've not seen
9 specifications for the fire suppression system?

10 A. I've seen a document that they proposed. We have
11 nothing that says they are, in fact, ready to install
12 it.

13 Q. Okay. So, you've seen a proposed fire suppression?

14 A. I've seen a proposed fire suppression system.

15 Q. Okay. So, you've seen those, the documents that --
16 you've seen documents concerning a fire suppression
17 system that Groton Wind has indicated it will install?

18 A. I've seen documents for two fire suppression systems.
19 As far as Groton Wind indicating that they are going to
20 install, we've been having that conversation for well
21 over a year.

22 Q. And, the documents concerning the two fire suppression
23 systems, --

24 A. Uh-huh.

[WITNESS: Anstey]

1 Q. -- have you reviewed both of them?

2 A. The first one was a new system that they proposed, then
3 they rescinded the proposal, as apparently it did not
4 meet their requirements. The second one, the Fire
5 Trace, they've asked if -- they've submitted a
6 proposal. We've accepted that proposal. However, we
7 don't have anything concrete that says they are, in
8 fact, going to install.

9 Q. Okay. So, the Fire Trace proposal is acceptable to the
10 Fire Marshal?

11 A. Based on their submittal, yes.

12 Q. Okay. Okay.

13 A. The other, going back to what documentation, we're
14 still requiring a reporting. They have not provided
15 how they're going to report a fire activation or fire
16 suppression activation. That is still outstanding.

17 Q. Okay. Any other documents that you believe have not
18 been provided?

19 A. I don't know off the top of my head. I'd have to
20 double check.

21 Q. Okay. Now, at the bottom of Page 9, you indicated that
22 you "did not waive the requirements of the code" -- "of
23 the Fire Code for the Groton Wind project." Do you
24 have authority to grant waivers of any of the code

[WITNESS: Anstey]

1 provisions?

2 A. I do not.

3 Q. Who does that actually?

4 A. The State Fire Marshal does.

5 Q. Okay. Do you know whether the State Fire Marshal is
6 willing to waive any of the code provisions that you've
7 alleged have been violated?

8 A. Generally, he will not waive on new construction.
9 However, it's his -- it's his decision, not mine.

10 Q. Okay. Now, if you can turn to the top of Page 10 of
11 your testimony. And, I believe you've indicated, sort
12 of at the back of your testimony, you've listed
13 violations that you identified -- alleged violations
14 you identified as of August 12th, 2013. And, then,
15 later on you talk about additional violations that you
16 believe exist subsequent to August 12th, 2013. Is it
17 your testimony that the list beginning at the top of
18 Page 10, and ending at the bottom of Page 12, that all
19 of those items exist as of today's date?

20 A. I identified the items listed on an inspection that we
21 did on-site. Having not done a re-inspection to verify
22 compliance, that we would still consider them
23 outstanding.

24 Q. Okay. So --

[WITNESS: Anstey]

1 MS. LINOWES: Ms. Geiger, could I ask a
2 clarification based on his answer to one of my questions
3 then?

4 MS. GEIGER: Sure.

5 BY MS. LINOWES:

6 Q. I just want to clarify, when I had asked you if you --
7 if there were outstanding, but I -- I don't remember
8 the exact words I used, but, you know, whether there
9 are outstanding violations, I believe you said that you
10 were not ready to respond until your inspection is
11 completed. Are you saying -- what exactly did that
12 answer mean?

13 A. I wish I knew how you exactly asked the question.

14 Q. Let me ask it. Are you saying that this is a bit of a
15 changing landscape right now, that there were
16 violations identified, they're being corrected, and you
17 need go back and investigate it? So, I'm just trying
18 to understand where things stand.

19 A. With the O&M building, we did an inspection on the O&M
20 building. There were outstanding violations, some
21 outstanding violations in the O&M building. As a
22 matter of process, we will say "Okay, these are the
23 violations. Are you going to" -- you know, you have to
24 fix them. You usually have a certain amount of time to

[WITNESS: Anstey]

1 do so. So, that's the process that's happening right
2 now, is we identified what the violations were in the
3 O&M building, and Iberdrola has indicated that they're
4 going to correct those violations. Now, what we do is
5 wait for them to give us a call saying "They're fixed.
6 We need you to look and verify that they're fixed."

7 Q. So, the list that's in your testimony today represents
8 what?

9 A. That was based on that physical inspection of the site.
10 Some of them still had to do with the plans review and
11 some information that was needed on the plans, some
12 documentation, like letters for energy conservation
13 code and stuff, that type of documentation. That one I
14 believe I have gotten. But those would be the
15 outstanding issues.

16 Q. Okay. Then, finally, just one last question. Is your
17 plan to supplement your testimony sometime before
18 there's -- before the next round of testimony from the
19 other intervenors to update the current status?

20 A. When we go back and inspect and find that the
21 violations have been corrected, I would certainly issue
22 documentation to that effect.

23 Q. But the timing of that?

24 A. That would be subject to them completing the

[WITNESS: Anstey]

1 corrections.

2 MS. LINOWES: All right. Thank you.

3 BY MS. GEIGER:

4 Q. Just following up on that. Are you -- is it your
5 testimony that, before you'll go out for let's call it
6 a "compliance inspection", the -- Groton Wind must be
7 representing to you that it has addressed all of the
8 issues on your list? Or would you be willing to do,
9 say, an interim review, you know, to bring everyone
10 up-to-date as of today or, you know, in terms of what's
11 still really outstanding?

12 A. I'm not sure I know what the advantage would be to
13 doing two or three inspections.

14 Q. Well, I mean, for example, it seems to me that, if the
15 case reaches the stage where we have to have a hearing
16 in front of the Committee, it might be more efficient
17 for all of the parties to not spend a lot of time and
18 energy talking about items that the Fire Marshal has
19 agreed are satisfied. And, so, --

20 MS. MARTIN: I agree with you, and I
21 don't mean to cut you off. But I think, at this moment,
22 there are outstanding things, and that this might not be
23 the appropriate time to decide when and how the inspection
24 will be done.

[WITNESS: Anstey]

1 MR. ROTH: Can I ask one follow-up
2 question, since this is a bit of a free-for-all here.
3 Just very quickly.

4 BY MR. ROTH:

5 Q. Has Groton Wind informed you that they're ready for a
6 follow-up compliance inspection?

7 A. They have indicated that they have corrected some, but
8 not all of the violations that have been noted.

9 MR. ROTH: Okay. Do you want to follow
10 up on that or shall I?

11 MS. GEIGER: Well, no. I mean, the
12 follow-up on that, I think I already asked the question as
13 to whether or not they would be willing to do a --

14 MR. ROTH: Yes. That wouldn't be my
15 follow-up question.

16 BY MR. ROTH:

17 Q. Which of the items have they informed you that they
18 believe have been completed?

19 A. The biggest outstanding issue that I can recall is the
20 wall between the offices and the garage area is
21 required to have a two-hour fire separation and have
22 their penetrations and such sealed. That was the
23 biggest item that they had. Probably the one that
24 would take most of the -- most of the time.

[WITNESS: Anstey]

1 Q. So, they have told you that that has been done?

2 A. They have indicated that they have contacted the
3 contractor, they have gotten a bid for the job, and
4 they were going to engage the contractor. Some
5 things -- one of the things was exterior lighting, they
6 indicated that was done. Some of the things where
7 it's, you know, moving smoke detectors, which is not a
8 big deal, but they have indicated that kind of thing
9 has been done.

10 Q. That it has been done or it will be done?

11 A. I believe that's been done, from what they've
12 indicated.

13 MR. ROTH: Okay.

14 BY MS. GEIGER:

15 Q. Can I ask you a follow-up question? Is it a one-hour
16 fire-rated or a two-hour?

17 A. It's one hour. Sorry.

18 MR. IACOPINO: I didn't get that answer.

19 MR. ANSTEY: One hour.

20 MR. IACOPINO: One hour.

21 MR. ANSTEY: Sorry.

22 BY MS. GEIGER:

23 Q. And, in terms of that firewall, is that -- the reason
24 that you're requiring that is that this is a separate

[WITNESS: Anstey]

1 use?

2 A. It's two separate use. You have the office is one
3 occupancy, you have the storage area, which is the
4 garage, is a different occupancy.

5 Q. And, how is it that you've come to that position?

6 A. NFPA 101.

7 MS. GEIGER: Okay.

8 MR. ROTH: Would you be willing to
9 provide the parties and the Committee supplemental
10 testimony, which indicates which of these items that
11 Groton Wind has told you have been completed? I don't
12 want to put you on the spot to like go through each one of
13 them while we're all sitting here. But it seems to me it
14 makes sense for us to know where things stand now, two
15 weeks later, after your testimony.

16 MS. MARTIN: Well, and to be clear, that
17 would be based on their representations only.

18 MR. ROTH: Yes. Yes.

19 MS. MARTIN: And, so, we do have -- we
20 do obviously have a list going. But we cannot verify for
21 the record.

22 MR. ROTH: Understood. But I think that
23 we -- I'd like to know what they have told you, as of this
24 date, they believe has been done.

[WITNESS: Anstey]

1 MS. MARTIN: We would have no objection
2 to --

3 MR. IACOPINO: How long do you think you
4 would need to get that to the parties?

5 MS. MARTIN: I'd like the seven days.

6 MR. IACOPINO: Okay. Any objection
7 from --

8 MR. ROTH: No.

9 BY MS. LINOWES:

10 Q. To that question, though, is it -- is it only the O&M
11 building we're talking about or are there other? Does
12 it extend beyond the O&M building?

13 A. It extends to the whole facility. You know,
14 inspections of the towers are not as -- they're
15 engineered, we asked for engineering documents, and
16 they provided some of the engineering documents and the
17 inspection reports for those towers.

18 Q. But the violations?

19 A. The violations, ones that we cited, short of the fire
20 suppression in the nacelles, are all limited to the O&M
21 building.

22 MS. LINOWES: Thank you.

23 BY MS. GEIGER:

24 Q. So, just so that the record is clear, I think, and I

[WITNESS: Anstey]

1 don't want to put words in your mouth, but I think I
2 heard either Attorney Martin or Mr. Anstey say that
3 it's "based on Groton Wind's representation that this
4 list has been addressed", and that you would need to
5 verify that and then come back with some supplemental
6 testimony. I just want to make sure that you have -- I
7 know that some of these items on this list do not deal
8 with physical issues, they deal with documentation,
9 correct?

10 A. Uh-huh.

11 Q. And, so, let's for example, on Page 10, Number 1, in
12 the middle of the page, not Number 1 at the top --
13 well, let's start at the top of the page. "Failure to
14 submit a complete set of plans". Is it still your
15 position that Groton Wind has failed to submit a
16 complete set of plans?

17 A. I believe we have the plans for the O&M structures.
18 And, some of these I'm going to have to go back and
19 verify --

20 Q. Okay.

21 A. -- that you're asking me.

22 Q. Okay. All right. And, how about Number 1 in the
23 middle of the page, a "letter submitted by the licensed
24 New Hampshire architect certifying compliance with the

[WITNESS: Anstey]

1 2009 edition of the International Energy Conservation
2 Code?

3 A. I believe we received that letter.

4 Q. Okay. So, we can say here today that that's no longer
5 an issue, correct?

6 A. I'd want to verify it and make sure.

7 Q. Okay. Well, if I showed you this, would you accept
8 that this is the letter and we sent it to your
9 attorney?

10 A. (Witness nodding in the affirmative).

11 Q. Okay.

12 A. Yes.

13 Q. Okay. Thank you.

14 MR. ROTH: Can I just -- Susan, I didn't
15 see that, but could you let me see it or tell us what date
16 it was?

17 MS. MARTIN: To clarify this, since you
18 asked about the date, the date on the letter is not the
19 date that it was received. I can't say for certain, but
20 it was received within the last month, I would say.

21 MS. GEIGER: But it was received before
22 the prefiled testimony was filed, correct?

23 MS. MARTIN: Right. Right. And, just
24 for clarification on that, too, it does say in the end of

[WITNESS: Anstey]

1 the testimony on Page 13 that some actions have been taken
2 to come into compliance.

3 BY MS. GEIGER:

4 Q. Well, okay, let's turn to that. It says that some --
5 and I think it also says that "at this time", meaning
6 March 21st, 2014, that "most of the violations remain
7 outstanding." Is that still your testimony?

8 A. It would -- I'd have to go back and verify that they
9 have been corrected, yes.

10 Q. Okay. So, I believe Number 2 on your list is --

11 MR. ROTH: Which list?

12 BY MS. GEIGER:

13 Q. Is the -- excuse me, the list on Page 10, and this is
14 Number 2 at the bottom of the page. It's another
15 letter "from the licensed New Hampshire architect or
16 engineer certifying compliance with New Hampshire
17 Barrier Free Design Code." Is it your position that
18 that -- that that has not been done?

19 A. I'd have to check.

20 Q. I guess I'd ask you whether you've reviewed the
21 documents that my client had provided to your attorney?

22 A. I've reviewed some, our reviewer has viewed some. And,
23 that's why I want to make sure that what she looked at
24 and what I looked at.

[WITNESS: Anstey]

1 Q. Okay. Now, "full size prints required to be submitted
2 for review", didn't you indicate to Groton Wind that
3 the Fire Marshal has accepted the plans?

4 MR. IACOPINO: I'm sorry, Susan. Are
5 you referring to a specific numbered item in the
6 testimony?

7 MS. GEIGER: Three. On the bottom of
8 Page 10, I'm going right down the list.

9 MR. IACOPINO: Okay.

10 MR. ROTH: I believe, in response to the
11 previous question, he said that he had plans for the O&M
12 in response, --

13 MR. ANSTEY: Yes.

14 MR. ROTH: -- dealing with Number 1 at
15 the top of Page 10.

16 MR. ANSTEY: The plans, if memory serves
17 my correctly, were half sets, half size sets.

18 MS. GEIGER: The Number 3 deals with the
19 size of the prints.

20 MR. ROTH: So, you still don't have the
21 full size?

22 MR. ANSTEY: I don't believe we've been
23 given full size prints.

24 BY MS. GEIGER:

[WITNESS: Anstey]

1 Q. But haven't you -- haven't you indicated that you'd
2 accept the size that was submitted?

3 A. I don't recall. However, I will.

4 Q. Okay. You will accept?

5 A. Accept what's been submitted.

6 Q. Okay. Thank you.

7 MS. MARTIN: Can I just interject again?
8 Just to be clear, the question that is being responded to
9 in the prefiled testimony is violations since August that
10 he became aware of.

11 MS. GEIGER: Right.

12 MS. MARTIN: So, it does not state
13 whether they are currently in violation. It's just simply
14 a list of all violations that he became aware of since
15 August.

16 MS. GEIGER: I understand that.

17 MS. MARTIN: Okay.

18 MS. GEIGER: And, I think, to make the
19 record clear, and to be fair about the status of these
20 items, it would be, you know, I think it would be probably
21 more helpful to the Committee and the parties to
22 understand, you know, whether these items are still
23 outstanding as of today, or were they outstanding as of
24 date that this testimony was filed? Because I -- you

[WITNESS: Anstey]

1 know, obviously, the testimony, it is what it is. But I
2 think that, again, in order for the record to be clear,
3 we're all better off if we know exactly what items are
4 still an issue.

5 BY MS. GEIGER:

6 Q. So, Number 4, on Page 11, "Drawings are required to be
7 stamped by the licensed professional responsible for
8 the design pursuant to Section 107.1 of the IBC."

9 A. Uh-huh.

10 Q. Has that been -- has documentation of that type been
11 provided to you?

12 A. I don't believe we've received his stamped drawings.

13 Q. Well, I guess -- I know that this is a small scale, but
14 would you say that those are stamped?

15 (Atty. Geiger handing document to
16 Mr. Anstey.)

17 MR. ANSTEY: Golly.

18 MS. GEIGER: I know.

19 **BY THE WITNESS:**

20 A. This is for the O&M structure, yes.

21 BY MS. GEIGER:

22 Q. Have you seen those before today?

23 A. I believe so.

24 Q. Okay. So, you have them. All right. So, on Number 5,

[WITNESS: Anstey]

1 "the list of special inspections provided on the
2 structural drawings should have been accomplished",
3 *etcetera*?

4 A. It's still incomplete.

5 Q. So, I guess I have a question about that, because --
6 the question I have is whether, on the plans I just
7 showed you, --

8 A. Uh-huh.

9 Q. -- whether the list of special instructions would
10 appear on those plans or is that a separate document?

11 A. He didn't -- I don't have his documentation as to what
12 inspections he did, what he reviewed.

13 Q. Is that a separate document?

14 A. It would be separate documents.

15 Q. So, that's not -- that's not what appears here?

16 A. Correct.

17 Q. Okay. Now, Items 6, 7, 8, and 9 all relate to the O&M
18 building, is that correct?

19 A. Correct.

20 Q. All right. And, have you seen any documentation from
21 Groton Wind concerning its intention to address those
22 issues?

23 A. Yes.

24 Q. Okay. And, what's that documentation consist of?

[WITNESS: Anstey]

1 A. They have provided a wall detail, they have provided
2 penetration details, as to how they're going to repair
3 the wall.

4 Q. Okay. Is there any documentation missing that you need
5 for those items?

6 A. Not to my knowledge.

7 Q. Okay. And -- okay. And, were the -- was the
8 information that was provided about how the
9 Applicant -- excuse me -- intends to address those
10 items satisfactory to you?

11 A. Yes.

12 Q. Okay. So, Number 10, "emergency lighting provided
13 outside of the exits did not comply with the
14 requirements of NFPA 70." Is there -- first of all, is
15 there a subsection of Section 70 that applies there or
16 is it just the whole, is it 70?

17 A. Oh, no. It would be a subsection.

18 Q. Do you know which one it is?

19 A. No, ma'am, I don't. But I can find out.

20 MS. GEIGER: We'll take that as a record
21 request then.

22 BY MS. GEIGER:

23 Q. But be that as it may, is it your -- is it your
24 testimony today that this emergency lighting issue

[WITNESS: Anstey]

1 remains outstanding or has that been addressed to your
2 satisfaction?

3 A. We have not verified that they have made the repair.

4 Q. Okay. So, on that one, how were you notified about the
5 repair? Were you notified about the repair being made?

6 A. They have indicated they have done it.

7 Q. Okay.

8 A. We have not verified that.

9 Q. Okay. Was there any paperwork submitted to you about
10 that?

11 A. No, I don't believe there was. It was verbal.

12 Q. All right. So, that one you need to, for lack of a
13 better term, inspect or field verify or --

14 A. That we'll have to field verify, the wall detail we'll
15 have to field verify and inspect.

16 Q. Okay. All right. Number 11, "battery
17 calculations...were not provided". Is that still your
18 testimony today?

19 A. I'd have to check. I'm not sure. I believe we got
20 something on battery calculations.

21 Q. So, would this be the documentation that you're looking
22 for for battery calculations?

23 A. That would be it.

24 Q. Okay. And, have you seen it? Were you aware that this

[WITNESS: Anstey]

1 was sent?

2 A. It may have gone to the reviewer.

3 Q. Oh. Okay. So, is there somebody else working on this
4 file with you that is reviewing documents?

5 A. Yes.

6 Q. Oh. Okay. So, when you say you "haven't seen it",
7 that doesn't mean that somebody in your office hasn't
8 also seen it?

9 A. She may have gotten it.

10 Q. Okay. Who is that person? What is her name?

11 A. Beverly Kowalik is the reviewer.

12 Q. Okay. And, how do you spell her last name?

13 A. K-o-w-a-l-i-k.

14 Q. Okay. And, so, she's been assigned to this. Is there
15 anyone else at the Fire Marshal's Office that's been
16 assigned to this matter?

17 A. No.

18 Q. Okay. Okay. So, 11 -- so, you'd agree, if this
19 document was, in fact, submitted to your office --

20 A. Then, we have it. That's what we're looking for.

21 Q. So, this is what you're looking for?

22 A. Correct.

23 Q. So, Number 11 is complete. Okay. Number 12,
24 documentation about the fire alarm system. Is it your

[WITNESS: Anstey]

1 position that that item remains outstanding as of
2 today?

3 A. Yes. One of the reasons is, through the field
4 inspection, they had to move some smoke detectors. So,
5 that would still be outstanding.

6 Q. Okay. So, let's see. And, let me just go back to
7 that. Because my understanding, on this particular
8 item, is that it's the documentation that you're
9 looking for?

10 A. I believe that they had on-site testing criteria that
11 had been done for the approval, but I don't believe we
12 had had it submitted to us at that time of the
13 inspection.

14 Q. Okay.

15 A. So, I think they had the copy on site, but they hadn't
16 provided it for us.

17 Q. Okay. And, I'll just sort of take a pause here, but I
18 do want to go through here for the sake of being
19 complete, go through the list here for the sake of
20 being complete. And, that is, as we're going through
21 this list, it's obvious that some of these items have
22 been addressed --

23 A. Some have been, correct.

24 Q. -- and they're no longer an issue. So, is that what

[WITNESS: Anstey]

1 you intend, when you make your supplemental testimony
2 to reflect, I mean, I think that's -- that's where I'm
3 headed.

4 MS. GEIGER: I guess I'd ask Mr. Roth if
5 that's what he's looking for?

6 MR. ROTH: My request was somewhat
7 narrower, in that I had asked for a list of items where
8 the owner had asserted to you that they had reached
9 compliance, and subject to your verification. So,
10 that's --

11 MS. MARTIN: We do have a list of
12 exactly what you described running. So, and once he looks
13 it over, we should have a problem --

14 (Court reporter interruption.)

15 MS. MARTIN: We do have a list exactly
16 as he described currently. I didn't see it as additional
17 or supplemental testimony. If that's the form, --

18 MR. IACOPINO: There's been a reasonable
19 request for it. I think, if you could provide it within
20 seven days from today, and that will satisfy Counsel for
21 the Public's inquiry. And, I think it somewhat satisfies
22 what Ms. Geiger is getting into, too. The only difference
23 that I see is that some of these things you've asked for
24 documentation that appears may have been provided to you.

[WITNESS: Anstey]

1 I assume that we would understand that from what you file.
2 So that, if there was a certain documentation that was
3 required, you hadn't received it when the testimony had
4 been prepared, and you've since received it, I assume
5 we're going to see in that filing that it's been received.
6 And, I assume, and I would think everybody in the room
7 probably assumes the same thing, anything that is required
8 to have been fixed at the site has not yet been verified
9 to have been corrected at the site.

10 MR. ANSTEY: Correct.

11 MR. IACOPINO: And, that's something
12 that still remains.

13 MS. GEIGER: Right.

14 MR. IACOPINO: Does anybody disagree
15 with that?

16 (No verbal response)

17 MR. IACOPINO: Okay.

18 MS. GEIGER: Okay.

19 BY MS. GEIGER:

20 Q. Turning back now to the list on Page 12.

21 A. Uh-huh.

22 Q. I guess I need some clarification. On Number 15,
23 you've indicated "the mechanical drawings did not
24 include any piping or details on the installation of

[WITNESS: Anstey]

1 equipment." And, my client needs some clarification on
2 that. I guess they're not -- they don't understand
3 what's needed there?

4 A. I don't believe we've had details, mechanical details
5 on the gas piping.

6 Q. Gas piping. Okay. Number 16, "the wall mounted smoke
7 detector in the records room is not installed in the
8 proper location." What's your position on that one?

9 A. It's not installed in the proper location.

10 Q. Okay. But has there been any communication from Groton
11 Wind about addressing that issue?

12 A. They said they were going to correct it.

13 Q. Okay.

14 A. But I don't know that they have.

15 Q. So, is it safe to say I think Numbers 16 through 21,
16 that -- that those are things that needed to be done,
17 physical steps --

18 A. Correct.

19 Q. -- that needed to be taken that you need to go out and
20 look at to confirm, right?

21 A. Correct.

22 Q. But what's your understanding of Groton Wind's position
23 about whether they have done anything to address those
24 issues?

[WITNESS: Anstey]

1 A. They have indicated that they have been addressing the
2 issues.

3 Q. Okay. So, with respect to 16 through 21, Groton Wind
4 has indicated that they have taken corrective actions,
5 it's just a matter of you going out there and
6 inspecting to make sure it's done to your satisfaction?

7 A. Actually, 16 through 22.

8 Q. Okay. Twenty-two as well. Okay. So, at the bottom of
9 Page 12, you've talked about -- you indicated that you
10 became aware of this list of alleged violations based
11 on plans review. Could you explain what that plans
12 review consisted of?

13 A. What we had received to that, rather than -- what we
14 had received to that time I had reviewed by Beverly.
15 So, the outstanding issues, I mean, we've talked about
16 certain documentation and certain physical things.
17 They're all included in that statement. So, based on
18 outstanding issues on the plans review --

19 Q. Uh-huh.

20 A. -- that needed to be addressed, and outstanding things
21 on the physical inspection that needed to be addressed.

22 Q. Okay. And, who attended the site review on
23 January 24th?

24 A. The on-site inspection?

[WITNESS: Anstey]

1 Q. Yes.

2 A. That was me.

3 Q. Anybody else?

4 A. Dianne.

5 Q. And, are there people there from Groton Wind?

6 A. Yes.

7 Q. Okay. Do you recall who they were?

8 A. I know Ryan was there. But the other names I don't
9 recall.

10 Q. Okay. Okay. And, what was the purpose of that review
11 or that --

12 A. The purpose of that inspection was to identify any
13 other outstanding violations in the building, so they
14 can correct them for a CO.

15 Q. Okay. On the last page of your testimony you've stated
16 that "no fire suppression in the nacelles has been
17 installed at this time and the plans are as yet
18 unconfirmed." Now, you've also indicated that the
19 plans -- system plans from Fire Trace have been
20 submitted to you and you find them acceptable,
21 correct?

22 A. Correct.

23 Q. Okay. What type of confirmation are you talking about?

24 A. On several instances. We were given a schedule of

[WITNESS: Anstey]

1 installation that we rejected, because of the time
2 frame. Toan Nguyen has on several occasions said "this
3 is all subject to a signed contract".

4 Q. Uh-huh.

5 A. A signed contract. That's not giving us any kind of
6 installation deadline.

7 Q. Okay.

8 A. And, so, we need to see something from them saying
9 "they will be done by this day."

10 Q. So, you need a -- is it fair to say you need to see a
11 signed contract with Fire Trace?

12 A. A signed commitment from Iberdrola --

13 Q. Okay.

14 A. -- to fire suppression, the approved fire suppression
15 system will be in place.

16 Q. By a deadline?

17 A. And, the deadline we've established is the first Class
18 3 Fire Danger day.

19 Q. Okay. And, again, the last sentence in your testimony
20 talks about "a compliance inspection of the O&M
21 building and all other structures, including the wind
22 turbines, before compliance can be confirmed and an
23 occupancy permit will be issued."

24 A. Correct.

[WITNESS: Anstey]

1 Q. Is it possible for you to go up and look at the O&M
2 building and issue a certificate of occupancy for the
3 O&M building separate from -- separate from the wind
4 turbines?

5 A. It's possible.

6 Q. Okay. Are you willing to do -- I mean, is that your --
7 I guess I'm just trying to get clarification here, I'm
8 not trying to, you know, lock you into one position or
9 another. I'm just trying to understand what you
10 propose to do with respect to the O&M building and the
11 wind turbines?

12 A. Each structure is its own certificate.

13 Q. Okay. Okay. So, each turbine would get a --

14 A. So, each tower --

15 Q. Okay.

16 A. -- and the O&M building are on their own certificates.

17 Q. Okay. So, it would be possible to, for example, if we
18 got you up there in the next week or so to look at the
19 O&M building, it would be possible, if everything were
20 acceptable to you, that an occupancy permit could be
21 issued for that structure?

22 A. Conceivably possible.

23 Q. Okay. Is that something you'd be willing to do, is to
24 come up to the Project and do sort of an inspection

[WITNESS: Anstey]

1 now, instead of waiting until every single thing on the
2 list is --

3 MR. ROTH: I guess I'm going to, you
4 know, in the spirit of confrontation, object here, because
5 this is not a negotiation session. This is an information
6 session. And, I think we've gone beyond information and
7 into negotiation. And, I think that's inappropriate.

8 MR. IACOPINO: I think the question is
9 proper, and he can answer whether it's something that his
10 Office is willing to do or not.

11 **BY THE WITNESS:**

12 A. I would have to verify with the Marshal.

13 MS. GEIGER: Okay. Okay. All right.
14 If I could just have a minute?

15 (Atty. Geiger conferring with
16 Mr. Murphy)

17 MS. GEIGER: All right. Thank you very
18 much for answering my questions and bearing with me.

19 MR. ANSTEY: Thank you.

20 MR. IACOPINO: I have a couple questions
21 for you, Investigator Anstey.

22 BY MR. IACOPINO:

23 Q. First, on Page 2 of your testimony, you indicate that
24 the Fire Marshal was not notified of the Application.

[WITNESS: Anstey]

1 Are you familiar with a letter from myself, dated
2 April 5, 2010, to the Commissioner of the Department of
3 Safety, John Barthelmes?

4 A. Yes, sir. I believe it was in the Application, though
5 they dealt with blasting, and that was where they
6 looked.

7 Q. Okay. Did Commissioner Barthelmes ever send that
8 letter down to you in the Fire Marshal's Office?

9 A. No, sir. Not to my knowledge.

10 Q. Are you aware that the letter specifically asked the
11 Commissioner that, "if this letter is better directed
12 to another person within your agency please forward the
13 correspondence to that person"?

14 A. I know the letter. I don't know the nature of the --
15 (Court reporter interruption.)

16 **CONTINUED BY THE WITNESS:**

17 A. I don't know the nature of the content of the letter.

18 BY MR. IACOPINO:

19 Q. And, I guess the other question that I have for you, in
20 the letter that was submitted by the Fire Marshal on
21 October 19, 2010 that listed what the Fire Marshal
22 requested in the Certificate of Site and Facility, do
23 you have that letter in front of you?

24 A. I do.

[WITNESS: Anstey]

1 Q. Okay. The Number 4 request was -- it was worded in a
2 way, it says "In addition to any code required fire
3 protection systems, monitored fire suppression systems
4 shall be installed in each nacelle", so on and so
5 forth. At the time that that was -- that that letter
6 was written, were the fire systems required by the
7 code?

8 A. What we -- the intent of that was that we didn't want
9 to list and say "fire suppression is needed in the
10 nacelle", and have that taken as "okay, that's the only
11 place", should the code require it in another area,
12 hypothetically, like the O&M building. We didn't want
13 to put in here "just put it in the nacelle", and then
14 have that taken as "okay, we don't need it in the O&M
15 building, because you said you only need it in the
16 nacelle."

17 Q. But, if I understand your position presently, is that
18 the codes, that the various codes that you've cited,
19 when you read them together, they do require fire
20 suppression systems in the nacelles, because of the
21 outstanding geography and topography and because of a
22 decision made by your office?

23 A. Correct.

24 Q. Okay. You were asked a question by Counsel for the

[WITNESS: Anstey]

1 Public about what the -- what developers do when
2 there's a fire, and you indicated that they let it burn
3 out. Is that also the preferred procedure from a
4 firefighting standpoint?

5 A. He asked about nacelle fires.

6 Q. And, I'm talking about the same kind of fires.

7 A. Based on my research, yes.

8 Q. Okay.

9 A. That is the preferred manner of handling it.

10 Q. At the April meeting, there was some -- the April
11 meeting of the first responders, there was discussion
12 about access to the area via snowcat vehicles. Do you
13 recall that?

14 A. I do.

15 Q. Okay. And, can snowcat vehicles provide the manpower
16 that's necessary in order to monitor a wintertime fire
17 in a nacelle?

18 A. It's somewhat subjective, because it depends on the
19 extent, how it's spreading, where it's spreading. A
20 brush fire could still occur in the winter, it just
21 won't spread as readily.

22 Q. All right.

23 A. So, depending on the wind, depending on other
24 circumstances, it's difficult to say.

[WITNESS: Anstey]

1 Q. Well, let me take you back to fire season then. If you
2 have a turbine fire --

3 A. Uh-huh.

4 Q. -- during fire season, --

5 A. Uh-huh.

6 Q. -- how would you staff that fire? How would you
7 approach it?

8 A. Basically, and now you're asking for my tactical --

9 Q. Yes.

10 A. -- opinion.

11 Q. Yes.

12 A. First thing I'd take into consideration would be,
13 obviously, the wind and the velocity of the wind. What
14 I would then do is position crews downwind. And, then,
15 also position crews up in the area of the tower
16 impacted, for when things do fall, because you are
17 inherently going to have something there. But,
18 strategically locating crews downwind for subsequent
19 fires.

20 Q. And, what would those crews be equipped with?

21 A. Whatever that municipality has for fire -- forest
22 firefighting equipment.

23 Q. And, if I understand, typically, that's these -- these
24 things called "brush trucks" and four-wheelers and

[WITNESS: Anstey]

1 things like that?

2 A. Backwoods it would be. If it's close to the highway,
3 it may be a traditional engine company.

4 Q. And, the role of those individuals that you staff
5 downwind is to look for fire brands that come off the
6 fire and then put them out when they reach the earth?

7 A. Correct.

8 MR. IACOPINO: Okay. I have no further
9 questions.

10 MS. GEIGER: Actually, I missed a
11 question. So, I apologize for the oversight. And, it
12 hopefully won't take very long.

13 BY MS. GEIGER:

14 Q. I skipped over Number 13 on your list on the top of
15 Page 12 in your prefiled testimony, where you indicate
16 that "the fire notification procedure does not comply
17 with", and then you cite codes of the NFPA sections.
18 Could you please explain why it's your position that
19 the notification procedure is non-compliant?

20 A. Iberdrola's notification procedure is that, when they
21 get a -- when they were to get either a spoke detector
22 activation or a fire suppression activation, it would
23 go to their central receiving station in Portland.
24 Right now, their SOG is to call the -- to shut down the

[WITNESS: Anstey]

1 turbine, e-mail the facilities manager, and then have
2 them investigate what the cause of the activation was
3 on the next normal business day.

4 Q. Uh-huh. Okay. And, you're saying that that is not
5 acceptable?

6 A. We're saying that, if it's a smoke detector activation,
7 then that is a reason to believe that a fire is
8 occurring, and that needs to be reported to the local
9 fire department immediately.

10 Q. Okay. Is that the only -- is that the only provision
11 within the notification procedure that you are taking
12 exception to or are there other things in there that
13 you believe are not compliant?

14 A. There were, again, not having the notification
15 procedure in front of me, there was -- I took issue
16 with they were dictating the activities of the local
17 fire department. And, --

18 Q. So, I actually have a copy of it. So, could you just
19 go through it, and let's -- if this might jog your
20 memory. And, if it's going to take too much time or
21 you feel uncomfortable doing that, I could take it as a
22 record request. It's just that Number 13 appears to be
23 rather vague, and we'd like more clarification.

24 (Atty. Geiger handing document to Mr.

[WITNESS: Anstey]

1 Anstey.)

2 **BY THE WITNESS:**

3 A. Yes. Under Item Number 6, "Notification Procedure", it
4 says, when they receive an audible alarm at a wind
5 turbine, again, they notify plant personnel. We would
6 have issue that, if they get a smoke detector
7 activation or suppression activation, that that goes to
8 the local fire department.

9 BY MS. GEIGER:

10 Q. Okay.

11 A. Again, as they progress, it's they're sending somebody
12 to look, if they see something, then they're notifying,
13 and that's a delay.

14 Q. Could I ask a question about that local, would it be --
15 is it your position that the call should go to the
16 Groton Fire Department or should it go to --

17 A. It would go to whoever dispatches fire apparatus for
18 the Town of Groton.

19 Q. Okay. Okay. So, if Groton has a contract with Rumney,
20 for example, then --

21 A. It would go to Lakes Region Mutual Aid, who dispatches
22 for Rumney.

23 (Court reporter interruption.)

24 **BY THE WITNESS:**

[WITNESS: Anstey]

1 A. It would go to Lakes Region Mutual Aid. You know,
2 further, Section J, under Item 6, "Fire department
3 personnel will not climb the wind turbine to fight the
4 fire. The fire service's role will be to prevent the
5 spread of fire." They're dictating to the fire
6 department. Statutorily, the fire chief has command of
7 that incident.

8 BY MS. GEIGER:

9 Q. Uh-huh.

10 A. And, Iberdrola can not dictate what he does or how he
11 does it.

12 Q. Okay. But would you, just as a matter -- I understand
13 it's your position that they can't dictate, but I
14 thought I heard you this morning, in answering
15 questions, indicate that climbing the tower probably
16 wouldn't happen in the case of a fire anyway?

17 A. You heard me say that my tactical opinion, as a fire
18 officer, would be I would not put people up a tower --

19 Q. Okay.

20 A. -- of that nature.

21 Q. Okay.

22 A. But they're trying to define the role of the fire
23 department here, and that is already done statutorily.

24 Q. Okay. But you don't have -- conceptually, you don't

[WITNESS: Anstey]

1 have a problem with what they're saying, you just have
2 a problem that they can't direct the activities of the
3 local fire department, is that --

4 A. They can't direct the activities. They, basically, the
5 site becomes the control of the fire department when
6 there's a fire there. And, that would be whether
7 there's a wild wind fire or a turbine fire.

8 Q. Okay.

9 A. And, then, of course, their reporting is inadequate.

10 Q. Okay. So, there's two things that give you pause --

11 (Court reporter interruption.)

12 **BY THE WITNESS:**

13 A. Their reporting is inadequate.

14 MS. MARTIN: Can I just have a minute?

15 MS. GEIGER: Yes.

16 (Short pause.)

17 MR. IACOPINO: Susan, I guess we're
18 going to ask that that be copied to the parties.

19 MS. GEIGER: Okay.

20 MR. IACOPINO: Okay?

21 MS. GEIGER: Sure.

22 MR. IACOPINO: And, if you could just
23 give me a description so I know what to write down?

24 MS. GEIGER: Sure. This is a note --

[WITNESS: Anstey]

1 it's called "Groton Wind Plant Notification Procedure in
2 the Event of a Fire Alarm in a Wind Turbine." And, it's
3 dated February 13th, 2014.

4 MR. IACOPINO: 2/13/14.

5 MS. GEIGER: Correct.

6 MR. IACOPINO: Thank you.

7 MS. GEIGER: Okay. And, I think that's
8 it. Thank you very much.

9 MS. LEWIS: Mike, could I have a quick
10 follow-up?

11 MR. IACOPINO: Sure.

12 MR. ROTH: And, I'd like one as well, if
13 I may.

14 MR. IACOPINO: So, why don't you start
15 off, Cheryl.

16 MS. LEWIS: Okay. Thank you.

17 MR. IACOPINO: Sorry, Investigator
18 Anstey. And, I'm sorry, Steve.

19 MS. LEWIS: I am sorry.

20 BY MS. LEWIS:

21 Q. I just want to go back a minute to what Attorney Roth
22 had questioned -- Attorney Roth had questioned
23 regarding the Environmental Health and Safety Plan.
24 And, you had wrote a November 18th response to that.

[WITNESS: Anstey]

1 A. Okay.

2 Q. And, I guess, just to refresh your memory, that the
3 very last thing that you wrote was "It is his opinion
4 that this plan is incomplete. It provides the
5 emergency services with very little information." And,
6 in light of that, would you still provide an occupancy
7 permit, if everything else is complete, but the Health
8 and Safety Plan has not been updated?

9 A. We'd talk to the local fire people. If Rumney has the
10 contract, we'd go to Rumney and ask them if they are --
11 you know, "can you deal with this? Is this your -- do
12 you agree with it?" So, we would take their input and
13 see if there's anything outstanding that they, you
14 know, they just can't provide or something to that
15 effect. But we do ask for their input.

16 Q. Okay. So, it's possible that, if everything else is
17 complete that's been talked about or that's on your
18 prefiled testimony, that, until that piece of it is
19 satisfactory, there still may not be an occupancy
20 permit, is that correct?

21 A. If they are completely unsatisfied, yes.

22 MS. LEWIS: Okay. Thank you.

23 MR. IACOPINO: I'm sorry. Peter.

24 BY MR. ROTH:

[WITNESS: Anstey]

1 Q. When you were asked by Attorney Iacopino about whether
2 a snowcat would be sufficient to bring personnel to a
3 turbine site to monitor, I believe was the word he
4 used, a fire situation, you answered "it was difficult
5 to say". I understand that. Does it -- would it
6 matter if the question, and maybe you assumed this as
7 part of your -- you assumed the question meant this,
8 but is monitoring a situation different than having a
9 fire company present to fight the fire in the way that
10 you described, with people, you know, personnel
11 downwind and upwind and, you know, the tactical
12 decision?

13 A. If the goal were to just have one person or some -- one
14 or two people there to look and watch and see what's
15 happening, to monitor, yes, the snowcat could get
16 somebody there to do that. If the goal were to provide
17 suppression equipment and/or people, then that would be
18 more problematic.

19 Q. Okay. Now, as I understand snowcats, they're intended
20 to drive on snow.

21 A. They do.

22 Q. Is it conceivable that there would be a fire season
23 situation where the roads nevertheless were snow
24 covered?

[WITNESS: Anstey]

1 A. It could, I suppose.

2 Q. You could conceive of a series of 80-degree days in
3 April, for example, where north-facing road cuts are
4 filled with 10 feet of snow on a mountain, isn't that
5 correct?

6 A. Yes.

7 Q. And, an 80-degree day in April, you could have nice dry
8 combustible material on south-facing areas, correct?

9 A. Potentially.

10 Q. So, then, you'd have a high fire danger on a
11 south-facing area and --

12 A. Inaccessibility.

13 Q. -- snow-blocked roads, correct?

14 A. It could.

15 MR. ROTH: That's all. Thank you.

16 MR. IACOPINO: If there are no other
17 questions, let me just go through what I understand we're
18 going to ask be provided. Groton Wind has agreed to
19 provide the Groton Wind Plant Notification for -- in the
20 Event of a Fire Alarm in the Wind Turbine, dated
21 February 13, 2014. In response to Counsel for the
22 Public's request, the Fire Marshal will be providing a
23 list of what items the Applicant has responded to that
24 have been identified as violations in the testimony. And,

[WITNESS: Anstey]

1 I think those are the only two items outstanding that I
2 have. Have I missed any?

3 MR. ANSTEY: I have to provide the code
4 preference for NFPA 70 that requires dual heads for the
5 emergency lighting.

6 MS. GEIGER: And, just so that we
7 understand what Number 2 consists of, the Fire Marshal
8 will provide a list of items that it has confirmed that --
9 that Groton Wind has complied with, as well as those items
10 that we have represented we have complied with, but have
11 yet to be confirmed. Is that what you're looking for?

12 MR. IACOPINO: I just understood his
13 testimony to be they haven't verified anything. They have
14 a list of things that the developer has -- that Groton
15 Wind has indicated they have complied with, and they have
16 been keeping a running list of that, and they would
17 provide the parties with that list. So that, for
18 instance, Number 19, "the smoke detector in the conference
19 room was mounted too close to the diffuser." It's my
20 understanding that your client may have advised the
21 Applicant -- advised the Fire Marshal that that's been
22 corrected. But he hasn't gone out to verify that yet.
23 But he has a list that indicates that he understands that
24 that's been corrected from your client.

[WITNESS: Anstey]

1 MS. GEIGER: Right.

2 MR. IACOPINO: But it's obviously
3 subject to verification.

4 MS. GEIGER: Right. And, there are
5 other things that I think we've demonstrated today that
6 have been complied with. And, so, I just think that, in
7 order for the list to be complete and accurate, that, you
8 know, --

9 MS. MARTIN: Well, the list would say
10 "received", if it's a document.

11 MR. IACOPINO: But if there is something
12 on-site that you have already confirmed, for instance, has
13 been accomplished, I don't know, you would put that in
14 there that it's been --

15 MR. ANSTEY: If we verify it.

16 MR. IACOPINO: -- represented to be
17 finished and verified. How's that? Does that satisfy
18 everybody's request?

19 MR. ROTH: That's fine.

20 MS. GEIGER: That would be fine. I just
21 think that we have as much accurate information about what
22 is, in fact, outstanding.

23 MR. IACOPINO: Right. And, we don't
24 want open questions down the road, you know, where he may

[WITNESS: Anstey]

1 have already verified something, but you don't know it,
2 and then you have to ask questions again down the road and
3 it turns out that it's been verified.

4 MS. GEIGER: Okay. Thank you.

5 MR. IACOPINO: Any other questions for
6 anybody? Have I left out any documents that anybody
7 thinks they asked for?

8 (No verbal response)

9 MR. IACOPINO: It is 12:33, and we will
10 adjourn.

11 **(Whereupon the technical session was**
12 **adjourned at 12:33 p.m.)**

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