

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

PLEASE TAKE NOTICE that the Site Evaluation Committee for the State of New Hampshire will conduct a public meeting on June 11, 2015 at 10 AM. The meeting shall be held at the offices of the Public Utilities Commission located at 21 South Fruit Street, Suite 10, Concord, N.H. 03301, New Hampshire.

The business of the Site Evaluation Committee (Committee) at said meeting shall include the following dockets and any other business that is lawfully before the Committee:

**Docket No. 2010-01
Application of Groton Wind, LLC for a Certificate of Site and Facility
for a Renewable Energy Facility in Groton, N.H.**

April 24, 2015

**PROCEDURAL ORDER AND NOTICE
OF FINAL PUBLIC HEARING ON THE MERITS**

Background

On May 6, 2011, a Subcommittee of the Site Evaluation Committee (Committee) issued a Decision Granting a Certificate of Site and Facility with Conditions (Certificate) to Groton Wind, LLC (Applicant), authorizing the construction and operation of a renewable energy facility consisting of 24 Gamesa G82 turbines each having a nameplate capacity of two (2) megawatts (MW), for a total nameplate capacity of 48 MW (Facility). The Facility is located on a site located in the Town of Groton, Grafton County, New Hampshire (Site). On October 14, 2011, the New Hampshire Supreme Court issued an order declining to review the Decision on appeal.

The Applicant subsequently constructed the Facility. The Facility has commenced commercial operations.

Since the commencement of commercial operations the Committee received several complaints regarding the operation of the Facility. The complaints generally involve allegations that the Applicant has failed to conform to conditions of the Certificate and that misrepresentations were made by the Applicant's representatives to the Subcommittee. In addition the Applicant filed a motion to amend the terms and conditions of the Certificate.

On April 20, 2015 the Committee held a public hearing. At the hearing the Committee resolved many of the issues before the Committee. The Committee voted to grant the Applicant's Motion to Approve an Agreement with the Town of Groton and also approved the Applicant's environmental health and safety plan. Those documents addressed concerns about winter maintenance and first responder access to the Facility. The Committee also approved a comprehensive compliance agreement between the Applicant and the Fire Marshal. The compliance agreement resolved all of the Fire Marshal's concerns. The Committee also approved a Settlement Agreement between the Applicant and Counsel for the Public wherein Counsel for the Public withdrew his enforcement claims.

There is one remaining matter before the Committee in this docket: a motion filed by the Applicant to amend the Certificate of Site and Facility. Based upon input received from the parties at the April 20, 2015 adjudicatory hearing, the Committee extended the date of the final hearing on the motion to amend the certificate to June 11, 2015.

At the adjudicatory hearing on April 20, 2015, Counsel for the Public advised the Committee that additional discovery is needed to allow the parties to address the Applicant's request to amend the Certificate. Counsel for the Public further advised the Committee that the Applicant and Counsel for the Public may enter into settlement negotiations that will potentially

resolve the disputes surrounding the Applicant's request to amend the Certificate. Consequently, Counsel for the Public requested the Committee to continue the hearing on the Applicant's motion to amend the Certificate and to develop a procedural schedule allowing the parties to conduct necessary discovery and settlement negotiations. Mark Watson, an intervenor in these proceedings, concurred with Counsel for the Public's request. The Applicant objected to the request but acknowledged that a short delay would not cause significant prejudice.

After consideration of the arguments the Committee found good cause to continue the final hearing on the Applicant's motion to amend the Certificate. In doing so the Committee acknowledged that settlement agreements are encouraged. The Committee also found that additional discovery will not unduly prejudice the Applicant and may assist the Committee with the resolution of the Applicant's request to amend the Certificate. The Committee also decided that the issue of modification of the Certificate should be addressed and resolved without undue delay and, consequently, approved the following truncated procedural schedule allowing for the expedited treatment of the Applicant's Motion to Amend the Certificate.

Procedural Order

The following procedural schedule shall apply for the balance of the adjudicative proceedings in this docket:

1. Counsel for the Public and Mr. Watson will provide to the Applicant documentation identifying their proposed settlement conditions and data requests on or before April 27, 2014.
2. The Applicant will reply to the Counsel for the Public's and Mr. Watson's settlement conditions and data requests by May 4, 2015.

3. A Technical Session will occur on Tuesday, May 12, 2015, at 9 a.m. at the offices of the Public Utilities Commission and continue at the call of the presiding officer until concluded. Counsel to Committee, Michael J. Iacopino, shall preside at the technical session. All witnesses shall attend the technical session either in person or telephonically. If telephonic appearance is necessary, arrangements shall be made with Counsel to the Committee at least 7 days prior to the technical session and shall be copied to the entire service list.

4. Settlement Agreements, if any, will be filed on or before June 5, 2015.

5. Objections to any Settlement agreement will be filed on or before June 10, 2015.

6. Briefs addressing parties' positions as to the legal standard the Committee should apply to the motion amend the Certificate shall be filed on or before June 5, 2015.

Notice of Hearing

A Public Hearing will be held on June 11, 2015 at the offices of the Public Utilities Commission located at 21 South Fruit Street, Suite 10, Concord, N.H. 03301. The hearing will commence at 9:00 AM.

The authority for this hearing is RSA 162-H: 4, II.

Order

It is hereby ordered that the procedural schedule set forth above shall be followed by the parties unless further amended by the presiding officer.

So Ordered this 24th day of April, 2015.


Thomas S. Burack, Presiding Officer
Site Evaluation Committee