

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2012-04

**Re: Petition for Jurisdiction for Timbertop Wind I, LLC
for a Renewable Energy Facility Proposed to be
Located in New Ipswich and Temple, Hillsborough County, New Hampshire**

May 8, 2013

**ORDER GRANTING ASSENTED MOTION FOR DELIBERATIONS
AND SETTING PROCEDURAL SCHEDULE**

BACKGROUND

On December 21, 2013, Timbertop Wind I, LLC (Petitioner) filed a Petition for Jurisdiction (Petition) with the New Hampshire Site Evaluation Committee (Committee) requesting the Committee to exercise jurisdiction over the siting, construction, and operation of a proposed renewable energy facility (Facility) to be located on Kidder Mountain in the Towns of Temple and New Ipswich, Hillsborough County, New Hampshire. The Facility was originally proposed to consist of 5 Siemens wind turbines each having a nameplate capacity of 3 megawatts (MW).

In this docket, I granted the petition of the Towns of Temple and New Ipswich to intervene. Additionally, the Attorney General appointed Senior Assistant Attorney General Peter C.L. Roth as counsel for the public in this matter. On April 19, 2013, I denied a Motion to Dismiss or Deny the Petition which had been filed jointly by the Towns. On that same date, I also denied a Motion to Reconsider my oral order denying the Motion to Dismiss or Deny the Petition.

On February 19, 2013, a public hearing was held regarding the Petition. The parties were directed to meet with counsel to develop a proposed procedural schedule. All parties met with

counsel to the Committee on March 1, 2013. Although the parties attempted to reach a set of factual stipulations to present to the Committee in lieu of a live hearing, the parties were unable to reach a complete agreement.

On April 25, 2013, the Petitioner filed an Assented to Motion for Deliberations. The Motion for Deliberations also contained a proposed procedural schedule. The parties have agreed that the Committee may render a decision in this matter based upon the pleadings, motions, objections and rulings that have been filed to date, and the transcript of the February 19, 2013 hearing. In addition, all parties agree that the Towns may submit additional documentary evidence in support of their position seeking local jurisdiction over the matter. The parties also agree that they should be permitted the opportunity to submit written briefs and to make oral argument to the Committee regarding their positions prior to Committee deliberations. The parties agree that public comment may be accepted in accordance with RSA 162-H:10, III until the conclusion of the proceedings. The parties have also reached agreement on ground rules for argument. The parties agree that they may cite to the record or to any statute, rule or decision of the Committee or any court of competent jurisdiction for the purposes of briefing their relevant issues or during the course of oral argument. All of the parties' arguments in this regard are reserved. The parties agree that the Committee may give the evidence in the record the weight it is due and may also consider the public comment. Finally the parties agree that they reserve their rights to request rehearing with respect to any matter included in or not included in the final order or decision of the Committee.

The parties have acted in good faith and agreed to a procedural schedule and ground rules regarding argument before the Committee. The schedule and ground rules are reasonable. The Assented to Motion for Deliberations will be granted.

After consideration of the Assented to Motion for Deliberations, it is hereby ordered that the Committee shall consider the Petition in this docket solely based on the record as described herein; and,


Further Ordered, the record in this case shall consist of the Petition, all motions, objections, and rulings that have been filed in this matter, as well as additional documentary evidence to be filed by the Towns on or before May 13, 2013; and,

Further Ordered, that the parties shall submit briefs by electronic mail to the Secretary of the Committee and the service list by 5:00 p.m. on May 28, 2013; and,

Further Ordered, the Committee shall schedule a public hearing to take oral argument, public comment and to deliberate on the merits of the Petition; and,

Further Ordered, nothing herein should be interpreted or construed to eliminate the right of any party to request re-hearing or seek appellate review.

SO ORDERED this 8th day of May, 2013.



Thomas S. Burack, Chairman
New Hampshire Site Evaluation Committee