

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

**In the matter of the
Application for Certification
Pursuant to RSA 162-H of
ANTRIM WIND ENERGY, LLC**

Docket No. 2012-01

MOTION OF COUNSEL FOR THE PUBLIC TO COMPEL

Counsel for the Public, by his attorneys, the Office of the Attorney General, hereby moves, for an order directing Antrim Wind Energy, LLC ("AWE" or "Applicant"), to produce relevant information sought by the movant through data requests and objected to by the Applicant on the grounds of confidentiality. In support hereof, Counsel for the Public respectfully represents as follows:

1. On January 31, 2012, Antrim Wind Energy, LLC (the "Applicant") filed its Application for a certificate of site and facility under RSA c. 162-H.

2. On April 30, 2012, the Attorney General appointed the undersigned as Counsel for the Public pursuant to RSA 162-H:9.

3. N.H. Admin. R., Site 202.12 (a) provides,

The presiding officer shall authorize data requests in the nature of interrogatories, requests for production of documents, requests for admission of material facts, depositions and any other discovery method permissible in civil judicial proceedings before a state court when such discover is necessary to enable a party to acquire evidence admissible in a proceeding and when such method will not unduly delay the prompt and orderly conduct of the proceeding.

4. In its May 18, 2012 *Report of Prehearing Conference and Procedural Order*, the Committee articulated the schedule and procedure for filing and responding to data requests.

5. On June 1, 2012, Counsel for the Public propounded its data requests on the Applicant. In total, twenty-five (25) data requests were submitted to the Applicant.

6. On June 20, 2012, the Applicant provided responses to certain of the data requests and objected to others.

7. In number 5, Counsel for the Public sought salary histories for the Applicant's two principals. Applicant objected and did not produce the information on the grounds of relevance.

8. Counsel for the Public believes that the information is relevant to the issue of financial and managerial capability. Salary history is indicative of a person's growth and success in a particular profession or business.

9. In number 9, Counsel for the Public sought Reed & Reed's constructability analysis, cost estimates and project schedules. Applicant objected and refused to produce the cost estimate on the grounds of confidentiality.

10. Counsel for the Public believes that the information is important to the issue of financial and managerial capability. The Committee should direct the Applicant to produce this information, if warranted and established by the Applicant, under a protective order.

11. In number 12, Counsel for the Public sought documents relating to activities relating to obtaining an "off take agreement" for the project. Applicant objected and refused to produce the cost estimate on the grounds of confidentiality.

12. Counsel for the Public believes that the information is important to the issue of financial and managerial capability. The Committee should direct the Applicant to produce this information, if warranted and established by the Applicant, under a protective order.

13. In number 14, Counsel for the Public sought documents relating to a business plan or pro forma for the project. Applicant objected and refused to produce any documents on the grounds of confidentiality and that producing it would be onerous.

14. Counsel for the Public believes that the information is important to the issue of financial and managerial capability. The Committee should direct the Applicant to produce this information, if warranted and established by the Applicant, under a protective order.

15. In number 16, Counsel for the Public sought documents relating to agreements between Applicant, Westerly Wind and Mr. Cofelice. Applicant objected and refused to produce any documents on the grounds of confidentiality.

16. Counsel for the Public believes that the information is important to the issue of financial and managerial capability. The Committee should direct the Applicant to produce this information, if warranted and established by the Applicant, under a protective order.

17. In number 18, Counsel for the Public sought documents relating to meetings and teleconferences with Mr. Pasqualini and the Applicant, Mr. Kenworthy and Mr. Soininen. Applicant identified a project overview document that was distributed among them and objected and refused to produce it on the grounds of confidentiality.

18. Counsel for the Public believes that the information is important to the issue of financial and managerial capability. The Committee should direct the Applicant to produce this information, if warranted and established by the Applicant, under a protective order.

19. In number 23, Counsel for the Public information concerning Professor Gittell's income derived from providing reports and papers for hire relating to renewable energy or green industry. Applicant objected and refused to produce any documents on the grounds of confidentiality and relevance.

20. Counsel for the Public believes that the information is important to the issue of effects on the orderly development in the region and relevant to the question of possible bias by the witness. The Committee should direct the Applicant to produce this information, if warranted and established by the Applicant, under a protective order.

21. Copies of requests and responses are attached hereto as Exhibit "A".

22. The data requests seek information not cited in the Committee's June 4th protective order and, as such, these data do not deserve protective treatment at this time. If the Applicant believed this information deserved protective treatment, it could have addressed it with the Committee in a request for a protective order. The parties have a right to present evidence in this case on all issues. *See* RSA 54-A:31. That information is confidential is not a proper objection to its production or admission into evidence. *See* RSA 541-A:33; N.H. Admin. R., Site 202.24. If it is relevant and not privileged it must be produced.

23. The Applicant has had the data requests since June 1, 2012. At no time since June 1 did the Applicant take action to address its concerns of confidentiality with Counsel for the Public or the Committee. As an aside and perhaps indicative of the Applicant's approach to discovery, on May 21, 2012, in anticipation of the Chair granting the protective order (as she had ruled from the bench that she would) Counsel for the Public requested the confidential documents. On May 23rd, Applicant's counsel declined that request unless

Counsel for the Public agreed to sign the Applicant's confidentiality agreement. On June 4, 2012, after the Chair entered the protective order requested by the Applicant, Counsel for the Public again requested the documents covered by that order. The Applicant's counsel did not provide them until June 21, 2012. On June 21, 2012, by email Counsel for the Public attempted to open a dialog concerning access to information for his consultants. To date the Applicant's counsel has not responded to that request.

24. In its May 18, 2012 *Report of Prehearing Conference and Procedural Order*, the Committee took pains to inform the parties that, "Due to the Subcommittee's scheduling commitments and the statutory time frame, motions to continue to extend time or to reschedule will be disfavored and will only be granted for good cause." The Applicant's delays, standing on unnecessary formalities, and resort to motions practice on discovery issues without a legitimate basis for objection when a request for a protective order would have been more productive and timely, evidence an effort to stonewall the parties and will almost certainly lead to delays in this proceeding.

25. Counsel for the Public sought concurrences from the other parties. The Applicant did not respond. The abutting property owners group, IWAG, Audubon, and Edwards & Allen assented. The Harris Center took no position. Other parties not listed did not respond.

Therefore, Counsel for the Public respectfully asks that the Committee compel the Applicant to deliver the information requested no later than June 26, 2012, and grant such other and further relief as may be just.

Respectfully submitted this 25th day of June, 2012,

PETER C.L. ROTH
COUNSEL TO THE PUBLIC

By his attorneys

MICHAEL A. DELANEY
ATTORNEY GENERAL


A handwritten signature in cursive script, reading "Peter C.L. Roth", written over a horizontal line.

Peter C.L. Roth
Senior Assistant Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, New Hampshire 03301-6397
Tel. (603) 271-3679

Certificate of Service

I, Peter C.L. Roth, do hereby certify that I caused the foregoing to be served upon each of the parties named in the Service List of this Docket.

Dated: June 25, 2012


Peter C.L. Roth

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-1

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

With respect to each of Mr. Kenworthy, Mr. Soininen, Mr. Cofelice, Mr. Mara, Mr. Pasqualini, Mr. McCabe and Ms. Crivella – questions 1-4.

Please identify any lawsuits that have been brought against you in the past five years and describe their status and/or disposition.

RESPONSE: For Mr. Kenworthy, Mr. Cofelice, Mr. Mara, Mr. McCabe, Mr. Pasqualini and Ms. Crivella, no lawsuits have been brought in the past five years.

For Mr. Soininen: He initiated eviction proceedings against a tenant occupying property he owns in Vermont, in January of 2011. In response to these eviction proceedings, the tenant filed counterclaims against Mr. Soininen. The case was mediated in the spring of 2012 resulting in a settlement agreement that exonerated Mr. Soininen of any further liability while releasing funds to him that were held in escrow as a result of the Court's Order that the tenant pay rent to the court during the pendency of the civil proceedings.

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Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
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Received June 1, 2012
Request No. PC 1-2

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Please identify any criminal charges or violations that have been brought against you in the past 10 years and describe their status and/or disposition. Include moving violations.

RESPONSE: No criminal charges or violations have been brought in the past 10 years against Mr. Kenworthy, Mr. Soininen, Mr. Cofelice, Mr. Mara, Mr. McCabe, Mr. Pasqualini or Ms. Crivella.

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Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-3

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Please identify any incidents that gave rise to a charge of misconduct by any professional licensing body.

RESPONSE: For Mr. Kenworthy, Mr. Soininen, Mr. Cofelice, Mr. Mara, Mr. McCabe, Mr. Pasqualini and Ms. Crivella, there have been no incidents giving rise to charges of misconduct by any professional licensing body.

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Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-4

Date of Response: June 20, 2012
Witness: Jack Kenworthy and Joseph Cofelice

REQUEST:

Please identify any instance in which you were terminated from employment or resigned to avoid termination.

RESPONSE: For Mr. Kenworthy, Mr. Soininen, Mr. Mara, Mr. McCabe, Mr. Pasqualini and Ms. Crivella, there have never been any terminations from employment or resignations to avoid termination.

For Mr. Cofelice, there has never been a termination of employment or resignation to avoid termination. However, as a result of the acquisition of Catamount Energy, where Mr. Cofelice was President at the time, by Duke Energy, there was an understanding that Mr. Cofelice and other senior management of Catamount would not remain with the company after the acquisition. This was a voluntary agreement made by Mr. Cofelice.

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Received June 1, 2012
Request No. PC 1-5

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Mr. Kenworthy and Mr. Soininen, please describe your salary history since January 2001.

RESPONSE: The Applicant respectfully objects to this question on the ground of relevance.

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Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-6

Date of Response: June 20, 2012
Witness: Jack Kenworthy, Joseph Cofelice

REQUEST:

Please describe in detail every other project in which Mr. Kenworthy, Mr. Soininen, Mr. Cofelice, or Eolian Renewable Energy, LLC has an interest or for which it or he performs any services or has any management responsibilities. Include size, location, development stage, leases and permits obtained, whether a power purchase agreement is in place, position on ISO queue, status of ISO review, amount invested, total estimated cost of project, estimated date of commercial operation, and whether there is any litigation pending or resolved.

RESPONSE: For Mr. Kenworthy, Mr. Soininen, and Eolian Renewable Energy LLC ("ERE") the answers are the same. Not including Antrim Wind Energy LLC, ERE has an interest in the following projects:

- A. Waldo Community Wind LLC ("WCW"). This project is expected to be approximately 18 MW and is located in the Town of Frankfort, Maine. WCW leases approximately 700 acres of land from two landowners and holds easements or options for easements on one additional property. This is an early stage development. The project does not have an ISO-NE queue position. No permits have been obtained for the project. WCW has invested approximately \$225,000 in early development activities and is expected to cost approximately \$39 million. ERE does not have an estimated COD for this project. Neither ERE nor WCW is a party to any litigation with respect to the project. However, certain landowners in Frankfort have filed a lawsuit against the town and this litigation is unresolved.
- B. Seneca Mountain Wind LLC ("SMW") This project is expected to be approximately 90 MW and is located in three towns in the Northeast Kingdom area of Vermont, specifically Brighton, Ferdinand and Newark. SMW leases approximately 12,000 acres of land for the project. This is an early stage development. The project has been assigned a ISO-NE queue position of QP 385 and a feasibility study is underway and expected to be delivered in July 2012. No permits have been obtained for this project. Due to confidentiality provisions contained in Eolian's joint development agreement with its partner in SMW, we are unable to disclose funds expended to date. The expected project cost is \$150-\$200 million. ERE does not have an estimated COD for the project. Neither ERE nor SMW is party to any litigation with respect to the project.

- C. Peaked Wind Power LLC ("PWP"). This project is expected to be approximately 25 MW and is located in Orland, Maine. PWP Leases approximately 800 acres for this project. This is an early stage development. The project does not have an ISO-NE queue position. A met tower permit is the only permit that the project has obtained. PWP has invested approximately \$100,000 in early stage development activities and the project is expected to cost approximately \$50 million to construct, although this estimate is subject to change given the early development stage of the project. ERE does not have an estimated COD for this project. Neither ERE nor PWP is a party to any litigation with respect to the project
- D. ERE has performed consulting services for two, 1-2 turbine projects in Massachusetts – one for the Town of Hamilton and one for Gordon College. ERE has completed feasibility studies in both cases and all work has been completed for Gordon College and approximately 95% of the work has been completed for the Hamilton project.

Described below are the projects that Mr. Cofelice has an interest in or for which he performs any services or has any management responsibilities:

- A. Pullman Road Wind Power, LLC ("PRWP"). PRWP is an up to 200 MW project located in Armstrong County, Texas. PRWP leases approximately 30,000 acres of land from several landowners. This is a mid-stage development project with an expected COD of 2014. The project has not yet submitted an interconnection request with ERCOT, the relevant ISO. No permits have been obtained for the project. Due to confidentiality provisions contained in Westerly Wind's joint development agreement with its partner in PRWP, Mr. Cofelice is unable to disclose funds expended to date. Neither Mr. Cofelice nor PRWP is a party to any litigation with respect to the project.
- B. Route 66 Wind Power, LLC ("Rte 66"). Rte 66 is an up to 150 MW project located in Carson County, Texas. Rte 66 leases approximately 8,000 acres of land from several landowners. This is an early-stage development project with an expected COD of 2015. The project has not yet submitted an interconnection request with ERCOT, the relevant ISO. No permits have been obtained for the project. Due to confidentiality provisions contained in Westerly Wind's joint development agreement with its partner in Rte 66, Mr. Cofelice is unable to disclose funds expended to date. Neither Mr. Cofelice nor Rte 66 is a party to any litigation with respect to the project.
- C. South Plains Wind Energy, LLC ("SPWE"). SPWE is an up to 500 MW project located in Floyd County, Texas. SPWE leases approximately 50,000 acres of land from several landowners. This is a mid-stage development project with an expected COD of 2014. The project's queue number in ERCOT is 14INR00125. No permits have been obtained for the project. Due to confidentiality provisions contained in Westerly Wind's joint development agreement with its partner in SPWE, Mr. Cofelice is unable to disclose funds expended to date. Neither Mr. Cofelice nor SPWE is a party to any litigation with respect to the project.

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Received June 1, 2012
Request No. PC 1-7

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Identify the Project's Balance of Plant Construction contractor. Provide copies of all documents relating to the contractor, including any term sheets, correspondence, letters of intent, or draft contracts or term sheets.

RESPONSE: AWE has not selected a Balance of Plant (BOP) contractor at this time and does not have any exclusivity arrangements with any potential BOP contractors. It is AWE's intention to solicit competitive bids from qualified BOP contractors prior to awarding any contract.

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For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-8

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Provide copies of all documents on which you intend to rely to establish the applicant's financial, managerial and technical capability.

RESPONSE: AWE has addressed the requirement to demonstrate the Applicant's financial, managerial and technical capability in its Application to the SEC as well as in prefiled testimony submitted by Mr. Cofelice, Mr. McCabe, Mr. Pasqualini and Ms. Crivella. AWE will supplement this information if necessary to respond to prefiled testimony of other parties and questions from the Site Evaluation Committee.

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Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-9

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Provide a copy of any document referencing or containing Reed & Reed's constructability analysis, cost estimates and project schedules.

RESPONSE: The Applicant respectfully objects to providing information concerning Reed and Reed's cost estimates, as this information is competitively sensitive commercial and financial information that is confidential. AWE has provided a copy of the proposed project schedule in Appendix 7 to the SEC Application. With respect to Reed and Reed's constructability analysis - this was more of an informal site review and commenting process than a formal document. AWE conducted a site visit with Reed and Reed on September 8, 2011 to review the site conditions, proposed access points, and certain turbine locations. Subsequent to that visit, AWE solicited comments from Reed and Reed on the draft civil plans for the project that were produced by TRC Engineering.

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For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-10

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Provide a cost estimate for decommissioning the project without deducting for scrap value, and break the estimate down by activity or component, state all assumptions used. Provide copies of all documents relating to decommissioning.

RESPONSE: AWE has not produced a decommission plan yet. In AWE's Agreement with the Town of Antrim dated March 8th 2012, AWE has committed to providing a decommissioning plan along with a decommissioning funding estimate produced by a qualified third party engineering firm acceptable to the Town of Antrim. This plan must be completed prior to commencement of construction. AWE has received a very rough initial cost estimate from Reed and Reed on an informal basis of approximately \$2.1 million to decommission the project (not accounting for salvage value).

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Application of Antrim Wind Energy LLC
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For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-11

Date of Response: June 20, 2012
Witness: Martin Pasqualini

REQUEST:

Describe how the Project will be financed if there are no tax credits or other government supports for renewable energy. Explain all underlying assumptions.

RESPONSE: The Applicant expects that the production tax credit will be in place at the time the Project is financed. However, in the absence of such tax credit or roughly equivalent federal incentives being in place at such time, the Applicant would most likely finance the project by either engaging in (i) a non-recourse debt financing with the debt provided by banks, institutional investors or a combination thereof, or (ii) a sale-leaseback transaction in which the Applicant would sell the Project to an affiliate of a financial institution that would in turn lease the Project back to the Applicant for a term of years. In the case of the sale-leaseback option, the financial institution would be able to take advantage of the accelerated depreciation associated with the Project and such institution may, if it so elects, use non-recourse debt in combination with its own equity as the source of funds for the purchase price. Both alternatives represent traditional methods of financing electric generation facilities and have been widely-deployed across a broad spectrum of assets for years.

THE STATE OF NEW HAMPSHIRE
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For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-12

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Describe in detail all activities in which you have engaged to obtain an "Off-Take Agreement."
Provide copies of all documents relating to those activities.

RESPONSE: AWE participated in a solicitation for renewably generated electricity and RECs that was tendered by the Massachusetts Department of Energy and Resources (MA DOER) on behalf of Massachusetts investor owned utilities in October 2010. The Project was at an early stage of development at that time and was not selected for the short list thus no negotiations ensued. AWE has engaged in preliminary conversations with several potential "off-takers" over the past two-three months since the SEC determined that AWE's application was complete. AWE respectfully objects to providing the any documents related to those discussions due to the highly confidential nature of those materials and discussions.

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Application of Antrim Wind Energy LLC
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For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-13

Date of Response: June 20, 2012
Witness: Sean McCabe

REQUEST:

Please explain, describe or depict, decision trees or reporting structures for all management decisions to made with respect to the Project during (a) development, (b) construction and (c) operation. In so doing, identify each person by name and affiliation that has any duties described on the decision trees. Provide copies of any agreements between the Project and those persons identified.

RESPONSE: Please see Attachment PC 1-13.

THE STATE OF NEW HAMPSHIRE
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Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-14

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Provide a copy of any document containing or referencing a business plan or pro forma for the Project in operation.

RESPONSE: The Applicant respectfully objects to this request on the ground that the pro forma financial model for AWE is confidential and on the ground that providing any document referencing the business plan or pro forma is onerous.

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-15

Date of Response: June 20, 2012
Witness: Jack Kenworthy and Joseph Cofelice

REQUEST:

Mr. Cofelice, please describe in detail the role you played in the development of any windpower facility during your tenure at Catamount, in so doing state your title, describe your day to day responsibilities, and identify persons reporting to you.

RESPONSE: Mr. Cofelice was responsible for the general management of wind development at Catamount Energy, including project development and project finance. Project development direct reports included Robert Charlebois (Managing Director), Fred Bova (VP - Development), and Sean McCabe (VP-Development). Finance direct reports included Sybil Cioffi (VP-Finance) and Lisa Robare (Controller). Projects developed, financed and constructed included the Sweetwater Projects 1-5 (approximately 585 MWs in aggregate). Other projects under development included projects in Pennsylvania, Wyoming, Colorado, Utah, and New Mexico.

THE STATE OF NEW HAMPSHIRE
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Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-16

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST:

Please provide copies of all agreements between the Applicant or Westerly Wind, as the first party, and Mr. Cofelice, as the other.

RESPONSE: The Applicant respectfully objects to this request on the ground that the agreements requested are confidential, and on the ground of relevance. Without waving this objection, the Applicant responds as follows: Mr. Cofelice has no agreements with the Applicant. Mr. Cofelice has entered into a services agreement and a limited liability company agreement with Westerly Wind which are covered by confidentiality provisions and contain sensitive information.

THE STATE OF NEW HAMPSHIRE
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Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-17

Date of Response: June 20, 2012
Witness: Jack Kenworthy and Joseph Cofelice

REQUEST:

Please provide copies of any agreements between the Applicant or Westerly Wind, as the first party, and CP Energy and or Mr. Pasqualini, as the other.

RESPONSE: With respect to any agreements between Westerly Wind and CP Energy or Mr. Pasqualini, there are no such documents or agreements. With respect agreements between AWE and CP Energy or Mr. Pasqualini, there is one services agreement that is provided herewith as Attachment PC 1-17. This document has been redacted to remove confidential information.

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-18

Date of Response: June 20, 2012
Witness: Martin Pasqualini

REQUEST:

Mr. Pasqualini, identify each meeting or teleconference you have had with the Applicant, Mr. Kenworthy, Mr. Soininen, or any other person associated with the project or employed by the Applicant since January 1, 2009, concerning the project. Provide copies of all documents relating to such meetings or teleconferences.

RESPONSE: Since January 1, 2009, Mr. Pasqualini has met in person with Mr. Kenworthy and representatives of the Applicant once and has participated in approximately 3 conference calls concerning the Project. The meeting took place on June 5, 2012 and the conference calls in December 2011. An overview of the Project was distributed at the June 5, 2012 meeting. The Applicant respectfully objects to providing this document on the ground that it contains confidential information.

THE STATE OF NEW HAMPSHIRE
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Docket No. 2012-01

Application of Antrim Wind Energy LLC
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Received June 1, 2012
Request No. PC 1-19

Date of Response: June 20, 2012
Witness: Sean McCabe

REQUEST: Mr. McCabe and Ms. Crivella, what persons do you believe will act for AWE when you opine with respect to it "maintaining overall management responsibility" and "on-site management"?

RESPONSE: At the present time, AWE expects that the management of AWE – in particular Messrs. Cofelice and Kenworthy – will be responsible for the general management of the Project. In terms on on-site management, AWE anticipates hiring and maintaining onsite an experienced wind farm operator after the receipt of an SEC permit and in conjunction with the execution of the commercial agreements governing the Project's construction and operation. With over 48,000 MW of operating wind farm capacity in the United States, AWE believes there are many qualified individuals to serve in this capacity.

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Docket No. 2012-01

Application of Antrim Wind Energy LLC
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Received June 1, 2012
Request No. PC 1-20

Date of Response: June 20, 2012
Witness: Dana Valteau and Adam Gravel

REQUEST:

Mr. Gravel and Mr. Valteau, please explain every way in which you believe the Avian and Bat Protection Plan described in your testimony would be as protective as the conditions for post-construction study imposed in the certificates granted by the SEC for the Groton and Northern Coos wind projects.

RESPONSE: Although the post construction studies imposed in the certificates granted by the SEC for the Groton and Northern Coos wind projects will provide useful data for making decisions on future wind projects in the state, the post construction avian and bat studies imposed in the certificates are not protective. The studies are designed to monitor impacts but do not offer adaptive management procedures that commit to working with agency representatives to address impacts if they occur. The ABPP for the Antrim Project as described in our testimony is designed to study measures that will reduce impacts, not just document them, right from the start of operation.

The ABPP is a living document that can be and is intended to be revised based on actual site-specific impacts that may arise; having this flexibility allows the Project to best address the monitored impacts of the project. The ABPP provides specific plans for avoiding, reducing, and, if warranted, mitigating potential impacts to birds and bats throughout an initial Evaluation Phase, during which consultation with USFWS and NHFGD will occur to evaluate the findings of Year 1 post-construction monitoring. Any recommendations will be incorporated into the ABPP.

The formal post-construction avian and bat mortality monitoring during Year 1 is consistent with studies previously conducted at other wind energy projects in the U.S., and the final protocol will be developed in consultation with NHFGD and USFWS. Year 1 of post-construction monitoring will include standardized searches for birds and bats from April 15 through June 7 ("spring") and from July 7 through October 15 ("fall"); searcher efficiency trials to estimate the percentage of carcasses found by searchers; and carcass removal trials. Unique to this Project, it is expected that all 10 of the Project turbines will be searched. In addition, to augment formal standardized mortality searches, the Project will complete a full year of eagle carcass searches.

Unique to this Project and therefore potentially more protective than the NHSEC's conditions for the Groton and Northern Coos wind project, the effectiveness of a curtailment strategy on minimizing bat mortality will be studied, and collaboration with USFWS and NHFGD will occur

to determine if and how curtailment might be applied as a long-term management strategy for the Project. Operational measures which curtail turbine cut-in at low wind speeds between dusk and dawn have been shown to reduce bat mortality at some wind farms: studies performed at the Casselman Wind Project in Pennsylvania found that curtailment reduced bat fatalities at individual turbines at rates from 44% to 93%. (Arnett et al. 2010) and Baerwald, et al. (2009) found that curtailment of turbines at low wind speeds reduced bat fatalities by between 57% and 60%. The curtailment study will enable the Project to implement, if deemed necessary, timely operational mitigative measures that are known to reduce risk to bats (as opposed to simply performing studies that will result in no-action or the same mitigative measures).

In addition, and consistent with NHSEC's permit conditions for the Groton wind project, the Project will conduct post-construction acoustic bat surveys between May 1 and October 15; these surveys will help correlate bat activity levels measured at rotor height to corresponding bat mortality levels to help refine the parameters for operational controls. Acoustic detectors will be deployed on the nacelle of a select number of study turbines distributed throughout the Project area.

Lastly, as the direct result of this project, approximately 685 acres of forestland in the immediate vicinity of the Project will be conserved for the purpose of preserving important habitat for birds, bats, and other species.

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-21

Date of Response: June 20, 2012
Witness: Dana Valteau and Adam Gravel

REQUEST:

Mr. Gravel and Mr. Valteau, please describe the ways in which your analysis of the Project's impacts on avian species, including the ABPP, is consistent with and at variance with the Land-Based Wind Energy Guidelines, proposed by the U.S. Fish & Wildlife Service, February 2011 -- http://www.fws.gov/windenergy/docs/Final_Wind_Energy_Guidelines_2_8_11_CLEAN.pdf

RESPONSE: The Project has considered a tiered approach to assessing and minimizing risk to birds and birds, as described in the Final USFWS Land-Based Wind Energy Guidelines, dated March 23, 2012 (USFWS Guidelines). The ABPP is organized to summarize and discuss the ways in which the Project has followed the USFWS Guidelines from Tier 1 to Tier 4.

The preliminary site evaluation and site characterization, or Tiers 1 and 2, revealed that there were no current conservation restrictions on the site, there were no known critical habitats or endangered species in the vicinity of the Project, and in consultation with the USFWS, it was determined that there were no known occurrences of species of habitat fragmentation concern and no known critical areas of concentration for species of concern (see USFWS letter dated October 13, 2011). The findings of the preliminary assessments indicated that the overall probability of significant adverse impacts as a result of the proposed Project was likely low, with some deficiency in data to determine the specific risk to bird and bat species; therefore the Project advanced to Tier 3, the field studies.

Consistent with Tier 3, pre-construction biological studies were conducted to help assess the potential risk to birds and bats, including breeding bird surveys; diurnal raptor migration surveys; radar surveys for nocturnal avian migration; rare raptor nesting surveys; acoustic bat monitoring; and bat mist nesting surveys. See the Project's ABPP Section 5 for methods and results of these studies. In addition, as a result of further consultation with NHFGD and USFWS in April, 2012, a study to assess eagle use within the area of proposed development will be conducted in 2012. The protocols for these studies were consistent with the USFWS Guidelines and were detailed in a work plan that was discussed with and agreed upon by USFWS and NHFGD in spring 2011.

Consistent with Tier 4, post construction evaluation and management efforts for the proposed Project were designed in consultation with NHFGD and USFWS to address questions outlined in Tier 4. Post construction evaluation and management will include formal avian and bat mortality studies, a supplemental acoustic bat study, and evaluation of a curtailment mitigative strategy to

reduce injury and mortality for bats. The Tier 4 studies will establish baseline mortality rates for all avian and bat species at the Project and assist in establishing thresholds of mortality that will trigger the adaptive management process.

The Project will employ best management practices as listed in the USFWS Guidelines to help further minimize impacts to birds and bats. For example, the Project collector lines and substation will be designed and constructed to meet or exceed the most recent recommendations of the Edison Electric Institute's Avian Power Line Interaction Committee (APLIC), as necessary and applicable. Operational lighting will be minimized to the maximum extent practicable – see the Project's ABPP Section 6 for specific lighting plans and protocols. FAA lighting on turbines and met towers will be limited to that required by the FAA or as required to meet other safety concerns. Tree clearing is expected to occur during winter if possible; in the event that winter clearing cannot occur due to the timing of permit application approvals, any potential mitigative measures (or need thereof) will be discussed with NHFWD and USFWS at that time. Clearing and construction activities will apply practices which reduce soil disturbance and allow for the reestablishment of natural vegetation. Best management practices will be used to avoid the introduction and spread of invasive species and will minimize degradation of water quality from storm water runoff and sediment from construction.

The ABPP summarizes and expands upon the points above, and outlines the phased consultation process for the Project.

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THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-22

Date of Response: June 20, 2012
Witness: Jack Kenworthy

REQUEST: Please provide a copy of any agreement engaging Professor Gittell to make a report and testify.

RESPONSE: Please see Attachment PC 1-22.

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-23

Date of Response: June 20, 2012

REQUEST: Professor Gittel, please state the amount of income you receive from producing reports and papers for-hire on an annual basis. List the sources of such income for the past 5 years when such are related to renewable energy or "green industry" or the economic effects thereof.

RESPONSE: The Applicant respectfully objects to this request on the ground that it seeks personal, financial information which is confidential, irrelevant and unlikely to lead to the discovery of admissible evidence.

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-24

Date of Response: June 20, 2012

REQUEST: To the Applicant, please state the basis for your belief that the Site Evaluation Committee has jurisdiction to approve a subdivision plan.

RESPONSE: The Applicant respectfully objects to this request as it calls for a legal opinion. Without waiving this objection, the Applicant responds as follows: Please refer to RSA 162-H: 16, II (a certificate issued by the Site Evaluation Committee shall be conclusive on all questions of siting and land use), and *Public Service Company of New Hampshire v. Town of Hampton*, 120 N.H. 68 (1980). The Applicant reserves the right to submit additional information and argument on this topic to the Site Evaluation Committee as necessary.

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2012-01

Application of Antrim Wind Energy LLC
For a Certificate of Site and Facility
For Antrim Wind Energy in Antrim, New Hampshire

Received June 1, 2012
Request No. PC 1-25

Date of Response: June 20, 2012

REQUEST: If the Site Evaluation Committee determines that it does not have jurisdiction to approve a subdivision plan, describe in detail how the Project would go forward.

RESPONSE: The Applicant will pursue available legal, equitable and other remedies if and when necessary.