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

Mark Watson, *pro se*, Intervenor

ALSO PRESENT:

Jennifer Tuthill

Bob Piehler

Iryna Dore, Esq.
(Brennan, Caron, Lenehan
& Iacopino)

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P R O C E E D I N G

1
2 CHAIRMAN BURACK: Good morning, ladies
3 and gentlemen. And, welcome to a public meeting of the
4 New Hampshire Site Evaluation Committee. We have three
5 matters for consideration on today's agenda. The first is
6 the Application of Groton Wind, Docket Number 2010-01;
7 secondly, we will hear a brief briefing on rulemaking for
8 the Site Evaluation Committee from Meredith Hatfield,
9 Director of the Office of Energy & Planning; and our third
10 item today, which will be commencing at approximately
11 10:00 this morning, will be Granite State Gas
12 Transmission, and that's Docket Number 2014-01.

13 My name is Tom Burack. I serve as the
14 Commissioner of the Department of Environmental Services,
15 and in that capacity, by statute, I also currently serve
16 as Chairman of the Site Evaluation Committee.

17 And, I'm going to now ask the other
18 members of the Committee who are present today, if they
19 would kindly introduce themselves as well, starting to my
20 far left.

21 DIR. HATFIELD: Good morning. Meredith
22 Hatfield, Director of the Office of Energy & Planning.

23 DIR. SIMPKINS: Good morning. Brad
24 Simpkins, Division of Forests & Lands within the

1 Department of Resources & Economic Development.

2 CMSR. ROSE: Good morning. My name is
3 Jeff Rose. And, I serve as the Commissioner of the
4 Department of Resources & Economic Development.

5 CMSR. HONIGBERG: My name is Martin
6 Honigberg. I'm one of the Commissioners of the Public
7 Utilities Commission.

8 ASST. CMSR. BRILLHART: Jeff Brillhart,
9 Assistant Commissioner of the Department of
10 Transportation.

11 MS. BAILEY: Kate Bailey, Engineer for
12 the PUC.

13 DIR. FORBES: Gene Forbes, Director of
14 the Water Division at the Department of Environmental
15 Services.

16 DIR. WRIGHT: Craig Wright, Air
17 Resources Division Director of the Department of
18 Environmental Services.

19 DIR. NORMANDEAU: Glenn Normandeau,
20 Director of Fish & Game.

21 CHAIRMAN BURACK: Thank you all. And,
22 to my immediate right is Michael Iacopino, who is legal
23 counsel, serving in that capacity for the Site Evaluation
24 Committee.

1 We're going to turn now to our first
2 agenda item, and that is Docket Number 2010-01, Groton
3 Wind, LLC. And, at the outset, let me explain that this
4 matter is on for a status conference only this morning.
5 The Committee is not going to hear evidence or arguments
6 or public comment today. There will be no deliberations
7 by the Committee on this matter. Rather, the Committee
8 simply wants to understand what matters have been settled,
9 if any, what matters may be close to settlement, if any,
10 and to determine whether the present procedural schedule
11 for the balance of the proceedings remains viable. In
12 order to facilitate that process, I will start with a
13 rather lengthy description of the issues as I currently
14 understand them. We will then take appearances and hear
15 from the parties on the issues. Please understand again
16 that this is not a time for argument on the merits of the
17 various positions taken by the parties. Rather, it is
18 solely a means for the Committee to gauge whether we will
19 need to make any changes to the procedural schedule or the
20 procedures to be employed in this docket. And, I would
21 also point out that, if we determine that changes to
22 schedule or to procedural process may be necessary, rather
23 than the body, as a group here today, ourselves,
24 determining what that might look like, I would instead

1 suggest that we would ask our legal counsel to convene a
2 conference among the parties to try to work out whatever
3 changes may be necessary.

4 I note that we have another member of
5 the Committee who has joined us. And, would ask you
6 please to introduce yourself.

7 DIR. BRYCE: Phil Bryce, Director of the
8 Division of Parks & Rec in DRED.

9 CHAIRMAN BURACK: Very good. Thank you
10 all very much for being here this morning. And, I wish to
11 thank the parties as well for being here. And, let me now
12 provide a history of the docket, which will go on for a
13 little while here. And, I will, of necessity, jump around
14 a little bit chronologically. So, this will not follow a
15 straight chronological projection.

16 On May 6, 2011, a Subcommittee of the
17 Site Evaluation Committee, which we'll refer to as the
18 "Subcommittee", issued a decision granting a Certificate
19 of Site and Facility, the "Certificate", with conditions,
20 and we'll refer to that as the "Decision", to Groton Wind,
21 LLC, and we will refer to that entity periodically as the
22 "Applicant", authorizing the construction and operation of
23 a renewable energy facility, which we'll refer to as
24 "Facility" or "Project", consisting of 24 Gamesa G82

1 turbines, each having a nameplate capacity of 2 megawatts,
2 for a total nameplate capacity of 48 megawatts, located in
3 the Town of Groton, Grafton County, New Hampshire. And,
4 the entire project in that location will be referred to as
5 the "Site".

6 On October 14, 2011, the New Hampshire
7 Supreme Court issued an order declining to review the
8 Decision on appeal. The Applicant subsequently
9 constructed the Facility. The Facility has commenced
10 commercial operations.

11 On December 31, 2012, the Committee
12 received a letter from the Selectmen of the Town of Rumney
13 expressing concerns about the safety and maintenance of
14 the turbine roads within the Site. On January 11, 2013,
15 the Applicant delivered a letter to the Committee
16 responding to the concerns raised by the Town. On
17 January 16, 2013, the Rumney Selectmen replied to the
18 Applicant's response indicating that the issue of the
19 maintenance of the turbine roads within the Site during
20 the winter months remained unresolved. Subsequent
21 meetings amongst stated safety officials have resulted in
22 the drafting of an Environmental Health and Safety Plan.
23 That Plan was filed with the Committee on October 11,
24 2013. Counsel for the Public responded to the Plan with

1 concerns on October 18, 2013.

2 On January 14, 2013, James Buttolph, on
3 behalf of certain intervenors in the docket, filed a
4 letter with the Committee asking the Committee to re-open
5 the record. In support of his request, Mr. Buttolph
6 alleges that the construction of the Project did not
7 comply with the plans as approved by the Committee, and
8 that there were significant revisions to the plans
9 specifically regarding the location of the operation and
10 maintenance, or O&M, building, and the locations of two
11 wind turbines. Mr. Buttolph also asserts that the
12 revisions to the planned facility were outside of the
13 purview of the wetlands permit conditions and the
14 alteration of terrain permit conditions.

15 On January 16, 2013, the Applicant
16 responded to Mr. Buttolph's letter. In response, the
17 Applicant asserts that the revisions to the plans and the
18 facility as constructed were properly submitted to the
19 Department of Environmental Services as modifications or
20 amendments to the wetlands permit and the alteration of
21 terrain permit. The Application [Applicant?] asserted
22 that further review by the Committee was unnecessary under
23 the terms of the Certificate.

24 On February 13, 2013, Counsel for the

1 Public responded to Mr. Buttolph's request. Counsel for
2 the Public requested the Committee to issue an order
3 requiring the Applicant to move the O&M building to its
4 originally proposed location or, alternatively, to suspend
5 the Certificate.

6 Jumping ahead, on August 14, 2013, the
7 Committee received a letter from Investigator Ron Anstey
8 of the State Fire Marshal's Office. In his letter,
9 Investigator Anstey alleges that statements made in
10 testimony by the Applicant's representatives at the time
11 of the adjudicative hearing on the Application were not
12 true. In addition, Investigator Anstey alleges that the
13 Applicant has failed to comply with applicable fire and
14 building codes in violation of the conditions of the
15 Certificate. Investigator Anstey recommended that all
16 operations on the site cease until all safety concerns,
17 plans, reviews, and required inspections have been
18 completed and approved. Inspector Anstey's request, if
19 granted, would result in a suspension of the Certificate.

20 On October 18, 2013, the Fire Marshal
21 filed a letter setting forth the sections of the State
22 Building Code, the New Hampshire State Fire Code and the
23 Recommended Practice for Fire Protection for Electric
24 Generating Plants and High Voltage Direct Current

1 Converter Stations, NFPA 85, that he claims form the basis
2 for his authority and for the appropriate operation of the
3 Facility in accordance with the Certificate. The Fire
4 Marshal's letter also sets forth additional relevant codes
5 and provisions.

6 A pre-hearing conference was held on
7 October 2, 2013. A procedural order was issued on
8 November 4, 2013. A further pre-hearing conference was
9 held on January 30, 2014. A notice -- I'm sorry, a report
10 of pre-hearing conference advising of the fire safety
11 issues, as well as other pending issues in this docket,
12 was submitted by Counsel to the Committee on January 31,
13 2014. The report contained a proposed schedule agreed
14 upon by the parties attending the pre-hearing conference.
15 The proposed schedule bifurcated and expedited the safety
16 issues raised by the Fire Marshal, and set forth discovery
17 and procedural deadlines for all other issues.

18 On February 20, 2014, in my role as
19 Chairman, I issued a Procedural Order and Notice of
20 Possible Suspension of Certificate of Site and Facility.
21 In that order, in my capacity as Chairman, I ordered a
22 bifurcated procedural schedule addressing the safety
23 issues raised by the Fire Marshal on an expedited basis.
24 An adjudicative hearing limited to the safety issues

1 raised by the Fire Marshal was scheduled to commence
2 today, June 12, 2014.

3 On April 10, 2014, the Fire Marshal and
4 the Applicant reached an agreement addressing code
5 compliance and other issues. A Compliance Agreement was
6 filed with the Committee on April 16, 2014. The
7 Compliance Agreement addressed the outstanding code
8 violation allegations and the issue of the installation of
9 fire suppression systems within the nacelle of each
10 turbine at the Facility. In addition, the Compliance
11 Agreement addressed sanctions and procedures to be
12 employed in the event of non-compliance.

13 On April 14, 2014, Applicant filed a
14 Contested Motion for Approval of Amendment to the Town of
15 Groton Agreement; Counsel for the Public objected to that
16 Contested Motion on April 21, and the
17 Buttolph/Lewis/Spring Intervenors objected on April 24.

18 On April 21, 2014, the Fire Marshal
19 filed a Partially Assented-To Motion to Stay. In light of
20 the agreement with the Applicant, the Fire Marshal
21 requested the Committee to stay the proceedings in this
22 docket as they relate to the fire safety and code
23 compliance issues.

24 A stay of proceedings was granted on May

1 8, 2014. The Committee stayed the proceedings in this
2 proceeding, as they relate to the issues raised by the
3 Fire Marshal, pending the Applicant's compliance with the
4 agreement and required the Office of Fire Marshal to
5 notify the Committee of the Applicant's compliance with
6 the Compliance Agreement within 30 days of May 8, 2014.
7 The Committee further postponed the adjudicative hearing
8 scheduled for July 12, 2014 and scheduled this status
9 conference in its place. On June 9, 2014, pursuant to the
10 Committee's request, the Office of Fire Marshal filed a
11 Report on the Status of the Applicant's Compliance with
12 the Compliance Agreement, advising the Committee that the
13 Applicant is either compliant or in the process of being
14 compliant with the Compliance Agreement.

15 With that summary as background, at this
16 point I will take appearances, and ask again for
17 appearances from Counsel for the Applicants, Counsel for
18 the Public, and from any of the intervenors who are
19 present today. If you would please start.

20 MS. GEIGER: Yes. Good morning,
21 Chairman Burack and members of the Committee. My name is
22 Susan Geiger. I'm from the law firm of Orr & Reno, and I
23 represent the Applicant, Groton Wind, LLC. And, with me
24 today at counsel's table is in-house Attorney Toan Nguyen,

1 Monique Menconi, who is with the Company's Asset
2 Management Group, and Mr. Danny O'Hara, also with the
3 Asset Management Group. Good morning.

4 CHAIRMAN BURACK: Thank you. Counsel
5 for the Public?

6 MR. ROTH: Good morning, members of the
7 Committee. I'm Peter Roth. I'm Counsel for the Public.

8 CHAIRMAN BURACK: Thank you.

9 MS. LINOWES: Good morning, members of
10 the Committee. My name is Lisa Linowes. I'm representing
11 the Buttolph/Lewis/Spring Intervenors Group today.

12 CHAIRMAN BURACK: Thank you.

13 MS. MARTIN: Good morning. My name is
14 Dianne Martin. And, I represent the Department of Safety.
15 With me is Ron Anstey, from the Department of Safety,
16 Office of the Fire Marshal.

17 CHAIRMAN BURACK: Thank you.

18 MR. WATSON: Good morning. My name is
19 Mark Watson. I'm an intervenor from Groton.

20 CHAIRMAN BURACK: Thank you. Any other
21 parties or intervenors here today?

22 (No verbal response)

23 CHAIRMAN BURACK: Okay. Very good.
24 Thank you. So, here's how I would like to proceed.

1 First, we will allow the Applicant to make a short
2 presentation to the Committee as to the status of its
3 compliance with the Compliance Agreement and status of all
4 other issues pending in this docket.

5 Once the Applicant's presentation is
6 complete, we will allow the Fire Marshal to advise us as
7 to the status of the Applicant's compliance with the
8 Compliance Agreement. Then, we will allow all other
9 parties to present their position as to the status of
10 other issues in this docket.

11 Thereafter, we will open the floor to
12 Committee questions. Those questions may be answered by
13 the Applicant or directed to the Applicant or any other
14 party that may be present. However, before anyone speaks,
15 I would ask that they identify themselves clearly, so that
16 our court reporter/stenographer is able to know who is
17 speaking. Once we have addressed all issues, we will
18 likely take a moment to determine what the next steps in
19 this docket might be. And, again, I may ask that counsel
20 and all interested parties participate in a scheduling
21 meeting at some point in the future, if necessary.

22 So, I would now ask that the Applicant,
23 through counsel, provide a summary of the status of your
24 compliance with the Compliance Agreement and status of

1 other issues pending in this docket.

2 MS. GEIGER: Yes. Thank you, Mr.
3 Chairman. Groton Wind has been working diligently to meet
4 the requirements of the Compliance Agreement with the
5 Office of State Fire Marshal. And, I believe that the
6 work that has been to date has been significant, and that
7 we are -- I guess I would defer to Attorney Martin to let
8 you know firsthand what the Fire Marshal thinks about the
9 Company's efforts, but I would say that we are almost
10 100 percent there. I think, with some documentation that
11 needs to be verified, we are fully in compliance of
12 significance. Fire suppression system has been installed
13 in every one of the nacelles. It was tested yesterday by
14 Investigator Anstey and perhaps others, and was found to
15 be appropriate and functioning. So, I think the heart of
16 the Fire Marshal's concerns, meaning the installation of
17 the fire suppression system has been completed. Again, I
18 would defer to Attorney Martin and Investigator Anstey to
19 update you firsthand, in terms of what their perspective
20 is on how well the Company has done. But, from where the
21 Company sits, we're very pleased with the steps that have
22 been taken to meet the requirements of the Compliance
23 Agreement.

24 Attorney Martin's status report is on

1 file with you. There are a few remaining issues there as
2 of Monday. But, to my knowledge, I think many of them, if
3 not all of them, have been adequately addressed. And,
4 again, I defer to Attorney Martin to let you know what her
5 position is with respect to those outstanding items.

6 Given that the Compliance Agreement has
7 been submitted to this Committee, and given that we
8 believe Groton Wind is fully in compliance with it, Groton
9 Wind would respectfully submit and request that the
10 Committee take no further action with respect to the
11 letter from Investigator Anstey and the Fire Marshal's
12 Office that led to this phase of the proceeding.

13 And, with that, I would close on this
14 aspect of the -- or, this piece of today's hearing. And,
15 I think, with the Chair's permission, I would ask Attorney
16 Martin to weigh in, so that the flow of information is
17 continuous, rather than jumping onto another topic.

18 CHAIRMAN BURACK: Thank you, Attorney
19 Geiger. I think that's a constructive suggestion. Why
20 don't we do that. Attorney Martin.

21 MS. MARTIN: As of yesterday, the
22 inspections were completed on the turbines, all 24. We
23 will be filing a written notice to the Applicant that they
24 can cease the Fire Watch, and that all of the

1 installations of fire suppression in the turbines is
2 acceptable and approved by the Fire Marshal's Office.
3 There are few minor issues that are still outstanding.
4 There is some documentation that has been received in the
5 past few days that still has to be reviewed, and a couple
6 of inspections that were performed in the past couple days
7 that may need additional follow-ups.

8 But, other than that, everything in the
9 Compliance Agreement has been complied with, as I
10 indicated in my report.

11 CHAIRMAN BURACK: Thank you very much.
12 Do any of the other parties have any matters they would
13 like to address specifically with respect to the fire
14 issues? Attorney Roth.

15 MR. ROTH: Mr. Chairman, the only issue
16 that seems to be outstanding, and perhaps this is going to
17 be addressed in some other way, is the -- I guess I call
18 it this "Health and Safety Plan". You know, the fire, you
19 know, suppression, not so much the system, but the access
20 road issue that came up. And, I don't know where the Fire
21 Marshal is on that or where the Applicant, or I guess it's
22 the -- they're no longer an applicant, the owner is on
23 that. And, I guess I'd like to hear from both of them
24 about that.

1 CHAIRMAN BURACK: Thank you, Attorney
2 Roth. We consider that to be one of the other issues that
3 is outstanding here in this matter. And, so, I think we
4 will certainly be addressing that here.

5 I gather then that there is no further
6 information then relative to the status of compliance with
7 respect to the agreement relating to the installation of
8 the fire suppression system.

9 So, if we could, Attorney Geiger, would
10 you please update us with respect to your understanding of
11 where things stand on the other matters.

12 MS. GEIGER: Sure. Let's start with
13 the -- I guess I'll go in the order in which the items
14 appear in Attorney Iacopino's agenda that we received the
15 other day. The first one does relate to the Environmental
16 Health and Safety Plan and access -- or, excuse me,
17 maintenance of the Project's roads during winter months.

18 Back, I believe, in October of last
19 year, the Groton Wind filed an Environmental Health and
20 Safety Plan. In working with the Fire Marshal on the
21 Compliance Agreement items, a new plan was developed, an
22 Emergency Plan was developed. And, that plan supplants
23 the Environmental Health and Safety Plan that's currently
24 on file. And, the Environmental -- excuse me, the

1 Emergency Plan that the Fire Marshal has accepted now will
2 be filed with this Committee, now that it has been
3 accepted. We've received verbal acceptance. I think, if
4 you look at the papers that you have on file, as of
5 Monday, the Fire Marshal said that the Emergency Plan was
6 acceptable, but was contingent upon Groton Wind providing
7 confirmation that training for local responders would
8 occur in both the winter and the summer months. Groton
9 Wind has provided that confirmation in writing. And, it's
10 my understanding, from speaking with Attorney Martin this
11 morning, that the Fire Marshal's Office has accepted the
12 Emergency Plan. So, we believe that the Emergency Plan,
13 because it's been accepted and approved by the Fire
14 Marshal, should replace the Environmental Health and
15 Safety Plan.

16 In addition to that, on the issue
17 specifically of road maintenance and access during the
18 winter months, Groton Wind and the Town of Groton have
19 signed an amendment to the Town Agreement that is a
20 Certificate condition. The Agreement is a Certificate
21 condition. And, the amendment to the Agreement does a
22 couple of things. The amendment document recognizes that
23 it's inappropriate to plow and sand the wind farm access
24 roads due to safety, spring run-off, and cost concerns.

1 And, secondly, it reflects the Parties'
2 agreement that it is more appropriate and safer for Groton
3 Wind to provide transportation for emergency responders
4 via snowcats or similar vehicles during the winter months,
5 or at other times when the wind farm roads are not
6 passable.

7 So, Groton Wind has filed a motion to
8 amend the Certificate condition that consists of the Town
9 Agreement to reflect the amendment to that Agreement.

10 And, we filed that motion to amend on April 14th, 2014.

11 But we've not received an order from the Committee yet on
12 that motion. So, Groton Wind respectfully submits that
13 the issue of how to deal with winter road access and
14 emergency response, both during the winter and at other
15 times during the year, have been addressed fully by the
16 amendment to the Town Agreement and the Emergency Plan.

17 CHAIRMAN BURACK: Okay. Thank you.
18 Perhaps we can just, on that set of issues, just see
19 whether there are any status comments from any of the
20 parties here. Attorney Martin?

21 MS. MARTIN: The Office of the Fire
22 Marshal has accepted the Emergency Plan as compliant with
23 the fire safety codes and other codes that apply. They're
24 not taking a position as far as whether it's required by

1 an agreement with the Town and what effect that would have
2 on its Certificate. But, as far as compliance with the
3 codes, the Office of Fire Marshal is comfortable.

4 And, I can defer to Ron Anstey for any
5 additional comments.

6 MR. ANSTEY: One of our biggest issues
7 was allowing the local jurisdictions to understand, in
8 some cases, the uniqueness of the Facility. And, the
9 training required, the dynamic of training, one in the
10 winter months, one in the summer months, the dynamic of
11 rescue, the dynamic of accessing that site are totally
12 opposite in those --

13 (Court reporter interruption.)

14 MR. ANSTEY: -- totally opposite as how
15 they're going to tactically approach the site. And,
16 Iberdrola has agreed to hold the training both in winter
17 and both in summer, that was our major issue with the
18 training. So, they have agreed to that. And, we find
19 that the Plan is acceptable.

20 CHAIRMAN BURACK: Thank you. Any
21 comments from any of the intervenors? Attorney Roth.

22 MR. ROTH: Thank you, Mr. Chairman. I'm
23 pleased to hear that the Fire Marshal is satisfied with
24 the Plan, and that would probably allay all of my

1 concerns. I don't, you know, Susan can correct me if I'm
2 wrong about this, but I don't know that I've seen the
3 revised Plan. Is that nod saying "yes, I have" or "no, I
4 haven't"?

5 MS. GEIGER: No, I apologize. You're
6 correct. That the parties haven't seen it yet, because we
7 haven't filed it yet, because it wasn't -- we don't know
8 that it was approved until this morning. So, we didn't
9 want to get another false start and file something with
10 you that was not going to be acceptable. Now that we have
11 confirmation, at least verbally, from Attorney Martin that
12 the Plan is compliant with the code and is acceptable, we
13 will be filing it with the Committee.

14 MR. ROTH: So, that said, subject to
15 actually seeing it and reading it, and being satisfied and
16 happy that the Fire Marshal's Office has looked at it and
17 found it acceptable, that's an issue that I think could be
18 easily and quickly resolved.

19 CHAIRMAN BURACK: Thank you. Any other
20 intervenors wish to speak to this? We'll start in the
21 front, then go to the back. Go ahead, Ms. Linowes.

22 MS. LINOWES: Thank you, Mr. Chairman.
23 Just a couple of things. I just wanted to get on the
24 record again that the roads were constructed in a way that

1 was outside how they were permitted to be constructed.
2 And, that has been the steepness of them, and that has
3 been the reason why, cited by the Applicant, for why there
4 has been difficulty in maintaining the roads year-round.

5 CHAIRMAN BURACK: Again, I'm going to
6 stop you here. I don't want arguing here today, I just
7 want to understand status.

8 MS. LINOWES: Okay.

9 CHAIRMAN BURACK: Okay?

10 MS. LINOWES: I just -- the point I
11 wanted to make was that there's another party involved in
12 this, it's the Town of Rumney. I am not here to represent
13 them. But that they are -- that is the party responsible
14 for safety access and fire, initial responders to that
15 site.

16 And, the second point I wanted to make
17 was that I believe, when the Fire Marshal states that he
18 is "confident" or "comfortable" with the Agreement with
19 regard to fire, I do not believe that he is responding to
20 other kind of EMS concerns, which is ambulance and other
21 emergency access outside of fire.

22 CHAIRMAN BURACK: Thank you.

23 Mr. Watson.

24 MR. WATSON: Yes. Ms. Linowes

1 covered --

2 (Court reporter interruption.)

3 MR. WATSON: Yes. Ms. Linowes covered
4 my first point. My second one is a question to the Fire
5 Marshal. If an occupancy certificate has been issued for
6 Groton Wind yet?

7 MS. MARTIN: May I respond?

8 CHAIRMAN BURACK: Yes. Please do.

9 MS. MARTIN: An occupancy permit has not
10 been issued at this point. It will be issued at the point
11 in time when there is 100 percent compliance, which I
12 expect to be very soon.

13 CHAIRMAN BURACK: Thank you. Could you
14 also address the question that was raised as to what the
15 extent is of the compliance determination of this
16 Emergency Plan? Does it only apply to fire safety or does
17 it also address any other issues of rescue and that kind
18 of matter?

19 MS. MARTIN: I'm going to defer to Ron
20 Anstey from the Fire Marshal's Office.

21 MR. ANSTEY: We would look at it from
22 the fire safety standpoint, but with guidance to the local
23 fire departments on the other aspects of their
24 responsibility for rescue and such. So, we would just

1 give them guidance. But, from a compliancy standpoint,
2 it's purely for fire access.

3 CHAIRMAN BURACK: Thank you for that
4 clarification. Okay. So, if I may summarize on this
5 then. We can anticipate the filing in the near future
6 with the Committee of this Emergency Plan. And, it sounds
7 like we can also anticipate receiving from or seeing
8 issued by the Office of the Fire Marshal a letter of
9 compliance, as well as a Certificate of Occupancy in the
10 near future?

11 MS. MARTIN: Yes. I would expect to
12 file an update to my filing, my report I made on Monday,
13 as well as to inform the Committee that an Occupancy
14 Permit has been issued.

15 CHAIRMAN BURACK: Are there any other
16 documents that you would anticipate issuing of on behalf
17 of the Office of Fire Marshal or by that Office?

18 MS. MARTIN: No. I can file a motion to
19 withdraw the motion to suspend the Certificate, if that is
20 an issue that the Committee would like resolved, after
21 everything is compliant?

22 CHAIRMAN BURACK: Certainly, whatever
23 you can do to help us clean up the docket here, and so
24 that we can be clear as to what issues remain to be

1 resolved and do not -- are not yet resolved, that would be
2 helpful.

3 MS. MARTIN: Okay.

4 MS. GEIGER: And, Mr. Chairman, just to
5 add a couple of points in response to what we've heard
6 thus far. With respect to local first responders, my
7 understanding from Attorney Nguyen is that Groton Wind
8 will be working with the local emergency responders on
9 drills. And, as far as the Town of Rumney is concerned, I
10 was in contact with Attorney Waugh, who represents the
11 Town of Rumney, back on April 30th, and received an e-mail
12 from him, in his capacity as legal counsel for the Town of
13 Rumney. And, he said that, at that time, the Selectmen do
14 not believe that the Town of Rumney, *per se*, as a
15 municipality, has any outstanding issue with Groton Wind,
16 LLC, at the present time.

17 So, we don't have any -- the Town of
18 Rumney is not here today. They are an intervenor. But my
19 communications with Attorney Waugh, Town Counsel,
20 indicated that the Town does not have any issue as of
21 April 30th.

22 CHAIRMAN BURACK: Thank you. That's
23 helpful. Would it be possible, Attorney Geiger, for you
24 to file a copy of that e-mail with the Committee?

1 MS. GEIGER: Sure. I'd be happy to do
2 that.

3 CHAIRMAN BURACK: Okay. Thank you. All
4 right. Attorney Iacopino will probably be in touch with
5 him independently or separately as well, but it would be
6 helpful to be able to document --

7 MS. GEIGER: Sure.

8 CHAIRMAN BURACK: -- the current
9 understanding of the parties' issues here.

10 Could we move on then to the issue of
11 the "as built" location of the O&M building and location
12 of the turbines. Can we take those issues together?

13 MS. GEIGER: Sure. On March 10th, 2014,
14 Groton Wind filed a set of plans showing the "as built"
15 and the originally proposed locations of the O&M building
16 and the wind turbines. The February 19th, 2014 report of
17 the January 30th prehearing conference indicates, on Page
18 7 of that report, that "Counsel for the Public shall
19 Commission a survey of the facility for the purpose of
20 determining if the "as built" plans are accurate." The
21 survey is supposed to be performed and completed prior to
22 June 30th, 2014.

23 As of this time, I've not heard anything
24 from Attorney Roth concerning his commissioning of that,

1 of that survey. So, I'm not sure where that stands.
2 However, that being said, Groton Wind is attempting to
3 negotiate a resolution or a settlement agreement, if you
4 will, with Public Counsel. So, it's not clear if that
5 survey will still be necessary. I guess I would defer to
6 Attorney Roth for any further elaboration with respect to
7 this issue.

8 CHAIRMAN BURACK: All right. And,
9 again, this relates both to the O&M building and the
10 locations of the turbines?

11 MS. GEIGER: Correct.

12 CHAIRMAN BURACK: Thank you. Attorney
13 Roth, do you wish to speak to this now?

14 MR. ROTH: Certainly. I have been
15 engaged in discussions with Groton Wind over resolving
16 Counsel for the Public's issues with respect to the
17 mislocation of the structures and the O&M building and the
18 violation of the original Certificate. I believe that we
19 have reached an agreement in principle to resolve those
20 issues. And, as such, because of that agreement in
21 principle, and we are in the process of negotiating a
22 Settlement Agreement document, because of that agreement,
23 I have not retained a surveyor to conduct a survey of the
24 location of the turbines and the O&M building.

1 CHAIRMAN BURACK: Okay. What do you
2 anticipate to be the time frame, Attorney Roth, for
3 completion of your negotiations of document that would
4 memorialize your agreement in principle?

5 MR. ROTH: Well, we have a substantial
6 form that we've exchanged comments on. We intend to meet
7 as soon as we're done here to hopefully resolve
8 differences over that form. So, if things go well, then,
9 you know, it could happen within a week.

10 There's a, sort of a, and I'll just lay
11 this out, and, hopefully, it's not talking out-of-school,
12 but a disagreement over whether Counsel for the Public
13 should "stand down" and essentially remain mute in the
14 amendment proceedings that are going to follow to amend
15 the Certificate, to allow the building and the structures
16 to remain where they are. And, that's something I can't
17 and won't do. And, if that becomes a stopping point, then
18 we'll be back here looking to readjust the calendar and
19 get back on track for litigating this. But, assuming we
20 can resolve that issue to my satisfaction, then we'll be
21 back here within, you know, a week with a signed
22 agreement.

23 CHAIRMAN BURACK: Thank you. Attorney
24 Geiger, is there anything further you wish to add on this

1 point, in terms of the status of these negotiations?

2 MS. GEIGER: No. Nothing further.

3 Thank you.

4 CHAIRMAN BURACK: Okay. All right. Are
5 there other parties/intervenors, who have anything to add
6 with respect to the status of this matter, of these
7 issues? Ms. Linowes.

8 MS. LINOWES: I'm not sure if it's
9 too -- actually, what I was going to comment on is with
10 regard to negotiations or discussions with the
11 Buttolph/Lewis/Spring Group and the Applicant. I don't
12 know if it's -- now is the time or wait for the Applicant
13 to comment?

14 CHAIRMAN BURACK: Perhaps we could
15 ask -- I'm sorry. Is it relating to this specific issue?

16 MS. LINOWES: Since their -- regarding
17 the O&M building, their petition was initially about these
18 particular issues, the O&M building being relocated, as
19 well as the structures. So, it's related in that regard.

20 CHAIRMAN BURACK: Okay. Thank you.
21 Attorney Geiger, can you speak to this at all? Are there
22 separate discussions going on with other intervenors
23 relating this set of issues?

24 MS. GEIGER: Yes. Groton Wind is in

1 negotiations with the Buttolph/Lewis/Spring Intervenor
2 Group.

3 CHAIRMAN BURACK: And, can you give us
4 any sense as to a likely timeline on those negotiations?

5 MS. GEIGER: I wish I could, but I am
6 still waiting to hear back from them, and their counsel.

7 CHAIRMAN BURACK: Okay.

8 MR. ROTH: Mr. Chairman?

9 CHAIRMAN BURACK: Yes.

10 MR. ROTH: If I may also point out, that
11 I think it's fair to Groton Wind to note that they have
12 reached agreements with other intervenors, Mr. Rampino,
13 Ms. Peabody, and there's one other, --

14 MS. GEIGER: Mr. Saulnier.

15 MR. ROTH: -- Mr. Saulnier, with respect
16 to the impacts on their properties. And, that was one of
17 the motivating factors for my reaching an agreement in
18 principle with them, in addition to the Fire Marshal's
19 settlement.

20 CHAIRMAN BURACK: Okay. Thank you.

21 MS. GEIGER: Right. That's correct.

22 And, that's covered under Item III.A in the agenda. And,
23 I would have gotten to that eventually.

24 CHAIRMAN BURACK: Okay.

1 MS. GEIGER: But those three property
2 owners, just for the Committee's information, just to have
3 a mental picture, those three property owners are the
4 closest ones, I think, to the O&M building. And, I would
5 characterize them as being sort of the real parties in
6 interest here with respect to that issue, because their
7 properties are in closer proximity than others.

8 CHAIRMAN BURACK: And, if I'm not
9 mistaken, and Attorney Iacopino will, I hope, correct me
10 if I am, those parties have all withdrawn their
11 appearances in this matter at this time?

12 MS. GEIGER: That's correct.

13 CHAIRMAN BURACK: Thank you. Okay.
14 Ms. Linowes, was there something you wish to add with
15 respect to status on these discussions?

16 MS. LINOWES: If I may, I just have a
17 two-sentence letter that the Applicant -- the intervenors
18 would like to be read into the record?

19 CHAIRMAN BURACK: Please proceed.

20 MS. LINOWES: That "Some settlement
21 discussions have taken place with Groton Wind over the
22 last several months; to date there is no agreement. The
23 Buttolph/Lewis/Spring Group will continue to participate
24 fully in this process until such time as a potential

1 agreement may be reached." Thank you.

2 CHAIRMAN BURACK: Very good. Thank you
3 very much. That's very helpful. Okay. And, just to be
4 clear here, if an agreement is reached between the
5 Applicant and Counsel for the Public, will that document
6 then be filed with the Committee?

7 MR. ROTH: Yes. It is the intent of the
8 parties that the document be public and it be filed with
9 the Committee for its approval.

10 CHAIRMAN BURACK: Very good. Thank you.
11 It would be very helpful to the Committee if, before
12 filing that with the Committee, the Applicant and Counsel
13 for the Public could confer with the other parties and see
14 if they -- if they find that agreement acceptable as well
15 or not, just if they consent to it also. And, just have
16 that information available to the Committee when you make
17 the filing.

18 MR. ROTH: All right.

19 CHAIRMAN BURACK: Thank you. Okay. I
20 think we could then move to the next matter on this list
21 here, Attorney Geiger.

22 MS. GEIGER: Okay.

23 CHAIRMAN BURACK: If you have anything
24 to speak to with respect to the motion by the

1 Buttolph/Lewis/Spring Intervenors to re-open the record?

2 MS. GEIGER: Thank you, Mr. Chairman. I
3 believe, after that motion or letter was filed, the
4 Applicant had filed a response indicating its objection.
5 However, where we are procedurally in this docket, it
6 appears as though the motion has, in fact, been granted,
7 because we have a procedural schedule that calls for some
8 prefiling of testimony and some discovery and a tech
9 session. So, I don't really know what else to say about
10 that.

11 CHAIRMAN BURACK: All right.

12 MS. GEIGER: It's not our motion. We
13 did respond to it. And, I guess it's really up to the
14 Committee to decide what needs to be done with it.

15 CHAIRMAN BURACK: Very good. Thank you.
16 Any comments from intervenors or other parties on this
17 matter?

18 (No verbal response)

19 CHAIRMAN BURACK: No? All right. Very
20 good. I believe we've really already covered, unless
21 someone has something else we need to be aware of related
22 to the status of the Applicant's compliance with the Fire
23 Marshal's Compliance Agreement?

24 (No verbal response)

1 CHAIRMAN BURACK: I think we've got that
2 covered.

3 With respect to the Applicant's Motion
4 to Amend the Certificate, Attorney Geiger, do you have any
5 update with respect to that? And, I assume this is
6 something that would follow any resolution of issues that
7 we've been discussing today.

8 MS. GEIGER: Right. I guess, under this
9 heading, there are two motions. I just -- I'll remind you
10 of the first motion that I talked about earlier this
11 morning, and that deals with the Motion to Amend the
12 Certificate insofar as the Town of Groton Agreement is
13 concerned. We would seek the Committee's approval of the
14 amendment to the Town Agreement with respect to road
15 maintenance. And, so, that's the first Motion to Amend.

16 The second Motion to Amend was a motion
17 that was filed as a contingency, basically. The Company
18 filed a Motion to Amend its Certificate, in the event that
19 the Committee found that it, and not the Department of
20 Environmental Services, was required to approve the
21 modifications to the Project site plans. So, you know,
22 the Motion seeks approval, if necessary, from the
23 Committee for the Project's "as built" site plans. We
24 filed the site plans, the "as built" plans. We've filed

1 the -- in addition to the "as built", we filed, as I've
2 indicated earlier, a copy of the plan showing the original
3 layout, with superimposed on that with the "as built", so
4 that the Committee can compare and contrast for each page
5 of the site plans how the original differs from the "as
6 built".

7 And, so, you know, to the extent that
8 the Committee believes that it's necessary, we would ask
9 that the Committee approve those plans and, if necessary,
10 modify the Certificate. If the Committee needs more
11 information from us, we did file some information back in
12 December from one of our experts, Pete Walker, from VHB.
13 But, in the event that the Committee wants more
14 information about the "as built" locations, we are happy
15 to provide it, and probably will be supplementing our
16 filing, just to give more detail, if necessary.

17 CHAIRMAN BURACK: Okay. Thank you.
18 But, again, just procedurally, I'm simply trying to
19 understand where -- what the relevance or significance is
20 of that motion at this point. If resolution is reached on
21 these issues with Counsel for the Public, and/or if
22 resolution is reached with the other intervenors here, do
23 you feel that that Motion would still be necessary?

24 MS. GEIGER: Yes. I mean, definitely,

1 we would need an amendment to the Certificate, insofar as
2 the Town Agreement is concerned, the first motion that I
3 talked about. And, the second, again, we've taken the
4 position all along that we had the approval that we needed
5 for the construction of these facilities from DES, based
6 upon the wording of the original Certificate and the
7 ancillary components of it. We're hopeful that settlement
8 should be just that, is that we would hope there would be
9 no reason to come back before you and expend the time and
10 expense and use of limited State resources, to review a
11 set of plans that have already been reviewed by the
12 Department of Environmental Services.

13 But, if it's the Committee's pleasure,
14 and the Committee believes it needs more information and
15 wants to satisfy its curiosity, and believes it needs to
16 make approvals, then, by all means, we're happy to comply
17 and submit to the Committee whatever information it feels
18 is necessary.

19 CHAIRMAN BURACK: Thank you. Attorney
20 Roth or others wish to speak to this issue? Attorney
21 Roth.

22 MR. ROTH: I'm a little surprised by
23 that message that Attorney Geiger just delivered. And,
24 essentially, my understanding about this process and what

1 we were settling was an enforcement action, which would
2 have required them to remove the building and comply with
3 the existing Certificate. And, when I was settling that,
4 it was my understanding and belief that that was to be
5 followed by -- that the settlement would be followed by
6 their proceeding with that Certificate amendment, in order
7 to make lawful what is plainly outside of the bonds of the
8 Certificate. And, I'm not prepared to concede that the
9 Department of Environmental Services had the authority or
10 even believed it had the authority to effectuate the
11 amendment that the Groton Wind believes occurred.

12 And, what I respectfully suggest is that
13 the Motion to Amend is necessary and prudent, and should
14 be relatively uncontroversial and not a huge use of the
15 Committee's time or resources. And, I say that from my
16 own perspective, having reviewed what they put forward,
17 and I believe that the issues are fairly simple and
18 straightforward and will not result in a two-year long
19 process, like we've just seen.

20 I cannot speak for any of the other
21 parties, but that's my own perspective. And, I just think
22 it would be a mistake to say "Oh, well, Environmental
23 Services approved the amendments to the wetlands permit,
24 that ought to be enough. Just close it all out and that

1 will be the end of it." I think that would be a
2 disservice to the public and a disservice to this process.

3 So, and if that scuttles my settlement,
4 you know, I think maybe that's a consequence I'm prepared
5 to accept, but I hope it's not. Because, I think, as I
6 said, it's a relatively straightforward amendment
7 application. It will help them in the future. And, it
8 will make sure that this process is not sort of honored in
9 the breach, and that it's done aboveboard and in a -- sort
10 of a principled way with respect to the law and the facts.

11 CHAIRMAN BURACK: Attorney Iacopino has
12 a question.

13 MR. IACOPINO: Just before we get
14 talking past each other too much, is there any way that,
15 in the course of your negotiations between Counsel for the
16 Public and the Applicant, you can put -- or, put in there
17 that "we agree that the Certificate may be amended",
18 assuming you reach other -- all of your other agreements
19 that you need to reach, "we agree that the Certificate may
20 be amended to reflect the Settlement contained herein",
21 without too much trouble from either the Applicant or
22 Counsel for the Public?

23 MS. GEIGER: Well, we're certainly
24 willing to work on that.

1 CHAIRMAN BURACK: Is that a problem?

2 MR. ROTH: Well, it comes down to, and
3 this I alluded to before, and that is the request that I'm
4 getting from the Applicant, and which I pushed back
5 against fairly strenuously, is that, at a minimum, we,
6 Counsel for the Public, agree to take no position with
7 respect to the amendment. And, I don't think, you know,
8 it's appropriate for Counsel for the Public, on a fairly
9 significant thing like that, to simply sit mute and take
10 no position on it. It does not mean to say that I intend
11 to litigate it strenuously and demand a lengthy process.
12 But I don't think it's appropriate for Counsel for the
13 Public to agree in advance of a proceeding that he's not
14 going to take -- he's not going to be involved in it. I
15 don't think, you know, the statute really is not set up to
16 work that way.

17 And, I've informed the Groton Wind folks
18 that, again, that I don't see a lot of significant issues,
19 but I can't agree in advance to just sit there on my hands
20 and do nothing. There may be ways to craft the way it's
21 implemented that would be helpful. But -- and that I
22 would participate in in that sense. But the primary
23 issue, it seems to me, is the one that's been resolved.
24 And, that is, "This thing is built in the wrong place.

1 You should move it right now." And, the rest of it, it
2 seems to me, to be a fairly simple process. And, I just
3 cannot find it in my role to sit quietly and agree in
4 advance to take no position on it.

5 CHAIRMAN BURACK: Thank you, Attorney
6 Roth. Attorney Iacopino.

7 MR. IACOPINO: Okay. You answered my
8 question. If you need any assistance, I am available to
9 try to help mediate. And, this goes with respect to any
10 outstanding settlement issues. So, if you need the
11 assistance and think I can be helpful, as a Staff member
12 to the Committee, please let me know.

13 Mr. Chairman, I think Ms. Linowes had a
14 question.

15 CHAIRMAN BURACK: Yes. Ms. Linowes.

16 MS. LINOWES: Thank you, Mr. Chairman.
17 I just wanted to comment that I appreciate that Counsel
18 for the Public is negotiating on this, on this issue. The
19 petition or the request -- the Motion to Re-Open back in
20 January issued by the Buttolph/Lewis/Spring Group was
21 largely out of concern that there was a problem with the
22 way the Project was built. And, I think that that
23 intervenor group would want to be a part of any --
24 would -- let me step back. They would not agree to the

1 Committee simply approving the "as built". That we would
2 want something more, more recognition on the part of this
3 Committee that the Project was built outside of the -- how
4 it was approved, and would like to be a part of that
5 process. Thank you.

6 MS. GEIGER: Excuse me, Mr. Chairman. I
7 just wanted to add that we will work with Attorney Roth.
8 We're going to meet with him after this session is over
9 and continue our settlement conferences, and hopefully try
10 to reach agreement on -- perhaps on the procedural issues
11 that the Chair and Mr. Iacopino alluded to.

12 And, you know, with all due respect to
13 Mr. Roth, you know, in the State of New Hampshire,
14 settlement negotiations are privileged information. And,
15 I guess I'd say, as going forward this morning, I don't
16 think it's appropriate for any party to be talking about
17 what their positions are in settlement or otherwise. I
18 just feel very strongly about that. And, I think the
19 Committee has recognized that in one of its most recent
20 orders. Thank you.

21 CHAIRMAN BURACK: Thank you, Attorney
22 Geiger, for that. And, I would simply ask the parties to
23 continue their efforts to negotiate in good faith, and
24 please do your very best to try to resolve both the

1 substantive and procedural issues. And, as we've heard,
2 it would also be helpful for you to, as you were
3 completing that process, to confer with other interested
4 parties, to understand what their -- what their views
5 might be with respect to your proposed settlement of the
6 matter. And, I would also strongly encourage you to take
7 up Attorney Iacopino's offer to assist in mediation, if
8 that would help you to bring resolution to matters.

9 I think we are now down to just a
10 discussion of whether there are any other individual
11 intervenor issues that needed to be updated here.
12 Attorney Geiger, from your perspective, are there any such
13 matters?

14 MS. GEIGER: I really can't speak to
15 them, Mr. Chairman. I guess I would defer to the other
16 intervenors, to let them tell you in their own words
17 whether they have any further issues with the Applicant.

18 CHAIRMAN BURACK: Any issues, Ms.
19 Linowes?

20 MS. LINOWES: No, not at this time.
21 Thank you.

22 CHAIRMAN BURACK: Mr. Watson?

23 MR. WATSON: I'm confused whether or not
24 the road grade issue is part of the "as built"

1 negotiations or does that stand alone?

2 CHAIRMAN BURACK: I believe that the
3 road grade issues certainly are related in some respects,
4 but I think they stand alone. I think that's part of the
5 issue relating to the Emergency Plan as well. Attorney
6 Iacopino, do you have other thoughts on that?

7 MR. IACOPINO: Actually, I was thinking
8 something probably along the same line as Mr. Watson is
9 thinking.

10 CHAIRMAN BURACK: Okay.

11 MR. IACOPINO: And, this is a question
12 for it. Does the agreement with the Town of Groton and
13 the Emergency Plan that is about to be approved by the
14 Fire Marshal, are they consistent with each other? We
15 haven't seen the Emergency Plan. And, we know you filed
16 the motion -- the Town Agreement. So, I --

17 MS. GEIGER: I'd have to -- I don't want
18 to answer off the -- I believe that they would not be --
19 they're not supposed to be inconsistent, let's put it that
20 way. It's not the intent to do one thing in one and
21 something else in the other. What the wording is, if
22 they're different, obviously, worded differently, and I
23 just don't want to speak out of turn.

24 MR. IACOPINO: Okay. But one is filed

1 substantially before the other one has been approved. So,
2 I just wanted to make sure that this Committee, you know,
3 if there are differences, that we're aware. So, when
4 would we expect the Emergency Plan to get filed?

5 MS. GEIGER: I can file that tomorrow.

6 MR. IACOPINO: Okay.

7 MS. GEIGER: I mean, and I don't think
8 there's any reason not to do that, now that we know that
9 it's been approved.

10 But I would also like to speak to the
11 issue of the road grade. I don't think that it's -- you
12 have to connect the dots here. I think it's easy to think
13 about it as a stand-alone issue. But I think it's more
14 appropriate to think about it in light of any connection
15 with the Fire Marshal's issues. And, I think I might
16 defer to Mr. Anstey, because he did a really good job of
17 explaining this at the tech session that we had. Because
18 the Fire Code, and correct me if I'm wrong, or the
19 Building Code requires access to buildings, *etcetera*, on
20 roads of a certain grade, because these roads were not
21 completed in that fashion, that led -- that was one of the
22 reasons, I think, that led to some of the Fire Marshal's
23 concerns.

24 Now that we have a Compliance Agreement

1 in place and that we have substantially met that, I think
2 that the issue presented by the road grade has been
3 addressed. But I'm going to defer to Attorney Martin and
4 Investigator Anstey on that. I think it's important to
5 think about that issue in the context of the fire safety
6 issues.

7 CHAIRMAN BURACK: Attorney Martin, would
8 you like to address that?

9 MS. MARTIN: I'm actually going to defer
10 to Ron Anstey to respond to that specifically. But I did
11 want to clarify that the Emergency Plan demonstrates
12 compliance with the Fire Code, as approved by the Office
13 of the Fire Marshal. It was not reviewed to determine
14 whether it demonstrates compliance with a contract with
15 the Town or with the Certificate in any other way.

16 CHAIRMAN BURACK: Thank you for that
17 clarification.

18 MR. ANSTEY: That's correct. One of the
19 catalysts for the suppression in the nacelles was access
20 to the turbines. And, the road grade is outside of what
21 NFPA 1 and Fire Code would call for. And, that was one of
22 the catalysts for fire suppression in the nacelles,
23 that --

24 (Court reporter interruption.)

1 MR. ANSTEY: One of the requirements for
2 fire suppression in the nacelles.

3 MR. IACOPINO: I think the answer to
4 your question, Mr. Watson, is that the -- we understand
5 that this is an issue that was raised in your motion.
6 And, to the extent that it does not come within matters
7 that are settled amongst the parties and submitted as
8 settlements, and approved by the Committee, that there may
9 eventually be a hearing to determine, as requested in your
10 Motion to Re-Open the Record, there may eventually be a
11 hearing.

12 However, I think it is the Committee's
13 hope that, because a lot of the core reasons for some of
14 these issues have been met, that the parties will realize
15 that and hopefully approach settlement with that in mind.
16 Because if the reasons for the -- whatever the issue is, I
17 don't want to just address one issue, but the underlying
18 reasons for a particular code provision are met, it
19 doesn't -- it doesn't really seem productive to have a
20 large hearing just to demonstrate that, you know, the
21 particular code was not met originally or had to be, you
22 know, had to be changed or whatever, whatever the result
23 of the settlement negotiations are.

24 So, there may still be a hearing on that

1 issue is the answer to your question. But I think it's
2 going to depend in large part where all these different
3 settlement agreements go, and then the positions that the
4 parties take on the settlement agreements.

5 Did I clarify that for you? I know it's
6 raised --

7 MR. WATSON: A little.

8 MR. IACOPINO: -- it's raised in a
9 couple of different procedural contexts. And, that's
10 the -- I think that's at the root of your question.

11 MR. WATSON: Right. That the fire --

12 MR. IACOPINO: The issue comes up in
13 your motion, it comes up in the letter filed by the Fire
14 Marshal. I believe it may have been raised in Counsel for
15 the Public's response as well. It comes up in different
16 procedural issues, this issue about the road grade.

17 But I guess what I'm saying is, if
18 everybody is in agreement on what it should be, it's up to
19 the parties, can you agree that procedurally we can settle
20 this as well? Hopefully, you can. If you can't, that's
21 what the Committee is for.

22 CHAIRMAN BURACK: Thank you, Attorney
23 Iacopino. I think you've identified additional issues
24 that it would be helpful if the parties could discuss as

1 you all are trying to reach resolution here.

2 Just quickly, I just want to go to the
3 status of discovery in the order issued by the Committee
4 on February 20, 2014. There is a procedural schedule set
5 for remaining issues, including the filing of prefiled
6 testimony by June 30, 2014, Applicant submitting data
7 requests to moving parties by July 1, 2014, and then other
8 dates flowing from that. And, I'm simply looking to
9 understand from the parties as to whether or not you
10 believe that that schedule is still reasonable and
11 achievable? Or, if you anticipate that it's not, in which
12 case we will ask you to meet with Attorney Iacopino to
13 work out a revised schedule. Attorney Geiger?

14 MS. GEIGER: Mr. Chairman, at this
15 point, I don't see any reason to depart from the schedule.

16 CHAIRMAN BURACK: Thank you. Attorney
17 Roth?

18 MR. ROTH: Mr. Chairman, at this point,
19 I don't see any reason to stick to the schedule. I think
20 that the issues have changed significantly since the
21 schedule was originally put in place. And, I'm still
22 hopeful perhaps and somewhat confident that we'll reach a
23 settlement on Counsel for the Public's issues. And, I
24 think some additional time for Groton Wind and the

1 Buttolph/Spring Group to work on their differences might
2 be useful, without the pressures of litigation. So, I
3 would think that it would make sense at this point to
4 suspend the schedule at the very least.

5 CHAIRMAN BURACK: Ms. Linowes?

6 MS. LINOWES: Mr. Chairman, I would
7 concur with that, with Attorney Roth's comments.

8 CHAIRMAN BURACK: Thank you.

9 Mr. Watson, any comments on this?

10 MR. WATSON: No comment.

11 CHAIRMAN BURACK: Attorney Martin, any
12 comment on that issue?

13 MS. MARTIN: No.

14 CHAIRMAN BURACK: Okay.

15 (Chairman Burack conferring with Atty.
16 Iacopino.)

17 CHAIRMAN BURACK: Here's what I'd like
18 to suggest here. I'm going to suggest that for the moment
19 we leave this order in place. But, if the parties would
20 like to file a motion proposing a change to the schedule
21 or a suspension of the schedule, certainly, I'd be happy
22 to entertain that. But I don't want to rule on this from
23 the Bench here at this moment. But would rather have the
24 parties sit and talk with each other and see what you all

1 can work out. And, obviously, if you all can get all the
2 issues resolved among yourselves in the meantime, that
3 probably makes the answer to this question that much more
4 apparent.

5 Attorney Geiger, anything you wanted to
6 say further on this topic?

7 MS. GEIGER: No. No thank you.

8 CHAIRMAN BURACK: Okay. Anybody else,
9 anything further on this topic?

10 (No verbal response)

11 CHAIRMAN BURACK: All right. I believe
12 we have, through the course of this status conference here
13 today, I believe we have covered all of the items that
14 were identified in the draft agenda outline that Attorney
15 Iacopino had provided to the parties prior to today's
16 session. Having said that, is there any party who
17 believes that we have missed anything?

18 (No verbal response)

19 CHAIRMAN BURACK: Attorney Geiger, have
20 we missed anything? Is there anything else you would like
21 to add?

22 MS. GEIGER: I don't think you've missed
23 anything. Thank you.

24 CHAIRMAN BURACK: Okay. Attorney Roth?

1 MR. ROTH: No, sir.

2 CHAIRMAN BURACK: Attorney Martin?

3 MS. MARTIN: Nothing further from me.

4 CHAIRMAN BURACK: Ms. Linowes?

5 MS. LINOWES: Nothing further.

6 CHAIRMAN BURACK: Mr. Watson?

7 MR. WATSON: Nothing further.

8 CHAIRMAN BURACK: Okay. Very good.

9 Thank you. Again, I want to thank all the parties to this
10 matter for their participation here today, and for your
11 efforts to try to come to resolution of this matter.

12 I should also just note for the record
13 that Kate Bailey, engineer with the Public Utilities
14 Commission, was previously appointed by the PUC to sit as
15 the PUC engineer in this particular matter.

16 I don't believe we have any other
17 housekeeping to take care of with respect to this matter,
18 but just let me confer with counsel to make sure.

19 (Chairman Burack briefly conferring with
20 Atty. Iacopino.)

21 CHAIRMAN BURACK: Okay. Very good.

22 Seeing there are nothing further to be dealt with in this
23 particular matter, this matter will stand adjourned. And,
24 again, I thank the parties for their presence and their

1 participation today. And, thank the Committee members as
2 well for their attentiveness.

3 Okay. I would ask, having said that,
4 we're going to remain on this transcript for a very brief
5 update from Meredith Hatfield, the Director of the Office
6 of Energy & Planning, with respect to an informal
7 rulemaking stakeholder process that has been undertaken
8 pursuant to SB 99 from the last legislative session.

9 DIR. HATFIELD: Thank you, Chairman
10 Burack. As you know, Senate Bill 99 (2013) required,
11 among other things, that the SEC develop new siting
12 criteria related to a variety of siting issues. And, as
13 part of that legislation, OEP was charged with pulling
14 together stakeholders in two capacities. And, at the last
15 meeting, I did brief you on the fact that we had a process
16 last winter where we sought public comment on the SEC
17 itself, how it functions, and then also on siting
18 regulation issues.

19 The second phase of that project is
20 almost completed. And OEP has convened a stakeholder
21 group and public meetings to discuss issues related to new
22 siting rules. And, we are just about to complete that
23 process and deliver the materials that have been developed
24 to the SEC quickly, within the next two weeks.

1 It's been a very challenging process, as
2 you can imagine. The number of issues that need to be
3 addressed are many. One good development for the SEC is
4 that the recent legislation, Senate Bill 245, which is
5 close to the end of the process of passage, did extend the
6 rulemaking deadline. So, the SEC now has until July 1st
7 of next year to complete the rulemaking process.

8 But our intent is to deliver to you the
9 materials that we've collected and the reports from the
10 various stakeholder groups that tried to work on specific
11 issues, under the very broad charge that the Committee has
12 to develop new rules.

13 And, we are happy to work with the
14 Committee going forward, because, clearly, staffing, a
15 rulemaking process is a major challenge for the SEC, and
16 OEP and DES and PUC Staff have already been talking about
17 how they could be helpful to that process.

18 CHAIRMAN BURACK: Very good. Thank you
19 very much for that report. And, again, there will be more
20 information to follow, as soon as that report has been
21 completed by the Office of Energy & Planning. We will
22 provide that to all the members of the Committee. And,
23 following that time, we will then determine the
24 appropriate next steps with respect to the rulemaking

1 process, but we don't have anything further to report on
2 that at this time.

3 So, unless there's -- yes. Unless
4 there's anything further from the Committee on this
5 matter, we're going to stop this portion of the
6 proceedings. We will take a break here for approximately
7 ten minutes or so, while we bring in a new stenographer
8 here. And, then, we will take up the third item on our
9 agenda, which is the Granite State Gas Squamscott
10 Replacement Project, Docket Number 2014-01. So, they're
11 being nothing further, we will take a break here at this
12 time. Thank you, all.

13 **(Whereupon the hearing was adjourned at**
14 **10:14 a.m. The hearing regarding Docket**
15 **Number SEC 2014-01 (Granite State Gas**
16 **Transmission) was filed in a transcript**
17 **under separate cover so designated.)**