STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE

RE: Petition for Jurisdiction Over a	
Renewable Facility By Antrim Wind, LLC	

NON-ABUTTING PROPERTY OWNERS' MOTION TO STRIKE TOWN OF ANTRIM'S MEMORANDUM OF LAW IN SUPPORT OF JURISDICTION

The Non-Abutting Property Owners Intervenors' Group, Richard Block and Loranne Carey Block, Charles A. Levesque, Annie Law and Robert Cleland, Elsa Voelcker, and Fred Ward (the "Intervenors"), hereby move the Committee to strike the Town of Antrim's *Memorandum of Law in Support of Jurisdiction*. In support hereof, the Intervenors respectfully represent as follows:

On March 13, 2015, the Chair entered an Order on Pending Motions, Appointment of Subcommittee and Procedural Order (the "Order"). The Order expressly provided the parties the opportunity to pre-file testimonies: "...the intervenors shall identify witnesses and file testimony on or before April 13, 2015, at 5 p.m." [Order page 20]

- 1. On April 13, 2015, the Town of Antrim, through the Board of Selectmen and the Planning Board, filed timely testimonies.
- 2. On June 26, 2015, the Town of Antrim, through its attorneys, Upton & Hatfield, LLP, submitted a *Memorandum of Law in Support of Jurisdiction* (the "Memorandum").

The Chair should strike the Memorandum because it is not timely in accord with the express terms of the Chair's March 13th Order. In addition, the Chair should strike the Memorandum because it is unfair. This document is a veiled attempt at submitting additional testimony, in effect providing the Town of Antrim with another bite at the apple.

There are significant issues raised in the Memorandum with a number of statements that are at best misleading if not clearly erroneous. The late submission of this Memorandum $2^{1}/_{2}$ months after the deadline for pre-filed testimony has passed, and

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only nine days — one of which is a federal holiday — prior to the scheduled adjudicatory hearing, does not leave adequate time for the other parties to sufficiently rebut claims made.

At the very least, this Memorandum should be set aside by the Chair and not considered by the Committee until sufficient time has been alloted for all parties to either rebut the Memorandum's claims or to provide their own summary statements. Failing to grant this would be a violation of the due process rights of the parties in this procedure.

Wherefore, the Intervenors respectfully request that the Town of Antrim's Memorandum be struck and not considered by the Committee in addressing the issue presented in the Order, or that the Chair order the Memorandum to be set aside and not considered by the Committee until after the adjudicatory hearings, and that a period of time be granted for all parties to submit rebuttal and/or summary statements, and grant such other and further relief as may be just.

Respectfully submitted this 2nd day of July, 2015,

THE NON-ABUTTING PROPERTY OWNERS INTERVENORS' GROUP

by RICHARD BLOCK, SPOKESPERSON

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Certificate of Service

I, Richard Block, do hereby certify that I caused the foregoing to be served upon each of the parties named in the Service List of this Docket.

Dated July 2, 2015

Richard Block