

# RATH YOUNG PIGNATELLI

Sherilyn Burnett Young  
Attorney-At-Law  
sby@rathlaw.com  
Please reply to: Concord Office

January 7, 2014

Amy Ignatius, Chairwoman-designee  
Site Evaluation Committee  
29 Hazen Drive  
Concord, New Hampshire 03301-2429

**RE: SEC Docket No. 2013-02: Application of Atlantic Wind, LLC for a Certificate of Site and Facility for the Wild Meadows Wind Project, Grafton and Merrimack Counties**

Dear Commissioner Ignatius:

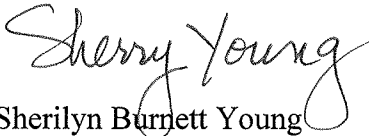
Enclosed for filing in the above-referenced docket, please find an original and 18 copies of the following pleadings:

1. Petition to Intervene by Wild Meadows Legal Fund;
2. (In the event that our Petition to Intervene is granted), we also hereby are filing the Appearances of Attorneys Sherilyn Burnett Young, Eric Macaux and Michael Lewis; and
3. Motion to Deem the Application of Atlantic Wind, LLC Incomplete.

I realize that it is somewhat unusual to be filing these in advance of the initial Pre-Hearing Conference, but in light of the need for us to file item #3 above as soon as possible given the 30-day deadline fast approaching, we are filing all of these documents simultaneously.

Please let me know if you have any questions about these filings.

Very truly yours,



Sherilyn Burnett Young

cc: Michael J. Iacopino, Esquire  
Barry Needleman, Esquire  
Patrick H. Taylor, Esquire

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Rath, Young and Pignatelli, P.C.  
www.rathlaw.com

One Capital Plaza  
Concord, NH 03302-1500  
T (603) 226-2600  
F (603) 226-2700

20 Trafalgar Square  
Nashua, NH 03063  
T (603) 889-9952  
F (603) 595-7489

54 Canal Street  
Boston, MA 02114  
T (617) 523-8080  
F (617) 523-8855

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2013-02**

**RE: Application of Atlantic Wind, LLC for a Certificate of Site and Facility for the Wild  
Meadows Wind Project, Grafton and Merrimack Counties**

**PETITION TO INTERVENE  
BY WILD MEADOWS LEGAL FUND**

NOW COMES the Wild Meadows Legal Fund (“WMLF”), by its attorneys, Rath, Young and Pignatelli, P.C., and respectfully petitions the New Hampshire Site Evaluation Committee (“SEC”) to grant it leave to intervene in the above-captioned proceedings pursuant to NH Code of Administrative Rules, Site 202.11 and RSA 541-A:32. In support of its petition (“Petition”), WMLF states as follows:

1. On December 12, 2013, Atlantic Wind, LLC (“Atlantic Wind”), owner and developer of the Wild Meadows Wind Project (“Project”), filed an application to develop a 75.9 megawatt (MW) wind energy facility consisting of 23 wind turbines of 3.3 MW each, situated along the ridgelines in Alexandria and Danbury, New Hampshire. The ridgelines upon which the turbines are proposed to be constructed overlook Newfound Lake, the third largest lake in New Hampshire, a major New Hampshire tourist attraction, and home to hundreds of full-time and seasonal residents.

2. WMLF is comprised of a group of approximately 325 supporters who are concerned about the development of this Project and its impacts to the Newfound Lake Region. Among them include certain members of five Newfound Lake homeowners associations: Whittemore Shores Condominium Association, located on the eastern side of Newfound Lake in Bridgewater, New Hampshire, Hillside Inn Condominiums, located on the eastern side of

Newfound Lake in Hebron, New Hampshire, Red Fox Village, located on the eastern side of Newfound Lake in Bristol, New Hampshire, Manor Estates, located on the southwestern end of Newfound Lake in Bristol, New Hampshire, and Sunset Heights, located on the eastern side of Newfound Lake in Bristol, New Hampshire. These associations are comprised of full-time and seasonal residents living on and around Newfound Lake, all with access to the Lake either through private or public beaches, and many with deep roots to New Hampshire and Lake Newfound.

3. Each of these associations has one or more representatives on the Steering Committee of WMLF. The Steering Committee is comprised of the following individuals:

<b>Name</b>	<b>Professional Title</b>	<b>Homeowner Association/ Association</b>	<b>NH Resident</b>
Tim McGrath	President & CEO, PC Connection, Inc.	Whittemore Shores	Yes
Andy McLane	Senior Advisor, TA Associates	Whittemore Shores	No
Peter Silbermann	Retired registered professional civil/environmental engineer, AECOM	Whittemore Shores	Yes
Steve Shulman	Principal, The Shulman Solution	Whittemore Shores	Yes
Bill Everett	President, Everett Consulting	Hillside Inn Windmill Monitoring Committee (Chairman)	No
Brad Gleason	Director, Cisco Systems, Inc.	Red Fox Village	No
Bruce Traumuller	Senior Account Executive, IBM	Manor Estates	Yes
Judy Preston	Associate Director, Insulet Corporation	Sunset Heights	Yes

4. If the Project is constructed, many WMLF members will have a clear and unobstructed view of the Project from their residences and from various public viewsheds from on and around the Lake. WMLF members will also have clear and unobstructed views of the Project while recreating on Newfound Lake. WMLF members will therefore suffer the direct negative aesthetic consequences of the Project. WMLF members will also be harmed by the Project to the extent it negatively affects property values within the viewshed, the region's tourism industry, the region's orderly economic development, and other associated impacts to its members due to their proximity to the Project.

5. Site 202.11 (a) provides that “[p]ersons seeking to intervene in a proceeding shall file petitions with the committee . . . .” Site 202.11(b) provides that the “presiding officer shall grant a petition to intervene if:

(1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's order of notice of the hearing, at least three days before the hearing;

(2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities, or other substantial interests might be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

*See also* RSA 541-A:32 (imposing identical standard by statute).

6. The SEC has ruled that if the petitioner meets these requirements, “the presiding officer must allow the petitioner to intervene.” *Order Granting Motions to Intervene, Re: Groton Wind, LLC*, Docket No. 2010-01 at 1-2 (Nov. 4, 2013) (granting intervention to a

resident whose property directly abutted the project, as well as to a resident whose property sat 1-½ miles from two turbines).

7. Through this Petition, WMLF has met the requirements of Site 202.11(b).

8. It has submitted its Petition in writing and has mailed copies as required under Site 202.11(b)(1).

9. WMLF has further stated facts in its Petition that are sufficient to demonstrate that its “rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding,” under Site 202.11(b)(2). WMLF’s members will suffer aesthetic, economic and other potential harm arising out of the Project. Aesthetic harm and harm to the local economy are factors that the SEC must address and review under Site 301.03(i) and (j). Where a petition has asserted interests that the SEC has acknowledged are impacted by a Project, the SEC has granted intervenor status to the petitioner. *See Order Granting Motions to Intervene, Re: Groton Wind, LLC*, Docket No. 2010-01 at 2 (Nov. 4, 2013) (“... Mr. Watson’s motion to intervene expresses concern regarding fire safety at his residence. Fire safety is an issue in dispute in this docket.”).

10. Finally, there are no grounds to conclude that the “orderly and prompt conduct of the proceedings” would be “impaired” by granting WMLF’s petition, under Site 202.11(b)(3). To the contrary, by organizing as it has, WMLF has ensured that the interests of many area residents sharing concerns regarding the Project will be heard through one citizens group, as opposed to through petitions or testimony from hundreds of individual intervenors or witnesses.

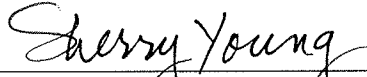
11. Pursuant to Site 202.14, counsel for WMLF sought to contact counsel for Atlantic Wind to obtain its concurrence with respect to this petition but was unable to reach them.

WHEREFORE, WMLF respectfully requests that the SEC grant WMLF's petition to intervene in the above-captioned proceedings.

Respectfully submitted

**WILD MEADOWS LEGAL FUND**

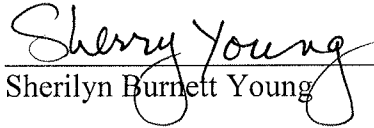
By its Attorneys,



Sherilyn Burnett Young (NH Bar #2700)  
Eric Macaux (NH Bar #265408)  
Michael S. Lewis (NH Bar #16466)  
Rath, Young and Pignatelli, P.C.  
One Capital Plaza, Concord, NH 03302-1500  
(603) 226-2600

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, January 7, 2014, a copy of the foregoing Petition to Intervene was sent by electronic mail or U.S. Mail, postage prepaid, to persons named on the Service List of this docket.

  
Sherilyn Burnett Young