

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

RE: Application of Antrim Wind, LLC for Certificate of site and)
facility to construct up to 30 MW of wind electric generation in)
the town of Antrim, Hillsborough County, New Hampshire and)
operate the same (SEC Docket 2012-01).)

**RESPONSE TO APPLICANT'S OBJECTION
TO INDUSTRIAL WIND ACTION GROUP'S MOTION TO COMPEL**

The Industrial Wind Action Group, Inc. ('IWA') reviewed Antrim Wind Energy's ('Applicant') objections to IWA's pending motion to compel of June 22, 2012. The Applicant's objections are without merit and contrary to statute and prior practices of the Site Evaluation Committee ('Committee') as explained below.

Objection to IWA Data Requests 13 and 14

1. IWA's data request 13 asks the Applicant to provide all spreadsheets and quotes containing expected capital expenditures and labor estimates for the project as referenced in footnote 1 of Appendix 14B (*See: Appendix 14B: Economic Impact of the Proposed Antrim 30 MW Wind Power Project in Antrim, New Hampshire - Gittell, Magnusson.*). Data request 14 seeks the financial pro forma schedule for the project.
2. It is reasonable and appropriate for the IWA to have access to data on which the Applicant relied in preparing his economic impact report. The project's financial pro forma schedule presents supplemental information. The Applicant is well aware that the capital costs of wind energy projects represent the dominant factor in determining the price of its energy. If built, ratepayers will pay for the energy produced by the project. Full disclosure of this information is necessary in order to resolve any economic issues pertaining to this project.
3. In his objection, the Applicant agrees that access to this information is appropriate but only as long as the recipient of the information is Counsel for the Public. (*Applicant objection para. 4*). In fact, he appears to welcome the 'full and vigorous participation' of Counsel for the Public but rejects the same from other parties to this proceeding.
4. The Applicant's objection is not supported by Statute. While RSA 162-H:9 allows for a Counsel for the Public, paragraph II of the section makes clear that any person can be heard by the Committee. There is no

provision in the statute that specifically limits the issues or the vigor with which other parties can participate in the proceeding¹. The presiding officer has the power to limit party participation under RSA 541-A:32 but we remind the Applicant that IWA was granted full intervenor status with no such limits.

5. IWA recognizes this information may be considered confidential and propriety and does not object to the Committee extending the protective order to include the requested information. Yet, the Applicant appears to object to IWA having access to the information under any circumstances (*Applicant objection para. 4*) Astonishingly, in his objection the Applicant has decided, unilaterally and without basis, that IWA's Motion to Compel should be denied because, he alone has determined that IWA does not need the information requested. The Applicant's objection is entirely self-serving.

Objection to IWA Data Requests 15

6. IWA's data request 15 seeks information pertaining to the Applicant's efforts to secure a power purchase agreement for its energy including utilities contacted by the Applicant and proposed pricing for the energy. The Applicant objects generally for the same reasons he objects to IWA's data requests 13 and 14. He further argues this information is not discoverable.

7. As cited in paragraph 2 above, ratepayers ultimately will pay for the cost of the project's energy if built. While authority to approve any power purchase agreement lies with the New Hampshire Public Utility Commission or its counterpart in other New England states, it is necessary that this proceeding investigate the economic impact of the project's energy costs on ratepayers. Such costs are omitted entirely from Appendix 14B and thus, can only be obtained from the Applicant through a data request.

8. Further, the application states that the project's ability to raise capital will depend on many factors including "execution of a financeable power purchase or financial hedge agreement for the offtake of power" (*See re: Application Of Antrim Wind Energy, LLC For A Certificate Of Site And Facility at 55*). Clearly the success or failure of this project is reliant on the Applicant securing a power purchase agreement. It is appropriate and prudent for the parties to explore this issue in this proceeding. Contrary to the Applicant's assertion, this data is directly relevant to the Applicant's future financial capability to assure construction and operation of the facility.

¹ We note that the Statute limits Counsel for the Public to issues pertaining to the environment and the adequacy of New Hampshire's energy supply.

Objection to IWA Request for Clarification

9. IWA reasserts that the Committee has not required in-person viewings of confidential documents. The relevant wording in the protective orders for both Granite Reliable Wind and Antrim Wind is identical yet the Applicant has decided the two orders should be interpreted differently with the Antrim Wind order requiring in-person access to confidential documents. He then complains that e-mail delivery does not provide the same level of security as in-person viewings of paper documents, yet he e-mailed the confidential document to Counsel for the Public. If the concerns about e-mail security were sincere, they would apply to all parties including Counsel for the Public. So again, the Applicant's only concern appears to be with the recipient of information.. The Applicant's insistence that IWA travel to Concord (a 2-hour trip one-way) during weekday business hours is unreasonable and will prohibit IWA from adequately examining the information .

We appreciate the opportunity to respond to the Applicant's objections and respectfully ask that the Committee grant our Motion to Compel in full.

Dated this day of July 4, 2012

INDUSTRIAL WIND ACTION GROUP

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cc: Parties to Docket 2012-01