

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2012-01

**Re: Application of Antrim Wind Energy, LLC for a Certificate of Site
and Facility for a Renewable Energy Facility Proposed to be
Located in Antrim, Hillsborough County, New Hampshire**

October 3, 2012

**PROCEDURAL ORDER ON THE APPLICANT'S CONTESTED
MOTION FOR CLARIFICATION AND
MOTION FOR PROTECTIVE TREATMENT**

In this docket, an Application for a Certificate of Site and Facility was filed on January 31, 2012. Subsequent to the acceptance of the Application, consistent with various Procedural Orders, the parties undertook a course of discovery. The discovery consisted of written data requests (interrogatories) and in-person technical sessions where witnesses were made available to all of the parties for questioning with respect to their pre-filed testimony. The discovery process in this case has generated considerable litigation. I have previously noted that more than 22 pleadings were filed with respect to the discovery process. I have now issued two Orders pertaining to discovery disputes.

On September 25, 2012, Counsel for the Public filed a pleading entitled "Notice of Intent to Disclose Redacted Report." That pleading was made available to all the parties in this case. In the Notice of Intent, Counsel for the Public notified the parties that he would be providing them with a redacted copy of a report prepared by his consultant, Deloitte Financial Advisory Services (Deloitte). Counsel for the Public also advised that the redacted version would be disclosed to the parties on September 26, 2012, unless the Applicant files a Motion for a Protective Order before that time. Apparently, subsequent discussion between Counsel for the Public and the Applicant led to an extension of the deadline to file a Motion for Protective Order. Among the issues is the degree of redaction proposed by Counsel for the Public.

On October 1, 2012, the Applicant filed a pleading entitled "Contested Motion for Clarification of 8/22/12 Protective Order or, in the Alternative, Motion for Protective Order and Motion for Protective Treatment of Unredacted Deloitte Report". In its motion, the Applicant requests that we grant the following forms of relief:

1. An order clarifying that the capacity factor information disclosed to Deloitte is protected from disclosure under the Protective Order issued in the Committee's August 22, 2012 Order on Outstanding Motions; and,

2. A protective order protecting the capacity factor information and the pages of the report marked confidential, such that Counsel for the Public may not release such information to the parties by way of the redacted report; and,

3. A protective order safeguarding the unredacted report (which contains information that is protected by the Committee's August 22, 2012 Order) from disclosure to anyone other than Counsel for the Public.

Each prayer for relief contained within the Applicant's pleading addresses a separate aspect related to the filing of the Deloitte report.

The adjudicative proceedings in this matter are scheduled to commence on October 29, 2012. The relief requested in the motion must be resolved with sufficient time for the parties to properly be prepared for the upcoming adjudicatory proceeding. Therefore, pursuant to N.H. Code of Administrative Rules, Site 202.15 and Site 202.14(f), I determine that allowing the full 10 days to object to the Applicant's motion may cause undue delay in these proceedings and, therefore, determine that all objections to the motion shall be filed by e-mail with the Secretary to the Committee, Jane Murray, with copies of the e-mail to the Applicant, Counsel for the Public and all other intervenors by Tuesday October 9, 2012.

SO ORDERED, this third day of October, 2012.


Amy L. Ignatius, Vice Chairman (KMS)
Presiding Officer
N.H. Site Evaluation Committee