

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2010-03

**Joint Application of Granite Reliable Power, LLC (“GRP”) and Brookfield Power
Inc. (“Brookfield Power”) for Approval to Transfer Equity Interests in GRP
 (“Joint Application”)**

REPORT OF PREHEARING CONFERENCE

January 7, 2011

On January 3, 2011, a prehearing conference was held in the above docketed matter at the Offices of the New Hampshire Public Utilities Commission. The following parties appeared at the prehearing conference: Brookfield Power, Inc. (Brookfield), represented by Attorneys Harold Pachios and Sigmund Schutz of the Preti Flaherty law firm; Granite Reliable Power, LLC (GRP), represented by Attorney Douglas Patch of Orr & Reno; the Industrial Wind Action Group (IWAG) represented by Lisa Linowes, *pro se*; and Counsel for the Public, Peter Roth. The prehearing conference was conducted in accordance with RSA 541-A:31, V and New Hampshire Code of Administrative Rules, 202.10. Counsel for the Committee, Michael J. Iacopino, presided pursuant to an Order issued on December 30, 2010.

Counsel for the Committee presented an agenda for the prehearing conference to all the parties present. The only petition to intervene that had been received was filed by IWAG. At the prehearing conference, Counsel for the Public indicated that he did not object to the petition to intervene. Counsel for Brookfield indicated that they did not object to the petition. Counsel for GRP renewed its previous objection to the participation of the Industrial Wind Action Group as previously lodged in the underlying docket. *See*, Application of Granite Reliable Power, LLC, Docket No. 2008-04. Counsel for the Committee advised the parties that given IWAG’s prior

involvement in the original certifying docket, he would be recommending that IWAG be permitted to intervene in this matter.

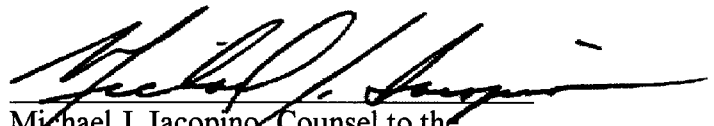
Discussion then turned to discovery issues. Neither Counsel for the Public nor IWAG indicated that they would seek to propound data requests to the Joint Applicants. However, both Counsel for the Public and Lisa Linowes indicated that they wished to engage in a technical session at some point prior to the merits hearing. The purpose of the technical session would be to ask questions regarding the financial, managerial and technical capabilities of Brookfield to construct and operate the Project in accordance with the terms and conditions of the Certificate.

There was a general discussion regarding the nature of the questions that would be asked at the technical session and the need for protective orders and/or exemptions from the Right to Know Law, RSA 91-A. In general, the parties agreed that there is much information that can be exchanged in public. However, there was also discussion as to types of information that may be privileged or subject to protective orders. Brookfield will not release information that it considers to be proprietary or subject to a trade secrets privilege. If Brookfield objects to disclosure of information on this basis, the requesting party should file a motion to compel production. If Brookfield is agreeable to sharing information with the parties, but not in public, then Brookfield will file a motion for protective order and exemption from RSA 91-A. It was resolved that Ms. Linowes, Mr. Roth and Mr. Pachios would confer informally in order to determine the exact documents and requests that would be made at the technical session so that the parties can file appropriate Motions in advance if there is disagreement about the discovery.

Both IWAG and Counsel for the Public indicated they did not anticipate hiring or presenting any witnesses in this matter.

It was determined that a technical session would occur on January 18, 2011, at 1:30 p.m. A separate notice will be issued to the service list in this docket once the place has been determined.

The final hearing remains scheduled for January 31, 2011, at 10:00 a.m. at the Offices of the Public Utilities Commission.



Michael J. Iacopino, Counsel to the
New Hampshire Site Evaluation Committee