

In Re:
SEC 2015-02 ANTRIM WIND ENERGY
Hearing on the Merits

DAY 7 - AFTERNOON SESSION ONLY
September 29, 2016

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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

September 29, 2016 - 12:50 p.m.
Public Utilities Commission
21 South Fruit Street - Suite 10
Concord, New Hampshire

DAY 7
AFTERNOON SESSION ONLY

IN RE: SEC DOCKET NO. 2015-02
ANTRIM WIND ENERGY, LLC:
Application of Antrim Wind
Energy, LLC for a Certificate
of Site and Facility.
(Hearing on the Merits)

PRESENT FOR SITE EVALUATION SUBCOMMITTEE:

- Cmsr. Robert R. Scott Public Utilities Commission
(Presiding as Presiding Officer)
- Cmsr. Jeffrey Rose Dept. of Resources &
Economic Development
- Dr. Richard Boisvert Dept. of Cultural Resources/
(Designee) Div. of Historical Resources
- John S. Clifford Public Utilities Commission/
(Designee) Legal Division
- Dir. Eugene Forbes Dept. of Environ. Services/
(Designee) Water Division
- Patricia Weathersby Public Member

Also Present for the SEC:
Michael J. Iacopino, Esq. (Brennan...)
Marissa Schuetz, SEC Program Specialist

COURT REPORTER: Susan J. Robidas, NH LCR No. 44

1 APPEARANCES:

2 Reptg. Antrim Wind Energy (Applicant):
3 Barry Needleman, Esq. (McLane...)
4 Rebecca S. Walkley, Esq. (McLane...)
5 Henry Weitzner (Antrim Wind Energy)
6 Jack Kenworthy (Antrim Wind Energy)

7 Reptg. Counsel for the Public:
8 Mary E. Maloney, Esq.
9 Asst. Atty. General
10 N.H. Attorney General's Office

11 Reptg. the Town of Antrim:
12 Justin C. Richardson, Esq. (Upton...)

13 Reptg. Harris Ctr. for Conservation Ed.:
14 Stephen Froling, Esq.
15 James Newsom, Esq.

16 Reptg. Audubon Society:
17 Francie Von Mertens
18 Carol Foss

19 Reptg.Reptg. Abutting Landowners Group:
20 Barbara Berwick, pro se
21 Bruce Berwick, pro se

22 Reptg. Allen/Levesque Group:
23 Mary Allen, pro se

24 Reptg. Meteorologists Group:
25 Dr. Fred Ward

26 Reptg. the Wind Action Group:
27 Lisa Linowes

28 Reptg. the Griffin/Pratt Group:
29 Benjamin Pratt

30 Reptg. Stoddard Conservation Commission:
31 Geoffrey T. Jones

32 Wesley Enman, Intervenor

33 Charles Levesque, Intervenor

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19 MICHAEL GENEST

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1 P R O C E E D I N G S

2 PRESIDING OFFICER SCOTT: Back on the
3 record. Mr. Forbes, do you have any questions
4 of the witness?

5 DIR. FORBES: Yes, thank you.

6 QUESTIONS BY DIR. FORBES:

7 Q. I was kind of trying to clear up something.
8 You were asked a lot of questions about the
9 shadow flicker sensing program that you intend
10 to employ. I was confused a little bit about
11 what's been created and what hasn't been
12 created in regards to that. You indicated
13 there was a program created. But from my way
14 of thinking about this program, it starts with
15 fundamental physics of how the sun tracks, and
16 you would have to then input all of the sites
17 of concern, the latitude, longitude, elevation
18 and such to have that all put together. Has
19 that work been done, or is it just that you got
20 or Siemens has a program that would be utilized
21 for the purpose of this project?

22 A. So, Siemens has informed us that they have
23 developed what will be required to be
24 implemented here in order to meet the shadow

1 flicker standards, and we are reflecting that
2 in our supply contract with Siemens, and in
3 some detail, so that it is clear that the
4 system will be able to do everything that we
5 require it to do. The components of a shadow
6 flicker control system consists both of
7 hardware and software components. And I will
8 confess that I don't have a hundred percent of
9 all the details of what specifically has been
10 used in Europe under the North Tech Supply to
11 Siemens Turbines, which has been commonplace
12 there and what's different about what Siemens
13 is proposing for us to use here in the United
14 States, as it relates to the patent issue that
15 prevents us from just being able to use that
16 system. But Siemens has informed us that they
17 have an available solution for us that is an
18 adaptation of the technologies that they've
19 used in Europe, and it consists of the
20 components that -- well, the hardware
21 components is mainly the sun sensor that exists
22 on the nacelle of every turbine and then the
23 software program which is integrated into the
24 SCADA, giving it the ability to turn turbines

1 on or off as necessary to do what you
2 described. This is language that is very clear
3 in the supply contract we will have with
4 Siemens, which is that we will be able to
5 program in locations that are identified as
6 locations at which we may need to monitor for
7 and potentially curtail turbines to limit
8 shadow flicker at. So the system will know
9 where the turbine is; it will know the height
10 of all those turbines; it will know where the
11 locations of the receptors are; it will know
12 the path of the sun on each day of the year for
13 each year the Project is in operation, and that
14 will allow it to plot geometrically when the
15 kind of theoretical maximum shadow flicker can
16 occur. And then the light sensor is kind of
17 the last factor which is capable of essentially
18 just telling the system, can shadow flicker
19 occur now or not, based on sunlight intensity.
20 And we will be working on getting more
21 specifics of what that threshold is and inform
22 that threshold as soon as we can.

23 So the components that we intend to use at
24 Antrim, based on the work we've done with

1 Siemens, are available for us for this project.
2 Does that answer your question?

3 Q. Yes, I think it does.

4 I guess, you know, as follow-up on the
5 point of information request relative to the
6 threshold where things turn on, I wonder -- I
7 look forward to seeing that, because I wonder
8 if you think there would be a distance factor
9 that would be part of the equation of whether
10 or not the intensity is strong enough to create
11 a flicker at a location that may be one mile
12 away or two miles away. Would that likely be
13 part of the determination you think?

14 A. I don't know. I would suspect likely not,
15 mainly because, you know, the overall amount of
16 curtailment that we expect here is very low.
17 And, you know, for each of the 24 locations
18 that we're talking about, all 9 turbines
19 potentially contribute some amount to shadow
20 flicker, not at every location. But certainly
21 each of the nine turbines causes some amount of
22 shadow flicker at at least some of the 24
23 locations. So if we were trying to calculate
24 for each turbine relative to each of the 24

1 locations what the distance factor is for
2 those, it's more complicated than it needs to
3 be, particularly when what we're talking about
4 is between two hours -- or sorry -- between two
5 minutes per year and five hours per year in
6 total that we will need to have curtailment to
7 meet this eight-hour-a-year standard. So my
8 expectation is that what we will have in terms
9 of the sunlight sensor is what the threshold is
10 to determine that there is a shadow strong
11 enough -- sunlight strong enough to cast
12 shadows in a manner that could create flicker
13 without accounting for the distance from that
14 turbine, because really the rules here are
15 telling us the distance that we need to
16 evaluate at.

17 Q. I also wonder if there's any way to monitor at
18 the sites, the homes, if you will. You know,
19 I've heard a lot about the questions of weather
20 and such, and I can easily imagine situations
21 where there's low-lying fog and a house can't
22 even see, yet the turbines might be up in
23 bright sunlight. And in contrast, maybe there
24 would be some other situation that would be

1 cognizant of that. But how would one be able
2 to really know if your shadow flicker control
3 system is accurately, you know, representing
4 what is happening at the impact site?

5 A. Well, I think it seems to me that the -- I
6 mean, as you know, as we've discussed, we
7 talked about producing a report. And the
8 report will be able to identify for each of
9 these locations what the total amount of shadow
10 flicker each of them experienced in a given
11 year was and how much the turbines may have
12 needed to be curtailed in order to meet that
13 standard. So that will be produced in a
14 report, and we're willing, as we said, to make
15 it available to the Committee and the Town.

16 So I guess the question you're asking
17 further is: How do we know that that report is
18 correct? I don't know, and I've never heard of
19 a way to monitor for shadow flicker at a
20 receptor. You know, it's a thing that's kind
21 of experienced by people and isn't, you know,
22 really measurable as such. It's not like
23 there's sound that we can put a sound meter out
24 there and leave it alone and record it. So,

1 with respect to the reliability of the outputs
2 of the report, I think they're reliable, in the
3 sense that, while I think you're correct, that
4 you could have a circumstance where the turbine
5 is -- the light sensor is telling the turbine
6 to shut down because it may cause flicker at a
7 receptor, even though that receptor could be in
8 a low fog bank, therefore we're curtailing or
9 counting as though there's been shadow flicker
10 perhaps when there hasn't. So we would come
11 out being less than eight hours per year. I
12 don't think the converse is also true. In
13 other words, if we are not detecting sunlight
14 at that turbine, it's not possible for us to
15 cast a shadow onto a receptor and exceed the
16 amount of shadow flicker that we would
17 otherwise be allowed to.

18 So I think the function of the system, you
19 know, in a way is kind of self-verifiable by
20 the functioning of the sensor and the way in
21 which, you know, the system has been set up and
22 configured to operate.

23 Q. Thank you.

24 DIR. FORBES: No more questions.

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PRESIDING OFFICER SCOTT:

Ms. Weathersby.

QUESTIONS BY MS. WEATHERSBY:

Q. Good afternoon. I think there's been some concern raised about Antrim Wind's expeditious dealing with complaints. I know under the agreement with the Town of Antrim, you're required to make reasonable efforts to respond. Could you tell us what the plans Antrim Wind -- how they intend to deal with complaints. And is there someone on the phone from 9:00 to 5:00? And in how much time do you respond back? What are the plans to address the citizen complaints?

A. Sure. I would like to pull up, if I can, just a reference to the Town agreement, which was our Appendix 17A of our Application.

(Witness reviews document.)

A. So the provisions are fairly general that have been set out in the agreement. And, you know, what it requires of us is to identify individuals, whose name and contact information is posted at the town office, and obviously known by town officials, along with phone,

1 e-mail and address information, so they could
2 be contacted by any member of the public who
3 has an inquiry or complaint.

4 Generally, I think for relatively normal
5 issues, we would expect those things to occur,
6 you know, during normal business hours.

7 Certainly the public may call during
8 non-business hours. But for non-emergency
9 issues, we generally expect the response
10 process would commence the next business day.
11 We will be developing an emergency response
12 plan, obviously, which will have different
13 protocols for responses, which, you know, would
14 very likely be immediate in every case if
15 there's an emergency. But for just general
16 inquiries and complaints, again, name and
17 address, contact information posted at town
18 hall, which is available to the public. It's
19 difficult to prescribe very specific time lines
20 for each different type of inquiry or complaint
21 you might get and what the exact time frame for
22 response may be, because in some instances
23 there may be issues that could take some time
24 to resolve if there's an issue with a turbine

1 and we need to get a part or something of that
2 nature. But I can tell you that it would be
3 our intention that, if we were contacted by a
4 member of the town, to take the complaint and
5 to respond as soon as we practically could.
6 Ideally, it's to have a conversation with the
7 complainant, to understand the nature of the
8 complaint, document it and start to investigate
9 the cause of it, you know, within a couple of
10 days. It really depends on what else the staff
11 is doing on site that day, if there's, you
12 know, technical work that may require -- if
13 Siemens techs are up tower, it may take us a
14 little more time until we conclude that process
15 before we follow up on it. But the expectation
16 is we will start to look into it right away.

17 Q. And if someone does call after 5:00, will there
18 be a message recording device that they can
19 leave a message, or do they have to call back
20 again the next day?

21 A. No, absolutely.

22 Q. And that person will receive a return phone
23 call, assuming they left their contact info,
24 the following day to follow up on their

1 concern?

2 A. Yes, I think typically so, yes.

3 Q. Thank you.

4 If a member of the public had a concern
5 about noise at their property -- in Lempster,
6 we heard testimony that the Lempster Police or
7 sheriff received a decibel meter, special
8 training, and they would go out to the property
9 and actually measure the sound. Is that
10 something that you're considering?

11 A. We hadn't discussed it with the Town. The Town
12 of Antrim hadn't requested it of us. We
13 wouldn't be opposed to it necessarily if the
14 Town was interested in having available to it a
15 sound-level meter that was the appropriate type
16 of meter they could use to investigate a
17 complaint. I don't think we would have any
18 objection with that.

19 Q. Okay. Returning to the end of life of the
20 Project, I know you're planning on 20, 25
21 years, perhaps refitting the turbines and going
22 for a maximum of 50 years. What happens at the
23 end of 50 years? Is it -- are you able to then
24 renegotiate the leases, or are those leases --

1 is 50 years really the end, or may it continue
2 beyond that?

3 A. It's a good question. And, you know,
4 typically, it would be kind of, as you
5 initially described, yes, you can renegotiate
6 leases. They don't provide for second
7 extension. But parties can always agree, if
8 things are going well, that they can keep
9 going. In this case, it's not the leases that
10 prevents us from going further; it's the
11 conservation easements. So, with the -- you
12 know, the wind farm will be within the actual
13 conservation land itself. There's no
14 bifurcation. It is a retained right inside
15 those lands. And therefore, that retained
16 right has a expiration date, and the expiration
17 date of the retained right in the easement is
18 the date of the maximum term of the current
19 leases. So, once we get to the end of the life
20 of these leases, even if we renegotiate leases
21 with these landowners, we would be prohibited
22 under the conservation easements from
23 continuing to operate the wind farm.

24 Q. Okay. Thank you.

1 The access road to the property, will
2 abutters to the access road, will they be able
3 to use that road to access their properties?

4 A. No.

5 Q. And -- okay. So the only personnel who would
6 be able to use that access road will be people
7 associated with the wind farm project.

8 A. Yes, with one exception, which is -- so,
9 Michael Ott is the landowner that owns the
10 property that abuts Route 9 and extends up to
11 the ridge where we have Turbines 1 and 2
12 located. And the road that is on his property
13 from the public roadway, you know, he can
14 personally use. He's got a right to access it
15 on his property. He does not have a right to
16 convey to anybody else the right to use that
17 road because it's restricted, and it's
18 restricted in both our agreements with him on
19 the wind lease and in the conservation easement
20 agreements that restrict any conveyance of a
21 right-of-way through those eased areas, but
22 certainly not to any abutters. And that road
23 is going to be gated. It's a gated road for
24 the wind farm access.

1 Q. And if Mr. Ott decided to build -- to subdivide
2 his property or to build a second home -- I
3 guess not a subdivision, but if he decided to
4 build a home for his children or something and
5 there were two homes there, then there'd be two
6 people, two families being able to use that
7 right?

8 A. Well, depending on where. I mean, Mr. Ott owns
9 about 330 acres there. And I think we visited
10 his home at the first site visit in February.
11 We kind of parked in his driveway there and
12 then walked up to the power lines. That area
13 is roughly 5-, 600 feet from where the entrance
14 to the new access road is going to be built, a
15 little bit further northeast. So, you know,
16 the conserved area above where his current home
17 is can't be subdivided. It obviously has the
18 reserved rights we discussed earlier with
19 Attorney Reimers. If he were to subdivide in
20 the lower section of property that's
21 unrestricted, could the new owner -- gosh,
22 that's an interesting question. I don't
23 exactly know. Sounds like maybe they would
24 because --

1 Q. I guess what I'm trying to get at is, when the
2 Project is decommissioned, does the entire road
3 come out, or does the bottom part of the road
4 that crosses his property stay?

5 A. So the commitment we've made is that we will
6 break up the road all the way from Turbine 9 to
7 the property boundary between Mike Ott's
8 property and the Antrim Limited Partnership, or
9 Bean Family Property. So, all of that road
10 will be, again, broken up, reseeded. The
11 remainder of the road will not be because Mr.
12 Ott has retained the right to build a home
13 within that easement area and to use that road
14 to access it. And this was a very important
15 thing for him, and without it we wouldn't have
16 been able to get the conservation easement on
17 about 130 acres of his land.

18 Q. Concerning the turbines themselves, are they to
19 be -- what's the surface of the pole and the
20 blades? Is it reflective, non-reflective? Is
21 it white, gray? Can you describe that for us?

22 A. Yeah, it's essentially white to -- light gray
23 to white. I forgot what the FAA calls it. But
24 there's essentially FAA painting requirements

1 that are required. And I think it's off-white,
2 off-white to light gray or something like that.
3 So they're pretty uniform in color between the
4 nacelle, the towers and the blades. Obviously
5 they are different materials. They're not
6 reflective materials. If that answers your
7 question?

8 Q. Yes, thank you.

9 And the met tower, we haven't heard a lot
10 about it. But I understand that to be a
11 lattice-type tower?

12 A. Yes.

13 Q. Did you consider any other types of towers, you
14 know, monopole or something that might perhaps
15 be less -- have less visibility?

16 A. We did. And unfortunately, you know, you can't
17 build a tower that tall as a monopole without
18 guying it. And so when you -- there's a
19 100-meter tower. We need to have wind
20 measurement instruments at the hub height of
21 turbines. And so we're, you know, 92-1/2-meter
22 hub height. The met tower is slightly lower
23 than some of the turbines. We have a 400-meter
24 tower. And to be able to get to that height in

1 that type of area, you either need a
2 freestanding lattice tower or you need a guy
3 tower. And those guys for a tower that tall
4 very well could have more visibility and
5 certainly would be an untenable interference
6 with construction, maintenance and operations
7 in that area.

8 MS. WEATHERSBY: I have nothing
9 further.

10 PRESIDING OFFICER SCOTT: Dr.
11 Boisvert.

12 DR. BOISVERT: Few questions.

13 QUESTIONS BY DR. BOISVERT:

14 Q. Regarding sound and sound abatement, you
15 indicated that, should there be a problem, to
16 make sure first it wasn't a mechanical problem,
17 that something was out of alignment or whatever
18 and you'd want to cure it anyway. But if there
19 was no mechanical deficiency, you would
20 exercise you're NROs, which I would assume is
21 noise reducing operations, something like that?

22 A. Yes.

23 Q. But what are they? Is it slowing down the
24 blades? You said it could be done in

1 increments of 1 decibel down to a total of
2 5 decibels. Exactly what is changing in the
3 operation of the turbine to reduce it by 1
4 decibel?

5 A. I'll give you my best answer, and it may not
6 include as much detail as Mr. Marcucci may have
7 been able to provide.

8 But ultimately, the NRO is a series of
9 modes that are -- they change the operational
10 characteristics of the turbine, which means
11 probably a combination of two things: One, it
12 may slow the rotor rotation, and/or, two, it
13 may change the pitch of the blades in order to
14 reduce sound. And that's probably the best I
15 can tell you about what it's going to do. And
16 we can do that in varying increments.

17 Q. So, basically it's rotor speed and pitch of the
18 blades, angle of the blades.

19 A. Yeah.

20 Q. I thought it might be something like that, but
21 I was just curious.

22 Now, regarding shadow flicker and the
23 rules. If you could look at 301.14(f)(2)b, not
24 to be Shakespearean about it. And these are --

1 this refers to wind energy systems apply the
2 following standards... now, the standard down
3 in B, would you read that, please.

4 A. I'm sorry, Commissioner Boisvert. Can you
5 point me again? 3.14 --

6 Q. (f)(2)b. I think I have that correct.

7 A. Okay. So this says, "With respect to shadow
8 flicker, the shadow flicker created by the
9 Applicant's energy facility during operations
10 shall not occur more than 8 hours per year at
11 or within any residence, learning space,
12 workplaces, healthcare setting, outdoor or
13 indoor public gathering area, or other occupied
14 building."

15 Q. You said that you did not read that to mean any
16 newly constructed residences within the shadow
17 flicker area. How do you come to that
18 conclusion? I don't see anything in there that
19 says, with respect to shadow flicker, "for
20 existing buildings." I simply see a statement
21 regarding categories, such as residences,
22 learning spaces, et cetera. How did you come
23 to that conclusion?

24 A. Yeah, it may be that I was referring back to

1 the requirements for what we -- what the rules
2 tell us to evaluate in order to be able to
3 demonstrate compliance with these rules for the
4 Committee to be able to make a finding that was
5 informing my statements.

6 Q. Okay. But that was -- obviously, we can't ask
7 you to come up with a plan for shadow flicker
8 for something that doesn't exist. So you have
9 to work with what turns out to be 24 residences
10 in that area. I read this as indicating that,
11 if there's a new residence built over the next
12 20 to as much as 45 years, there would be some,
13 and they could occur in the shadow flicker
14 areas. Do you not agree that you would need to
15 apply this standard to that residence?

16 A. I can see that that's what the rule states. It
17 seems to state that.

18 Q. Yeah, but do you agree that you would need to
19 apply it?

20 A. I suppose if that's what the rules state, then
21 we would, yes.

22 Q. How would you go about determining that there
23 were new residences that needed this?

24 A. I don't know.

1 Q. Might I suggest that Antrim Wind be notified
2 when a certificate of occupancy is created
3 within your 2-mile buffer, that that might be a
4 way to at least know there's a new residence,
5 and then you could determine whether or not it
6 might have shadow flicker?

7 A. I certainly would not object if we were to
8 receive notification of a new residence within
9 a mile, with respect to shadow flicker, for us
10 to be able to conduct an evaluation.

11 Q. And if it was to receive some shadow flicker in
12 excess of eight hours, you would then carry out
13 the necessary mitigations?

14 A. Yeah, that would follow. Yeah.

15 Q. And let me ask also on the flip side. If a
16 residence were to not be there, heaven forbid
17 there's a catastrophic fire and a residence is
18 no longer able to be occupied, would you then
19 remove it from your shadow flicker mitigations?

20 A. Yeah, I think if we became aware that a
21 residence that had been being counted for and
22 that was being, you know, curtailed to achieve
23 a standard that was no longer there, we would
24 like to be able to stop curtailing for that

1 residence since we wouldn't be causing an
2 impact.

3 Q. And I'm only referencing this in terms of a
4 property no longer exists. I could understand
5 if a property might be unoccupied for a while
6 and is between owners, if you will.

7 A. Sure.

8 Q. It would still apply to that, because I would
9 assume that if a new buyer is going in, they
10 would want to see what the shadow flicker
11 looked like and know that there was an
12 abatement. So, okay.

13 MR. NEEDLEMAN: I'm sorry. If I
14 could interrupt for one moment regarding your
15 question with the issuance of a certificate of
16 occupancy being a triggering event. One thing
17 we could do, and maybe it would involve working
18 with Public Counsel, is it might actually be
19 helpful to find a triggering event prior to the
20 issuance of a certificate of occupancy, because
21 what I'm thinking is, if somebody were
22 contemplating building a home, they may make a
23 choice about where to put it on a particular
24 parcel based on a shadow flicker analysis. So

1 it may benefit both sides to have that
2 information earlier in the process.

3 PRESIDING OFFICER SCOTT: And if I
4 could interject, perhaps a building permit or
5 something like that.

6 MR. NEEDLEMAN: Yeah, something like
7 that.

8 DR. BOISVERT: I'm looking for a
9 common-sense way to identify that property so
10 that it can be included. That building permit
11 might be just fine as well. But you would need
12 to know exactly where it was so that you could
13 model it. And, I guess in the sense of
14 fairness, if you're going to be adding
15 properties in, I can understand scenarios where
16 you might remove a property that was no longer
17 possible to be occupied.

18 MR. NEEDLEMAN: That makes sense.

19 DR. BOISVERT: And I think that would
20 be only fair. I guess I would look to some
21 sort of agreement that might be crafted between
22 you, the Applicant, and, say, Counsel for the
23 Public that could establish that kind of
24 procedure.

1 MR. NEEDLEMAN: We can certainly work
2 on that.

3 DR. BOISVERT: Is that acceptable to
4 Counsel for the Public?

5 MS. MALONEY: Sure.

6 MR. IACOPINO: You might need the
7 Town's input on that as well.

8 MS. MALONEY: I was going to say --

9 MR. NEEDLEMAN: Yes.

10 MR. RICHARDSON: And the Town would
11 agree. I'll just state that for the record.

12 DR. BOISVERT: Good.

13 That's what I have. Thank you.

14 PRESIDING OFFICER SCOTT: Commissioner
15 Rose.

16 CMSR. ROSE: Rose.

17 QUESTIONS BY CMSR. ROSE:

18 Q. Good afternoon. We have heard and we will be
19 hearing more from the Town of Antrim Selectmen
20 on their perspective. And I recall reading
21 somewhere in your prefiled testimony that you
22 had conversations with the regional planning
23 commission. But I don't recall if I saw
24 anything that stated what the regional planning

1 commission's perspective was on the Project.

2 A. Yeah, they really haven't weighed in. So, you
3 know, Southwest Regional Planning Commission,
4 there have been a couple of informal
5 conversations that date back a fair ways. They
6 were obviously provided notice of the 2012
7 application and notice again of this
8 application. Other than those informal
9 conversations and the notices they received,
10 they haven't offered any concerns or comments
11 or really engaged much at all in this process.

12 Q. Thank you. There was some discussion earlier
13 regarding ice throw and some examples -- or at
14 least an example referenced ice throw of up to
15 250 meters -- or I think it was like 820 feet,
16 if I recall correctly, or thereabouts. Would
17 the SCADA -- and I may not have that pronounced
18 -- the SCADA system, would that be able to have
19 the capacity to sense certain ice throw
20 conditions to shut down, to ensure that would
21 not be the case for this particular project?
22 Or could you give me a little perspective on
23 the safety measures to ensure that you wouldn't
24 have ice throw of that significant distance?

1 A. Yeah, I think it's somewhat a matter of
2 degrees. There are built-in systems on the
3 turbine that are intended to protect both the
4 turbine and, you know, any nearby people or
5 structures from potential, you know, hazards
6 due to ice throw. One of them is that, if each
7 turbine has its own anamometer that measures
8 the wind speed on the back of the nacelle --
9 and that's a small metal disc, and it tends to
10 freeze up first -- if that ices up, then it
11 triggers an alarm and shuts down the turbine.
12 That's one thing that is designed to kind of
13 prevent icing conditions.

14 Another one is what is called the TCM, or
15 turbine condition monitoring system. It
16 detects vibrations at numerous locations around
17 the turbine. And if there are any -- you know,
18 some vibrations obviously are normal, and there
19 are ranges outside of which they become
20 abnormal. And one of the things that can cause
21 abnormal vibrations is ice build-up on the
22 blades. So, there, again, depending on the
23 degree, the turbine will either slow the rotor
24 down or shut it down and until it's again safe

1 for the turbine to be operated. Those are
2 three -- and so the TCM, just to kind of
3 acronym you out here, it integrates with the
4 SCADA that ultimately controls, you know, all
5 of the wind farm. I don't think I can say that
6 it's possible to prevent any likelihood of ice
7 potentially traveling that far. I think it's
8 extremely unlikely that any type of significant
9 fragment of ice is going to travel that far.
10 But there are, you know, certain amounts of
11 ice, you know, rime ice build-up on blades
12 during operation, that will build up and will
13 be shed. And it's a normal part of the
14 operation of wind turbines in climates like
15 this. And it just really historically has not
16 been an issue either for public safety or for
17 damage to property at these type of distances.

18 Q. Could you give me -- so, New Hampshire has a
19 RPS, renewable portfolio standard. And I
20 believe it's something to the effect of
21 25 percent renewable energy by the year 2025.
22 I think that's where we are at the moment.
23 Could you give me any perspective as to how
24 this project would have an impact towards the

1 state's overall goal of meeting its RPS
2 standard?

3 A. Well, it will help. I know that. It will add
4 renewable energy here in New Hampshire. I
5 don't think I could give you a percentage -- in
6 other words, what's the increment by which this
7 moves us forward. But certainly, as we were
8 talking about earlier, there's roughly 12,000
9 homes -- 12,300 I think is the kind of annual
10 average that the Project will be producing the
11 equivalent amount of energy for. You know, as
12 we've discussed, 25 percent of that right now
13 is currently contracted with a New Hampshire
14 utility for 20 years. And so we know that much
15 energy generated here in New Hampshire is going
16 to stay here in New Hampshire, and the
17 remaining 75 percent certainly will be in this
18 region. We don't know ultimately where it's
19 going to be contracted. So, you know, when you
20 think about in New Hampshire, delivered energy,
21 at least 4,000, 4,050 homes from renewable
22 energy, it's pretty significant for a single
23 project to be able to achieve.

24 Q. You have made reference to the agreement that

1 you have with the Town of Antrim and how it
2 will sort of guide the response process if
3 there were citizens complaints, anything along
4 those lines. And I notice you have updated
5 your PILOT with the Town. I think that was
6 updated in 2014. I think Ms. Berwick actually
7 pointed this out earlier today, that the
8 current agreement referenced, I think it's 2011
9 or 2012. Would the intention be to renegotiate
10 that agreement with the Town or update that
11 agreement with the Town?

12 A. Yeah, I think it's a good point. And we've
13 recently had conversations with the Town on
14 some specific issues, and I think I mentioned
15 this earlier, one of which is related to the
16 amount of the decommissioning funding. The
17 structure of the decommissioning funding amount
18 in this agreement isn't consistent with what we
19 have proposed in our Application here.
20 Obviously, these requirements aren't as
21 rigorous as the SEC requirements. We've agreed
22 to language with the Town already to kind of
23 clarify as potential conditions in this docket
24 what that should look like. And I think our

1 intention is that, once this is concluded, this
2 process is concluded, and we know what
3 conditions are in the certificate, that we
4 would amend this agreement again so that
5 there's clean-up to be done.

6 Q. Okay. With regards to the shadow flicker and
7 the technology that you're working with to try
8 to mitigate -- and I think it was sort of
9 "adaptive technology" I think is how I heard
10 that -- and the fact that there are 24 homes
11 that are likely to exceed that 8-hour
12 threshold, so that the ability for that to work
13 effectively is going to be pretty critical to
14 the overall project; would you agree?

15 A. Sure. Yeah.

16 Q. And I recall Mr. Weitzner, in his comments
17 maybe the first day, referencing that that was
18 not something that was calculated in terms of
19 the impacts that the shadow flicker mitigation
20 would have in calculating, I think it was the
21 capacity factor of 37, if I have that correct;
22 but yet, you're relying on something that
23 hasn't been completely validated yet in the
24 field. So I was just curious as to whether or

1 not you thought that created any sort of risk
2 associated with the financial modeling of the
3 Project, based on sort of, say, for lack of a
4 better term, developing adaptive technology for
5 the mitigation of the shadow flicker.

6 A. Yeah, the answer is no. It's a good question.
7 I think, again, when you look at the numbers
8 here that we're talking about needing to reduce
9 shadow flicker by from the expected case to the
10 standard, for these 24 locations it ranges
11 between 2 minutes to a maximum of, I think, 5
12 hours and 38 minutes. So, really, in the worst
13 case, if we had to shut down all 9 turbines for
14 5 hours and 48 minutes a year, it's a very,
15 very small impact on project energy yield.
16 Really negligible.

17 Q. And I had asked Mr. O'Neal a question with
18 regards to the shadow flicker, that that report
19 would be an annual report, as I understand it.
20 But it would sort of be developing the
21 cumulative impacts in order to be able to
22 determine when it hits that eight-hour
23 threshold. Is that right? It would be sort of
24 a report that would determine the cumulative

1 impacts up until it hits that eight-hour
2 window?

3 A. Certainly the system will be collecting data
4 continuously. And because behavior changes
5 once you hit that threshold, yes, it will know
6 once that eight-hour threshold has been hit.
7 Checkcheck I don't know that we've kind of
8 contemplated a reporting function at that time,
9 but the information will be logged.

10 Q. Would it be an inconvenience -- or would it be
11 possible maybe is another way of asking, if
12 that information was released, instead of
13 annually, that it was done perhaps on a
14 quarterly or semi-annual basis so that
15 individuals could see the cumulative impact up
16 to a point in time?

17 A. Yeah. You know, I don't think there's a whole
18 lot of... a whole lot of effort and process
19 associated with running a report. You know, I
20 can't say definitively that it's completely
21 easy to do. But I understand the request. I
22 don't think it sounds unreasonable. I'd want
23 to kind of understand -- I think we would not
24 want to have to put ourselves in a position

1 where, you know, we're responding to kind of
2 constant requests for status of X, Y, Z. We
3 certainly want to be able to provide
4 information that demonstrates there's
5 compliance with the regulatory requirements,
6 but we just want to make sure we're not
7 creating a situation where we can't meet, you
8 know, reporting requirement because our guys on
9 the site are trying to do other things.

10 Q. Great. Thank you.

11 CMSR. ROSE: No further questions.

12 PRESIDING OFFICER SCOTT: Attorney
13 Clifford.

14

15 QUESTIONS BY MR. CLIFFORD:

16 Q. Good afternoon. I think most of my questions
17 have been answered. I had one related to the
18 decommissioning aspects. I'm just curious.

19 The turbines themselves at the end of
20 their useful life, are they sold off for scrap,
21 or can they actually be resold and portions
22 used in other facilities? For example: The
23 blades, the turbines, certain components have a
24 useful life that's greater than the expected

1 life of this project.

2 A. Really, no. I think at the end of -- if they
3 had more useful life, we'd keep them working
4 here, where you didn't have to move them. For
5 the most part, you know, there's a design life.
6 And any material that is -- assuming we're
7 talking about at the end of a 25-year life,
8 it's really expected to be scrap.

9 Q. Okay. And then on the -- just refresh my
10 memory on the ice throw distance. It's about
11 800 feet, right, give or take?

12 A. So, yeah, DNV GL had provided us information
13 which we included, I think in my testimony and
14 in data request response, that in their
15 experience, the maximum observed distance that
16 ice throw has been detected is 250 meters from
17 the base of a turbine; that's about 820 feet.

18 Q. And in this project, there are actually no
19 physical structures within that 800 --

20 A. Half a mile.

21 Q. Okay. So that's what I thought I heard.

22 A. Yeah.

23 Q. So, no structures whatsoever.

24 A. Right.

1 Q. And then you talked about this TCM technology
2 that's used to sense when ice build-up is
3 likely or as it's happening, I suppose.

4 A. Yeah, the turbine condition monitoring system
5 is always operating. You know, it's recording
6 changes in conditions, temperature, atmosphere,
7 how they affect the turbines. So, yes, it
8 responds in real-time to changes that could
9 lead to unsafe operation that would cause a
10 turbine to shut down.

11 Q. And then that actually causes the shutdown. So
12 if it senses that type of situation is
13 prevalent or present, it cuts them out.

14 A. Yeah, that's usually the kind of way alarms
15 work in these type of facilities. It doesn't
16 require an operator to observe something and
17 make a change. The turbine does it itself.
18 And if it did it wrong, the operator's got to
19 go fix it. So it's set to be kind of a default
20 that is conservative and more cautious. So, in
21 this case, yes, the turbine condition
22 monitoring system has two potential responses
23 to ice build-up on blades, depending on what it
24 detects. And one may be to just slow the

1 turbine down if that's all it's required to
2 maintain safe operation, or the other is to
3 shut it down if the ice build-up is more
4 significant. And that function is independent
5 of the anamometer, which also could shut the
6 turbine down all by itself if it were to ice
7 up.

8 Q. So you're saying this doesn't require a human
9 to be remote with a monitor of these systems to
10 say, oh, I think it's time to turn them off --

11 A. No.

12 Q. -- and it might turn it off and it might not,
13 so I'm going to flip the switch.

14 A. Yeah, it's automatic.

15 Q. Okay. Thanks. Sounds like this would be a
16 good thing.

17 QUESTIONS BY PRESIDING OFFICER SCOTT:

18 Q. I'll continue with that line of questioning.

19 So remind me how long the blades are.

20 A. These are -- it's 113-meter rotor diameter. So
21 I think they're 56 1/2-meter blades --

22 Q. Okay. So --

23 A. -- 55 1/2 meters with the rotor in between.

24 Q. So, clearly, to the extent there was ice on a

1 blade, any significant ice that would cause an
2 out-of-balance condition, it would be pretty
3 detrimental to the turbine itself; correct?

4 A. Sure. It could be, yeah.

5 Q. So, following that line of questioning, that's
6 another reason why the machine -- the circuitry
7 in the machine would be self-regulating because
8 it's going to damage -- it could damage the
9 machine if there's significant ice on it; is
10 that correct?

11 A. Yeah, that's right. Imagine, you know, you've
12 got a 113-meter rotor. Ice isn't always going
13 to necessarily build up uniformly across that
14 rotor. So you may end up with a rotor
15 imbalance that is going to cause, you know,
16 potential for misalignment issues on the main
17 rotor shaft. And so, yeah, you want to make
18 sure this thing is shut down if it's got any
19 kind of imbalance of any significance.

20 Q. Another topic. This project has had a
21 interconnection study done with ISO-New
22 England; is that correct?

23 A. Well, yes. But I guess it's a little more
24 nuance than that. We have done -- we did a

1 full study in 2012. It led to a fully
2 negotiated generator interconnection agreement.
3 We withdrew the Project's application to
4 ISO-New England prior to executing, given the
5 SEC decision at that time. We re-filed our
6 application with ISO for this project in 2015,
7 early 2015. That study is underway. ISO has
8 completed the Steady State and Transfer Limit
9 Analysis portions of that study, and the
10 stability study is now getting started. There
11 were a couple of delays due to some prior
12 queued transmission projects that were clogging
13 up the queue and taking a while to get through.
14 Those are now cleared, so we expect our impact
15 studies to be completed shortly.

16 Q. To press you a little bit, what is "shortly"?
17 Are you thinking months?

18 A. January. January 2017.

19 Q. And I understand you can't control what they
20 do. I understand that.

21 A. Can you?

22 Q. I do try, but...

23 So are you aware that -- at least in the
24 past few years I've observed, for me, anyways,

1 I've seen some wind farms in New England have
2 to curtail, if my understanding was right, due
3 to transmission constraints. Are you aware of
4 that?

5 A. We're aware of some of it, yeah, for various
6 different reasons. We don't expect any
7 curtailment at this project location, or at
8 least extremely limited. I mean, I don't think
9 any generator can ever say it's never going to
10 be curtailed. But certainly no curtailment on
11 a routine basis. It's one of the great things
12 about the location of this project being where
13 it is, interconnected to a relatively strong
14 portion of the 115 kV system between Keene and
15 Jackman substations. It's not a weak part of
16 the grid. There's no particular bottlenecks
17 here. So, again, on kind of a routine
18 operating basis, we don't expect any
19 operational curtailment.

20 Q. What I'm remembering in particular is a wind
21 farm out of Vermont complaining to ISO-New
22 England about curtailment. I don't know if
23 you're familiar with that or not.

24 A. I am. Yeah. Well, there's a couple in Vermont

1 that have had some issues, and for a variety of
2 different reasons. I think, one, Vermont's
3 grid, you know, they're not New Hampshire, all
4 right. No, it's tough. It's a whole different
5 set of grid conditions up there. And they have
6 had some issues. But as I say, we studied that
7 here. We've looked at the potential for
8 curtailment. We understand, having gone all
9 the way through the ISO-New England procedures
10 at the same location for a larger project
11 several years ago, we understand very well the
12 technical issues associated with this
13 interconnection. It's very straightforward.

14 There's no network upgrades that are
15 required for us. We build a new three-breaker
16 ring bus, and we loop it into the 115 kV line.
17 There's a couple of relay setting changes and a
18 change in subs, and that's all from the last
19 time. And we have -- again, having completed
20 the first kind of two thirds of the study this
21 time, and in our conversations with ISO, we
22 don't expect anything to be different this time
23 around.

24 Q. Okay. Good. That was my next question. So,

1 thank you.

2 Regarding the MOU with DHR, I found Ms.
3 Linowes's picture of the kind of deteriorating
4 sign in Vermont compelling. Am I safe in
5 assuming, if we were to issue a certificate,
6 that you wouldn't object to a condition that
7 any sign that was constructed as part of your
8 MOU, or even the web site, would be maintained
9 during the length of the Project?

10 A. I don't have any objection to the concept of
11 it. One of the concerns, or one of the things
12 I'm just not clear on is who owns the sign? Do
13 we have access to where the sign is? It was my
14 understanding from DHR that what they were
15 interested in is a sign that's actually on the
16 association property, which I think is why,
17 obviously, it's subject to their agreement.
18 And I don't know whether we would have
19 continued access to that site over the life of
20 the Project, if that could change over time;
21 if, you know, there were a small amount that we
22 could contribute to fund the maintenance to
23 somebody else. I think we're open to the
24 concept. It's just we don't want to -- we want

1 to avoid a situation where we get put into
2 something we can't meet.

3 Q. That makes sense. And I think you're right.
4 We'd want it subject to the Birch Point --
5 White Birch Point Association's concurrence,
6 obviously.

7 A. Yeah.

8 Q. And on that front, the MOU -- and correct me if
9 I'm wrong -- does basically require that;
10 right? To put a sign up, you'd have to have a
11 White Birch Point Association agreement or
12 consent to do that; is that correct?

13 A. Yes, that's right.

14 Q. All right. Which is why you have the web site
15 as an alternative. That's something you could
16 obviously do independent of them; correct?

17 A. Correct.

18 Q. So there were some concerns mentioned of some
19 of the locals not being involved in that run-up
20 to that MOU, the discussions. Am I correct
21 that the White Birch Point Association,
22 requiring their concurrence in what comes out
23 of this, that would involve those landowners,
24 by definition? Am I missing something?

1 A. No, that's true. That is a requirement.

2 Q. Okay. And similarly, again, I think we've
3 already covered this the other day. So the
4 Antrim Historical Society also has to be
5 involved?

6 A. Yes.

7 Q. One change to the statute and the rules for SEC
8 is that, among the many things that Ms. Monroe
9 has to do, is she also needs to verify
10 compliance. So there's a lot of discussion
11 about sounds, shadow flicker, other issues. So
12 I'm going to ask these questions, but in the
13 context that she or someone on her staff, if
14 she ever gets staff [laughter] goes out. What
15 would they look at to know there's compliance?
16 So I think on shadow flicker, you talked about
17 the Siemens project. So there would be data
18 logs. Is that something that they could look
19 at, do you expect? Or what mechanism do you
20 think she would or her staff would look at?
21 What thing? Would it be the annual report
22 or --
23 A. Yeah, I mean, I would suspect it would have to
24 be the annual report for compliance with shadow

1 flicker, because, you know, even if
2 Administrator Monroe were to ask us, Hey, can
3 we come out to the site on Thursday? We'd love
4 to look at the SCADA system and see where you
5 are with shadow flicker, we could potentially
6 accommodate that. But I don't think it would
7 be indicative necessarily at that snapshot
8 point in time of whether we complied with an
9 annual standard, which is cumulative. It might
10 indicate if there was a problem somehow. So,
11 again, that's not something we can't
12 necessarily accommodate like that. But I think
13 in terms of the kind of routine demonstrating
14 compliance, our expectation would be that we
15 would deliver the report within, I don't know
16 if we specified it or not, but some reasonable
17 period of time at the end of the year, and in
18 it provide the information that was necessary
19 to determine compliance.

20 Q. Okay. How about sound? How is she going to
21 know you're in compliance with the sound
22 standards?

23 A. Well, I think initially it's a -- the rules
24 prescribe post-construction sound-testing

1 requirements. We'll need to undertake that
2 work and produce the necessary documentation
3 from those reports to deliver to the Committee,
4 that we do in fact comply with the sound
5 standards.

6 Q. And you had a discussion, and I forgot who it
7 was with, maybe Dr. Boisvert, about the
8 Lempster experience, where we heard from Mr.
9 Thurber, I think that the Project made a sound
10 meter available, but it was to no avail because
11 nobody on staff at the Town had any expertise
12 or training. So I think the suggestion was you
13 guys could -- your project could provide
14 something like that to the Town. But I guess
15 I'd throw out that perhaps -- you know, I was
16 on that SEC Committee also. And we assumed
17 certain things. I'm not sure they actually
18 happened that way. So how would you rectify
19 that in this situation?

20 A. We could get a sound meter for Administrator
21 Monroe.

22 Q. I don't think she's liking this discussion.
23 [Laughter]

24 A. I agree. I think there's a reasonable chance

1 that you spend a bit of money on a sound meter,
2 and maybe you train one or two people, and then
3 three, four, five years down the road it's
4 collecting dust in a closet and nobody knows
5 how to use it anymore. That's possible. In a
6 way, if that happens, it's good news, because
7 it probably means there's no sound complaints
8 that's happening. And it sounds like that's
9 the case in Lempster.

10 But, you know, I guess if there were a
11 periodic -- you know, if we were to be required
12 to provide some instruction to the Town on how
13 to use the meter and ensure the meter was
14 calibrated on a three-year basis, if that would
15 be helpful to give them comfort that they have
16 the ability to assist in determining, you know,
17 at least initially, compliance from their
18 perspective, I don't think we would object to
19 that.

20 Q. Okay. And on the topic of complaints, how will
21 the public know where to make a complaint? How
22 will they be informed? So I'm an abutter, and
23 I think something's happening that shouldn't be
24 happening. How do I know who to talk to?

1 A. Well, I guess we have the information for
2 Antrim Wind officials that should be contacted
3 for any inquiry or complaint will be posted in
4 the town offices. And that is a continuous
5 requirement from prior to starting construction
6 until decommissioning is completed. So that
7 will always be there for members of the public.
8 And if they were to go to town hall or call the
9 hall to determine who the right contact person
10 is at that time, then they would have that
11 information available to them.

12 Q. And I'm going to make Ms. Monroe even more
13 unhappy. So I assume you have no objection if
14 the SEC administrator's number was listed also,
15 so if they weren't happy with the resolution,
16 they could always call her?

17 MS. MONROE: Fine.

18 A. No objections.

19 BY PRESIDING OFFICER SCOTT:

20 Q. I'm going to move right along, and I'm glad I'm
21 not sitting close to her.

22 Similarly, on your agreement with the
23 towns, you have certain requirements to submit
24 reports to the towns. I assume you have no

1 objection to submitting those to the SEC also?

2 A. No.

3 Q. You had a discussion about shadow flicker with
4 Dr. Boisvert. Am I correct that that does
5 seem -- I'm sorry. I'll elaborate.

6 Shadow flicker, as it relates perhaps to
7 new construction, or as he mentioned, if
8 somebody -- the dwelling is no longer occupied,
9 that type of -- those changes, that does sound
10 like a software change then, if you were to
11 accommodate those things?

12 A. Oh, yeah, the actual process of being able to
13 accommodate that change I think is
14 straightforward. If we need to add or remove
15 anyone at the programmed locations that were
16 monitoring through the system, it's a software
17 change because all the turbines are already
18 instrumented with sensors. You know, I think
19 we get -- yeah.

20 Q. And obviously we have a data request for the --
21 regarding the sensor cut point for the shadow
22 flicker system. And again, we'll wait to see
23 what happens with that.

24 But is it your intention that those

1 settings for the sensors would be on the
2 conservative side to ensure compliance?

3 A. Yeah, I think so. And accurate. So I think I
4 would want to maybe reserve any speculation
5 beyond that until I really know what these
6 figures are, because I don't know, you know, if
7 it's measured in, you know, watts per square
8 meter to solar insolation or if it's some other
9 lumens measurement that they're going to use
10 for these light sensors. But there is a
11 threshold. I think obviously most of the
12 things we do in these evaluations is
13 conservative. So it wouldn't surprise me if
14 this was as well.

15 Q. On the FAA -- the ADLS system; is that correct?

16 A. Yes.

17 Q. If for some reason the FAA hasn't -- they're a
18 bureaucracy, so I can pick on them 'cause I'm
19 in one. If they haven't acted in the time
20 frame you expect -- so, until that approval
21 happens, am I correct it would have to be
22 constantly lit at night?

23 A. Yes, it would. If there was -- if we weren't
24 able to use the ADLS by the time these

1 structures were being installed, then we would
2 have six turbines that would have alternating
3 red lights at night.

4 Q. Why six? Why not nine?

5 A. That's the FAA's requirement. So, you know,
6 prior to us submitting our lighting study for
7 permission to use the ADLS, we did, you know,
8 file for original determinations of "no
9 hazard." And they did originally come back to
10 us and say you need to light all nine turbines.
11 And we went back to them and said we really
12 shouldn't have to, according to your regs. So
13 they modified those letters to identify six of
14 the nine turbines that would be required to
15 have lights.

16 Q. Thank you.

17 PRESIDING OFFICER SCOTT: Mr.
18 Iacopino.

19 QUESTIONS BY MR. IACOPINO:

20 Q. Let me pick up on the ADLS.

21 What safeguards are built into that if
22 that should fail?

23 A. It is essentially a failsafe. If the ADLS
24 fails, the lights go back to normal operation.

1 Q. So they all go on.

2 A. Correct.

3 Q. I want to turn my attention to the subdivision
4 of the property where the Public Service
5 substation is going to be located.

6 In the Application, I believe you provided
7 us with a map of that property. And has that
8 subdivision actually occurred at this point in
9 time? Because the map actually doesn't appear
10 to be a subdivision plot at all; it appears to
11 be an access map.

12 A. Yeah, I'm actually not sure exactly which map
13 you're referring to. But yes, the subdivision
14 has been completed at this time.

15 Q. And it's been approved by the Town?

16 A. Correct.

17 Q. If I understand correctly, you essentially have
18 your collector substation sitting on the
19 property of a Mr. Hutchins, and it abuts right
20 up against the property line where the PSNH
21 substation is; correct? They're almost
22 conjoined?

23 A. Yeah, it's all right now property that's owned
24 by Hutchins is Ott -- so, Michael James

1 Hutchins Ott.

2 Q. Okay.

3 A. And all of this land is owned by Mike Ott. We
4 lease all of this land currently, and we have
5 an option to purchase the area that we have
6 subdivided. So we've subdivided it, but it's
7 still owned by Mr. Ott.

8 Q. Okay. But my question is: You've got these
9 two facilities that appear to be conjoined.
10 Was there any kind of variance, special
11 exception or other type of authority you needed
12 to get from the Town for that plan?

13 A. Well, this --

14 Q. I mean, normally there would be setbacks, lot
15 setbacks and things like that.

16 A. Well, the facility was not part of the
17 subdivision approval.

18 Q. Okay.

19 A. So the subdivision approval just created the
20 lot. Like the siting is really what we're
21 bringing here before the Committee.

22 Q. Okay. So I just want to make sure I understand
23 this. You're asking us to approve, in place of
24 a town site plan, for property that is located

1 on property that you lease, but then property
2 that's owned by Public Service? You know what
3 I'm saying? On the Public Service lot, there's
4 a substation that's being built in the corner
5 of that lot. At least according to the plan
6 that you have here, it appears that it's right
7 on the property line of the subdivided lot on a
8 corner. And it appears to be conjoined with
9 your collector substation, which is on the Ott
10 property. And I guess my question is: Has
11 that site plan, because it's on the PSNH lot,
12 has that been approved by whatever board has
13 authority to do that in the town of Antrim?

14 A. No, that's part of this facility. So, that
15 substation for PSNH and for our collector sub
16 are all part of the facilities that we've
17 described in this application. It's all on
18 land that is currently owned by Mr. Ott. And
19 we have subdivided that, that property, so that
20 it can be conveyed to PSNH, which is required
21 to be done after, roughly within 30 days after
22 construction is completed on that lot.

23 Q. So the subdivision occurred without regard to
24 the placement of the buildings then?

1 A. Correct. It's just a creation of a new lot.

2 Q. And at this point in time, Mr. Ott's land,
3 which will be the new Public Service lot, is
4 still owned by Mr. Ott, and part it's leased to
5 you? Is that what you're saying?

6 A. Correct.

7 Q. All right. One of the questions I had about
8 that, too is once all of this has occurred, the
9 Public Service substation is along the access
10 road at that point. Is it the intent to have
11 Public Service employees have access to the
12 upper portions of the access road as well, or
13 only up to the point of the substation?

14 A. No, just to the substation.

15 Q. You've talked a lot or been asked a lot of
16 questions about things like ice throw, noise,
17 shadow flicker. And, you know, the common
18 response to all of those concerns is that one
19 way to curtail is basically to shut down, which
20 obviously has an impact on the ability of the
21 Project to produce electricity.

22 Will any of the employees of Antrim Wind,
23 or any of your contractors on site, be paid in
24 relation to production of the facility?

1 A. No. No.

2 Q. You referenced the anamometer that might freeze
3 up and be a safeguard by freezing up in terms,
4 you know, icing. Is there any way for that
5 anamometer to be turned off by employees, so
6 that if it iced up, it wouldn't stop the
7 production of electricity?

8 A. I don't believe so, no.

9 Q. Is there any way for the employees to override
10 any of the automatic shut-offs that you
11 mentioned -- not the correct term -- but for
12 your employees on site to override? So if a
13 turbine shuts down because it has perceived
14 some irregularity, is there any method for your
15 employees to override that?

16 A. Well, if by "override" you mean can they change
17 the system so that those safety triggers will
18 no longer be in effect, I think the answer is
19 no. If there is a trip, if there is an alarm
20 that shuts a turbine down -- could be anything;
21 could be a heat sensor nacelle; could be a fire
22 alarm that goes off; could be a vibration issue
23 in the TCM, and the turbine shuts down -- the
24 procedure is for a -- in the first instance, if

1 the remote operators who are 24/7 monitoring
2 this thing can reset it remotely, they will, if
3 there's no issue there. If there is a problem
4 that actually led to -- in other words, it's
5 not a false problem -- then, no, it can't be
6 overridden until the condition that caused it
7 in the first place has been addressed. Does
8 that make sense?

9 Q. Yes. But my next question is: Are there
10 situations where that condition can be
11 addressed by somebody sitting either in your
12 operation and maintenance building or in your
13 remote SCADA building? You know what I'm
14 saying? In terms of it's -- let's say there's
15 an imbalance because of ice, all right. So the
16 turbine shuts down. The operator is going to
17 have some kind of notice of that. I assume
18 that somebody is going to go out and look at
19 that turbine. My concern is, can that turbine
20 be turned on without somebody going out and
21 doing that part of the process? Or how would
22 you address it is a better question? I mean,
23 are there protocols that there will be a visual
24 inspection, things like that?

1 A. I don't think there's a need for a visual
2 inspection in that particular circumstance. I
3 mean, if a turbine is being curtailed or shut
4 down due to icing conditions, the remedy is to
5 wait until those icing conditions subside, if
6 it is necessary to shut down for safety reasons
7 in those circumstances. You know, it's not to
8 try remove the ice and get it back to an
9 operating condition. It's not part of the
10 response protocol that we have. If there's
11 some question as to what caused a particular
12 alarm to trip that caused the turbine to shut
13 down, then certainly it may require an
14 inspection from operations personnel.

15 Q. You mentioned response protocols. Are those
16 published? Are they in a book or in a computer
17 program? I mean, what are the -- where would
18 one go if they wanted to -- if Ms. Monroe
19 wanted to check up on your response protocols,
20 where would she have to go?

21 A. Well, she could certainly come to me. We will
22 have copies of the ERP on site, you know, in
23 our corporate offices as well. We'll have
24 digital copies of them available. So, yes, I

1 mean, they're there and being developed in
2 conjunction with the Town of Antrim Fire
3 Department and the state fire marshal's office
4 as well. So I presume they'll both have copies
5 of the ERP as well.

6 Q. Well, that's an emergency response plan, right,
7 that you're talking about right now? Let's go
8 beyond the emergency response plan. I'm just
9 talking about your operational responses.

10 A. Yeah.

11 Q. I mean, every time that you get one of these
12 triggers, it's not necessarily an emergency;
13 right? You're not necessarily --

14 A. Sure.

15 Q. -- going to involve the fire department or
16 police department.

17 A. The vast majority of the time.

18 Q. So is it the same answer? If Ms. Monroe wanted
19 to see how you're going to respond to a frozen
20 anamometer, what are you going to show her to
21 show her what your protocols are?

22 A. Yeah, so the detailed, site-specific operations
23 plan and kind of EHS plan, environmental health
24 and safety plan, will be developed with Siemens

1 and Antrim. I honestly can't tell you today if
2 every piece of that is public information. I
3 think probably not. There's likely to be
4 sensitive information about operational
5 parameters of Siemens turbines that may be
6 included in there that they wouldn't want their
7 competitors to have access to. I certainly
8 don't think we would object to having the
9 Committee be able to inspect that plan if there
10 were any confidentiality issues that we could
11 address --

12 Q. Well, the rules in the statute allows the
13 Committee to do that.

14 A. Sure.

15 Q. But my question is, and I'm trying to educate
16 Ms. Monroe, too, as to what she's going to be
17 looking for when she comes up to your facility,
18 if you get a certificate. Is this going to be
19 a book? Are we going to be directed to a
20 computer database? What kind of resources is
21 she going to need to do her job to regulate
22 you?

23 A. No, coming on the site there will be physical
24 copies of the plan.

1 Q. All right. I'm going to switch gears.

2 I want to go to -- you were asked some
3 questions, and I forget by whom, but you
4 referenced the wetlands plan. And your
5 question was about how to identify whose
6 property is whose. And I think you explained
7 that on the one page that we were dealing with
8 was the map, and then on the page behind it was
9 the names. All the properties were listed and
10 the name of the owner. That's Page 36 in the
11 PDF of Appendix 2A to the Application. And you
12 were asked questions about the area where the
13 road goes very close to that 300-acre wood lot.
14 That wood lot is identified in your filing as
15 Parcel 211-4. And if I go to the second -- to
16 Page 37 on the PDF, that appears to be an LLC
17 by the name of Ellen Pastels and Art House,
18 LLC. Do you see that?

19 A. Yes, I do.

20 Q. Okay. And then if you look at that 211-4 in
21 the northwest corner, there appears to be
22 another small piece of property that you're
23 leasing, which I assume is a laydown yard or a
24 maintenance yard of some kind?

1 A. Yes. Just north of the 211-4?

2 Q. Yeah.

3 A. Yes.

4 Q. Is that on the property of 211-4?

5 A. No, it is not.

6 Q. So that's a different landlord there or the
7 same landlord?

8 A. It is a different landlord.

9 Q. Okay. All right. Does your company have any
10 agreements with the owner of Lot 211-4?

11 A. No.

12 Q. Does Mr. Ott own the land where that hunting
13 camp is located?

14 A. No, he does not.

15 Q. Do you know who owns that?

16 A. Yes. Just give me one second. I can tell you.
17 It's referenced in my supplemental testimony, I
18 believe.

19 (Witness reviews document.)

20 A. Sorry. I'm just scrolling through here and I'm
21 not finding it quickly.

22 Q. From my look at your wetlands plan, it seemed
23 to me that it was either on the Ott property or
24 the Christian property. But I couldn't tell.

1 A. I think it's actually Couturier.

2 Q. So you think it's on Parcel 212-26?

3 A. Yes, I believe so.

4 Q. All right. Now I'm going to leave that
5 subject.

6 You've been questioned a fair amount about
7 why are you still working on a 2011 agreement
8 with the Town of Antrim. It is a little bit
9 surprising that you wouldn't come in with a new
10 agreement for the new project. Does the reason
11 why there's not a new agreement have anything
12 to do with Judge Garfunkel's decision with
13 respect to public meetings?

14 A. No. We updated our PILOT agreement with the
15 Town at the end of 2014. Mainly that update
16 was just to change the expiration date of the
17 PILOT.

18 You know, candidly, we didn't see a need
19 to update the agreement with the Town of
20 Antrim. By the time we filed our application,
21 no new rules had been adopted by the Committee.
22 Those were adopted after we filed our
23 application. We obviously amended our
24 application in response to that. And pending

1 the outcome of this proceeding, we certainly
2 expect to make some clean-up changes to this
3 agreement, just to avoid any confusion down the
4 road. But I think the basic components of what
5 are in this agreement, in principal, all still
6 apply at the time that we made this application
7 to the Committee.

8 Q. And then my last line of questions is you were
9 questioned about the Nature Conservancy letter
10 and the two Sierra Club letters. During the
11 course of your cross-examination, you mentioned
12 other environmental groups. And I don't know
13 if you had meant to suggest that there had been
14 other groups that support the Project.

15 A. Yeah. Well, I think --

16 Q. Can you tell us who they are?

17 A. Sure. The New England Forestry Foundation,
18 they have submitted a letter recently -- I
19 think it was either the end of July or
20 beginning of August -- addressing, again, the
21 issues, you know, the benefits this project is
22 bringing to the region and the region's
23 conservation interests. So, I think in terms
24 of direct support and supportive comments that

1 have been offered by conservation NGOs in this
2 state, you have the Sierra Club; you have the
3 Nature Conservancy; you have the New England
4 Forestry Foundation. I think it is worth
5 pointing out that, with respect to the Harris
6 Center, while they have taken no position in
7 this docket either for or against, and we
8 recognize that, they did make a determination
9 that it was in their best interests to enter
10 into a series of agreements with us to
11 permanently conserve this land which they have
12 acknowledged will bring significant
13 conservation benefits to this region if the
14 Project goes forward. So, very kind of broad
15 set of different types of positions that
16 environmental organizations have taken on this
17 project.

18 Q. Do you know if the Nature Conservancy is a
19 partner in the Quabbin-to-Cardigan, Q2C
20 Partnership?

21 A. All three of those organizations are partners.
22 So, the Nature Conservancy, the Harris Center
23 and New England Forestry Foundation are all
24 members of the Quabbin-to-Cardigan Partnershp.

1 Q. Do you know if the Sierra Club is?

2 A. I don't believe so.

3 Q. Thank you.

4 MR. IACOPINO: I don't have any
5 further questions.

6 PRESIDING OFFICER SCOTT: Mr.
7 Clifford, I think you had some more.

8 QUESTIONS BY MR. CLIFFORD (cont'd):

9 Q. I just had a couple of questions -- actually,
10 really one related to security.

11 Are there any plans to either alarm or
12 have some sort of video monitoring of the
13 turbines and the facility post-construction,
14 just for your...

15 A. Yeah, that's a good question. We don't
16 specifically have any plans right now for any
17 particular security measures, you know, beyond
18 the fact that there will be motion-activated
19 lights on the buildings and motion-activated
20 lights, you know, near the entrances to the
21 turbine doors themselves. There will be a
22 fence around the substation. You know, doors
23 will be locked at the O&M building, and the
24 gate will be locked at the only access road to

1 this site. Beyond that, we really -- I think
2 the general take is if there's not a security
3 issue we need to address, to probably not go
4 much beyond that. But certainly we can respond
5 to, if necessary, security issues with remote
6 monitoring or with additional measures if
7 necessary.

8 Q. I'm just going to suggest to you that if this
9 type of project is approved, it might be some
10 sort of attractive, you know, curious place for
11 people to go because it hasn't been there
12 before. So you may get the occasional hiker or
13 group of kids that are out interested in seeing
14 if they can hike up to the windmills. Just
15 would be a suggestion.

16 A. Yeah.

17 Q. And an alternative might be that you could
18 actually monitor situations that you're not
19 picking up from your turbine monitoring that
20 may impact their operations, such as, you know,
21 a thunder and lightning storm that starts a
22 fire. Just a suggestion.

23 A. Hmm-hmm. Thank you.

24 PRESIDING OFFICER SCOTT: Before we

1 go to redirect, similar line.

2 QUESTIONS BY PRESIDING OFFICER SCOTT (cont'd):

3 Q. Do you expect to be putting signs up or posting
4 the area?

5 A. Yeah. So the agreement with the Town describes
6 putting up signs on the access road. It talks
7 about roads and trails in the area, but really
8 there is one access road. So, on that road, I
9 believe it's within 750 feet of the base of any
10 turbine, and then, on informal trails in the
11 area, also to have signs that are really to
12 inform the public that there's turbines nearby.
13 You know, particularly in winter icing
14 conditions there could be risks associated with
15 being in those areas. So that's the level of
16 signage we've talked about, in addition to
17 obviously any electrical equipment that needs
18 to be marked as such will be. But other signs
19 on the site would be as described in that
20 agreement, which I think is 750 feet on roads
21 and 500 feet on trails.

22 Q. Thank you.

23 PRESIDING OFFICER SCOTT: Is there
24 any redirect?

1 MR. NEEDLEMAN: No. Thank you, Mr.
2 Chairman.

3 PRESIDING OFFICER SCOTT: Okay. So,
4 next is the Town; is that correct?

5 MR. NEEDLEMAN: I believe that's
6 right.

7 PRESIDING OFFICER SCOTT: Then,
8 Mr. Richardson.

9 MR. RICHARDSON: That's fine. The
10 Town is ready. We'll put them up next.

11 PRESIDING OFFICER SCOTT: Well, when
12 I tried to go to Mr. Enman, I think I was -- I
13 think you raised your hand and said the Town
14 was next instead. Did I miss something?

15 MR. RICHARDSON: That's true.

16 PRESIDING OFFICER SCOTT: So the
17 Town's next. Let's go off the record while we
18 move the panelists.

19 (Witness excused)

20 PRESIDING OFFICER SCOTT: Back on the
21 record. Mr. Richardson.

22 And we need to swear in the
23 witness; right?

24 (WHEREUPON, ROBERT EDWARDS, JOHN

1 ROBERTSON and MICHAEL GENEST were duly
2 sworn and cautioned by the Court
3 Reporter.)

4 MR. RICHARDSON: Thank you.

5 DIRECT EXAMINATION

6 BY MR. RICHARDSON:

7 Q. Good afternoon. Could I ask each of you to
8 state your names, and spell your last name and
9 state your positions with the Town, please.

10 A. (Edwards) My name is Bob Edwards. Last name is
11 E-D-W-A-R-D-S. And I'm a new member of the
12 select board.

13 A. (Robertson) John Robertson, R-O-B-E-R-T-S-O-N,
14 and I'm chairman of the select board.

15 A. (Genest) Mike Genest, G-E-N-E-S-T, and I'm a
16 member of the select board.

17 Q. Thank you. Do you each have in front of you a
18 document which we've identified as the Antrim
19 Exhibit 2, which is the May 23rd, 2016
20 testimony of Antrim Board of Selectmen?

21 A. (All panelists) Yes.

22 Q. And is this testimony true and accurate to the
23 best of your knowledge and belief?

24 A. (All panelists) Yes.

1 Q. Are there any changes to it?

2 A. (Robertson) No.

3 Q. Now, Mr. Robertson and Mr. Genest -- or
4 Selectmen, I should say -- do you also have in
5 front of you a document that's been marked as
6 Antrim Exhibit 3, which is the Supplemental
7 Testimony of Antrim -- testimony of the Antrim
8 Board of Selectmen dated August 18th, 2016?

9 A. (Robertson) Yes. Yes.

10 Q. And are there any changes to that testimony
11 that you'd like to offer?

12 A. (Genest) No.

13 A. (Robertson) No.

14 Q. And is that true and accurate to the best of
15 your knowledge and belief?

16 A. (Robertson) Yes.

17 A. (Genest) Yes.

18 Q. Thank you.

19 PRESIDING OFFICER SCOTT: Thank you.
20 Does the Applicant have any questions?

21 MR. NEEDLEMAN: Yes, just a couple.
22 I don't know what exhibit number this is. Is
23 one copy okay?

24 (Applicant

1 Exhibit 39 marked for identification.)

2 MR. IACOPINO: That page is going to
3 be marked Applicant's 39.

4 MR. NEEDLEMAN: All set?

5 PRESIDING OFFICER SCOTT: I think the
6 Committee is all set.

7 MR. NEEDLEMAN: Thank you.

8 CROSS-EXAMINATION

9 BY MR. NEEDLEMAN:

10 Q. So, gentlemen, I've handed you Applicant's
11 Exhibit 39, which is a document that contains
12 some new language that I understand the
13 Applicant and the Town have worked out with
14 respect to certain decommissioning funding
15 requirements. Is that correct?

16 A. (Robertson) Yes.

17 Q. And you've had an opportunity to review this
18 and confer with Antrim Wind regarding this
19 language?

20 A. (Robertson) Yes.

21 Q. And would the Town object to the Committee
22 adopting this language and including it in a
23 certificate, if it decided to issue one for
24 this project?

1 A. (Robertson) No.

2 Q. Okay.

3 MR. NEEDLEMAN: Thank you. That's my
4 only questions, Mr. Chairman.

5 PRESIDING OFFICER SCOTT: Thank you.
6 Mr. Enman.

7 MR. ENMAN: Just a couple of
8 questions.

9 CROSS-EXAMINATION

10 BY MR. ENMAN:

11 Q. Regarding the PILOT, was it the intent of the
12 board at the time of accepting the PILOT to be
13 in the best interest of the town at that time?

14 A. (Robertson) Yes.

15 Q. And would it also be fair to say that if the
16 Antrim Wind Project does not move forward, that
17 there would be no financial benefit to the
18 town?

19 A. (Robertson) Yes.

20 Q. Thank you.

21 PRESIDING OFFICER SCOTT: And I
22 assume there's still nobody here for Mr. Pratt
23 or Mr. Giffen?

24 MR. PRATT: No questions.

1 PRESIDING OFFICER SCOTT: Harris
2 Center, any questions?

3 MR. FROLING: No questions.

4 PRESIDING OFFICER SCOTT: Ms.
5 Berwick.

6 CROSS-EXAMINATION

7 BY MS. BERWICK:

8 Q. What would be the financial effects on the Town
9 when the windmills cease operation, if this
10 project were to go through?

11 A. (Robertson) Could you ask the question again?

12 Q. Sure. What would be the financial effects on
13 the town when the windmills cease operation?

14 A. (Robertson) When the windmills cease operation,
15 we would no longer be receiving the PILOT
16 payments.

17 Q. Could you not foresee a situation where taxes
18 would increase for families after years of
19 receiving money from Antrim Wind Energy and
20 then suddenly not receiving them?

21 A. (Robertson) I can't -- or we can't conceive of
22 a board of selectmen not planning for that
23 eventuality so that that doesn't happen.

24 Q. Antrim Wind has admitted under oath here to

1 participating greatly in writing the zoning
2 ballot question in 2014. Is it not true that
3 this 2014 ballot question was voted down by a
4 clear majority of Antrim voters?

5 A. (Genest) Yes.

6 Q. Mr. Thurber, from Lempster, mentioned that he
7 could hear the sounds of the wind turbines at
8 2 miles away as a low drumming; yet, he assures
9 us of how the turbines hardly produce any
10 noise, or at least far less than major road
11 construction. This is obviously a man with a
12 major hearing deficit, and even he could hear
13 the turbines at 2 miles away. Should we take
14 confidence in your witness?

15 A. (Genest) I can't speak for Mr. Thurber, but I
16 know I've gone up there to Lempster a number of
17 years ago. And from the bottom of the hill
18 where the kiosk was, I could not hear anything.

19 Q. And how old are you?

20 A. (Genest) Fifty-five.

21 Q. How are you prepared to evaluate excessive
22 noise and flicker issues?

23 A. (Robertson) I think that is in the realm of
24 determination by Antrim Wind because they have

1 a plan in place to deal with that.

2 A. (Genest) And it's also under the purview of the
3 SEC. That's why we are here.

4 Q. How often, according to the agreement that you
5 made between the Town of Antrim and Antrim Wind
6 Energy, LLC, will you evaluate complaints that
7 are made to Antrim Wind?

8 A. (Genest) I believe in the contract it mentions
9 one year we will get the reports. But it
10 sounds like, from what I've heard at the
11 hearings here, that maybe that might get
12 shortened up a little bit. It sounded like
13 Antrim Wind might be agreeable to that.

14 Q. So my question is that, when you wrote this
15 agreement between the Town of Antrim and Antrim
16 Wind, which was before the SEC was involved,
17 were you truly concerned about any complaints
18 possible from your residents?

19 A. (Robertson) We were concerned about complaints.
20 This is why we negotiated with Antrim Wind to
21 have a plan in place, as Mr. Kenworthy
22 described in his testimony today.

23 Q. The plan that I read that's in place for the
24 Town of Antrim is simply that you would receive

1 an annual report and that they would keep our
2 names and addresses... all right.

3 Why is there nothing stating -- never
4 mind.

5 In your agreement with Antrim Wind, the
6 Town further agrees that it will support the
7 Project during the SEC process. At the
8 beginning of this document, 1.1 Agreement,
9 "This agreement between the Town of Antrim, New
10 Hampshire, and Antrim Wind Energy, LLC, and its
11 successors and assigns, which shall apply from
12 the effective date until the end of useful life
13 of the wind farm..." This would seem to bind
14 any freely-elected selectmen to having to
15 support this plan, regardless of their own
16 thoughts. Am I reading this incorrectly?

17 A. (Genest) Well, we signed the contract with
18 them, and there's stipulations in here they
19 need to follow. But if we had concern about an
20 issue, we could surely bring it up.

21 Q. That wasn't really my question. My question
22 was, does that -- does not that agreement say
23 that the Town will support the Project during
24 the SEC process and until it's decommissioned?

1 1.1. Perhaps I'm reading it wrong. I'm asking
2 you.

3 A. (Genest) You said 1.1?

4 Q. 1.1, the agreement between the Town of Antrim
5 New Hampshire and Antrim Wind Energy and its
6 successors and assigns, which to me means you,
7 your successors, as well as theirs.

8 A. (Genest) Well, that's under the definitions.
9 And actually what I'm referring to -- or what I
10 thought you were referring to was Item No. 16,
11 at the end of it.

12 Q. Who drafted this document?

13 A. (Genest) I believe Robert Upton at the time
14 helped us.

15 Q. Do you feel that you could be in conflict in
16 regard to representing your citizens and
17 constituents in complaints from Antrim Wind
18 when you will be receiving such large sums of
19 money from them as a town, and you would have
20 signed a document demanding your support, as
21 well as all selectmen who succeed you for the
22 life of this project?

23 A. (Robertson) No.

24 Q. Currently, would you say that you are

1 disinclined to believe the people who are here
2 in this court bringing forth negative issues
3 associated with the wind turbines?

4 A. (Genest) Could you repeat the question?

5 Q. Currently, would you say that you are
6 disinclined to believe the people who are here
7 in this court bringing forth negative issues
8 associated with the wind turbines?

9 A. (Genest) I would say we have a difference of
10 opinion.

11 Q. How can I, as a citizen of Antrim, believe that
12 you will fairly represent me or even believe me
13 in regard to excessive noise or flicker issues
14 in the future?

15 A. (Genest) I think from the discussions we just
16 recently heard, that, you know, we will plan on
17 any complaints, making Antrim Wind follow any
18 requirements that the SEC makes of them and to
19 protect our citizens first.

20 Q. Do you feel you represent all the citizens of
21 Antrim, or are some residents more important
22 than others, for instance, those in the center
23 of town versus those on Reed Carr Road and
24 Salmon Brook Road?

1 A. (Edwards) It's my belief that we represent all
2 the residents in the town of Antrim, not just
3 special groups.

4 Q. And is that the belief of Mr. Robertson and Mr.
5 Genest?

6 A. (Robertson) Yes.

7 A. (Genest) Yes.

8 Q. Do you believe that property owners -- excuse
9 me.

10 Would you support a wind energy project if
11 turbines were put on the -- very near downtown
12 Main Street?

13 A. (Robertson) I would not.

14 Q. Why? Can I ask you why not?

15 A. (Robertson) Because that's not an appropriate
16 place, given the population density and so on.

17 Q. So it's a matter of population density?

18 A. (Robertson) That's one factor.

19 Q. Thank you so much.

20 Do you believe that property owners like
21 us who have property that is 954 feet from the
22 center of a turbine base, do we have the right
23 to use all our property, or is it only our
24 house location that is important?

1 A. (Genest) No, you should have a right to use all
2 of your property.

3 Q. Jack Kenworthy wrote that Antrim Wind Energy
4 has significantly increased the mitigation
5 associated with the Project by adding
6 additional on-site and off-site land
7 conservation and entered into new agreements
8 for additional community benefits, such as the
9 agreement to fund recreational and aesthetic
10 enhancements at the Greg Lake Beach area and
11 the agreement to make annual contributions to
12 the Antrim Scholarship Committee. Can I ask
13 you who came up with that mitigation plan?

14 A. (Robertson) Antrim Wind.

15 Q. Do you think that there is any building,
16 structure or scholarship that can truly
17 mitigate for the destruction of nature and
18 beauty?

19 A. (Robertson) Could you repeat the question?

20 Q. Do you think there is any building, structure
21 or scholarship that can truly mitigate for the
22 destruction of nature's beauty?

23 A. (Edwards) I think it's a very generous offer of
24 Antrim Wind to make these offers for

1 scholarships and so forth. But the specific
2 answer to that is I don't believe that
3 mitigates an issue. I think it's just a very
4 generous opportunity.

5 Q. Do you feel that the increased revenues for the
6 town justifies hurting or even destroying some
7 of your citizens' lives?

8 A. (Genest) Could you repeat the last part of
9 that?

10 Q. Do you feel that the increased revenues for the
11 town justifies hurting or even destroying some
12 citizens' lives?

13 A. (Genest) I don't feel that we're destroying or
14 hurting people's lives.

15 Q. Can you tell me if this question was ever
16 brought up in your conversations when you were
17 considering the windmills: Was there a number
18 of residents living in areas zoned rural, not
19 business district, that it would be okay to
20 alter their lives in exchange for an amount of
21 money? Was there a certain number of people it
22 would be okay?

23 A. (Robertson) That question did not come up.

24 Q. All right. I have no further questions.

1 PRESIDING OFFICER SCOTT: Mr. Block.

2 MR. BLOCK: Yes, thank you.

3 CROSS-EXAMINATION

4 BY MR. BLOCK:

5 Q. I'd like to refer mostly to your supplemental
6 testimony, Town of Antrim Board of Selectmen,
7 dated August 8, 2016. On Page 2, you discuss
8 the opinion survey from March 9, 2010, which is
9 attached as BOS Attachment 1. On Page 2, Lines
10 20 and 21 state, "The results were
11 overwhelmingly supportive of the Antrim
12 project."

13 Can you show me where in this survey that
14 the Antrim Wind Project is specifically
15 mentioned?

16 (Witness reviews documents.)

17 A. (Genest) It is not specifically mentioned on
18 the poll. But at the time, this was the topic
19 in town, and it was Antrim Wind was trying to
20 come into town. So it was pretty obvious what
21 this poll referred to.

22 Q. I would like to suggest that on March 9th,
23 2010, there wasn't much of a proposal put
24 together yet at that point. It was still

1 pretty vague.

2 I'd like you to read on the survey itself
3 Question 2, the second question. Would one of
4 you please just read the question out loud.

5 A. (Genest) Now, are you on the selectmen's straw
6 poll?

7 Q. No, I'm talking about Antrim Planning Board
8 Land Use Survey.

9 A. (Robertson) Here it is.

10 Q. First survey there.

11 A. (Genest) The second question you said?

12 Q. Yes, second line.

13 A. (Genest) "Are you in favor of wind energy?
14 Would the view of the wind towers from your
15 home bother you?"

16 Q. Now, I believe that's a "Yes" or "No" question.
17 Does that question make sense to any of you as
18 a "Yes" or "No" question?

19 (Witness reviews document.)

20 A. (Robertson) It does to me.

21 Q. Somebody who wants to say, Yes, I'm in favor of
22 wind energy, but a view would bother me, is
23 that possible?

24 A. (Robertson) I suppose.

1 Q. So how would somebody with that opinion answer
2 this question?

3 A. (Genest) Well, I think the results of the
4 question somewhat speak for themselves. And I
5 think I've heard at this hearings, either
6 you're -- "Wind energy is something you're
7 either for or against." So it is two questions
8 within one there. But basically, I think the
9 results speak for themselves, as far as the
10 answers to the question.

11 Q. Well, I suggest that questions like this are
12 extremely confusing, and maybe the results
13 don't speak for themselves, since I'm not sure
14 how I would answer that question.

15 Let's go on to Page 3, where you refer to
16 the straw poll, which is in the back, also
17 listed as BOS Attachment 1.

18 Can one of you describe the process by
19 which this straw poll was conducted, if you
20 recall that?

21 A. (Genest) Yeah. The selectmen -- it was voting
22 day at town hall, and the selectmen sat outside
23 of the polls where the residents would come
24 after they voted. And we maintained that there

1 were two of us there, and we had ballots for
2 people to fill out if they chose to.

3 Q. Do you know whether or not all voters who came
4 out were handed ballots?

5 A. We were there, and anybody that wanted one was
6 offered one.

7 Q. How did you know whether or not people wanted
8 one?

9 A. (Genest) Because as people were going by, we
10 had a sign there, and we let people know what
11 we were doing. And if they didn't want to
12 participate, that was fine, but we would like
13 them to participate.

14 Q. So, for instance, when my wife, my son and I
15 left the polling place after voting and walked
16 past there and nobody handed us a ballot, is
17 that -- do you think that was appropriate?

18 A. (Genest) Well, if people chose not to
19 acknowledge that we were sitting there or walk
20 by us, we couldn't really force them to fill
21 out a ballot.

22 Q. Were you aware that Gordon Webber, who I
23 believe at that point was the chair, did hand
24 ballots to a number of people saying, "Here,

1 you have to vote for the Wind"?

2 A. (Genest) I am not aware of that.

3 Q. Well, let me go on to Page 5 in your testimony.
4 Here you're referring to the ballot issue that
5 came up in November of 2011. And on Lines 15
6 through 18, you state, "The proposed amendment
7 was known by supporters of wind energy to be
8 too stringent, while some residents believed it
9 was not stringent enough. The November 8, 2011
10 ordinance, Article No. 1, was defeated because
11 the voters did not want to adopt an ordinance
12 that would prevent the Project from being
13 constructed."

14 What information do you have that makes
15 you sure that the residents voted "no" because
16 they thought this amendment was too stringent?

17 A. (Robertson) That was the feeling of many people
18 at the time.

19 Q. Is that a valid fact, though? I mean, do you
20 have any justification, any proof of that, that
21 that was "the feeling"?

22 A. (Robertson) In talking to many residents in
23 town.

24 Q. Would it surprise you to know, to learn that I

1 myself and quite a number of people I know
2 voted "no" because we felt that any amendment
3 at that point which allowed industrial wind
4 turbines was inappropriate?

5 A. (Edwards) I think your representation is
6 correct. I don't think it was one-sided. I
7 think it was clear that many people in town
8 thought it was too stringent and others thought
9 it was too restrictive. So I think it's a
10 combination of both that caused the defeat.

11 Q. I agree with you on that. But that's why I'm
12 questioning why you would state that it was
13 defeated because the voters did not want to
14 adopt an ordinance that would end the Project.

15 A. (Edwards) I did not.

16 Q. Down the bottom of that page, the very last
17 line there, continuing on the next page, "The
18 town residents did not support the planning
19 board's amendment because it 'was designed to
20 restrict wind in the Town of Antrim.'" This is
21 a quotation. Can you identify the source of
22 this quote?

23 (Witness reviews document.)

24 A. (Genest) And what was the question there?

1 Q. In your testimony, the bottom of Page 5, on to
2 the top of Page 6, you got a sentence that
3 says, "The town residents did not support the
4 planning board's amendment because it 'was
5 designed to restrict wind in the Town of
6 Antrim.'" And I'd like to know where that
7 quote came from. What was the source?

8 A. (Genest) That was an opinion of the board of
9 selectmen.

10 Q. Okay. Continuing on Page 6, Lines 7 through 9,
11 I'll read part of that. "It was widely known
12 that the 2012 ordinance prepared by the
13 planning board would have made the Antrim Wind
14 Project impossible because it was too
15 restrictive." What is your evidence that this
16 was "widely known"?

17 A. (Genest) I think similar to the previous
18 questions, talking with residents at town hall
19 or around town, that was the feeling that the
20 board had.

21 Q. So it's opinion; is that correct?

22 A. (Genest) Having attended the hearings prior to
23 the vote and stuff, that's what we heard from
24 the residents.

1 Q. Okay. Continuing on Lines 9 through 11, "The
2 failure of the 2012 amendment to the zoning
3 ordinance must be understood in the context of
4 the 2010 and 2011 surveys which showed that an
5 overwhelming majority of residents supported
6 the Antrim Wind Project."

7 Are you basing your conclusion on these
8 two highly inaccurate, highly biased and
9 extremely unscientific surveys?

10 MR. RICHARDSON: I object to the form
11 of the question.

12 MR. BLOCK: I will go on.

13 BY MR. BLOCK:

14 Q. Let's turn to Page 7. On Lines 7 through 10,
15 it states, "In our opinion, the March 11, 2014
16 vote" -- let me digress for a second and
17 introduce that this is referring to the vote
18 that was brought forth by petition of citizens.
19 Let me continue back.

20 "In our opinion, the March 11, 2014 vote
21 reflects the fact that many town residents do
22 not support petitioned zoning amenities which
23 are opposed by the planning board. We do not
24 believe that this vote indicates that a

1 majority of town residents oppose the Antrim
2 Wind Project."

3 And my question is: Why do you feel that
4 the 2011 and 2012 ballot issues, which were
5 written with the intention of adding broad
6 guidelines for large-scale wind turbines to our
7 zoning ordinance, both were directly related to
8 the Antrim Wind's proposal; yet, the defeat of
9 the 2014 amendment, which was actually written
10 by Antrim Wind to expressly allow their
11 project, was not related to this project?

12 A. (Genest) I think there's a few reasons here.
13 One was, and you just spoke on it, that the
14 townspeople didn't feel that the developer
15 should be writing the ordinance.

16 The other thing here is I think it would
17 have been nice at the time if the planning
18 board had put the vote on the bottom, where
19 they only list it on the ballot, "The planning
20 board does not approve the petitioned
21 amendment." If the vote had been there, this
22 may have been come out a little differently,
23 because the vote was 4 to 3. I know I've been
24 a selectmen for 15 years, and when we have a

1 2-to-1 vote on a warrant article, we submit
2 that with the warrant so the townspeople know
3 how the board felt.

4 Q. Let me go on to Page 11. Here you're talking
5 about conservation land and potential
6 development. Lines 8 through 9 says, "In the
7 absence of the Antrim Wind Project, the
8 908 acres of conservation land could be
9 developed." What kind of development are you
10 referring to here?

11 A. (Robertson) I think that's been discussed
12 several times during these hearings. The rural
13 conservation district does allow for
14 constructed roads to be built to these homes,
15 wells to be drilled, septic systems to be put
16 in, land to be cleared. So I think that's the
17 reference that's being made.

18 Q. Okay. Let me continue the next sentence there.
19 "The development of this land could have
20 impacts on aesthetics, habitat fragmentation,
21 lights, invasive species and other impacts."

22 Would the development of this land by
23 Antrim Wind have "impacts on aesthetics,
24 habitat fragmentation, lights, invasive species

1 and other impacts"?

2 A. (Robertson) I don't believe that it will, to
3 the extent that, say, 20 houses along that
4 ridge would have with roads built in that are
5 permanent.

6 Q. Okay.

7 A. (Edwards) May I comment? May I comment on
8 that, Mr. Block?

9 Q. Yeah.

10 A. (Edwards) I think one of the concerns I had was
11 that we have no idea what may be coming before
12 the planning board in subsequent years. So, in
13 my personal feeling, I can't judge whether it
14 will be 300 homes or will be a car-crushing
15 operation or any other commercial venture that
16 I'm not aware of today. So I think it was a
17 broad statement, but it was only meant I think
18 just to show that there were other
19 possibilities, although we just don't know what
20 they are.

21 Q. Does the rural conservation district zoning
22 permit residential development?

23 A. (Robertson) Yes.

24 Q. Does the rural conservation district zoning,

1 under its permit uses, allow major industrial
2 development to the scale of this wind turbine
3 project?

4 A. (Robertson) It does not, but that's the reason
5 for asking the SEC to take jurisdiction because
6 their rules overrule our zoning regulations.

7 Q. It's my belief that a zoning ordinance is
8 approved by the town meetings, in other words,
9 the people of Antrim. So, if the people of
10 Antrim approved residential development as a
11 permitted use in the rural conservation
12 district, but did not allow major industrial
13 uses like a wind turbine installation, what
14 makes you think that a massive industrial
15 installation would be preferred by the people
16 of Antrim over allowed residential development?

17 A. (Genest) I think we could go back to that
18 planning board survey. I realize it was just a
19 survey, but there was a question about whether
20 or not you would want them in the rural
21 conservation district, the windmills. If you
22 let me find the survey, I can give you the
23 numbers.

24 MR. RICHARDSON: Just for the

1 Committee's benefit, if you look at the
2 supplemental testimony, which is Antrim Exhibit
3 3, there's an attachment, I think it's the
4 first one. It's BOS Attachment 1, and I
5 believe that's the survey the witness is
6 referring to.

7 A. (Genest) From this survey from the planning
8 board, the question was: Do you think that
9 wind turbine towers should be excluded from any
10 zoning districts? It had all the zoning
11 districts listed. Under the rural conservation
12 district, the numbers from the survey were 29
13 "yes" and 64 "no."

14 Q. It also listed all the other districts. Are
15 there any districts there that people thought
16 it would be okay to put turbines in -- or
17 rather, I'm sorry, the other way around. Are
18 there any districts -- which districts would --
19 did the majority of the citizens say should be
20 excluded?

21 A. (Genest) Wetlands. I only see wetlands.

22 Q. That's correct. It's only the wetlands. In
23 other words, the people of Antrim said it would
24 be all right to put turbines, if there were

1 turbines, in any district in town. Didn't
2 single out the rural conservation district, did
3 they?

4 A. (Genest) No, but if you look at the numbers,
5 that was the second highest, along with the
6 rural district itself.

7 Q. How long has the western part of Antrim been
8 zoned as rural conservation?

9 A. (Robertson) Not sure, but the zoning ordinance
10 was written, when, in 1974?

11 Q. Okay. The rural conservation zoning ordinance
12 part was adopted March 14, 1989.

13 If I may, I'd just like to read the
14 principal permitted uses in the rural
15 conservation zone: single-family dwellings;
16 public and private schools of all levels;
17 churches; home-based businesses; kennels,
18 boarding and/or breeding; public and private
19 recreational facilities; farms and agricultural
20 activities; roadside stands; stables and riding
21 academies; farm employee housing and
22 manufactured housing units.

23 So the question is: In the 27-1/2 years
24 that the rural conservation district has been

1 in existence, can you outline how much of this
2 development has already occurred?

3 A. (Robertson) Some single-family homes, and I
4 know of one kennel that's on Loveren Mill Road.

5 Q. I know that kennel, too. [Laughter]

6 I'm going to jump to another topic for a
7 second that's on the same page, Page 11 of your
8 testimony. Line 14 and 15, you mention there
9 Ms. Connelly's visual assessment, where she
10 does not recommend the option of granting
11 off-site conservation land as a means for
12 mitigation in land development projects.

13 You go on, then, on Line 20 to start by
14 saying, "We believe it's critical to consider
15 what would happen to the 908 acres in the
16 absence of the Project."

17 Do you understand what Ms. Connelly is
18 talking about in terms of "off-site
19 conservation land"?

20 A. (Robertson) Yes.

21 Q. Can you explain it?

22 A. (Robertson) I think she's talking about the
23 \$100,000 that was offered.

24 Q. Okay. Is there a reason why, then, your

1 response only refers to the 908 acres of the
2 Project?

3 A. (Genest) Because we don't agree with the whole
4 statement there, pretty much.

5 Q. Okay. Lines 21 and 22 state -- or you
6 mentioned the impact that residential or other
7 development would likely have on scenic or
8 conservation resources. I assume at this point
9 you're referring again to the possible
10 development that could happen without the
11 conservation easements; is that correct?

12 A. (Robertson) Yes.

13 Q. Do you believe that residential homes would
14 have a greater impact on the ridge than a
15 series of 500-foot turbines and towers with
16 foundations going as much as 40 to 50 feet deep
17 and an access road of over 3-1/2 miles blasted
18 through a major boulder field?

19 A. (Robertson) I think I also answered that
20 question, saying if someone put a development
21 of 20 homes up there, 30 homes, then they would
22 be doing blasting, they'd be drilling wells,
23 putting in septics, building roads that would
24 be permanent. This project is for a specified

1 period of time, and that's as much as can be
2 done to return to its natural state.

3 Q. Speaking realistically, how much demand is
4 there for development in Antrim?

5 A. (Robertson) We don't know what it will bring in
6 the future, do we?

7 Q. No. But historically, isn't the more
8 accessible land, the land that's most likely to
9 be developed?

10 A. (Robertson) All I know is they're not making
11 any more of it.

12 Q. All right. I would like to introduce an
13 exhibit. Maybe we should go off the record for
14 a moment so I could do this.

15 PRESIDING OFFICER SCOTT: Yes, let's
16 go off the record.

17 MR. BLOCK: Thank you.

18 (Exhibit NA 18 marked for identification.)

19 PRESIDING OFFICER SCOTT: Back on the
20 record.

21 BY MR. BLOCK:

22 Q. This is Exhibit NA 18. It's a letter from 10
23 Antrim residents, dated September 12th, 2016,
24 directed to the board of selectmen. Do you

1 recognize this?

2 A. (Robertson) Yes.

3 Q. If you'd indulge me, I'd like to just read a
4 few excerpts from this into the record.

5 Dear Members of the Board of Selectmen:

6 It has not been clear to us why the BOS has
7 chosen to support this development so strongly
8 while ignoring the pleas from its own citizens.
9 The BOS has asked the SEC to override the
10 wishes of the voters in town to get this
11 industrial wind facility constructed.

12 Throughout all of this, we, the most affected
13 residents in Antrim, have been living with the
14 fear that this massive industrial development
15 will ruin our homes and our lives; yet, the BOS
16 has ignored our concerns. We come to you to
17 ask for your help with restitution should this
18 wind farm be built. We, the undersigned,
19 respectfully request that if Antrim Wind Energy
20 is allowed to construct their wind farm on
21 Tuttle Ridge, that the selectmen arrange with
22 Antrim Wind so that, if we desire, the company
23 will pay us the full appraised price for our
24 houses and properties so we can leave our homes

1 and rebuild our lives somewhere else. We
2 expect that the full appraised price would be
3 the price our properties would be worth without
4 the turbines present, as determined by one or
5 more certified appraisers acceptable to us and
6 Antrim Wind. This property value guaranty
7 should be a required condition by the Town of
8 Antrim in conjunction with the overall
9 operating agreement contract between Antrim
10 Wind and the Town. Actually, this proposal is
11 a "no-lose" proposition for the Town, Antrim
12 Wind and the affected property owners. If
13 Antrim Wind has been accurate and truthful in
14 its promises that the construction of an
15 industrial wind facility on Tuttle Hill will
16 have no adverse effect on neighboring property
17 values, then they will have no problem
18 reselling any properties for what they've paid
19 us. Since they have argued that their project
20 will not decrease property values for any
21 abutter, or anyone else in town, the firm
22 should be willing to back up that statement
23 with buyout agreements to relieve the affected
24 residents of risk, uncertainty and worry. If

1 the board of selectmen sincerely believes that
2 Antrim Wind has been honest and truthful in
3 their promises that their development will not
4 adversely affect property values in the town,
5 then you should likewise have no problem adding
6 a property value guaranty requirement to your
7 conditions of operation. The BOS has never
8 come to the defense of the property owners and
9 taxpayers who will be most affected should the
10 wind farm be built. We now come to
11 respectfully but firmly request that the
12 selectmen do the right thing for the residents
13 of Antrim and step up and negotiate this
14 arrangement for us with Antrim Wind.

15 This letter was presented at a board of
16 selectmen meeting two and a half weeks ago, and
17 I would like to add that it did receive a very
18 hostile reception.

19 Has the entire board discussed this since
20 then?

21 A. (Edwards) Yes, we did.

22 Q. To date, we have received no response. Do you
23 have a response for us on this?

24 A. (Edwards) Well, we spoke about that at the last

1 meeting as we read the minutes from the
2 previous meeting. And I brought the question
3 up, "Have we responded to that?" And the
4 answer was we have not done -- the answer was
5 that our town administrator was on vacation.

6 It is not our intent to ignore or not
7 respond to you. We simply haven't done it at
8 this point. But I'll bring up what I remember
9 saying at the meeting, and that is that we're
10 very sensitive to the homeowners up there that
11 are affected, or soon to be affected by the
12 different issues that have been raised here
13 over the series of the hearing. But in order
14 to be damaged by it, we have to show that you
15 have been damaged by it. And the facility has
16 not been constructed at this point. And please
17 don't misunderstand me. I'm not suggesting
18 that there won't be some adjustment in property
19 values, depending on the stipulations that may
20 be imposed by the SEC to protect your
21 interests. We just don't know the outcome of
22 that. But as you know, there are methods that
23 you can take to come forth to the town and
24 document your damages to the property values.

1 But I think to ask the Town to support a buyout
2 of everyone's property before we ascertain what
3 the impact is I think is unreasonable, and I
4 believe I tried to convey that. However, I did
5 encourage you to bring it up to the SEC when
6 you speak here during these hearings. And that
7 was my position.

8 Q. Let me just follow that up with one last
9 question. As you mentioned, there is a
10 possibility that there might be some property
11 value adjustments that need to be done. What
12 is your belief as to who should shoulder the
13 responsibilities for any lost property values?

14 A. (Edwards) If someone constructed a -- I'll get
15 an answer to your question. But if someone
16 constructed something next to your property and
17 it wasn't a turbine, an industrial turbine, but
18 as I mentioned earlier, a car-crushing
19 operation, and it resulted in a reduction in
20 your assessed value or the ability of you to
21 sell your home at market value, then you can
22 file for an abatement through the town. That,
23 as I understand it, is the process. We would
24 not go to the car-crushing operation and ask

1 them to shoulder the burden. So the hope is,
2 and the intent is, I believe here, is to
3 implement the safeguards that have been
4 discussed here so it will have none or little.
5 We can't ascertain whether we'll have none or
6 little until we see some trends on the resale
7 of property. So it's just premature.

8 But to answer your question, I don't think
9 it should be the developer or the commercial
10 property owner. I think there's a process,
11 especially where we don't know what the impact
12 may be or may not be.

13 Q. I understand that in terms of property value.
14 But what would your reaction be to someone who
15 came to the town and said, because of the
16 construction of something next door near my
17 property, I can no longer live there? What
18 would your reaction to that be?

19 A. (Edwards) I would ask the question as to why
20 you could no longer live there. Is it
21 health-related? Is it your own personal
22 desire?

23 Q. I do have answers to that. I don't think this
24 is the appropriate time or place. When I'm

1 testifying, I would love to be able to speak to
2 that issue. Thank you.

3 MR. BLOCK: I have no more questions.
4 Thank you.

5 PRESIDING OFFICER SCOTT: Okay. Lost
6 myself here. Mr. Levesque.

7 MR. LEVESQUE: Yes. Thank you, Mr.
8 Chairman. We have a few questions. Thank you
9 for taking our questions.

10 CROSS-EXAMINATION

11 BY MR. LEVESQUE:

12 Q. First question is for Mr. Edwards. And we're
13 looking at the prefiled testimony, the
14 supplemental testimony, then the Master Plan
15 which we looked at earlier today. But on this
16 first question, Mr. Edwards, it appears that
17 you did not sign on to the supplemental
18 testimony that was filed by the board of
19 selectmen. Why is that?

20 A. (Edwards) I'll explain that. First of all, I
21 want to say that I was in general consensus
22 with the select board on items that were matter
23 of fact. And what I mean by that is, when we
24 released the numbers on the count, regardless

1 of whether you believed in the process as to
2 how the town voted, in surveys back in '10 and
3 '11, I don't think we can -- I can dispute
4 that. I do think there were other matters that
5 are contained in that document that I was not a
6 part of because I was not a selectman. And I
7 will not represent statements being accurate if
8 I was not a party to it or determined how they
9 were determined or calculated. I think I
10 objected to some of the characterizations that
11 were in there. And I think, in my opinion,
12 personal opinion -- and I'm not speaking for
13 the board now; I'm speaking for myself -- that
14 the general beliefs I had in that did not
15 accurately reflect my thoughts on it. Unless I
16 can be in a hundred-percent consensus with all
17 the information in there, I felt that I
18 shouldn't sign the document. And we discussed
19 that with counsel.

20 Q. Thank you. I wonder, Mr. Edwards, if you could
21 go to the supplemental and point out some of
22 those places where you didn't feel they
23 characterized your beliefs, not the ones that
24 were factual issues or historical or you

1 weren't involved with.

2 A. (Edwards) I made some notes on it. But maybe
3 John can help me here.

4 But one of the items in there was the
5 quote. This is on Page 3, and it refers to the
6 2011 survey. And then it goes on to say, "What
7 is your opinion today?" And when we talked
8 about that, we initially had some different
9 wording in there. And it ended up being
10 printed as, "The majority of Antrim residents
11 continue to support the Antrim Wind Project."
12 And I think you've heard testimony here today
13 by others and Antrim Wind, as well as
14 ourselves, that my feeling was that many people
15 in the town of Antrim remain supportive of the
16 wind project. I cannot represent that's a
17 majority because I have no documentation to
18 prove it. We have not done a survey to show
19 that that's a valid thing. When we talk about
20 "overwhelming majority," I think that's a
21 stretch. So we are different in opinion, but I
22 would represent that there are many that still
23 support the Project. That was one item.

24 If you go to Page 5, I guess on Line 3,

1 the testimony by John, representing Antrim
2 Wind, I had a problem with making
3 characterizations of the acoustics standard
4 being made "so no one would be able to drive a
5 car" and other things that were personal
6 opinions. And I didn't hear that testimony. I
7 think it's represented as a quote. But I
8 didn't care for the characterization of that
9 statement.

10 If you -- we talked about -- in our
11 documentation, I think it was brought up
12 earlier about the article that was submitted
13 that was a petition article in 2014. I think
14 we talked about the defeat and the purpose and
15 reason for that. And I think some of the
16 reason for that was that it came up at the
17 eleventh hour and that the planning board
18 didn't have a chance to weigh in on the
19 comments that were in that petition. And I
20 felt that I didn't support that and I voted
21 against it just because of the manner in which
22 it was presented, without having the Town
23 having an opportunity to vet that.

24 Q. You realize, of course, that the planning board

1 actually, as required by law, held a public
2 hearing on that petitioned warrant article that
3 was attended by probably over a hundred people.
4 I don't have the number off the top of my head.
5 Were you in attendance there? Because that was
6 the opportunity for folks to voice their
7 thoughts about the proposal.

8 A. (Edwards) I cannot represent whether I was
9 there or not. I honestly don't recall.

10 When we talk in here about
11 possibilities -- and I apologize for saying
12 "when we talk about it" in here -- but we
13 talked about what might happen to the property
14 in the event that the wind farm isn't
15 constructed. I think it's fair to represent
16 that it is subject to development, permitted
17 uses which were described here earlier by
18 Mr. Block. But I do think that the planning
19 board, through its site plan review process,
20 has an opportunity to look at any development
21 that might go up there, even one that they
22 asked for a variance on. So I don't want to
23 over-characterize it and say that if you want
24 350 homes up there instead, because I don't

1 think that fairly represents what could be done
2 up there. And each application before the
3 planning board is independent of itself and
4 would be judged on its merits. So there were
5 characterizations like that, that I can't -- I
6 couldn't support to the extent of signing it.

7 And one of the others was Ms. Connelly's
8 comment on the 908 acres. I don't know that we
9 answered the question properly. I think the
10 intent was good, to try to address an answer on
11 that. But I don't -- as I said earlier, I
12 don't think that off-site conservation
13 commitment, however generous, is ever -- it may
14 be an authorized mitigating method, but I don't
15 think it offsets any adverse impact, if there
16 is any, on a project.

17 Q. Thank you for taking the time to go through
18 those. I just have a few more questions.

19 A. (Edwards) Is this of me?

20 Q. Actually, it'll probably be of the chairman
21 since I -- and others could respond. But I
22 think this goes back to Mr. Robertson, if you
23 would, please.

24 So, in a location -- I think it's not

1 necessary to really go to it. But in a place
2 in your prefiled, I think it was Page 4, and in
3 the supplemental on Page 9, you do make
4 reference to the Master Plan. And in both of
5 those locations, or at least in the
6 supplemental, you only specifically talk about
7 the Energy Usage and Conservation section of
8 the Master Plan. And when you do it in the
9 prefiled, you talked about that section as
10 well.

11 Were you here this morning when I was
12 asking Mr. Kenworthy about that very topic and
13 the fact that there is another section, a
14 Natural Resources Conservation section of the
15 Master Plan that is relevant to this proposal?
16 Did you hear that discussion and that question
17 and answer?

18 A. (Robertson) Yes, I did.

19 Q. So, just as in Mr. Kenworthy's testimony -- and
20 maybe we can forgive him because he doesn't
21 live in Antrim and doesn't know the Master Plan
22 like the board of selectmen would -- I'd ask
23 you the same questioning, and that is -- and I
24 won't reread it because I read it this morning

1 -- but there were two very specific
2 recommendations that are part of the Natural
3 Resources Conservation section of the Master
4 Plan that refer to this area of town. And in
5 essence, they recommend permanent conservation
6 of this part of town.

7 Why is it that you didn't include that
8 portion or reference to that section in the
9 Master Plan when you filed your prefiled or
10 your supplemental?

11 A. (Robertson) I do not know.

12 A. (Genest) I believe that's a section that also
13 talks about the open space area, creating more
14 open space and such. And some of our
15 feelings -- I mean, we may have not have
16 mentioned it here, but in the sense that we
17 realized this project has a shelf life and then
18 it will be gone and then that will be open
19 space then at that time. So we felt that it
20 was a win-win.

21 Q. So you believe, then, what would be the largest
22 development in the history of Antrim, even
23 though you're saying it would last only 50
24 years, you believe that that's consistent with

1 the recommendation in the Master Plan that says
2 "permanently conserve" this part of town?

3 A. (Genest) It may not be totally consistent, but
4 we're still trying to get to the end goal with
5 having that conservation land tied up. In 60
6 years from now, people will look at that and it
7 will always be open space.

8 Q. Thank you. Just two more questions.

9 I asked this in another form, and Mr.
10 Block sort of got around this. But in 2009,
11 when Antrim Wind came to town, did the zoning
12 at that time allow for a large-scale industrial
13 wind farm as being proposed here before the
14 SEC?

15 A. (Robertson) No.

16 Q. And in 2016, after three votes on the zoning
17 ordinance to change it to allow this kind of
18 activity, does the zoning ordinance today allow
19 for large-scale wind?

20 A. (Robertson) No.

21 Q. Okay. Thanks.

22 A. (Genest) If I could follow up a little more on
23 that question. It seemed like after the 2012
24 vote, the planning board decided not to

1 continue to move forward with any ordinances.
2 And that's kind of disappointing. We went
3 three years. It's been three, almost four
4 years since then. The planning board could
5 have followed up with another try. I mean, I
6 guess they were tired and disgusted with the
7 whole process. But that was kind of
8 discouraging as a selectman, that the planning
9 board didn't continue to try to put together an
10 ordinance that would pass.

11 Q. Isn't it true in Antrim, that one of the
12 members of the board of selectmen is always a
13 member of the planning board, a sitting member
14 of the planning board?

15 A. (Genest) Yes, it is.

16 Q. And over those years since 2012, because you
17 didn't mention the 2014 one that was by
18 petition, but it says 2012, did any of you --
19 and it wouldn't be Mr. Edwards because he
20 wasn't on the board -- but did either you, Mr.
21 Genest or Mr. Robertson, make a pitch to the
22 planning board during that period to have
23 another try at an ordinance to allow for
24 large-scale wind?

1 A. (Genest) I did talk about it at one meeting
2 once, and I just got the feel from the board.
3 I didn't move it as a motion or anything. But
4 I got the feeling from the board that they
5 weren't interested; let the SEC deal with it.

6 Q. And when was this?

7 A. (Genest) I sat on the board last year. Not
8 this current year, but the year before.

9 Q. This was after the 2014 vote?

10 A. (Genest) Yes.

11 Q. Is it possible that the voters of Antrim
12 really, you know, made it clear to the planning
13 board that they had no interest in amending the
14 zoning ordinance, and since there were kind of
15 three strikes already, the planning board
16 considered this an "out" issue?

17 A. (Genest) I guess that's possible.

18 Q. Good. One last question. The handout that
19 Attorney Needleman provided right at the
20 beginning when you all sat down, which was an
21 amendment to the agreement, I think it was
22 characterized as something that was
23 "negotiated" between the board of selectmen and
24 Antrim Wind. Did this negotiation occur at a

1 full board of selectmen meeting?

2 A. (Robertson) This was done through counsel,
3 through Antrim Wind. We met with counsel to
4 draft this. We did not meet with Antrim Wind.

5 Q. And so you're saying that this issue and the
6 document itself was never discussed and put
7 forth at a board of selectmen meeting that was
8 fully warranted?

9 A. (Robertson) It was not.

10 Q. No further questions.

11 PRESIDING OFFICER SCOTT: Thank you.
12 Mr. Ward, any questions?

13 DR. WARD: I have, I hope, two very
14 quick ones.

15 CROSS-EXAMINATION

16 BY DR. WARD:

17 Q. Are you aware that the center of the town of
18 Stoddard is closer to Tuttle Hill than the
19 center of the town of Antrim?

20 A. (Robertson) I guess I never thought about that.

21 (Court Reporter interrupts.)

22 DR. WARD: I can just talk louder.
23 It's on red.

24 PRESIDING OFFICER SCOTT: You just

1 need to get closer.

2 MR. IACOPINO: You need to pull it
3 very close.

4 DR. WARD: I'll try it again.

5 BY DR. WARD:

6 Q. Are you aware that the center of the town of
7 Stoddard is closer to Tuttle Hill than --

8 A. (Robertson) I think you've already mentioned
9 that to me before, Fred.

10 Q. Are you aware of that?

11 A. (Robertson) I'm not -- I do not know that as a
12 fact.

13 Q. Then let me ask a simple hypothetical. If you
14 had been aware of that, would that have made
15 any difference in your decision?

16 A. (Robertson) No.

17 Q. Thank you.

18 PRESIDING OFFICER SCOTT: Okay. Ms.
19 Linowes.

20 MS. LINOWES: Thank you, Mr.
21 Chairman. I don't have a lot of questions.

22 CROSS-EXAMINATION

23 BY MS. LINOWES:

24 Q. I'm looking at the contract that you signed

1 between Antrim Wind and the Town. And first
2 off, with regard to the two paragraphs that
3 were handed out today, are they intended to
4 replace Paragraphs 14.2.2 and 14.2.3 of the
5 contract -- I'm sorry -- Appendix 17A of
6 APP 33?

7 A. (Genest) Yes.

8 A. (Robertson) Yes.

9 A. (Edwards) Yes.

10 Q. Okay. And in Paragraph 14.1.1 -- hold on a
11 second. Actually, before I say that -- no.

12 Okay. Yes. In Paragraph 14.1.1, this is
13 referred back to by one of the paragraphs that
14 was provided, and it talks about the
15 requirement to update the estimates every three
16 years. Do you see that?

17 A. (Edwards) Yes.

18 Q. It also has a discussion about salvage value,
19 which was part of the original agreement that
20 you had. The salvage value would be netted out
21 from the decommissioning fund. Do you recall
22 that?

23 A. (Edwards) Yes.

24 Q. And you know that the Site Evaluation Committee

1 requirements for decommissioning funds now no
2 longer allow for that.

3 A. (Edwards) Yes.

4 Q. Is it your intent to still support a salvage
5 value netted out or --

6 A. (Edwards) No.

7 A. (Genest) I believe in the application that they
8 put in for this project in this docket, the
9 salvage value was not in their application.

10 Q. Okay. I just -- the reason I'm asking is, you
11 know, this contract obviously still exists.
12 The Site Evaluation Committee has its own
13 requirements. Are you making the assumption --
14 or will you be acting in the future so that
15 it's the Site Evaluation Committee's
16 requirements that would prevail in any doubt --

17 A. (Edwards) Yes.

18 Q. -- if there were any doubt?

19 A. (Edwards) Yes. The intent of that, just so you
20 know it, the Town of Antrim, from my
21 perspective, is not interested in salvage
22 value, nor interested in doing any
23 decommissioning on its own. So we think this
24 is a far better situation that's just occurred

1 and will be part of this decommissioning
2 funding assurance.

3 Q. Is there any intent to update the current
4 contract to reflect that, or you'll just leave
5 the wording as is?

6 A. (Edwards) Whatever the SEC feels is the
7 appropriate scope of work on that. We've
8 looked at that. And I'm comfortable with it.
9 I'm not going to second-guess the SEC's ability
10 to assess that.

11 And I think you'll read in there that the
12 initial funding that will be put aside in the
13 irrevocable letter of credit will have a floor
14 in it of that number. So that number will only
15 increase based on cost assessments done by a
16 third party every three years.

17 Q. Okay. So -- and thank you. That's helpful.

18 I believe in prior examples, and I could
19 be wrong, that the Site Evaluation Committee
20 has simply included the -- I'm not sure how
21 consistent the Committee has been with regard
22 to contracts like this. So this contract may
23 stand on its own, separate from the Committee's
24 requirements. And you're saying that won't

1 create confusion for you.

2 A. (Edwards) No. I don't believe so, no.

3 Q. Okay. Now, in Paragraph 14.1.3 -- and maybe
4 this is more of the same. But it says here,
5 "The owners shall provide a decommissioning
6 plan to the Town no less than three months
7 before decommissioning is to begin." Do you
8 see that?

9 A. (Edwards) Yes.

10 Q. Now, as you likely know, the Site Evaluation
11 Committee has required a decommissioning plan
12 to be part of the Application.

13 A. (Edwards) Yes.

14 Q. The reason is I have some questions on this
15 with regard to an understanding of what
16 decommissioning is all about.

17 Do you agree that the requirement for a
18 decommissioning fund and decommissioning plan
19 is to address abnormal events, such as the
20 Project has been abandoned?

21 A. (Edwards) Yes. Yes.

22 Q. So the idea of allowing for a decommissioning
23 plan to be made available three months before
24 the Project is to be decommissioned suggests

1 that the Project owner's still running; the
2 Project is still -- it's still three months
3 away from its useful end of life, and there's
4 no problem. That would -- in general, would
5 not a decommissioning plan be required long
6 before that event happened?

7 A. (Edwards) Well, my understanding is that there
8 will be a decommissioning plan in place, yes.

9 Q. Okay. All right. Now, if we could go to
10 Section 8.2.1. And this paragraph talks about
11 the wind farm access roads. It says, "The
12 owner shall construct and maintain roads at the
13 wind farm that allows for year-round access to
14 each wind turbine at a level that permits
15 passage and turnaround of emergency response
16 vehicles." Do you see that?

17 A. (Edwards) Yes.

18 Q. Are you aware that at the Groton Wind Energy
19 facility a similar requirement was built into
20 the contract with the Town of Groton -- between
21 the Town of Groton and the wind company, and it
22 was determined after the Project was built, or
23 almost after it was built, that the steepness
24 of the roads were problematic for emergency

1 vehicles, and they chose -- they actually
2 amended their agreement to allow for not
3 plowing year-round, but to use a Sno-Cat? Are
4 you aware of that?

5 A. (Edwards) I am not.

6 Q. Do you have any reason to believe that that --
7 that this might come forward in the future, a
8 concern that the roads themselves and emergency
9 access year-round is problematic?

10 A. (Edwards) I have no reason to think so at this
11 point. But I think what I'd like to see is
12 some involvement during the construction
13 process. This is not part of the agreement. I
14 think Mr. Kenworthy said that we were talking
15 about some other things. He hasn't heard this
16 yet, but I would like to think that, through a
17 cooperative spirit, that the board of selectmen
18 can, without interfering, be a part of the
19 construction process, just to be able to be
20 aware of what's going on. Obviously, we have
21 to have an emergency EMT and fire component to
22 this. The highway department's involved. And
23 I just think in the spirit of cooperation, that
24 it would be helpful to me, as a selectmen, just

1 to make sure everything is going as planned and
2 so forth without playing a role in the
3 development. So we would want to make sure
4 that those things didn't happen. And they've
5 happened before in subdivisions that we've been
6 involved with.

7 Q. Now, when the gentleman was here, the witness
8 talking about the construction, the road layout
9 and public health and safety related to the
10 construction, I had asked him if Antrim, if the
11 Town of Antrim's fire department or emergency
12 personnel had access or were consulted with
13 regard to the road profile and their concerns.
14 And I think at first he said no -- or he didn't
15 know, and then he said he thought they had
16 been.

17 Are you aware, from your experience, has
18 your fire department or any of your emergency
19 personnel been consulted as to the road
20 profiles?

21 A. (Edwards) I'm not aware of it, but I'd ask the
22 other selectmen if they are.

23 A. (Genest) I know Antrim Wind sat down with the
24 fire department to discuss the whole wind farm

1 itself. As far as the road specifically, I do
2 not know.

3 Q. Do you know when that happened?

4 A. (Genest) I cannot say. I want to say about a
5 year ago, but that's -- I'm not a hundred
6 percent sure.

7 Q. Okay. And does the Town of Antrim -- and I
8 can't remember the word for it, but it's
9 where you -- where emergency -- the fire
10 departments and emergency vehicles from other
11 towns come --

12 A. (Genest) Mutual aid.

13 A. (Edwards) Mutual aid.

14 Q. Thank you. Mutual aid. Are you part of a
15 mutual aid program?

16 A. (Genest) Yes.

17 Q. Do you know if those communities that
18 participate in mutual aid have been notified
19 and made aware of the Project and the road
20 profiles?

21 A. (Robertson) We don't know.

22 Q. And one of the questions that Attorney Maloney
23 had asked this gentleman who was a witness
24 about what would happen in the event there was

1 a catastrophic -- I mean something -- someone
2 was hurt at the end of the nine-turbine string
3 and getting vehicles there and -- have you
4 talked about -- it will be your emergency
5 vehicles and/or mutual aid vehicles that would
6 be responding; is that correct?

7 A. (Robertson) Yes.

8 Q. Okay. Have you run through any scenarios
9 regarding a fire at the Project site or someone
10 needing any kind of assistance?

11 A. (Robertson) No, we have not. I don't know how
12 they would do that, having -- not being there,
13 how they would practice a response if there's
14 no road there and no access, no turbines, no
15 facility.

16 A. (Edwards) If I may speak, what I might suggest
17 is, and this goes back to my comment on
18 involvement by the select board at an
19 appropriate level. What I typically see there
20 is a preplan filed by emergency personnel once
21 they understand the scope of the job and the
22 Project and the risks and the elements that may
23 play a role in it. So I think at the time it's
24 appropriate, our fire department and emergency

1 personnel, along with the highway department,
2 will get together and make sure there's a plan
3 in place, so that if what you're suggesting
4 does occur, we'll have a plan in place to
5 respond to it.

6 Q. And would that have -- you're expecting that
7 would happen sometime before the Project
8 becomes operational, or would it be at the
9 time -- I would think -- would it be during
10 construction as well?

11 A. (Edwards) I would like to think that it would
12 be well in place long before the actual
13 operation begins.

14 Q. Okay. Are you aware that, if this project is
15 certificated, that the Applicant has suggested
16 he will start construction fairly quickly
17 after?

18 A. (Edwards) I believe I heard him testify that
19 they'd like to get going a couple of months
20 after the approval.

21 Q. So that would be the window that you'd be
22 talking about.

23 A. (Edwards) Yes, I would believe so.

24 Q. And then just one more question. The gentleman

1 that was the witness, I had asked him regarding
2 the number of construction vehicles that would
3 be coming through the community during
4 construction. So there are nine turbines, and
5 each one has a component -- many components,
6 and then truckloads of concrete and all sorts
7 of materials. Have you had any conversations
8 with Antrim Wind to discuss how much
9 construction equipment would be coming through
10 and the number of truckloads over a course of
11 multiple months? Have you had those
12 conversations and discussed what the possible
13 impact would be to your community?

14 A. (Robertson) I think some of this was presented
15 in prior technical sessions, whatever, but --

16 Q. Excuse me. Technical sessions as part of the
17 Site Evaluation Committee or --

18 A. (Robertson) Yes, technical sessions here.

19 Q. Okay.

20 A. (Robertson) Most of the materials will be
21 coming down Route 9 and will not be coming
22 through the center of Antrim. They'll be
23 traveling along Route 9.

24 Q. Does that mean they'll be coming through

1 Stoddard?

2 A. (Robertson) Maybe coming through Route 9
3 through Stoddard or Route 9 bypassing Hillsboro
4 from Concord, which is a road that does not
5 pass through any villages or towns.

6 Q. Okay. And I don't really have a map in my head
7 of what that looks like. Have those other
8 communities -- do you expect to inform those
9 other communities that there may be fairly
10 significant construction traffic?

11 A. (Edwards) I can't answer your question. But my
12 experience has been, if you travel on Route 9,
13 many mornings you'll find mobile homes. Now,
14 I'm not trying to compare mobile homes with the
15 turbines. However, there are state and federal
16 regulations in place, in terms of flag cars,
17 safety measures and so forth that they have to
18 abide by, by what I would say as a layperson is
19 DOT regulations. So the fact that they're not
20 traveling on back roads or Class VI roads in
21 Antrim, I think it's great that they're
22 traveling on Route 9. But those safeguards are
23 in place, and I'm certain that they will get
24 the proper permits before they start

1 transporting that, as would the transporter.

2 Q. And I appreciate that. I'm sure that they
3 will. What I'm trying to impress upon or
4 trying to get an understanding of is the sheer
5 volume of traffic. I mean, the turbines alone
6 could be 63 separate loads. So I don't know.
7 I have not talked to Antrim Wind.

8 A. (Edwards) And I respect that. But I think when
9 they apply for the appropriate permits, those
10 questions will be asked. And they will --
11 "they" being DOT or the regulatory
12 authorities -- will ascertain what needs to be
13 done in order to be compliant, and they would
14 be compliant with that or face violations.

15 Q. Okay. So you're not requesting that there be
16 some -- as the Town, I guess you're saying it's
17 not going to be a problem for Antrim, because
18 you don't expect them to come through the town
19 of Antrim.

20 A. (Robertson) We don't believe so.

21 Q. And I just want to check one more thing. Maybe
22 you could help me here. It says here in
23 Section 9.7.1, it says -- the paragraph says,
24 "The owners shall notify the town at least 24

1 hours before any construction vehicle with a
2 gross weight greater than 88,000 pounds is
3 scheduled to use the road."

4 A. (Genest) That's a town road.

5 Q. Use a town road. Okay. So it's not Route 9.

6 A. (Edwards) Route 9 is a state highway.

7 Q. Okay.

8 MR. RICHARDSON: I was just going to
9 say, I think the witness testified before that
10 there's no town roads that are involved in
11 moving the materials. So I don't think the
12 board has any authority over those highways.

13 MS. LINOWES: No, I understand that
14 that might be the case, Mr. Richardson. But I
15 also understand that they are before the Site
16 Evaluation Committee. If they had concerns
17 regarding that, there still can be separate
18 requirements placed on the Applicant.

19 MR. RICHARDSON: No, I understand
20 that. I think it's an appropriate question to
21 ask. I just want to make sure that both the
22 witnesses and the Committee was aware that it's
23 not a town road that the town has any
24 regulatory power over.

1 PRESIDING OFFICER SCOTT: Thank you.

2 BY MS. LINOWES:

3 Q. And then my last question. You had agreed in
4 the contract that construction will only be
5 conducted between 6 a.m. and 7 p.m., Monday
6 through Friday, and 7 a.m. to 7 p.m. on
7 Saturdays, unless prior approval is obtained
8 from the Town -- or 7 a.m. to 7 p.m. unless
9 prior -- on Saturdays, unless prior approval is
10 obtained from the Town. Construction will not
11 be conducted on Sundays.

12 Is it your intent to consult with -- or
13 actually, those hours, have you consulted with
14 any of the residents that live around the
15 property who will be most impacted by the
16 Town -- by the noise or construction as to
17 whether or not they're comfortable with that?
18 And is there any mechanism, to your knowledge,
19 where that could be changed so that they can
20 start not as early as 6 a.m. or not go as late
21 until 7 p.m.?

22 A. (Robertson) It would -- we would certainly
23 listen to anyone that lives nearby that says,
24 Hey, you know, I like to sleep in until 9:00,

1 so can they please start a little bit later in
2 the morning or quit earlier in the afternoon.
3 We would listen to that and see if it's
4 possible. But we thought these times were,
5 given that construction during good weather in
6 the spring, summer, that a lot of construction
7 companies like to work beyond, you know, the 8
8 to 5.

9 Q. And I appreciate that. So I guess the answer
10 is you did not consult with anyone in advance.

11 A. (Robertson) We thought these times were
12 reasonable.

13 Q. Okay. And what opportunity -- other than
14 asking nicely to Antrim Wind since you signed
15 the contract, what opportunity do you have to
16 change those hours?

17 A. (Genest) Probably not an awful lot. But these
18 conditions here are very similar to other
19 conditions that have been placed on other
20 construction projects in town, as far as the
21 timing.

22 Q. And then one last question. Is there any
23 construction in the years that you've been
24 selectmen of this scale?

1 A. (Robertson) No.

2 Q. Okay. Thank you very much.

3 MS. LINOWES: Thank you, Mr.
4 Chairman.

5 PRESIDING OFFICER SCOTT: Mr. Jones,
6 I apologize. I skipped the Stoddard
7 Conservation Commission. Do you have any
8 questions?

9 MR. JONES: Yes, sir, I do. Thank
10 you.

11 CROSS-EXAMINATION

12 BY MR. JONES:

13 Q. Does the Town of Antrim have a conservation
14 commission?

15 A. Yes.

16 Q. Have they taken a position on the Antrim Wind
17 Project?

18 A. (Robertson) Not that we know of.

19 Q. And if they had taken a position and it was
20 against it, what would your reaction be?

21 A. (Genest) We would have had a discussion with
22 them and tried to address their concerns.

23 Q. And state statute establishes conservation
24 commissions as advisory boards in the town so

1 that -- as advocates of the natural resources
2 in a town.

3 Have you had any discussions with them
4 about the northwestern part of Antrim?

5 A. (Edwards) You know, the Town of Antrim, in
6 concert with Antrim Wind, has held several
7 public hearings on this proposal, and the
8 chairman of the conservation commission was
9 present at many of those that I was at. I
10 would guess that if it had -- if the committee
11 had an opinion that was contrary to where the
12 direction was going, they would have filed it
13 and they would have met with us. I spoke with
14 the chairman of the conservation commission on
15 Monday, and we talked about coming up here for
16 the hearings and so forth. There was no
17 mention of any concern.

18 Q. Okay. Do you have any idea what percentage of
19 the town of Antrim is in conservation land?

20 A. (Genest) Without a map in front of me, I don't.

21 Q. Approximate wild guess?

22 A. (Genest) I'd rather not take a wild guess.

23 Q. Is the board of selectmen in favor of seeing
24 land in conservation?

1 A. (Edwards) I think that's an independent
2 question. But I am, yeah.

3 Q. Others?

4 A. (Genest) I am.

5 A. (Robertson) I am.

6 Q. Okay. Are you aware of a bobcat study that was
7 done by UNH and the fish and game department?

8 A. (Robertson) Yes.

9 Q. And are you aware that one of the collared cats
10 which appeared on the Stoddard town report had
11 a GPS collar on it and that part of the core
12 habitat of this bobcat is Tuttle Hill?

13 A. (Edwards) I was not.

14 A. (Robertson) I was not.

15 Q. Are you aware that the Fish and Game Wildlife
16 Action Plan has identified much of the land on
17 top of Tuttle Hill as having the
18 highest-ranking habitat in New Hampshire?

19 A. (Robertson) For what?

20 Q. For wildlife.

21 A. (Robertson) That whole area between Route 9 and
22 Route 123 has been recognized for that.

23 Q. As having high-ranking wildlife habitat.

24 A. (Robertson) Yes.

1 Q. And that this Antrim Wind farm will be right in
2 the middle of this high-ranking wildlife
3 habitat, are you aware of that?

4 A. (Robertson) Yes.

5 Q. Do you understand what "forest fragmentation"
6 is?

7 A. (Robertson) Yes.

8 Q. Can you explain to me what it means in your
9 terms?

10 A. (Robertson) In my terms, it means destroying
11 and separating parts of the forest habitat.

12 Q. And wildlife habitat.

13 A. (Robertson) Yes.

14 Q. Well, by every definition of what "forest
15 fragmentation" is, this wind farm and its road
16 system creates a linear edge effect which
17 fragments the habitat, and it's going to
18 adversely impact the wildlife that use this
19 area. We know that people know political
20 boundaries, but do wildlife?

21 A. (Edwards) Are you asking me to interpret what
22 the wildlife understand?

23 Q. I'm asking -- we all understand what political
24 boundaries are between Stoddard and Antrim and

1 Hancock.

2 A. (Edwards) Yeah. I can't represent what the
3 bobcat knows on property lines, but I can
4 understand your position.

5 And let me just say this: This is another
6 reason why I supported it to go, this
7 application to go to the SEC. I assume that
8 the Committee members consider those factors
9 better than we're qualified to consider them.
10 And when I tell you something about bobcat
11 habitat, you'll know that I'm not talking -- I
12 don't know what I'm talking about. So we rely
13 on the expertise of New Hampshire Fish & Game
14 and others that are related to your concerns to
15 weigh in to these issues to make sure that if
16 there is an approval, they've made those
17 considerations.

18 Q. All right. Are you aware that on August 22nd,
19 the Stoddard Selectmen voted 3 to nothing to
20 support the Stoddard Conservation Commission's
21 intervenor status against Antrim Wind Farm?

22 A. (Genest) Yes, I am. During the technical
23 sessions, that was discussed. And I thought we
24 were going to be invited to that meeting, and

1 we never were.

2 Q. You'd have to talk to the town administrator.
3 He was the one that was responsible for that.

4 Do you understand why they took this
5 position? Let me --

6 A. (Robertson) All we understand is what was put
7 in print.

8 Q. They wrote that the proposed project "disturbs
9 a significant wildlife area which is centered
10 on Stoddard and also has significant visual
11 impact to a large portion of our community, all
12 this without providing any benefit, financial
13 or otherwise, to our property owners and
14 residents. Stoddard is a town that derives
15 much of its present value in quality of life
16 through having large tracks of land that have
17 been voluntarily set aside for conservation
18 purposes. This project will only serve to have
19 a negative impact on these values."

20 PRESIDING OFFICER SCOTT: So,
21 Mr. Jones, I know this is the first time for
22 this Committee, so, again, this is not time to
23 testify. So you have to ask questions. This
24 is your time to question the board, all right.

1 MR. JONES: Right. I was just asking
2 them if they understood the reasons why the
3 selectmen wrote this letter and took this vote.

4 PRESIDING OFFICER SCOTT: So is that
5 the question now? Is that your question to
6 them now?

7 MR. JONES: Yes.

8 A. (Edwards) Yes, we do.

9 MR. JONES: That's all I have. Thank
10 you.

11 PRESIDING OFFICER SCOTT: Thank you.
12 The Audubon Society?

13 MS. VON MERTENS: No questions.

14 PRESIDING OFFICER SCOTT: Counsel for
15 the Public.

16 MS. MALONEY: Thank you.

17 CROSS-EXAMINATION

18 BY MS. MALONEY:

19 Q. Good afternoon. I just wanted to ask you
20 questions about your supplemental prefilled
21 testimony with reference to some comments made
22 about Ms. Connelly's opinion report, and I
23 think, in particular, on Page 10. The question
24 that you have is, "On Page 6 of her

1 testimony" -- and I'm reading from that --
2 "Counsel for the Public's Visual Impact
3 Assessment expert, Kellie Connelly" --

4 (Court Reporter interrupts.)

5 MS. MALONEY: Oh, I'm sorry. It's
6 late in the day.

7 BY MS. MALONEY:

8 Q. -- "states that the conservation land and
9 associated educational facilities in the
10 wildlife sanctuary are permanently affected by
11 the proposed industrial installation." And
12 then you say, "This will have an adverse
13 impact," and then you pick up a quote again,
14 "on the local population's passion and
15 investment in purchasing, connecting,
16 protecting and preserving local conservation
17 lands as a means to protect the regional
18 landscape, which goes beyond national and state
19 significance."

20 And it confused me a little, because I
21 went to her report and where that came from.
22 And I'm looking at -- and I'll read this so
23 that everybody doesn't have to scramble to get
24 it. But you can if you want. It's Page 6 of

1 16 of her prefiled testimony. And I think it's
2 Page 6. I'm sorry. I had it here.

3 MR. RICHARDSON: Would it be possible
4 to show it to them? I'm not sure they have it
5 but --

6 MS. MALONEY: I know they have it
7 because they have quoted it. And I hit the
8 cursor and I lost the spot. I'm sorry. But I
9 will --

10 PRESIDING OFFICER SCOTT: Why don't
11 we go off the record while we get everybody
12 oriented.

13 MS. MALONEY: Yeah, thanks.

14 (Discussion off the record.)

15 PRESIDING OFFICER SCOTT: We're back
16 on.

17 BY MS. MALONEY:

18 Q. I'm looking at Page 6, Line 6 of Ms. Connelly's
19 prefiled testimony, and the sentence,
20 "conservation land and associated educational
21 facilities," that picks up midway. That was
22 the beginning of your quote. Do you see that?

23 A. (Edwards) Yeah.

24 Q. Do you see that?

1 A. (Edwards) Yes.

2 Q. Are you there?

3 A. (Edwards) I'm sorry. Yeah.

4 Q. What I didn't see is sort of a cause and
5 effect, where you sort of cut up the quotes.
6 'Cause you say, "as a result, that will have an
7 adverse impact," and then you talked about the
8 conservation land. I think that you needed
9 to -- I think this is the clarification. I
10 think you needed to take a look at the sentence
11 prior to the one you began with, which does
12 talk about the sanctuary, and then what they're
13 referencing -- what she's referencing right
14 there. So if you look up above, it says,
15 "While the various sensitive resources studied
16 in this VIA," beginning on Line 4, "indicate
17 varying levels of potential visual impact, it
18 is the DePierrefeu-Willard Pond Wildlife
19 Sanctuary as a whole that is most significantly
20 impacted by the installation of the wind
21 turbines." Do you see that?

22 A. (Genest) Yeah.

23 Q. Then the sentence begins where you quoted, and
24 you left out the sentence following that

1 sentence, where it starts with "Terraink
2 acknowledges..." Do you see that? You left
3 that out. And I think if you'd left it in, it
4 might have made more sense. Because the last
5 sentence that you include in the quote actually
6 refers to the DePierrefeu Wildlife Sanctuary.
7 So your question confused me and your answer
8 confused me. And I was just wondering if you
9 understood that clarification or if you
10 understood that's what that was about.

11 (Witness reviews document.)

12 Q. Because you finish the quote --

13 A. (Genest) I think some of what we got out of
14 that was that she's saying she feels that this
15 will stop people from donating towards the
16 causes in that area and towards doing any
17 conservation --

18 Q. I'm sorry, I'm sorry --

19 (Court Reporter interrupts.)

20 A. (Genest) That's what we got out of that.

21 Q. Okay.

22 A. (Genest) The answer is accordingly to that, I
23 believe.

24 Q. Okay. So if that was misconstrued, do you see

1 how, if you had included the front, that you
2 misconstrued that paragraph?

3 A. (Genest) I don't know that we misconstrued it.
4 We just took some out of it of what we felt,
5 that part about the adverse effect on the
6 "local population's passion."

7 Q. Well, actually, "and this will have an adverse
8 impact," that's not in that. That's not a
9 quote. That was your -- you included that.
10 The section -- it seems like you took a section
11 out of context. It says, "the local
12 population's" -- when it starts with "the local
13 population's passion [and] investment in
14 purchasing, connecting, protecting and
15 preserving local conservation lands as a means
16 to protect the regional landscape which goes
17 beyond national and state significance," that
18 refers back to the sanctuary; in other words,
19 she's talking about the sanctuary. So this
20 question did confuse me. And you're telling me
21 now that you understood that to mean something
22 else.

23 MR. RICHARDSON: To be clear, the
24 selectmen didn't write the questions. I wrote

1 the questions. They're responsible for the
2 answers. And the question that they're
3 responding to is what impact is the Project
4 having on conservation lands. There obviously
5 was a reference. But I just want to make sure.
6 The selectmen didn't write these questions.
7 You know, I did. And if I've misquoted or
8 misconstrued her testimony, that's not their
9 doing, that's mine.

10 MS. MALONEY: Well, I'm not
11 suggesting it is. I'm just saying that a
12 clarification was in order, that's all.

13 A. (Edwards) I didn't sign the supplemental
14 comment on it. But the way I interpreted the
15 question was what we just discussed, and it was
16 that if I was a potential donor of land and the
17 properties up there get fragmented and there's
18 commercial development, would that discourage
19 me from offering my 300 acres if something
20 similar is going to happen up there and I can't
21 be convinced that there will be a continuation
22 of uninterrupted conservation land. That's the
23 way I interpreted the question. So...

24 Q. I appreciate that --

1 A. (Edwards) And I apologize if --

2 Q. No, no. No apologies necessary. I was just
3 trying to clarify that because it appears there
4 was some confusion about what was in her report
5 based upon the question that was posed to you.
6 So...

7 MS. MALONEY: And that's all I have.
8 Thanks.

9 PRESIDING OFFICER SCOTT: Okay.
10 Questions from the Subcommittee. Mr. Forbes?
11 Ms. Weathersby?

12 QUESTIONS BY MS. WEATHERSBY:

13 Q. Good afternoon. Do you gentlemen have any
14 concerns at all that you'd like to share with
15 the SEC about the effects this project might
16 have on town resources?

17 A. (Edwards) Yeah. I don't want to take it away
18 from John, but --

19 A. (Robertson) Go ahead.

20 A. (Edwards) I don't -- did you mean resources,
21 such as police, fire and that type of resource?
22 Or gravel or --

23 Q. Right. Police, fire, roads, infrastructure --

24 A. (Edwards) Yeah, I think the feeling was that it

1 will have little impact on demands on our
2 infrastructure or resources. I think the
3 important thing is that we can be assured of
4 two key things: One is the revenue source,
5 which is the PILOT, and the other is the
6 decommissioning funding assurance. I think
7 those items uninterrupted and actually realized
8 upon as we expect them to be would be a benefit
9 certainly. It's, you know, my feeling as a
10 select board member that I have to do
11 everything possible to make sure the taxpayer
12 receives the benefit that we anticipate, both
13 on the financial side and economic side and so
14 forth. So what we talked about earlier with
15 the decommissioning assurance fund and the
16 language that we worked together on, it's been
17 a very positive thing, in terms of that
18 irrevocable letter of credit. The other side
19 of it is the continuation uninterrupted of the
20 PILOT payments. And that's critical to us as
21 well because that's what gives us the income.
22 So...

23 Q. And do you also feel as though you have -- that
24 Antrim has the resources it needs to host the

1 Project, as far as equipment or personnel? Do
2 you have any concerns that you might need more
3 things or people, et cetera?

4 A. (Robertson) Maybe we can pay selectmen more?
5 No, I guess a couple thoughts I have is that
6 right now the town is facing a couple of very
7 large investments in infrastructure, and that
8 could -- the revenue from this project would be
9 enough to pay for those and have them paid for
10 by the end of the 20 years.

11 MS. WEATHERSBY: Thank you.

12 PRESIDING OFFICER SCOTT: Dr.
13 Boisvert.

14 QUESTIONS BY DR. BOISVERT:

15 Q. This question I guess would be best to the
16 chair of the select board. You're the longest
17 serving member of the select board; is that
18 correct?

19 (Court Reporter interrupts.)

20 A. (Genest) No, I am.

21 Q. Okay. Then you're probably perhaps the best to
22 answer this then. The election in March of
23 2014, was the voter turnout average, above
24 average, below average? Just looking at it,

1 was that a good turnout, a low turnout?

2 A. (Genest) You're talking about 2014; right?

3 Q. 2014, yes.

4 A. (Genest) Looks like it was probably about
5 average, 700.

6 Q. Okay. A good deal has been made in these
7 hearings as to whether or not the people of
8 Antrim have expressed support or opposition in
9 various forms regarding the Antrim Wind
10 Project. And reference was made to straw polls
11 and ballot initiatives and so forth.

12 Your interpretation -- and any of the
13 three of you can answer this. Is that the
14 rejection of Amendment 5 in 2014 was not a
15 rejection of the Antrim Wind Project but a
16 response to how the amendment was written?

17 A. (Genest) Correct.

18 Q. It seems to me that, in looking at the total
19 votes on this page for the zoning amendments,
20 that it's about 630 votes for the other "for,"
21 but 668. So there seemed to be more interest
22 in this amendment. Is that a fair observation?

23 A. (Genest) Looking at the numbers, yes.

24 Q. I heard earlier this afternoon that the Antrim

1 Board of Selectmen preferred to send this
2 project to the SEC for review in granting a
3 certificate as opposed to leaving it as a
4 decision within the town, which you had the
5 option to do, given the overall size of the
6 Project, the kilowatts coming out. It was not
7 required that it come before the SEC. Is it
8 accurate to say that you felt that the Town of
9 Antrim was not capable of fairly reviewing the
10 Antrim proposal?

11 A. (Genest) For any of us.

12 A. (Robertson) I think that was the consensus of
13 the board and the planning board and so on,
14 yes.

15 A. (Edwards) I was not on the board at that point,
16 but I did support it, as I said earlier, coming
17 to the SEC. My feeling is that the expertise
18 of the local boards, although hard-working and
19 well-intended, when you hear the technical
20 aspect of this and the shadow flicker and noise
21 and so forth, I personally feel -- and I've
22 been chairman of the planning board twice in my
23 past -- that it rises to a level that's above
24 our expertise, and I think it's far better

1 suited to be in front of this Committee.

2 DR. BOISVERT: I guess that's all I
3 have.

4 PRESIDING OFFICER SCOTT: Commissioner
5 Rose.

6 QUESTIONS BY CMSR. ROSE:

7 Q. Thank you for being here this afternoon.
8 Couple of questions for you.

9 Are your terms -- could you give me a
10 little perspective? Do you have two-year terms
11 for each member of the board of selectmen? How
12 does that stagger out?

13 A. (Robertson) They're three-year terms, and one
14 term expires each year. So, theoretically, the
15 board turns over every three years. But some
16 of us are a little stupid, you know. [Laughter]

17 Q. Glutton for punishment?

18 A. (Robertson) Yeah. Strike that.

19 Q. Yeah, I guess that wasn't a question.

20 PRESIDING OFFICER SCOTT: Too late to
21 strike.

22 Q. And Mr. Genest, you've been serving
23 contiguously since 2002?

24 A. (Genest) Yes. I'm at that 15-year stage that

1 Mr. Thurber talked about.

2 Q. And Chairman Robertson, you've been serving
3 since 2010?

4 A. (Robertson) 2011.

5 Q. So this is your second term?

6 A. (Robertson) It's the last year of my second
7 term.

8 Q. And in your -- I would assume that the
9 positions that you've taken in the town have
10 been pretty well identified by the various
11 voters?

12 A. (Robertson) Yes.

13 Q. And that you have been successfully
14 re-elected --

15 A. (Robertson) Yes.

16 Q. -- with those public positions?

17 Did you have opposition in those races?

18 A. (Robertson) Yes.

19 A. (Genest) Yes.

20 A. (Edwards) Oh, I'm sorry. I'm new on the board.
21 I ran against the previous chair, Mr. Webber.

22 Q. Shifting gears a little bit. With regards to
23 the agreement that you have with Antrim Wind,
24 the document that we've seen is dated 2012 I

1 think is what it was. It's your anticipation
2 to be -- to renegotiate that agreement with
3 Antrim Wind?

4 A. (Edwards) I think it's been alluded to by Mr.
5 Kenworthy that there are some things that we're
6 still talking about that may get modified. I
7 think -- and I think it's very important.
8 Because if you look at the PILOT and you look
9 at the agreement that was signed between four
10 and five years ago, even based on regulatory
11 impact, as well as agreements that were
12 voluntary or stipulations put in by the SEC,
13 those documents are going to be well out of
14 date, that they don't represent some of the
15 factual information. And it would be wonderful
16 to get all of those documents in concert with
17 what's being decided here. And one of the main
18 purposes is so that we don't try to interpret
19 something the SEC did and something we did, and
20 if we can get them consistent, it's helpful.
21 As we've discussed, the longest lease is going
22 to be 50 years, going back to 2009. I'll be
23 115 years old at that time and probably will
24 find it difficult to remember what we did. So

1 I think it's important that we consolidate
2 those documents. That's key.

3 A. (Genest) Yeah, I think the intent is that, if
4 the Project does get a permit with the
5 stipulations which the SEC puts on it, to fold
6 them into two documents together to make it a
7 lot easier to read.

8 Q. When the Town puts together their agreement,
9 would that be done in a public session?

10 A. (Genest) Yes.

11 Q. And would there be a public comment period or
12 opportunity for public comment on that
13 agreement or on the negotiation of that
14 agreement within the community?

15 A. (Genest) Yes.

16 A. (Robertson) Yes.

17 A. (Edwards) Yeah.

18 Q. I'm sorry. Did I hear you would have a public
19 hearing on the agreement?

20 A. (Edwards) I'm sorry. We would follow whatever
21 the regulation requires us to do. And we feel
22 that would require a public hearing, and we'd
23 want to do that.

24 Q. Yeah, okay. Makes sense.

1 The PILT [sic], or payment in lieu of
2 taxes, that you have an agreement on with
3 Antrim Wind is for 20 years; is that correct?

4 A. (Robertson) Yes.

5 Q. And the anticipated life span of the Project is
6 approximately 25 years, give or take a few
7 years, and potentially extending it beyond that
8 20-year period at least. Would it be the
9 Town's anticipation that they would renegotiate
10 a new PILT beyond the 20 years?

11 A. (Robertson) Yes.

12 Q. And there's been a lot of discussion regarding
13 a Master Plan and what's permitted and local
14 zoning ordinances and what's permitted. And
15 just so I have clarity, is the Antrim Wind or
16 the industrial wind project permitted within
17 the Master Plan?

18 A. (Robertson) No.

19 Q. And is it permitted within the local zoning
20 plan?

21 A. No.

22 Q. Okay. Thank you.

23 PRESIDING OFFICER SCOTT: Mr.
24 Clifford.

1 MR. CLIFFORD: I don't have any
2 questions.

3 PRESIDING OFFICER SCOTT: I have a
4 couple.

5 QUESTIONS BY PRESIDING OFFICER SCOTT:

6 Q. So, obviously you've heard, not just here, but
7 I think you'll agree there's some anxiety
8 certainly from abutters and people in the area
9 if this project goes in, about potential
10 noncompliance and impacts to them. Is that a
11 fair statement?

12 A. (Edwards) Yes.

13 Q. Has the town taken any -- plan on taking any
14 measures to be a little more robust on how they
15 handle complaints or -- you know, for instance,
16 you may get complaints. You've already talked
17 about your current agreement with Antrim Wind
18 submitting reports to you. Are you doing
19 anything different to accommodate those extra
20 things that would happen in the town?

21 A. (Edwards) I think at this time we have not.
22 But I think it would be, if I'm speaking
23 correctly, and they can interrupt me, but it
24 would be my intent to make sure we have a plan

1 in place to be responsive to any complaints
2 that come in. And regardless of the regulation
3 and the ability to go to the SEC with
4 complaints, I've always found that the first
5 place to come is the town hall. And so we need
6 to have a plan in place, a point person and a
7 response plan to those, whether it's forwarded
8 to you or we talk with the developer or
9 whatever. But it would be in place, yeah.

10 A. (Robertson) Yeah.

11 Q. Thank you, 'cause that's where I was going. My
12 personal view, I see the SEC compliance as not
13 necessarily the first line, but certainly a
14 control on a facility. But obviously, the Town
15 and the Project are the ones who are
16 interacting on a daily basis.

17 A. (Edwards) This is why it's important to me,
18 anyway, to have an ongoing rapport with Antrim
19 Wind, if it's approved, so that we know things
20 that are going on with them, without
21 interfering with them, so if the public comes
22 in and asks us, we know how construction's
23 going and what the plan is to accommodate any
24 complaints.

1 Q. So that was actually my next question. So I
2 listened with interest on your desire to have
3 the board of selectmen involved, apprised of
4 the construction process as you just mentioned.
5 I was curious. To the extent we were to award
6 a certificate -- again, this is a point where
7 we can put conditions in, where we could make
8 people do things, not that you need to -- but
9 is there language you would want in a
10 certificate that --

11 A. (Edwards) You know, there's no greater urge
12 than to change someone's text. But I think we
13 could come up with wording that would not be
14 intrusive to the construction aspect of it or
15 ongoing ability to be able to meet periodically
16 just for updates. And, you know, I always hate
17 to just have meetings when there's issues. I'd
18 like to be proactive with it. And if someone
19 comes into the town hall and says what's going
20 on with the construction and we say we don't
21 know, I don't think that's a good public
22 response. But I do think it's important that
23 we're there for listening and advice -- to be
24 advised of what's going on as opposed to

1 interfering with plans that have already been
2 approved and be disruptive.

3 Q. I think my final question is again for you, Mr.
4 Edwards. Just to clarify, I know you had
5 interaction with Mr. Levesque about not signing
6 the supplemental testimony. Am I correct,
7 though, you do support the Project? Is that
8 correct?

9 A. (Edwards) Yeah, the Town has supported the
10 Project, and they have right along. And I
11 guess I reported earlier that I was an
12 intervenor last time. So, people have asked do
13 I personally support it. And I support
14 renewable energy, by all means. I'd just like
15 to see -- I'm supportive of the Project as the
16 select board. But I'd just like to see how it
17 all comes out with all the terms and conditions
18 and safeguards for the property owners. And I
19 know a lot of that is in the rules and so
20 forth. But we all are sensitive to the
21 importance of the homeowner and those issues
22 that you've all been discussing here that are
23 technical. So...

24 Q. And I think everybody agrees, no matter what

1 decisions are made, these are weighty decisions
2 that impact people. So we appreciate that.

3 A. (Edwards) Yeah, right.

4 Q. We got second bite at the apple from Dr.
5 Boisvert.

6 DR. BOISVERT: Yes. Sorry. I should
7 have brought this up earlier, but...

8 QUESTIONS BY DR. BOISVERT (CONT'D):

9 Q. Your mention of complaints coming into the town
10 hall makes me think that in my town, a great
11 deal of the business that we do with the town
12 is done either electronically or through the
13 mail: Car registration and dog registration,
14 paying the taxes and so forth. For many of us,
15 it's difficult to get to the town offices while
16 the town offices are open. We have jobs that
17 have hours that completely overlap the town
18 open hours.

19 Would you consider having the opportunity
20 for people to register their concerns and
21 complaints on the town web site? I went and
22 checked. You have a nice web site. Seems to
23 me it would be possible to use that, as well as
24 coming in to the town offices. Would you be

1 open to making that opportunity available to
2 the citizens of Antrim, as well as coming into
3 the town office?

4 A. (Genest) Very much so. And that would be an
5 opportunity also for us to put updates of where
6 the Project is, especially through the
7 construction stages.

8 DR. BOISVERT: Okay. Thank you.

9 PRESIDING OFFICER SCOTT: Okay.

10 Commissioner Rose.

11 CMSR. ROSE: Thank you.

12 QUESTIONS BY CMSR. ROSE (CONT'D):

13 Q. Just one other question. I can't recall it
14 specifically, but I was trying to find it in my
15 notes now. It was pertaining to the blasting
16 plan that would be forthcoming before the
17 construction. And I believe Antrim Wind would
18 come before and notify the town, I believe it's
19 10 days prior to any blasting were to take
20 place. Does that sound right to you?

21 A. (Edwards) There is a time requirement in there.
22 I think it is 10 days, but we could check that.

23 Q. And is it your interpretation that that would
24 be 10 days from the very beginning of any

1 blasting, and/or do you expect that they would
2 need to come back if there was a duration of
3 time between blasting, that they would need to
4 come back to the Town to inform you of any
5 additional blasting? Or is it just sort of a
6 one-time meeting where they would outline their
7 blasting plan?

8 A. (Edwards) I don't understand the blasting plan
9 at this point. But I would think if they're
10 blasting for four and a half months, that it
11 wouldn't be a one-time notice. And there will
12 be interruptions between the blasting schedule,
13 and if they're going to start re-blasting again
14 after a week, that somehow we'd get notified so
15 that we're aware of it.

16 CMSR. ROSE: Thank you.

17 PRESIDING OFFICER SCOTT: Mr.
18 Iacopino.

19 MR. IACOPINO: Thank you.

20 QUESTIONS BY MR. IACOPINO:

21 Q. Mr. Edwards, you mentioned that you had
22 previously intervened in the 2012 docket. My
23 recollection of your purpose for intervention
24 at the time was the effect of the PILOT on the

1 school tax and what would happen under those
2 circumstances. I also understand that the law
3 has changed.

4 Has the change in the law completely
5 settled your concerns about that issue?

6 A. (Edwards) Well, I think we spoke about the
7 school and the impact. I think Mary Allen did
8 more so than I. My concern was the quality of
9 the irrevocable letter of credit and the format
10 in which it was in the agreement. And I did
11 object to that. I think it could be
12 strengthened on behalf of the Town. And I
13 think we've accomplished that now.

14 Q. Okay. Back to the tax issue. Are you happy
15 with the current situation with respect to the
16 tax, the PILOT?

17 A. (Edwards) Yes. The way it operates now is that
18 we will collect the PILOT payment, and we'll
19 disburse that according to the county and the
20 school and for the town. So it worked out,
21 yes.

22 Q. And you have a banking background; is that
23 correct?

24 A. (Edwards) Yes, I'm a retired banker.

1 Q. Last time around, gentlemen, we had you sitting
2 on one side of the room and your planning board
3 sitting on the other side of the room. The
4 planning board does not appear to be here in
5 this proceeding. Is the -- have you consulted
6 with the planning board about your positions in
7 this particular proceeding? I'm not talking
8 about just going to the SEC. But your
9 testimony clearly says you support the Project.

10 A. (Robertson) This was a discussion that was
11 discussed at planning board meetings. And the
12 present planning board agreed with us that it
13 should be here, and they support the Project.

14 Q. And was there a vote taken for that, or was
15 that just by discussion?

16 A. (Robertson) It was a vote taken.

17 Q. And what was the vote, if you recall?

18 A. (Robertson) As I recall, it was unanimous.

19 A. (Genest) And that was to send it to the SEC.
20 They didn't take any stand, as far as
21 supporting or not supporting the Project in
22 case it ever came before them again, if my
23 recollection is correct.

24 Q. Okay. So that was my question. So they didn't

1 say that they agreed with you in terms of your
2 support for the Project, which is contained in
3 your first testimony. They said they agree
4 with the SEC determining whether the Project
5 should be built.

6 A. (Robertson) That is correct.

7 Q. Okay. And we've heard today about the Antrim
8 Conservation Commission. And one of you
9 gentlemen referenced that you'd had a
10 conversation with the chairman of the
11 Conservation Commission. Who is that?

12 A. (Edwards) The one I spoke with was Peter
13 Beblowski.

14 Q. Okay. And did the Antrim Conservation
15 Commission take any votes with respect to
16 either issue, whether the Town should support
17 the Project or whether it should come before
18 the SEC?

19 A. (Genest) I don't believe they took a stand.

20 Q. Okay.

21 MR. IACOPINO: I have no other
22 questions.

23 PRESIDING OFFICER SCOTT: Before we
24 break for the night, we'll reconvene Monday,

1 October 3rd, at 10:30, at 47 Donovan Street --
2 excuse me -- 49. I apologize. 49 Donovan
3 Street. Some of you can go there. I'm sorry.
4 So, 49 Donovan Street. It's a new facility.
5 It's never been used for a hearing. So I
6 suggest, for a lot of reasons, some of you may
7 want to show up a little bit early to get
8 oriented and make sure you're all set to go.
9 We will start, again, at 10:30 with an
10 opportunity for public comment. I don't know
11 how long that will last. After that, we will
12 then restart our panels. My understanding is
13 we will go immediately to the Audubon Society
14 panel.

15 UNKNOWN SPEAKER: We're not going to
16 do Mr. Enman first?

17 MR. ENMAN: Where do I fit?

18 PRESIDING OFFICER SCOTT: Well, I was
19 just going to say, with you next. Does that
20 work, or --

21 MR. ENMAN: Yes, I will be here
22 Monday.

23 PRESIDING OFFICER SCOTT: Let me ask
24 you this --

1 MR. IACOPINO: Not here.

2 PRESIDING OFFICER SCOTT: Yeah, we
3 will not be here Monday. Or if you do, you'll
4 be alone.

5 So, Ms. Foss, do you need to go
6 first, or do you just need to be done on
7 Monday?

8 MS. FOSS: I just need to be done on
9 Monday.

10 PRESIDING OFFICER SCOTT: All right.
11 Then, out of fairness, we'll start -- I'll
12 correct myself. We'll start with Mr. Enman,
13 and then we'll do the Audubon Society and then
14 see how far we get beyond that. So, any
15 questions on that before we adjourn?

16 MR. JONES: What would be the order
17 on the next one, if you make it --

18 (Court Reporter interrupts.)

19 PRESIDING OFFICER SCOTT: So I'm
20 showing after that would be the Abutting
21 Landowners. So that would be the --

22 MS. BERWICKS: And Ms. Longgood is
23 going to be --

24 PRESIDING OFFICER SCOTT: I'm sorry.

1 That was my short form.

2 MS. BERWICK: Okay.

3 PRESIDING OFFICER SCOTT: So, again,
4 Mr. Jones asked if we were able to get beyond
5 the Audubon Society panel, my understanding is
6 then we would go to the Abutting Landowners
7 panel, with the Berwicks, Craigs, Longgoods.
8 And would Mr. Schaefer be able to attend
9 Monday?

10 (Court Reporter interrupts.)

11 PRESIDING OFFICER SCOTT: One at a
12 time, please.

13 MR. RICHARDSON: Mr. Chairman, it
14 sounded like you were imminently about to
15 adjourn. I did have questions on redirect.

16 PRESIDING OFFICER SCOTT: I
17 apologize.

18 MR. RICHARDSON: I'm mindful of the
19 hour, and I'm wondering how I'm going to fit
20 them in, 'cause I probably have maybe 10
21 minutes, five minutes of stuff to do.

22 PRESIDING OFFICER SCOTT: Yes, we'll
23 give you a chance for redirect before we
24 actually leave.

1 So, any other administrative
2 questions?

3 [No verbal response]

4 PRESIDING OFFICER SCOTT: Okay. Mr.
5 Richardson, redirect.

6 REDIRECT EXAMINATION

7 BY MR. RICHARDSON:

8 Q. Thank you. We'll try to go as quick as
9 possible.

10 So, member of the board, whoever feels
11 they want to respond, please go ahead. A lot
12 of questions about complaints. And I'm
13 wondering what role you envision the town
14 administrator would play in those.

15 A. (Genest) I think she would be probably the easy
16 first contact for the residents in the town,
17 and then she could contact Antrim Wind, and
18 that would probably expediate the whole process
19 up.

20 Q. And you anticipate that Donna Hanson, the
21 current town administrator, will make sure the
22 complaints were resolved?

23 A. (Genest) Well, I think she would forward them
24 to Antrim Wind. We would also be, you know,

1 explained what the complaints are, and it would
2 be our responsibility to make sure they were
3 followed up on.

4 Q. Right, right. So she'll be the communication
5 for the board, and the board will make sure the
6 complaints are resolved appropriately. Is that
7 your intention?

8 A. (Robertson) That is correct.

9 Q. And all of you, please.

10 A. (Edwards) Yes.

11 A. (Genest) Yes.

12 Q. And the agreement requires Antrim Wind, I think
13 Section 6.1.2, to have a report prepared every
14 year as to what the complaints were that Antrim
15 Wind received and how they were resolved.

16 Would it be your intention to just wait
17 until the end of the year for the report to
18 come and see how things were resolved? Or how
19 would you deal with that?

20 A. (Robertson) Well, I think it would be to our
21 advantage and helpful to everyone if there was
22 a communication -- periodic communication on a
23 regular basis with Antrim Wind, as to how
24 things are going, you know, what glitches are

1 there in the operation and what have the
2 complaints been that you've gotten directly
3 that we don't know about, that kind of thing.
4 I think we need to do that, especially the
5 first few years, to make sure that we
6 communicate in the best possible way.

7 Q. Well, sure. And so that's one option. And
8 let's say that the complaint is that there's a
9 noise issue or there's a shadow flicker issue.
10 And I think you identified the first option.
11 But is there anything that would prohibit, if a
12 complaint isn't being resolved in a timely
13 manner, from asking the SEC to address the
14 issue?

15 A. (Robertson) I kind of look at addressing the
16 SEC -- I was in the insurance business, and Bob
17 was a banker. I think if one of my clients --
18 if I couldn't solve or the company couldn't
19 solve the problem, then, as the last resort, it
20 goes to the insurance commissioner. And I kind
21 of see that working the same way here. If you
22 can't resolve it with Antrim Wind, then maybe
23 Mr. Scott gets the phone call.

24 A. (Edwards) I just comment that, although the

1 agreement doesn't call for it, it might be
2 helpful if we could all meet together at some
3 point to establish perhaps a better, more early
4 notification process, so that we're in the loop
5 and we understand what the resolution is. And
6 I understand it's not in the contract as it
7 stands today. But I think in the spirit of
8 making sure that these things get resolved, I
9 would think that it wouldn't be overbearing to
10 set up a little program on how we might do that
11 sooner than a year.

12 Q. Right, right. And my question really gets to
13 the agreement doesn't require the Town to
14 accept the resolution that Antrim Wind comes up
15 with. If you hear from your residents, you
16 have the authority, and, in fact, likely would
17 take additional action to make sure those
18 concerns are being properly addressed.

19 A. (Robertson) Yes.

20 A. (Edwards) Yes.

21 Q. Okay. You were asked some questions by
22 Mr. Block about how you knew the planning
23 board's proposed ordinance in 2011 was too
24 stringent. And I want to show you a document,

1 I think that Mr. Levesque and Mr. Block may
2 have both referred to, and that's the March --
3 excuse me -- the November 8, 2011 vote results,
4 which is BOS Attachment 3 to your supplemental
5 testimony. Could you turn to that page. It's
6 Page 18.

7 A. (Genest) Yeah, we have it in front of us.

8 Q. And I want to ask you about Article No. 2 at
9 the bottom. And you see where it says that
10 that proposed article would "prohibit
11 construction" of wind energy facilities in the
12 rural conservation? Do you see that, and do
13 you agree with that?

14 A. (Genest) Yes.

15 A. (Robertson) Yes.

16 Q. And you see where it says at the bottom that it
17 was "recommended" by the planning board?

18 A. (Genest) Yes.

19 A. (Robertson) Yes.

20 Q. So you were asked how do you know the
21 ordinances that were proposed in 2011 were
22 anti-wind. In fact, this article would have
23 completely killed the Project.

24 A. (Robertson) Yes, it would have.

1 Q. And when you compare the votes of this one to
2 the one above that merely regulated the
3 Project, that was also believed to be too
4 stringent, what do you see?

5 A. (Genest) It was even defeated by a larger
6 margin.

7 Q. Article 2 was defeated --

8 A. (Genest) Article 2 was.

9 Q. Thank you.

10 You were asked about Non-abutting Property
11 Owners Exhibit 18. Do you have that document
12 in front of you? That's the property values
13 guaranty --

14 A. (Robertson) Letter?

15 A. (Genest) Yes.

16 Q. And there was a reference in there, I believe
17 you were also asked a question about, you know,
18 this is being driven by the fear of what I
19 would describe as "the worst consequences" or
20 "the worst possible outcome." Is that how you
21 would characterize what's driving this?

22 A. (Robertson) Yes.

23 Q. And are the -- is the Town of Antrim going to
24 allow Antrim Wind to violate the conditions of

1 a certificate? If that were to happen, are you
2 going to stand by and say it's not our problem?

3 A. (Genest) No.

4 Q. And in fact, you had to deal with violations of
5 town zoning ordinances or junkyard statutes
6 before; right?

7 A. (Robertson) Yes.

8 Q. And the Town has brought enforcement actions to
9 address those.

10 A. (Genest) Yes.

11 Q. Okay. And if the -- one of the options the
12 selectmen would have if the Project was
13 violating its certificate would be to ask for
14 revocation of that certificate; isn't that
15 true?

16 A. (Robertson) Yes.

17 Q. In fact, in order to protect the Town against
18 that, isn't it going to be your role to ensure
19 that the decommissioning fund is going to be
20 adequate?

21 A. (Robertson) Yes.

22 Q. And so if there were to be problems that
23 weren't being satisfactorily resolved, one of
24 the things you're going to be looking for is

1 how to protect the Town's interests?

2 A. (Robertson) Yes.

3 Q. Okay. You were asked by Mr. Levesque, and he
4 made a reference, but I don't think you
5 actually read the document, to Page 9 of your
6 supplemental testimony. Could you go to that
7 page, please. And I believe the comment that
8 you were asked about was why did you only focus
9 on the Energy Resources section of the Master
10 Plan. Do you remember that?

11 (Witness reviews document.)

12 A. (Genest) What lines are you on?

13 Q. Okay. Line 8 of Page 9, where you're
14 discussing the Master Plan. You see the
15 question there, "What about the promotion of
16 open space reflected in the Master Plan?"

17 A. (Genest) Yes.

18 Q. And you see there where it says, and I'll read
19 it to you for speed, not too fast, "The Antrim
20 Wind Project will promote open space, including
21 easements for protection of 908 acres as
22 conservation land." And I'll let you just note
23 the remainder.

24 So, is it your -- do you agree that the

1 Energy Section of the Master Plan was the only
2 part that you considered?

3 A. (Genest) No.

4 Q. Okay. You were asked, also by Mr. Levesque,
5 about the decommissioning condition which
6 Antrim Wind showed to you today and asked if
7 you would agree to that as a condition of the
8 certificate. Do you remember that?

9 A. (Robertson) Yes.

10 Q. And Mr. Levesque asked if you had ever put that
11 forth in a meeting that had been duly
12 warranted. And just because there have been
13 legal issues before, I want to make sure this
14 is clear on this record.

15 The Town has noticed the board of
16 selectmen's attendance at all these meetings;
17 right? It's been posted?

18 A. (Robertson) All these meetings here, yes.

19 Q. And that was posted under the requirements of
20 RSA 91-A; is that right?

21 A. (Robertson) Yes.

22 Q. And the discussions that were referred to
23 between -- involving that decommissioning,
24 those were between the board of selectmen and

1 its legal counsel; right?

2 A. (Robertson) Correct.

3 Q. Okay. Did the board of selectmen ever meet as
4 a quorum with all three or a majority of you
5 there to discuss this with Antrim Wind?

6 A. (Robertson) No.

7 Q. Okay. And so when those conditions were showed
8 to you and you looked at them, other than
9 discussions with counsel, had those ever been
10 evaluated as a board before?

11 A. (Robertson) No.

12 Q. So you all agreed with them on the stand today,
13 having just reviewed those with counsel.

14 A. (Robertson) Yes.

15 A. (Genest) Yes.

16 Q. Okay. Thank you.

17 You were asked a question by Ms. Linowes,
18 if those conditions replaced a specific section
19 of the contract or particular paragraphs.

20 A. (Robertson) Yes, we were.

21 Q. Did you mean that in a legal sense, that those
22 conditions or paragraphs were no longer valid,
23 or were you just talking in general, that if
24 the Committee's condition was more stringent,

1 that would be the controlling parameter?

2 A. (Genest) Yes, that would override what we had
3 in our agreement.

4 Q. Okay. Thank you.

5 Now, reference was made to reviewing the
6 decommissioning plan three months before
7 decommissioning would occur. That was a
8 question I believe Ms. Linowes also asked you.
9 Do you remember that?

10 A. (Robertson) Yes.

11 Q. Now, during the ongoing reviews that occur
12 every three years, one option the Town has is
13 to reject the Town's engineer, right -- excuse
14 me -- not the Town's engineer -- the Project's
15 engineer preparing the decommissioning cost
16 estimate.

17 A. (Robertson) Yes.

18 Q. That has to be reasonably satisfactory to the
19 Town?

20 A. (Robertson) Yes.

21 Q. Okay. That would be one thing that you would
22 consider doing if the estimates weren't
23 adequate; right?

24 A. (Robertson) Yes.

1 Q. Okay. And another option, fair to say, would
2 be to go back to Antrim Wind and say, Wait a
3 minute. We don't agree that the estimate meets
4 all the requirements of the plan, the
5 decommissioning plan?

6 A. (Robertson) Yes.

7 Q. And another option, perhaps the final option,
8 would be to go back to the SEC and say, Look,
9 we don't think these estimates are meeting the
10 requirement.

11 A. (Robertson) Yes.

12 Q. And is it fair to say you'd explore those or
13 any other options that were needed to make sure
14 the public's interests were protected?

15 A. (Robertson) Yes.

16 Q. You were asked questions, and I don't remember
17 by whom, about fire protection and the fire
18 chief's review.

19 A. (Genest) Yes.

20 Q. And I believe, Mr. Genest, you indicated the
21 fire chief had met with Antrim Wind.

22 A. (Genest) I believe it was him and some of his
23 officers met with Antrim Wind.

24 Q. Okay. And have you heard any negative feedback

1 or concerns as a result of those meetings?

2 A. (Genest) No.

3 Q. Is that something you would expect the fire
4 chief would bring to the selectmen's attention
5 if that were the case?

6 A. (Genest) I think if he had any major concerns,
7 he would have addressed with us.

8 Q. And you understand the fire chief can also
9 consult with the state fire marshal who's
10 issued recommendations in this case?

11 A. (Genest) I believe -- or actually, I know he's
12 already had conversations with him.

13 Q. Okay. Thank you.

14 You were asked by the gentleman from
15 Stoddard, and I believe he said in response to
16 your comment, Selectman Genest, that if the
17 board of selectmen wanted to meet with the Town
18 of Stoddard, I think he said you would have to
19 talk to the town administrator about that. Is
20 that what was said or represented during the
21 technical session?

22 A. (Genest) No.

23 Q. In fact, an official from Stoddard represented
24 that the board of selectmen would be invited to

1 that meeting; is that right?

2 A. (Genest) Correct.

3 Q. And who was that? Was that the gentleman
4 asking you the question?

5 A. (Genest) I thought it was. I believe he was on
6 the phone that day. But I believe -- then it
7 must be Mr. Jones?

8 Q. Okay. And did he also indicate he would invite
9 the Applicant to that meeting?

10 A. (Genest) To be honest, I do not recall about
11 that. But I do know that we were supposed to
12 be invited.

13 Q. Yeah. And do you recall my telling you that I
14 contacted the town administrator, Jim Coffee,
15 the day of the technical session and asked to
16 be invited to that meeting?

17 A. (Genest) Yes.

18 Q. And the Town never heard anything back, I
19 assume?

20 A. (Genest) Not a word.

21 Q. Okay. Were you aware that other people were
22 invited, that the press was there and Mr.
23 Levesque was there?

24 A. (Genest) No.

1 Q. Okay. So would it surprise you if the Town was
2 just left out?

3 A. (Genest) Yes, it does.

4 MR. RICHARDSON: One second. I'd
5 just like to flip through my notes. I think
6 I've covered everything, but I've gone faster
7 than I intended.

8 (Pause in proceedings)

9 MR. RICHARDSON: That's it. Thank
10 you very much. I appreciate your patience.

11 PRESIDING OFFICER SCOTT: All right.
12 Thank you.

13 And again, before we adjourn, I
14 want to modify what I said earlier. So my
15 intention, again, would be to start with
16 Mr. Enman after the public comments on Monday.
17 If, however, the public comments go a lot
18 longer than I expect, to accommodate Ms. Foss,
19 we'll swap the panel. So we'll have to play
20 that a little bit by ear. But I'm going to
21 hope that the comments don't last all through
22 the afternoon. That would probably get in the
23 way of things. But we'll see where that goes.

24 So, thank you all, and we'll see

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you Monday, the 3rd.

(Whereupon Day 7, Afternoon Session ONLY,
was adjourned at 5:15 p.m.)

**DAY 7 - AFTERNOON SESSION ONLY - September 29, 2016
SEC 2015-02 ANTRIM WIND ENERGY Hearing on the Merits**

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