

May 4, 2017

**VIA ELECTRONIC MAIL & HAND-DELIVERY**

New Hampshire Site Evaluation Committee  
Pamela G. Monroe, Administrator  
21 South Fruit Street, Suite 10  
Concord, NH 03301

**Re: NH Site Evaluation Committee Docket No. 2015-02:  
Application of Antrim Wind Energy, LLC – Objection to Joint Motion to Reopen  
the Record**


Dear Ms. Monroe:

Please find enclosed for filing in the above-captioned matter, an original and one copy of Applicant's Objection to Joint Motion to Reopen the Record.

We have provided members of the distribution list with electronic copies of this Objection, pending addition of the document to the Committee's website.

Please contact me directly should you have any questions.

Sincerely,



Barry Needleman

BN:rs3

Enclosure

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

**Docket No. 2015-02**

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

**APPLICANT ANTRIM WIND ENERGY, LLC'S OBJECTION TO  
JOINT MOTION TO REOPEN THE RECORD**

Antrim Wind Energy, LLC ("AWE" or the "Applicant") by and through its attorneys, McLane Middleton, Professional Association, respectfully submits this Objection to the Joint Motion to Reopen the Record (the "Motion"). The Applicant respectfully requests that the Subcommittee deny the Motion because the Motion does not provide proper basis to reopen the record and because the basis for the Motion is now moot.

**I. Background**

On October 2, 2015, the Applicant filed an application with the New Hampshire Site Evaluation Subcommittee ("SEC" or the "Subcommittee") for a Certificate of Site and Facility to construct and operate a 28.8 MW electric generation facility consisting of nine Siemens SWT-3.2-113 direct drive wind turbines in Antrim, New Hampshire (the "Project"). The Subcommittee accepted the application on December 1, 2015.

On March 17, 2017 the Subcommittee issued its Decision and Order Granting Application for a Certificate of Site and Facility and Order and Certificate of Site and Facility with Conditions (the "Decision").

On May 2, 2017, the Joint Intervenors filed this Motion to Reopen the Record. On May 3, 2017, the Applicant filed a letter and new executed copy of an easement agreement

substituting the holder of one of the conservation easements proposed in Antrim Wind Energy LLC's Application.

## **II. Discussion**

Pursuant to the SEC Rules, "a party may request by written motion that the record be reopened to receive relevant, material and non-duplicative evidence or argument." Site 202.27 (a). The Motion does not provide a proper basis to seek to have the record reopened. Rather, the Motion merely serves as a second, late filed, request for rehearing. A motion for rehearing may be requested by presenting new evidence that was "unavailable prior to the issuance of the underlying decision." *Hollis Telephone Inc.*, N.H. PUC Order No. 25,088 at 14 (April 2, 2010). The Motion seeks to present new evidence relating to events occurring after the issuance of the Certificate. The timing to request rehearing, however, expired on April 17, 2017.

Further, the information relied on in the Joint Motion is not relevant nor is it material as the information is now moot in light of information recently provided to the SEC regarding the conservation easements. The Motion relies on the Applicant's intent to deed an additional 100 acres of conservation land as part of the mitigation package. The Motion further relies on the fact that the Applicant has "been incapable of finding a third-party entity willing to manage the Bean Easement land." *Motion* at ¶13.

AWE provided the Subcommittee with a new executed letter of intent ("LOI") for the Bean Easement substituting New England Forestry Foundation for the Town of Antrim as the holder of the easement. All other aspects of the easement and the terms and conditions of the LOI remain the same. The Applicant's Certificate is conditioned on final closing and recording of the conservation easements and adherence to the terms and conditions contained within the easements. *Decision and Order Granting Application for Certificate of Site and Facility*, Docket

No. 2015-02, at p. 81 (March 17, 2017). None of the terms or conditions of the easements have changed and the Applicant still intends to close and record the conservation easements as initially proposed and therefore the basis of the Motion is moot.

WHEREFORE, the Applicant respectfully requests that the Subcommittee:

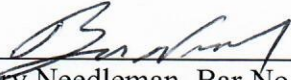
- A. Deny the Motion to Reopen the Record; and
- B. Grant such further relief as requested herein and as deemed appropriate.

Respectfully submitted,

McLANE MIDDLETON,  
PROFESSIONAL ASSOCIATION

Dated: May 4, 2017

By: \_\_\_\_\_

  
Barry Needleman, Bar No. 9446  
Rebecca S. Walkley, Bar No. 266258  
11 South Main Street, Suite 500  
Concord, NH 03301  
(603) 226-0400  
barry.needleman@mclane.com  
rebecca.walkley@mclane.com

Certificate of Service

I hereby certify that on the 4<sup>th</sup> of May 2017, an original and one copy of the foregoing Objection to the Joint Motion to Reopen the Record were hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.

  
\_\_\_\_\_  
Barry Needleman