



McLane, Graf,  
Raulerson & Middleton  
Professional Association

11 South Main Street, Suite 500 | Concord, NH 03301  
Tel: 603.226.0400 | www.mclane.com

OFFICES IN:  
MANCHESTER  
CONCORD  
PORTSMOUTH  
WOBURN, MA

PATRICK H. TAYLOR  
Direct Dial: 603-628-1266  
Email: patrick.taylor@mclane.com  
Admitted in NH and MA

January 29, 2015

Site Evaluation Committee  
N.H. Department of Environmental Services  
29 Hazen Drive  
Concord, NH 03302-0095

**Re: Docket No. 2014-05: Antrim Wind Energy, LLC Petition for Jurisdiction  
Over a Renewable Energy Facility**

Dear Sir or Madam:

In connection with the above-referenced docket I enclose an original and eighteen (18) copies of the following:

- Antrim Wind Energy (AWE)'s Limited Objection to the Petitions to Intervene By Abutting and Non-Abutting Property Owners;
- AWE's Objection to the Petitions to Intervene by The Windaction Group and Patrick J. Leary; and
- AWE's Reply to Counsel for the Public's Objection to AWE's Petition for Jurisdiction.

If you have any questions regarding these materials, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. H. Taylor".

Patrick H. Taylor

Enclosures

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

PETITION FOR JURISDICTION OVER A RENEWABLE FACILITY  
BY ANTRIM WIND ENERGY LLC

SEC DOCKET NO. 2014-05

**APPLICANT'S OBJECTION TO PETITIONS TO INTERVENE BY  
THE WINDACTION GROUP AND PATRICK J. LEARY**

NOW COMES the Applicant, Antrim Wind Energy, LLC ("AWE"), and respectfully submits this Objection to the Petitions to Intervene by the Windaction Group ("Windaction") and Patrick J. Leary.

**I. Introduction**

AWE submitted its petition requesting that the SEC assert jurisdiction or maintain previously asserted jurisdiction over the Antrim Wind Project on November 26, 2014. The SEC subsequently opened Docket 2014-05, and on December 30, 2014, the SEC issued an Order and Notice of Public Hearing. AWE has not yet submitted a revised Application for a Certificate of Site and Facility for the Antrim Wind Project (the "Project"), and Docket 2014-05 is limited to adjudicating the issue of whether the SEC should assert or maintain jurisdiction over the Project.

Windaction states that it was granted intervenor status in Docket 2012-01, in which the SEC considered AWE's application for a certificate of site and facility relative to the Project, and that its substantial interests are unchanged.<sup>1</sup> Windaction did not seek to intervene in the prior jurisdictional docket, Docket 2011-02. Mr. Leary has submitted a petition to intervene citing

---

<sup>1</sup> In Docket 2012-01, Windaction claimed to be a "national organization" with "nearly 3,000 subscribers" having a "strong interest in ensuring wind energy proposals are considered in a deliberate and comprehensive manner with a keen focus on the impacts and costs of such development." Docket 2012-01, Petition to Intervene *Pro Se* of Industrial Wind Action Group (April 30, 2012). It claimed to have a substantial interest in "issues about which findings are required under RSA 162-H related to investment or construction of [the Project]," including potential unreasonable adverse effects on aesthetics, the natural environment, and public health and safety. *Id.* It also claimed an interest related to "the need for present and future demand for adequate and reliable power." *Id.*

only the “lack of environmental and economic benefits to New Hampshire” as substantial interests.

## **II. Standard for Intervention**

Pursuant to RSA 542-A:32, I and Site 202.11, the SEC shall grant a petition to intervene in a proceeding if: (1) the petition is timely and submitted in writing; (2) the petition states facts demonstrating that the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. RSA 541-A:32, I; N.H. Code Admin R., Site 202.11(b).

## **III. Windaction and Patrick J. Leary Have Not Demonstrated That Their Rights, Duties, Privileges, Immunities, or Other Substantial Interests May Be Affected By This Jurisdictional Proceeding**

### **a. Windaction**

In this case, Windaction has articulated no specific rights, duties, privileges, immunities or other substantial interests that may be affected by the outcome of this jurisdictional proceeding, nor does it allege that it qualifies as an intervenor as a matter of law. Rather, Windaction merely cites to the interests that it asserted in Docket 2012-01, in which the SEC evaluated AWE’s application for a certificate of site and facility. It makes no effort to explain how those interests may be affected by the outcome of this *jurisdictional* docket, as opposed to a docket focused on project application review. Rather, Windaction simply states that it takes no position on whether the Committee should assert jurisdiction, and expresses a concern that review of the proposed Project “may prove duplicative.” To the extent that Windaction’s petition to intervene is predicated upon a concern that the SEC’s review will be “duplicative,” its petition must fail. Windaction is a self-described “national organization” focused on wind

energy policy issues. It has no interest, direct or otherwise, in the issue of whether the SEC's review of the reconfigured Project will be duplicative of effort already expended by the SEC or other interested state or federal agencies. Even assuming, for the sake of argument, that it could articulate such an interest, it is no different from that of the public at large, and Counsel for the Public may be appointed to represent the public's interest in such proceedings. RSA 162-H:9, I; *Order on Pending Motions*, Docket 2009-02 at 6 (March 10, 2009).

**b. Patrick J. Leary**

Mr. Leary cites only the "lack of environmental and economic benefits to New Hampshire" as substantial interests which may be affected by this jurisdictional proceeding. As an initial matter, the effects and / or benefits of the proposed Project will not be addressed in this jurisdictional docket. Moreover, to the extent that Mr. Leary has an interest in the degree to which the Project will provide an environmental or economic benefit to New Hampshire, his interest is no different from that of the public at large, and Counsel for the Public may be appointed to represent the public's interest in such proceedings. RSA 162-H:9, I; *Order on Pending Motions*, Docket 2009-02 at 6 (March 10, 2009).

**IV. Conclusion**

Neither Windaction nor Mr. Leary have stated facts demonstrating any right, duty, privilege, immunity or other substantial interest that may be affected by this proceeding. A such, the SEC should deny their petitions.

Respectfully submitted,

Antrim Wind Energy, LLC

By its attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON  
PROFESSIONAL ASSOCIATION



Dated: January 29, 2015

By: \_\_\_\_\_

Barry Needleman, Bar No. 9446  
Patrick H. Taylor, Bar No. 17171  
11 So. Main Street, Suite 500  
Concord, NH 03301  
(603) 226-0400  
[barry.needleman@mclane.com](mailto:barry.needleman@mclane.com)  
[patrick.taylor@mclane.com](mailto:patrick.taylor@mclane.com)

**Certificate of Service**

I hereby certify that on this 29<sup>th</sup> day of January, 2015, I served the foregoing Objection by electronic mail to the service list in this docket.



\_\_\_\_\_  
Patrick H. Taylor