

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2014-05

**Petition for Jurisdiction
Over a Renewable Facility by Antrim Wind Energy, LLC**

ORDER ON DR. FRED WARD'S REQUEST FOR RECONSIDERATION

The Town of Antrim through its Board of Selectmen and Antrim Wind Energy, LLC (Antrim Wind), have filed petitions asking the Site Evaluation Committee (Committee) to assert jurisdiction over a proposed wind energy project with 9 wind turbines, each of which is capable of generating 3-3.3 MW for a total nameplate capacity of 27-29.7 MW (Facility). The Facility is proposed to be located in the Town of Antrim on the Tuttle Hill ridgeline spanning southwestward to the northeastern slope of Willard Mountain. The Facility will be located in the rural conservation zoning district and highway district on private lands owned by five landowners and leased by Antrim Wind. Antrim Wind asserts that the Facility's location will be similar to the facility reviewed and denied by the Committee in Docket No. 2012-01

On December 30, 2014, the Committee issued an Order and Notice of Public Meeting, which established a January 23, 2015, deadline for motions to intervene. On January 20, Fred Ward, Ph.D. filed a request to intervene. Antrim Wind filed a timely limited objection to Dr. Ward's request.

On March 13, 2015, in an Order on Pending Motions, Appointment of Subcommittee and Procedural Order, the Committee found that Dr. Ward, as well as other non-abutting property owners, had identified a combination of interests that may be effected by the outcome of this

proceeding. Consequently, Dr. Ward was granted intervenor status and was allowed to participate as a party in this docket. To assure the orderly conduct of these proceedings and to avoid duplication of arguments, however, Dr. Ward's participation was combined with other non-abutters as a single party.

On March 16, 2015, Dr. Ward forwarded a letter to the Subcommittee asking the Subcommittee to reconsider its decision to combine him with other non-abutting intervenors.

Antrim Wind objected on March 26, 2015. Dr. Ward filed a Replication to the Objection on March 30, 2015.

I. Positions of the Parties

Dr. Ward submits that he should not be combined with other non-abutting intervenors because his interests in these proceedings go beyond the interests of other non-abutting intervenors. Specifically, Dr. Ward asserts that he may assist the Committee, in his words, "in understanding the serious problems which Industrial Wind Facilities portend for our state and our region, generated because of the specific topography and meteorology of New Hampshire." Dr. Ward further asserts that he, as the only intervening meteorologist, may assist the Committee with the aesthetic, aural, sunlight, and icing issues surrounding the Project. Finally, Dr. Ward seeks to speak on behalf of other unidentified meteorologists and to protect the interests of the Town of Stoddard.

Antrim Wind treats Mr. Ward's request as a Motion for Rehearing and submits that Dr. Ward failed to identify any "error of fact, error of reasoning, or error of law" in the Committee's Order, and failed to describe how the Committee's Order is "unlawful, unjust, or unreasonable" as is required for motions for rehearing under Site 202.09(d). In addition, Antrim

Wind alleges that Dr. Ward, in his original request to intervene, failed to state that he could assist the Committee with determination that wind power is an untenable proposition in the State of New Hampshire. Furthermore, Antrim Wind submits that Dr. Ward failed to raise issues of representation of other meteorologists and the Town of Stoddard in his original request to intervene. Antrim Wind concludes that by not making those arguments in his original request, Dr. Ward lost the right to raise them now.

II. Analysis

The Committee agrees with Antrim Wind that Dr. Ward is seeking reconsideration or rehearing of the Committee's ruling on his request to intervene. The Committee also agrees that his request for reconsideration fails to state facts or points of law that would warrant reconsideration of Committee's decision to combine him with other non-abutting intervenors. In the Order on Pending Motions, the Committee considered Dr. Ward's argument that he should be allowed to intervene in this proceedings based on his role as a professional meteorologist. As the Committee noted in its Order, however, this docket is for the sole purpose of determining whether the Committee will exercise jurisdiction and that it does not involve the merits of an application for a Certificate of Site and Facility. Consequently, the Committee allowed Dr. Ward's intervention and combined him with other intervenors based solely on fact that he owns non-abutting real estate and his interest as real estate owner may be affected by the Project. Dr. Ward's expertise in meteorology and its relevance to the issues of the Project's aesthetic, aural, sunlight, and icing effects are not relevant to the determination of whether the Committee should assert jurisdiction over the Project, and are not an appropriate consideration on the issue of intervention. Dr. Ward failed to state facts or points law that would warrant the

reconsideration of the Committee's decision to combine his participation in this docket with other non-abutting intervenors.

III. Order

It is hereby ordered that Dr. Fred Ward's request to reconsider the Order on Pending Motions, Appointment of Subcommittee and Procedural Order is denied.

April 23, 2015



Martin P. Honigberg, Chairman
Site Evaluation Committee