



July 4, 2013

The Honorable Amy L. Ignatius, Vice Chairman
New Hampshire Site Evaluation Committee
c/o New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095

Re: Docket No. 2012-01 Application of Antrim Wind LLC

Dear Vice Chairman Ignatius:

Enclosed, please find the Industrial Wind Action Group, Inc.'s objection to Antrim Wind LLC's motions to strike late-filed submissions by Katharine E. Sullivan and the Gregg Lake Association.

If you have any questions, please do not hesitate to contact me by phone at 603-838-6588 or e-mail at llinowes@windaction.org.

Sincerely,

Lisa Linowes
for the Industrial Wind Action Group

cc: Parties to Docket 2012-01

**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).)

**OBJECTION OF INDUSTRIAL WIND ACTION GROUP TO APPLICANT'S CONTESTED
MOTIONS TO STRIKE LATE-FILED SUBMISSIONS BY KATHARINE E. SULLIVAN AND
THE GREGG LAKE ASSOCIATION**

The Industrial Wind Action Group ("IWA") through its representative, Lisa Linowes, hereby objects to the Applicant's Contested Motions to Strike¹ post-hearing submissions made by Katharine E. Sullivan and the Gregg Lake Association ('GLA' or 'Association'). In support of this objection, IWA respectfully represents as follows:

1. The Applicant argues that the Subcommittee should strike Ms. Sullivan's June 19, 2013 letter from the record since it was late-filed and cannot be considered as "public comment" because Ms. Sullivan was an inveneror to the proceedings. The Applicant also complains that Ms. Sullivan failed to follow Attorney Iacopino's instructions by communicating directly with Subcommittee members.
2. The Applicant similarly insists that the GLA's June 28, 2013 letter be rejected since it was late-filed and cannot be considered as "public comment" because the GLA was granted inveneror status. The Applicant also complains the GLA failed to comply with N.H. Admin. R. Site 202.07 in not serving "copies of the motion [*sic*]" upon the Applicant.
3. Ms. Sullivan's letter, which begins "Though I had to drop out of the hearings due to health issues ..." , makes clear she was not a participating inveneror. Ms. Sullivan informed the Subcommittee through Attorney Iacopino that she was unable to participate. The Subcommittee's April 25 Order denying the Application acknowledges Ms. Sullivan's petition to intervene but makes no mention of her beyond that. (*See Decision And Order Denying Application For Certificate Of Site And Facility 4/25/13 at 6*) It would appear the Subcommittee did not consider Ms. Sullivan to be an inveneror when drafting its order. Ms. Sullivan, however, is a member of the public and, consistent with the Subcommittee's May 16, 2013 order, has the right to present public comment to the Subcommittee.

¹ The motion to strike Ms. Sullivan's letter was dated June 25, 2013. The motion to strike the Gregg Lake Association letter was dated July 2, 2013.

4. The Applicant refers to no law that grants the Subcommittee the power to strike individual documents simply because they were submitted directly to the members. We agree it is more efficient and appropriate for the Subcommittee to receive information from one source and in an organized fashion but failure to follow this process is not automatic grounds for losing the right to be heard. The letter was copied to all parties and, thus, was not an ex-parte communication.

5. The Gregg Lake Association was permitted late intervention limited to the right of cross-examination and to present arguments on the Application. Like, Ms. Sullivan, the GLA did not participate in the proceedings. (*See Decision And Order Denying Application For Certificate Of Site And Facility 4/25/13 at 7 and 18*)

6. Even if we accept that Ms. Sullivan and the GLA retained their intervenor statuses, the letters in question cannot be construed as formal objections to the Applicant's motion for rehearing. Neither Ms. Sullivan nor the GLA proffers legal arguments for why the Applicant's request should be disapproved. Without parsing each sentence, the letters' contents and formats are consistent with other public comment received by the Subcommittee and should be categorized as such. We are not aware of any procedural rules strictly prohibiting intervenors from submitting public comment.

WHEREFORE, in view of the foregoing, IWA respectfully requests that the Subcommittee deny the Applicant's motions to strike the letters by Ms. Sullivan and the GLA and to permit the letters to remain in the record as 'public comment'.

Dated this day of July 4, 2013

INDUSTRIAL WIND ACTION GROUP

A handwritten signature in black ink, appearing to read 'Lisa Linowes', with a stylized, sweeping flourish extending to the right.

Lisa Linowes

cc: Parties to Docket 2012-01