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**STATE OF NEW HAMPSHIRE**

**SITE EVALUATION COMMITTEE**

**January 10, 2013** - 11:24 a.m.  
Berlin City Hall  
168 Main Street  
Berlin, New Hampshire

In re: **SEC DOCKET NO. 2012-03**  
**JERICHO MOUNTAIN WIND PROJECT:**  
*Motion for Declaratory Ruling*  
*by Atlantic Design Engineers,*  
*Inc., on Behalf of Jericho*  
*Power, LLC. (Public Meeting)*

**PRESENT:**

**SITE EVALUATION COMMITTEE:**

Cmsr. Thomas S. Burack  
(Presiding as Chairman of SEC)  
  
Chrmn. Amy L. Ignatius  
(Vice Chairman of SEC)  
  
Acting Cmsr. Philip Bryce  
Asst. Cmsr. Jeffrey Brillhart  
Acting Director Craig Wright  
Cmsr. Robert R. Scott  
Cmsr. Michael D. Harrington  
Director Elizabeth Muzzey  
Randall Knepper, Dir./Safety  
(Designated as PUC Engineer)

N.H. Dept. of Environmental  
Services  
  
N.H. Public Utilities Comm.  
  
DRED & Div. of Parks & Rec.  
Department of Transportation  
DES - Air Resources Division  
N.H. Public Utilities Comm.  
N.H. Public Utilities Comm.  
DHR - Div. of Cultural Res.  
N.H. Public Utilities Comm.

Counsel for the Committee:

Michael J. Iacopino, Esq.

Counsel for the Public:

K. Allen Brooks, Esq.  
Senior Asst. Atty General  
Department of Justice

Counsel for the Applicant:

Lindsay E.T. Deane  
Gordon L. Deane  
(Palmer Capital)

COURT REPORTER: Steven E. Patnaude, LCR No. 52

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**P R O C E E D I N G**

1  
2 CHAIRMAN BURACK: Good morning, ladies  
3 and gentlemen. My name is Tom Burack. I serve as  
4 Commissioner of the New Hampshire Department of  
5 Environmental Services. And, in that capacity, by  
6 statute, I also serve as Chair of the New Hampshire Site  
7 Evaluation Committee. I will be the presiding officer in  
8 the matter scheduled before the Committee today. And, we  
9 are here today for a public meeting of the New Hampshire  
10 Site Evaluation Committee. The Site Evaluation Committee  
11 is established by RSA 162-H. The membership of this  
12 Committee includes the Commissioners and Directors of a  
13 number of State agencies, as well as specified key  
14 personnel from various State agencies.

15 And, at this point, I would like to ask  
16 all of the other members of the Committee who are here  
17 today present at this meeting to please introduce  
18 themselves, starting to my right.

19 DIR. MUZZEY: Hello. My name is  
20 Elizabeth. And, I serve as Director of Historical  
21 Resources, in the Department of Cultural Resources.

22 MR. KNEPPER: My name is Randy Knepper.  
23 I am with the Public Utilities Commission. And, I serve  
24 as the Director of Safety.

1 VICE CHAIRMAN IGNATIUS: I'm Amy  
2 Ignatius. I'm Chairman of the Public Utilities  
3 Commission, and, in that capacity, also serve as Vice  
4 Chairman of the Site Evaluation Committee.

5 CMSR. HARRINGTON: Mike Harrington,  
6 Commissioner on the Public Utilities Commission.

7 DIR. WRIGHT: Craig Wright, Acting  
8 Director for the Air Resources Division, Department of  
9 Environmental Services.

10 CMSR. SCOTT: Bob Scott, Commissioner  
11 with the Public Utilities Commission.

12 CMSR. BRYCE: Phil Bryce, Director of  
13 Parks and Acting Commissioner of DRED.

14 MR. BRILLHART: Jeff Brillhart,  
15 Assistant Commissioner with the Department of  
16 Transportation.

17 CHAIRMAN BURACK: Thank you, all. And,  
18 to my immediate right is Michael Iacopino, who serves as  
19 legal counsel to the Site Evaluation Committee for the  
20 purposes of this matter before us today. I'm going to  
21 turn things now over to Chairwoman Ignatius of the Public  
22 Utilities Commission for something they have to do, to  
23 designate Mr. Knepper as the engineer in this proceeding.

24 VICE CHAIRMAN IGNATIUS: Thank you, Mr.

1 Chairman. RSA 162-H:3 designates who -- or, identifies  
2 the members of the Site Evaluation Committee. And, it  
3 requires all three Commissioners of the PUC, as well as a  
4 Staff engineer designated by the Commissioners to serve on  
5 the Committee. At the beginning of the proceeding this  
6 morning, we took a vote just among the three Commissioners  
7 to designate Randall Knepper, who is the Director of our  
8 Division of Safety, to participate in the Site Evaluation  
9 Committee proceedings today. So, I just want to note that  
10 on the record.

11 CHAIRMAN BURACK: Okay. Thank you. You  
12 don't feel you need to have a separate motion or vote  
13 again on this?

14 VICE CHAIRMAN IGNATIUS: No. I think  
15 that was a vote for the proceedings today, and not  
16 specific to that one case. So, I think we're fine. He is  
17 designated as our Staff engineer to participate.

18 CHAIRMAN BURACK: Thank you very much.  
19 So, I note that we have the necessary quorum of the  
20 Committee to conduct business. The agenda for today's  
21 public meeting, as publicly noticed, includes two parties.  
22 In Docket Number 2011-01, which was referenced a moment  
23 ago by Chairwoman Ignatius of the Public Utilities  
24 Commission, and which matter we just completed. We

1 considered the Motion of Berlin Station, LLC, to amend the  
2 Certificate of Site and Facility that was originally  
3 issued in that docket on November 8, 2010.

4 Now, in Docket 2012-03, we will consider  
5 a Motion for Declaratory Rulemaking filed by Atlantic  
6 Design Engineers on behalf of Jericho Power, LLC. And, I  
7 will now provide some background regarding that Motion.

8 Again, this is a Motion for Declaratory  
9 Ruling by Atlantic Design Engineers on behalf of Jericho  
10 Power, LLC, which we will refer to simply as the "Motion".  
11 In brief summary, on October 3, 2012, Atlantic Design  
12 Engineers, Inc., on behalf of Jericho Power, LLC, whom we  
13 will refer -- who will be referred to as the "Applicant",  
14 filed with the Committee a Request for Motion for  
15 Declaratory Ruling, pursuant to New Hampshire Code of  
16 Administrative Rules, Site 203.1.

17 The Applicant seeks to construct a wind  
18 energy facility, which we will refer to as the "Facility",  
19 consisting of up to three turbines on the western slope of  
20 Jericho Mountain, in Berlin, New Hampshire, Coos County.  
21 The Applicant anticipates that the Project will have a  
22 rated capacity between 4.95 and 8.55 megawatts. The  
23 Applicant requests the Committee to issue an order stating  
24 that the Committee's review of and jurisdiction over the

1 Project would not be required.

2 Pursuant to RSA 162-H:2, XIII, a wind  
3 energy facility is considered to be a "renewable energy  
4 facility". A renewable energy facility that has a rated  
5 nameplate capacity of at least 30 megawatts is  
6 automatically subject to the provisions of RSA 162-H and  
7 the jurisdiction of the Committee. RSA 162-H:2, XII, also  
8 provides that a renewable energy facility with a nameplate  
9 capacity of less than 30 megawatts, but greater than  
10 5 megawatts, may be subject to the Committee's  
11 jurisdiction either through a petition process or on the  
12 Committee's own motion. The Applicant asks that the  
13 Committee vote not to exercise jurisdiction on its own  
14 motion.

15 In support of its request, the Applicant  
16 points to the following factors: (1) The Applicant  
17 reports that it has had favorable discussions with Berlin  
18 City Planner, Pamela Laflamme. (2) The Applicant reports  
19 that no wetlands will be disturbed by construction of the  
20 Project. (3) The Applicant reports that it is currently  
21 in the process of obtaining an Alteration of Terrain  
22 Permit from the Department of Environmental Services, a  
23 Driveway Permit from the Department of Transportation, and  
24 that the Project is under review by the Division of



1 Historical Resources. (4) The Applicant reports that the  
2 Project is undergoing a Surplus Land Review to obtain an  
3 easement for access to the site through Jericho Mountain  
4 State Park. (5) The Applicant reports that the Federal  
5 Aviation Administration has issued determinations that the  
6 Facility will not be a hazard to aviation traffic, subject  
7 to subsequent review once the final sizing and location of  
8 the turbines have been determined. (6) The Applicant  
9 also asserts that the closest residences are more than one  
10 mile from the proposed Facility. (7) The Applicant  
11 further asserts that the Project is relatively small, has  
12 comparatively minimal impacts, and is consistent with and  
13 meets the intent of Proposed Wind Power Siting Guidelines  
14 that were forwarded to the New Hampshire Energy Policy  
15 Committee on May 29, 2007.

16 Notice of this hearing was issued by the  
17 Committee on December 10, 2012. Notice was posted on the  
18 Committee's website. Notice was published in the Union  
19 Leader, a newspaper of statewide circulation, on Friday,  
20 December 14, 2012, and, in the Berlin Daily Sun, a  
21 newspaper with circulation in Coos County, on December 13,  
22 2012. A display advertisement noticing this hearing was  
23 also published in the Berlin Daily Sun on December 13,  
24 2012. And, an affidavit attesting to publication was

1 filed with the Committee.

2 The notice of this hearing designated  
3 the date of January 3, 2013 for the filing of Motions to  
4 Intervene in the proceeding. To date, no motions have  
5 been filed. As always, the Committee accepts written  
6 public comment through the conclusion of any proceeding.  
7 The only additional filing that we have received in this  
8 docket is a copy of a letter from the Division of  
9 Historical Resources concurring with the Applicant's Phase  
10 IB End-of-Field letter and determining that there are no  
11 known properties of archeological significance within the  
12 Project area.

13 The matter before the Committee today is  
14 whether to grant or deny the relief requested in the  
15 Motion for Declaratory Ruling. More specifically, the  
16 Committee is called upon to determine whether it will  
17 exercise jurisdiction over the Facility on its own motion.  
18 The authority for this hearing is found in RSA 162-H:2,  
19 VII, Section (g) and XII. Pursuant to the statute, the  
20 Committee shall determine whether the Facility requires a  
21 Certificate of Site and Facility consistent with the  
22 findings and purposes set forth in RSA 162-H:1.

23 We will begin by taking appearances in  
24 this matter. We will then allow the Applicant the

1 opportunity to describe the Project and explain the basis  
2 for the Motion. When the Applicant has concluded its  
3 presentation, we will entertain questions from the  
4 Committee members. Following the questions from the  
5 Committee, we will then hear public comment, if there be  
6 any. At that point, the Committee will determine whether  
7 it should proceed to deliberate on the Motion today. If  
8 we do proceed to deliberations today, the deliberations  
9 will be conducted in public and transcribed verbatim, just  
10 like the rest of the hearing.

11 I will also note that it is quite cold  
12 in this room. And, if any members of the public or  
13 members of the Committee feel the need to put their winter  
14 coats on, they're certainly most welcome to do so.

15 And, with that, we'll now proceed to  
16 take appearances. Please proceed.

17 MS. DEANE: Thank you, Mr. Chairman, and  
18 thank you, Site Evaluation Committee, for having us here  
19 today to present on our Project, Jericho Power, LLC, for a  
20 wind project up on Jericho Mountain, in the City of  
21 Berlin.

22 CHAIRMAN BURACK: Would you please state  
23 your name for the record and the name of the gentleman  
24 sitting with you.

1 MS. DEANE: Yes. Sorry. I am Lindsay  
2 Deane, and this is Gordon Deane.

3 CHAIRMAN BURACK: And, you are both with  
4 Atlantic Design Engineers?

5 MS. DEANE: We are -- we are both with  
6 Jericho Power, LLC.

7 CHAIRMAN BURACK: Very good. Thank you.  
8 You're welcome to proceed.

9 MS. DEANE: Thank you. As requested  
10 earlier, Mr. Chairman, is it still appropriate to share an  
11 updated Permitting Matrix with the Committee?

12 CHAIRMAN BURACK: Thank you. So, you  
13 have a document that you say is an "updated Permitting  
14 Matrix"?

15 MS. DEANE: Yes.

16 CHAIRMAN BURACK: What we will do is we  
17 will mark this as "Exhibit 1" in this proceeding.

18 (The document, as described, was  
19 herewith marked as **Exhibit 1** for  
20 identification.)

21 CHAIRMAN BURACK: And, if you want to  
22 distribute copies, --

23 MS. DEANE: Yes.

24 CHAIRMAN BURACK: -- that would be

1 wonderful. Thank you.

2 MS. DEANE: Okay.

3 (Ms. Deane distributing documents.)

4 MS. DEANE: Since we filed our original  
5 letter to the Site Evaluation Committee, we've been doing  
6 and continuing the permitting process. And, that is --  
7 mostly is what is reflected on the Permitting Matrix. We  
8 are happy to announce that since then we've actually  
9 received more approvals. The last few days we've been up  
10 in Berlin, meeting with both the Planning Board and the  
11 Zoning Board of Adjustment, to approve our new site plan  
12 that we hope to move forward with.

13 So, about the Project. We're here to  
14 provide you with an overview, discuss how we believe we're  
15 in compliance with the Proposed Wind Power Siting  
16 Guidelines, and any questions that the Committee may have.  
17 And, then, of course, request the motion for the  
18 declaratory ruling.

19 As mentioned in our original letter and  
20 as cited by Mr. Chairman, we anticipate the size to be  
21 three turbines, between 4.95 and 8.55 megawatts.  
22 Connecting to the Public Service of New Hampshire, selling  
23 power to the New Hampshire Cooperative, as well as others,  
24 through power purchase agreements, selling renewable

1 energy certificates to New Hampshire Electric Cooperative,  
2 as well as others. The final details in the plan will be  
3 finalized after going through the process with PSNH,  
4 Public Service of New Hampshire, and ISO-New England.

5 CHAIRMAN BURACK: Ms. Deane, I'm going  
6 to interrupt you here for just a moment, a couple of  
7 things. First, procedurally, I'm going to request that,  
8 as soon as possible following this proceeding, that you  
9 provide us with a hard copy of all of the slides. We will  
10 mark that as "Exhibit 2" in this record.

11 (The document, as described, was  
12 herewith marked as **Exhibit 2** for  
13 identification.)

14 CHAIRMAN BURACK: Also, a question for  
15 you, Mr. Patnaude. Would it be helpful to you, would you  
16 like to turn around and face the screen? You're okay?

17 MR. PATNAUDE: I'm okay right now.

18 CHAIRMAN BURACK: Okay. Very good.

19 MS. DEANE: Thank you.

20 CHAIRMAN BURACK: Thank you. Please  
21 proceed.

22 MS. DEANE: So, the Project timeline,  
23 for those who may be not knowing of this, this project  
24 site was previously developed as a wind power site.

1 Loranger Power, back in 2006, installed three wind  
2 turbines at the site. So, it's been previously developed.  
3 It already has transmission lines running to the site. In  
4 2008, those turbines were decommissioned. In 2009, the  
5 local boards in the City of Berlin approved an updated  
6 project for Jericho Mountain Wind Company. In 2011,  
7 Jericho Mountain Wind Company approached Palmer, which is  
8 our management corporation, which is managing Jericho  
9 Power, LLC, to help with the financing and development.

10 Jericho Power, LLC, since 2011, is  
11 completing its due diligence, working on the required  
12 permits and approvals, and our intention is to complete  
13 interconnection studies, construct, and be in operation in  
14 2013.

15 This is the site plan of the Project.  
16 So, the Project property is outlined in yellow. The City  
17 of Berlin is on this side, in red. And, the next slide  
18 will show you the placement of the turbines. We think  
19 this is a good site, because of the distance between the  
20 turbines and the residences. It's over 7,500 feet from  
21 the nearest turbine to the nearest building along Route  
22 110. It's also 8,300 feet from the nearest turbines to  
23 buildings in the downtown area.

24 As was mentioned in our original --

1 MR. KNEPPER: Excuse me. Could you go  
2 over those distances again?

3 MS. DEANE: Yes. 7,500 feet to the  
4 buildings at Route 110, so, along this corridor. And,  
5 then, 8,300 feet to the buildings in the downtown area, to  
6 the nearest building.

7 All right. Sorry. And, so, while we're  
8 here, as you can see, our plan is to come through the  
9 forest, the State Forest land. And, when we originally  
10 filed our letter, we had not completed the Surplus Land  
11 Review. Right now, that is in front of the Attorney  
12 General, in terms of a lease. So, we're working on  
13 finalizing that lease agreement. Where, in return for  
14 letting us have an easement on their property, we will  
15 have an easement -- they will be allowed the easement for  
16 snowmobiling tracks on the Jericho Mountain property.

17 Also, since this letter was filed, we  
18 have received the Alteration of Terrain Permit. We have  
19 received approval and the bonding language that will be  
20 used for the New Hampshire Department of Transportation  
21 Driveway Permit. As you mentioned earlier, we have  
22 received approval from the New Hampshire Department of  
23 Historical Resources. And, we've also received updated  
24 approvals from the FAA, the Federal Aviation



1 Administration, for the three turbines where they are  
2 located on the site plan, as well as for the increased  
3 elevations up to 500 feet at the tip, which was approved  
4 by the Zoning Board yesterday and the Planning Board the  
5 previous day; both Boards approved those changes  
6 unanimously.

7           Because of this, we think that we fall  
8 under the general guidelines for appropriately sited  
9 projects, with local community support. We also believe  
10 that, because of the distance from the turbines to the  
11 closest residences, that we are complying in terms of we  
12 are not degrading the quality of life for the local  
13 residents. I'm just citing a few. As we state in our  
14 letter, we think that we fall under all of these.

15           We finished our avian study. We are --  
16 we've gone through all of the steps for permitting of the  
17 rest of these. We recently did visual simulations for the  
18 City of Berlin, which is part of our Planning Board and  
19 Zoning Board of Adjustment decisions. In terms of the  
20 necessary infrastructure, both the access through the  
21 State Park land, as well as the transmission lines already  
22 on-site. And, the site, as I mentioned, was previously  
23 altered by humans, as it was already a wind site.

24           So, in conclusion, we believe that our

1 Project meets the stated guidelines. That we do have  
2 strong community support, as we have no intervenors that  
3 have filed as of today. And, that we're well underway to  
4 completing our permitting, which is why I presented you  
5 with the updated Permitting Matrix. And, that our intent  
6 is to complete construction by the end of this year.

7 So, we're respectfully requesting that  
8 the New Hampshire Site Evaluation Committee accepts and  
9 approves our Petition for Declaratory Ruling to ensure the  
10 Project can stay on track. And, we're happy to answer any  
11 questions that anyone may have about the Project. And,  
12 thank you for your time.

13 CHAIRMAN BURACK: For purposes of the  
14 record, I think it probably best, Ms. Deane and Mr. Deane,  
15 if we put you both under oath, if that's acceptable to  
16 you. If you would just take -- and, I think, again, it's  
17 very likely that we will ask Pamela Laflamme, who is the  
18 City Planner for the City of Berlin, to also be able to  
19 answer questions as well. So, perhaps we can ask all  
20 three of you to take an oath now.

21 (Whereupon **Lindsay E.T. Deane**,

22 **Gordon L. Deane**, and **Pamela Laflamme**

23 were duly sworn by the Court Reporter.)

24 **LINDSAY E.T. DEANE, SWORN**

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 **GORDON L. DEANE, SWORN**

2 **PAMELA LAFLAMME, SWORN**

3 CHAIRMAN BURACK: Thank you. Questions  
4 now for any of these -- well, we'll start with Mr. and Ms.  
5 Deane. Please go ahead, Commissioner Scott.

6 CMSR. SCOTT: Okay. Thank you. And, I  
7 think it's still morning, good morning.

8 BY CMSR. SCOTT:

9 Q. I was just curious to get a little bit more of the  
10 history. So, the original installation had three  
11 turbines, and then was decommissioned. Obviously, one  
12 of the things we like to know is the viability going  
13 into a project, that we have a good feel for still  
14 being in the future and moving forward --

15 (Court reporter interruption.)

16 BY CMSR. SCOTT:

17 Q. That we like to see that there's good viability for the  
18 future in moving forward for the projects that come  
19 before us. I just was curious if you could elaborate a  
20 little bit on the history, why were those three  
21 turbines decommissioned? What happened?

22 A. (L. Deane) Thank you for your question. So, in terms  
23 of why the previous project was decommissioned, the  
24 previous project developer had difficulties synching

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 his turbines with the grid. So, he was having a hard  
2 time, and kept getting knocked off or knocking the  
3 grid. Which, of course, as I'm sure you can imagine,  
4 was not acceptable to the local utility.

5 Those turbines were also a different  
6 generation of the turbines we're proposing today.  
7 We're proposing having the steel tube structures, which  
8 many people are familiar with at this point. When it  
9 was originally commissioned, they were using the  
10 lattice structures.

11 We also believe that Palmer, as the  
12 Project Manager of this Project, has developed many  
13 alternative energy projects over the years. And, our  
14 record has shown that we are able to not only develop  
15 these projects and finance them, but then maintain them  
16 over time. This is, obviously, a large investment.  
17 We're not planning on putting them up and taking them  
18 down in three years. Our intention is to have them  
19 running for as long as possible, obviously maintaining  
20 them to the best of our ability, working with whoever  
21 we choose as our manufacturer, to also make sure that  
22 they're being maintained, both in terms of, you know,  
23 covering our responsibilities, but as well as making  
24 sure that, for the City, this is a positive Project.

{SEC Docket No. 2012-03} {01-10-13}

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 Q. And, following on with that, so, it's safe to assume  
2 the problems that the original turbines had were not  
3 that there wasn't enough wind resources, for instance,  
4 it was that they were having technical problems with  
5 the turbines, is that correct?

6 A. (L. Deane) Yes. So, since then, the wind data has been  
7 recorded on the mountain, both at our site and nearby.  
8 So, we are confident. And, we've been going through  
9 the formal engineering process with our engineers to  
10 make sure, because, of course, we want to put up wind  
11 turbines where it is windy, if that helps.

12 CMSR. SCOTT: And, a follow-on, if I  
13 may, Mr. Chair?

14 CHAIRMAN BURACK: Please.

15 BY CMSR. SCOTT:

16 Q. So, that -- am I safe to assume there are existing  
17 access roads to those turbines also?

18 A. (L. Deane) The previous owner and developer of the  
19 project accessed the turbines, if you have your map in  
20 front of you, there's a thin yellow stretch that comes  
21 out. That's the transmission line. He accessed his  
22 turbines from that site. That is not our intention.  
23 Our intention is to go through the State Forest lands.  
24 The State Forest lands have been improved since then,

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 in terms of the roads and what is required. And, we,  
2 and our engineers, and our EPC contractor do not  
3 believe it will be feasible to bring this size  
4 equipment up through the transmission line. We have  
5 been working with the State to engineer the roads  
6 appropriately, to make sure that, not only are we being  
7 a good partner to the State, in terms of any updates to  
8 the roads, but also making it so that we can transport  
9 this up to the top of the mountain.

10 CMSR. SCOTT: And, again, Mr. Chair, if  
11 I could?

12 CHAIRMAN BURACK: Please.

13 BY CMSR. SCOTT:

14 Q. In your statement, or I guess it's from Atlantic Design  
15 Engineers, I believe, --

16 A. (L. Deane) Uh-huh.

17 Q. -- I remember reading a statement, there's anticipated  
18 to be no wetlands disruption during construction. Is  
19 that inclusive of any road modifications also?

20 A. (L. Deane) Yes.

21 CMSR. SCOTT: Thank you.

22 CHAIRMAN BURACK: Other questions?

23 Commissioner Harrington.

24 CMSR. HARRINGTON: Yes.

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 BY CMSR. HARRINGTON:

2 Q. I'm a little confused on the map. So, maybe you can  
3 help me out here.

4 A. (L. Deane) Uh-huh.

5 Q. On the map that shows the topographical map, with the  
6 block over Jericho Mountain, and then the long stretch  
7 going out towards the highway.

8 A. (L. Deane) Uh-huh.

9 Q. The long stretch going to the highway, is that the  
10 source, is that the proposed interconnection lines to  
11 the existing transmission?

12 A. (L. Deane) Yes.

13 Q. And, in the sort of a parallelogram block there over  
14 Jericho Mountain, part of that land appears to be in  
15 the White Mountain National Forest, is that correct?

16 A. (L. Deane) I'm sorry, this top --

17 A. (Laflamme) I could answer. It's not.

18 CHAIRMAN BURACK: You're referring to,  
19 on the topo map, --

20 CMSR. HARRINGTON: Yes.

21 CHAIRMAN BURACK: -- the more or less,  
22 well, you described it as a "parallelogram", somewhat  
23 rectangular area, that includes -- appears to include the  
24 summit of Jericho Mountain, where you intend to place the

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 turbines?

2 WITNESS L. DEANE: Yes.

3 CHAIRMAN BURACK: I think what he's  
4 pointing out is, if you look to the left of that, you'll  
5 see it reads "White Mountain National Forest", with some  
6 dotted lines coming in towards that. Does the Forest, in  
7 fact, include this land area that you're proposing to  
8 develop?

9 WITNESS L. DEANE: My understanding is  
10 that this is private property.

11 WITNESS G. DEANE: It's all private  
12 property. Excuse me.

13 CHAIRMAN BURACK: It is all private  
14 property?

15 WITNESS G. DEANE: Yes.

16 WITNESS L. DEANE: Yes.

17 CHAIRMAN BURACK: And, who is the  
18 current owner of the private property?

19 WITNESS L. DEANE: Jericho Mountain Wind  
20 Company, which is a separate entity from us. We are  
21 leasing the land from them.

22 BY CMSR. HARRINGTON:

23 Q. So, you're, again, referring to the parallelogram,  
24 which shows those boundaries, the map is incorrect,



[WITNESSES: L. Deane~G. Deane~Laflamme]

1 because it shows it's within the scope -- looking at  
2 this, it looks like the boundary lines, the dotted  
3 lines for the White Mountain National -- maybe they're  
4 not boundary lines. Maybe you could help me out there.

5 WITNESS LAFLAMME: I can answer that.

6 CHAIRMAN BURACK: Ms. Laflamme, if you  
7 can answer that, that would be helpful. Thank you.

8 **BY THE WITNESS:**

9 A. (Laflamme) The thick black lines coming down on the  
10 left-hand side is actually a result of some bad ortho  
11 topography -- ortho quadrants being put together, for  
12 whatever reason, I don't know if this comes from --  
13 what source, but there's a couple different sources out  
14 there. There's actually the two quadrants coming  
15 together. And, the "White Mountain National Forest"  
16 designation should actually be probably on the other  
17 side -- actually, even further to the west of that  
18 line. It doesn't come close to their property at all.

19 And, they are a private property owner,  
20 surrounded by a property owner, who is also a private  
21 owner, to what would be the south and the east, and to  
22 the State of New Hampshire, through the Department of  
23 Recreation and Economic Development to the north and to  
24 the west.

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 BY CMSR. HARRINGTON:

2 Q. So, I think we can establish then that all of the land  
3 that this is going to be on is on private property --

4 A. (L. Deane) Yes.

5 Q. -- that's owned by the Applicant?

6 A. (Laflamme) No, not by the Applicant, but --

7 A. (L. Deane) No. It's leased by us, from a private --

8 Q. Okay. Leased by you, from the private, okay.

9 MR. IACOPINO: Ma'am, we've had a  
10 request. Could you put that slide back up on the screen?

11 WITNESS L. DEANE: Yes.

12 MR. IACOPINO: There you go. Thank you.

13 DIR. MUZZEY: Well, here's the --

14 BY CMSR. HARRINGTON:

15 Q. And, referring -- okay. That's the one I was referring  
16 to there. You can understand my question. In fact, if  
17 you could go to the next map now please. I have a  
18 question on that. It shows I guess it's proposed  
19 locations of three wind turbines, and then there's this  
20 black line that kind of snakes around and heads to the  
21 left, and then terminates. What does the black line  
22 represent?

23 A. (L. Deane) That is our proposed access road.

24 Q. Oh, that's an access road. Okay. That helps quite a

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 bit. When do you propose to start construction, if, in  
2 fact, you get, you know, the permitting goes forward as  
3 planned?

4 A. (L. Deane) We're hoping to start the construction  
5 process I guess this summer, and then have them erected  
6 in the fall. We also are aware of the weather up here  
7 and the need to try to get that stuff done. We, having  
8 been involved with a project, we're also aware of the  
9 ability to get heavy trucks up the mountain, and the  
10 inability to do that once snow falls.

11 Q. So, with the new Production Tax Credit that was just  
12 approved by Congress, you would qualify for that, and,  
13 given that, you would be starting substantial  
14 construction during the year 2013, is that correct?

15 A. (L. Deane) Yes. That is our intention.

16 Q. And, --

17 CHAIRMAN BURACK: And, I'm sorry.

18 WITNESS L. DEANE: Yes.

19 CHAIRMAN BURACK: Could you speak a  
20 little louder?

21 WITNESS L. DEANE: Yes. That is our  
22 intention.

23 CHAIRMAN BURACK: Thank you.

24 BY CMSR. HARRINGTON:

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 Q. Referring to what Commissioner Scott was kind of  
2 alluding to, in many of these projects we've looked at,  
3 one of our concerns has been someone who gets part way  
4 through a project, maybe does a lot of land clearing,  
5 gets partial construction, and then runs out of money,  
6 for whatever reason, or decides not to go forward with  
7 the project. You mentioned that there was a previous  
8 project on the site. Have those turbines been removed  
9 or are they still there?

10 A. (L. Deane) Most --

11 A. (G. Deane) Yes. The turbines have been removed. I'm  
12 not sure he did a great job of cleaning up that  
13 property. But we'll be taking care of that, as we do  
14 construction, removing any excess material. To answer  
15 the other part of your question, as Lindsay said,  
16 Palmer has been involved in renewable energy. I've  
17 been with Palmer for 31 years. We've done over \$2.2  
18 billion worth of energy financings. This past year,  
19 we've installed three wind turbines for two communities  
20 in Massachusetts. So, we have substantial experience.  
21 And, we don't plan to go into this Project -- we're not  
22 going into this Project with sort of the  
23 seat-of-the-pants approach that Mr. Loranger did when  
24 he built his project back in 2006.

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1 Q. Who would be providing, or if anyone, the financial  
2 guarantee that the Project would be decommissioned at  
3 whatever such time that was required?

4 A. (L. Deane) The Decommissioning Plan and Agreement is  
5 part of our Planning Board and the Zoning Board of  
6 Adjustment conditions.

7 Q. Okay.

8 A. (L. Deane) So, that is something that we have started  
9 speaking about with the City. And, we plan to continue  
10 those negotiations with the City.

11 Q. Okay. I'll follow up with Ms. Laflamme on that. One  
12 other question then. On your filing, Attachment A, you  
13 have a "Proposed Wind Siting Guidelines" from May 29,  
14 2007. You don't cite the source of those. Where are  
15 these guidelines from? Are they the ones that were  
16 developed by the SEC? I'm not -- I'm just trying to --

17 MR. IACOPINO: No. They are on our  
18 website, but they were developed by the New Hampshire  
19 Energy Policy Committee. They had a subgroup who worked  
20 on Wind Siting Guidelines. And, those are the guidelines  
21 that came out of that and were submitted to the Energy  
22 Policy Committee. They have never been formally adopted  
23 as legislation or even as by -- as an administrative  
24 regulation. But Mr. Drew did put them on the website.

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[WITNESSES: L. Deane~G. Deane~Laflamme]

1 CMSR. HARRINGTON: Okay. That's what I  
2 thought the source was. But they never have been approved  
3 by anything or --

4 MR. IACOPINO: Mr. Harrington, I think  
5 they're recognized as not being a complete set of  
6 guidelines, too. There's many areas within them that the  
7 Committee could not come to agreement on, with respect to  
8 various things that stakeholders negotiated or wanted to  
9 negotiate through the process.

10 CMSR. HARRINGTON: And, then, I'll have  
11 some questions on that, both of those, for Ms. Laflamme.  
12 Thank you.

13 CHAIRMAN BURACK: Commissioner Scott  
14 again.

15 BY CMSR. SCOTT:

16 Q. On the, again, Attachment A, I guess, to the Atlantic  
17 Design Engineers document that you submitted, there's  
18 reference to a "scenic overlook" for want of a better  
19 word, of the State Park and the mountains. And, can  
20 you talk about that? What requires that? And, well,  
21 could you just elaborate on that a little please.

22 A. (L. Deane) Our understanding is that, by providing  
23 increased recreational access over the property, and  
24 knowing that this is nearing the top of Jericho

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 Mountain, that we will be not only improving the  
2 current trail system by increasing its length, but also  
3 providing ability for those people using that system to  
4 now have a different vista, which wasn't previously  
5 available.

6 Q. So, just to clarify. So, you're not suggesting you're  
7 going to build additional trails yourself, but that the  
8 improvements that you make will add to the  
9 availability? Is that what you're alluding to or would  
10 the Project be doing something above and beyond what's  
11 required for the three turbines?

12 A. (G. Deane) We are not -- the access trails that we'll  
13 be building will basically be our roads to the  
14 turbines. As part of our agreement with the State for  
15 access to State property, we have provided the State  
16 with, as soon as the document is signed, we're  
17 providing the State with access to the property, in  
18 case the State wants to build any additional trails.

19 Q. Okay. So -- and, again, just so I understand better.  
20 So, will -- again, this references a "scenic overlook".  
21 So, if Joe Public wants to go see the scenic overlook,  
22 will they have access to the road you're talking about?

23 A. (G. Deane) The roads will be accessible, yes.

24 CMSR. SCOTT: Thank you.

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 CHAIRMAN BURACK: Commissioner Ignatius.

2 VICE CHAIRMAN IGNATIUS: Thank you.

3 Just a couple of factual clarifications.

4 BY VICE CHAIRMAN IGNATIUS:

5 Q. In the submission, October 3rd submission to the Site  
6 Evaluation Committee, it says "the project had been  
7 previously approved for...up to four turbines." You've  
8 described three being proposed.

9 A. (L. Deane) Uh-huh.

10 Q. Can you explain the distinction between the four and  
11 the three and what your future plans might be?

12 A. (L. Deane) Our future plans are for the three turbines.  
13 Going through the process of reviewing turbines, as  
14 well as engineering and earthwork requirements to move  
15 and erect a fourth turbine, we decided that it would be  
16 better to not erect a fourth turbine and have more land  
17 work to be done, but to just stay with the three  
18 turbines. That was a decision both through us and also  
19 through looking at the turbine options, and making sure  
20 that we're not siting them in a situation that might  
21 cause turbulence between them or unusual wear and tear  
22 that would decrease the lifetime of those turbines.

23 Q. So, although the City had authorized you to go to four,  
24 your plans are to only use -- to only build three?

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1 A. (L. Deane) Yes. So, this entire authorization has  
2 actually been updated as of this week. And, it's now  
3 for three turbines, at 500 feet. That's at both the  
4 Planning Board and the Zoning Board of Adjustment.

5 Q. Yes. That was going to be my next question. Because  
6 you had said in your presentation "500 feet at the tip  
7 of the blade"?

8 A. (L. Deane) Yes.

9 Q. So, you now have formal approval to go as high as 500  
10 feet?

11 A. (L. Deane) Yes.

12 Q. All right. And, what size -- how many megawatts would  
13 each turbine be?

14 A. (L. Deane) We have looked at many different options.  
15 Right now, our constraining factor is finding out what  
16 we can put on the line from Public Service of New  
17 Hampshire. So, our main focus right now is between the  
18 two and our frontrunner is the two and a half megawatt  
19 turbine. We've also looked at a 2.85. All of these  
20 will come down to what we are told at the end.

21 Q. All right. So, you're awaiting an interconnection  
22 study or something from Public Service or from ISO-New  
23 England, to determine how much power you could put on  
24 the system?

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1 A. (L. Deane) So, we originally filed for an  
2 interconnection last summer, with the intent of having  
3 the Project on line by the end of the year.  
4 Unfortunately, we were then told that the timeline has  
5 changed significantly in the last few years for these  
6 interconnections, and that that was no longer feasible.  
7 Added on is the cost now that would be associated with  
8 upgrading that was not feasible for the smaller project  
9 we were proposing, which at the time was 3.2 megawatts.

10 So, we then withdrew our Application to  
11 rework at it. Of course, increasing the project size  
12 meant more permitting. We've been working on  
13 finalizing that. We are hoping to be able to refile  
14 the interconnection soon. That was all dependent on,  
15 of course, coming up here this week to find out if we  
16 could actually install 500-foot turbines.

17 Q. On a different subject, you've said in your filing that  
18 it looks like you haven't done your own bird and bat  
19 assessments, but the work done for Granite Reliable,  
20 which is 17 miles away, is sort of serving as a proxy?

21 A. (L. Deane) We since then have completed an avian  
22 assessment that we completed in December of 2012. The  
23 only last remaining item on that is scheduling the  
24 meeting with the New Hampshire Fish & Game and the Fish

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 & Wildlife. That has been tried to be scheduled, but  
2 it hasn't been done yet.

3 Q. So, if there were an approval of your request that  
4 there be no -- the Committee would not take  
5 jurisdiction, you would continue to work through those  
6 reviews of the bird and bat studies, with Fish & Game,  
7 and all the other permitting issues that you're working  
8 on, those would continue?

9 A. (L. Deane) Yes.

10 VICE CHAIRMAN IGNATIUS: Thank you.

11 CHAIRMAN BURACK: Thank you.

12 Commissioner Scott.

13 CMSR. SCOTT: This may be my final  
14 question. We'll see how it goes.

15 BY CMSR. SCOTT:

16 Q. Do you have a long-term plans beyond these three  
17 turbines for this area or is this -- or is this part of  
18 a sequence that you may, in the future, look at  
19 expanding? Or, why just three?

20 A. (G. Deane) Excuse me. On this particular piece of  
21 property, and the only plans we currently have, are for  
22 these three turbines. We do know that one of the  
23 neighboring property owners has also had a met tower  
24 up, and has been talking about potentially building a

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1 project. Whether that project goes forward or not, I  
2 can't tell you. But it's not on this property and it's  
3 not our project at this stage.

4 CMSR. SCOTT: Thank you.

5 CHAIRMAN BURACK: Director Muzzey.

6 BY DIR. MUZZEY:

7 Q. In your presentation, you had mentioned there were two  
8 City boards that you were working with. One was the  
9 Planning Board. Could you remind me what the other  
10 board is?

11 A. (L. Deane) The Zoning Board of Adjustment.

12 Q. In that case, can you explain why you need to go before  
13 the ZBA?

14 A. (L. Deane) When this Project was originally permitted  
15 back in 2009, they had received approval from both the  
16 Planning Board and the Zoning Board of Adjustment. So,  
17 when we took the Project over, obviously, we're  
18 following up on those approvals and those conditions.  
19 That would be my best answer. I'm sure Pam might be  
20 able to give you a better reasoning behind that.

21 A. (Laflamme) When the Project was approved in 2009, wind  
22 towers are allowed in that particular zone. At the  
23 time, in 2009, there was a distinction between area and  
24 use variances. And, in an area variance, where a use

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1 is allowed, but may be constrained by dimensional  
2 issues or area issues, in this case it was height, we  
3 have a certain height allowed in that zone. These  
4 towers exceeded that and needed an area variance from  
5 the Zoning Board. We also got a special exception from  
6 the Zoning Board, a couple of special exceptions, for  
7 reasons that escape me right now, really related to --  
8 I believe the City has, in our zoning ordinance, you  
9 must receive a special exception when you're doing an  
10 energy-related project. So, that was one of the  
11 special exceptions they received. And, there might  
12 have been another one or two minor special exceptions.

13 Q. But those are at the Planning Board?

14 A. (Laflamme) The Planning Board and site plan for that,  
15 yes.

16 DIR. MUZZEY: Thank you.

17 WITNESS LAFLAMME: You're welcome.

18 CHAIRMAN BURACK: Yes, Commissioner  
19 Harrington.

20 CMSR. HARRINGTON: Yes.

21 BY CMSR. HARRINGTON:

22 Q. Just getting for a second to the access that you  
23 brought up earlier, that you're going to allow the  
24 public to use the access to some of the other

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1 facilities via the roads that you build. Is it correct  
2 to assume that there would be some access restrictions  
3 in the immediate area of the turbines themselves? So,  
4 you couldn't just cruise right up to them?

5 A. (L. Deane) Yes. That's a good question about the  
6 access. The turbines will be fenced in. So, they will  
7 be enclosed. And, therefore, the public will not be  
8 able to --

9 Q. And, you mentioned that you're going to refile the  
10 interconnection study with ISO-New England, is that  
11 correct?

12 A. (L. Deane) It's with PSNH and ISO-New England, yes.

13 Q. So, when you say "it's with", you have refiled it or  
14 you're going to refile it?

15 A. (L. Deane) We are going to refile it.

16 Q. And, do you think that, since you're not going to be  
17 able to purchase your turbines, I assume, until they  
18 come back and tell you exactly what is acceptable to  
19 synch into the grid there, I'm trying to figure out how  
20 this is all going to happen, if you haven't filed your  
21 interconnection study yet, and yet you're still talking  
22 about completion later on this year, timewise. It  
23 seems a very rosy picture.

24 A. (G. Deane) You know, we have had discussions with

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1 ISO-New England and PSNH on this. And, in fact, as  
2 Lindsay indicated, we had hoped to build this Project  
3 last year, approximately two turbines, at  
4 3.2 megawatts. Because, previously, I don't want to  
5 air dirty laundry here, but PSNH had approved that  
6 installation. When we got involved, they said, you  
7 know, "there won't be any problems with connecting  
8 three megawatts on the 12 kV line, but we want you to  
9 go through the process again and reapply." We  
10 reapplied, immediately came back and said "we're no  
11 longer going to let you connect to the 12 kV line.  
12 You're going to have to connect to the 34 kV line.  
13 And, that's going to be at least a six or \$700,000  
14 cost." We determined at that point in time that the  
15 Project could not sustain that kind of an  
16 interconnection cost for such a small project. And, we  
17 went back and reconfigured the Project. We are -- they  
18 told us at that point in time that they didn't see any  
19 problem with our going up to as much as 10 megawatts on  
20 the line, if we went on the 34 kV line. But we hadn't  
21 finalized our selection of turbines. And, the cost of  
22 doing -- refileing for the interconnection is essential  
23 nowadays. And, I believe they have 45 days to respond,  
24 but it usually takes longer. We were waiting for the

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1 Congress to pass the extension of the PTC. And, we  
2 hope in the next week to engage our engineers and file  
3 for the interconnection study.

4 So, depending on how long ISO-New  
5 England and PSNH takes, it could depend upon what we  
6 can order in terms of turbines, we understand that's  
7 somewhat out of our control.

8 Q. So, I guess I'm just trying to figure your strategy.  
9 And, by the way, the 45 days by ISO is almost never  
10 done, for any project. Your strategy is to propose a  
11 certain -- a specific type of turbine, three of those  
12 on the interconnection, and then have ISO and PSNH come  
13 back and say "okay, if you want to install these  
14 turbines, this is what's going to be required. And, it  
15 may require some upgrades or however you want to  
16 interconnect." Or, are you going to -- I'm just trying  
17 to think of how you're interacting. You're going to  
18 give them specific turbines and --

19 A. (G. Deane) Yes, we are proposing specific turbines.  
20 They want specific turbines. And, that's -- we'll be  
21 making that decision next week --

22 Q. Okay.

23 A. (G. Deane) -- on which turbines to propose.

24 Q. And, so, your goal is to give them that plan and hope



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1 they will get back to you. Will you, at that point, go  
2 forward and start to issue purchase orders for the  
3 turbines or will you wait for the approval of the  
4 interconnection.

5 A. (G. Deane) We will follow the process as well as we  
6 can, with PSNH and ISO-New England. At the stage where  
7 we think they're not going to have a problem putting  
8 that level of power on their transmission lines, we may  
9 very well go ahead and order the turbines. We did this  
10 for our projects down in -- in Fairhaven, before all  
11 the paperwork was done, we worked out a deal with the  
12 turbine supplier, put down a deposit, to make sure that  
13 they could be delivered in a timely fashion.

14 Q. And, do you have a purchase power agreement anywhere  
15 for the output of the power?

16 A. (L. Deane) Yes. We have one power purchase agreement  
17 with the New Hampshire Electric Cooperative. We are in  
18 the middle of negotiating a second power purchase  
19 agreement with a second off-taker for the remainder of  
20 the power. At this time, the figures that they have  
21 given us to work with work with our projections as  
22 well. So, we're confident that we can find a meeting  
23 on that.

24 Q. And, you mentioned that a "Palmer" company. Now,

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1 what's the relationship between the Jericho Mountain,  
2 LLC, and Palmer Company, the Palmer Corporation?

3 A. (G. Deane) Okay. Palmer Management Corporation is a  
4 Sub S Corporation, which I own and I'm the president  
5 of. You may also hear the name "Palmer Capital  
6 Corporation", which is sort of our development arm.  
7 Palmer Management then takes, once a project is moving  
8 forward, Palmer Management takes it under its wing and  
9 does all the financial, accounting, and contract  
10 management of it. So, Palmer Management is the manager  
11 of Jericho Power, LLC.

12 Q. Do they own them or -- I'm trying to figure out, what's  
13 the -- how does the contractual relationship between  
14 the two entities work?

15 A. (G. Deane) Well, currently, I am the sole owner of the  
16 entity which owns Jericho Power, LLC. As we go for a  
17 financing, we will probably be bringing other tax  
18 equity players, as well as bringing in debt. So, a  
19 standard special purpose entity that brings in outside  
20 investors and outside debt.

21 Q. And, when the -- as the Project moves forward then,  
22 will it be Palmer that is then guaranteeing the  
23 completion of the Project? Or, I guess getting back to  
24 kind of the decommissioning part, who is going to be

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1 financially responsible for that?

2 A. (G. Deane) Well, Jericho Power, LLC, will have the  
3 financial responsibility. We will have a turnkey  
4 engineering/procurement/construction contract for the  
5 construction. It will be bonded. We expect to enter  
6 into a three to five year operation and maintenance  
7 agreement and warranty agreements with turbine  
8 suppliers, as we've done at other projects. And, you  
9 know, that's what Palmer Management does for a living,  
10 is we develop and manage these projects.

11 Q. And, who will actually operate the Project once it's  
12 completed then?

13 A. (G. Deane) Initially, we expect it to be the turbine  
14 supplier.

15 Q. The turbine supplier will operate. And, then,  
16 eventually, will it be -- are they going to do that  
17 indefinitely or will it be somebody --

18 A. (G. Deane) Probably not. There are contract operators  
19 out there. I can't tell you who that would be at that  
20 point in time.

21 CMSR. HARRINGTON: Okay. That's all I  
22 had. Thank you.

23 CHAIRMAN BURACK: Thank you. Other  
24 questions by other members? Mr. Knepper.

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1 BY MR. KNEPPER:

2 Q. What was the size of the previous turbines that were  
3 there? And, what was the height, do we know? I'm just  
4 trying to put this in perspective to what -- you don't  
5 know?

6 A. (L. Deane) I'm sorry, I can't recall.

7 A. (Laflamme) I don't remember the size of the turbines.  
8 But the height of each of them, they were all  
9 different, if I remember. So, ranging somewhere  
10 between 180 and 200 feet, for the three of them. Or,  
11 yes, there were three.

12 Q. And, the line that goes from the turbines to I guess  
13 Route 110 is that interconnection line, that was a 12  
14 kV line, and now it's going to be upgraded to a 34 and  
15 a half kV line? Is that what I'm hearing?

16 A. (G. Deane) We will be connecting to Public Service of  
17 New Hampshire on a 34 kV line, at least that's what  
18 they have told us on a preliminary basis, subject to  
19 the interconnection.

20 Q. But is that what I'm looking at, that long yellow area,  
21 that's where the line goes?

22 A. (G. Deane) Yes. And, that's already installed.  
23 There's already poles and line there.

24 Q. Yes. So, they would --

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 A. (G. Deane) They will probably be reconductor --

2 Q. They would either revoltage it or reconductor it to  
3 meet the capacity needs that they -- you would require?

4 A. (G. Deane) Yes.

5 Q. And, so, that cost is going onto you? Okay.

6 CHAIRMAN BURACK: Can you just -- your  
7 answer to that question was "yes"?

8 WITNESS G. DEANE: Yes.

9 CHAIRMAN BURACK: Okay. It's very  
10 important for, the gentleman here is trying to take this  
11 all down, that we not speak on top of each other. You let  
12 somebody complete their question and then answer it.

13 BY MR. KNEPPER:

14 Q. And, am I correct that is what you referred to as the  
15 "transmission line"? That interconnect, that's what  
16 you referred to as a "transmission line"?

17 A. (G. Deane) No. When I'm talking about the  
18 "interconnection", I'm talking about the  
19 interconnection with Public Service of New Hampshire  
20 and what requirements they're going to put on us to  
21 connect to their system. I'm not talking about our  
22 transmission line down to Public Service of New  
23 Hampshire.

24 BY MR. IACOPINO:

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 Q. Well, is the Public Service transmission line featured  
2 on that -- on the photograph in anyplace or could you  
3 get up and show us where it is?

4 A. (L. Deane) That starts around here [indicating]  
5 somewhere.

6 Q. Okay.

7 A. (L. Deane) Our pole line goes down, and then near there  
8 there are Public Service of New Hampshire poles, which  
9 we intend to connect to.

10 BY CHAIRMAN BURACK:

11 Q. So, you own the poles, again, just looking at the map,  
12 all down through that straight line yellow area, down  
13 to close to Route 110. And, then, I gather your line  
14 does not take a left-hand jag and turn left, although  
15 your property lines go that way, your line continues  
16 straight down, toward Route 110, and just on the other  
17 side of your property line it connects to poles that  
18 are PSNH poles?

19 A. (L. Deane) Yes.

20 CHAIRMAN BURACK: Thank you.

21 Ms. Laflamme, you have something you wish to add on this?

22 WITNESS LAFLAMME: Just right on the  
23 other side of Route 110, it's obviously impossible to see,  
24 but if you take where the lines come to a point, go

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1 across, there's actually a PSNH substation right there.

2 That's were there will be the actual connection.

3 CHAIRMAN BURACK: Thank you.

4 WITNESS LAFLAMME: You're welcome.

5 CHAIRMAN BURACK: Other questions?

6 Commissioner Scott.

7 BY CMSR. SCOTT:

8 Q. Just to fill out the record. What is your  
9 understanding of the City's position on your request  
10 that the SEC not take jurisdiction?

11 A. (G. Deane) I'm sorry, are you asking us or --

12 Q. Yes. I want to ask your opinion, excuse me, of your  
13 understanding of the City's position. Has the City  
14 taken a position, to your knowledge?

15 A. (G. Deane) As to whether the SEC should take controls?  
16 I would let the City speak for itself. I have no  
17 opinion on that.

18 CHAIRMAN BURACK: Ms. Laflamme, do you  
19 wish to speak to this now?

20 WITNESS LAFLAMME: We have no issues  
21 with them seeking the judgment that they're seeking today.  
22 We've spent an inordinate amount of time, not just on  
23 their project, but on Jericho Mountain altogether over the  
24 last seven years. We've had various public hearings along

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 the way. We've had lots of opportunity for comments. We  
2 have had lots of different information made available to  
3 us by the different owners along the way. And, we feel  
4 comfortable with the information we've been provided, and  
5 seeing them do a project, and don't see it necessary for  
6 there to be further study or the need for further  
7 research.

8 CHAIRMAN BURACK: Thank you.  
9 Commissioner Ignatius.

10 VICE CHAIRMAN IGNATIUS: Thank you.

11 BY VICE CHAIRMAN IGNATIUS:

12 Q. Mr. Deane, can you describe, in a summary way, some of  
13 the other projects that Palmer has been involved in,  
14 wind projects, their status, operational status, and  
15 whether there have been any compliance issues for any  
16 of those projects?

17 A. (G. Deane) Palmer has completed the development of two  
18 other wind projects. One is a 1,500 kW project for the  
19 Town of Scituate, Massachusetts. It went on line,  
20 passed its witness test on March 29th, and has been  
21 operating well since then.

22 For the Town of Fairhaven,  
23 Massachusetts, we arranged financing and installed,  
24 operate, maintain the two wind turbines next to the



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1 Town's wastewater treatment plant. And, they are two  
2 1,500 kW turbines, identical to the ones in Scituate.  
3 Both on 80 meter towers. They went on line May 1 and  
4 May 3, respectively. They each have their own separate  
5 interconnect as required by NSTAR. In both cases, in  
6 Scituate and Fairhaven, 100 percent of the power is  
7 sold to the municipality and under the net metering  
8 provisions in Massachusetts. That's the extent of our  
9 operating history.

10 Q. And, do you have other projects in the works in other  
11 locations besides this one?

12 A. (G. Deane) We have other people who have come to us, as  
13 did the Jericho Mountain Power Company, to seek help on  
14 financing. As I said, I've been doing this at Palmer  
15 for 31 years. I worked in the government helping  
16 people convert to wood fuel four years before that.  
17 So, we have substantial experience. We have done a  
18 number of maybe 15, 20 landfill gas projects around the  
19 country, working with municipalities. We have arranged  
20 financing for, but did not own or operate, two  
21 wood-fired power plants. We have arranged and we  
22 manage the installation of two solar facilities, one in  
23 Lowell, Massachusetts, and one in Kauai, Hawaii, I have  
24 to go visit once a year.

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1 Q. Sounds pretty good right now. And, any compliance  
2 issues with any of those projects?

3 A. (G. Deane) No.

4 Q. This proposal is quite a bit larger than the Scituate  
5 and Fairhaven project, is it not?

6 A. (G. Deane) It is. Well, it's -- Fairhaven is  
7 3 megawatts. This could be up to 8 and a half,  
8 9 megawatts, yes.

9 Q. Any concern that that scaling up in size will be  
10 different to manage than what you've done in the past?

11 A. (G. Deane) The largest power plant we've actually built  
12 was a 12.3 megawatt project using all of the landfill  
13 gas from the Johnston, Rhode Island Landfill, it's a  
14 state-owned landfill. And, we installed, the -- and  
15 financed and operate and maintain that power plant.  
16 Obviously, it's different technology. We have been  
17 involved in projects as large as 50 megawatts, where we  
18 acquired for the gas rights from the Puente Hills  
19 Landfill, which is owned and operated by the Los  
20 Angeles County Sanitation District, to recover the  
21 methane gas from that landfill. And, then, we sold it  
22 to the -- what they call the District's power plant to  
23 operate. So, we've been involved in quite a few  
24 projects of different sizes. We've managed probably

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1 over a couple hundred million dollars of revenues a  
2 year from different projects.

3 VICE CHAIRMAN IGNATIUS: Thank you.

4 CHAIRMAN BURACK: Other questions?

5 Commissioner Harrington.

6 CMSR. HARRINGTON: Yes. This I guess  
7 would go -- we're asking questions of Ms. Laflamme now, it  
8 sounds like. So, I'll just go ahead and --

9 CHAIRMAN BURACK: Go, go.

10 CMSR. HARRINGTON: -- go with that.

11 BY CMSR. HARRINGTON:

12 Q. On the decommissioning issue, --

13 A. (Laflamme) Yes.

14 Q. -- does the City feel that there's an adequate  
15 decommissioning fund set up to address the possibility  
16 of something happening?

17 A. (Laflamme) Still negotiating that. But our Planning  
18 Board approval does require that that's negotiated and  
19 acceptable to the City Manager and the City Attorney.  
20 So, we have asked them to sit down, once this is  
21 finished, which they have just got their reapproval or  
22 amended approvals the other night. But we suspect that  
23 we will be taking care of that fairly soon. We're  
24 familiar with it, you know, in the sense of using it

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 for cell towers, and we'll take a similar approach, but  
2 it may be a teeny bit different, because it's a bigger  
3 project.

4 Q. Okay. And, on Attachment A to the filing made, there's  
5 a checklist of compliance with Wind Power Siting  
6 Guidelines. Have you reviewed this?

7 A. (Laflamme) Have I reviewed that?

8 Q. Yes.

9 A. (Laflamme) I don't know. I might have. No, maybe I  
10 didn't see this document. Oh, I saw it when she -- in  
11 her slide presentation, yes. Are you looking for  
12 something --

13 Q. No, I'm just wondering if the City has looked at this  
14 and they concur with the conclusions listed here?

15 A. (Laflamme) Yes. And, there again, we just spent the  
16 last two evenings together. And, so, I don't see  
17 anything on here that we were not aware of.

18 CMSR. HARRINGTON: All right. Thank  
19 you. That's all the questions I had.

20 WITNESS LAFLAMME: You're welcome.

21 CHAIRMAN BURACK: Thank you. Other  
22 questions? Mr. Knepper.

23 BY MR. KNEPPER:

24 Q. Has there been anything by the City of Berlin to have a

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 formal vote on this or -- on this Project or anything  
2 that's memorialized that says --

3 A. (Laflamme) There is a formal Planning Board site plan  
4 review decision. There's the one from 2009, which was  
5 just amended. I mean, so, it's not yet available, but  
6 it will be available in the next five days. But we're  
7 welcome to share that with the Committee.

8 Q. Is there anything that has to go before the full City  
9 Council or --

10 A. (Laflamme) No. Nope.

11 Q. So, it's just the Planning Board and the Zoning Board?

12 A. (Laflamme) Yes. Like any development project, we're  
13 treating it the same.

14 CHAIRMAN BURACK: Thank you. Attorney  
15 Iacopino.

16 BY MR. IACOPINO:

17 Q. Let me start with Ms. Laflamme. I take it that your  
18 Planning Board hearings and your Zoning Board of  
19 Adjustment hearings were all open to the public, is  
20 that correct?

21 A. (Laflamme) Yes. Always.

22 Q. And I take it they're all noticed in your local  
23 newspapers and --

24 A. (Laflamme) Newspapers, public buildings, City website.

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 Q. And, if I understand correctly, a condition of the  
2 Planning Board approval for this is the negotiation of  
3 an acceptable decommissioning plan with the City, is  
4 that correct?

5 A. (Witness Laflamme nodding in the affirmative).

6 Q. What agency within the City is negotiating that plan?

7 A. (Laflamme) It will be our City Attorney.

8 Q. Okay. And, who is the -- is it the Mayor and City  
9 Council that sign off on any agreement?

10 A. (Laflamme) No. The last one we just did was signed off  
11 by the City's Attorney for the City.

12 Q. Okay. And, is there any public approval process for  
13 that particular plan? Or, is that just something that  
14 is negotiated?

15 A. (Laflamme) That's just negotiated.

16 Q. Once negotiated, is it a public document?

17 A. (Laflamme) It is a public document.

18 Q. I guess I'll turn to the Applicant now. During the  
19 course of your approvals with the City boards, did I  
20 hear you say that you provided a visual impact  
21 assessment?

22 A. (L. Deane) Yes. So, Pam and the Planning Board have  
23 requested visuals, which I believe I have in here, if  
24 you guys would like to see them?

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[WITNESSES: L. Deane~G. Deane~Laflamme]

1 Q. Okay. I'm not so concerned about what they are. But  
2 they were presented as part of the public hearing  
3 process, is that correct?

4 A. (L. Deane) Yes. They were presented both to the  
5 Planning Board and the Zoning Board of Adjustment.

6 Q. Did you do any kind of noise study to try to project  
7 what the sound levels might be?

8 A. (L. Deane) Yes. And, those were both presented at the  
9 Zoning Board of Adjustment and the Planning Board.

10 Q. Did you get questions about those issues at those --

11 A. (L. Deane) From the members of the Boards, yes.

12 Q. Were the Planning Board meeting and the Zoning Board of  
13 Adjustment meeting attended by the public or was there  
14 much attendance or -- I understand they were open to  
15 the public, but --

16 A. (L. Deane) Yes. We had one public attender at the  
17 Planning Board meeting, and I don't believe we had any  
18 at the Zoning Board of Adjustment meeting.

19 Q. Was there any condition put on your approvals from  
20 either the ZBA or the Planning Board with respect to  
21 issues of either the visual impact or sound levels?

22 A. (L. Deane) No.

23 Q. Okay. You have given us a very nice matrix of the  
24 various permitting that you believe is -- that you must

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 go through in order to proceed with this Project.

2 Thank you for that. And, what I want to just make sure  
3 is, it's my understanding that, at least at the State  
4 agency level, that everything that you have filed with  
5 each of the State agencies that are contained in this  
6 matrix are records that are available to the public  
7 through the State agency, is that correct?

8 A. (G. Deane) We assume so. We assume anything we do with  
9 the State would be a public record.

10 Q. Let me ask the question a different way. Have you  
11 asked for any type of confidential or protective  
12 treatment of any records -- of any documents that have  
13 been filed with any of these State agencies?

14 A. (G. Deane) No.

15 Q. Okay. Could you please tell me, I'm a little bit  
16 confused about the review by the -- for the Surplus  
17 Land Review. Your matrix indicates that it was -- it's  
18 being negotiated with the Attorney General's Office at  
19 this point. Has it already received all of the  
20 approvals from the various boards and agencies? I saw  
21 that you had -- that CORD, you're approved at CORD.  
22 And, it seems as though it was tabled at the Long Range  
23 -- the LRCPUC meeting.

24 A. (L. Deane) Oh.



[WITNESSES: L. Deane~G. Deane~Laflamme]

1 Q. Did I miss something or has it been approved at that  
2 level?

3 A. (L. Deane) Yes. It's been approved. In the middle  
4 column, at the --

5 CHAIRMAN BURACK: What page are you on  
6 of this document?

7 WITNESS L. DEANE: Page 5.

8 CHAIRMAN BURACK: Thank you.

9 **BY THE WITNESS:**

10 A. (L. Deane) So, the reason that it's in front of the  
11 lease agreement -- the lease agreement is in front of  
12 the Attorney General is because it did receive approval  
13 from the Long Range Planning.

14 BY MR. IACOPINO:

15 Q. So, there's no further board or agency that has to  
16 approve it, you just have to negotiate the details with  
17 the Attorney General, is that correct?

18 A. (L. Deane) That's our understanding.

19 A. (G. Deane) Yes.

20 Q. You referenced earlier --

21 MR. IACOPINO: I'm sorry.

22 MR. BROOKS: Just to clarify. It would  
23 have to go to Governor and Council, would have to --

24 (Court reporter interruption.)

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 MR. BROOKS: Governor and Council, after  
2 approval by the Attorney General's Office.

3 CHAIRMAN BURACK: If a may, just for the  
4 record, that was Attorney Allen Brooks with the Attorney  
5 General's Office.

6 MR. IACOPINO: Thank you. And,  
7 actually, that is listed in the matrix. I'm sorry, I  
8 overlooked that. Thank you.

9 BY MR. IACOPINO:

10 Q. Mr. Deane, you mentioned previously that part of this  
11 agreement is to provide -- you're going to get an  
12 easement for your new access road to the turbines, and  
13 the State is going to get the ability to, I guess, use  
14 some balance of the property for recreational purposes,  
15 is that correct?

16 A. (G. Deane) Yes.

17 Q. Okay. Is it your intention to permit recreational uses  
18 within the -- nearby the turbines and along the  
19 interconnection line?

20 A. (G. Deane) It's my understanding that people are  
21 already snowmobiling up that route. And, what we have  
22 agreed, as per the agreement that's been presented to  
23 us by the State, that the State could maintain those  
24 trails, if it wishes to, for that purpose.

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[WITNESSES: L. Deane~G. Deane~Laflamme]

1 Q. So, if I understand what you're saying, it's whatever  
2 the State wants to do with them, is basically what  
3 you're saying?

4 A. (G. Deane) Yes.

5 Q. Okay. And, what about in the area where your turbine  
6 pads are going to be? Do you intend to keep the public  
7 out of that area?

8 A. (G. Deane) As Lindsay mentioned earlier, that area will  
9 be fenced off. And, for immediate access, we're not  
10 fencing the whole, you know, we're not fencing the  
11 whole area. Each turbine will be separately fenced.

12 Q. You mentioned previously, in response to questions from  
13 Vice Chairman Ignatius, that you've had no complaints  
14 or I guess no enforcement actions of any sort with your  
15 projects at I think you said "Fairhaven" and  
16 "Scituate". Have there, in fact, been noise complaints  
17 registered down there with respect to those turbines?

18 A. (G. Deane) Yes. Some residents have complained about  
19 the noise. And, currently, Massachusetts Department of  
20 Environmental Protection is doing a noise study at the  
21 request of the Fairhaven Board of Health. They have  
22 one more sampling day, sampling event they want to do.  
23 The wind is not right for that yet. It is our  
24 understanding, although there is no official report

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 yet, that they have found the turbines to be in  
2 compliance with state guidelines.

3 Q. Okay. But that's not official yet?

4 A. (G. Deane) Correct.

5 Q. And, what about with Scituate? Has there been any  
6 issues with noise there?

7 A. (G. Deane) Again, some of the residents have complained  
8 about noise. We are in the process of negotiating with  
9 the Town of Scituate a noise study that we would  
10 conduct as part of our special permit condition, that  
11 we -- if they would so request, we would conduct a  
12 noise study.

13 Q. Have there been any structural failures at either  
14 Fairhaven or Scituate or any other wind project that  
15 you've managed?

16 A. (G. Deane) No.

17 Q. Any fires?

18 A. (G. Deane) No.

19 Q. What's the -- I understand that the Project is wholly  
20 contained within the City of Berlin -- Berlin. How far  
21 is the nearest town boundary from your site, if you  
22 know, or if Ms. Laflamme knows?

23 A. (G. Deane) I'm not sure I have that information.

24 A. (Laflamme) I don't know off the top of my head. The

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 closest boundary it would be Randolph, to the Town of  
2 Randolph. I don't know if I can get -- figure it out.

3 Q. I guess my question is --

4 A. (Laflamme) But, just for your knowledge, all  
5 communities were noticed --

6 Q. Okay.

7 A. (Laflamme) -- in the area of the Androscoggin Valley,  
8 as far over into the Connecticut River Valley,  
9 Jefferson, Lancaster, and Whitefield, as well as the  
10 Regional Planning Commission, all received notice.

11 Q. So, North Country Council did receive notice?

12 A. (Laflamme) Yes. And, I communicated with them about  
13 the plans that we received.

14 Q. Thank you.

15 A. (Laflamme) You're welcome.

16 Q. And, based upon your visual impact assessment, is the  
17 -- are these turbines visible outside the City of  
18 Berlin?

19 A. (G. Deane) I believe they would be, yes.

20 CHAIRMAN BURACK: If, in fact, you do  
21 have a photograph that you submitted to the Planning Board  
22 that shows your visual impact analysis, it may actually be  
23 helpful to us to have that marked as an exhibit. Do you  
24 have one or more photos? What do you have here?

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[WITNESSES: L. Deane~G. Deane~Laflamme]

1 WITNESS L. DEANE: We did -- after  
2 conversations with Ms. Laflamme, for the Planning Board,  
3 instead of doing the visual impact study map as you are  
4 used to seeing, we decided to go with photosimulations for  
5 areas around the City that she requested that we provide  
6 those. So, I'm happy to either provide them as exhibits  
7 or show them or both, whatever suits the Board.

8 CHAIRMAN BURACK: Why don't you -- we'll  
9 mark them as a set of exhibits, and then you can show them  
10 to us.

11 WITNESS L. DEANE: Okay. So, we'll mark  
12 those as exhibits.

13 (Three (3) photosimulations were marked  
14 as **Exhibit 3** for identification.)

15 WITNESS L. DEANE: So, this is the view  
16 from Main Street, in the City of Berlin. The red font at  
17 the top shows the turbines are not visible.

18 CHAIRMAN BURACK: And, this is assuming  
19 a 500-foot turbine, is that correct?

20 WITNESS L. DEANE: Yes.

21 CHAIRMAN BURACK: And, it's 500 feet at  
22 the top of the blade of the highest turbine?

23 WITNESS L. DEANE: Yes.

24 CHAIRMAN BURACK: Okay. Thank you.

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1 WITNESS L. DEANE: This would be the  
2 view from the hospital. And, this was another location we  
3 were asked. So, we went back. Again, the labels here are  
4 "T1", "T3", "T2", it may be little difficult to see the  
5 top of the blades, is about there. And, none of these  
6 changes as we presented to the Board -- none of these  
7 turbines became visible because of the height increase.  
8 They already were visible at 400 feet.

9 CMSR. HARRINGTON: So, those, looks like  
10 kind of red dots from here, those are the turbines?

11 WITNESS L. DEANE: Those are actually  
12 the labels above the turbines, with the exception of T1.

13 CMSR. HARRINGTON: Okay.

14 WITNESS L. DEANE: The turbine  
15 blades --

16 CMSR. HARRINGTON: Oh, I see. Okay.

17 WITNESS L. DEANE: -- are there.

18 CMSR. HARRINGTON: Thank you.

19 DIR. MUZZEY: Can you point on the LOCUS  
20 map where the hospital is?

21 WITNESS L. DEANE: Yes. So, that's this  
22 right here [indicating].

23 DIR. MUZZEY: Okay.

24 CHAIRMAN BURACK: And, the turbine

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1 locations on that LOCUS map, on the left, they're in the  
2 lower left-hand corner of the LOCUS map, is that correct?

3 WITNESS L. DEANE: Yes, that's correct.

4 CHAIRMAN BURACK: Thank you.

5 WITNESS L. DEANE: And, then, the third  
6 site that we were asked to do a photosimulation for was on  
7 Cates Hill Road, taking into account the fact that this is  
8 a higher elevation site. So, again, the red indicates the  
9 Turbine 1, Turbine 2, and Turbine 3, the tips of the  
10 blades. This one is not so visible. But, again, as we've  
11 explained, none of these turbines became visible because  
12 of the height increase.

13 MR. IACOPINO: So, the height that  
14 you've used here, is it the 500-foot height or the --

15 WITNESS L. DEANE: This is the 500. So,  
16 this is what we brought before the Planning Board and the  
17 Zoning Board this week.

18 CHAIRMAN BURACK: Thank you.

19 CMSR. HARRINGTON: Excuse me. Just one  
20 quick follow up from the picture, if I can?

21 CHAIRMAN BURACK: Please.

22 BY CMSR. HARRINGTON:

23 Q. When you said the height hasn't become visible because  
24 of the 500 foot, you're comparing that to the turbines



[WITNESSES: L. Deane~G. Deane~Laflamme]

1 that used to be installed or the previous --

2 A. (L. Deane) Sorry. The previously approved turbines  
3 that, at the Planning Board, they were up to 400 feet,  
4 at the Zoning Board, they were 400 feet, with one at  
5 500.

6 Q. And, the ones that were installed and removed, how tall  
7 were they, from the previous owner or whatever?

8 A. (L. Deane) As Pam said, she said "probable around  
9 200 feet."

10 CMSR. HARRINGTON: Thank you.

11 WITNESS L. DEANE: These are larger.

12 BY CHAIRMAN BURACK:

13 Q. And, if I may, were the pads for the previous three  
14 turbines that were part of the Loranger Project, were  
15 those all in the same locations or at least general  
16 locations where you're planning to install these new  
17 turbines that are depicted here in the simulation? Or,  
18 were the pad locations different?

19 A. (L. Deane) My understanding is the pad locations are  
20 different. These turbines are larger, more spread out,  
21 is my understanding.

22 CHAIRMAN BURACK: Thank you.

23 Ms. Laflamme, do you have anything to add on that?

24 WITNESS LAFLAMME: I just want to say

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1 that we chose these locations, because these were the  
2 locations where we could view the turbines when they were  
3 up back in 2006 and '07. And, so, what the Planning Board  
4 was asking was to see, I suppose, whether the turbines  
5 would still be visible at certain locations, and just to  
6 kind of understand better what it would mean for the  
7 increasing height from 400 to 500. And, as Lindsay said,  
8 all the towers actually were visible back at 400 feet, are  
9 still visible at 500 feet. And, actually, in the location  
10 especially of the hospital, and coming down the Route 110  
11 corridor, they were visible when they were 200 feet as  
12 well. Not much of a visible change, interestingly enough.

13 CHAIRMAN BURACK: Thank you. Do you  
14 have any other questions, Attorney Iacopino?

15 BY MR. IACOPINO:

16 Q. Just in your dealings with the City, have you discussed  
17 these turbines with the Fire Department and determine  
18 what codes you're going to have to comply with upon  
19 construction?

20 A. (G. Deane) I don't believe we've had any discussion  
21 with the Fire Department.

22 Q. Have you had any discussion with the fire departments  
23 or other first responders about it, if they have to get  
24 to the scene, either during construction or after

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 commercial operation?

2 A. (G. Deane) For these specific turbines?

3 Q. Yes.

4 A. (G. Deane) No, we have not. We have had those  
5 discussions at our other projects.

6 Q. Do you intend to have those discussions?

7 A. (G. Deane) We intend to have those discussions. The  
8 Fire Department in Scituate says, "if anything is  
9 happening, we'll just watch it." And, the Fire  
10 Department in Fairhaven would like to be trained on  
11 climbing, basically, the turbine.

12 MR. IACOPINO: Okay. Our concern,  
13 obviously, is here with Berlin. And, the issue really is,  
14 is both during construction, when there might be people at  
15 risk, construction workers and whatnot, as well as  
16 subsequent to, especially, if there is going to be the  
17 possibility of recreational people in the vicinity of the  
18 turbines. So, I would certainly encourage you to do that.

19 I don't think I have any other questions  
20 of these witnesses. Thank you very much.

21 CHAIRMAN BURACK: All right. I have  
22 maybe a few other questions.

23 BY CHAIRMAN BURACK:

24 Q. I just want to come back to the access road again, just

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 to be clear. The Alteration of Terrain Permit that you  
2 have received from the Department of Environmental  
3 Services is for the construction of that road or for  
4 the repair and reconstruction of an existing road, or  
5 both?

6 A. (G. Deane) The Alteration of Terrain Permit is for the  
7 access road going up the property to the turbines.

8 Q. Okay. So, maybe we need to go back to that slide that  
9 shows, and it's not on a large scale, but it shows the  
10 -- shows that black line for the access road, if we  
11 could please. Thank you. So, is any of what's shown  
12 in black, that originates to the west of the trapezoid  
13 there, is any of that in existence today or is that all  
14 road to be built?

15 A. (G. Deane) That is existing roadway through the State  
16 Park. There will be some small widening and gravel  
17 work. We have a -- we're going to be moving a sign at  
18 the entrance to Route 110 for the equipment to get in,  
19 and we have a turning radius that's been proposed, and  
20 we're going to relocate signs. So, there will be some  
21 minor work. It's all been reviewed and approved by the  
22 State.

23 Q. When you say "by the State", you're talking about DOT  
24 at this point, by Mr. Brillhart's agency?

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 A. (G. Deane) For the turning analysis from 110, I believe  
2 that's the DOT, yes.

3 Q. Okay. Thank you. So, the portion of the road to the  
4 west of your property line already exists, but you're  
5 going to do some upgrade on that. The portion that is  
6 shown there to the east of your property line, that is  
7 all new road to be constructed, is that correct?

8 A. (G. Deane) Yes. Some clearing on that, which has  
9 already been done, just to be able to get up there, to  
10 stake out the property and mark it.

11 Q. And, what's the actual length of the road that lies to  
12 the west and what's the length of the road that you're  
13 going to construct? If you know, approximately?

14 A. (G. Deane) Looking at the scale in our Application, it  
15 likes like there's about a mile through the State  
16 property. And, I'm guessing it's about 3,500 feet on  
17 our property.

18 Q. Thank you. And, does the AOT Permit cover all aspects  
19 of the work, including the modifications right at the  
20 base of the road there itself, to address the turning  
21 radius issue as you're pulling these pieces of  
22 equipment into this access road?

23 A. (G. Deane) Well, there's no disturbance of terrain for  
24 the turning radius. That's not -- and, that's just

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 they wanted to know how you were going to get in, and  
2 they ended up saying, if we just relocate a sign on a  
3 permanent basis, it wouldn't be a problem.

4 Q. All right. But, otherwise, there's no -- as you say,  
5 there's no alteration of terrain necessary at that, at  
6 the end of that access road there?

7 A. (G. Deane) Correct.

8 CHAIRMAN BURACK: Thank you. That's  
9 helpful in understanding. Does anyone --

10 MR. IACOPINO: I have one more.

11 CHAIRMAN BURACK: Yes, go ahead.

12 Attorney Iacopino.

13 BY MR. IACOPINO:

14 Q. Ms. Deane, you indicated that the closest building in  
15 downtown is "8,300 feet". From what? Is that from the  
16 property boundary or is that from the nearest turbine?

17 A. (L. Deane) My understanding is that's from the nearest  
18 turbine.

19 Q. Okay. And, is that the same for the "7,500 foot"  
20 figure that you gave us from Route 110?

21 A. (L. Deane) Yes. That's my understanding.

22 MR. IACOPINO: Okay. Thank you.

23 CHAIRMAN BURACK: Any other questions  
24 from any members of the Committee?

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 (No verbal response)

2 CHAIRMAN BURACK: All right. If not,  
3 are there any members of the -- Ms. Laflamme, do you have  
4 anything else you would like to add?

5 WITNESS LAFLAMME: I'm all set.

6 CHAIRMAN BURACK: Anything that you feel  
7 we should be aware of from the perspective of the City of  
8 Berlin?

9 WITNESS LAFLAMME: No.

10 CHAIRMAN BURACK: So, maybe we can just  
11 recount from you very quickly, in terms of the City of  
12 Berlin, you are anticipating issuance within five days,  
13 you said, of a decision of the Planning Board?

14 WITNESS LAFLAMME: I might actually have  
15 it tomorrow.

16 CHAIRMAN BURACK: Okay. Well, within --

17 WITNESS LAFLAMME: But, within five  
18 days, I will.

19 CHAIRMAN BURACK: -- within a reasonable  
20 time?

21 WITNESS LAFLAMME: Yes. For the  
22 issuance of an amended site plan approval.

23 CHAIRMAN BURACK: Yes.

24 WITNESS LAFLAMME: And an issuance of an

[WITNESSES: L. Deane~G. Deane~Laflamme]

1 amended Zoning Board of Adjustment approval.

2 CHAIRMAN BURACK: And, other than that,  
3 there will be a negotiated decommissioning agreement?

4 WITNESS LAFLAMME: There will be a  
5 negotiated decommissioning agreement. That's a condition  
6 of both their approvals. So, before they're able to start  
7 construction, that will have to be completed.

8 CHAIRMAN BURACK: Are there any other  
9 approvals from the City of Berlin that either have been  
10 issued or that are pending for this Project?

11 WITNESS LAFLAMME: I'm not sure pending,  
12 but required, would be, obviously, they will need building  
13 permits from the City's Building Inspector and from the  
14 Fire Department.

15 BY MR. IACOPINO:

16 Q. Are there any noise restrictions in either of the  
17 approvals from the Planning Board or the Zoning Board?

18 A. (Laflamme) We didn't do any restrictions, because their  
19 submission actually falls within the guidelines that we  
20 have set -- or, the Zoning Board set. They did a sound  
21 -- a noise/sound study. And, their projected noise  
22 levels at the property boundary fall within our actual  
23 restricted noise levels.

24 CHAIRMAN BURACK: Thank you. Any other



[WITNESSES: L. Deane~G. Deane~Laflamme]

1 questions at all?

2 (No verbal response)

3 CHAIRMAN BURACK: All right. If not, do  
4 we have any members of the public who wish to comment on  
5 this Project?

6 (No verbal response)

7 CHAIRMAN BURACK: Hearing and seeing  
8 none, we then turn to a question for the Committee, as to  
9 whether or not we would like to deliberate, move right  
10 into deliberations? Whether folks would like to, it is  
11 now 12:45, whether folks feel we need to take a lunch  
12 break and then come back for deliberations? Or, whether  
13 folks would like to press right through and see if we  
14 might get this done?

15 CMSR. HARRINGTON: Press on.

16 CHAIRMAN BURACK: And, I think there is  
17 a general sense to press on. So, the first thing I would  
18 need then is, first, I want to thank Lindsay Deane and  
19 Gordon Deane for being here. Ms. LaFlamme, thank you for  
20 your participation and testimony as well. And, we'll  
21 close this portion of the proceeding. And, I will then  
22 ask for a motion to proceed to deliberations in this  
23 matter? Is there a motion to that effect?

24 DIR. MUZZEY: I so make.

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1 CHAIRMAN BURACK: A motion by Director  
2 Muzzey. A second?

3 CMSR. HARRINGTON: Second.

4 CHAIRMAN BURACK: A second by  
5 Commissioner Harrington. All in favor please signify by  
6 saying "aye"?

7 (Multiple members indicating "aye".)

8 CHAIRMAN BURACK: Opposed?

9 (No verbal response)

10 CHAIRMAN BURACK: Thank you. The motion  
11 is unanimous. We'll proceed to deliberations. I'm going  
12 to ask, before we proceed to deliberate, that Attorney  
13 Iacopino lay out for us what the legal standard is that  
14 applies in our deliberations here.

15 MR. IACOPINO: In order for the  
16 Committee to assert jurisdiction on its own motion, the  
17 Committee must find that requiring a certificate for the  
18 Facility is consistent with the findings and purposes set  
19 forth in RSA 162-H, Section 1. The purpose of RSA 162-H,  
20 Section 1, is to assure that the state has an adequate and  
21 reliable supply of energy in conformance with sound  
22 environmental principles, and determining whether that's  
23 -- whether that is met, the Committee must determine  
24 whether a certificate is necessary in order to maintain a

1 balance between the environment and the need for new  
2 energy facilities in New Hampshire; whether a certificate  
3 is necessary to avoid undue delay in the construction of  
4 needed facilities; and to provide full and timely  
5 consideration of the environmental consequences of such  
6 facilities; whether a certificate is necessary to ensure  
7 that all entities that are planning to construct  
8 facilities in the state be required to provide full and  
9 complete disclosure to the public of their plans for the  
10 facilities; and to determine whether a certificate is  
11 necessary in order to ensure that the construction and  
12 operation of energy facilities are treated as a  
13 significant aspect of land use planning, in which all  
14 environmental, economic, and technical issues are resolved  
15 in an integrated fashion.

16 So, I know that's a mouthful. But the  
17 question, the seminal question for you is, will you  
18 require -- are you going to require this Applicant to be  
19 subject to the jurisdiction of the Committee and RSA  
20 162-H:1, because it is consistent with the findings and  
21 purposes of that statute, or do you find that the Project  
22 can be developed without the jurisdiction of the  
23 Committee, consistently with the findings and purposes of  
24 the statute?

1                   CHAIRMAN BURACK: We can approach this  
2 one of two ways. We can have a general discussion, to get  
3 a sense of folks' sentiments, and then take a motion. Or,  
4 we can start with a motion, and see if that gets us to an  
5 agreeable conclusion. So, if someone would like to make a  
6 motion, they could move that we deny the Petition, in  
7 which case we would be effectively saying that we are  
8 going -- that we would exercise our authority to take  
9 jurisdiction. On the other hand, if there is a sense that  
10 it's not necessary for us to take jurisdiction, then it  
11 would be appropriate to make a motion to grant the  
12 requested relief.

13                   I see multiple hands here. Commissioner  
14 Scott, would you like to make a motion?

15                   CMSR. SCOTT: Sure. Given that I think  
16 it's been clear from the testimony, both written and our  
17 questioning on the record, that between the City, the  
18 State agencies, DES, DOT, DHR, and federal jurisdictions,  
19 that effectively every component that the Site Evaluation  
20 Committee would have is currently already being covered in  
21 a method that would be transparent to the public. And,  
22 also adding that, taking into consideration that the site  
23 has already been historically used for this very same  
24 reason, I move that the Site Evaluation Committee issue a

1 declaratory ruling indicating that we will not be taking  
2 jurisdiction of this Project.

3 CHAIRMAN BURACK: Is there a second?

4 CMSR. HARRINGTON: Second.

5 CHAIRMAN BURACK: A second by  
6 Commissioner Harrington.

7 Discussion of the motion? Commissioner  
8 Ignatius.

9 VICE CHAIRMAN IGNATIUS: I concur with  
10 everything that Commissioner Scott just recounted. And, I  
11 think, in addition to that, it's clear that the City of  
12 Berlin has a very sophisticated analysis. It's got  
13 ordinances in place. It isn't a situation in which a  
14 community feels overwhelmed by the technical aspects or  
15 the difficulty in evaluating it. They seem to be on top  
16 of the same sorts of issues that we would be. And, it's  
17 well below the mandatory threshold for our jurisdiction.  
18 So, I agree. I think granting the Motion for Declaratory  
19 Ruling is appropriate.

20 CHAIRMAN BURACK: I'm going to turn to  
21 Commissioner Bryce, and then we'll come to Commissioner  
22 Harrington.

23 CMSR. BRYCE: Have we received any  
24 written comment from the public regarding whether or not

1 we should take jurisdiction that you're aware of?

2 MR. IACOPINO: No. There have been no  
3 Motions to Intervene and no public comment from anybody.

4 CMSR. BRYCE: Okay. Thank you.

5 MR. IACOPINO: And, the only additional  
6 filing we received is the Phase IB Archeological Report  
7 from the Division of Historical Resources.

8 CMSR. BRYCE: Okay. Thank you.

9 CHAIRMAN BURACK: Commissioner  
10 Harrington.

11 CMSR. HARRINGTON: Yes. I'd just like  
12 to state for the record, this isn't the first time that  
13 this Committee has dealt with the City of Berlin on  
14 jurisdictional issues. In previous ones, they have also  
15 shown that they have more than adequate local ordinances  
16 to address the issues that otherwise would be done by the  
17 SEC. And, without being repetitive, I'd just say I agree  
18 with what Chairman Ignatius and Commissioner Scott already  
19 stated.

20 CHAIRMAN BURACK: Others who wish to  
21 offer comment on this?

22 (No verbal response)

23 CHAIRMAN BURACK: I would simply over  
24 the observation that, if we look at the purposes of RSA

1 162-H:1 and why a certificate would be necessary, I  
2 believe, based upon the information before us and the  
3 testimony that we've heard from the parties, that those  
4 conditions are all effectively satisfied by the permitting  
5 processes that the party has -- the Applicant has already  
6 been working through, including those involving the City  
7 of Berlin. So, I am comfortable that it is not necessary  
8 for us to take jurisdiction of this matter in order to  
9 ensure that the basic purposes of the statute will be  
10 effectuated.

11 And, I would just point out that this is  
12 still a relatively small wind energy project, as wind  
13 energy projects go, particularly relative to others that  
14 we have seen within the Site Evaluation Committee, and  
15 projects over which we have, in fact, taken jurisdiction.  
16 This is a much smaller project.

17 I also would be remiss in not pointing  
18 out that, pursuant to the terms of our statute, RSA 162-H,  
19 there is always the ability of members of the public to  
20 file a petition, with a sufficient number of signatures,  
21 that would require us, despite whatever action we might  
22 take today, to further consider whether we should take  
23 jurisdiction of the matter in the future. So, even  
24 though, if we were to grant this Motion today, and

1 determined that at this time, on our own motion, we're not  
2 going to take jurisdiction, there could still, as I say,  
3 be a petition in the future, from members of the public,  
4 asking us to consider to take jurisdiction, in which case  
5 we would have to consider this matter again. So, I just  
6 wanted to point out that that is a possibility, however  
7 remote it may turn out to be.

8 So, with that, is there any other  
9 discussion on this matter before we take a vote?

10 (No verbal response)

11 CHAIRMAN BURACK: If not, I'm not sure  
12 it's actually necessary for us to have a roll call on  
13 this. I will simply ask, by voice vote, all in favor  
14 please signify by saying "aye"?

15 (Multiple members indicating "aye".)

16 CHAIRMAN BURACK: All opposed?

17 MR. KNEPPER: Me.

18 CHAIRMAN BURACK: Mr. Knepper, you are  
19 opposed to the motion?

20 MR. KNEPPER: Yep.

21 CHAIRMAN BURACK: Okay. Any  
22 abstentions?

23 (No verbal response)

24 CHAIRMAN BURACK: Do you wish to state



1 your reasons for not supporting the motion?

2 MR. KNEPPER: Well, I guess my biggest  
3 reason is for -- is that I kind of felt the Project's a  
4 little squishy, I guess. I heard a lot of things  
5 different from what was written. I look at the statute,  
6 and I'm emphasizing the "full and complete disclosure"  
7 aspect of it. And, I think the SEC draws that out a  
8 little bit. My concern is, when I hear that -- I don't  
9 see anything that discussions have been had on the safety  
10 aspect, I don't see that anywhere here. I don't see  
11 anything in writing that -- from the City Council board  
12 that says that they do not want us to take this under  
13 consideration.

14 We started out with four turbines; we're  
15 at three turbines. The height has changed. It's, to me,  
16 a Project that's kind of moving on me.

17 And, so, because of that, I have  
18 concerns about just dismissing it.

19 CHAIRMAN BURACK: Thank you. And, I  
20 appreciate those comments and appreciate your sharing  
21 those with us. Again, we have a record of a vote of eight  
22 in favor, one not in support of this motion. There are no  
23 abstentions?

24 MR. IACOPINO: No.

1                   CHAIRMAN BURACK: Yes. So, the motion  
2 carries. We will ask Attorney Iacopino, upon receipt of  
3 the written transcript, to work with us to develop, for  
4 review by the Committee members, a final written decision  
5 of this matter, which we will then issue in due course.

6                   So, we thank all the parties for being  
7 here today. And, unless there is any further business to  
8 come before us? Attorney Iacopino?

9                   MR. IACOPINO: We are going to mark --

10                  CHAIRMAN BURACK: We're going to mark  
11 certain exhibits, yes, we will. We will mark certain  
12 exhibits for the record.

13                  And, there being nothing further to come  
14 before us today, this meeting of the Site Evaluation  
15 Committee will stand adjourned. Thank you.

16                               **(Whereupon the Public Meeting regarding**  
17                               **SEC 2012-03 was adjourned at 12:59 p.m.)**