

**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**

May 5, 2017

ORDER RESCINDING SUSPENION OF CERTIFICATE

This Order rescinds the Order dated April 3, 2017, suspending the Certificate of Site and Facility pending consideration of motions for rehearing.

I. Background

On October 2, 2015, Antrim Wind Energy, LLC (Antrim Wind or Applicant), 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 will be located in the Town of Antrim on the Tuttle Hill ridgeline spanning southwestward to the northeastern slope of Willard Mountain (Site). *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.

An Order accepting the Application was issued on December 1, 2015. Thirteen days of adjudicative hearings were held between September 13, 2016 and November 7, 2016. The Subcommittee spent three days in deliberations and voted to grant a Certificate of Site and

Facility to the Applicant with certain conditions. On March 17, 2017, a Decision and Order was issued Granting a Certificate of Site and Facility with Conditions.

On March 25, 2017, the Subcommittee received a timely Motion for Rehearing from the Meteorologists Group of Intervenors. On April 3, 2017, the Subcommittee issued an Order Suspending Decision and Order Granting Certificate of Site and Facility with Conditions (Suspension Order).

Following the issuance of the Suspension Order, the Subcommittee received additional motions for rehearing from:

- The Abutting Residents Group of Intervenors, the Non-Abutting Residents Group of Intervenors, the Levesque/Allen Group of Intervenors, the Stoddard Conservation Commission and the Windaction Group (jointly filed on April 14, 2017); and
- Counsel for the Public (April 17, 2017.)

On April 17, 2017, the Applicant filed a Motion to Schedule Meeting for Further Consideration of Rehearing and Lift Suspension. On April 20, 2017, a Notice and Order Scheduling a Hearing on Pending Motions for Rehearing for May 5, 2017 was issued.

The Intervenors Objected to the Applicant's Motion on April 26, 2017. The Applicant replied to the Intervenors' Objection on May 4, 2017. On May 5, 2017, the Subcommittee held a deliberative hearing and voted to deny the three motions for rehearing.

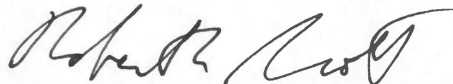
II. Analysis

Under the New Hampshire Administrative Procedure Act, upon the filing of a motion for rehearing, "the commission shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further consideration." RSA 541:5; *see also* N.H. Code Admin. Rules, Site 202.29 (e). Any order of suspension may be upon such terms and conditions

as the commission may prescribe. *Id.* RSA 162-H:4, V, further authorizes the Presiding Officer to “decide procedural matters that are before the committee.”

The Suspension Order was issued because the Subcommittee was unable to meet and consider the motions for rehearing within ten days as provided by statute. The Suspension Order was issued as a procedural order under RSA 162-H:4, V. The Subcommittee denied the motions for rehearing. A written order memorializing the Subcommittee’s deliberations will follow. Suspension of the Certificate is no longer statutorily required. The order suspending the Certificate is hereby **RESCINDED**. The Applicant’s Motion to Schedule Meeting for Further Consideration of Rehearing and Lift Suspension is moot.

SO ORDERED this fifth day of May, 2017.



Robert R. Scott, Presiding Officer
Site Evaluation Committee