



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

March 26, 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 AWE's Objection to Dr. Fred Ward's Motion for Reconsideration in the above-referenced matter.

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

OBJECTION TO DR. FRED WARD'S MOTION FOR RECONSIDERATION

Antrim Wind Energy, LLC ("AWE") respectfully submits this Objection to Dr. Fred Ward's Motion for Reconsideration. In support hereof, AWE states as follows:

1. Dr. Ward first sought intervention in the above-captioned docket on January 20, 2015, asserting, *inter alia*, that his home "will have the closest view [of the proposed facility] from the Town of Stoddard." Ward Petition for Intervention at p. 1. He also asserted additional grounds in support of his intervention that were unrelated to his property interests; for example, he challenged the validity of data collected from AWE's meteorological tower at the site of the proposed facility.

2. AWE did not oppose Dr. Ward's intervention as a non-abutting landowner, but did oppose his intervention on grounds unrelated to his property interests. AWE also requested that all non-abutting landowners be consolidated for the purposes of efficiency.

3. In its Order dated March 13, 2015, the Site Evaluation Committee granted Dr. Ward's petition for intervention and consolidated all non-abutting landowner intervenors into a single class for the purposes of judicial efficiency. Docket 2014-05, Order on Pending Motions at 13. Though the Committee declined to limit the issue on which the non-abutting owners may participate "at this point in the proceeding," it did remind the parties that the sole purpose of the above-captioned docket is to determine whether the Committee will exercise jurisdiction, rather than address the merits of an application for a Certificate of Site and Facility. *Id.*

4. Dr. Ward filed a letter with the Committee that, while styled as correspondence, is in substance a Motion for Rehearing of the Committee's March 13, 2015 Order. In his letter, Dr. Ward requests that he be permitted to intervene in the above-captioned docket without having to co-ordinate with the class of non-abutting landowners.

5. In support of his request, Dr. Ward cites various public policy issues ostensibly affecting the State of New Hampshire generally, and essentially argues that wind power is an untenable proposition in this State. Dr. Ward did not raise these arguments in his initial petition for intervention, nor are they appropriately raised and addressed in this limited jurisdictional proceeding.

6. Dr. Ward also suggests that he should be allowed to speak for "other meteorologists who are unaware of these hearings, and who would wish to assert a similar point of view." Dr. Ward did not raise this as a ground for intervention in his initial petition for intervention, and it is difficult to appreciate how the hypothetical views of a class of unknown meteorologists could be relevant or beneficial in this limited jurisdictional proceeding or, for that matter, any subsequent proceeding.

7. Finally, Dr. Ward suggests that he should be permitted to represent the interests of the residents of the Town of Stoddard. Dr. Ward did not assert this as grounds for intervention in his initial petition, nor has he explained the interests that the general population of the Town of Stoddard has in this proceeding.

8. Pursuant to the Committee's rules, a motion for rehearing must "identify each error of fact, error of reasoning, or error of law which the moving party wishes to have reconsidered"; "describe how each error causes the committee's decision to be unlawful, unjust or unreasonable, or illegal in respect to jurisdiction, authority or observance of the law, an abuse of discretion or

arbitrary unreasonable or capricious”; and “state concisely the factual findings, reasoning or legal conclusion proposed by the moving party.” Site 202.09(d).

9. Dr. Ward’s Motion for Rehearing plainly fails to meet these fundamental requirements. He does not identify any “error of fact, error of reasoning, or error of law” in the Committee’s Order, nor does he describe how (or even allege that) the Committee’s Order is “unlawful, unjust, or unreasonable.” Rather, he proposes several entirely new grounds for allowing individualized intervention in this docket, none of which relate to his property interests or are properly considered in the course of this limited jurisdictional proceeding.

10. Consistent with the arguments set forth above, AWE requests that the Committee deny Dr. Ward’s Motion for Rehearing.

Respectfully submitted,

Antrim Wind Energy, LLC

By its attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON
PROFESSIONAL ASSOCIATION



Dated: March 26, 2015

By: _____

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

Certificate of Service

I hereby certify that on this 26th day of March, 2015, I served the foregoing Objection by electronic mail to the service list in this docket.



Patrick H. Taylor, Esq.