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February 13, 2014

VIA HAND DELIVERY

Amy Ignatius, Chairperson
Site Evaluation Committee
29 Hazen Drive
Concord, NH 03301-2429

**Re: SEC Docket No. 2013-02: Application of Atlantic Wind, LLC for a
Certificate of Site and Facility for a Renewable Energy Facility for the Wild
Meadows Wind Project**

Dear Commissioner Ignatius:

In connection with the above-referenced docket, I enclose Atlantic Wind, LLC's objection to the motion for rehearing by the Society for the Protection of New Hampshire Forests.

Thank you for your assistance in this matter. Please do not hesitate to contact me with any questions regarding the enclosed objection.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick H. Taylor", with a long horizontal flourish extending to the right.

Patrick H. Taylor

cc: Service List (by electronic mail)

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

APPLICATION OF ATLANTIC WIND, LLC FOR A CERTIFICATE OF SITE AND
FACILITY FOR THE WILD MEADOWS WIND PROJECT

DOCKET NO. 2013-02

**APPLICANT'S OBJECTION TO PARTIALLY ASSENTED-TO
MOTION FOR REHEARING OF THE SOCIETY FOR THE PROTECTION
OF NEW HAMPSHIRE FORESTS**

NOW COMES the Applicant, Atlantic Wind, LLC ("Atlantic Wind"), and respectfully submits this Objection to the Partially Assented-To Motion for Rehearing of the Society for the Protection of New Hampshire Forests ("SPNHF"). Atlantic Wind respectfully requests that the New Hampshire Site Evaluation Committee ("Committee") deny SPNHF's motion and states as follows:

1. The crux of SPNHF's motion is that the Committee lacked the discretion to deny, in its Order dated January 13, 2014, SPNHF's "motion to suspend deliberations and time frame" ("Motion to Suspend").
2. In support of its motion, SPNHF cites to RSA 162-H:6-a, IX, which states that a subcommittee designated by the Committee to consider an application for a certificate for a renewable energy facility "may temporarily suspend its deliberations and enlarge the time frame . . . to issue or deny a certificate" if doing so is deemed to be in the public interest. RSA 162-H:6-a, IX.
3. While RSA 162-H:6-a, IX vests the subcommittee with the authority to suspend deliberations in the public interest, nothing in the statute indicates that such authority is exclusive to the subcommittee. *Id.*

4. It strains credibility to suggest that the Committee, to which the legislature granted broad powers to issue certificates for energy facilities and hold all related hearings, RSA 162-H:4, has the authority to designate a subcommittee and delegate to it powers that the Committee does not itself possess. Indeed, the subcommittee serves as an extension of the Committee, and “shall assume the role of and be considered the [C]ommittee, with all of its associated powers and duties.” RSA 162-H:4, V.

5. SPNHF is correct in its assertion that the Committee chairperson will only designate a subcommittee following acceptance of an application for a renewable energy facility. SPNHF Motion at ¶ 14; RSA 162-H:6-a, III. Yet SPNHF knowingly filed its Motion to Suspend seeking relief from the SEC in advance of the Atlantic Wind application’s acceptance. *See* SPNHF Motion to Suspend at p. 1 (moving for “suspension of further proceedings with respect to the New Hampshire Site Evaluation Consideration of the Application for Site and Facility.”). SPNHF cannot have it both ways by first requesting relief from the SEC and then complaining that the Committee lacked authority to deny the relief requested.

6. SPNHF is flatly wrong in its wholly conclusory claim that the Committee “erred by not giving full consideration of the public interest.” SPNHF Motion at ¶ 23. SPNHF makes no effort to explain how the Committee failed in its consideration of the public interest. The Committee fully addressed SPNHF’s argument regarding SB 99 and the “public interest” in three well-reasoned paragraphs and correctly found (a) that there is no basis for a finding that it is in the public interest to delay a filing pending the adoption of new criteria and (b) that the legislative history of SB 99 actually confirms that the legislature expressly rejected the result urged by SPNHF.

7. By the logic adopted by SPNHF in its Motion to Suspend, all deliberations regarding applications for certificates before the SEC must be suspended pending the adoption of new rules in January 2015, almost one year from now. As the Committee wisely points out, nothing in the statute indicates an intent to bring all proceedings before the SEC to a complete standstill. Such a result would be absurd: important energy projects would be needlessly delayed, and the Committee would face an unworkable backlog of dockets upon adoption of the new rules. Clearly, the public interest would not be well-served at all by the relief sought by SPNHF.

8. For the reasons set forth above, it was not “unlawful” for the Committee to deny SPNHF’s Motion to Suspend, and SPNHF’s motion for rehearing should be denied accordingly.

Respectfully submitted,

Atlantic Wind, LLC

By Its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

Date: February 13, 2014

By: _____



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Certificate of Service

I hereby certify that on this 13th day of February, 2014, I served the foregoing Objection by electronic mail to the service list in this docket.



Patrick H. Taylor, Esq.