

**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). )

**MOTION TO POSTPONE HEARING AND ENLARGE TIME PERIOD FOR ISSUING OR  
DENYING A CERTIFICATE FOR THE AWE, LLC APPLICATION**

NOW COMES the Industrial Wind Action Group ("IWA"), and pursuant to SEC Site 202.16 and RSA Section 162-H:6-a, IX, hereby respectfully moves the Subcommittee to postpone the hearing scheduled to begin September 10, 2012 and to enlarge the time established in which to issue or deny a certificate for Antrim Wind Energy, LLC's ("AWE") application. We ask that the hearing be postponed to a date no earlier than October 15, 2012. In support of the motion, it is stated as follows:

1. The Subcommittee's May 18, 2012 procedural order set forth a schedule<sup>1</sup> with discovery deadlines and technical sessions. Throughout the course of discovery, the Applicant objected to providing various types of information. In addition, the Applicant filed two motions seeking protective treatment on certain data. In that time, IWA and others, filed motions with the Subcommittee compelling the Applicant to respond to outstanding data requests. IWA, and presumably all parties, anticipated receiving answers to the pending data requests in time to consider those answers as part of their pre-filed direct testimonies submitted July 31, 2012.

2. The Subcommittee's August 22, 2012 *Order on Outstanding Motions* addressed most of the pending motions, however, the order was not released until after the deadline for when pre-filed direct testimonies were due. The time remaining before the adjudicative proceedings commence does not allow for a response to the Subcommittee's order. For example, IWA intends to file a motion for reconsideration; other parties may be considering the same.

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<sup>1</sup> The Subcommittee's July 11, 2012 Order amended the schedule.

3. In addition, several of the pending data requests resolved by the Subcommittee's August 22 Order involved information of significant relevance to the parties. The only remaining opportunity for the parties to file responsive testimony is September 5, 2012 when supplemental testimony is due. Introducing new information<sup>2</sup> this late in the process could result in the parties being less prepared for the hearings which might further delay and disrupt the process.

4. We recognize that late filings have occurred in other proceedings before the Site Evaluation Committee, (Ex: *High Elevation Mitigation Settlement Agreement, Granite Reliable Power, LLC Docket No. 2008-04*). This case differs in that the parties established the information they needed during the agreed-upon discovery period and clearly relied on receiving timely responses to their data requests. Delays in the process were outside the control of the parties. Enlarging the schedule to permit the parties time to respond to the Subcommittee's August 22 Order is fair and appropriate. Doing so will not interfere with the orderly and efficient conduct of the proceeding. The public will also be assured that any resulting certification, should the Project be approved, will be based on the best available data.

5. In order to allow for the fair and full development of an evidentiary record in this docket and to ensure the orderly and efficient conduct of the proceeding, we respectfully ask that this honorable Subcommittee:

- A. Postpone the hearings scheduled to begin September 10, 2012 until a date no earlier than October 15, 2010;
- B. Propose necessary adjustments to the procedural schedule to allow a reasonable time for the parties to fully examine new information prior to submitting supplemental testimony, including the possibility of a third technical session;
- C. Grant such further relief as it deems equitable and appropriate.

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<sup>2</sup> New information might include pre-operational background sound data collected on behalf of Counsel for the Public, visual simulations prepared by parties other than the Applicant or Counsel for the Public, as well as information addressing the technical, financial, and managerial capacity of the Applicant to construct and operate the facility.

Respectfully submitted.

Date this day of August 27, 2012

INDUSTRIAL WIND ACTION GROUP

By:

A handwritten signature in black ink, appearing to read 'Lisa Linowes', with a long horizontal stroke extending to the right.

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Lisa Linowes

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IWA received assents on this motion from the following parties: Counsel for the Public, Co-intervenors Robert L. Edwards and Mary E. Allen, and the North Branch Group. The Harris Center for Conservation Education neither supports nor opposes this motion. No other parties responded to a request for assent.

cc: SEC Docket 2012-01