

**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**

**ORDER ON APPLICANT'S MOTIONS TO STRIKE
INTERVENOR GREGG LAKE ASSOCIATION'S AND INTERVENOR SULLIVAN'S
LATE-FILED SUBMISSIONS**

September 6, 2013

On May 2, 2013, a duly appointed Subcommittee of the Site Evaluation Committee ("Subcommittee") issued its Decision denying the Application for a Certificate of Site and Facility ("Certificate") filed by Antrim Wind Energy, LLC ("Applicant"). The Applicant sought to construct and operate a renewable energy facility ("Facility" or "Project") consisting of not more than 10 wind turbines each having a nameplate capacity of not more than 3 megawatts ("MW") for a total nameplate capacity of 30 MW to be located in the Town of Antrim, Hillsborough County, New Hampshire ("Site").

On June 3, 2013, the Applicant filed a Motion for Rehearing and Motion to Reopen the Record. On June 19, 2013, the intervenor, Katharine E. Sullivan, forwarded a letter to the Subcommittee urging the Subcommittee not to reconsider its position as requested by the Applicant. On June 25, 2013, the Applicant filed a Motion requesting the Subcommittee to strike Ms. Sullivan's submission.

On June 28, 2013, another intervenor, the Gregg Lake Association ("Association"), forwarded a letter to the Subcommittee requesting the Subcommittee not to modify its Decision and not to reopen the record as requested by the Applicant on June 3, 2013. On July 2, 2013, the Applicant Submitted a Motion to Strike Gregg Lake Association's late-filed submission. In its Motions to Strike, the Applicant asserts that the Association's and Ms. Sullivan's letters constitute untimely objections to the Applicant's Motion for Rehearing and Motion to Reopen the Record. The Applicant further asserts that the letters cannot and should not be considered by the Subcommittee as public comments as they were filed by intervenors participating in this docket. Consequently, the Applicant requests that the Subcommittee strike the letters submitted by the Association and Ms. Sullivan from the record of this proceeding.

The Subcommittee received three Objections to the Applicant's Motions to Strike: (i) the Industrial Wind Action Group's Objection (July 4, 2013); (ii) Counsel for the Public's Objection (July 5, 2013); and (iii) a joint Objection filed by Robert. L. Edwards and Mary E. Allen ("Edwards/Allen"), Richard Carey Block, Lorraine Carey Block, Annie Law, Robert A. Cleland, Elsa Voelcker, James Hankard, Samuel E. Apkarian, and Michele D. Apkarian ("North Branch

Residents”), and Janice Longgood, Mark J. Schaefer, Brenda Schaefer, Nathan Schaefer, and Clark Craig Jr. (“Abutters”) (July 9, 2013).

In his objection, Counsel for the Public requests the Subcommittee to waive its filing requirements pursuant to NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 202.15 and allow late submissions by the Association and Ms. Sullivan.


Both Association and Ms. Sullivan were granted the status of intervenors in this proceeding. See, Order on Outstanding Motions (Aug. 22, 2012); Order on Motion to Intervene (May 18, 2012). Ms. Sullivan filed her correspondence with the Subcommittee sixteen days after the Applicant filed its Motion for Rehearing. The Association’s correspondence was filed 25 days after the Applicant filed its Motion for Rehearing. Both filings were untimely and, therefore, are stricken. Neither Ms. Sullivan nor the Association offered any reason justifying the lateness of the submissions.

Counsel for the Public also requests that we allow the untimely filing pursuant to NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 202.15. Allowing the late filing would not be in the public interest as required by NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 202.15 (a)(2). The intervenors knew about the Applicant’s request and, without just cause, failed to file their comments in a timely manner.

Having considered the Applicant’s Motion to Strike Intervenor Gregg Lake Association’s Late-Filed Submission and the Applicant’s Motion to Strike Intervenor Sullivan’s Late-Filed Submission, it is hereby ordered that the Motions are **GRANTED** and Gregg Lake Association’s and Ms. Sullivan’s submissions shall be stricken from the record.

SO ORDERED.

Dated: September 6, 2013



Amy Ignatius, Vice Chair, SEC
Chairman, Public Utilities Commission