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Sent to: miacopino@brennanlenehan.com

Re: SEC Docket 2014-05 Antrim Wind, LLC Scheduling

February 2, 2015

At the prehearing conference last Friday in this Docket, as Counsel to the SEC, you invited parties to submit an alternative schedule for disclosure, discovery and hearing.

My response to that request is informed by consideration of the earlier proceeding in which Antrim Wind Energy sought to have the SEC take jurisdiction of an earlier version of its Antrim project (SEC Docket 2011-02). In that instance, a closely divided SEC panel voted (6 in favor and 4 opposed) to grant that petition for jurisdiction. The opinions in that docket demonstrate, among other things, that the decision to grant or deny such an application is highly fact-intensive, not merely a legal decision as counsel for the applicant suggested on Friday.

Since that time, many circumstances have changed. Among other things:

1. The SEC has been reconstituted. We do not know at this stage whether any of the members of the earlier panel will sit on this docket;
2. The surrounding factual circumstances in Antrim – which had a large influence on at least some members of the earlier panel – have also changed significantly.

I would urge the Committee to decide this application on the same basis that it decides all other matters and how it decided the 2011 docket, that is, on the totality of a record presented to the entire panel which makes the decision, not on part of a record made for another panel in another docket. It seems unfair to all parties to even consider doing the latter.

To have a full process will ensure that each member of the new SEC panel is working from the same record. It will also ensure that all parties – not just those who appeared in the earlier docket – will have the chance to examine and respond to all of the evidence and that important nuances in the evidence elicited from live testimony on cross examination play their proper role. It will also ensure that all parties receive notice, an opportunity to be heard and other “due process” rights as were provided in the original docket.

For the above reasons, I suggest that the petitioners be given a reasonable opportunity to make a factual record supporting their position through pre-filed testimony and exhibits. I offer a suggested schedule for these proceedings (not unlike that in the original docket) as follows:

7 days – all parties disclose the identity of witnesses

14 days – petitioners and supporters of the petition pre-file testimony and exhibits

28 days – opponents of the petition and non-aligned parties file pre-filed testimony and exhibits

35 days – petitioner and others opportunity to file supplemental testimony and exhibits

42 days - tech sessions for all parties

47 days – first day(s) of hearing

Thank you for the opportunity to suggest a path forward in this docket.

Sincerely,

A handwritten signature in blue ink that reads "Charles A. Levesque". The signature is written in a cursive, flowing style.

Charles A. Levesque