

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-02

**Re: Application of Antrim Wind Energy, LLC
for a Certificate of Site and Facility**

February 16, 2016

**ORDER ON MOTION TO RETAIN CONSULTANT
(Kellie Connelly)**

Procedural History

On October 2, 2015, Antrim Wind Energy, LLC (Antrim Wind), filed an Application for a Certificate of Site and Facility (Application) with the Site Evaluation Committee (Committee). Antrim Wind proposes to site, construct, and operate 9 Siemens SWT-3.2-113 direct drive wind turbines capable of generating 3.2 MW for a total nameplate capacity of 28.8 MW and associated civil and electrical infrastructure (Project.) *See* Application, at 19, 27. The Project is proposed to be located in the Town of Antrim on the Tuttle Hill ridgeline spanning southwestward to the northeastern slope of Willard Mountain. *Id.* at 5. The Project will be constructed primarily on the ridgeline that starts approximately 0.75 miles south of NH Route 9 and runs south-west, for approximately 2 miles. *Id.* The Project will be located in the rural conservation zoning district on private lands owned by six landowners and leased by Antrim Wind. *Id.* at 5-6. Antrim Wind seeks the issuance of a Certificate of Site and Facility approving the siting, construction, and operation of the Project.

On October 20, 2015, pursuant to RSA 162-H:4-a, the Chairman of the Committee appointed a Subcommittee in this docket.

On November 18, 2015, the Subcommittee reviewed the Application and determined that it contained sufficient information for the Subcommittee to carry out the purposes of RSA 162-H.

An Order accepting the Application was issued on December 1, 2015. A Procedural Order in this docket was issued on December 10, 2015.

On February 2, 2016, Counsel for the Public filed an Assented-To Motion for Leave to Retain Kellie Connelly and for an Order Directing Antrim Wind Energy LLC to Bear the Costs Thereof. Although the Applicant assented to the relief requested by Counsel for the Public, it raised its concerns about associated costs and requested Counsel for the Public to make all reasonable efforts to contain those costs. Counsel for the Public acknowledged the Applicant's concerns and agreed with its request.

Standard of Review

RSA 162-H:10, V, provides that the Site Evaluation Committee and Counsel for the Public "shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter..." RSA 162-H:10, V. The costs of such studies and investigations are to be assessed to the Applicant in an amount approved by the Committee. RSA 162-H:10, V. The standard of review is whether the study or investigation is reasonable and "necessary or appropriate." *Id.*

What is reasonable, necessary or appropriate must be considered within the scope of the purpose of the siting statute. The statute recognizes that "it is in the public interest to maintain a balance among those potential significant impacts and benefits" that energy facilities may have. RSA 162-H:1. In achieving this goal, the statute requires the Committee to "ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use

planning in which all environmental, economic, and technical issues are resolved in an integrated fashion.” *Id.*

Analysis

Counsel for the Public seeks to retain Kellie Connelly of Terraink, LLC of Boston, Massachusetts to provide expert analysis and opinion concerning the Project’s effect on aesthetics. Specifically, Counsel for the Public asserts that Ms. Connelly will analyze the visual impact of the Project as currently proposed, will prepare an independent Visual Impact Assessment, will review the Visual Impact Assessment and all other related documentation and testimony provided by the Applicant’s visual assessment experts, and provide her opinion on the issue of the Project’s impact on the aesthetics of the region. Counsel for the Public estimates that the total cost of services and expenses to be provided by Ms. Connelly will be approximately \$68,400.00. Counsel for the Public reserves the right to request the Subcommittee to order the Applicant to pay more than \$68,400.00, if necessary. The Applicant assented to the relief requested by Counsel for Public.

Ms. Connelly’s services will assist Counsel for the Public and the Subcommittee in determining the impact of the Project, as currently proposed, on the aesthetics of the region. Furthermore, the scope of Ms. Connelly’s work, including the preparation of a Visual Impact Assessment is reasonable taking into consideration the statutory requirement to ascertain the impact of the revised Project on the aesthetics of the region. *See* RSA 162-H:16. The Subcommittee also finds that the proposed cost for the consultant services is reasonable. Therefore, Counsel for the Public’s motion to employ Ms. Connelly will be granted to the extent that the cost to the Applicant shall not exceed \$68,400.00. Costs and expenses to the extent of

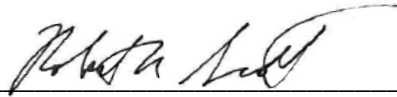
\$68,400 shall be paid by the Applicant as billed by Ms. Connelly. If further expenses are to be incurred, Counsel for the Public shall notify the Subcommittee with an appropriate motion.

Order

It is therefore ordered that:

The motion of Counsel for the Public to retain Kellie Connelly is granted and the Applicant shall pay for the services of Kellie Connelly, as invoiced, in an amount not to exceed \$68,400.00.

By Order of the Site Evaluation Committee, this 16th day of February, 2016.



Robert R. Scott, Presiding Officer
Commissioner, Public Utilities Commission