

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-02

**APPLICATION OF ANTRIM WIND ENERGY, LLC
FOR A CERTIFICATE OF SITE AND FACILITY**

**COUNSEL FOR THE PUBLIC'S OBJECTION
TO APPLICANT'S MOTION TO HAVE
TECHNICAL SESSION TRANSCRIBED**

Counsel for the Public hereby submits this Objection to the Applicant's Motion to Have Technical Session Transcribed and as grounds submits as follows:

1. On June 27, 2016 the Applicant filed a motion to have the upcoming technical session with witnesses for the Intervenors and Counsel for the Public transcribed and to have a transcription for the technical session prepared by a licensed stenographer.
2. Previously the Site Evaluation Committee ("Committee") advised all the parties that technical sessions would not be recorded or transcribed verbatim because the technical sessions were not intended by the Committee to be depositions and the Committee had experienced several occasions in which the technical sessions had been transformed into proceedings that were "nastier" and more resembled a deposition. See 2/25/16 Transcript of Pre-hearing Conference Page 45, L 14 – 24; Page 46, L 1- 17.
3. With that understanding, a technical session with the Applicant's witnesses was conducted on April 25, and 26. 2016, and it was neither recorded, nor transcribed. The technical session for Counsel for the Public and Intervenors witnesses is to be conducted on July 12 and 13, 2016.

4. The Applicant did not object or file a motion to reconsider the ruling from the Committee that the technical sessions would not be recorded or transcribed until four months after the parties were advised of the new process. Moreover, the Applicant waited until after the technical session for its own witnesses was held before making the request to record and transcribe the upcoming technical session.

5. The Applicant's Motion to Have Technical Session Transcribed is untimely. The Applicant was notified that the Committee determined that the technical sessions would not be record or transcribed on February 25, 2016. Under Site 202.29(c) a person has 30 days of the date of a Committee decision to request a rehearing of an order or decision. The Applicant waited almost 4 months before filing its motion. While it is not captioned as a Motion for Rehearing, given the prior ruling by the Committee, the motion filed by the Applicant is in sum and substance a Motion for Rehearing of the Committee's prior decision that the technical sessions were not going to be transcribed.

6. The Applicant's motion is also untimely because it comes after the technical sessions for its own witnesses occurred. Those sessions were not recorded or transcribed. Thus to permit the Applicant to have a stenographic record and transcription of Counsel for the Public and the Intervenor's witnesses would put Counsel for the Public and the Interveners at an unfair disadvantage.

7. If the Committee were to grant Applicant's motion, the only way to mitigate such unfairness would be to reschedule technical sessions for the Applicant's witnesses and to permit a stenographic record and transcription of those sessions as well, at the Applicant's expense.

WHEREFORE, Counsel for the Public respectfully requests:

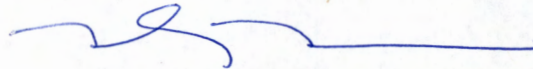
- A. That the Committee deny Applicant's Motion to Have Technical Session Transcribed;

- B. In the alternative reschedule additional technical sessions for the Applicant's Witnesses so that these session can also be recorded and transcribed; and
- C. For such other relief as is just and reasonable.

Respectfully submitted,

COUNSEL FOR THE PUBLIC
By her attorneys

Joseph A. Foster
ATTORNEY GENERAL



Dated: July 5, 2016

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CERTIFICATE OF SERVICE

I, Mary E. Maloney do hereby certify that on this day, I caused a true copy of the foregoing to be served upon the Parties by electronic mail.

Dated: July 5, 2016



Mary E. Maloney