

**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 STRIKE  
APPLICANT’S REPLY MEMORANDUM**

Counsel for the Public, by his attorneys, the Office of the Attorney General, hereby moves the Committee to strike the Applicant’s Reply Memorandum of Law. In support hereof, Counsel for the Public respectfully represents as follows:

On July 11, 2012, the Chair entered a Supplemental Procedural Order and Request for Briefing (the “Order”). In the Order the Chair provided the parties the opportunity to submit prehearing memoranda of law or briefs on the question of whether the Site Evaluation Committee had jurisdiction to order a subdivision. In the Order the Chair very clearly ruled, **“All such memoranda or legal briefs shall be submitted by July 24, 2012.”** Order at 2.

On August 3, 2012, the Applicant submitted a reply memorandum to the memoranda of law filed by several of the parties, including Counsel for the Public.

The Chair should strike the unsolicited reply memorandum because it is not timely in accord with the express terms of the Chair’s July 11<sup>th</sup> Order. In addition, the Chair should strike the reply memorandum because it is unfair. Providing the Applicant three bites (application, July 24 memorandum, and reply memorandum) at an apple from which the other parties have only 1, is simply unfair.

Wherefore, Counsel for the Public respectfully requests that the Applicant's reply memorandum be struck and not considered by the Chair in addressing the issue presented by the Order, and grant such other and further relief as may be just.

Respectfully submitted this 13th day of August, 2012,

PETER C.L. ROTH  
COUNSEL TO THE PUBLIC

By his attorneys

MICHAEL A. DELANEY  
ATTORNEY GENERAL



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: August 13, 2012

/s/ Peter C.L. Roth  
Peter C.L. Roth