

April 25, 2013

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VIA E-MAIL AND FIRST CLASS MAIL

NH Site Evaluation Committee
c/o Jane Murray, Secretary
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

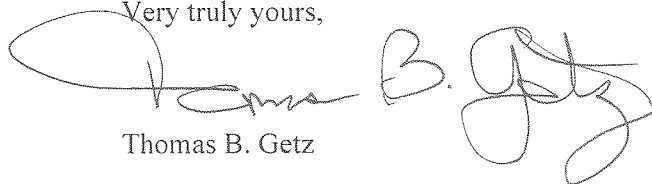
Re: Timbertop Wind I, LLC – Petition for Jurisdiction
SEC Docket No. 2012-04
Assented to Motion for Deliberations

Dear Ms. Murray:

Enclosed please find an original and 18 copies of an Assented to Motion for Deliberations on behalf of Timbertop Wind I, LLC, (Timbertop) the Towns of New Ipswich and Temple, and Counsel for the Public. The Motion also includes a proposed procedural schedule.

Timbertop also wishes to update the Committee on two developments since the filing of its Petition for Jurisdiction. First, Siemens has notified Timbertop that the 3-MW SWT turbines may not be available as previously contemplated. Timbertop is currently negotiating with another vendor for comparable 3-MW turbines. Second, Timbertop was not selected as a finalist in the RFP for which it had been shortlisted. Timbertop continues to respond to RFPs as they are issued and pursue negotiations with potential purchasers.

Very truly yours,



Thomas B. Getz

TBG:aec

Enclosures

cc: Service List (Electronically)

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

**Docket No. 2012-04
Timbertop Wind I, LLC
Petition for Jurisdiction**

ASSENTED TO MOTION FOR DELIBERATIONS

I. Background

On December 21, 2012, Timbertop Wind I, LLC (Timbertop or Applicant) filed a Petition for Jurisdiction pursuant to RSA 162-H:2, XII. The Site Evaluation Committee (SEC or Committee) issued an Order and Notice of Public Meeting on January 18, 2013, which, among other things, set a schedule for filing petitions for intervention and for hearing. The towns of New Ipswich and Temple (Towns) jointly filed petitions to intervene on January 25, 2013. On February 14, 2013, Senior Assistant Attorney General Peter Roth was appointed Counsel for the Public. Also on February 14, 2013, Timbertop responded to the Towns' petition to intervene and submitted documents supplementing its Petition for Jurisdiction.

At the hearing on February 19, 2013, the Towns were granted intervention. In addition, Timbertop, the Towns, and Counsel for the Public ("Parties") were directed to meet with SEC Counsel Michael Iacopino to develop a proposed procedural schedule. The Parties met with Mr. Iacopino on March 1, 2013, and discussed alternative procedural approaches, including stipulations and a full adjudicative hearing. Ultimately, the Parties were unable to reach agreement on a set of stipulations to present to the Committee but, in order to resolve this proceeding and avoid the expense and delay of an extended adjudicative proceeding, the Parties request that the Committee render a decision regarding Timbertop's Petition for Jurisdiction based on the pleadings, motions, objections, and rulings to date, and the transcript of the February 19, 2013 hearing, supplemented as follows:

May 13, 2013	Towns to submit documentary evidence in support of local jurisdiction.
May 28, 2013	Parties to submit briefs electronically to the service list by 5 PM.
TBD	Oral Argument, Public Comment, and Deliberations.

II. Record and Evidentiary Issues

The Parties propose that the evidence for the purposes of RSA 541-A:33 consist of the documents filed by the Parties with the Committee to date, supplemented by those documents filed by the Towns by May 13, 2013. The Parties propose that no other documentary evidence be part of the record, unless they mutually agree. Public comment, however, may be submitted at any time prior to deliberations.

The Parties agree that the Administrative Procedure Act does not require the Committee to hear live witnesses in every contested case. They agree that the process proposed here provides the necessary opportunity to respond and to present evidence and argument. The Parties waive their right of cross examination.

Argument is contemplated through the filing of briefs and oral argument. The Parties may cite to the record or to any statute, rule, or decision of the Committee or court of competent jurisdiction for purposes of briefing or in oral argument. All arguments concerning whether the Applicant has shown by a preponderance of the evidence that the Committee's assertion of jurisdiction over the project is consistent with the findings and purposes set forth in RSA 162-H:1 are expressly reserved.

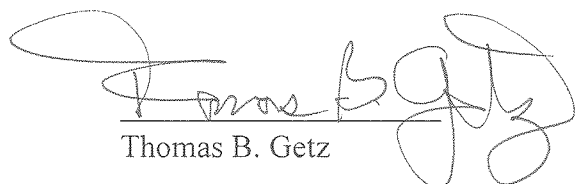
The Committee may give the evidence in the record the weight it is due and it may consider and weigh public comment. The Parties reserve all rights to request rehearing with respect to any matter included, or not included, in the final order or decision of the Site Evaluation Committee.

III. Conclusion

The Parties ask the Committee to make a determination whether to assert jurisdiction over the Timbertop project based on the record as described herein.

Respectfully submitted,

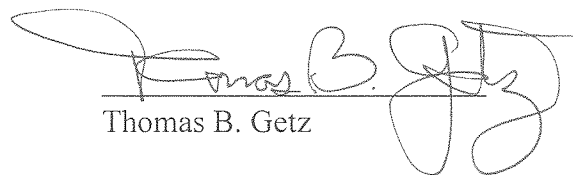
Timbertop Wind I, LLC
By its attorneys
Devine Millimet & Branch



Thomas B. Getz

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April, 2013, a copy of the foregoing Motion was sent by electronic or U.S. mail, postage prepaid, to persons named on the Service List of this docket, excluding Committee members.


Thomas B. Getz