

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

December 12, 2016 - 12:43 p.m.
Public Utilities Commission
21 South Fruit Street - Suite 10
Concord, New Hampshire

DELIBERATIONS
DAY 3 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.

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 (Designee)	Dept. of Cultural Resources/ Div. of Historical Resources
John S. Clifford (Designee)	Public Utilities Commission/ Legal Division
Dir. Eugene Forbes (Designee)	Dept. of Environ. Services/ Water Division
Patricia Weathersby	Public Member

Also Present for the SEC:

Michael J. Iacopino, Esq. (Brennan...)
Pamela Monroe, SEC Administrator

COURT REPORTER: SUSAN J. ROBIDAS, NH LCR NO. 44

I N D E X		PAGE NO.
1		
2		
3	SUBJECT: ANTRIM WIND PROPOSED CONDITIONS	
4	SUBTOPIC: Proposed Condition No. 7	4
	(Re: ADLS)	
5	Discussion cont'd	4
6	SUBTOPIC: Proposed Condition No. 8	22
	(Re: Drinking Wells)	
7	Discussion	23
8	SUBTOPIC: Proposed Condition No. 9	25
	(Re: Efforts to Avoid...)	
9	Discussion	26
10	SUBTOPIC: Proposed Condition No. 10	28
	(Re: Third-Party Noise Expert)	
11	Discussion	28
12	SUBTOPIC: Proposed Condition No. 11	33
	(Re: Future Structures)	
13	Discussion	34
14	SUBTOPIC: Proposed Condition No. 12	39
	(Re: Semi-annual SCADA reports)	
15	Discussion	39
16	SUBTOPIC: Proposed Condition No. 13	57
	(Re: App Ex 39/Antrim Cond 3)	
17	Discussion	58
18	SUBTOPIC: Proposed Condition No. 14	61
	(Re: Updated Plan	
19	Cond 16/Antrim Cond 1, 2, 4)	
20	Discussion	62
21	SUBTOPIC: Proposed Condition No. 15	
	(Re: Review MOU	
22	Cond 16/Antrim Cond 1, 2, 4)	
	Discussion	62
23	SUBTOPIC: Proposed Condition No. 17	64
	(Re: Annual compliance status)	
24	Discussion	65

1	I N D E X (cont'd)	PAGE NO.
2		
3	Discussion re: Waiver of participating landowners	66
4	SUBTOPIC: Purchase Price Guaranty	66
5	Discussion	67
6	STRAW VOTE Re: Whether to create condition for potential 7 impact to property values	124
8	STRAW VOTE Re: Proposed condition	130
9	STRAW VOTE Re: Compensation	142
10	SUBTOPIC: PUBLIC INTEREST	143
11	Discussion	144
12	SUBTOPIC: Proposed Condition No. 18 (Re: Ownership structure)	147
13	Discussion	148
14	SUBTOPIC: Rule 301.17(i)	152
15	SUBTOPIC: Rule 301.17(g)	153
16	MOTION TO GRANT CERTIFICATE	
17	Made by Pres. Officer Scott	155
18	Seconded by Dir. Forbes	155
19	FINAL VOTE TAKEN	155
20		
21		
22		
23		
24		

[DELIBERATIONS]

4

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

2 PRESIDING OFFICER SCOTT: Okay.

3 We're back on the record. So when we left, we
4 were discussing ADLS lighting -- and I guess
5 that's redundant -- the lighting system and the
6 FAA circular and potential condition regarding
7 that. Does anybody want to pick up the
8 discussion from whence we left? Attorney
9 Clifford.

10 MR. CLIFFORD: I'm still waiting for
11 a copy of the circular. But my sense is
12 there's been an update to the FAA Advisory
13 Circular No. 70/7460-IL, dated October 8th,
14 2016.

15 (Pause)

16 MR. CLIFFORD: And I've just been
17 handed copies. So that's a public document
18 available on the U.S. Department of
19 Transportation's Federal Aviation
20 Administration web site. It looks like, and
21 again, I'm not an FAA administrator or lawyer
22 that writes this federal aviation law, but it
23 looks like there's a Section 14-1 that
24 addresses the type of system the Applicant is

[DELIBERATIONS]

5

1 interested in installing. So, seems to me this
2 process has now moved a little bit further
3 along than it was a few -- at the beginning of
4 this process. So, maybe some of the
5 discussions we've been having are moot with
6 regard to additional obligations -- excuse
7 me -- additional conditions. So, maybe the
8 condition that is referenced and contained in
9 the AMC agreement is probably more germane to
10 this procedure now.

11 PRESIDING OFFICER SCOTT: Any
12 discussion?

13 MS. WEATHERSBY: So the AMC
14 agreement, if I remember right, allowed them to
15 install non-radar-activated lights and then
16 allowed them to switch the lighting within 12
17 months. Was the trigger for that, the
18 circular? I don't have that in front of me,
19 the AMC agreement. What was the trigger for
20 installing the radar-activated lights?

21 [Members reviewing documents.]

22 MS. WEATHERSBY: So, the AMC
23 agreement allows them -- if the FAA circular
24 was issued 60 days or more before the

[DELIBERATIONS]

6

1 commencement of construction of the Project
2 that allows for the radar-activated system to
3 be operated, "Antrim Wind shall install and
4 operate the radar system simultaneously with
5 the commissioning of the Project."

6 So it sounds like it will be 60
7 days. So, under the AMC agreement it will be
8 required to install the ADLS system. So we can
9 either enforce the AMC agreement, or if we
10 wanted to say they shall -- you know, our
11 condition is they shall install the system, I'm
12 sensing they probably still need to get some
13 kind of approval from the FAA for the specific
14 site layout.

15 MR. CLIFFORD: It does look like it's
16 granted on a case-by-case basis. It could be
17 adjusted, modified or denied based on proximity
18 of the obstruction or group of obstructions to
19 airports, low-altitude flight routes, military
20 training areas or other areas of frequent
21 flight activity.

22 (Court Reporter interrupts.)

23 MR. CLIFFORD: Seems like there's
24 going to be -- it's got to be a case -- it's

[DELIBERATIONS]

7

1 going to be case-by-case. And even in
2 looking -- just to answer everyone's questions,
3 it looks like temporary lighting is required by
4 the FAA on these structures as they're going
5 up. Talks about every 200 linear feet. So
6 there is going to be some component of lighting
7 as part of this ADLS approval. There are going
8 to be lights at night until such time as the
9 whole project is installed. That's called for
10 by the FAA and part of the requirements we
11 talked about. So there is going to be some
12 component of lighting during the nighttime
13 until the thing is finished. And then it
14 looks -- it appears to me as though this
15 process is about to happen -- excuse me -- in
16 terms of the FAA is now accepting the
17 application.

18 PRESIDING OFFICER SCOTT: So, one
19 thing I could suggest is we could amend the
20 conditions to say something to the effect that
21 AWE shall install radar-activated lighting
22 control systems as approved by FAA, and in
23 accordance with the -- I don't remember the
24 date of this agreement -- October -- hold on,

[DELIBERATIONS]

8

1 have I got the right date -- anyways, of the
2 agreement with AMC. That would effectively
3 incorporate the conditions they've agreed to
4 with AMC.

5 MR. IACOPINO: And just for the
6 record, Mr. Chairman, I would point out that
7 that AMC agreement that you and Ms. Weathersby
8 have referenced is Appendix 11 -- Attachment 11
9 to the Application.

10 PRESIDING OFFICER SCOTT: That's
11 correct. And I see the first line of that says
12 it was agreed to on the 31st day of July 2012.

13 MS. WEATHERSBY: I would be in favor
14 of that, as long as that installation of the
15 ADLS system is done prior to commencement of
16 operation.

17 PRESIDING OFFICER SCOTT: So, do you
18 want to modify the language I suggested?

19 MS. WEATHERSBY: Pretty much the
20 language that was in our original, either
21 "commencement of operation" or "prior to
22 operating the Project." I don't think when you
23 said that, that that clause was there.

24 PRESIDING OFFICER SCOTT: Okay.

[DELIBERATIONS]

9

1 MS. WEATHERSBY: So, yes, I would be
2 in favor of amending that to, "The system needs
3 to be in place prior to commencement of the
4 operation of the Project."

5 PRESIDING OFFICER SCOTT: And
6 Commissioner Rose.

7 CMSR. ROSE: That kind of gets us
8 back to where we started, which was whether or
9 not it was going to be required to be approved
10 by the FAA before commercial operation. So I
11 think that's kind of where we kind of hit our
12 stall or stalemate, if you will. I guess, you
13 know, the way I look at it is, you know, there
14 is a requirement within the rules. Bear with
15 me a moment. 301.05, Effects on Aesthetics.
16 And then I believe it was 9 within that section
17 that stated that the proposed facility is
18 required by the FAA to install aircraft warning
19 lighting, or the proposed facility would
20 include other nighttime lighting, a description
21 and characterization of that potential visual
22 impact of the lighting, including the number of
23 lights visible and their distance from key
24 observation points... so that was the

[DELIBERATIONS]

10

1 requirement within the rules. And then, within
2 the Application, I believe that was Page 441 of
3 the Application, or 42 perhaps of the
4 Application, it does talk about the lighting
5 and, again, sort of the outline of their
6 intent. And they do have an agreement, you
7 know, a signed MOU with the AMC that clearly
8 states that they are to seek to get this in
9 advance. If they do, great, get it up. If
10 they don't, then they're going to continue to
11 do so. And once it is approved by the FAA,
12 they will install the lighting system within
13 one year.

14 So I feel like it's been fairly
15 well outlined, and I'm comfortable with either
16 the original proposal that you just referenced
17 a moment ago or whether we need that as a
18 condition at all.

19 PRESIDING OFFICER SCOTT: Attorney
20 Weathersby, I can tell you want to speak.

21 MS. WEATHERSBY: I'm still in favor
22 of it being required prior to the commencement
23 of operation. I just think there's issues not
24 only with aesthetics that weren't completely

[DELIBERATIONS]

11

1 analyzed with full-time nighttime lighting. I
2 mean, maybe there's effects on the birds and
3 bats or, you know, there's issues that we
4 probably haven't even thought of that if they
5 can't get approval, I think we just need to
6 have more information. So, I think I'm just --
7 you know my position. Hold them to the
8 radar-activated system. Sounds like it's very
9 close. And if for some reason they can't get
10 it, let's have more information.

11 PRESIDING OFFICER SCOTT: I'd like to
12 resolve this, so I'm going to go around the
13 room. Director Forbes.

14 DIR. FORBES: I'm okay with either
15 one. I really do think that FAA approval for a
16 site specific should be no problem. So I think
17 that Attorney Weathersby's proposal is
18 acceptable to me because I think it keeps a
19 little pressure on Antrim Wind to do their due
20 diligence and get their application in. So I
21 would lean that way, but either approach is
22 fine with me.

23 PRESIDING OFFICER SCOTT: Dr.
24 Boisvert.

[DELIBERATIONS]

1 DR. BOISVERT: The one thing that
2 strikes me as being unique about this part of
3 the discussion on aesthetics is the safety
4 angle. Lighting is there because of very real
5 safety considerations. And while it might be
6 very obtrusive, objectionable and so forth, the
7 fact that they're there for the safety aspect I
8 think puts it in a totally different
9 perspective and it makes me more willing to
10 accept them. I think you know I'm on the
11 record regarding other aspects of aesthetics.
12 But when it comes to safety, I have to admit
13 that it's on a different level, a different
14 priority.

15 In addition, my initial concern
16 was having to do with responsiveness of a
17 federal agency to these kinds of requests. And
18 I know that some agencies can be difficult to
19 motivate, and sometimes it's something as
20 simple as a key person within the agency goes
21 on medical leave or whatever and there can be
22 just delays because of that. And I also feel
23 that they have a significant motivation from
24 their own economics to pursue it.

[DELIBERATIONS]

13

1 So, as much as I respect Ms.
2 Weathersby's position, I'm not sure I would get
3 fully behind it. Leaving the condition as it
4 is and relying upon the Memorandum of
5 Understanding with the Audubon Society I think
6 provides a good level of protection.

7 PRESIDING OFFICER SCOTT:

8 Commissioner Rose.

9 CMSR. ROSE: Thank you. As I've
10 referenced, AWE has stated in many locations
11 that they're going to be pursuing this ADLS
12 system. They have, I think, demonstrated that
13 they're committed to that via the response that
14 we've seen from the FAA. They have an executed
15 MOU with the AMC on this. And we have every
16 belief that it will be something that is
17 eventually approved. There are conditions
18 within the MOU that outline a process that was
19 agreeable to the parties, the AMC and the
20 Applicant. So I'm fine that we're moving in
21 that direction, and I don't believe that it
22 needs to be in place prior to operation. It
23 just needs to continue to pursue to try to get
24 that in place as soon as practicable. So I'm

[DELIBERATIONS]

14

1 okay with the provision. I don't believe that
2 it needs to include the "prior to operating of
3 the Project."

4 PRESIDING OFFICER SCOTT: Say that
5 last part again. So you're okay with --

6 CMSR. ROSE: There was going to be a
7 condition. I think we stated, or I believe you
8 may have stated something to the effect of AWE
9 shall install a radar-activated lighting
10 control system as called for or seek approval
11 from the FAA as is consistent with their
12 agreement with the AMC.

13 PRESIDING OFFICER SCOTT: Attorney
14 Clifford.

15 MR. CLIFFORD: This is one topic
16 where I'm kind of torn on it probably. While I
17 agree with Dr. Boisvert on the safety side of
18 things, I tend to be a little bit more
19 committed that this get done. So I would vote
20 for either provision, but I would certainly
21 prefer the provision that I intend to get
22 behind, which would be the one that requires
23 them to have it in place before operating, if
24 only because that's what they said they wanted.

[DELIBERATIONS]

15

1 Excuse me. I mean, they want the system. I
2 want to see the system in place before it
3 operates. And while I understand that, you
4 know, I may not -- that's where I come down.
5 And it's my -- and it certainly would be an
6 expectation. And maybe this is something we'll
7 see next year as maybe some of the procedures
8 inside some of these agencies become a little
9 bit more streamlined and agencies become a
10 little more responsive -- I don't know -- to
11 these new technologies. So I guess we'll find
12 out pretty soon how quickly our government
13 begins to make some changes beginning in
14 January.

15 PRESIDING OFFICER SCOTT: An
16 optimist.

17 So we're still not unified here.
18 I'm okay with the original language of 7 also.
19 I think, paraphrasing now, Director Forbes
20 could ago either way I heard him saying.

21 Dr. Boisvert, you cannot; is
22 that correct?

23 DR. BOISVERT: I won't say I cannot.
24 I'm just trying to recognize what I see to be

[DELIBERATIONS]

16

1 realities of how the regulatory process works.
2 If it were a matter of having this condition
3 that would give them more leverage with the
4 federal agency, I suppose that's one
5 perspective, that this condition has been laid
6 upon them by the SEC with regulatory vigor and
7 that would provide more leverage, I suppose. I
8 think it's a matter of how we go about doing
9 this. I believe, like some of the others
10 mentioned, it will be implemented. And I'm not
11 strongly committed to the position, but I feel
12 that there are difficulties in getting
13 responsiveness from any bureaucratic agency,
14 regardless of administration. So I was trying
15 to be aware of that. Bear in mind, I am a
16 person who operates in a regulatory world and
17 issues statements to that effect. I am part of
18 the problem, I suppose.

19 So I would like to see us come
20 back with a unified position on this. I'm not
21 fiercely devoted to it, but I want to have a
22 good, common-sense approach.

23 PRESIDING OFFICER SCOTT: So you're
24 suggesting we table this and come back to it?

[DELIBERATIONS]

1 DR. BOISVERT: If others think that
2 we can somehow review the information and come
3 back to it, sure; otherwise, go forward. To be
4 honest, I think we're making a large issue out
5 of what I think is a relatively small point in
6 the overall project and -- although, maybe it's
7 not as small as I think it is, but -- well, I
8 think I hopefully have not muddied the waters
9 too much. Maybe I have. Someone else help me
10 out here, please.

11 PRESIDING OFFICER SCOTT: I'd prefer
12 not to kick this can up the road. I'd like to
13 wrap all this up.

14 MR. CLIFFORD: I can resolve it. I
15 mean, I think there's a sense that Ms.
16 Weathersby and I are in one camp and there's
17 four other people in another camp. I think the
18 issue seems like it's kind of resolved, more or
19 less, or not.

20 PRESIDING OFFICER SCOTT: And
21 Director Forbes was --

22 MR. CLIFFORD: So there's --

23 DIR. FORBES: I would just say, as I
24 said before, I can go either way. But I would

[DELIBERATIONS]

1 lean towards being more restrictive, putting
2 the onus on Antrim Wind to get it done. I
3 don't see the safety concern if we begin with
4 the premise that either the stationary lighting
5 will be part of the construction activities
6 that will be there or the ADLS system will be
7 there. The safety of the structure will be
8 assured either way. To me, it's an aesthetic
9 issue that spans a potential one-year operating
10 difference between what is proposed by Ms.
11 Weathersby and what is in the agreement with
12 the AMC. That aesthetic issue, to me, is
13 certainly a concern of some of the people who
14 will be seeing these structures, and so that's
15 why I lean that way. But I'm not driven by
16 safety concerns as Dr. Boisvert has suggested,
17 but more of an aesthetic concern, and I think
18 the pressure being on Antrim Wind to do their
19 due diligence of moving whatever application
20 forms they need to the FAA court. But again, I
21 go either way on it. I just thought I'd throw
22 that out to help clarify my position.

23 PRESIDING OFFICER SCOTT: So, to Mr.
24 Clifford's point, I think what I see is four in

[DELIBERATIONS]

19

1 support of the original language and two, I
2 think -- I haven't heard from Commissioner Rose
3 in the past couple minutes -- who would prefer
4 not to have that language.

5 CMSR. ROSE: I think that you got the
6 count about right. And again, you know, I
7 think there's a commitment to make it happen.
8 I don't see any reason why it wouldn't happen.
9 I think there's, you know, fail safes in the
10 system if for some reason it wasn't going to
11 happen. But, you know, it's not something to
12 me that -- I feel like we've given it a good,
13 thorough review and consideration. And, you
14 know, if that's the will of the majority of the
15 Committee, I don't necessarily have a
16 significant issue with that. I just don't
17 necessarily think it's necessary to have that
18 as part of the conditions. But I'm certainly
19 fine if that's the consensus of the Committee
20 and we move on.

21 PRESIDING OFFICER SCOTT: That's my
22 only reluctance is to go based on the vote. At
23 the end we need to vote on the whole project.
24 The question is: Is this a show-stopper for

[DELIBERATIONS]

1 you or not?

2 CMSR. ROSE: It would not be a
3 show-stopper for me. You know, all things
4 being equal, I don't think it needs to be
5 there. But it's not a show-stopper by any
6 stretch for me.

7 MR. CLIFFORD: Yeah, I'm going to say
8 the same thing. It's not a game-changer. In
9 other words, we're voting on the entire
10 Application, and I think everyone on the
11 Committee has a right to voice their opinions
12 and concerns as we work our way through the
13 process. But the vote at the end of the day
14 would be a vote on the whole. But people may
15 have varying opinions about different
16 components of this entire Application. But at
17 the end of the day, there is one vote on the
18 entire Application. So I say carry on.

19 PRESIDING OFFICER SCOTT: So, right
20 now I'm having it go in as a condition. Any
21 last words, anybody?

22 MR. IACOPINO: Which one?

23 PRESIDING OFFICER SCOTT: I think
24 it's as originally written. Is that the --

[DELIBERATIONS]

1 does that make it easy for you?

2 MS. WEATHERSBY: I would just --
3 thank you for that. And I would just point out
4 that in the March 31, 2015 determination of "no
5 hazard to air navigation" letter from the FAA,
6 there is a section on lighting during
7 construction. And so that deals with Dr.
8 Boisvert's concerns. It says that all turbines
9 will be lit with temporary lighting once they
10 reach a height of 200 feet or greater until
11 such time as permanent lighting configurations
12 are turned on. It goes on about where it
13 should be, can turned off if it's interfering
14 with construction, no power, et cetera. So
15 there's a whole process that the Applicant will
16 need to comply with during the construction
17 phase, and then I think our condition will go
18 into effect prior to operation, that they need
19 to have the radar-activated lighting. But in
20 the meantime, they would just follow this FAA
21 guideline or requirement.

22 MR. IACOPINO: If I could make one
23 clerical suggestion as part of this condition,
24 that you also require the Applicant to file its

[DELIBERATIONS]

1 new determinations of "no hazards" from the FAA
2 with the Administrator once received.

3 PRESIDING OFFICER SCOTT: I'll take
4 that as a friendly amendment. Is anybody
5 opposed?

6 [No verbal response]

7 PRESIDING OFFICER SCOTT: Okay.
8 We'll do that.

9 So, moving to Day 2's
10 deliberations, the next condition that was
11 suggested had to do with monitoring of drinking
12 water wells. I'll read what was put together
13 so far.

14 AWE shall be required to
15 identify drinking water wells located within
16 2,000 feet of the proposed blasting activities
17 and develop a groundwater sampling program to
18 monitor the nitrate -- excuse me -- to monitor
19 for nitrate either in drinking water supply
20 wells or in other wells that are representative
21 of the drinking water wells in the area. The
22 plan shall include pre- and post-blasting
23 water-quality monitoring and be approved by the
24 Department of Environmental Services prior to

[DELIBERATIONS]

1 commencing of blasting. Groundwater
2 sampling -- the groundwater sampling program
3 must be implemented by AWE once approved by DES
4 for any blasting activities. The plan must, at
5 a minimum, require Best Management Practices
6 contained in Attachment A of the DES document
7 titled "Rock blasting and water-quality
8 measures" that can be taken to protect water
9 quality and mitigate impacts at the DES web
10 site at -- I'm not going to read all that -- on
11 their web site. In the event that there are
12 wells within 2,000 feet of the blasting
13 activities, then AWE shall perform groundwater
14 monitoring of private wells prior to and
15 throughout the duration of and following the
16 completion -- and we need a time frame there, I
17 suppose -- of blasting pursuant to groundwater
18 monitoring plan prepared by Geotechnical
19 Services, Inc., dated August 8th, 2016.

20 DIR. FORBES: If I could help out
21 here?

22 PRESIDING OFFICER SCOTT: Please.

23 DIR. FORBES: What you just read is
24 essentially two conditions that I shared with

[DELIBERATIONS]

1 Attorney Monroe that have been used on other
2 alteration of terrain permits, without any
3 editing, and I think you see some redundancy
4 here. And I just want to point out some
5 comments first on what you read.

6 It would monitor both for
7 nitrate and for nitrite. And on the front page
8 there, the part about for "any blasting
9 activities, the plan at a minimum should follow
10 the DES, Appendix A of the DES document," that
11 part is already included in the existing
12 recommendations from DES. So that last
13 sentence there on that first page is redundant
14 to the conditions of the recommendation from
15 DES.

16 The second paragraph referencing
17 "Geotechnical Services, Inc." is from another
18 project. That entire paragraph was redundant,
19 in that the requirement for identifying wells
20 within 2,000 feet is at the start of this
21 recommended condition.

22 So, in short, I would suggest we
23 consider the first page, from the beginning and
24 through to include the sentence, "The

[DELIBERATIONS]

1 groundwater sampling program must be
2 implemented by AWE once approved by DES." I
3 think it could end there.

4 PRESIDING OFFICER SCOTT: That helps
5 me a lot. When I read it, I couldn't make
6 sense of the last part. So, thank you.

7 Any discussion on this proposed
8 condition?

9 MR. IACOPINO: Mr. Chairman, the one
10 thing that I would recommend in terms of
11 drafting is that this is one of those
12 situations where the delegation should be
13 listed to the DES.

14 PRESIDING OFFICER SCOTT: So we have
15 a friendly amendment to "delegation" language.
16 Anybody object to that?

17 MR. CLIFFORD: No.

18 PRESIDING OFFICER SCOTT: Before I
19 move on, anything else on this?

20 [No verbal response]

21 PRESIDING OFFICER SCOTT: Seeing
22 none, the next suggested condition I'm going to
23 from our list says that AWE shall, to the
24 extent practicable, use all reasonable efforts

[DELIBERATIONS]

1 to avoid or relocate rather than demolish any
2 boulders identified during the proceeding that
3 are located on Tuttle Hill, within the limits
4 of the disturbance area in the construction
5 zone. All reasonable efforts to avoid shall be
6 within the scope of existing state and federal
7 permits.

8 Any discussion? Director
9 Forbes.

10 DIR. FORBES: I just question the
11 term "existing state and federal permits," as
12 this would be the only permit. And the
13 conditions, would they be adopted from the
14 permit conditions or included in the review of
15 the agencies for this project? You know, I
16 guess I'm kind of wondering what comes first,
17 the chicken or egg here, that this
18 certification will adopt -- assuming it's
19 passed, it would adopt conditions that are
20 related to alteration of terrain and other
21 permits. There are no existing permits right
22 now is my point. I just wonder about the
23 language.

24 PRESIDING OFFICER SCOTT: So I think

[DELIBERATIONS]

1 I'm partially responsible for that language
2 being included. My concern was in the word
3 "relocating." You know, you have an alteration
4 of terrain permit. What I can at least
5 envision is, okay, to take this as the most
6 stringent condition, so now I have to -- from
7 the Project, I have to relocate, so now I'm
8 going to go outside the bounds and have to go
9 get another alteration of terrain program --
10 permit, if that makes sense. So I was putting
11 in some kind of language to not require
12 re-permitting once permits are obtained, if
13 that makes sense.

14 MR. IACOPINO: In order to meet Dr.
15 Forbes's suggestion, I would recommend that
16 that last sentence be changed to read, "All
17 reasonable efforts to avoid shall be within the
18 scope of state and federal permits pertaining
19 to the Project."

20 PRESIDING OFFICER SCOTT: Sounds like
21 a good suggestion. Any concerns?

22 [No verbal response]

23 PRESIDING OFFICER SCOTT: All right.
24 We'll move on.

[DELIBERATIONS]

1 The next proposed condition was
2 what we have listed here as Item 10.

3 AWE is required to retain a
4 third-party noise expert to assist the Town of
5 Antrim and the Administrator of the SEC in
6 taking field measurements in order to evaluate
7 and validate noise complaints.

8 Any concerns with that? Mr.
9 Clifford.

10 MR. CLIFFORD: Shall we -- who gets
11 the final say? Is it Antrim or AWE or the SEC
12 Administrator? Who are we going to pick?
13 Because I could see where we could have
14 everyone wants their -- I mean, huge
15 disagreement about the noise. The Town says we
16 want one person, AWE says we want that person,
17 and it gets dumped in the Administrator's lap
18 to evaluate sound people. I don't know where
19 that goes, how that gets dealt with.

20 PRESIDING OFFICER SCOTT: So, to
21 paraphrase, it's your concern over selection of
22 that third-party expert?

23 MR. CLIFFORD: Yeah. Right.
24 Selection, it just seems kind of... unless we

[DELIBERATIONS]

1 just go with whoever gets picked. But I don't
2 know anything about how you select sound
3 experts to monitor or...

4 CMSR. ROSE: I think, you know, I
5 think the key here was that it's not the
6 Applicant. It's not AWE that's conducting. So
7 it's some sort of a licensed professional or
8 somebody that has a third party that has the
9 capacity by which to conduct an independent
10 evaluation of the noise. And so I think, you
11 know, that, to me, was most important, is that
12 it's not just the Applicant that has one of
13 their employees go out there with monitoring
14 equipment to determine it.

15 MR. CLIFFORD: And this seems like it
16 has a fairly lengthy time component to it.
17 We've got some time to figure this out. So
18 maybe the SEC Administrator does look at this
19 and picks someone to evaluate, you know, take
20 bids, for example, if that were to happen.

21 PRESIDING OFFICER SCOTT: That's not
22 what I'm --

23 MR. CLIFFORD: No, no. I'm just
24 looking at the way the language is crafted.

[DELIBERATIONS]

30

1 It's just -- I don't know. I'm getting lost in
2 it.

3 PRESIDING OFFICER SCOTT: Well, maybe
4 to attack the first item that was raised, and I
5 think Commissioner Rose just went to, I mean,
6 my view is "expert" would mean somebody who has
7 the right credentials, which would mean in
8 theory they wouldn't be biased because they
9 have a career, if you will. So, you know,
10 maybe we could add, to help that, we could add
11 "to retain an appropriately qualified
12 third-party noise expert," I mean if that helps
13 people. I did not envision the Administrator
14 running an RFP for -- to retain this. That
15 would have to go through the state system,
16 which is rather clunky. But is that what you
17 were suggesting?

18 MR. CLIFFORD: Well, I don't know.
19 I'm getting back to the other day when we were
20 talking about ongoing reports and monitoring
21 and measuring and what if -- I mean, I remember
22 Commissioner Rose had some ideas, whether it be
23 submission of flicker results and sound
24 results. So, but what do all those mean if you

[DELIBERATIONS]

1 can't follow up with pieces of paper; right?

2 I mean, I was looking at this in
3 the bigger context, that if this is --
4 obviously, it's specific to this particular
5 project. But my view was that, if there are
6 sound issues in other locations, we'd also want
7 to be aware of it. And maybe there's a
8 monitoring component as part of the SEC's
9 future structure. We talked about the
10 Administrator's role in kind of acting as this
11 ongoing monitor because of projects such as
12 this, but then there would be a resource they
13 could actually be able to draw upon and
14 independently evaluate the results. That's
15 just what spurred on my conversation. I mean,
16 this condition led me to some other questions,
17 that's all.

18 MS. WEATHERSBY: So I think that
19 there is -- we do have in place that they'll do
20 post-construction sound monitoring. And in
21 reality what will probably happen is AWE will
22 have one expert, probably the person who helped
23 them prepare this and did the initial
24 monitoring, do the post-construction

[DELIBERATIONS]

1 monitoring. They'll be familiar with the site
2 and the various properties, and most likely
3 they'll be the expert that will go out in case
4 of a complaint. Personally, I don't really
5 have a problem with that. I think they are
6 independent of AWE. They have their own, as
7 you said, their own careers, their own
8 integrity, and would provide accurate -- I
9 don't see them skewing the results, that kind
10 of thing. I don't see this as a problem. I do
11 think it's important to have somebody basically
12 on retainer to go out and look at these, listen
13 to the noise, so that it's not the selectmen
14 with their sound meter. I think it's important
15 to have a qualified person to go out and
16 actually do the sound measurements. But I
17 think that as long as it's an independent,
18 qualified expert, I don't think we need to
19 determine, you know, who that is or how it gets
20 selected. And also, if anyone disagrees or
21 just wants their own information, any person
22 who's interested can hire their own sound
23 engineer as well.

24 PRESIDING OFFICER SCOTT: Director

[DELIBERATIONS]

1 Forbes.

2 DIR. FORBES: I wonder if it would
3 help to just insert the words "as approved by
4 the Administrator" after the words "third-party
5 noise expert," "as approved by the SEC
6 Administrator."

7 PRESIDING OFFICER SCOTT: That
8 effectively is what I just jotted down. I was
9 going to suggest that when there was a break in
10 comments. That works for me. I think that way
11 the selection can pass the "straight-face
12 test," that it's not somehow, you know, the
13 Project picking their best friend or something.

14 Okay. So are we fine with that
15 condition with that kind of language?

16 PRESIDING OFFICER SCOTT: Okay. All
17 right. If that's the case I'll move on.

18 The next regards the proposed
19 conditions for future structures. I'm going
20 to -- I'll read the first bullet.

21 AWE shall provide the Town of
22 Antrim with paper and electronic copies of its
23 post-construction sound monitoring reports
24 required by the Site Evaluation Committee,

[DELIBERATIONS]

1 which shall include a map or diagram showing:
2 (1) the layout of the project area, including
3 topography, project boundary lines and project
4 property lines; (2) locations of the
5 sound-measuring points; and (3) distance
6 between any sound-measuring point and the
7 nearest wind turbine.

8 So, Administrator Monroe, this
9 is what, if I remember correctly, this is what
10 the Applicant suggested as compromised
11 language?

12 MS. MONROE: I believe so. I cut and
13 pasted it.

14 PRESIDING OFFICER SCOTT: You want me
15 to go through all this before we have
16 discussion, or do you want to take on
17 discussion for each bullet?

18 MS. WEATHERSBY: Seems like we dealt
19 with this the other day concerning future
20 structures and had a long conversation that had
21 a different condition that was -- we were
22 fighting over whether the rules apply to new
23 projects or not. And there was some
24 disagreement there, and we decided to let the

[DELIBERATIONS]

35

1 rules speak for themselves and then required
2 compliance with the rules.

3 PRESIDING OFFICER SCOTT: So I agree
4 with that assessment. I think that's what I
5 remember. What I don't remember is precluding
6 these conditions from being added. And I'll
7 leap to the end.

8 If you go to the next page --
9 again, this is as requested -- suggested
10 language by the Applicant -- there is a
11 modification made here, I believe, Attorney
12 Monroe, to the last bullet. So it says,
13 "Following such property owner's receipt of the
14 above-referenced forecasts for expected maximum
15 sound power level and expected amount of shadow
16 flicker, AWE shall cooperate with and" --
17 here's the change -- "take such mitigation
18 measures, if requested by the property owner,
19 to comply with the applicable rules." So I
20 think that's the change that I think we agreed
21 to generically during that discussion.

22 Director Forbes.

23 DIR. FORBES: Yes, my recollection
24 was that, at least for myself, I'm willing to

[DELIBERATIONS]

1 and actually feel good about having Antrim
2 Wind's conditions that they recommended be
3 included and let the rules speak for themselves
4 on future issues should they develop.

5 PRESIDING OFFICER SCOTT: Dr.
6 Boisvert.

7 DR. BOISVERT: Just a point of
8 clarification on the second bullet, that the
9 Town shall maintain a paper and electronic copy
10 of AWE's post-construction, et cetera. By
11 "electronic copy," I would understand that to
12 mean posted on the web site. But is that
13 reaching too far? Basically, as we go forward,
14 people will expect to find information of this
15 sort electronically without having to go and
16 retrieve a paper document like they used to do
17 in the 19th Century. You know, is the
18 statement of "electronic copy" sufficient to
19 make us comfortable it'll be on the web site,
20 or whatever is a web site 40 years from now? I
21 mean, is my concern overly picky?

22 PRESIDING OFFICER SCOTT: Could I
23 direct you to the last sentence of that
24 condition, if you'd look at that real quick?

[DELIBERATIONS]

1 DR. BOISVERT: Second bullet?

2 PRESIDING OFFICER SCOTT: Yeah,
3 second bullet, the last sentence.

4 DR. BOISVERT: Okay. Thank you. I
5 just overlooked it. Thank you very much.

6 PRESIDING OFFICER SCOTT: Director
7 Forbes.

8 DIR. FORBES: Given the direction we
9 had about how to properly write a condition,
10 does this bullet conflict with that, in the
11 sense that we can't require the Town to do
12 anything? The first bullet makes the
13 information available to the Town and, you
14 know, what the Town does with it is beyond our
15 jurisdiction.

16 PRESIDING OFFICER SCOTT: Perhaps I
17 could suggest that we say, "the Applicant shall
18 ask the Town to," et cetera, et cetera. Does
19 that work?

20 Attorney Clifford.

21 MR. CLIFFORD: Okay, that helps. But
22 for clarification sake, I'm just wondering.
23 We're talking about accepting the Applicant's
24 proposed condition in this area; right? So

[DELIBERATIONS]

1 that leads me to how many bullet points? The
2 first three? Because Ms. Monroe said that this
3 proposed condition was a collection of not only
4 the Applicant's --

5 MS. MONROE: No, I believe this was
6 verbatim.

7 MR. CLIFFORD: All of it?

8 PRESIDING OFFICER SCOTT: With the
9 exception of --

10 MS. MONROE: With the exception of
11 the bold italic language in the last bullet.

12 MR. CLIFFORD: Okay.

13 PRESIDING OFFICER SCOTT: Does that
14 help?

15 MR. CLIFFORD: That helps.

16 MS. MONROE: And then the removal of
17 the brackets. Or I guess I had a question
18 whether that would be removed.

19 PRESIDING OFFICER SCOTT: My
20 suggestion would be we end at the bold. Any
21 objection to that?

22 [No verbal response]

23 PRESIDING OFFICER SCOTT: All right.
24 I'm seeing head nods. We're okay with this.

[DELIBERATIONS]

1 Does that include you, Attorney Clifford,
2 before I move on?

3 MR. CLIFFORD: I think I'm okay with
4 this, sure. Yeah. No, I'm good with this.

5 PRESIDING OFFICER SCOTT: All right.

6 Okay. The next proposed
7 condition had to do with data collection for
8 shadow flicker. My recollection is we talked
9 about semi-annual, and so that's how I'll read
10 this.

11 On a semi-annual basis, AWE
12 shall submit an electronic copy and one hard
13 copy of the report generated from the SCADA
14 system, which is Supervisory Control and Data
15 Acquisition system, that shows the amount of
16 shadow flicker for each of the properties that
17 are impacted.

18 Any discussion on that?

19 Director Forbes.

20 DIR. FORBES: The thing that jumps
21 out at me is the "each of the properties
22 impacted." Do we need more definition? Is it
23 within that mile radius of the study area, or
24 how do we contain or define those properties

[DELIBERATIONS]

1 that are impacted?

2 PRESIDING OFFICER SCOTT: And
3 Mr. Clifford.

4 MR. CLIFFORD: I remember the
5 discussion broke down on whether it was the
6 properties identified, known to have -- be
7 greater than 8 hours versus those that were, I
8 think, less than 8 hours, 'cause there's
9 some -- and I've got to get my binder, but
10 there were 77 or so identified by the
11 Applicant, or 73 or 74, and then there were
12 ones that were under 8, and we wanted to make
13 sure they were under 8, I believe, or there was
14 discussion about that; right?

15 DR. BOISVERT: I think maybe we said
16 "structures." "Property" could be construed as
17 a real estate parcel. To make it a little more
18 clear, I think what we have been talking about
19 were these structures, the residence, place of
20 learning, et cetera, et cetera. So I think we
21 said those structures. That might make it a
22 little more clear. And we're talking about all
23 73, as I read this, not just the ones that are
24 above the 8-hour limit. But I think it might

[DELIBERATIONS]

1 make it a little more clear because it could be
2 a parcel with two residences on it, two
3 structures of concern. And it says on an
4 annual -- or "semi-annual basis." For the life
5 of the Project? That's how I read it. And
6 that's fine. I just want to make sure that
7 it's -- I understand it correctly. But I think
8 each of the -- and if there is a need to
9 clarify what these structures are, that might
10 be appropriate. But I think "structures" is a
11 little better than "property" in this
12 circumstance.

13 PRESIDING OFFICER SCOTT: So if I
14 could maybe ask for a friendly amendment. So,
15 the system that shows the shadow flicker for
16 each of the 73 structures that are impacted,
17 would that meet your --

18 DR. BOISVERT: And any others that
19 were added over time, because we discussed that
20 in the condition immediately above it, that the
21 structures impacted should be understood that
22 way.

23 CMSR. ROSE: I think that's right.
24 You know, today it's suggesting that there's 73

1 locations that will experience some level of
2 shadow flicker, but that's not to suggest that
3 that number is static. It very well may
4 fluctuate. So my belief was, the point was to
5 get the information to the public, that any of
6 the -- whether it's "properties" or structures,
7 I'm open. But based on the testing that was
8 done from the sensitive receptors at the
9 various locations, it was identified as there
10 was going to be 73 locations that experienced
11 some level of flicker. So my goal was to try
12 to make sure that each of those 73 locations
13 knew what the amount of shadow flicker was that
14 they were subjected to over that, you know,
15 calendar year on a semi-annual basis.

16 PRESIDING OFFICER SCOTT: Attorney
17 Clifford.

18 MR. CLIFFORD: Sure. When in doubt,
19 go back to the rules. So I'm going to suggest
20 that we use the definition for this section
21 that we've been talking about in the rules,
22 which is 301.08(a)(2), talking about the
23 residence, the learning space, the workplace,
24 the health care setting, the outdoor or indoor

[DELIBERATIONS]

1 public gathering area, or other occupied -- I
2 guess the key word is "occupied" building,
3 because that ties back to our determination
4 also under 301.14(f)(2)b, which talks about
5 shadow flicker. I mean, does that seem to make
6 more sense? So we just define it to what's in
7 there, because then I think it leaves it --
8 it's definitely more specific as to -- in my
9 own mind I still have some questions about
10 interpretation. But I'll leave that to other
11 people. But that would at least kind of
12 tighten it up a little bit.

13 And I would just propose -- I
14 understand Commissioner Rose's identification
15 of a bi-annual. But I think annual should be
16 sufficient, in that I just -- I think that
17 could coincide with the same -- and we need to
18 think about that -- submission of the annual
19 kind of status update that we talked about on
20 the status of the operating maintenance
21 agreement. So maybe there's a time frame by
22 which over time there are these types of
23 reports that are designed to come in at a
24 certain time to the Administrator -- I'm just

[DELIBERATIONS]

1 thinking out loud here -- a set time period
2 when they all come in and they're all reviewed.
3 It gives the Applicant and it gives the
4 Administrator and the Town some degree of
5 expectation of when things are supposed to
6 happen. In other words, like you file your
7 taxes on April 15th unless you get an
8 extension. But, you know, there's these
9 general, these target dates so that there's
10 some element of consistency and planning going
11 forward of when we expect to see things. For
12 example, that could also include the report on
13 the status of the FAA lighting application. In
14 other words, just so there's this laundry list
15 that comes in and it's indexed. And I know
16 it's more work for Pam. But seems to me like
17 it might be a lot more work if it comes in at
18 various times as opposed to here's the day.
19 And the report would consist of all these
20 various and sundry items, shadow flicker being
21 one of them. Just my thought. So does that
22 mean we pick a day now? Or it could be the
23 anniversary of the commencement of whenever
24 they start producing power, for example, I

[DELIBERATIONS]

1 mean, that date maybe.

2 PRESIDING OFFICER SCOTT: Well, I've
3 articulated before, but I don't see it in the
4 list in here -- but I will not take that as Pam
5 doesn't want it -- you know, I talked about I'm
6 interested in an annual certification of
7 compliance and reporting of status of
8 everything, basically. You know, that could be
9 part of that if we were to agree that that's a
10 condition we want to have. So if you report at
11 the same time --

12 MR. CLIFFORD: Right. I don't know
13 if that's another condition or we just agree
14 that whatever conditions we're putting on that
15 require submissions of reports, other than
16 those that are required before commencement of
17 operation, get submitted on the anniversary
18 date of flipping the switch or whatever, or on
19 the partial operation of the facility. So that
20 would be their trigger. If they get turned on
21 on April 15th of 2017 or '18 or whatever it is,
22 that's the anniversary date when everything
23 starts taking place.

24 PRESIDING OFFICER SCOTT: So are you

[DELIBERATIONS]

46

1 suggesting that for just the shadow flicker or
2 all reports?

3 MS. MONROE: I mean, for me, I think
4 it would be preferable to have a date certain,
5 like a calendar, and that way I don't have to
6 keep track of, you know, commercial operation
7 and confirm that date. I mean, in the event
8 they hadn't started up, the report would say we
9 haven't started up. So...

10 CMSR. ROSE: I liked Attorney
11 Clifford's suggestion about putting some
12 definition around the location, and I thought
13 tying it back to the rules makes a lot of
14 sense. As it pertains to whether it's annually
15 or semi-annually or quarterly, my -- you know,
16 I believe that semi-annual makes sense. And I
17 guess my thought process to it is, you know,
18 flicker is going to be occurring in very
19 limited windows of time. And you may
20 experience it for two minutes, two hours. I
21 don't know. But it's going to be a somewhat
22 limited period of time, and you don't really
23 have an appreciation as a homeowner or property
24 owner as to what level you've experienced over

[DELIBERATIONS]

47

1 that window of time. So it gives you some
2 level of a rolling appreciation for the amount
3 of flicker up until you hit that 8 hours, of
4 which then there will be some level of control
5 measures in place that will eliminate your
6 impact to additional flicker. So if I were a
7 homeowner, I would be interested in knowing,
8 boy, it feels like I've received quite a bit of
9 flicker, and it would be interesting to note,
10 well, it's only 3 hours and 7 minutes over the
11 last six months, or maybe it's 11 hours and 6
12 minutes, and it's suggested that we're only
13 going to receive so much. So, to me it's a
14 good checks and balance so that a homeowner
15 would be able to determine the amount that
16 they've been subjected to, because it's very
17 different than like a sound test where you can
18 go out and take a measurement, and it will show
19 you whether you are above or not the threshold
20 allowable within the rules. But flicker,
21 because it's on a rolling basis over a period
22 of time, from my perspective, I would be pretty
23 interested in knowing what that amount is that
24 I've been impacted during the course of the

[DELIBERATIONS]

1 year, not necessarily just at the end of the
2 year, but during the course of the year, so
3 that you can sort of benchmark that for what
4 you can expect over the next six months as
5 well. So, to me, I think there's a value
6 associated with that if I were one of those 73
7 property owners that was experiencing some
8 level of flicker. And quite honestly, I
9 wouldn't even be opposed if it was quarterly.
10 But my recollection was it's going to primarily
11 just be during certain, you know, times of the
12 year. And my recollection as well was that the
13 Applicant suggested that it wasn't going to be
14 a particularly burdensome request to try to
15 provide that information on a more than annual
16 basis.

17 PRESIDING OFFICER SCOTT: So who
18 wants to take a stab at the language?

19 [No verbal response]

20 PRESIDING OFFICER SCOTT: So what I
21 heard, I think, is on a semi-annual basis, AWE
22 shall submit an electronic copy and one hard
23 copy of the report generated from the SCADA
24 system that shows the amount of shadow flicker

[DELIBERATIONS]

1 for each -- now, Attorney Clifford had
2 suggested we use a definition in the rules.

3 Correct?

4 MR. CLIFFORD: Right.

5 PRESIDING OFFICER SCOTT: So how
6 would that be put in here?

7 MR. IACOPINO: Each residence --
8 (Court Reporter interrupts.)

9 MR. IACOPINO: It's from
10 301.08(a)(2), "each residence, learning space,
11 workplace, healthcare setting, outdoor or
12 indoor public gathering area, or other occupied
13 building and roadway within a minimum of one
14 mile..." I think that's the reference that you
15 made, wasn't it, Mr. Clifford?

16 MR. CLIFFORD: Right, because this is
17 essentially what the Applicant's already
18 undertaken, sorry, as part of its Application.
19 So, in other words, we can have consistency and
20 comparability of the results because that would
21 tie into what they've already submitted. At
22 least that was the thinking.

23 PRESIDING OFFICER SCOTT: So that
24 works for me, anyways. Any other comments?

[DELIBERATIONS]

1 CMSR. ROSE: Just one comment. I
2 don't know if we suggested to whom they should
3 be sending that report to. And I would just
4 suggest that they should -- that AWE shall
5 submit to the Administrator and to the Town an
6 electronic copy and hard copy of the report
7 generated.

8 MR. CLIFFORD: I was going to say,
9 again, I think this is something the Applicant
10 mentioned was something that's pretty easy to
11 do. The SCADA system can generate this kind of
12 report.

13 So do we have to leave it to Ms.
14 Monroe to wade through -- I mean, I tried to
15 wade through the shadow flicker report, and it
16 took a while to tie everything together. So
17 what are the reporting requirements? Because I
18 know if that report got dumped on my desk, I
19 think I'd just stick it in a file and nothing
20 else would become of it. But there's got to be
21 some way to identify what location is being
22 monitored other than just lat and long. Just
23 my thought. I don't know what they are.
24 Otherwise it looks like a big Excel spreadsheet

[DELIBERATIONS]

1 to me. If that's what we want, that's what
2 we'll get.

3 CMSR. ROSE: No, I agree completely,
4 and I'm certainly open to what that -- if we
5 need to add language. But the hope was that it
6 was not going to be just a series of Excel
7 spreadsheets, that it was going to be some sort
8 of a summary document that made it fairly
9 easily digestible for any member of the
10 Subcommittee, or Committee for that matter, as
11 well as any resident, to be able to look and
12 see to what the impacts had been. So I don't
13 know how we want to suggest that or how we want
14 to write that to suggest a language. But I
15 agree completely. I wasn't looking to having a
16 whole bunch of spreadsheets with numbers that
17 you then had to try to interpret.

18 MR. CLIFFORD: Right. That was my
19 suggestion.

20 Also, again for privacy
21 concerns, I don't think we want the individual
22 resident's name called out in this report. I
23 think you just want the identifier as simple as
24 a -- whatever they're already identified by,

[DELIBERATIONS]

1 either tax map I.D. or something like that, or
2 lot number, or however the town keeps track of
3 that stuff, that that would be the only
4 identifier anyone would see. And so if you're
5 interested in delving into that report, you'd
6 have to actually cross-reference -- the owner
7 would have to figure out that their property
8 was in the one-mile radius and that they were
9 clearly identified by lot and map I.D. number
10 or something like that. Is that what people
11 were thinking? 'Cause otherwise --

12 MS. WEATHERSBY: Would there be
13 objection to listing the street address? I
14 don't want to list property owners because they
15 may change. Also, that's a little bit more
16 private -- it's not private, but it's more in
17 the nature of private than the others. But the
18 street address, tax map and lot is okay, but
19 it's not as user friendly.

20 MR. CLIFFORD: Right. I just want to
21 keep it simple, though. And I also don't want
22 to create sort of another -- something else
23 that then needs to be -- need to worry about
24 91-A concerns and that kind of thing. I mean,

[DELIBERATIONS]

1 again, if people in the future are going to try
2 to figure out whether they're close enough to
3 these things to matter, I think we've talked
4 about a way of making it available to the Town,
5 the one-mile radius. You know, it's got to be
6 kind of proactive on the person who was
7 interested in making a decision to purchase a
8 piece of property there also, that they go look
9 for this, but that we give them a tool to do
10 that. I think that's... and I think probably
11 property address and tax I.D. number is
12 probably sufficient.

13 PRESIDING OFFICER SCOTT: So do we
14 have an amendment from you for language? Or
15 just at the end of this, "shall include
16 property address, tax map information"? Is
17 that --

18 MR. CLIFFORD: Yeah, tax I.D. number
19 as commonly expressed or as found in the Town
20 of Antrim's tax rolls or --

21 DR. BOISVERT: Property tax parcel.

22 MR. CLIFFORD: Mr. Iacopino could
23 clean that up.

24 PRESIDING OFFICER SCOTT: Do you have

[DELIBERATIONS]

1 enough information, Mr. Iacopino?

2 MR. IACOPINO: I do, yes.

3 MS. WEATHERSBY: Chairman Scott,
4 would you mind recapping what the condition is?

5 MS. MONROE: I can help if you'd
6 like.

7 PRESIDING OFFICER SCOTT: Please do.

8 MS. MONROE: On a semi-annual basis,
9 AWE shall submit to the Administrator an
10 electronic copy and one hard copy of the report
11 generated from the SCADA system that shows the
12 amount of shadow flicker, to include the
13 property address and tax map for each
14 residence, learning space, workplace,
15 healthcare setting, outdoor or indoor public
16 gathering area, other occupied building and
17 roadway within a minimum of one mile of any
18 turbine and any other similar structures added
19 over time that are impacted.

20 PRESIDING OFFICER SCOTT: The only
21 thing I think I'd add is I think we suggested
22 it would be submitted both to you and the Town.

23 MS. MONROE: Okay.

24 MR. CLIFFORD: I was going to say,

[DELIBERATIONS]

55

1 why can't we just say "for locations identified
2 in 301.08(a)(2)," because that may change over
3 time and you're tying this condition to all
4 those things you just named. And then, again,
5 it's within a mile of any turbine. I mean,
6 it's just -- I would just say go to that rule,
7 and that's what the shadow flicker's supposed
8 to contain. I mean, that's --

9 MS. MONROE: But what if the rule
10 number changes? You've got the listing --

11 MR. CLIFFORD: Well, no. You put
12 the -- if the rule number changed, you would
13 just cross-reference it to what it became. But
14 I mean, I think you got to tie it to something.
15 And if you just limit it to the words you gave
16 it, what if the words changed? So I'd just tie
17 it to the rule and then just say something like
18 "or any comparable provision then in effect,"
19 because if 301.08 became 301.09, for example,
20 in a future rulemaking, but at least people
21 could follow it.

22 I just want to be clear, this is
23 what I'm supporting. I'm only supporting,
24 again, as I said earlier, what's in the rule.

[DELIBERATIONS]

1 And I'm hearing some other stuff that was
2 thrown in that's outside the rules. So,
3 otherwise I can't support this with the
4 additional language.

5 PRESIDING OFFICER SCOTT: Any other
6 comments?

7 MS. WEATHERSBY: So I think if we
8 leave off the last part of that, about the new
9 structures, and if we say you need to give us
10 this information for all of those, the
11 definition of "properties" within a mile of the
12 Project, that includes anything that may come
13 in the future. Every year, every property
14 that's in the mile, give us the information.
15 So I don't think we need that last clause. I'd
16 be more in favor of spelling out the types of
17 facilities. I mean, down the road the rule may
18 change and they may take out day care or
19 whatever. That's what the rules says now.
20 That's the rule I'm concerned about. I think
21 it's more clear not to have to go reference a
22 rule when you're making the report --

23 MR. CLIFFORD: Well, no, usually you
24 reference the rule, because what will happen is

[DELIBERATIONS]

57

1 there'll be definitional changes in the rule,
2 and then you've just tied yourself to language
3 in the SEC. So I'd rather tie it to whatever
4 the definition becomes in the rule, because if
5 some other definitional -- say they throw in
6 "church" in the future in 301.08(a)(2). Well,
7 then you've already caught that. I mean,
8 you've accounted for it. I don't know. I
9 mean, that's my view of this. I think we
10 got -- unless you want to lay out all the
11 definitions now. I don't care.

12 PRESIDING OFFICER SCOTT: I prefer to
13 actually have the words in myself. I'll leave
14 it at that. If we're close to a resolution,
15 I'll stop.

16 Mr. Clifford.

17 MR. CLIFFORD: I'll stand down. I
18 cede.

19 PRESIDING OFFICER SCOTT: Okay.
20 Unless there's any more discussion of this
21 condition, I will -- the next condition, I
22 guess I question do we need a condition? It's
23 regarding decommissioning and the irrevocable
24 line of credit. So, help me here. I mean,

[DELIBERATIONS]

1 it's the newer language which includes the cost
2 of going down to 4 feet, which is the 27 -- the
3 \$2.7 million. And I'm trying to remember or
4 recollect properly. The reason why I question
5 whether we need it is, is it not effectively in
6 the Application already?

7 MS. WEATHERSBY: I think it's in
8 Antrim's new conditions that they proposed that
9 we already went through this morning, Antrim
10 Condition 2, concerning the decommissioning
11 funding concerns.

12 MS. MONROE: I think that's what I --
13 the question I had in there was we have
14 Applicant's Exhibit 39 which has some verbatim
15 language which isn't reflected here. So my
16 question, I think, was: Are you adopting that?
17 Or I think what you added, Ms. Weathersby, was
18 the cost estimates, about halfway through the
19 paragraph, "The cost estimates of
20 decommissioning shall be reviewed by an
21 independent third party." I believe that was
22 something you added that isn't reflected in the
23 Applicant's language. But I could be wrong.

24 MS. WEATHERSBY: Goes back to the

[DELIBERATIONS]

1 agreement, the March 8th, 2012 agreement, once
2 again, extended to cover decommissioning.

3 Two things I notice is the
4 "three years" that we added, and that was in
5 this March agreement with the Town provided
6 and... let's see. The "independent third-party
7 consultant" is also in the agreement with the
8 Town of Antrim, so...

9 (Pause)

10 MS. WEATHERSBY: It's also in Antrim
11 Condition 3. Seems as though the Antrim
12 conditions we went through this morning covered
13 it, but it would be helpful to have a few
14 minutes just to be sure.

15 (Pause)

16 MS. WEATHERSBY: I think it gets us
17 there. The two things were the costs being
18 reviewed by the independent third party, and
19 that is in the Antrim conditions which refer
20 back to the agreement, and the adjustment every
21 three years being adjusted upward, and that is
22 also contained in Antrim Condition 2.

23 Only thing we might want to add,
24 if we haven't already, is that the last

[DELIBERATIONS]

1 sentence, "the irrevocable line [sic] of credit
2 shall remain in place" --

3 (Court Reporter interrupts.)

4 MS. WEATHERSBY: Sorry. "The
5 irrevocable line [sic] of credit shall remain
6 in place until decommissioning is fully
7 implemented and certified as complete."

8 PRESIDING OFFICER SCOTT: So I can't
9 remember if we did that before our discussion,
10 but I do remember that discussion. So you felt
11 that there was language -- a construction issue
12 with the decommissioning language. So that
13 makes sense to me. Maybe the only addition we
14 need is that last part. Does that sound
15 correct?

16 MS. WEATHERSBY: That's what I
17 believe as well.

18 MS. MONROE: So it would be Antrim
19 Condition 3 or Condition 2 and 3 in their brief
20 with that caveat, that last sentence, just so
21 I'm clear?

22 MS. WEATHERSBY: I think we've
23 already -- I'm not sure I understand.

24 MS. MONROE: Antrim Condition 2 is

[DELIBERATIONS]

1 Applicant's Exhibit 39, which was one of the
2 questions I had in that.

3 MS. WEATHERSBY: I think we've agreed
4 already to Antrim Conditions 1, 2 and 3 and 4
5 this morning, which was Appendix A of their
6 final brief. And now I think we are asking
7 that, in addition, we just add a condition that
8 the line of credit remains in place until
9 decommissioning is fully implemented and
10 certified as complete.

11 MS. MONROE: Okay.

12 MR. IACOPINO: Just one correction,
13 Ms. Monroe. That should be "letter of credit."

14 MS. MONROE: Letter of credit.

15 PRESIDING OFFICER SCOTT: So are we
16 okay with that one? Head nods, body language
17 yes, we are all nodding our heads yes.

18 PRESIDING OFFICER SCOTT: So the next
19 proposed condition reads, "Within 30 days of
20 issuance of the certificate, AWE shall provide
21 an updated plan for the timing and sequence of
22 construction of the Project."

23 Any issues with that? Does that
24 need to be updated in any way? So that's an

[DELIBERATIONS]

1 initial filing. Do we need updates, or do we
2 feel the rest of the reporting will take care
3 of that?

4 CMSR. ROSE: I think the reporting
5 will take care of that. I guess the only
6 question I have is who should they be providing
7 that update to, and I might just suggest the
8 Administrator and the Town.

9 MS. MONROE: I would add that I think
10 these were superseded this morning based on our
11 discussion regarding Condition 1 and Condition
12 4 in Antrim's -- proposed in the brief, I
13 believe.

14 MR. CLIFFORD: I think Ms. Monroe is
15 right.

16 MS. MONROE: Because these are
17 covered. I don't think we got there on Friday,
18 but we covered it this morning, that Antrim,
19 the Town of Antrim, in their brief, had
20 conditions that addressed No. 14 and No. 15 and
21 what I have in front of you.

22 MR. CLIFFORD: I would say we
23 eliminate -- I mean, 30 days. I can envision
24 30 days after a certificate issues, that could

[DELIBERATIONS]

1 be in January, and that's going to be virtually
2 meaningless. You know, I'm saying --

3 (Court Reporter interrupts.)

4 MR. CLIFFORD: It's going to be
5 virtually meaningless in some respects because
6 it's going to be just a thumbnail sketch of
7 what might happen. I don't think they'll be
8 prepared to give a clearly articulated plan 30
9 days after the certificate is issued.

10 PRESIDING OFFICER SCOTT: Are we in
11 agreement that 14 and 15 we already took care
12 of?

13 MR. IACOPINO: Can I point out one
14 thing? If you're indicating that Antrim
15 Condition 1 and Antrim Condition 4 at the end
16 of the Town's brief are already subsumed, these
17 required that the plans be provided to the
18 Town, not to the Administrator of the SEC. So
19 I think you might want to amend those to
20 include that a copy go to the Administrator.

21 MS. WEATHERSBY: Might make sense
22 that all reports that are required under the
23 certificate, including the reports to the Town
24 of Antrim, are provided to the Town of Antrim

[DELIBERATIONS]

1 and the SEC, hard copy and electronic copy.
2 Just a statement, a condition that says that
3 both parties get all reports in these two
4 forms.

5 MR. CLIFFORD: I would support that.
6 That just makes it so then they hit "Send" to
7 two e-mail addresses and not worry about, oh, I
8 have -- you know, one person says I got this
9 and you don't have that. Just makes it simple.

10 PRESIDING OFFICER SCOTT: Any other
11 discussion on that?

12 [No verbal response]

13 PRESIDING OFFICER SCOTT: And again,
14 I had articulated multiple times that I'm
15 interested in a condition that would require an
16 annual compliance report from the Project to
17 the Administrator that will outline compliance
18 with the certificate, status of compliance with
19 the certificate, and a listing of complaints
20 received and resolution of those complaints.
21 Does anybody have any concerns with that?

22 [No verbal response]

23 PRESIDING OFFICER SCOTT: We could
24 have that sent to the Town, too. I don't know

[DELIBERATIONS]

1 if they want it or not, but --

2 MR. CLIFFORD: I would imagine the
3 Town would want that also. Once again, looking
4 at the same report, I think if we get it and
5 the Town gets it in this instance, especially
6 with respect to noise reports or shadow flicker
7 reports, that way everyone's operating on the
8 same page.

9 PRESIDING OFFICER SCOTT: So, is
10 everybody in agreement with that?

11 [No verbal response]

12 PRESIDING OFFICER SCOTT: So, now
13 that we've kicked the can enough, it's time to
14 talk about do we want to -- oops, hold on.
15 Attorney Iacopino's raising his hand.

16 MR. IACOPINO: Just checking what we
17 did the other day.

18 (Court Reporter interrupts.)

19 MR. IACOPINO: I said I have a note,
20 and I'm just checking what we did the other
21 day. I thought I had one loose end. You all
22 indicated you wanted to discuss... okay. I
23 have in my notes from the day we talked about
24 shadow flicker and sound that you wanted to

[DELIBERATIONS]

1 further discuss the participating landowners
2 and whether or not they are subject to those
3 requirements or whether those rules are waived
4 with respect to --

5 MR. CLIFFORD: We waived those. We
6 thought that we had to waive them because the
7 rules scooped up everyone within the Project.
8 I think we voted on a waiver to participating
9 landowners. I think we did, but --

10 PRESIDING OFFICER SCOTT: I think
11 that's correct. But to Attorney Iacopino's
12 point, we're now going through conditions and
13 we want to make sure we capture everything.

14 So, does anybody disagree that
15 we agreed to waiver -- excuse me -- to waive
16 the requirements for participating landowners?
17 Is that everybody's recollection and agreement?
18 I see head nods that appear unanimous.

19 MR. IACOPINO: Okay. Thank you.

20 PRESIDING OFFICER SCOTT: So, as I
21 was saying, now we have proposed conditions and
22 we're back to a purchase price guaranty. I
23 think we'll have a couple suggestions. I have
24 one, too, if we go that route. Do we want to

[DELIBERATIONS]

1 start with do we want to do this at all? Is
2 that something we should talk about? Or should
3 we talk about proposals first?

4 MS. WEATHERSBY: I think we should
5 talk about whether we want to do it at all.
6 Personally, I think it would be fair to do
7 something. But there's different approaches
8 that could be taken: We could do nothing. We
9 can go the other extreme of what some of the
10 intervenors have asked and require Antrim Wind
11 buy non-participating landowners' property if
12 they want to sell, you know, within a certain
13 radius. We could go the route of a property
14 value guaranty. We could do what is done in
15 eminent domain-type cases, where in that case
16 the governmental authority would pay the
17 affected property owner the difference in the
18 market value of their property before and after
19 a project. So I think there's different routes
20 we can go, and I guess we should -- I'm in
21 favor of having a discussion on which route to
22 take.

23 PRESIDING OFFICER SCOTT: Well, I'll
24 speak for myself. If we're going to go down

[DELIBERATIONS]

68

1 this road, I shared some skepticism, though I
2 agree we don't have a lot in the record on
3 abutters. That's my concern, as far as if
4 there is a property -- if there is a property
5 value impact. I don't think it's established
6 there is. But I do think there's a potential
7 there that makes me -- you know, as I said
8 yesterday, gave me a little bit of pause. So,
9 in my view, if we're going to go down this
10 path, I think I would have it fairly limited.
11 I would say we want to limit some kind of a
12 purchase price guaranty if we're going to do
13 it. I'm more inclined to keep it to those
14 abutters since we don't have a robust record on
15 what it would look like and could look like.
16 That's just my first blush on that.

17 John.

18 MR. CLIFFORD: I guess I'll just
19 answer the first question. I'm intrigued by
20 the property price guaranty, though not
21 inclined to get behind it because I have a hard
22 time just dropping sort of an agreement -- and
23 I think I'm talking about the type of agreement
24 that Ms. Weathersby identified and that I have

[DELIBERATIONS]

1 seen that she identified in the last session.
2 I think that's just really, while it may be
3 useful and may have been helpful had that
4 previously been established, I'm just reluctant
5 to impose sort of this Wordsmith property price
6 guaranty language into this certificate without
7 having had any real input on it by potential
8 parties.

9 In other words, if we were to go
10 that route, I would have preferred, for
11 example, notice had been given to the abutters:
12 Here's a proposed form of property price
13 guaranty. You know, you could come into the
14 technical session and let -- you know, this is
15 something that's been floated about. But for
16 us to just sort of air mail it in at the end,
17 seems to me it's -- and then how do we know
18 it's going to work? I mean, we haven't seen --
19 operationally, I don't know the effect of just
20 dropping an agreement like that into place and
21 how it would function. I don't know. It
22 just -- I understand where it's going. And it
23 would have been nice, as I said, if there was
24 some -- if this thing, this animal had come out

1 much, much earlier, at least in terms of a
2 full-on property price guaranty agreement,
3 because I haven't heard anything in the record
4 about it. And not that it's just not in the
5 record, but I don't feel like I'm capable of
6 crafting that agreement now or saying here's a
7 model, this is it, this is how it's going to
8 work in Antrim.

9 MS. WEATHERSBY: I think it was kind
10 of kicked around by many of the intervenors. I
11 think we had one that was perhaps presented to
12 us but never got entered as an exhibit. But I
13 think it was raised by a number of the
14 intervenors.

15 But that said, I agree that it's
16 hard for us to fully draft an agreement that
17 would spell this out. I was trying to think of
18 ways to get around it, and the one possibility
19 is that Antrim Wind drafts one and it has to --
20 in consultation with and acceptance by Counsel
21 for the Public -- sorry, Mary -- or comes back
22 before the SEC for approval and people have a
23 chance to weigh in about it. I don't know.
24 I'll stop there and see what others think.

[DELIBERATIONS]

1 PRESIDING OFFICER SCOTT: Dr.
2 Boisvert.

3 DR. BOISVERT: I'm not sure where
4 else this could have been brought up and
5 addressed if we weren't allowed to make
6 suggestions to this effect during testimony.
7 We were there to hear the testimony and to ask
8 questions about things. But I for one didn't
9 feel like I could say why don't you try
10 such-and-such as a solution to such-and-such a
11 problem. It was ask questions and then
12 testimony presented. I suppose we could have
13 pursued it, following up on things offered by
14 some of the intervenors. But in retrospect, I
15 didn't see an opportunity to do that.

16 I am concerned that there will
17 be reductions in property valuations for some
18 individuals and that they should be a mechanism
19 to address that. And I think that is a very
20 important factor, a very important issue to
21 address. The Applicant feels there will be no
22 reductions in property values. And so I would
23 imagine they don't really have an objection to
24 a process that should, by their likes, say

[DELIBERATIONS]

1 there's no change in property value or
2 negligible. I believe we should try to find a
3 way as to how to do it. That is something well
4 beyond my skills. I had a brief suggestion.
5 But there are an awful lot of details that need
6 to be attended to for anything regarding a
7 property value valuation guaranty, or however
8 you want to phrase it. But I think we ought to
9 try to find a solution to that.

10 You raised the question of who
11 should even be eligible for it. That's a good
12 one. I don't know that abutters are strictly
13 the only yardstick. May be some people who are
14 close by but not physically abutting that might
15 have impacts on their property valuation. But
16 there needs to be some kind of mechanism to do
17 that and then a mechanism as to how to do it.
18 And I think Attorney Weathersby has offered a
19 mechanism that has been, as I understand it,
20 used elsewhere, and it's not something new. It
21 is a method that has some track record and I
22 think well worth exploring.

23 PRESIDING OFFICER SCOTT: Dr.
24 Forbes -- Director Forbes.

[DELIBERATIONS]

1 DIR. FORBES: This is a tough one. I
2 mean, certainly it's difficult to answer a
3 question of whether there is in fact a specific
4 reduction in property values for any given
5 property. We've heard testimony in a general
6 sense that there tends not to be. We've heard
7 testimony that some people like the aesthetics
8 of windmills and many people fall in the other
9 camp as well and don't like it. But we're
10 lacking that definitive answer about who is
11 affected and how much they're affected. And I
12 think when it comes to any type of program,
13 we've done a little research this weekend, and
14 I think we probably all have heard different
15 ideas about this. I think if we were to go
16 down this path, we need to very narrowly define
17 who might be eligible. I certainly don't think
18 it's someone who is not in the process of
19 selling their house, for example, or moving
20 from their property. I don't think it should
21 be applicable to properties that are not
22 residences but undeveloped land. I think there
23 may be differences of opinion of appraisals and
24 how someone might define the value in the first

[DELIBERATIONS]

1 place. It's a real challenge to me to conceive
2 of how something might work that would be fair
3 to both the impacted property owners and to
4 Antrim Wind. I don't have the legal background
5 that some of you here on this committee have,
6 but I see it's really founded in the issue of
7 property rights. And I respect the rights on
8 both sides, the right of the property owners to
9 develop their land to best practical use and
10 the right of someone's quiet enjoyment of their
11 property. And these issues compete certainly
12 in my mind.

13 So I'm open to hear ideas, but I
14 am somewhat skeptical that we can find a fair
15 and equitable approach on this.

16 PRESIDING OFFICER SCOTT:
17 Commissioner Rose.

18 CMSR. ROSE: Thank you. I am willing
19 to listen with an open mind here. But based on
20 the information that was contained within the
21 record, you know, I'm not sure exactly how to
22 even quantify something like this. You know,
23 we did hear and we did receive the report that
24 suggested that there was no adverse impact to

[DELIBERATIONS]

1 the property values of the homes. However,
2 intuitively, you know, that may be on the macro
3 sense, but there may be some very specific
4 instances where that may or may not be the
5 case. I don't know that I have enough
6 information to be able to say that there is
7 going to be adverse impact on property values
8 to specific homes, whether they're abutters or
9 not.

10 I tend to agree with Attorney
11 Clifford's perspective, that it's kind of tough
12 to drop this in at this particular time. You
13 know, we're not -- I don't feel as though I
14 have a good enough perspective to even be able
15 to suggest what the right alternative or what
16 something like this would look like and how to
17 make it work. And I think it's somewhat of a
18 slippery slope in many ways. You know, it's
19 getting on the edge of what I think is
20 something that we have the ability to outline
21 what makes the most sense from the
22 Subcommittee's perspective. You know, again,
23 I'm willing to listen to what ideas might be,
24 but I don't know how to really get my head

[DELIBERATIONS]

1 around what something like this, whether it's a
2 price guaranty or something else, would look
3 like.

4 PRESIDING OFFICER SCOTT: So,
5 thinking about it this weekend again -- and
6 this is just me, obviously -- I was thinking of
7 two things: Having it very limited in scope,
8 given the relative lack of discussion as far
9 as -- I mean, my recollection from the
10 intervenors, we've had a lot of requests for
11 purchase price guaranty, but those same
12 requests weren't robust as far as here is what
13 it should look like.

14 My thought was, again, to limit
15 it to abutters, which may not -- which clearly
16 may not make everyone happy. But I think that
17 would be the concern to me, the most likely
18 area. So this would be perhaps a half measure
19 better than no measure.

20 I would want to limit -- if we
21 go down this road, I would want to limit the
22 qualification for that to sales within a
23 certain time frame, and I would suggest five
24 years.

[DELIBERATIONS]

1 And rather than try to outline
2 the program and what the Applicant, the Project
3 would do, my thought would be that we would put
4 a condition to require them to offer and fund a
5 program for abutting property owners which
6 provides for the following, and then say you
7 need to create a program that does these
8 things. The details again may not be perfect,
9 but the alternative would be no program.

10 And my thought would be -- since
11 I'm talking, I'll throw this out -- the
12 conditions would be: Upon sale within five
13 years of issuance of the certificate, AWE shall
14 pay the abutter the difference between the
15 appraisal with and without wind farm -- and
16 I'll discuss that in a minute. If the sale
17 price of the property is higher than the
18 appraisal but less than the projection for
19 without the wind farm, the Project shall pay
20 that difference. Upon request, AWE shall pay
21 for a without wind farm portion of the seller's
22 appraisal. AWE may fund an independent
23 appraisal if desired. If there's a
24 disagreement, AWE shall also fund a third

1 appraisal; in this situation, the value of the
2 without wind farm will be the average of the
3 three, and then leave the rest to the
4 development of a program to the Applicant. So
5 that's just a suggestion. I'm just trying to
6 find a way to get to the end here. I don't
7 know if anybody had any thoughts on that.

8 DR. BOISVERT: I see a lot of
9 attractive features to that. The only tweak I
10 would suggest is that either been sold or for
11 sale in five years. Possibly someone's had it
12 on the market for two years and hasn't been
13 able to move it. It is contingent just upon
14 the sale that might actually work against some
15 of the most affected property. So tweaking
16 with "on the market" kind of thing. But I find
17 that at least a really good-faith effort to try
18 to find a way.

19 Like I said, I'm interested in
20 trying to find a way to address that problem.
21 I think that is a really good running start.
22 And maybe if something -- if they're trying to
23 sell it and it's on the market and it's been on
24 the market for 18 months, at the end of five

[DELIBERATIONS]

1 years, I think that might be a property that
2 might be considered. But I think it's actually
3 a small issue.

4 PRESIDING OFFICER SCOTT: So, again,
5 this is not going to make everybody happy. But
6 my thought is if the appraisal is correct --
7 not the asking price, but the appraisal is
8 correct -- then it should be able to be sold,
9 right, or the appraisal should go down. So
10 that was kind of my thinking of -- because I'm
11 not quite sure how to address, okay, if it's on
12 the market and never sells and sits there,
13 because at least what I was proposing is really
14 they're paying the difference between an
15 appraisal for a hypothetical with a wind farm
16 and a hypothetical -- excuse me -- an actual
17 with wind farm approval -- appraisal, excuse
18 me -- and a hypothetical without a wind farm,
19 which I assume would take into account similar
20 structures in similar areas --

21 DR. BOISVERT: Unless a person would
22 sell at what they view as below-market price in
23 order to be available for the consideration.

24 PRESIDING OFFICER SCOTT: Which again

[DELIBERATIONS]

1 I think my language is based on appraisal, not
2 on sold.

3 MS. WEATHERSBY: So I'm no expert,
4 but in the couple that I pulled, so there's the
5 appraisal process for the market value is
6 determined. And then, if the property owner
7 lists their property, you know, and they have
8 to use a MLS listing service, et cetera, et
9 cetera, you know, really a good-faith effort to
10 sell their property, and they haven't received
11 an offer to purchase the price within a certain
12 amount of time, 180 days, 360 days, whatever it
13 is, then, in this case, AWE would purchase the
14 property, and then they can in turn sell it.
15 But if it sits on the market for some really
16 long period, then the -- at a price that
17 everyone agrees is a fair price, and a lot of
18 these have a mechanism for the reason it's not
19 selling is probably because of the Project, and
20 so the Project owner purchases it. I throw
21 that out there.

22 My other reaction to your
23 suggestion, I think it's a good suggestion. I
24 would, not surprisingly, not limit it to just

[DELIBERATIONS]

1 direct abutters. There may be -- I think there
2 should be a radius, to be fair, you know,
3 whether that's 1 mile, 2 miles, 5 miles. I'm
4 kind of thinking 2 miles, but I could be
5 persuaded to a different distance. To me, it
6 was those with a direct view of the towers or
7 the noise or the flicker, which some of those
8 extended beyond abutting property lines. But
9 certainly once you get out of a certain
10 distance, as we saw from photo simulations, the
11 effect mutes the further you go out. I'd also
12 limit whatever we do to non-participating
13 landowners. I think the participating
14 landowners have waived their rights to
15 participate in a process such as this.

16 The only other thought was the
17 five years and whether that might itself sort
18 of affect the market. If everyone decides a
19 year from now or two years from now, within
20 that five year time period, to put their
21 properties on the market, whether that will
22 have a -- cause the market to decline. Perhaps
23 a longer time period might be helpful.

24 PRESIDING OFFICER SCOTT: Any other

[DELIBERATIONS]

1 thoughts? Director Forbes.

2 DIR. FORBES: I don't know how I
3 could get there, but if we did go down this
4 path, I think it's important to at least try to
5 get some level of predictability for the cost
6 of this to the Applicant. For us to just, you
7 know, throw these concepts out without a clear
8 understanding of who might be affected and how
9 much, I don't see how we can balance the
10 question of unreasonable adverse effects when
11 we don't even know if we're talking about a
12 million-dollar program or \$100,000 program or a
13 \$5,000 program here to mitigate something that
14 is in fact not very well documented in the
15 proceedings here.

16 MR. CLIFFORD: I tend to agree with
17 what Mr. Forbes said. And I did look. It
18 wasn't just testimony. There's documented
19 analysis in the record of the impact on the
20 property values in Lempster. So there's
21 actually a statistical analysis -- not
22 statistical. There's an actual analysis done,
23 and it showed no change.

24 Now, for all the reasons that we

[DELIBERATIONS]

1 started marching down the road, I've already
2 heard about five reasons not to implement this.
3 One, you're arbitrarily picking distances,
4 arbitrarily picking winners and losers. If I'm
5 on one side -- if we define it as a mile and I
6 happen to be on the other side of the street,
7 I'm not scooped up in this. If I'm one mile
8 and 100 yards away, but on the same street,
9 with the same view, for example, I don't get to
10 participate in the program.

11 The other thing is my
12 recollection of appraisals is that appraisals
13 are always based on highest and best use. You
14 don't look at things like the view, for
15 example. In other words, if I'm buying
16 waterfront property, I'm looking for
17 similarly-situated waterfront property and
18 homes. So if we're doing an appraisal in
19 Antrim for similarly-situated homes, what I
20 expect to find over time is that
21 similarly-situated houses are going to have --
22 you know, be based on the square footage,
23 property style, you know, et cetera. They're
24 going to look the same. So I'm trying to get a

[DELIBERATIONS]

1 handle on how you're going to do this with and
2 without view of a turbine.

3 Again, it's just that it's so
4 cumbersome and awkward. And again, we don't
5 know what effect this is going to have on the
6 Applicant either. I mean, we could end up
7 potentially certificating a project that we
8 break up because we put in place this system.

9 Again, and I -- while I -- I
10 understand Mr. Scott gave us three sentences.
11 But where's the right of appeal? Where's the
12 due process? How do they arbitrate a dispute?
13 I can't just support something where everybody
14 picks an appraiser and gets a number, and
15 that's what you guys are left with, with and
16 without. There's still no -- there needs to be
17 some sort of bootstrapping here to put it into
18 a framework that people can work with. And I
19 haven't heard of a framework. Again, I said
20 I'm reluctant to support a frame -- dropping or
21 air mailing in some kind of agreement at
22 this -- in a deliberative session that we
23 haven't looked at, haven't really heard
24 anything about.

[DELIBERATIONS]

1 I mean, I know -- I agree that
2 those agreements may be workable. But I
3 couldn't find one in my research that was in
4 effect. Granted, I didn't spend all weekend
5 researching this. But I did look around to see
6 if I could find any agreements that were in
7 place, and I couldn't get my hands on an
8 agreement, you know. And granted, it was a
9 pretty difficult task to delve into over the
10 weekend. But I would have liked to have, if
11 we're going to go this route, some more
12 testimony, I mean, just some rationale. I
13 can't pick a number because then I don't know
14 why I'm picking the number. I don't know why
15 I'm picking the mile. I don't even know why
16 I'm picking 2 miles. I have no -- there's no
17 nexus between the distance and the mechanism
18 we're about to impose, at least in my -- there
19 could be if I had some information upon which
20 to base that determination. Again, it could be
21 mileage. But it could also be view-related,
22 too, in my mind. But I just don't know that
23 right now. That's what I'm struggling with. I
24 could get behind something. I just don't know

[DELIBERATIONS]

1 what to get behind because I don't have
2 anything in front of me to really put into
3 context.

4 MS. WEATHERSBY: So what if we take
5 Commissioner Scott's approach and tell AWE to
6 develop a property purchase guaranty agreement,
7 certain key factors, or not. Maybe we just
8 have them develop one and then we have a
9 hearing. Sounds like we're going to grant the
10 certificate. We grant the certificate
11 conditioned on SEC approval of a property
12 purchase guaranty. We can make amendments to
13 that when it comes before us and have them
14 submit a proposed agreement. Then we'll have
15 testimony on is it one mile, is it abutters
16 only. Then we'll have more information. I
17 think we need more information. We'd have more
18 information. I'm just going to miss you all so
19 much. I feel like we should get together
20 again.

21 [Laughter]

22 But it would get them going, the
23 Project, and then we could take their draft and
24 get some public input and get a final agreement

[DELIBERATIONS]

1 in place, you know, a month from now. I don't
2 know.

3 PRESIDING OFFICER SCOTT: Attorney
4 Iacopino, help me. So, with the timing for
5 that, not that -- I know Attorney Weathersby
6 was just talking off the cuff. So that would
7 require a whole new proceeding; correct?

8 MR. IACOPINO: Not the way that she
9 explains it. But I suspect that when all
10 interested parties weigh in, it would be a
11 fairly substantial proceeding. Technically, it
12 wouldn't be a whole new proceeding. I assume
13 you would do it under this docket. But it
14 would be -- I do think it would be a
15 substantial hearing at the very least for you
16 to -- I mean, I'm basing that in part on
17 hearing the views of the Committee members
18 today and also thinking about some of these
19 issues that have been raised about what would
20 go into such an agreement.

21 PRESIDING OFFICER SCOTT: Certainly
22 wouldn't be something that would happen in a
23 month, I assume. In this context, the
24 Applicant would need to create a plan,

[DELIBERATIONS]

1 potentially want to talk about it with others
2 before presenting it and then filing. People
3 would have to react to it, file testimony on
4 both sides of that. And then we would have to
5 schedule hearings, deliberate again and then
6 amend their certificate. Have I missed
7 anything?

8 MR. IACOPINO: No, I think you got
9 it.

10 PRESIDING OFFICER SCOTT: I used to
11 like you.

12 [Laughter]

13 Any thoughts on Attorney
14 Weathersby's suggestion? Is this a good time
15 for a break? I'm hearing yes. Okay. So let's
16 take a break and we'll come back and re-engage.

17 (Recess taken at 2:38 p.m., and the
18 deliberations resumed at 2:47 p.m.)

19 PRESIDING OFFICER SCOTT: Okay.
20 We're back on the record. So, is there any
21 suggestions from the Committee?

22 DR. BOISVERT: I like your
23 suggestion, fundamentally. I'd like to see if
24 we can make it work. I really don't know how

[DELIBERATIONS]

1 successful we might be, and I wonder where in
2 proceedings like this should this be brought up
3 so that it's considered in a thoughtful manner.

4 PRESIDING OFFICER SCOTT: Anybody
5 else? Director Forbes.

6 DIR. FORBES: Well, I have two
7 points. I'd like to maybe hear again what the
8 criteria in your suggestion might be, and the
9 second is that I'm really not inclined to
10 pursue this avenue given that lack of testimony
11 about actual impacts to property values.

12 PRESIDING OFFICER SCOTT: So you'd
13 like me to read it again? Or if you want, I
14 just e-mailed it to Attorney Monroe and she
15 could print it for you.

16 DIR. FORBES: Either is fine. I
17 would just like to understand the language a
18 little more clearly.

19 PRESIDING OFFICER SCOTT: I said she
20 could print it. I don't know if you can print
21 it from here.

22 MS. MONROE: I can plug in and go
23 print it.

24 PRESIDING OFFICER SCOTT: So, again

[DELIBERATIONS]

1 I'll read it. So, again, what I was suggesting
2 is that we require AWE to create an offer and
3 fund a program to abutting property owners
4 which provides for the following: Upon sale
5 within five years of the issuance of
6 certificate -- so, two important things there,
7 "upon sale" and "within five years of the
8 issued certificate" -- AWE shall pay the
9 abutter the difference between the appraisal
10 with a wind farm, which would be as is, and the
11 appraisal without a wind farm for the same,
12 equivalent property. If the sale price is
13 higher than the appraisal, but less than the
14 estimate for without a wind farm, the Project
15 would pay that difference. Upon request, AWE
16 would pay for the without wind farm portion of
17 the seller's appraisal, not the whole
18 appraisal. AWE may fund an independent
19 appraisal if desired. If there's a
20 disagreement with AWE, they would fund a third
21 appraisal; in that situation, the value of the
22 without wind farm equivalent would be the
23 average of the appraisals. And this would not
24 be available to non -- to participating

[DELIBERATIONS]

1 landowners. Excuse me.

2 DIR. FORBES: I guess what I find
3 more confusing than ever now is because I
4 thought we were talking about Attorney
5 Weathersby's concept of requiring some kind of
6 program that would be developed and considered
7 through a hearing process that would define
8 various terms. What you've described are the
9 terms.

10 PRESIDING OFFICER SCOTT: I
11 apologize. I misunderstood your request. I
12 thought you were asking me what my original
13 proposal was.

14 DIR. FORBES: Well, I'm glad I heard
15 that again. But, again, I think there are two
16 paths here that have been thrown out; one, to
17 actually adopt a requirement for a program,
18 which you've just read, and I thought the
19 concept that I understood from Attorney
20 Weathersby is that we would require that the
21 Applicant develop a program that would be
22 submitted to this Committee for consideration
23 and which we would hold hearings on that
24 proposed plan.

[DELIBERATIONS]

1 PRESIDING OFFICER SCOTT: I think
2 those are two of the suggestions on the table.
3 And I think a third is that we don't do any of
4 this.

5 DIR. FORBES: Don't do anything,
6 yeah. Thank you for the clarification.

7 PRESIDING OFFICER SCOTT:
8 Commissioner Rose.

9 CMSR. ROSE: Thank you. I guess I
10 tend to be a little bit closer aligned with
11 what Attorney Clifford was referencing, in
12 that, you know, we're trying to reach a
13 decision on this as it pertains to the
14 information that was presented during the
15 course of the proceedings. There was a
16 document sort of outlining at least an analysis
17 of what the impacts were in Lempster. We can
18 choose to agree or disagree with some of those
19 findings, but at least there was that level of
20 documentation in place. And there was an
21 evaluation of impact to, you know, homes,
22 single-family homes from September '08 to
23 November '11. You know, it did have sort of a
24 chart that sort of outlined where those homes

1 were in proximity to the wind farm. You know,
2 it would be helpful if we had some sort of a
3 quantifiable idea of what a proposal might look
4 like from -- you know for a price guaranty or
5 something to that effect. But again, I just --
6 I just feel like we're going down kind of a
7 slippery slope if we start trying to articulate
8 what that should look like based on the
9 evidence we have within this proceeding.

10 Again, I'm happy to continue to
11 listen with an open mind here. And if there is
12 a path, that's fine. But I just don't know
13 that I feel like I have the information based
14 on the evidence that's been presented to
15 suggest what that should look like.

16 PRESIDING OFFICER SCOTT: Attorney
17 Clifford.

18 MR. CLIFFORD: I just want to make it
19 clear. I'm not against anything in principle,
20 but I'm against the process by which it's going
21 to be done. Had this come forward in the
22 context of discovery or exchange of proposals
23 between Applicant and abutter, I mean, had it
24 been flushed out a little bit more in the

[DELIBERATIONS]

1 process, I'd be more comfortable with it.
2 But just with Commissioner Rose,
3 now I've just discovered, you know, there's
4 another reason that property values could
5 decline. And we could go through another --
6 like we had the mortgage crisis in 2008 which
7 caused -- we're still kind of recovering from
8 the effects and that caused kind of a real
9 estate crisis. Is that part of the factor? Is
10 it the windmills? Are there other things going
11 on? I just don't feel comfortable enough to
12 put -- to say it's turbine-driven, you know.
13 And to do that now in a fashion without any
14 discovery, I'm not [sic] against that. And had
15 I -- for example, had I been involved much,
16 much earlier in the process, these were some of
17 the questions that might have come up either
18 amongst the parties or landowners themselves
19 during the discovery process. There could have
20 been -- as I said, I'm probably saying the same
21 thing twice. That's what I'm so uncomfortable
22 with. And I do understand that there may be
23 some effect. I don't know that there will be.
24 I've got documentation in the record in

[DELIBERATIONS]

1 Lempster to give me some level of confidence
2 that at least a study was done and it showed no
3 decline in property values attributable to
4 windmills. Now, again, I didn't cross-examine
5 anyone on that report. There were overall
6 declines in Lempster. But, again, they could
7 have been due to outside factors. So I just...
8 I think we're stuck with the girl that got
9 brought to the dance here, and I'm really
10 uncomfortable doing anything further on this
11 front, while I would have liked to.

12 PRESIDING OFFICER SCOTT: So, just to
13 tease that out, that would argue not doing the
14 suggestion I made. Maybe I can get you to
15 finish your thought. So, Attorney Weathersby
16 is suggesting, I would argue, a lot of process.
17 What's your thought on that?

18 MR. CLIFFORD: What? What's the --

19 PRESIDING OFFICER SCOTT: Attorney
20 Weathersby suggested we issue a certificate
21 with a condition that the Applicant develop a
22 program and come back for Committee approval
23 for that.

24 Is that a correct paraphrasing?

[DELIBERATIONS]

1 MS. WEATHERSBY: Yes, it is.

2 MR. CLIFFORD: I'm not comfortable.
3 That puts the burden on the Applicant. But
4 then they -- and not that that's a -- it's not
5 an undue burden.

6 And I don't take kindly to the
7 sound emitted from the member of the audience.

8 In fact, what I'm trying to say
9 is that they would go out, develop a program
10 and then dump it in our lap, but we wouldn't
11 have any discovery on it. I would prefer that
12 any type of proposal had actual stakeholder
13 input other than just the Applicant. And then
14 the problem I foresee is you're essentially
15 opening this thing up to another hearing
16 perhaps. I mean, in other words, you tell the
17 Applicant to bring a proposal back, and they
18 could just bring some of the proposals that
19 we've echoed here and say, well, that's our
20 program, take it or leave it, and it may be
21 completely meaningless to someone that's
22 affected. You know what I'm saying?

23 MS. WEATHERSBY: Well, I think what
24 we all agree is, if we're going to go this

[DELIBERATIONS]

1 route, we need more information as to what the
2 terms should be. And what you suggested is
3 exactly what I'm envisioning with having a
4 hearing on the Applicant's proposal; so that
5 the Applicant submits the proposal, other
6 folks -- everyone who's interested has two
7 weeks, three weeks, whatever they want to
8 comment or to analyze it and then have a
9 hearing. And then, based on all the
10 information -- and the Applicant of course has
11 a chance to speak and tell us why they think
12 their proposal is the best one. And then the
13 Committee finalizes a proposal based on that.
14 I know it drags out the process. And I'm
15 sensitive to that. It's already gone on a
16 really long time. But because it has gone on a
17 really long time, another two or three
18 months -- I don't know exactly what it would
19 take, but I imagine it being done in three
20 months. But in the scope of when this Project
21 started and the significance of the rights that
22 are affected, I think that that's not
23 unreasonable.

24 MR. CLIFFORD: Okay. So this is

[DELIBERATIONS]

1 my -- I'm prepared to vote. I would say we
2 could have a vote either up or down with going
3 forward with a proposal or without going
4 forward with a proposal, because I'm reluctant
5 to go any further. I think this proceeding has
6 been fully vetted. The due process concerns
7 have been alleviated. There's been ample
8 discovery. But I'm not going to go -- if we're
9 going to go that route, then you're going to go
10 that route. But I prefer to get this over with
11 today and not have to come back for another
12 entirely separate proceeding, more hearings. I
13 mean, I'm just not prepared to do that. And
14 the expectation was we are now in deliberation.
15 So then I'm kind of -- I'm going to ask Mr.
16 Iacopino.

17 So what's the point if we can go
18 into deliberations and then say, look, we're
19 going to extend the Application period?

20 I'm not willing to do that.
21 That's where I come out. We're here. We
22 closed the record and we're deliberating. So
23 let's deliberate and be done with it.

24 PRESIDING OFFICER SCOTT: Mr.

[DELIBERATIONS]

1 Iacopino, on the legal aspects of that, is
2 there any prohibition against reopening the
3 record for especially narrowly as Attorney
4 Weathersby is suggesting?

5 MR. IACOPINO: No, the rules permit
6 you to reopen the record.

7 PRESIDING OFFICER SCOTT:
8 Commissioner Rose.

9 CMSR. ROSE: Correct me if I'm wrong,
10 but there was -- I mean, this has been a very
11 thorough process that has been -- you know, the
12 parties have been a part of this now for quite
13 some time. We had quite a bit of testimony and
14 evidence presented. But I don't recall seeing
15 anything to suggest what a price guaranty might
16 look like or a property value guaranty look
17 like, or anything to even clearly articulate
18 that there would be a loss in property value
19 based on the turbines in the evidence that was
20 presented. I mean, I might -- I may be
21 incorrect or not remembering correctly, but I
22 guess that's one of the key points that I'm
23 trying to wrestle with is that the Applicant at
24 least brought forward information to articulate

[DELIBERATIONS]

1 why there was not -- you know, based on the
2 Lempster circumstance, that there wasn't going
3 to be adverse impact to the property values.
4 And that's what we have. We did get requests,
5 you know, in the closing statements from some
6 of the intervenors that requested a guaranty,
7 but we didn't necessarily see anything that
8 came out during the course of the proceedings
9 by which we could kind of sink our teeth into.

10 And I think that's one of the
11 challenges to Ms. Weathersby's point. I think
12 that's why we would -- you know, it's hard to
13 try to hash this out and figure out what that
14 should look like or could look like or what
15 would make sense for New Hampshire, for the
16 region, whatever it might be. But that's kind
17 of why you went through the process and the
18 proceedings is to try to present different
19 evidence and perspectives that would allow us
20 to try to make that decision as a collective
21 body. But so, you know, I feel like we've kind
22 of gone through that and didn't get perhaps
23 what was necessary to get, you know, to the
24 point where we could consider what something

[DELIBERATIONS]

101

1 like that should be as a collective
2 subcommittee.

3 PRESIDING OFFICER SCOTT: Anybody
4 else? Director Forbes.

5 DIR. FORBES: I agree. There was a
6 lot of information there. And probably memory
7 is not a hundred percent on this point, but I
8 do recall at least two situations during
9 testimony where there was a suggestion of
10 houses being abandoned or not selling in
11 Lempster, where the person that was testifying
12 was challenged to provide specific examples and
13 they could not. And I think that all we have
14 in front of us really is a professional report
15 submitted by the Applicant that says there are
16 no significant impacts. So, you know, that's
17 where I struggle with it is really just trying
18 to get past the -- I don't know if "hearsay" is
19 the right word -- but the anecdotal information
20 versus the professional reports and testimony
21 that was provided.

22 PRESIDING OFFICER SCOTT: Dr.
23 Boisvert.

24 DR. BOISVERT: If my memory serves,

1 there was information presented during
2 testimony that there were two property tax
3 abatements in Lempster directly related to the
4 proximity to the wind towers. So there are
5 negative effects. The question becomes are
6 they significant negative effects. And that
7 really begins to get into the details, I
8 suppose, that it's significant if it's your
9 property. And that is part of my motivation
10 for wanting to try find some solution.

11 I had actually suggested we've
12 all been around tax abatements, which goes
13 through an assessor and selectmen and so forth.
14 It's a vetted process, and it comes up with a
15 specific amount related to specific effects
16 caused by the proximity to wind towers, which I
17 thought -- it is naively crafted. I'm
18 certainly not a lawyer. But that was part of
19 my motivation.

20 So I believe there are
21 documented impacts in this case from Lempster,
22 but I think it needs to be something close to
23 home. Something in Kansas I don't think would
24 be as relevant. And I was hoping to find some

1 way to do it. Failing this kind of condition,
2 I think it puts Applicants and intervenors on
3 notice that this issue should be raised
4 obviously much earlier on, because one of the
5 responses that I hear is that we don't have the
6 time to deal with it appropriately, that we're
7 not persuaded and haven't seen discovery and so
8 forth. And it's all very true. I'm looking at
9 this in an immediate sense and in a broader
10 sense.

11 But as I said, that was my
12 motivation, and I would very much like to try
13 to find a solution, and what Commissioner Scott
14 suggested looks like a path to that solution.

15 MS. WEATHERSBY: In addition to the
16 properties that had taxes abated, we also had
17 the gentleman who spoke about his efforts to
18 try to sell his property and the great interest
19 when he advertised it, and when people learned
20 of the view of the turbines, the interest
21 evaporated. So we do have that testimony in
22 addition to the payments. And then, of course,
23 we have Mr. Magnusson, on the other hand, who
24 did -- looked at the Lempster report that

[DELIBERATIONS]

1 another person prepared. I didn't believe or
2 find Mr. Magnusson all that persuasive,
3 personally.

4 But I do think if we don't want
5 to go the route of having us come back and vet
6 a proposal by the Applicant, that we ought to
7 look at director -- Dr. Boisvert's suggestion,
8 which, if I recall, and it's buried in my
9 papers here somewhere, was that if someone
10 feels as though their property has declined in
11 value, they go to the town and ask for an
12 abatement and the town assessors go to work.
13 And if an abatement is granted that shows a
14 decline in the tax-assessed value, then Antrim
15 Wind is responsible for paying the homeowner
16 that amount. And that may just be a cleaner
17 way to deal with this issue.

18 Did I summarize that fairly
19 correctly?

20 DR. BOISVERT: Yes.

21 MR. CLIFFORD: Maybe. Except
22 remember you're asking for an abatement to the
23 town officials who are in support of the
24 Project. So I don't know how likely you are

[DELIBERATIONS]

1 that you're going to get that abatement.

2 DR. BOISVERT: I would hope that the
3 selectmen and the assessors look at the
4 properties in a professional and ethical
5 manner. Whether or not they might be in favor
6 of the wind farm or not, they're dealing with a
7 constituent, a member of the community, and a
8 matter of law. Abatements, as I understand
9 it -- and I've never gotten one myself, haven't
10 asked. An abatement is something that you get
11 because you're due it due to certain
12 circumstances. And selectmen aren't selectmen
13 forever. Assessors have to be meet
14 professional standards. Yes, there may be a
15 perception that there's a bias on the part of
16 the selectmen and they would not want to do it,
17 but that remains to be seen. I am not prepared
18 to challenge the ethics of elected officials
19 that I don't know.

20 So, yeah, it's hypothetically
21 possible. But it seemed to me a process that
22 there is a -- getting property tax abatements
23 have been out there and have been granted for a
24 very long time, and it's a process that has

1 been vetted for fairness. And in my mind, a
2 measure of this is related to the presence of a
3 wind tower, because it says so in the
4 abatement. That's what I recall seeing in
5 Lempster. There is not an issue of has there
6 been a general market downturn. It's because
7 of the visuals or whatever, shadow flicker,
8 sound, however the assessor determined it. But
9 it seemed to me a very clear one-to-one
10 situation.

11 You could -- if your concern is
12 for overall impact and predictability, perhaps
13 there needs to be an amount per property, an
14 amount overall, a salary cap, if you will, that
15 provides a limit of liability.

16 Now, you mentioned choosing
17 winners and losers. I think that's always
18 going to be the case in decisions of courts
19 like this. There's always people who will view
20 themselves as winners or losers. That's just
21 the nature of what we do. And I admit, my
22 proposal, all five lines of it, needs
23 definitions and so forth. As I said, it was
24 naively proposed. But I thought it was

[DELIBERATIONS]

1 logically supported. There may be good reasons
2 of law or practice that it's not, but that was
3 my suggestion.

4 MS. WEATHERSBY: One advantage Dr.
5 Boisvert's approach has is that there is
6 already a built-in appeal process, that if the
7 requested abatement is declined, there is built
8 into the law an appeal board for tax appeal, et
9 cetera. So there is a little bit of a check
10 and balance to the authority of the town.

11 If we do go that way, in
12 fairness to the Applicant, I think it would be
13 important to again exclude non-participating
14 landowners. I think there ought to be a time
15 frame that these abatements need to be
16 requested, because other things change as well,
17 in that once the Project is operational, people
18 should know pretty -- maybe two years, some
19 time period far less than the life of the
20 Project where people ask for appeals -- ask for
21 abatements based on the existence of the
22 Project.

23 MR. CLIFFORD: I like this proposal.
24 But again, I'm still stuck on the same. Who

1 gets it and why? I mean, is it anyone in the
2 town? And what -- I mean, do you have to have
3 a line of sight? Do you have to be in close
4 proximity? I'm just -- this proposal says any
5 property owner in Antrim. So this is the
6 whole, at least the proposal that started, the
7 first line.

8 MS. MONROE: Can I just hop in
9 real -- this has not been distributed, so I'm
10 going to distribute it now. I didn't realize
11 we were going to delve into Mr. Boisvert's
12 proposal.

13 PRESIDING OFFICER SCOTT: Go ahead.

14 (Document distributed by Ms. Monroe.)

15 MR. CLIFFORD: Again, it's... we've
16 had -- we've already decided as a -- at least
17 in our initial we went through the visual and
18 aesthetic impacts section, and we assumed there
19 was no unreasonable adverse effects. And now I
20 guess we're saying that's a component of the
21 abatement process; right?

22 And then I'm also wondering -- I
23 mean, so here's why I'm stuck again on this
24 one, because we talked about sound effects.

[DELIBERATIONS]

109

1 But the rules say if you're in compliance with
2 the 40 and 45 dBA, you're okay with the SEC
3 rules. So how is that going to work for
4 abatement purposes? Because theoretically, if
5 they're in compliance with our rules, then
6 there's no sound effects. Again, if the
7 visual -- the shadow flicker -- this all ties
8 back to what we're doing here today. So that's
9 why I said I think we have to have -- I mean, I
10 perceive this one way or another: You do a
11 clean vote -- and that's what I would ask the
12 chairman to do, as a Committee member to do --
13 and then a vote to do it further with
14 conditions. Because again, I'm stuck in here
15 where it says visual effects, sound effects or
16 shadow flicker effects to the property owner.
17 Now, by definition, if they're in compliance
18 with the shadow flicker and sound aspects of
19 the rules, what's the -- then we're okay with
20 it. So how is that going to fly on an
21 abatement front? Because I'm just not getting
22 the correlation. That's all I'm saying. And
23 I'm not getting the framework by which we get
24 there. I do like this a little bit more in

[DELIBERATIONS]

110

1 principle, as I said. I'm just still -- I'm
2 uncomfortable having gone through what we just
3 did and then putting this other mechanism in.
4 I'm not getting it. So help me because --

5 DR. BOISVERT: When I drafted this, I
6 was thinking about exactly those issues. And
7 the sound and shadow flicker have to do with
8 the health criteria. And we're talking about
9 property values. And it gets down to the
10 difference that basically people make their
11 decisions based upon perceptions, particularly
12 in regard to buying and selling real estate:
13 Your perception of is the kitchen good enough,
14 is the view acceptable or not, is the distance
15 to the nearest hospital too far, do they have
16 EMTs in town. And so this is explicitly
17 directed towards property values. And the
18 other issues, including aesthetics, have to do
19 with aesthetics. This is in the realm of the
20 property values. And they are separate
21 categories in my mind from health and safety.
22 Now, obviously there can be a relationship
23 between them. But in terms of making
24 decisions, we look at a criteria and decide in

[DELIBERATIONS]

1 the health and safety and natural resources,
2 bird and bats and so forth. So that's how I
3 looked at it. Now, whether or not that's an
4 appropriate way to conceive of it, if that
5 meets the measure of how make our decision is
6 yet another question. But I look at it in
7 terms of an economic transaction. And that's
8 why I thought, because there were professionals
9 who judge this, there is the appeals process,
10 and it is -- in Lempster, and I would assume in
11 other assessments, they say why the property
12 values may have gone down.

13 So, again, I'm looking at it as
14 an economic issue, particularly for those
15 individual property owners. I said anyone in
16 the community. I thought about that carefully
17 and because I didn't want to have an arbitrary
18 limit. You said is a mile okay, but if you're
19 a mile and a tenth across the street, point
20 well taken. If it's something that is
21 substantial enough that it meets the decision
22 by the assessor, then that should be enough.
23 Perhaps we set a -- if it's not -- if it's less
24 than \$1,000, we don't bother with it. You set

[DELIBERATIONS]

1 an upper limit for any given case, potentially
2 an upper limit for a total. Those are
3 mechanisms to address some of the questions
4 that you raised. And yes, this is coming up at
5 the last moment. I'm not sure how we could
6 have done this. I recall mentioning it once
7 during testimony and we went further after
8 that. This is maybe not the perfect time to do
9 it, but it's the time that I have.

10 PRESIDING OFFICER SCOTT: If I could
11 add, you know, in some respects this can be
12 considered analogous to, you know, sound,
13 flicker, other issues. They were, based on the
14 straw votes, not unreasonable adverse effects.
15 The Applicants said there won't be, but we're
16 still requiring post-construction surveys to be
17 done. Or with extent to shadow flicker, I
18 think we've agreed to a condition by which they
19 would have to report what the SCADA system
20 shows. In this case the Applicant says there
21 won't be a property value impact. So this
22 would be, you know, to me, there's an analogy
23 there, you know, trust but verify if you want.

24 Having said that, to the extent

[DELIBERATIONS]

113

1 this makes sense, this may be a better
2 alternative to what I had proposed, in that
3 what we do have in the record is we have
4 Lempster, who parenthetically is still
5 supportive of the Project. They came in -- Mr.
6 Thurber talked about the Town of Lempster
7 support for their project, but yet their tax
8 assessors still gave two abatements that we're
9 aware of. As I said earlier, I don't think
10 that participating landowners should be
11 counted. But still, even with those
12 conditions, they issued a tax abatement saying
13 there was -- due to the project it reduced the
14 property value. So I can see this is perhaps a
15 little bit more artful than mine, that it's
16 based on that type of analysis. Doesn't mean
17 you know, now is the time. But, you know, I
18 can view this differently.

19 Director Forbes.

20 DIR. FORBES: I do like this approach
21 a lot better. I will say that I agree with
22 Attorney Weathersby, that there needs to be
23 some kind of parameters relative to the timing.
24 And also, I like the comment from Dr. Boisvert

[DELIBERATIONS]

1 about trying to put some kind of limit on
2 things.

3 I view this somewhat in the
4 context of mitigation. There are impacts to
5 this project. We've talked about visual
6 impacts to the community as a whole. There is
7 a mitigation package in trying to balance an
8 impact with these types of situations on
9 property values. I think it's important to
10 recognize it's not just an open checkbook. I
11 mentioned earlier that I think there needs to
12 be some kind of predictability for the
13 Applicant. And whether it's a dollar amount
14 that we feel is appropriate for mitigating the
15 impacts on property value that would be
16 distributed in a certain way, I think this way
17 is a reasonable approach to distribute that
18 type of mitigation. But I do think it needs to
19 somehow be contained.

20 And perhaps they can work -- we
21 can work some approach that combines both the
22 timing aspect with a cap so that it's not just
23 the first in gets the value that is there in a
24 mitigation package, but that it might be

1 distributed proportionately or somehow, again,
2 you know, stressing the predictability for the
3 Applicant so that they know what they are
4 committing to if they go forward with this
5 project and they get their financing, which
6 would have to have some kind of certainty to
7 it.

8 MR. CLIFFORD: I'm also now wrestling
9 with a philosophical debate, because if the tax
10 abatement is granted, then the town and the
11 state actually gets less taxes; right? So,
12 effectively, what the Town's counted on has now
13 been drawn down on what they planned for with
14 the PILOT agreement. Is that then the
15 substitute for the property taxes they would
16 otherwise be getting? In other words, I'm
17 reluctant -- I'm more inclined to give the
18 payment back to the Town because they're the
19 ones that are dealing with the same number of
20 school children and buses and all that stuff.
21 See what I'm saying? You're couching it in
22 terms of the Company pays the difference to the
23 taxpayer. I'm not so sure --

24 (Court Reporter interrupts.)

[DELIBERATIONS]

1 MR. CLIFFORD: I'm not so sure it
2 would work in that fashion. In other words,
3 the benefit of the payment would go to the
4 individual, but now the Town's been put -- is
5 in kind of a pickle here. And that's all I'm
6 saying.

7 Again, I wasn't implying before,
8 to just get back to Dr. Boisvert's comment, the
9 Town is going to be unethical. I'm just saying
10 the Town as a whole is on record as being more
11 supportive, at least in terms of its current
12 makeup of public officials. So I'm just
13 trying, in my own mind, to figure out -- I
14 haven't heard from the Town what the result
15 might be if a lot of these abatements are
16 suddenly successful, all right, and then the
17 Town's tax revenues in the form of the property
18 that they are counting on for property tax
19 revenues is lower, which I don't think they've
20 anticipated at this juncture. I know they
21 haven't. Right. They can't anticipate
22 anything. But then, whether the PILOT payment
23 would make up for that, I guess that's what --

24 DR. BOISVERT: The Town is

[DELIBERATIONS]

117

1 anticipating an increase in tax revenues
2 because of the installation of the Project.
3 I'm sure that the property owners can apply for
4 a tax abatement regardless of whether or not we
5 accept this condition. Your interest in trying
6 to soften the blow for the Town is interesting.
7 Perhaps they could be included in it, too.
8 Although, I would have to say that even under
9 the PILOT, they will be receiving quite a bit
10 of money from my point of view in taxes. And
11 say the \$10,000 in Lempster, I don't know what
12 the valuation is -- let's just call it \$20 per
13 thousand -- oh, excuse me. I got the wrong
14 order of magnitude. It's \$2 per thousand.
15 CMSR. ROSE: I believe it's \$24.
16 DR. BOISVERT: So, \$24 per thousand.
17 That would be 10 times... \$240 on that one
18 property per year. But as I said, the property
19 owners can apply for abatements anyway. That's
20 a component to the overall -- I understand what
21 you're saying. It's there. But I mean, in my
22 simplistic viewpoint, I don't think that's
23 enough to say that it's not worthy of
24 consideration.

[DELIBERATIONS]

1 PRESIDING OFFICER SCOTT: If I could
2 interject? We don't have a request on the
3 record from the Town regarding this. We do
4 have requests on the record from the property
5 owners to do this.

6 MS. WEATHERSBY: Right. Exactly what
7 I was going to point out. The Town, I'm sure,
8 has factored in the number of people who are
9 going to ask for abatements. That's kind of
10 not our issue. Our issue is, at least the one
11 we're discussing, is does this have an effect
12 on property values? There seems to be some
13 agreement that it may. Uncertain. We're not
14 really sure. The Applicant has said no. But
15 we want some sort of follow-up with that. And
16 the property valuation that goes along with an
17 abatement request would determine whether or
18 not the property has declined in value as a
19 result of the Project, provided that that
20 valuation is done relatively soon so it's not
21 attributable to other factors. And so there
22 would be a way to assess change in value, and
23 then I think the proposal is to have Antrim be
24 responsible to pay the property owner a

[DELIBERATIONS]

1 one-time compensation for that change in
2 assessed value.

3 PRESIDING OFFICER SCOTT:

4 Commissioner Rose.

5 CMSR. ROSE: Thank you. And I
6 appreciate Dr. Boisvert's proposal that he
7 brought forward for consideration, and I do
8 feel that it is, you know, based on some level
9 of reason, you know, based on the valuation and
10 the process of going through a property tax
11 abatement. So it kind of puts it into
12 something that we're not trying to decide
13 whether or not something is or isn't. So I
14 think there is a simplicity associated with it
15 that I think makes more sense.

16 But to Attorney Clifford's
17 perspective as well, you know, the idea of
18 we've already established the sound and the
19 flicker, you know, those are pretty
20 straightforward requirements within the rules.
21 And, you know, it would seem hard to try to
22 then put into -- those are the requirements
23 they have to comply with. And then it would be
24 hard to then try and quantify that into a

[DELIBERATIONS]

1 valuation that we are suggesting that they
2 deserve, you know, sort of a payment for when
3 the Applicant is within those rules that we've
4 already identified as a body.

5 I also just get a little bit
6 concerned about -- there was discussion about,
7 you know, caps and floors and such. And again,
8 it's very hard to know what the impact of that
9 would be to the overall project. And I think,
10 you know, you are looking to try to have some
11 level of predictability to encourage, you know,
12 strategic investment from an operation to bring
13 in clean, renewable resources to the state.
14 And I think it's just hard for the Applicant to
15 know what the expectations are when you're kind
16 of changing or adding new rules or conditions
17 that have not been previously established
18 and/or certainly, you know, it's hard to point
19 to anywhere in the evidence within the record
20 that states why we believe that there needs to
21 be a condition such as this placed into the
22 record or placed into effect for the
23 conditioned certificate.

24 PRESIDING OFFICER SCOTT: Trying to

[DELIBERATIONS]

121

1 think where that leaves us. So I guess I'll
2 ask this: Do we have a motion at this point
3 regarding a condition for property value?

4 DR. BOISVERT: Let me put it on the
5 table that I will move that the Committee take
6 a recess to develop a more detailed proposal
7 based upon the comments that we've received,
8 trying to address that, and put forward a
9 proposed condition. If we don't think it's
10 worth the time and effort, we can vote "no."
11 If we think it's worth some -- it is a
12 worthwhile operation, then we could do it.

13 Are we willing to invest the
14 time now to see if something could be crafted?
15 I'll put that as a question for a straw vote.
16 I don't know if I need a second if we're doing
17 Roberts or whatever.

18 MR. IACOPINO: Only thing that I
19 would add, Mr. Chairman, is if you go into a
20 recess, you cannot as a group form any
21 conclusions.

22 DR. BOISVERT: That's right. I'm
23 sorry.

24 MR. IACOPINO: If you wanted to go

[DELIBERATIONS]

1 into recess so that individuals might work on
2 something on their own, that's perfectly fine.
3 But you are not supposed to deliberate except
4 in public.

5 PRESIDING OFFICER SCOTT: So, Dr.
6 Boisvert, if we did that, you could take the
7 comments you heard and refine the language and
8 bring it back to us, if that's what --

9 DR. BOISVERT: Could I have the
10 assistance of Attorney Iacopino?

11 PRESIDING OFFICER SCOTT: Of course.

12 DR. BOISVERT: Okay.

13 PRESIDING OFFICER SCOTT: Mr.
14 Clifford.

15 MR. CLIFFORD: I just need an
16 explanation of the proposed condition. When
17 you talk about the amount of the property
18 valuations have been lowered, are you talking
19 about the abated amount or --

20 DR. BOISVERT: Yeah, the property.
21 My recollection from Lempster, was that the
22 property lost \$10,000 in venue -- in value.

23 MR. CLIFFORD: So, not the tax
24 component. You're talking about the actual

[DELIBERATIONS]

123

1 dollar value of the assessment.

2 DR. BOISVERT: Right. And my
3 perspective, the property would have sold for
4 this higher amount but for the presence of the
5 wind farm in very close proximity; therefore,
6 the property owner lost that value of the
7 property. By having it restored to them, that
8 dollar amount, going forward the property and
9 the dollar amount is the same. The person
10 sells it. The next person knows there is a
11 wind farm right there. They can see it. They
12 buy it in full knowledge and it's worth what
13 it's worth at the time. And it's just that
14 initial property owner who saw the decline in
15 their property value. And it's a way in my
16 mind of making them whole that doesn't abuse
17 the legal concept too much. And then, going
18 forward, it is what it is. The subsequent
19 owners do not have the opportunity to -- let me
20 just read into the record what I had here so
21 that everyone knows it.

22 In the event that a property
23 owner in Antrim, New Hampshire receives a
24 property tax abatement, as per R.S.A. 76:16 and

[DELIBERATIONS]

124

1 R.S.A 76:C [sic] due to a lowering of their
2 property valuation assessment due to explicitly
3 visual effects, sound effects or shadow flicker
4 effects, the property owner from -- I did not
5 have in here from the Antrim Wind Project --
6 the property owner shall receive a one-time
7 payment by Antrim Wind Energy with the amount
8 that the property valuation has been lowered.
9 Subsequent owners of the property shall not be
10 eligible for further such payments.

11 PRESIDING OFFICER SCOTT: So we have
12 a motion for a straw vote to allow Dr.
13 Boisvert, you know, to take a break to allow
14 Dr. Boisvert to perfect his language for our
15 consideration. All in favor, raise your hand,
16 please.

17 CMSR. ROSE: For taking a break.

18 PRESIDING OFFICER SCOTT: Effectively
19 taking a break, allowing him to come back and
20 make a suggestion.

21 MR. CLIFFORD: What does a "break"
22 encompass? Are you talking about a break just
23 today or talking about adjourning and coming
24 back?

[DELIBERATIONS]

125

1 PRESIDING OFFICER SCOTT: No, no. We
2 would take a break, a normal break for us.
3 During that break time Dr. Boisvert will
4 perfect his language and present it to us. So
5 if, A, you don't want to take a break or, B,
6 you don't want Dr. Boisvert to break --

7 DR. BOISVERT: If this is not worth
8 pursuing then vote "No."

9 CMSR. ROSE: I mean, so that brings
10 up another question. Should we have a "Go,"
11 "No Go" straw vote before and then having
12 another decision whether or not to move forward
13 to try to further refine this?

14 MR. CLIFFORD: I'm going to put this
15 in for a comment: That's what I was thinking
16 we could do, just because I think this is
17 conflating assessed value with sales price.
18 Again, there's a huge difference between
19 assessed value and sales price, and I think
20 we're trying to come at the perceived decline
21 in sales price through this assessment
22 procedure, which is different, No. 1, because
23 assessed values are for tax purposes.

24 DR. BOISVERT: Hmm-hmm.

[DELIBERATIONS]

126

1 MR. CLIFFORD: And two, I think
2 someone -- anyone, at any time, anyplace,
3 anywhere has a right to file an abatement
4 anyway. So that's where I'm coming out. So
5 I'm happy to just move forward unless people
6 want a break.

7 DIR. FORBES: Well, I wonder if it
8 would help to have a straw vote on the
9 straightforward question of whether the
10 Committee believes that there is an
11 unreasonable adverse impact on property values.
12 And if the answer is "no," we move on. If the
13 answer is "yes" or tied, we keep kicking it
14 around.

15 PRESIDING OFFICER SCOTT: Do we want
16 to do that?

17 DIR. FORBES: That's what I'm
18 suggesting.

19 PRESIDING OFFICER SCOTT: And perhaps
20 your formulation's correct. But to me, it can
21 have -- I can say there's no unreasonable
22 effect but also say I'm concerned about
23 property values, too. So, you know, the two
24 aren't exclusive. Just like Mr. Clifford's

[DELIBERATIONS]

127

1 discussion about the rules. The rules say here
2 are limits. That doesn't mean they don't have
3 any impact at all. We're saying there are
4 thresholds.

5 All right. So is that the straw
6 vote we want to take?

7 MS. WEATHERSBY: Could you repeat
8 what we're voting on?

9 PRESIDING OFFICER SCOTT: Go ahead.

10 DIR. FORBES: I was wondering if the
11 Committee believes that there is an
12 unreasonable adverse effect on property values
13 from this project.

14 CMSR. ROSE: And that is in the
15 region? In the town? In the neighborhood?
16 How do we want to define that?

17 MS. WEATHERSBY: I think no matter
18 what the answer to that straw poll is, it
19 doesn't solve our question, because one of the
20 things we need to consider is not the
21 unreasonable adverse effect; it's we need to
22 consider property values. But there's not a --
23 it doesn't have to be to the level of an
24 unreasonable adverse effect on property values.

[DELIBERATIONS]

128

1 Unreasonable adverse effect on the economy,
2 health, et cetera. And I personally would
3 agree that there's not an unreasonable adverse
4 effect on the economy of the region, but I do
5 think there's an effect on local property. A
6 small number of properties will have an effect
7 on their property value. And I feel as though
8 it's fair to somehow determine if that is true,
9 and if so, somehow have some compensation for
10 those folks.

11 PRESIDING OFFICER SCOTT: Director
12 Forbes, let me try this: Rather than a straw
13 vote on whether it's an unreasonable adverse
14 effect, perhaps a straw vote would be helpful
15 to people's desire to have included some kind
16 of property value protection in the
17 certificate. Maybe that's more to the point.
18 So if we all said "no," then we don't need --
19 or a majority -- we don't need to discuss it
20 more.

21 DIR. FORBES: That's fine. I'm just
22 trying to find a path here.

23 PRESIDING OFFICER SCOTT: Okay. So
24 I'll take that as a friendly amendment.

1 So does everybody understand
2 what the straw vote would be? Basically, I'm
3 going to ask you to raise you hand if you feel
4 that we should consider adding a property value
5 guaranty condition into the certificate. So
6 all those in favor -- hold on. Dr. Boisvert is
7 not --

8 DR. BOISVERT: I didn't think this
9 was a property value guaranty. But if it falls
10 under that definition, fine.

11 MS. WEATHERSBY: Some type of
12 property or something to address a possible
13 change of property value.

14 PRESIDING OFFICER SCOTT: Fair
15 enough, fair enough. I didn't characterize it
16 properly. So is that -- is everybody okay with
17 that? So all --

18 MR. CLIFFORD: Just let me ask -- so
19 this comes under -- we're in the Orderly
20 Development phase of this; right?

21 MS. WEATHERSBY: Public Interest.

22 MR. CLIFFORD: Public Interest.
23 Okay. So I just want to make sure that's the
24 component within which we're working.

[DELIBERATIONS]

130

1 PRESIDING OFFICER SCOTT: So, all in
2 favor of continuing to search for a condition
3 to address potential property impacts -- is
4 that stated properly? Everybody's shaking
5 their head "yes" -- please raise your hand.

6 [Members raising hand to vote.]

7 PRESIDING OFFICER SCOTT: All right.
8 So we have four to two. All right. So, with
9 that --

10 MS. WEATHERSBY: I can try a proposal
11 if you want to --

12 PRESIDING OFFICER SCOTT: Okay. I
13 thought Dr. Boisvert was going to do something.
14 Okay. Go head.

15 DR. BOISVERT: Go ahead.

16 MS. WEATHERSBY: If you want to
17 change it, please do. I was just working on
18 something while we're here.

19 So how's this: If within one
20 year from commencement of operation a property
21 owner in Antrim, New Hampshire seeks a property
22 tax abatement as per R.S.A. 76:16 and R.S.A.
23 76:17-c (f) [sic], due to a lowering of their
24 property valuation assessment due explicitly to

[DELIBERATIONS]

131

1 the construction and operation of the Project,
2 and receives an abatement based solely on such
3 construction and operation, the property owner
4 shall receive a one-time payment by Antrim Wind
5 Energy for the amount the property valuation
6 has been lowered. Subsequent owners of the
7 property shall not be eligible for future --
8 for further such payments.

9 So I added in that they have to
10 ask for it within a year so that Antrim Wind
11 will know kind of what their -- what requests
12 are in but it doesn't have to be decided in a
13 year, to allow the tax assessor to get a little
14 time to process all these. And if it's
15 determined that the Project has had an effect
16 on the property value, then Antrim Wind pays
17 them that difference, as determined by the
18 Town.

19 PRESIDING OFFICER SCOTT: Earlier
20 it's been discussed about participating [sic]
21 landowners. Is there a condition about that?

22 MS. WEATHERSBY: Right. Should be
23 probably rather than a property owner in
24 Antrim, New Hampshire, a non-participating

[DELIBERATIONS]

1 landowner in Antrim, New Hampshire.

2 MR. CLIFFORD: So, a year from
3 construction or -- I'm trying to --

4 MS. WEATHERSBY: Year from
5 commencement of operation.

6 MR. CLIFFORD: Okay. I thought you
7 said solely attributable to --

8 MS. WEATHERSBY: Right. I mean, if
9 the house burned down or, you know, was damaged
10 or some other --

11 MR. CLIFFORD: But no, I just meant
12 how are you couching the term "solely
13 attributable"? What, to the effects of -- I
14 mean, I'm just trying to follow you to write it
15 down and I just lost it.

16 MS. WEATHERSBY: I said based solely
17 upon the construction and operation of the
18 Project.

19 CMSR. ROSE: So it could not be, you
20 know, there's another landowner now in the
21 neighborhood that puts in a pig farm or
22 something like that or a junkyard or something
23 that impacts.

24 MS. WEATHERSBY: Right.

[DELIBERATIONS]

133

1 CMSR. ROSE: It has to be exclusively
2 around the Project.

3 MS. WEATHERSBY: Yes.

4 DR. BOISVERT: I was looking for some
5 guidance from someone with legal knowledge, and
6 you certainly meet that. That's what I was
7 looking for when I requested some assistance
8 because I realize there are terms I could use
9 that have meanings that I don't intend. I've
10 often said that a jargon is a common term with
11 an uncommon definition. And I did not want to
12 make that error.

13 So, but fundamentally that meets
14 my request. If we need to have a bathroom
15 break, we can do that, too. But I'm happy with
16 that, with those caveats. And I'd like to just
17 entertain discussion on that and maybe one last
18 round of tweaking of something that we haven't
19 yet noticed. But I think we can -- we're
20 coming down to the point where I believe we can
21 make a decision that's going to be definitive.

22 MR. IACOPINO: I have a question, Mr.
23 Chairman. What was the statutory citation?

24 DR. BOISVERT: I went into the

[DELIBERATIONS]

134

1 regulations. R.S.A. 76:16 and 17 deal with
2 apportionment, assessment and abatement of
3 taxes.

4 MR. IACOPINO: Yes, but Ms.
5 Weathersby read something like 76:17-c --

6 MS. WEATHERSBY: Yeah.

7 DR. BOISVERT: That was a
8 typographical error.

9 MS. WEATHERSBY: My suggestion was
10 you check those cites.

11 MR. IACOPINO: Yup. Statutory
12 reference is 76:16 and 76:17-c, Effect of
13 Abatement Appeal on Subsequent Taxes.

14 DR. BOISVERT: I believe that's
15 right, yes.

16 PRESIDING OFFICER SCOTT: Any
17 discussion on that? Do we want to do a straw
18 vote on that?

19 DR. BOISVERT: I guess I'd just like
20 to comment on the fact that, yes, I'm well
21 aware that assessments and property values are
22 two different things. At the same time,
23 assessment is a yardstick that has standing.
24 It is generally parallel if not coincident with

1 property value. When I look at advertisements
2 by real estate dealers, I see they post the
3 assessed value and the sale value. And of
4 course everybody wants to see -- every seller
5 wants to see that the sale value is higher than
6 the assessed value. But imperfect though it
7 might be, it is a yardstick, and it is one that
8 has a good deal of regulatory oversight. There
9 are people whose jobs it is to make sure those
10 assessments are fair and accurate. They may
11 not be perfect, but it is an attempt at it, and
12 I thought that was an appropriate yardstick to
13 use.

14 PRESIDING OFFICER SCOTT: Director
15 Forbes.

16 DIR. FORBES: I could generally
17 support this, but I'm still hung up on the lack
18 of predictability and a cap to this. It just
19 seems too open-ended for me.

20 DR. BOISVERT: What kind of cap do
21 you think is appropriate?

22 DIR. FORBES: I don't have a number,
23 but I think there should be a financial cap and
24 expectation that the owner can make his

[DELIBERATIONS]

136

1 determinations about.

2 DR. BOISVERT: Anybody else have any
3 idea of what the cap might be?

4 MR. CLIFFORD: I'm just going to let
5 this sit. I'm with Dr. Forbes.

6 So I like the concept again.
7 You're getting closer. But I'm crafting
8 legislation on the fly in a deliberative
9 session, right, in a deliberative session,
10 where there's been no opportunity for
11 testimony, there's been no production of
12 documents, there's been no financial impact on
13 the Town done, no financial impact on the
14 Applicant done. I've heard nothing from a
15 property owner in Antrim that would say this is
16 a good idea or this is a bad idea, you know, I
17 like that or that there's some other mechanism
18 we could put in place.

19 Again, I'm deliberating. I like
20 it, but I'm not going to vote for it. I'm not
21 going to vote for anything on this topic today
22 because I can't -- I don't feel comfortable
23 imposing a condition which is kind of drawn out
24 of thin air. I know the topics have been

[DELIBERATIONS]

137

1 bandied about. But there's been nothing in the
2 record that I can point to and I can look at
3 and I can say, well, yeah, we had testimony on
4 this day on that or we had a report on this.
5 The only report I have to go on, as I said, is
6 that report from Lempster. And you can agree
7 or disagree, but at least it's a report. It
8 was done by an economist. It was presented.
9 The economist came. He testified and was
10 cross-examined, et cetera. I mean, again, I'm
11 not faulting anyone here.

12 I like this proposal. I just
13 don't know. We're talking about let's go craft
14 some stuff, and we're just going to go take a
15 break and craft some more stuff and then...

16 DR. BOISVERT: You're absolutely --

17 MR. CLIFFORD: I'm cognizant of the
18 fact that this may or may not have an impact.
19 It may very -- well, it's going to have an
20 impact on folks in Antrim. Let's face it, it
21 will one way or another. But I'm not willing
22 to go down that road.

23 So I would prefer that the Chairman call a
24 vote on the Project as a whole and we finish

1 this up and then we have a vote that we're
2 either going to throw a condition in or not.
3 And if we're going to throw it in, then we can
4 talk about it. But I'm not -- I'm just going
5 to say I'm not there. I'm not going to sit
6 here until 8:00 crafting a condition that may
7 or may not pass muster. I'm pretty much --
8 I've reached my limit on this. So I just want
9 the rest of the Committee to know where I
10 stand.

11 PRESIDING OFFICER SCOTT: Can you
12 help me? So the last straw vote we did, we had
13 four to two that said we did want a condition
14 of some sort, or at least continue working on
15 it. Is that -- but you just suggested we do
16 another straw vote. What's different?

17 MR. CLIFFORD: I'm not going to --
18 I'm finished with the changes. I think if you
19 want to vote on this, then vote on this. But
20 I'm just highlighting the perils, that you're
21 opening yourself up to a Pandora's box of
22 questions. And I just don't feel it's right.
23 I don't have a good stomach for it. But I'm
24 not -- but go ahead and talk amongst

1 yourselves.

2 CMSR. ROSE: I might just state I
3 agree with a lot of what Attorney Clifford
4 referenced and to Director Forbes's point that
5 there's just no quantifiable understanding
6 about what the impacts of something like this
7 might be. I think, while it may -- it may be
8 none, as the Applicant suggested, that, you
9 know, it would not have adverse impacts to
10 property values. But we're now committing the
11 Town to a whole other set of process, in terms
12 of do they even have the capacity by which to
13 move forward within a one-year window of time.
14 We don't know the liability that may be created
15 for the Applicant, which again gets back to the
16 certainty versus uncertainty when you're trying
17 to have a business make a strategic investment
18 into the state.

19 There's still not documented
20 evidence within the record that dictates why
21 we're moving this forward. I think we have an
22 intuitive desire to try to protect the private
23 property rights of the individuals. And I
24 think we're sensitive to that, and it's been

[DELIBERATIONS]

1 requested within the closing briefs. But
2 during the course of the testimony there wasn't
3 overwhelming and compelling evidence to suggest
4 that it is going to have a direct adverse
5 impact. And again to Attorney Clifford's
6 point, you may or may not like the report that,
7 you know, Mr. Magnusson provided, but at least
8 it was something that you could put your arms
9 around and look at and ask questions about and
10 make a determination as to whether or not you
11 thought it was accurate or not.

12 But I too feel very
13 uncomfortable. I appreciate the perspective of
14 trying to make this the best that it can. And
15 I'll be happy to participate in the
16 Wordsmithing process to try make it as best it
17 can if this is where it's going to go. But at
18 the end of the day, I don't anticipate being
19 able to vote for it, based on already
20 establishing the grounds of why I'm
21 uncomfortable with it to begin with.

22 PRESIDING OFFICER SCOTT: Dr.
23 Boisvert wants to say something, I can tell.

24 DR. BOISVERT: I think I've presented

[DELIBERATIONS]

141

1 what I can on this topic. I've been open to
2 additional changes. If that's not the will of
3 the Subcommittee, fine. I have no interest in
4 making this deliberation any longer than it
5 needs to be. At the same time, we are charged
6 with this responsibility, and this is one of
7 the areas that we are supposed to take into
8 account. This is my effort to do that. And
9 with that, let's go ahead and vote, unless
10 someone else has something else to say.

11 PRESIDING OFFICER SCOTT: What are we
12 voting on?

13 DR. BOISVERT: What Ms. Weathersby
14 read into the record.

15 If you could read it again.

16 MS. WEATHERSBY: So this is Dr.
17 Boisvert's proposal with a few changes, because
18 I think four out of six of us have agreed to
19 implement some type of property value
20 compensation program. So this is one proposal.
21 And I will read it again.

22 So, if within one year from
23 commencement of operation a non-participating
24 landowner in Antrim, New Hampshire seeks a

[DELIBERATIONS]

142

1 property tax abatement as per R.S.A. 76:16 and
2 R.S.A. 76:17-c due to a lowering of their
3 property value assessment due explicitly to the
4 construction and operation of the Project, and
5 receives an abatement based solely on such
6 construction and operation, the property owner
7 shall receive a one-time payment by Antrim Wind
8 Energy for the amount the property valuation
9 has been lowered. Subsequent owners of the
10 property shall not be eligible for further such
11 payments.

12 PRESIDING OFFICER SCOTT: And again I
13 think you articulated -- or you said
14 "non-participating." Hold on a second.

15 (Pause)

16 PRESIDING OFFICER SCOTT: All right.
17 So we have a proposal. I'll take a hand vote
18 for those in favor.

19 (Members raise hands to vote.)

20 PRESIDING OFFICER SCOTT: So we're
21 three to three, which means it does not pass.

22 PRESIDING OFFICER SCOTT: So, all
23 right. So, with that, I think we can
24 address -- hold on a second. I think we're

[DELIBERATIONS]

143

1 now -- what remains is to go through more
2 generically are findings of public interest.
3 And again, everything we've done running up to
4 this kind of -- I don't want to re-articulate
5 everything we've already done for the past
6 three days, but I'll read the statute.

7 So, R.S.A. 162-H:4-e states that
8 while determining whether the issuance of a
9 certificate will serve the public interest, the
10 Subcommittee is required to consider the
11 following -- or the Committee: The welfare of
12 the population, private property, location and
13 growth of industry, overall economic growth of
14 the state, environment of the state, historic
15 resources, aesthetics, air and water quality,
16 the use of natural resources, and public health
17 and safety.

18 Anybody like to opine on that?
19 I see Attorney Weathersby is hiding under her
20 desk, so...

21 MS. WEATHERSBY: I'm looking for
22 something.

23 PRESIDING OFFICER SCOTT: Sorry for
24 that.

[DELIBERATIONS]

144

1 MR. CLIFFORD: I was just going to
2 say I thought that's just what we've done for
3 the past several days. I think we've talked
4 about all those issues in the context of this
5 Application, I think, and the testimony we
6 heard. I think we've met the standard, or the
7 statutory requirements, at any rate. So that's
8 my feeling on the matter.

9 PRESIDING OFFICER SCOTT: Any other
10 discussion? Dr. Boisvert.

11 DR. BOISVERT: I find myself in
12 agreement.

13 I have to ask the question: How
14 is it this was put into the rules as a separate
15 category? Perhaps there's something in the
16 debate about the rules that will inform us as
17 to how we look at this in any way differently.
18 I wasn't there for the generation of the rules
19 and perhaps I'm missing something.

20 PRESIDING OFFICER SCOTT: So you're
21 asking that we look at 301.16(a) through --

22 DR. BOISVERT: I guess what I'm
23 saying is that this was put into the rules as a
24 separate consideration. And I guess I'd kind

[DELIBERATIONS]

145

1 of like the benefit of people who were there
2 for the discussion of the rules to explain why
3 this is separate.

4 PRESIDING OFFICER SCOTT: I was
5 there, I believe. I think it was an attempt --
6 and again I need to pull up the rules. Again,
7 it was an attempt to take, just like any rule
8 is, just to take the statute and make them more
9 granular. So I think why that's why we're
10 doing this at the end because it does obviously
11 encompass kind of the totality of everything
12 we've been discussing. So I'm not sure there's
13 more to it than that, other than it's the way
14 the statute was constructed.

15 CMSR. ROSE: I might just add, you
16 know, a lot of these things, these conditions
17 or these elements, were things that we went
18 into great depths and detail to discuss. One
19 that we didn't perhaps cover as much, and I
20 guess it might fall more under the welfare of
21 the population perspective, is just the overall
22 benefit associated with bringing on nearly
23 28-1/2 megawatts of clean, renewable energy and
24 how that does provide energy for approximately

[DELIBERATIONS]

146

1 a little over 12,000 homes. And if I recall, I
2 think it was like 33,000 -- like the equivalent
3 of reducing greenhouse gas emissions of 33,000
4 vehicles. And it does accelerate or assist the
5 state's effort in terms of trying to reduce
6 greenhouse gas emissions by 25 percent by 2025.
7 So I think -- and it is consistent with whether
8 it's the local or regional plans to try to
9 address renewable resources and improve the
10 overall amount of green electricity or power
11 that's being generated. So I do think those
12 are some items that weren't necessarily stated
13 out during the course of our deliberations, but
14 I think do have a benefit to the welfare of the
15 population.

16 PRESIDING OFFICER SCOTT: Any other
17 discussion on public interest?

18 [No verbal response]

19 Attorney Iacopino, is there
20 anything that we have not covered before we
21 take a final vote on this project that you feel
22 we should for the record?

23 MR. IACOPINO: I cannot think of
24 anything at this point.

[DELIBERATIONS]

1 MS. WEATHERSBY: Mr. Chairman, I have
2 one more condition that I'd like to suggest,
3 and it just goes back to the financial
4 capability of the Applicant. Because Antrim
5 Wind Energy by itself didn't have as much
6 financial backing as its owners, we may want to
7 do a condition similar to that which was done
8 in the Granite Reliable project. Or we can
9 condition the certificate on the present
10 ownership of the structure -- ownership
11 structure of the Applicant, that being AWE
12 being owned by Walden Green Energy, LLC and
13 Walden Antrim, LLC, and that the Applicant or
14 the Applicant's assets not be transferred to
15 any other person or entity without approval of
16 the Subcommittee.

17 PRESIDING OFFICER SCOTT: So if I
18 could, to paraphrase, so Walden sells to
19 Iberdrola, let's say. That would require them
20 to come in? Is that what you're anticipating?

21 MS. WEATHERSBY: Yes. If there's a
22 change in the Walden entity, or AWE gets
23 transferred, that they would need to come in.
24 But if one of the Walden entities -- it's owned

[DELIBERATIONS]

148

1 by Walden Green Energy and then Walden Antrim,
2 which are both owned by another Walden entity.
3 So if one of those is sold off to somebody
4 else, that the Subcommittee have a chance to
5 make sure they're as financially sound.

6 MR. CLIFFORD: I'm okay. You're
7 talking about basically if there's a change in
8 control --

9 MS. WEATHERSBY: Right.

10 MR. CLIFFORD: -- out into the
11 future, they come in and basically say you
12 don't need to worry because the change of
13 control is not going to affect the viability of
14 the Project, decommissioning and all the other
15 stuff. I would agree with that. I think
16 that's pretty --

17 MS. WEATHERSBY: That may even be
18 in --

19 MR. CLIFFORD: It may be in --

20 MS. WEATHERSBY: Is that in the
21 condition anyway?

22 MR. IACOPINO: No. In Site 301.17,
23 there are a list of conditions that the
24 Committee shall consider including in the

1 certificate in order to meet the objectives of
2 the statute, and one of those is 301.17(a), a
3 requirement that the certificate holder
4 promptly notify the Committee of any proposed
5 or actual change in the ownership or ownership
6 structure of the holder or its affiliated
7 entities and request approval of the Committee
8 of such change. Quite frankly, that's been
9 done in more than just Granite Reliable.
10 That's probably been done to one degree or
11 another with respect to related entities in
12 almost all of our dockets. So that would be a
13 condition that is somewhat common.

14 There is another one that I
15 noticed, Mr. Chairman, that when we're done
16 with this I should have brought to your
17 attention before.

18 PRESIDING OFFICER SCOTT: Any
19 discussion? Any further discussion on that?

20 MR. CLIFFORD: Well, I would say it
21 just be included as part of any final order,
22 sort of subject to the conditions of, you know,
23 301.17, just to bootstrap it all together.

24 MS. WEATHERSBY: But some of these

[DELIBERATIONS]

150

1 are kind of -- we've already gone a different
2 route. I'm not sure we want to include all of
3 301.17. Or if we do, we ought to take a look
4 at it and go through them.

5 PRESIDING OFFICER SCOTT: Perhaps you
6 had some original language. Your suggestion
7 sounds like that's acceptable to everybody as a
8 condition. Is that fair for -- is the
9 Committee -- head nods on that?

10 CMSR. ROSE: Ms. Weathersby, would
11 you mind repeating that, the potential
12 condition?

13 MS. WEATHERSBY: Sure. This came
14 from Granite Reliable, and I'm just
15 substituting the parties here.

16 Further ordered that the
17 certificate is conditioned on the present
18 ownership structure of the Applicant, to wit,
19 the Applicant is owned by Walden Green Energy,
20 LLC and Walden Antrim, LLC, and neither the
21 Applicant nor Applicant's assets shall be
22 transferred by sale or other method to any
23 other person or entity without the prior
24 approval of the Subcommittee.

[DELIBERATIONS]

151

1 So I guess this just speaks to
2 the, yeah, to the ownership of AWE. This is a
3 little bit different than the requirement in
4 301.17, as I read them both, where 301.17(a)
5 simply requires the certificate holder to
6 notify the Committee of a proposed or change --
7 actual change in ownership. And the Granite --
8 the condition I just read actually conditions
9 the certificate on the present ownership
10 structure. This one's a little bit more
11 stringent. I'd be fine either way.

12 PRESIDING OFFICER SCOTT: So could I
13 suggest perhaps -- too close to the microphone
14 again -- we take your language as well as the
15 language in 301.17(a) and make those
16 conditions?

17 MS. WEATHERSBY: Sure, that would be
18 fine.

19 PRESIDING OFFICER SCOTT: Any
20 objections to that?

21 [No verbal response]

22 PRESIDING OFFICER SCOTT: All right.

23 And to Attorney Clifford's
24 point, are there any other conditions that are

[DELIBERATIONS]

152

1 suggested in 301.17 that you would like to see
2 explicitly in the certificate?

3 MR. CLIFFORD: You're asking me?

4 PRESIDING OFFICER SCOTT: Well, you
5 raised it, so I'm asking you, yes.

6 MR. CLIFFORD: No. Well, I mean,
7 301.17(i) is also kind of the clean-up clause.
8 So if there's anything that got left out, it
9 gets collected.

10 PRESIDING OFFICER SCOTT: Right.

11 But --

12 MR. CLIFFORD: Otherwise, nothing
13 specific. I'm just saying at least you can
14 point to something and say there's a catch-all
15 in here.

16 PRESIDING OFFICER SCOTT: Well, I
17 read that catch-all as --

18 MR. CLIFFORD: Everything else we --

19 PRESIDING OFFICER SCOTT: I read
20 301.17(i) as a catch-all saying we could add
21 whatever conditions we want, as long as they
22 meet -- so I think we'd have to be more
23 specific than that I think.

24 Attorney Iacopino, you said you

[DELIBERATIONS]

153

1 had another --

2 MR. IACOPINO: I was just going to
3 raise to you Section G of Site 301.17,
4 indicating that the Committee shall consider a
5 requirement that the energy facility be sited
6 subject to setbacks or operate with designated
7 safety zones in order to avoid, mitigate or
8 minimize potential adverse effects on public
9 health and safety.

10 I understand that you had an
11 extensive deliberation on public health and
12 safety, but I just wanted to bring that to your
13 attention, to make sure that the Committee was
14 comfortable with that discussion as it
15 pertained to any setbacks and related issues,
16 issued related to setbacks.

17 PRESIDING OFFICER SCOTT: Any
18 concerns on that issue which has to do with
19 setbacks? Feel we need more discussion on this
20 issue? Anybody?

21 [No verbal response]

22 PRESIDING OFFICER SCOTT: Okay.
23 Seeing none, any other conditions? Any other
24 Dr. Forbes --

[DELIBERATIONS]

1 DIR. FORBES: Yeah, I just wanted to
2 back up a little bit on the public interest
3 part and recognize some of the arguments made
4 by the Applicant in their closing brief, that
5 this Project serves the public interest in many
6 ways, and it's actually providing some very
7 important benefits in compliance with the
8 state's Climate Action Plan, advancing local
9 improvements and community initiatives. We
10 didn't really talk much about all the good that
11 this project brings, and I think it is worth
12 noting. And I just wanted, for the record, to
13 acknowledge that there are numerous public
14 benefits that have been brought to our
15 attention in this Application. And again, I
16 apologize for not having all that handy when we
17 were touching on the subject, but I just wanted
18 to, for the record, acknowledge those benefits.

19 PRESIDING OFFICER SCOTT: Thank you
20 for that.

21 Sounds like we're ready for a
22 final vote. This vote will count. Maybe
23 Attorney Iacopino will help me articulate. I
24 think the vote would be, with a show of hands,

[DELIBERATIONS]

155

1 that the Project has met its burden and does
2 not present an unreasonable adverse impact and
3 that we approve the issuance of a certificate.

4 Attorney Iacopino, is there
5 anything I should add to that?

6 MR. IACOPINO: I would recommend that
7 after you issue a certificate, I would
8 recommend that you add the language "subject to
9 the conditions that we have agreed upon during
10 the course of these deliberations."

11 PRESIDING OFFICER SCOTT: I agree.
12 So I would amend, "subject to the conditions
13 that we've agreed upon in these deliberations."

14 So, with that, this is your last
15 chance. Anybody before we vote? Do I have a
16 second?

17 DIR. FORBES: Second.

18 PRESIDING OFFICER SCOTT: Director
19 Forbes. Okay.

20 So, all in favor, please raise
21 your hand.

22 (Members raise their hands to vote.)

23 PRESIDING OFFICER SCOTT: So let the
24 record show we have a five to one vote, with --

[DELIBERATIONS]

156

1 Dr. Boisvert, do you wish to raise your hand in
2 opposition?

3 DR. BOISVERT: Yes.

4 PRESIDING OFFICER SCOTT: Okay. So
5 we're --

6 DR. BOISVERT: And I'd like to simply
7 state that the only condition that I am raising
8 is one regarding aesthetics. The rest of the
9 Application, I support it. But as I mentioned
10 before in our straw vote, the question to me
11 was have they moved the line from unreasonable
12 to reasonable enough, and in this instance, I
13 don't believe that they did. Other than that,
14 I have -- I support the Project. I would vote
15 yes. If we were -- in previous rules, we voted
16 on each of those areas separately. This one we
17 did not, so I just wanted to make that clear.
18 Thank you.

19 PRESIDING OFFICER SCOTT: And I don't
20 know if we've done a dissenting -- do you want
21 the certificate to have a dissenting narrative
22 or --

23 MR. IACOPINO: Do you wish to write a
24 dissenting opinion?

[DELIBERATIONS]

1 DR. BOISVERT: Really? No.

2 [Laughter]

3 So long as my opinion is known
4 on the record, I think that's sufficient. I
5 don't believe that I have the capability to go
6 into any lengthy legal justification for it. I
7 think what I have to say will stand for itself.

8 PRESIDING OFFICER SCOTT: All right.
9 Thank you.

10 I'd like to -- my count, we've
11 had 13 days of hearings and 3 days of
12 deliberations. That's just for the Committee.
13 The intervenors, the public, the Applicant have
14 spent a lot more time than that. I understand
15 that, and I want to thank you all for your
16 efforts and time. With that, we stand
17 adjourned.

18 (Hearing adjourned at 4:14 p.m.)

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**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

	140:19	add (13)	74:24;75:7;82:10;	agreed (9)
\$	above (3)	30:10,10;51:5;	100:3;108:19;	8:3,12;35:20;61:3;
	40:24;41:20;47:19	54:21;59:23;61:7;	112:14;126:11;	66:15;112:18;
\$1,000 (1)	above-referenced (1)	62:9;112:11;121:19;	127:12,21,24;128:1,	141:18;155:9,13
111:24	35:14	145:15;152:20;	3,13;139:9;140:4;	agreement (36)
\$10,000 (2)	absolutely (1)	155:5,8	153:8;155:2	5:9,14,19,23;6:7,9;
117:11;122:22	137:16	added (7)	advertised (1)	7:24;8:2,7;10:6;
\$100,000 (1)	abuse (1)	35:6;41:19;54:18;	103:19	14:12;18:11;43:21;
82:12	123:16	58:17,22;59:4;131:9	advertisements (1)	59:1,1,5,7,20;63:11;
\$2 (1)	abutter (3)	adding (2)	135:1	65:10;66:17;68:22;
117:14	77:14;90:9;93:23	120:16;129:4	Advisory (1)	23;69:20;70:2,6,16;
\$2.7 (1)	abutters (8)	addition (5)	4:12	84:21;85:8;86:6,14,
58:3	68:3,14;69:11;	12:15;60:13;61:7;	aesthetic (4)	24;87:20;115:14;
\$20 (1)	72:12;75:8;76:15;	103:15,22	18:8,12,17;108:18	118:13;144:12
117:12	81:1;86:15	additional (5)	Aesthetics (9)	agreements (2)
\$24 (2)	abutting (4)	5:6,7;47:6;56:4;	9:15;10:24;12:3,	85:2,6
117:15,16	72:14;77:5;81:8;	141:2	11;73:7;110:18,19;	agrees (1)
\$240 (1)	90:3	address (15)	143:15;156:8	80:17
117:17	accelerate (1)	52:13,18;53:11,16;	affect (2)	ahead (5)
\$5,000 (1)	146:4	54:13;71:19,21;	81:18;148:13	108:13;127:9;
82:13	accept (2)	78:20;79:11;112:3;	affected (7)	130:15;138:24;141:9
	12:10;117:5	121:8;129:12;130:3;	67:17;73:11,11;	air (5)
[acceptable (3)	142:24;146:9	78:15;82:8;96:22;	21:5;69:16;84:21;
	11:18;110:14;	addressed (2)	97:22	136:24;143:15
[Laughter] (2)	150:7	62:20;71:5	affiliated (1)	aircraft (1)
86:21;157:2	acceptance (1)	addresses (2)	149:6	9:18
[Laughter] (1)	70:20	4:24;64:7	again (61)	airports (1)
88:12	accepting (2)	adjourned (2)	4:21;10:5;14:5;	6:19
[Members (2)	7:16;37:23	157:17,18	18:20;19:6;35:9;	aligned (1)
5:21;130:6	accordance (1)	adjourning (1)	50:9;51:20;53:1;	92:10
[No (11)	7:23	124:23	55:4,24;59:2;64:13;	alleviated (1)
22:6;25:20;27:22;	account (2)	adjusted (2)	65:3;75:22;76:5,14;	98:7
38:22;48:19;64:12,	79:19;141:8	6:17;59:21	77:8;79:4,24;84:3,4,	allow (4)
22;65:11;146:18;	accounted (1)	adjustment (1)	9,19;85:20;86:20;	100:19;124:12,13;
151:21;153:21	57:8	59:20	88:5;89:7,13,24;	131:13
[sic] (6)	accurate (3)	ADLS (6)	90:1;91:15,15;93:5,	allowable (1)
60:1,5;94:14;	32:8;135:10;	4:4;6:8;7:7;8:15;	10;95:4,6;107:13,24;	47:20
124:1;130:23;131:20	140:11	13:11;18:6	108:15,23;109:6,14;	allowed (3)
A	acknowledge (2)	Administration (2)	111:13;115:1;116:7;	5:14,16;71:5
	154:13,18	4:20;16:14	120:7;125:18;136:6,	allowing (1)
abandoned (1)	Acquisition (1)	administrator (17)	19;137:10;139:15;	124:19
101:10	39:15	4:21;22:2;28:5,12;	140:5;141:15,21;	allows (2)
abated (2)	across (1)	29:18;30:13;33:4,6;	142:12;143:3;145:6,	5:23;6:2
103:16;122:19	111:19	34:8;43:24;44:4;	6;151:14;154:15	almost (1)
abatement (23)	acting (1)	50:5;54:9;62:8;	against (5)	149:12
104:12,13,22;	31:10	63:18,20;64:17	78:14;93:19,20;	along (2)
105:1,10;106:4;	Action (1)	Administrator's (2)	94:14;99:2	5:3;118:16
107:7;108:21;109:4,	154:8	28:17;31:10	agencies (4)	alteration (4)
21;113:12;115:10;	activities (5)	admit (2)	12:18;15:8,9;26:15	24:2;26:20;27:3,9
117:4;118:17;	18:5;22:16;23:4,	12:12;106:21	agency (4)	alternative (3)
119:11;123:24;	13;24:9	adopt (3)	12:17,20;16:4,13	75:15;77:9;113:2
126:3;130:22;131:2;	activity (1)	26:18,19;91:17	ago (2)	although (2)
134:2,13;142:1,5	6:21	adopted (1)	10:17;15:20	17:6;117:8
abatements (10)	actual (7)	26:13	agree (20)	always (3)
102:3,12;105:8,22;	79:16;82:22;89:11;	adopting (1)	14:17;35:3;45:9,	83:13;106:17,19
107:15,21;113:8;	96:12;122:24;149:5;	58:16	13;51:3,15;68:2;	AMC (14)
116:15;117:19;118:9	151:7	advance (1)	70:15;75:10;82:16;	5:9,13,19,22;6:7,9;
ability (1)	actually (13)	10:9	85:1;92:18;96:24;	8:2,4,7;10:7;13:15,
75:20	31:13;32:16;36:1;	advancing (1)	101:5;113:21;128:3;	19;14:12;18:12
able (8)	52:6;57:13;78:14;	154:8	137:6;139:3;148:15;	amend (4)
31:13;47:15;51:11;	79:2;82:21;91:17;	advantage (1)	155:11	7:19;63:19;88:6;
75:6,14;78:13;79:8;	102:11;115:11;	107:4	agreeable (1)	155:12
	151:8;154:6	adverse (17)	13:19	amending (1)

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

<p>9:2 amendment (5) 22:4;25:15;41:14; 53:14;128:24 amendments (1) 86:12 amongst (2) 94:18;138:24 amount (23) 35:15;39:15;42:13; 47:2,15,23;48:24; 54:12;80:12;102:15; 104:16;106:13,14; 114:13;122:17,19; 123:4,8,9;124:7; 131:5;142:8;146:10 ample (1) 98:7 analogous (1) 112:12 analogy (1) 112:22 analysis (5) 82:19,21,22;92:16; 113:16 analyze (1) 97:8 analyzed (1) 11:1 and/or (1) 120:18 anecdotal (1) 101:19 angle (1) 12:4 animal (1) 69:24 anniversary (3) 44:23;45:17,22 annual (6) 41:4;43:15,18; 45:6;48:15;64:16 annually (1) 46:14 anticipate (2) 116:21;140:18 anticipated (1) 116:20 anticipating (2) 117:1;147:20 Antrim (48) 6:3;11:19;18:2,18; 28:5,11;33:22;36:1; 58:9;59:8,10,11,19, 22;60:18,24;61:4; 62:18,19;63:14,15, 24,24;67:10;70:8,19; 74:4;83:19;104:14; 108:5;118:23; 123:23;124:5,7; 130:21;131:4,10,16, 24;132:1;136:15; 137:20;141:24;</p>	<p>142:7;147:4,13; 148:1;150:20 Antrim's (3) 53:20;58:8;62:12 anyplace (1) 126:2 anyways (2) 8:1;49:24 apologize (2) 91:11;154:16 appeal (5) 84:11;107:6,8,8; 134:13 appeals (2) 107:20;111:9 appear (1) 66:18 appears (1) 7:14 Appendix (3) 8:8;24:10;61:5 applicable (2) 35:19;73:21 Applicant (48) 4:24;13:20;21:15, 24;29:6,12;34:10; 35:10;37:17;40:11; 44:3;48:13;50:9; 71:21;77:2;78:4; 82:6;84:6;87:24; 91:21;93:23;95:21; 96:3,13,17;97:5,10; 99:23;101:15;104:6; 107:12;112:20; 114:13;115:3; 118:14;120:3,14; 136:14;139:8,15; 147:4,11,13;150:18, 19,21;154:4;157:13 Applicants (2) 103:2;112:15 Applicant's (9) 37:23;38:4;49:17; 58:14,23;61:1;97:4; 147:14;150:21 application (17) 7:17;8:9;10:2,3,4; 11:20;18:19;20:10, 16,18;44:13;49:18; 58:6;98:19;144:5; 154:15;156:9 apply (3) 34:22;117:3,19 apportionment (1) 134:2 appraisal (20) 77:15,18,22,23; 78:1;79:6,7,9,15,17; 80:1,5;83:18;90:9,11, 13,17,18,19,21 appraisals (4) 73:23;83:12,12; 90:23</p>	<p>appraiser (1) 84:14 appreciate (2) 119:6;140:13 appreciation (2) 46:23;47:2 approach (8) 11:21;16:22;74:15; 86:5;107:5;113:20; 114:17,21 approaches (1) 67:7 appropriate (5) 41:10;111:4; 114:14;135:12,21 appropriately (2) 30:11;103:6 approval (12) 6:13;7:7;11:5,15; 14:10;70:22;79:17; 86:11;95:22;147:15; 149:7;150:24 approve (1) 155:3 approved (9) 7:22;9:9;10:11; 13:17;22:23;23:3; 25:2;33:3,5 approximately (1) 145:24 April (2) 44:7;45:21 arbitrarily (2) 83:3,4 arbitrary (1) 111:17 arbitrate (1) 84:12 area (9) 22:21;26:4;34:2; 37:24;39:23;43:1; 49:12;54:16;76:18 areas (5) 6:20,20;79:20; 141:7;156:16 argue (2) 95:13,16 arguments (1) 154:3 arms (1) 140:8 around (10) 11:12;46:12;70:10, 18;76:1;85:5;102:12; 126:14;133:2;140:9 artful (1) 113:15 articulate (4) 93:7;99:17,24; 154:23 articulated (4) 45:3;63:8;64:14; 142:13</p>	<p>aspect (2) 12:7;114:22 aspects (3) 12:11;99:1;109:18 assess (1) 118:22 assessed (6) 119:2;125:17,19, 23;135:3,6 assessment (8) 35:4;123:1;124:2; 125:21;130:24; 134:2,23;142:3 assessments (3) 111:11;134:21; 135:10 assessor (4) 102:13;106:8; 111:22;131:13 assessors (4) 104:12;105:3,13; 113:8 assets (2) 147:14;150:21 assist (2) 28:4;146:4 assistance (2) 122:10;133:7 associated (3) 48:6;119:14; 145:22 assume (4) 79:19;87:12,23; 111:10 assumed (1) 108:18 assuming (1) 26:18 assured (1) 18:8 Attachment (2) 8:8;23:6 attack (1) 30:4 attempt (3) 135:11;145:5,7 attended (1) 72:6 attention (3) 149:17;153:13; 154:15 Attorney (37) 4:8;10:19;11:17; 14:13;24:1;35:11; 37:20;39:1;42:16; 46:10;49:1;65:15; 66:11;72:18;75:10; 87:3,5;88:13;89:14; 91:4,19;92:11;93:16; 95:15,19;99:3; 113:22;119:16; 122:10;139:3;140:5; 143:19;146:19;</p>	<p>151:23;152:24; 154:23;155:4 attractive (1) 78:9 attributable (4) 95:3;118:21;132:7, 13 audience (1) 96:7 Audubon (1) 13:5 August (1) 23:19 authority (2) 67:16;107:10 available (5) 4:18;37:13;53:4; 79:23;90:24 avenue (1) 89:10 average (2) 78:2;90:23 Aviation (2) 4:19,22 avoid (4) 26:1,5;27:17;153:7 aware (4) 16:15;31:7;113:9; 134:21 away (1) 83:8 AWE (35) 7:21;13:10;14:8; 22:14;23:3,13;25:2, 23;28:3,11,16;29:6; 31:21;32:6;33:21; 35:16;39:11;48:21; 50:4;54:9;61:20; 77:13,20,22,24; 80:13;86:5;90:2,8,15, 18,20;147:11,22; 151:2 AWE's (1) 36:10 awful (1) 72:5 awkward (1) 84:4</p>
B				
<p>back (28) 4:3;9:8;16:20,24; 17:3;30:19;42:19; 43:3;46:13;58:24; 59:20;66:22;70:21; 88:16,20;95:22; 96:17;98:11;104:5; 109:8;115:18;116:8; 122:8;124:19,24; 139:15;147:3;154:2 background (1) 74:4</p>				

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

backing (1) 147:6	154:7,14,18	144:10,11,22;156:1, 3,6;157:1	36:8;37:1,3,10,12; 38:1,11	capacity (2) 29:9;139:12
bad (1) 136:16	Best (7) 23:5;33:13;74:9; 83:13;97:12;140:14, 16	Boisvert's (7) 21:8;104:7;107:5; 108:11;116:8;119:6; 141:17	bunch (1) 51:16	caps (1) 120:7
balance (4) 47:14;82:9;107:10; 114:7	better (4) 41:11;76:19;113:1, 21	bold (2) 38:11,20	burden (3) 96:3,5;155:1	capture (1) 66:13
bandied (1) 137:1	beyond (3) 37:14;72:4;81:8	bootstrap (1) 149:23	burdensome (1) 48:14	care (6) 42:24;56:18;57:11; 62:2,5;63:11
base (1) 85:20	bi-annual (1) 43:15	bootstrapping (1) 84:17	bureaucratic (1) 16:13	career (1) 30:9
based (25) 6:17;19:22;42:7; 62:10;74:19;80:1; 83:13,22;93:8,13; 97:9,13;99:19;100:1; 107:21;110:11; 112:13;113:16; 119:8,9;121:7;131:2; 132:16;140:19;142:5	bias (1) 105:15	both (9) 24:6;54:22;64:3; 74:3,8;88:4;114:21; 148:2;151:4	buried (1) 104:8	careers (1) 32:7
basically (7) 32:11;36:13;45:8; 110:10;129:2;148:7, 11	biased (1) 30:8	bother (1) 111:24	burned (1) 132:9	carefully (1) 111:16
basing (1) 87:16	bids (1) 29:20	boulders (1) 26:2	buses (1) 115:20	carry (1) 20:18
basis (8) 6:16;39:11;41:4; 42:15;47:21;48:16, 21;54:8	big (1) 50:24	boundary (1) 34:3	business (1) 139:17	case (10) 6:24;32:3;33:17; 67:15;75:5;80:13; 102:21;106:18; 112:1,20
bathroom (1) 133:14	bigger (1) 31:3	bounds (1) 27:8	buy (2) 67:11;123:12	case-by-case (2) 6:16;7:1
bats (2) 11:3;111:2	binder (1) 40:9	box (1) 138:21	buying (2) 83:15;110:12	cases (1) 67:15
Bear (2) 9:14;16:15	bird (1) 111:2	boy (1) 47:8	C	catch-all (3) 152:14,17,20
became (2) 55:13,19	birds (1) 11:2	brackets (1) 38:17	calendar (2) 42:15;46:5	categories (1) 110:21
become (3) 15:8,9;50:20	bit (18) 5:2;14:18;15:9; 43:12;47:8;52:15; 68:8;92:10;93:24; 99:13;107:9;109:24; 113:15;117:9;120:5; 151:3,10;154:2	break (17) 33:9;84:8;88:15, 16;124:13,17,19,21, 22;125:2,2,3,5,6; 126:6;133:15;137:15	called (3) 7:9;14:10;51:22	category (1) 144:15
becomes (2) 57:4;102:5	blasting (7) 22:16;23:1,4,7,12, 17;24:8	brief (7) 60:19;61:6;62:12, 19;63:16;72:4;154:4	came (4) 100:8;113:5;137:9; 150:13	caught (1) 57:7
begin (2) 18:3;140:21	blow (1) 117:6	briefs (1) 140:1	camp (3) 17:16,17;73:9	cause (3) 40:8;52:11;81:22
beginning (3) 5:3;15:13;24:23	blush (1) 68:16	bring (5) 96:17,18;120:12; 122:8;153:12	can (66) 6:8;10:20;12:18, 21;17:2,12,14,24; 21:13;23:8;27:4; 32:22;33:11;47:17; 48:3,4;49:19;50:11; 54:5;62:23;63:13; 65:13;67:9,20;74:14; 80:14;82:9;84:18; 86:12;88:24;89:20, 22;92:17;95:14; 98:17;108:8;110:22; 112:11;113:14,18; 114:20,21;117:3,19; 121:10;123:11; 126:20,21;130:10; 133:15,19,20;135:24; 137:2,2,3,6;138:3,11; 140:14,17,23;141:1; 142:23;147:8;152:13	caused (3) 94:7,8;102:16
begins (2) 15:13;102:7	board (1) 107:8	bringings (1) 145:22	can (66) 6:8;10:20;12:18, 21;17:2,12,14,24; 21:13;23:8;27:4; 32:22;33:11;47:17; 48:3,4;49:19;50:11; 54:5;62:23;63:13; 65:13;67:9,20;74:14; 80:14;82:9;84:18; 86:12;88:24;89:20, 22;92:17;95:14; 98:17;108:8;110:22; 112:11;113:14,18; 114:20,21;117:3,19; 121:10;123:11; 126:20,21;130:10; 133:15,19,20;135:24; 137:2,2,3,6;138:3,11; 140:14,17,23;141:1; 142:23;147:8;152:13	caveat (1) 60:20
behind (5) 13:3;14:22;68:21; 85:24;86:1	body (3) 61:16;100:21; 120:4	brings (2) 125:9;154:11	can (66) 6:8;10:20;12:18, 21;17:2,12,14,24; 21:13;23:8;27:4; 32:22;33:11;47:17; 48:3,4;49:19;50:11; 54:5;62:23;63:13; 65:13;67:9,20;74:14; 80:14;82:9;84:18; 86:12;88:24;89:20, 22;92:17;95:14; 98:17;108:8;110:22; 112:11;113:14,18; 114:20,21;117:3,19; 121:10;123:11; 126:20,21;130:10; 133:15,19,20;135:24; 137:2,2,3,6;138:3,11; 140:14,17,23;141:1; 142:23;147:8;152:13	caveats (1) 133:16
belief (2) 13:16;42:4	Boisvert (62) 11:24;12:1;14:17; 15:21,23;17:1;18:16; 36:6,7;37:1,4;40:15; 41:18;53:21;71:2,3; 78:8;79:21;88:22; 101:23,24;104:20; 105:2;110:5;113:24; 116:24;117:16; 121:4,22;122:6,9,12, 20;123:2;124:13,14; 125:3,6,7,24;129:6,8; 130:13,15;133:4,24; 134:7,14,19;135:20; 136:2;137:16; 140:23,24;141:13;	broader (1) 103:9	can (66) 6:8;10:20;12:18, 21;17:2,12,14,24; 21:13;23:8;27:4; 32:22;33:11;47:17; 48:3,4;49:19;50:11; 54:5;62:23;63:13; 65:13;67:9,20;74:14; 80:14;82:9;84:18; 86:12;88:24;89:20, 22;92:17;95:14; 98:17;108:8;110:22; 112:11;113:14,18; 114:20,21;117:3,19; 121:10;123:11; 126:20,21;130:10; 133:15,19,20;135:24; 137:2,2,3,6;138:3,11; 140:14,17,23;141:1; 142:23;147:8;152:13	cede (1) 57:18
believes (2) 126:10;127:11	below-market (1) 79:22	broke (1) 40:5	can (66) 6:8;10:20;12:18, 21;17:2,12,14,24; 21:13;23:8;27:4; 32:22;33:11;47:17; 48:3,4;49:19;50:11; 54:5;62:23;63:13; 65:13;67:9,20;74:14; 80:14;82:9;84:18; 86:12;88:24;89:20, 22;92:17;95:14; 98:17;108:8;110:22; 112:11;113:14,18; 114:20,21;117:3,19; 121:10;123:11; 126:20,21;130:10; 133:15,19,20;135:24; 137:2,2,3,6;138:3,11; 140:14,17,23;141:1; 142:23;147:8;152:13	Century (1) 36:17
benefit (4) 116:3;145:1,22; 146:14	benchmark (1) 48:3	building (3) 43:2;49:13;54:16	can (66) 6:8;10:20;12:18, 21;17:2,12,14,24; 21:13;23:8;27:4; 32:22;33:11;47:17; 48:3,4;49:19;50:11; 54:5;62:23;63:13; 65:13;67:9,20;74:14; 80:14;82:9;84:18; 86:12;88:24;89:20, 22;92:17;95:14; 98:17;108:8;110:22; 112:11;113:14,18; 114:20,21;117:3,19; 121:10;123:11; 126:20,21;130:10; 133:15,19,20;135:24; 137:2,2,3,6;138:3,11; 140:14,17,23;141:1; 142:23;147:8;152:13	certain (10) 43:24;46:4;48:11; 67:12;76:23;80:11; 81:9;86:7;105:11; 114:16
benefits (3)		built (1) 107:7	cap (6) 106:14;114:22; 135:18,20,23;136:3	certainly (13) 14:20;15:5;18:13; 19:18;51:4;73:2,17; 74:11;81:9;87:21; 102:18;120:18;133:6
		built-in (1) 107:6	capability (2) 147:4;157:5	certainty (2) 115:6;139:16
		bullet (10) 33:20;34:17;35:12;	capable (1) 70:5	certificate (28) 61:20;62:24;63:9, 23;64:18,19;69:6; 77:13;86:10,10;88:6; 90:6,8;95:20;120:23;

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

128:17;129:5;143:9; 147:9;149:1,3; 150:17;151:5,9; 152:2;155:3,7; 156:21 certificating (1) 84:7 certification (2) 26:18;45:6 certified (2) 60:7;61:10 cetera (12) 21:14;36:10;37:18, 18;40:20,20;80:8,9; 83:23;107:9;128:2; 137:10 Chairman (9) 8:6;25:9;54:3; 109:12;121:19; 133:23;137:23; 147:1;149:15 challenge (2) 74:1;105:18 challenged (1) 101:12 challenges (1) 100:11 chance (4) 70:23;97:11;148:4; 155:15 change (19) 35:17,20;52:15; 55:2;56:18;72:1; 82:23;107:16; 118:22;119:1; 129:13;130:17; 147:22;148:7,12; 149:5,8;151:6,7 changed (3) 27:16;55:12,16 changes (6) 15:13;55:10;57:1; 138:18;141:2,17 changing (1) 120:16 characterization (1) 9:21 characterize (1) 129:15 charged (1) 141:5 chart (1) 92:24 check (2) 107:9;134:10 checkbook (1) 114:10 checking (2) 65:16,20 checks (1) 47:14 chicken (1) 26:17	children (1) 115:20 choose (1) 92:18 choosing (1) 106:16 church (1) 57:6 circular (5) 4:6,11,13;5:18,23 circumstance (2) 41:12;100:2 circumstances (1) 105:12 citation (1) 133:23 cites (1) 134:10 clarification (3) 36:8;37:22;92:6 clarify (2) 18:22;41:9 clause (3) 8:23;56:15;152:7 clean (4) 53:23;109:11; 120:13;145:23 cleaner (1) 104:16 clean-up (1) 152:7 clear (10) 40:18,22;41:1; 55:22;56:21;60:21; 82:7;93:19;106:9; 156:17 clearly (6) 10:7;52:9;63:8; 76:15;89:18;99:17 clerical (1) 21:23 Clifford (86) 4:9,10,16;6:15,23; 14:14,15;17:14,22; 20:7;25:17;28:9,10, 23;29:15,23;30:18; 37:20,21;38:7,12,15; 39:1,3;40:3,4;42:17, 18;45:12;49:1,4,15, 16;50:8;51:18;52:20; 53:18,22;54:24; 55:11;56:23;57:16, 17;62:14,22;63:4; 64:5;65:2;66:5; 68:18;82:16;92:11; 93:17,18;95:18;96:2; 97:24;104:21; 107:23;108:15; 115:8;116:1;122:14, 15,23;124:21; 125:14;126:1; 129:18,22;132:2,6, 11;136:4;137:17;	138:17;139:3;144:1; 148:6,10,19;149:20; 152:3,6,12,18 Clifford's (7) 18:24;46:11;75:11; 119:16;126:24; 140:5;151:23 Climate (1) 154:8 close (8) 11:9;53:2;57:14; 72:14;102:22;108:3; 123:5;151:13 closed (1) 98:22 closer (2) 92:10;136:7 closing (3) 100:5;140:1;154:4 clunky (1) 30:16 CMSR (24) 9:7;13:9;14:6; 19:5;20:2;29:4; 41:23;46:10;50:1; 51:3;62:4;74:18; 92:9;99:9;117:15; 119:5;124:17;125:9; 127:14;132:19; 133:1;139:2;145:15; 150:10 cognizant (1) 137:17 coincide (1) 43:17 coincident (1) 134:24 collected (1) 152:9 collection (2) 38:3;39:7 collective (2) 100:20;101:1 combines (1) 114:21 comfortable (7) 10:15;36:19;94:1, 11;96:2;136:22; 153:14 coming (4) 112:4;124:23; 126:4;133:20 commencement (10) 6:1;8:15,21;9:3; 10:22;44:23;45:16; 130:20;132:5;141:23 commencing (1) 23:1 comment (6) 50:1;97:8;113:24; 116:8;125:15;134:20 comments (6) 24:5;33:10;49:24;	56:6;121:7;122:7 commercial (2) 9:10;46:6 Commissioner (13) 9:6;13:8;19:2;30:5, 22;43:14;74:17;86:5; 92:8;94:2;99:8; 103:13;119:4 commissioning (1) 6:5 commitment (1) 19:7 committed (3) 13:13;14:19;16:11 Committee (25) 19:15,19;20:11; 33:24;51:10;74:5; 87:17;88:21;91:22; 95:22;97:13;109:12; 121:5;126:10; 127:11;138:9; 143:11;148:24; 149:4,7;150:9;151:6; 153:4,13;157:12 committing (2) 115:4;139:10 common (2) 133:10;149:13 commonly (1) 53:19 common-sense (1) 16:22 community (4) 105:7;111:16; 114:6;154:9 Company (1) 115:22 comparability (1) 49:20 comparable (1) 55:18 compelling (1) 140:3 compensation (3) 119:1;128:9; 141:20 compete (1) 74:11 complaint (1) 32:4 complaints (3) 28:7;64:19,20 complete (2) 60:7;61:10 completely (4) 10:24;51:3,15; 96:21 completion (1) 23:16 compliance (9) 35:2;45:7;64:16, 17,18;109:1,5,17; 154:7	comply (3) 21:16;35:19; 119:23 component (8) 7:6,12;29:16;31:8; 108:20;117:20; 122:24;129:24 components (1) 20:16 compromised (1) 34:10 conceive (2) 74:1;111:4 concept (4) 91:5,19;123:17; 136:6 concepts (1) 82:7 concern (11) 12:15;18:3,13,17; 27:2;28:21;36:21; 41:3;68:3;76:17; 106:11 concerned (4) 56:20;71:16;120:6; 126:22 concerning (2) 34:19;58:10 concerns (11) 18:16;20:12;21:8; 27:21;28:8;51:21; 52:24;58:11;64:21; 98:6;153:18 conclusions (1) 121:21 condition (72) 4:6;5:8;6:11; 10:18;13:3;14:7; 16:2,5;20:20;21:17, 23;22:10;24:21;25:8, 22;27:6;28:1;31:16; 33:15;34:21;36:24; 37:9,24;38:3;39:7; 41:20;45:10,13;54:4; 55:3;57:21,21,22; 58:10;59:11,22; 60:19,19,24;61:7,19; 62:11,11;63:15,15; 64:2,15;77:4;95:21; 103:1;112:18;117:5; 120:21;121:3,9; 122:16;129:5;130:2; 131:21;136:23; 138:2,6,13;147:2,7,9; 148:21;149:13; 150:8,12;151:8; 156:7 conditioned (3) 86:11;120:23; 150:17 conditions (35) 5:7;7:20;8:3; 13:17;19:18;23:24;
---	---	--	--	--

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

24:14;26:13,14,19; 33:19;35:6;36:2; 45:14;58:8;59:12,19; 61:4;62:20;66:12,21; 77:12;109:14; 113:12;120:16; 145:16;148:23; 149:22;151:8,16,24; 152:21;153:23; 155:9,12	39:24;55:8 contained (5) 5:8;23:6;59:22; 74:20;114:19 context (6) 31:3;86:3;87:23; 93:22;114:4;144:4 contingent (1) 78:13 continue (4) 10:10;13:23;93:10; 138:14 continuing (1) 130:2 control (6) 7:22;14:10;39:14; 47:4;148:8,13 conversation (2) 31:15;34:20 cooperate (1) 35:16 copies (2) 4:17;33:22 copy (15) 4:11;36:9,11,18; 39:12,13;48:22,23; 50:6,6,54:10,10; 63:20;64:1,1 correction (1) 61:12 correctly (4) 34:9;41:7;99:21; 104:19 correlation (1) 109:22 cost (4) 58:1,18,19;82:5 costs (1) 59:17 couching (2) 115:21;132:12 Counsel (1) 70:20 count (3) 19:6;154:22; 157:10 counted (2) 113:11;115:12 counting (1) 116:18 couple (3) 19:3;66:23;80:4 course (11) 47:24;48:2;92:15; 97:10;100:8;103:22; 122:11;135:4;140:2; 146:13;155:10 Court (7) 6:22;18:20;49:8; 60:3;63:3;65:18; 115:24 courts (1) 106:18	cover (2) 59:2;145:19 covered (4) 59:12;62:17,18; 146:20 craft (2) 137:13,15 crafted (3) 29:24;102:17; 121:14 crafting (3) 70:6;136:7;138:6 create (4) 52:22;77:7;87:24; 90:2 created (1) 139:14 credentials (1) 30:7 credit (6) 57:24;60:1,5;61:8, 13,14 crisis (2) 94:6,9 criteria (3) 89:8;110:8,24 cross-examine (1) 95:4 cross-examined (1) 137:10 cross-reference (2) 52:6;55:13 cuff (1) 87:6 cumbersome (1) 84:4 current (1) 116:11 cut (1) 34:12	5:24;6:7;61:19; 62:23,24;63:9;80:12, 12;143:6;144:3; 157:11,11 dBa (1) 109:2 deal (4) 103:6;104:17; 134:1;135:8 dealers (1) 135:2 dealing (2) 105:6;115:19 deals (1) 21:7 dealt (2) 28:19;34:18 debate (2) 115:9;144:16 decide (2) 110:24;119:12 decided (3) 34:24;108:16; 131:12 decides (1) 81:18 decision (7) 53:7;92:13;100:20; 111:5,21;125:12; 133:21 decisions (3) 106:18;110:11,24 decline (6) 81:22;94:5;95:3; 104:14;123:14; 125:20 declined (3) 104:10;107:7; 118:18 declines (1) 95:6 decommissioning (8) 57:23;58:10,20; 59:2;60:6,12;61:9; 148:14 define (7) 39:24;43:6;73:16, 24;83:5;91:7;127:16 definitely (1) 43:8 definition (9) 39:22;42:20;46:12; 49:2;56:11;57:4; 109:17;129:10; 133:11 definitional (2) 57:1,5 definitions (2) 57:11;106:23 definitive (2) 73:10;133:21 degree (2) 44:4;149:10	delays (1) 12:22 delegation (2) 25:12,15 deliberate (3) 88:5;98:23;122:3 deliberating (2) 98:22;136:19 deliberation (3) 98:14;141:4; 153:11 deliberations (7) 22:10;88:18;98:18; 146:13;155:10,13; 157:12 deliberative (3) 84:22;136:8,9 delve (2) 85:9;108:11 delving (1) 52:5 demolish (1) 26:1 demonstrated (1) 13:12 denied (1) 6:17 Department (2) 4:18;22:24 depths (1) 145:18 DES (9) 23:3,6,9;24:10,10, 12,15;25:2,13 described (1) 91:8 description (1) 9:20 deserve (1) 120:2 designated (1) 153:6 designed (1) 43:23 desire (2) 128:15;139:22 desired (2) 77:23;90:19 desk (2) 50:18;143:20 detail (1) 145:18 detailed (1) 121:6 details (3) 72:5;77:8;102:7 determination (4) 21:4;43:3;85:20; 140:10 determinations (2) 22:1;136:1 determine (5) 29:14;32:19;47:15;
		D		
		damaged (1) 132:9 dance (1) 95:9 data (2) 39:7,14 date (7) 7:24;8:1;45:1,18, 22;46:4,7 dated (2) 4:13;23:19 dates (1) 44:9 day (14) 8:12;20:13,17; 22:9;30:19;34:19; 44:18,22;56:18; 65:17,21,23;137:4; 140:18 days (12)		

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

118:17;128:8 determined (4) 80:6;106:8;131:15, 17 determining (1) 143:8 develop (9) 22:17;36:4;74:9; 86:6,8;91:21;95:21; 96:9;121:6 developed (1) 91:6 development (2) 78:4;129:20 devoted (1) 16:21 diagram (1) 34:1 dictates (1) 139:20 difference (11) 18:10;67:17;77:14, 20;79:14;90:9,15; 110:10;115:22; 125:18;131:17 differences (1) 73:23 different (16) 12:8,13,13;20:15; 34:21;47:17;67:7,19; 73:14;81:5;100:18; 125:22;134:22; 138:16;150:1;151:3 differently (2) 113:18;144:17 difficult (3) 12:18;73:2;85:9 difficulties (1) 16:12 digestible (1) 51:9 diligence (2) 11:20;18:19 DIR (26) 11:14;17:23;23:20, 23;26:10;33:2;35:23; 37:8;39:20;73:1; 82:2;89:6,16;91:2, 14;92:5;101:5; 113:20;126:7,17; 127:10;128:21; 135:16,22;154:1; 155:17 direct (4) 36:23;81:1,6;140:4 directed (1) 110:17 direction (2) 13:21;37:8 directly (1) 102:3 Director (18) 11:13;15:19;17:21;	26:8;32:24;35:22; 37:6;39:19;72:24; 82:1;89:5;101:4; 104:7;113:19; 128:11;135:14; 139:4;155:18 disagree (3) 66:14;92:18;137:7 disagreement (4) 28:15;34:24;77:24; 90:20 disagrees (1) 32:20 discovered (1) 94:3 discovery (6) 93:22;94:14,19; 96:11;98:8;103:7 discuss (5) 65:22;66:1;77:16; 128:19;145:18 discussed (2) 41:19;131:20 discussing (3) 4:4;118:11;145:12 discussion (29) 4:8,5;12;12:3; 25:7;26:8;34:16,17; 35:21;39:18;40:5,14; 57:20;60:9,10;62:11; 64:11;67:21;76:8; 120:6;127:1;133:17; 134:17;144:10; 145:2;146:17; 149:19,19;153:14,19 discussions (1) 5:5 dispute (1) 84:12 dissenting (3) 156:20,21,24 distance (6) 9:23;34:5;81:5,10; 85:17;110:14 distances (1) 83:3 distribute (2) 108:10;114:17 distributed (4) 108:9,14;114:16; 115:1 disturbance (1) 26:4 docket (1) 87:13 dockets (1) 149:12 document (7) 4:17;23:6;24:10; 36:16;51:8;92:16; 108:14 documentation (2) 92:20;94:24	documented (4) 82:14,18;102:21; 139:19 documents (1) 136:12 documents] (1) 5:21 dollar (4) 114:13;123:1,8,9 domain-type (1) 67:15 done (25) 8:15;14:19;18:2; 42:8;67:14;73:13; 82:22;93:21;95:2; 97:19;98:23;112:6, 17;118:20;136:13, 14;137:8;143:3,5; 144:2;147:7;149:9, 10,15;156:20 doubt (1) 42:18 down (22) 15:4;33:8;40:5; 56:17;57:17;58:2; 67:24;68:9;73:16; 76:21;79:9;82:3; 83:1;93:6;98:2; 110:9;111:12; 115:13;132:9,15; 133:20;137:22 downturn (1) 106:6 Dr (72) 11:23;12:1;14:17; 15:21,23;17:1;18:16; 21:7;27:14;36:5,7; 37:1,4;40:15;41:18; 53:21;71:1,3;72:23; 78:8;79:21;88:22; 101:22,24;104:7,20; 105:2;107:4;110:5; 113:24;116:8,24; 117:16;119:6;121:4, 22;122:5,9,12,20; 123:2;124:12,14; 125:3,6,7,24;129:6,8; 130:13,15;133:4,24; 134:7,14,19;135:20; 136:2,5;137:16; 140:22,24;141:13,16; 144:10,11,22;153:24; 156:1,3,6;157:1	draw (1) 31:13 drawn (2) 115:13;136:23 drinking (4) 22:11,15,19,21 driven (1) 18:15 drop (1) 75:12 dropping (3) 68:22;69:20;84:20 due (14) 11:19;18:19;84:12; 95:7;98:6;105:11,11; 113:13;124:1,2; 130:23,24;142:2,3 dump (1) 96:10 dumped (2) 28:17;50:18 duration (1) 23:15 during (19) 7:12;21:6,16;26:2; 35:21;47:24;48:2,11; 71:6;92:14;94:19; 100:8;101:8;102:1; 112:7;125:3;140:2; 146:13;155:9	131:15;134:12 effectively (5) 8:2;33:8;58:5; 115:12;124:18 Effects (19) 9:15;11:2;82:10; 94:8;102:5,6,15; 108:19,24;109:6,15, 15,16;112:14;124:3, 3,4;132:13;153:8 effort (13) 78:17;80:9;121:10; 141:8;146:5 efforts (5) 25:24;26:5;27:17; 103:17;157:16 egg (1) 26:17 either (20) 6:9;8:20;10:15; 11:14,21;14:20; 15:20;17:24;18:4,8, 21;22:19;52:1;78:10; 84:6;89:16;94:17; 98:2;138:2;151:11 elected (1) 105:18 electricity (1) 146:10 electronic (9) 33:22;36:9,11,18; 39:12;48:22;50:6; 54:10;64:1 electronically (1) 36:15 element (1) 44:10 elements (1) 145:17 eligible (5) 72:11;73:17; 124:10;131:7;142:10 eliminate (2) 47:5;62:23 else (13) 17:9;25:19;50:20; 52:22;71:4;76:2; 89:5;101:4;136:2; 141:10,10;148:4; 152:18 elsewhere (1) 72:20 e-mail (1) 64:7 e-mailed (1) 89:14 eminent (1) 67:15 emissions (2) 146:3,6 emitted (1) 96:7 employees (1)
E				
			earlier (7) 55:24;70:1;94:16; 103:4;113:9;114:11; 131:19 easily (1) 51:9 easy (2) 21:1;50:10 echoed (1) 96:19 economic (3) 111:7,14;143:13 economics (1) 12:24 economist (2) 137:8,9 economy (2) 128:1,4 edge (1) 75:19 editing (1) 24:3 effect (25) 7:20;14:8;16:17; 21:18;55:18;69:19; 71:6;81:11;84:5; 85:4;93:5;94:23; 118:11;120:22; 126:22;127:12,21,24; 128:1,4,5,6,14;	

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

<p>29:13 EMTs (1) 110:16 encompass (2) 124:22;145:11 encourage (1) 120:11 end (16) 19:23;20:13,17; 25:3;35:7;38:20; 48:1;53:15;63:15; 65:21;69:16;78:6,24; 84:6;140:18;145:10 Energy (10) 124:7;131:5;142:8; 145:23,24;147:5,12; 148:1;150:19;153:5 enforce (1) 6:9 engineer (1) 32:23 enjoyment (1) 74:10 enough (13) 53:2;54:1;65:13; 75:5,14;94:11; 110:13;111:21,22; 117:23;129:15,15; 156:12 entered (1) 70:12 entertain (1) 133:17 entire (4) 20:9,16,18;24:18 entirely (1) 98:12 entities (3) 147:24;149:7,11 entity (4) 147:15,22;148:2; 150:23 environment (1) 143:14 Environmental (1) 22:24 envision (3) 27:5;30:13;62:23 envisioning (1) 97:3 equal (1) 20:4 equipment (1) 29:14 equitable (1) 74:15 equivalent (3) 90:12,22;146:2 error (2) 133:12;134:8 especially (2) 65:5;99:3 essentially (3)</p>	<p>23:24;49:17;96:14 established (4) 68:5;69:4;119:18; 120:17 establishing (1) 140:20 estate (4) 40:17;94:9;110:12; 135:2 estimate (1) 90:14 estimates (2) 58:18,19 et (12) 21:14;36:10;37:18, 18;40:20,20;80:8,8; 83:23;107:8;128:2; 137:10 ethical (1) 105:4 ethics (1) 105:18 evaluate (4) 28:6,18;29:19; 31:14 evaluation (3) 29:10;33:24;92:21 evaporated (1) 103:21 even (13) 7:1;11:4;48:9; 72:11;74:22;75:14; 82:11;85:15;99:17; 113:11;117:8; 139:12;148:17 event (3) 23:11;46:7;123:22 eventually (1) 13:17 everybody (7) 65:10;79:5;84:13; 129:1,16;135:4; 150:7 everybody's (2) 66:17;130:4 everyone (8) 20:10;28:14;66:7; 76:16;80:17;81:18; 97:6;123:21 everyone's (2) 7:2;65:7 evidence (8) 93:9,14;99:14,19; 100:19;120:19; 139:20;140:3 exactly (5) 74:21;97:3,18; 110:6;118:6 example (9) 29:20;44:12,24; 55:19;69:11;73:19; 83:9,15;94:15 examples (1)</p>	<p>101:12 Excel (2) 50:24;51:6 Except (2) 104:21;122:3 exception (2) 38:9,10 exchange (1) 93:22 exclude (1) 107:13 exclusive (1) 126:24 exclusively (1) 133:1 excuse (9) 5:6;7:15;15:1; 22:18;66:15;79:16, 17;91:1;117:13 executed (1) 13:14 Exhibit (3) 58:14;61:1;70:12 existence (1) 107:21 existing (4) 24:11;26:6,11,21 expect (4) 36:14;44:11;48:4; 83:20 expectation (4) 15:6;44:5;98:14; 135:24 expectations (1) 120:15 expected (2) 35:14,15 experience (2) 42:1;46:20 experienced (2) 42:10;46:24 experiencing (1) 48:7 expert (9) 28:4,22;30:6,12; 31:22;32:3,18;33:5; 80:3 experts (1) 29:3 explain (1) 145:2 explains (1) 87:9 explanation (1) 122:16 explicitly (5) 110:16;124:2; 130:24;142:3;152:2 exploring (1) 72:22 expressed (1) 53:19 extend (1)</p>	<p>98:19 extended (2) 59:2;81:8 extension (1) 44:8 extensive (1) 153:11 extent (3) 25:24;112:17,24 extreme (1) 67:9</p> <p align="center">F</p> <p>FAA (20) 4:6,12,21;5:23; 6:13;7:4,10,16,22; 9:10,18;10:11;11:15; 13:14;14:11;18:20; 21:5,20;22:1;44:13 face (1) 137:20 facilities (1) 56:17 facility (4) 9:17,19;45:19; 153:5 fact (6) 12:7;73:3;82:14; 96:8;134:20;137:18 factor (2) 71:20;94:9 factored (1) 118:8 factors (3) 86:7;95:7;118:21 fail (1) 19:9 Failing (1) 103:1 fair (10) 67:6;74:2,14; 80:17;81:2;128:8; 129:14,15;135:10; 150:8 fairly (6) 10:14;29:16;51:8; 68:10;87:11;104:18 fairness (2) 106:1;107:12 fall (2) 73:8;145:20 falls (1) 129:9 familiar (1) 32:1 far (7) 22:13;36:13;68:3; 76:8,12;107:19; 110:15 farm (17) 77:15,19,21;78:2; 79:15,17,18;90:10,</p>	<p>11,14,16,22;93:1; 105:6;123:5,11; 132:21 fashion (2) 94:13;116:2 faulting (1) 137:11 favor (11) 8:13;9:2;10:21; 56:16;67:21;105:5; 124:15;129:6;130:2; 142:18;155:20 features (1) 78:9 Federal (7) 4:19,22;12:17; 16:4;26:6,11;27:18 feel (23) 10:14;12:22;16:11; 19:12;36:1;62:2; 70:5;71:9;75:13; 86:19;93:6,13;94:11; 100:21;114:14; 119:8;128:7;129:3; 136:22;138:22; 140:12;146:21; 153:19 feeling (1) 144:8 feels (3) 47:8;71:21;104:10 feet (6) 7:5;21:10;22:16; 23:12;24:20;58:2 felt (1) 60:10 few (3) 5:3;59:13;141:17 field (1) 28:6 fiercely (1) 16:21 fighting (1) 34:22 figure (5) 29:17;52:7;53:2; 100:13;116:13 file (5) 21:24;44:6;50:19; 88:3;126:3 filing (2) 62:1;88:2 final (6) 28:11;61:6;86:24; 146:21;149:21; 154:22 finalizes (1) 97:13 financial (5) 135:23;136:12,13; 147:3,6 financially (1) 148:5</p>
--	---	---	--	--

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

financing (1) 115:5	following (6) 23:15;35:13;71:13; 77:6;90:4;143:11	friendly (5) 22:4;25:15;41:14; 52:19;128:24	103:17	grounds (1) 140:20
find (19) 15:11;36:14;72:2, 9;74:14;78:6,16,18, 20;83:20;85:3,6; 91:2;102:10,24; 103:13;104:2; 128:22;144:11	follow-up (1) 118:15	front (7) 5:18;24:7;62:21; 86:2;95:11;101:14; 109:21	Geotechnical (2) 23:18;24:17	groundwater (6) 22:17;23:1,2,13, 17;25:1
findings (2) 92:19;143:2	footage (1) 83:22	full (1) 123:12	germane (1) 5:9	group (2) 6:18;121:20
fine (13) 11:22;13:20;19:19; 33:14;41:6;89:16; 93:12;122:2;128:21; 129:10;141:3; 151:11,18	Forbes (46) 11:13,14;15:19; 17:21,23;23:20,23; 26:9,10;33:1,2;35:22, 23;37:7,8;39:19,20; 72:24,24;73:1;82:1,2, 17;89:5,6,16;91:2,14; 92:5;101:4,5;113:19, 20;126:7,17;127:10; 128:12,21;135:15,16, 22;136:5;153:24; 154:1;155:17,19	full-on (1) 70:2	gets (16) 9:7;28:10,17,19; 29:1;32:19;59:16; 65:5;84:14;108:1; 110:9;114:23; 115:11;139:15; 147:22;152:9	growth (2) 143:13,13
finish (2) 95:15;137:24	Forbes's (2) 27:15;139:4	full-time (1) 11:1	girl (1) 95:8	guaranty (18) 66:22;67:14;68:12, 20;69:6,13;70:2; 72:7;76:2,11;86:6, 12;93:4;99:15,16; 100:6;129:5,9
finished (2) 7:13;138:18	forecasts (1) 35:14	fully (5) 13:3;60:6;61:9; 70:16;98:6	given (7) 19:12;37:8;69:11; 73:4;76:8;89:10; 112:1	guess (22) 4:4;9:12;15:11; 26:16;38:17;43:2; 46:17;57:22;62:5; 67:20;68:18;91:2; 92:9;99:22;108:20; 116:23;121:1; 134:19;144:22,24; 145:20;151:1
first (15) 8:11;24:5,13,23; 26:16;30:4;33:20; 37:12;38:2;67:3; 68:16,19;73:24; 108:7;114:23	foresee (1) 96:14	function (1) 69:21	gives (3) 44:3,3;47:1	guidance (1) 133:5
five (11) 76:23;77:12;78:11, 24;81:17,20;83:2; 90:5,7;106:22; 155:24	forever (1) 105:13	fund (6) 77:4,22,24;90:3,18, 20	glad (1) 91:14	guideline (1) 21:21
flicker (32) 30:23;35:16;39:8, 16;41:15;42:2,11,13; 43:5;44:20;46:1,18; 47:3,6,9,20;48:8,24; 50:15;54:12;65:6,24; 81:7;106:7;109:7,16, 18;110:7;112:13,17; 119:19;124:3	form (3) 69:12;116:17; 121:20	fundamentally (2) 88:23;133:13	goal (1) 42:11	guys (1) 84:15
flicker's (1) 55:7	forms (2) 18:20;64:4	funding (1) 58:11	goes (7) 12:20;21:12;28:19; 58:24;102:12; 118:16;147:3	H
flight (2) 6:19,21	formulation's (1) 126:20	further (13) 5:2;66:1;81:11; 95:10;98:5;109:13; 112:7;124:10; 125:13;131:8; 142:10;149:19; 150:16	good (18) 13:6;16:22;19:12; 27:21;36:1;39:4; 47:14;72:11;75:14; 78:21;80:23;88:14; 107:1;110:13;135:8; 136:16;138:23; 154:10	half (1) 76:18
flipping (1) 45:18	forth (5) 12:6;102:13;103:8; 106:23;111:2	future (10) 31:9;33:19;34:19; 36:4;53:1;55:20; 56:13;57:6;131:7; 148:11	good-faith (2) 78:17;80:9	halfway (1) 58:18
floated (1) 69:15	forward (16) 17:3;36:13;44:11; 93:21;98:3,4;99:24; 115:4;119:7;121:8; 123:8,18;125:12; 126:5;139:13,21	G	government (1) 15:12	Hampshire (6) 100:15;123:23; 130:21;131:24; 132:1;141:24
floors (1) 120:7	found (1) 53:19	game-changer (1) 20:8	governmental (1) 67:16	hand (9) 65:15;103:23; 124:15;129:3;130:5, 6;142:17;155:21; 156:1
fluctuate (1) 42:4	founded (1) 74:6	gas (2) 146:3,6	Granite (4) 147:8;149:9; 150:14;151:7	handed (1) 4:17
flushed (1) 93:24	four (5) 17:17;18:24;130:8; 138:13;141:18	gathering (3) 43:1;49:12;54:16	grant (2) 86:9,10	handle (1) 84:1
fly (2) 109:20;136:8	frame (5) 23:16;43:21;76:23; 84:20;107:15	gave (4) 55:15;68:8;84:10; 113:8	granted (6) 6:16;85:4,8; 104:13;105:23; 115:10	hands (4) 85:7;142:19; 154:24;155:22
folks (3) 97:6;128:10; 137:20	framework (3) 84:18,19;109:23	general (3) 44:9;73:5;106:6	granular (1) 145:9	handy (1) 154:16
follow (5) 21:20;24:9;31:1; 55:21;132:14	frankly (1) 149:8	generally (2) 134:24;135:16	great (3) 10:9;103:18; 145:18	happen (11) 7:15;19:7,8,11; 29:20;31:21;44:6; 56:24;63:7;83:6; 87:22
	frequent (1) 6:20	generate (1) 50:11	greater (2) 21:10;40:7	happy (6) 76:16;79:5;93:10; 126:5;133:15;140:15
	Friday (1) 62:17	generated (5) 39:13;48:23;50:7; 54:11;146:11	green (4) 146:10;147:12; 148:1;150:19	
	friend (1) 33:13	generation (1) 144:18	greenhouse (2) 146:3,6	

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

hard (13) 39:12;48:22;50:6; 54:10;64:1;68:21; 70:16;100:12; 119:21,24;120:8,14, 18	higher (4) 77:17;90:13;123:4; 135:5	105:20	132:23;139:6,9	71:18;122:1; 139:23
hash (1) 100:13	highest (1) 83:13	I	imperfect (1) 135:6	indoor (3) 42:24;49:12;54:15
hazard (1) 21:5	highlighting (1) 138:20	IACOPINO (36) 8:5;20:22;21:22; 25:9;27:14;49:7,9; 53:22;54:1,2;61:12; 63:13;65:16,19; 66:19;87:4,8;88:8; 98:16;99:1,5;121:18, 24;122:10;133:22; 134:4,11;146:19,23; 148:22;152:24; 153:2;154:23;155:4, 6;156:23	implement (2) 83:2;141:19	industry (1) 143:13
hazards (1) 22:1	Hill (1) 26:3	Iacobino's (2) 65:15;66:11	implemented (5) 16:10;23:3;25:2; 60:7;61:9	inform (1) 144:16
head (7) 38:24;61:16;66:18; 75:24;130:5,14; 150:9	hire (1) 32:22	Iberdrola (1) 147:19	implying (1) 116:7	information (26) 11:6,10;17:2; 32:21;36:14;37:13; 42:5;48:15;53:16; 54:1;56:10,14;74:20; 75:6;85:19;86:16,17, 18;92:14;93:13;97:1, 10;99:24;101:6,19; 102:1
heads (1) 61:17	historic (1) 143:14	ID (4) 52:1,9;53:11,18	important (10) 29:11;32:11,14; 71:20,20;82:4;90:6; 107:13;114:9;154:7	initial (5) 12:15;31:23;62:1; 108:17;123:14
health (8) 42:24;110:8,21; 111:1;128:2;143:16; 153:9,11	hit (3) 9:11;47:3;64:6	idea (5) 93:3;119:17;136:3, 16,16	impose (2) 69:5;85:18	initiations (1) 154:9
healthcare (2) 49:11;54:15	Hmm-hmm (1) 125:24	ideas (4) 30:22;73:15;74:13; 75:23	imposing (1) 136:23	input (3) 69:7;86:24;96:13
hear (5) 71:7;74:13,23; 89:7;103:5	hold (7) 7:24;11:7;65:14; 91:23;129:6;142:14, 24	identification (1) 43:14	improve (1) 146:9	insert (1) 33:3
heard (15) 15:20;19:2;48:21; 70:3;73:5,6,14;83:2; 84:19,23;91:14; 116:14;122:7; 136:14;144:6	holder (3) 149:3,6;151:5	identified (10) 26:2;40:6,10;42:9; 51:24;52:9;55:1; 68:24;69:1;120:4	improvements (1) 154:9	inside (1) 15:8
hearing (10) 56:1;86:9;87:15, 17;88:15;91:7;96:15; 97:4,9;157:18	home (1) 102:23	identifier (2) 51:23;52:4	Inc (2) 23:19;24:17	install (8) 5:15;6:3,8,11;7:21; 9:18;10:12;14:9
hearings (4) 88:5;91:23;98:12; 157:11	homeowner (4) 46:23;47:7,14; 104:15	identify (2) 22:15;50:21	inclined (4) 68:13,21;89:9; 115:17	installation (2) 8:14;117:2
hearsay (1) 101:18	homes (8) 75:1,8;83:18,19; 92:21,22,24;146:1	identifying (1) 24:19	include (11) 9:20;14:2;22:22; 24:24;34:1;39:1; 44:12;53:15;54:12; 63:20;150:2	installed (1) 7:9
height (1) 21:10	honest (1) 17:4	imagined (3) 65:2;71:23;97:19	included (7) 24:11;26:14;27:2; 36:3;117:7;128:15; 149:21	installing (2) 5:1,20
help (13) 17:9;18:22;23:20; 30:10;33:3;38:14; 54:5;57:24;87:4; 110:4;126:8;138:12; 154:23	honestly (1) 48:8	imagine (3) 65:2;71:23;97:19	includes (2) 56:12;58:1	instance (2) 65:5;156:12
helped (1) 31:22	hop (1) 108:8	immediate (1) 103:9	including (5) 9:22;34:2;63:23; 110:18;148:24	instances (1) 75:4
helpful (5) 59:13;69:3;81:23; 93:2;128:14	hope (2) 51:5;105:2	immediately (1) 41:20	incorporate (1) 8:3	interject (1) 32:8
helps (4) 25:4;30:12;37:21; 38:15	hopefully (1) 17:8	impact (20) 9:22;47:6;68:5; 74:24;75:7;82:19; 92:21;100:3;106:12; 112:21;114:8;120:8; 126:11;127:3; 136:12,13;137:18,20; 140:5;155:2	incorrect (1) 99:21	intend (2) 14:21;133:9
here's (5) 35:17;44:18;69:12; 70:6;108:23	hoping (1) 102:24	impacted (8) 39:17,22;40:1; 41:16,21;47:24; 54:19;74:3	increase (1) 117:1	intent (1) 10:6
hiding (1) 143:19	hospital (1) 110:15	impacts (15) 23:9;51:12;72:15; 89:11;92:17;101:16; 102:21;108:18; 114:4,6,15;130:3;	independent (8) 29:9;32:6,17; 58:21;59:6,18;77:22; 90:18	interest (11) 103:18,20;117:5; 129:21,22;141:3; 143:2,9;146:17; 154:2,5

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

<p>interpret (1) 51:17</p> <p>interpretation (1) 43:10</p> <p>interrupts (6) 6:22;49:8;60:3; 63:3;65:18;115:24</p> <p>intervenor (8) 67:10;70:10,14; 71:14;76:10;100:6; 103:2;157:13</p> <p>into (34) 21:18;49:21;52:5; 69:6,13,20;79:19; 84:17;85:9;86:2; 87:20;98:18;100:9; 102:7;107:8;108:11; 119:11,22,24;120:21, 22;121:19;122:1; 123:20;129:5; 133:24;139:18; 141:7,14;144:14,23; 145:18;148:10;157:6</p> <p>intrigued (1) 68:19</p> <p>intuitive (1) 139:22</p> <p>intuitively (1) 75:2</p> <p>invest (1) 121:13</p> <p>investment (2) 120:12;139:17</p> <p>involved (1) 94:15</p> <p>irrevocable (3) 57:23;60:1,5</p> <p>issuance (5) 61:20;77:13;90:5; 143:8;155:3</p> <p>issue (19) 17:4,18;18:9,12; 19:16;60:11;71:20; 74:6;79:3;95:20; 103:3;104:17;106:5; 111:14;118:10,10; 153:18,20;155:7</p> <p>issued (5) 5:24;63:9;90:8; 113:12;153:16</p> <p>issues (14) 10:23;11:3;16:17; 31:6;36:4;61:23; 62:24;74:11;87:19; 110:6,18;112:13; 144:4;153:15</p> <p>italic (1) 38:11</p> <p>Item (2) 28:2;30:4</p> <p>items (2) 44:20;146:12</p>	<p align="center">J</p> <p>January (2) 15:14;63:1</p> <p>jargon (1) 133:10</p> <p>jobs (1) 135:9</p> <p>John (1) 68:17</p> <p>jotted (1) 33:8</p> <p>judge (1) 111:9</p> <p>July (1) 8:12</p> <p>jumps (1) 39:20</p> <p>junction (1) 116:20</p> <p>junkyard (1) 132:22</p> <p>jurisdiction (1) 37:15</p> <p>justification (1) 157:6</p> <p align="center">K</p> <p>Kansas (1) 102:23</p> <p>keep (4) 46:6;52:21;68:13; 126:13</p> <p>keeps (2) 11:18;52:2</p> <p>key (6) 9:23;12:20;29:5; 43:2;86:7;99:22</p> <p>kick (1) 17:12</p> <p>kicked (2) 65:13;70:10</p> <p>kicking (1) 126:13</p> <p>kind (51) 6:13;9:7,11,11; 14:16;17:18;26:16; 27:11;28:24;31:10; 32:9;33:15;43:11,19; 50:11;52:24;53:6; 68:11;70:9;72:16; 75:11;78:16;79:10; 81:4;84:21;91:5; 93:6;94:7,8;98:15; 100:9,16,21;103:1; 113:23;114:1,12; 115:6;116:5;118:9; 119:11;120:15; 128:15;131:11; 135:20;136:23; 143:4;144:24;</p>	<p>145:11;150:1;152:7</p> <p>kindly (1) 96:6</p> <p>kinds (1) 12:17</p> <p>kitchen (1) 110:13</p> <p>knew (1) 42:13</p> <p>knowing (2) 47:7,23</p> <p>knowledge (2) 123:12;133:5</p> <p>known (2) 40:6;157:3</p> <p>knows (2) 123:10,21</p> <p align="center">L</p> <p>lack (3) 76:8;89:10;135:17</p> <p>lacking (1) 73:10</p> <p>laid (1) 16:5</p> <p>land (2) 73:22;74:9</p> <p>landowner (3) 132:1,20;141:24</p> <p>landowners (10) 66:1,9,16;81:13, 14;91:1;94:18; 107:14;113:10; 131:21</p> <p>landowners' (1) 67:11</p> <p>language (36) 8:18,20;15:18; 19:1,4;25:15;26:23; 27:1,11;29:24;33:15; 34:11;35:10;38:11; 48:18;51:5,14;53:14; 56:4;57:2;58:1,15, 23;60:11,12;61:16; 69:6;80:1;89:17; 122:7;124:14;125:4; 150:6;151:14,15; 155:8</p> <p>lap (2) 28:17;96:10</p> <p>large (1) 17:4</p> <p>last (20) 14:5;20:21;24:12; 25:6;27:16;35:12; 36:23;37:3;38:11; 47:11;56:8,15;59:24; 60:14,20;69:1;112:5; 133:17;138:12; 155:14</p> <p>lat (1) 50:22</p>	<p>laundry (1) 44:14</p> <p>law (4) 4:22;105:8;107:2,8</p> <p>lawyer (2) 4:21;102:18</p> <p>lay (1) 57:10</p> <p>layout (2) 6:14;34:2</p> <p>leads (1) 38:1</p> <p>lean (3) 11:21;18:1,15</p> <p>leap (1) 35:7</p> <p>learned (1) 103:19</p> <p>learning (4) 40:20;42:23;49:10; 54:14</p> <p>least (24) 27:4;35:24;43:11; 49:22;55:20;70:1; 78:17;79:13;82:4; 85:18;87:15;92:16, 19;95:2;99:24;101:8; 108:6,16;116:11; 118:10;137:7; 138:14;140:7;152:13</p> <p>leave (7) 12:21;43:10;50:13; 56:8;57:13;78:3; 96:20</p> <p>leaves (2) 43:7;121:1</p> <p>Leaving (1) 13:3</p> <p>led (1) 31:16</p> <p>left (4) 4:3,8;84:15;152:8</p> <p>legal (5) 74:4;99:1;123:17; 133:5;157:6</p> <p>legislation (1) 136:8</p> <p>Lempster (16) 82:20;92:17;95:1, 6;100:2;101:11; 102:3,21;103:24; 106:5;111:10;113:4, 6;117:11;122:21; 137:6</p> <p>lengthy (2) 29:16;157:6</p> <p>less (7) 17:19;40:8;77:18; 90:13;107:19; 111:23;115:11</p> <p>letter (3) 21:5;61:13,14</p> <p>level (15)</p>	<p>12:13;13:6;35:15; 42:1,11;46:24;47:2, 4;48:8;82:5;92:19; 95:1;119:8;120:11; 127:23</p> <p>leverage (2) 16:3,7</p> <p>liability (2) 106:15;139:14</p> <p>licensed (1) 29:7</p> <p>life (2) 41:4;107:19</p> <p>lighting (21) 4:4,5,5;16:7,3,6, 12,21;9:19,20,22; 10:4,12;11:1;12:4; 14:9;18:4;21:6,9,11, 19;44:13</p> <p>lights (4) 5:15,20;7:8;9:23</p> <p>liked (3) 46:10;85:10;95:11</p> <p>likely (3) 32:2;76:17;104:24</p> <p>likes (1) 71:24</p> <p>limit (14) 40:24;55:15;68:11; 76:14,20,21;80:24; 81:12;106:15; 111:18;112:1,2; 114:1;138:8</p> <p>limited (4) 46:19,22;68:10; 76:7</p> <p>limits (2) 26:3;127:2</p> <p>line (8) 8:11;57:24;60:1,5; 61:8;108:3,7;156:11</p> <p>linear (1) 7:5</p> <p>lines (4) 34:3,4;81:8;106:22</p> <p>list (5) 25:23;44:14;45:4; 52:14;148:23</p> <p>listed (2) 25:13;28:2</p> <p>listen (4) 32:12;74:19;75:23; 93:11</p> <p>listing (4) 52:13;55:10;64:19; 80:8</p> <p>lists (1) 80:7</p> <p>lit (1) 21:9</p> <p>little (25) 5:2;11:19;14:18; 15:8,10;40:17,22;</p>
---	--	--	--	---

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

41:1,11;43:12;52:15; 68:8;73:13;89:18; 92:10;93:24;107:9; 109:24;113:15; 120:5;131:13;146:1; 151:3,10;154:2 LLC (4) 147:12,13;150:20, 20 local (3) 128:5;146:8;154:8 located (2) 22:15;26:3 location (3) 46:12;50:21; 143:12 locations (8) 13:10;31:6;34:4; 42:1,9,10,12;55:1 logically (1) 107:1 long (10) 8:14;32:17;34:20; 50:22;80:16;97:16, 17;105:24;152:21; 157:3 longer (2) 81:23;141:4 look (34) 6:15;9:13;29:18; 32:12;36:24;51:11; 53:8;68:15,15;75:16; 76:2,13;82:17;83:14, 24;85:5;93:3,8,15; 98:18;99:16,16; 100:14,14;104:7; 105:3;110:24;111:6; 135:1;137:2;140:9; 144:17,21;150:3 looked (3) 84:23;103:24; 111:3 looking (12) 7:2;29:24;31:2; 51:15;65:3;83:16; 103:8;111:13; 120:10;133:4,7; 143:21 looks (6) 4:20,23;7:3,14; 50:24;103:14 loose (1) 65:21 losers (3) 83:4;106:17,20 loss (1) 99:18 lost (4) 30:1;122:22;123:6; 132:15 lot (18) 25:5;44:17;46:13; 52:2,9,18;68:2;72:5;	76:10;78:8;80:17; 95:16;101:6;113:21; 116:15;139:3; 145:16;157:14 loud (1) 44:1 low-altitude (1) 6:19 lower (1) 116:19 lowered (4) 122:18;124:8; 131:6;142:9 lowering (3) 124:1;130:23; 142:2 M macro (1) 75:2 magnitude (1) 117:14 Magnusson (3) 103:23;104:2; 140:7 mail (1) 69:16 mailing (1) 84:21 maintain (1) 36:9 maintenance (1) 43:20 majority (2) 19:14;128:19 makes (13) 12:9;27:10,13; 37:12;46:13,16; 60:13;64:6,9;68:7; 75:21;113:1;119:15 makeup (1) 116:12 making (7) 17:4;53:4,7;56:22; 110:23;123:16;141:4 Management (1) 23:5 manner (2) 89:3;105:5 many (6) 13:10;38:1;70:10; 73:8;75:18;154:5 map (6) 34:1;52:1,9,18; 53:16;54:13 March (3) 21:4;59:1,5 marching (1) 83:1 market (12) 67:18;78:12,16,23, 24;79:12;80:5,15;	81:18,21,22;106:6 Mary (1) 70:21 matter (7) 16:2,8;51:10;53:3; 105:8;127:17;144:8 maximum (1) 35:14 may (48) 14:8;15:4;20:14; 42:3;46:19;52:15; 55:2;56:12,17,18; 69:2,3;72:13;73:23; 75:2,3,4,4;76:15,16; 77:8,22;81:1;85:2; 90:18;94:22;96:20; 99:20;104:16; 105:14;107:1; 111:12;113:1; 118:13;135:10; 137:18,18,19;138:6, 7;139:7,7,14;140:6,6; 147:6;148:17,19 maybe (27) 5:4,7;11:2;15:6,7; 17:6,9;29:18;30:3, 10;31:7;40:15;41:14; 43:21;45:1;47:11; 60:13;78:22;86:7; 89:7;95:14;104:21; 107:18;112:8; 128:17;133:17; 154:22 mean (53) 11:2;15:1;17:15; 28:14;30:5,6,7,12,21, 24;31:2,15;36:12,21; 43:5;44:22;45:1; 46:3,7;50:14;52:24; 55:5,8,14;56:17;57:7, 9,24;62:23;69:18; 73:2;76:9;84:6;85:1, 12;87:16;93:23; 96:16;98:13;99:10, 20;108:1,2,23;109:9; 113:16;117:21; 125:9;127:2;132:8, 14;137:10;152:6 meaningless (3) 63:2,5;96:21 meanings (1) 133:9 means (1) 142:21 meant (1) 132:11 meantime (1) 21:20 measure (4) 76:18,19;106:2; 111:5 measurement (1) 47:18	measurements (2) 28:6;32:16 measures (3) 23:8;35:18;47:5 measuring (1) 30:21 mechanism (8) 71:18;72:16,17,19; 80:18;85:17;110:3; 136:17 mechanisms (1) 112:3 medical (1) 12:21 meet (6) 27:14;41:17; 105:13;133:6;149:1; 152:22 meets (3) 111:5,21;133:13 megawatts (1) 145:23 member (4) 51:9;96:7;105:7; 109:12 members (3) 87:17;142:19; 155:22 Memorandum (1) 13:4 memory (2) 101:6,24 mentioned (5) 16:10;50:10; 106:16;114:11;156:9 mentioning (1) 112:6 met (2) 144:6;155:1 meter (1) 32:14 method (2) 72:21;150:22 microphone (1) 151:13 might (38) 12:5;40:21,24; 41:9;44:17;59:23; 62:7;63:7,19,21; 72:14;73:17,24;74:2; 75:23;78:14;79:1,2; 81:17,23;82:8;89:1, 8;93:3;94:17;99:15, 20;100:16;105:5; 114:24;116:15; 122:1;135:7;136:3; 139:2,7;145:15,20 mile (13) 39:23;49:14;54:17; 55:5;56:11,14;81:3; 83:5,7;85:15;86:15; 111:18,19 mileage (1)	85:21 miles (4) 81:3,3,4;85:16 military (1) 6:19 million (1) 58:3 million-dollar (1) 82:12 mind (12) 16:15;43:9;54:4; 74:12,19;85:22; 93:11;106:1;110:21; 116:13;123:16; 150:11 mine (1) 113:15 minimize (1) 153:8 minimum (4) 23:5;24:9;49:13; 54:17 minute (1) 77:16 minutes (5) 19:3;46:20;47:10, 12;59:14 miss (1) 86:18 missed (1) 88:6 missing (1) 144:19 misunderstood (1) 91:11 mitigate (3) 23:9;82:13;153:7 mitigating (1) 114:14 mitigation (5) 35:17;114:4,7,18, 24 MLS (1) 80:8 model (1) 70:7 modification (1) 35:11 modified (1) 6:17 modify (1) 8:18 moment (3) 9:15;10:17;112:5 money (1) 117:10 monitor (5) 22:18,18;24:6; 29:3;31:11 monitored (1) 50:22 monitoring (11) 22:11,23;23:14,18;
---	---	--	--	---

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

<p>29:13;30:20;31:8,20, 24:32:1;33:23 Monroe (27) 24:1;34:8,12; 35:12;38:2,5,10,16; 46:3;50:14;54:5,8, 23;55:9;58:12;60:18, 24;61:11,13,14;62:9, 14,16;89:14,22; 108:8,14 month (2) 87:1,23 months (6) 5:17;47:11;48:4; 78:24;97:18,20 moot (1) 5:5 more (57) 5:9,24;11:6,10; 12:9;14:18;15:9,10; 16:3,7;17:18;18:1, 17;39:22;40:17,22; 41:1;43:6,8;44:16, 17;48:15;52:15,16; 56:16,21;57:20; 68:13;85:11;86:16, 17,17;89:18;91:3; 93:24;94:1;97:1; 98:12;109:24; 113:15;115:17; 116:10;119:15; 121:6;128:17,20; 137:15;143:1;145:8, 13,20;147:2;149:9; 151:10;152:22; 153:19;157:14 morning (5) 58:9;59:12;61:5; 62:10,18 mortgage (1) 94:6 most (6) 27:5;29:11;32:2; 75:21;76:17;78:15 motion (2) 121:2;124:12 motivate (1) 12:19 motivation (4) 12:23;102:9,19; 103:12 MOU (3) 10:7;13:15,18 move (11) 19:20;25:19;27:24; 33:17;39:2;78:13; 121:5;125:12;126:5, 12;139:13 moved (2) 5:2;156:11 moving (5) 13:20;18:19;22:9; 73:19;139:21</p>	<p>much (19) 8:19;13:1;17:9; 37:5;47:13;70:1,1; 73:11;82:9;86:19; 94:15,16;103:4,12; 123:17;138:7; 145:19;147:5;154:10 muddied (1) 17:8 multiple (1) 64:14 must (3) 23:3,4;25:1 muster (1) 138:7 muties (1) 81:11 myself (5) 35:24;57:13;67:24; 105:9;144:11</p> <p align="center">N</p> <p>naively (2) 102:17;106:24 name (1) 51:22 named (1) 55:4 narrative (1) 156:21 narrowly (2) 73:16;99:3 natural (2) 111:1;143:16 nature (2) 52:17;106:21 navigation (1) 21:5 nearest (2) 34:7;110:15 nearly (1) 145:22 necessarily (5) 19:15,17;48:1; 100:7;146:12 necessary (2) 19:17;100:23 need (39) 6:12;10:17;11:5; 18:20;19:23;21:16, 18;23:16;32:18; 39:22;41:8;43:17; 51:5;52:23;56:9,15; 57:22;58:5;60:14; 61:24;62:1;72:5; 73:16;77:7;86:17; 87:24;97:1;107:15; 121:16;122:15; 127:20,21;128:18,19; 133:14;145:6; 147:23;148:12; 153:19</p>	<p>needs (16) 9:2;13:22,23;14:2; 20:4;52:23;72:16; 84:16;102:22; 106:13,22;113:22; 114:11,18;120:20; 141:5 negative (2) 102:5,6 negligible (1) 72:2 neighborhood (2) 127:15;132:21 neither (1) 150:20 new (15) 15:11;22:1;34:22; 56:8;58:8;72:20; 87:7,12;100:15; 120:16;123:23; 130:21;131:24; 132:1;141:24 newer (1) 58:1 next (11) 15:7;22:10;25:22; 28:1;33:18;35:8; 39:6;48:4;57:21; 61:18;123:10 nexus (1) 85:17 nice (1) 69:23 night (1) 7:8 nighttime (3) 7:12;9:20;11:1 nitrate (3) 22:18,19;24:7 nitrite (1) 24:7 nodding (1) 61:17 nodes (4) 38:24;61:16;66:18; 150:9 noise (9) 28:4,7,15;29:10; 30:12;32:13;33:5; 65:6;81:7 non (1) 90:24 none (3) 25:22;139:8; 153:23 non-participating (6) 67:11;81:12; 107:13;131:24; 141:23;142:14 non-radar-activated (1) 5:15 nor (1) 150:21</p>	<p>normal (1) 125:2 note (2) 47:9;65:19 notes (1) 65:23 notice (3) 59:3;69:11;103:3 noticed (2) 133:19;149:15 notify (2) 149:4;151:6 noting (1) 154:12 November (1) 92:23 number (16) 9:22;42:3;52:2,9; 53:11,18;55:10,12; 70:13;84:14;85:13, 14;115:19;118:8; 128:6;135:22 numbers (1) 51:16 numerous (1) 154:13</p> <p align="center">O</p> <p>object (1) 25:16 objection (3) 38:21;52:13;71:23 objectionable (1) 12:6 objections (1) 151:20 objectives (1) 149:1 obligations (1) 5:6 observation (1) 9:24 obstruction (1) 6:18 obstructions (1) 6:18 obtained (1) 27:12 obtrusive (1) 12:6 obviously (5) 31:4;76:6;103:4; 110:22;145:10 occupied (4) 43:1,2;49:12;54:16 occurring (1) 46:18 October (2) 4:13;7:24 off (4) 21:13;56:8;87:6; 148:3</p>	<p>offer (3) 77:4;80:11;90:2 offered (2) 71:13;72:18 OFFICER (156) 4:2;5:11;7:18;8:10, 17,24;9:5;10:19; 11:11,23;13:7;14:4, 13;15:15;16:23; 17:11,20;18:23; 19:21;20:19,23;22:3, 7;23:22;25:4,14,18, 21;26:24;27:20,23; 28:20;29:21;30:3; 32:24;33:7,16;34:14; 35:3;36:5,22;37:2,6, 16;38:8,13,19,23; 39:5;40:2;41:13; 42:16;45:2,24;48:17, 20;49:5,23;53:13,24; 54:7,20;56:5;57:12, 19;60:8;61:15,18; 63:10;64:10,13,23; 65:9,12;66:10,20; 67:23;71:1;72:23; 74:16;76:4;79:4,24; 81:24;87:3,21;88:10, 19;89:4,12,19,24; 91:10;92:1,7;93:16; 95:12,19;98:24;99:7; 101:3,22;108:13; 112:10;118:1;119:3; 120:24;122:5,11,13; 124:11,18;125:1; 126:15,19;127:9; 128:11,23;129:14; 130:1,7,12;131:19; 134:16;135:14; 138:11;140:22; 141:11;142:12,16,20, 22;143:23;144:9,20; 145:4;146:16; 147:17;149:18; 150:5;151:12,19,22; 152:4,10,16,19; 153:17,22;154:19; 155:11,18,23;156:4, 19;157:8 officials (3) 104:23;105:18; 116:12 often (1) 133:10 once (11) 10:11;21:9;22:2; 23:3;25:2;27:12; 59:1;65:3;81:9; 107:17;112:6 one (72) 7:18;10:13;11:15; 12:1;14:15,22;16:4; 17:16;20:17,22; 21:22;25:9,11;28:16;</p>
--	---	--	---	---

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

29:12;31:22;39:12; 44:21;48:6,22;49:13; 50:1;54:10,17;61:1, 12,16;63:13;64:8; 65:21;66:24;70:11, 18,19;71:8;72:12; 73:1;83:3,5,7;85:3; 86:8,15;91:16;97:12; 99:22;100:10;103:4; 105:9;107:4;108:24; 109:10;117:17; 118:10;127:19; 130:19;133:17; 135:7;137:21;141:6, 20,22;145:18;147:2, 24;148:3;149:2,10, 14;155:24;156:8,16	10:23;13:22;21:18; 45:17,19;46:6; 120:12;121:12; 130:20;131:1,3; 132:5,17;141:23; 142:4,6 operational (1) 107:17 operationally (1) 69:19 opine (1) 143:18 opinion (3) 73:23;156:24; 157:3 opinions (2) 20:11,15 opportunity (3) 71:15;123:19; 136:10 opposed (3) 22:5;44:18;48:9 opposition (1) 156:2 optimist (1) 15:16 order (7) 27:14;28:6;79:23; 117:14;149:1,21; 153:7 ordered (1) 150:16 Orderly (1) 129:19 original (6) 8:20;10:16;15:18; 19:1;91:12;150:6 originally (1) 20:24 others (6) 16:9;17:1;41:18; 52:17;70:24;88:1 otherwise (6) 17:3;50:24;52:11; 56:3;115:16;152:12 ought (4) 72:8;104:6;107:14; 150:3 out (48) 8:6;15:12;17:4,10; 18:22;21:3;23:20; 24:4;29:13,17;32:3, 12,15;39:21;44:1; 47:18;51:22;52:7; 53:2;56:16,18;57:10; 63:13;69:24;70:17; 77:11;80:21;81:9,11; 82:7;91:16;93:24; 95:13;96:9;97:14; 98:21;100:8,13,13; 105:23;116:13; 118:7;126:4;136:23; 141:18;146:13;	148:10;152:8 outdoor (3) 42:24;49:11;54:15 outline (5) 10:5;13:18;64:17; 75:20;77:1 outlined (2) 10:15;92:24 outlining (1) 92:16 outside (3) 27:8;56:2;95:7 over (15) 28:21;34:22;41:19; 42:14;43:22;46:24; 47:10,21;48:4;54:19; 55:2;83:20;85:9; 98:10;146:1 overall (9) 17:6;95:5;106:12, 14;117:20;120:9; 143:13;145:21; 146:10 overlooked (1) 37:5 overly (1) 36:21 oversight (1) 135:8 overwhelming (1) 140:3 own (9) 12:24;32:6,7,7,21, 22;43:9;116:13; 122:2 owned (4) 147:12,24;148:2; 150:19 owner (20) 35:18;46:24;52:6; 67:17;80:6,20;108:5; 109:16;118:24; 123:6,14,23;124:4,6; 130:21;131:3,23; 135:24;136:15;142:6 owners (15) 48:7;52:14;74:3,8; 77:5;90:3;111:15; 117:3,19;118:5; 123:19;124:9;131:6; 142:9;147:6 owner's (1) 35:13 ownership (8) 147:10,10;149:5,5; 150:18;151:2,7,9	35:8;65:8 Pam (2) 44:16;45:4 Pandora's (1) 138:21 paper (4) 31:1;33:22;36:9,16 papers (1) 104:9 paragraph (3) 24:16,18;58:19 parallel (1) 134:24 parameters (1) 113:23 paraphrase (2) 28:21;147:18 paraphrasing (2) 15:19;95:24 parcel (3) 40:17;41:2;53:21 parenthetically (1) 113:4 part (24) 7:7,10;12:2;14:5; 16:17;18:5;19:18; 21:23;24:8,11;25:6; 31:8;45:9;49:18; 56:8;60:14;87:16; 94:9;99:12;102:9,18; 105:15;149:21;154:3 partial (1) 45:19 partially (1) 27:1 participate (3) 81:15;83:10; 140:15 participating (7) 66:1,8,16;81:13; 90:24;113:10;131:20 particular (2) 31:4;75:12 particularly (3) 48:14;110:11; 111:14 parties (7) 13:19;64:3;69:8; 87:10;94:18;99:12; 150:15 party (3) 29:8;58:21;59:18 pass (3) 33:11;138:7; 142:21 passed (1) 26:19 past (4) 19:3;101:18;143:5; 144:3 pasted (1) 34:13 path (6)	68:10;73:16;82:4; 93:12;103:14;128:22 paths (1) 91:16 Pause (5) 4:15;59:9,15;68:8; 142:15 pay (8) 67:16;77:14,19,20; 90:8,15,16;118:24 paying (2) 79:14;104:15 payment (7) 115:18;116:3,22; 120:2;124:7;131:4; 142:7 payments (4) 103:22;124:10; 131:8;142:11 pays (2) 115:22;131:16 people (25) 17:17;18:13;20:14; 28:18;30:13;36:14; 43:11;52:10;53:1; 55:20;70:22;72:13; 73:7,8;84:18;88:2; 103:19;106:19; 107:17,20;110:10; 118:8;126:5;135:9; 145:1 people's (1) 128:15 per (8) 106:13;117:12,14, 16,18;123:24; 130:22;142:1 perceive (1) 109:10 perceived (1) 125:20 percent (2) 101:7;146:6 perception (2) 105:15;110:13 perceptions (1) 110:11 perfect (5) 77:8;112:8;124:14; 125:4;135:11 perfectly (1) 122:2 perform (1) 23:13 perhaps (19) 10:3;37:16;70:11; 76:18;81:22;96:16; 100:22;106:12; 111:23;113:14; 114:20;117:7; 126:19;128:14; 144:15,19;145:19; 150:5;151:13
		P		
		package (2) 114:7,24 Page (6) 10:2;24:7,13,23;		

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

perils (1) 138:20	piece (1) 53:8	possible (2) 105:21;129:12	presenting (1) 88:2	primarily (1) 48:10			
period (8) 44:1;46:22;47:21; 80:16;81:20,23; 98:19;107:19	pieces (1) 31:1	Possibly (1) 78:11	PRESIDING (156) 4:2;5:11;7:18;8:10, 17,24;9:5;10:19; 11:11,23;13:7;14:4, 13;15:15;16:23; 17:11,20;18:23; 19:21;20:19,23;22:3, 7;23:22;25:4,14,18, 21;26:24;27:20,23; 28:20;29:21;30:3; 32:24;33:7,16;34:14; 35:3;36:5,22;37:2,6, 16;38:8,13,19,23; 39:5;40:2;41:13; 42:16;45:2,24;48:17, 20;49:5,23;53:13,24; 54:7,20;56:5;57:12, 19;60:8;61:15,18; 63:10;64:10,13,23; 65:9,12;66:10,20; 67:23;71:1;72:23; 74:16;76:4;79:4,24; 81:24;87:3,21;88:10, 19;89:4,12,19,24; 91:10;92:1,7,93:16; 95:12,19;98:24;99:7; 101:3,22;108:13; 112:10;118:1;119:3; 120:24;122:5,11,13; 124:11,18;125:1; 126:15,19;127:9; 128:11,23;129:14; 130:1,7,12;131:19; 134:16;135:14; 138:11;140:22; 141:11;142:12,16,20, 22;143:23;144:9,20; 145:4;146:16; 147:17;149:18; 150:5;151:12,19,22; 152:4,10,16,19; 153:17,22;154:19; 155:11,18,23;156:4, 19;157:8	PILOT (3) 115:14;116:22; 117:9	post (1) 135:2	pressure (2) 11:19;18:18	principle (2) 93:19;110:1
permanent (1) 21:11	pig (1) 132:21	post-blasting (1) 22:22	pre- (1) 22:22	print (4) 89:15,20,20,23			
permit (5) 26:12,14;27:4,10; 99:5	PILOT (3) 115:14;116:22; 117:9	post-construction (5) 31:20,24;33:23; 36:10;112:16	precluding (1) 35:5	prior (10) 8:15,21;9:3;10:22; 13:22;14:2;21:18; 22:24;23:14;150:23			
permits (7) 24:2;26:7,11,21, 21;27:12,18	place (19) 9:3;13:22,24; 14:23;15:2;31:19; 40:19;45:23;47:5; 60:2,6;61:8;69:20; 74:1;84:8;85:7;87:1; 92:20;136:18	posted (1) 36:12	pre- (1) 22:22	priority (1) 12:14			
persons (16) 12:20;16:16;28:16, 16;31:22;32:15,21; 53:6;64:8;79:21; 101:11;104:1;123:9, 10;147:15;150:23	planned (1) 115:13	potential (8) 4:6;9:21;18:9; 68:6;69:7;130:3; 150:11;153:8	pre- (1) 22:22	privacy (1) 51:20			
Personally (4) 32:4;67:6;104:3; 128:2	planning (1) 44:10	potentially (3) 84:7;88:1;112:1	pre- (1) 22:22	private (6) 23:14;52:16,16,17; 139:22;143:12			
perspective (10) 12:9;16:5;47:22; 75:11,14,22;119:17; 123:3;140:13;145:21	plans (2) 63:17;146:8	power (4) 21:14;35:15;44:24; 146:10	pre- (1) 22:22	proactive (1) 53:6			
perspectives (1) 100:19	please (7) 17:10;23:22;54:7; 124:16;130:5,17; 155:20	practicable (2) 13:24;25:24	pre- (1) 22:22	probably (14) 5:9;6:12;11:4; 14:16;31:21,22; 53:10,12;73:14; 80:19;94:20;101:6; 131:23;149:10			
persuaded (2) 81:5;103:7	planning (1) 44:10	practical (1) 74:9	pre- (1) 22:22	problem (7) 11:16;16:18;32:5, 10;71:11;78:20; 96:14			
persuasive (1) 104:2	plans (2) 63:17;146:8	practice (1) 107:2	pre- (1) 22:22	procedure (2) 5:10;125:22			
pertained (1) 153:15	please (7) 17:10;23:22;54:7; 124:16;130:5,17; 155:20	Practices (1) 23:5	pre- (1) 22:22	procedures (1) 15:7			
pertaining (1) 27:18	plug (1) 89:22	pre- (1) 22:22	pre- (1) 22:22	proceeding (7) 26:2;87:7,11,12; 93:9;98:5,12			
pertains (2) 46:14;92:13	pm (3) 88:17,18;157:18	predictability (6) 82:5;106:12; 114:12;115:2; 120:11;135:18	pre- (1) 22:22	proceedings (5) 82:15;89:2;92:15; 100:8,18			
phase (2) 21:17;129:20	point (28) 8:6;17:5;18:24; 21:3;24:4;26:22; 34:6;36:7;42:4; 63:13;66:12;98:17; 100:11,24;101:7; 111:19;117:10; 118:7;120:18;121:2; 128:17;133:20; 137:2;139:4;140:6; 146:24;151:24; 152:14	prefer (7) 14:21;17:11;19:3; 57:12;96:11;98:10; 137:23	pre- (1) 22:22	process (33) 5:2,4;7:15;13:18; 16:1;20:13;21:15; 46:17;71:24;73:18; 80:5;81:15;84:12; 91:7;93:20;94:1,16, 19;95:16;97:14;98:6; 99:11;100:17; 102:14;105:21,24; 107:6;108:21;111:9; 119:10;131:14; 139:11;140:16			
philosophical (1) 115:9	points (5) 9:24;34:5;38:1; 89:7;99:22	preferable (1) 46:4	pre- (1) 22:22	producing (1) 44:24			
photo (1) 81:10	population (3) 143:12;145:21; 146:15	preferred (1) 69:10	pre- (1) 22:22	production (1) 136:11			
phrase (1) 72:8	portion (2) 77:21;90:16	premise (1) 18:4	pre- (1) 22:22	professional (5) 29:7;101:14,20; 105:4,14			
physically (1) 72:14	position (5) 11:7;13:2;16:11, 20;18:22	prepare (1) 31:23	pre- (1) 22:22	professionals (1) 111:8			
pick (4) 4:7;28:12;44:22; 85:13	possibility (1) 70:18	prepared (6) 23:18;63:8;98:1, 13;104:1;105:17	pre- (1) 22:22	program (22) 22:17;23:2;25:1; 27:9;73:12;77:2,5,7,			
picked (1) 29:1		presence (2) 106:2;123:4	pre- (1) 22:22				
picking (6) 33:13;83:3,4; 85:14,15,16		present (6) 100:18;125:4; 147:9;150:17;151:9; 155:2	pre- (1) 22:22				
pickle (1) 116:5		presented (9) 70:11;71:12;92:14; 93:14;99:14,20; 102:1;137:8;140:24	pre- (1) 22:22				
picks (2) 29:19;84:14			pre- (1) 22:22				
picky (1) 36:21			pre- (1) 22:22				

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

<p>9;78:4;82:12,12,13; 83:10;90:3;91:6,17, 21;95:22;96:9,20; 141:20 prohibition (1) 99:2 Project (58) 6:1,5;7:9;8:22;9:4; 14:3;17:6;19:23; 24:18;26:15;27:7,19; 31:5;33:13;34:2,3,3; 41:5;56:12;61:22; 64:16;66:7;67:19; 77:2,19;80:19,20; 84:7;86:23;90:14; 97:20;104:24; 107:17,20,22;113:5, 7,13;114:5;115:5; 117:2;118:19;120:9; 124:5;127:13;131:1, 15;132:18;133:2; 137:24;142:4; 146:21;147:8; 148:14;154:5,11; 155:1;156:14 projection (1) 77:18 projects (2) 31:11;34:23 promptly (1) 149:4 properly (4) 37:9;58:4;129:16; 130:4 properties (12) 32:2;39:16,21,24; 40:6;42:6;56:11; 73:21;81:21;103:16; 105:4;128:6 property (141) 34:4;35:13,18; 40:16;41:11;46:23; 48:7;52:7,14;53:8,11, 16,21;54:13;56:13; 67:11,13,17,18;68:4, 4,20;69:5,12;70:2; 71:17,22;72:1,7,15; 73:4,5,20;74:3,7,8, 11;75:1,7;77:5,17; 78:15;79:1;80:6,7,10, 14;81:8;82:20;83:16, 17,23;86:6,11;89:11; 90:3,12;94:4;95:3; 99:16,18;100:3; 102:2,9;103:18; 104:10;105:22; 106:13;108:5; 109:16;110:9,17,20; 111:11,15;112:21; 113:14;114:9,15; 115:15;116:17,18; 117:3,18,18;118:4, 12,16,18,24;119:10;</p>	<p>121:3;122:17,20,22; 123:3,6,7,8,14,15,22, 24;124:2,4,6,8,9; 126:11,23;127:12,22, 24;128:5,7,16;129:4, 9,12,13;130:3,20,21, 24;131:3,5,7,16,23; 134:21;135:1; 136:15;139:10,23; 141:19;142:1,3,6,8, 10;143:12 proportionately (1) 115:1 proposal (26) 10:16;11:17;91:13; 93:3;96:12,17;97:4,5, 12,13;98:3,4;104:6; 106:22;107:23; 108:4,6,12;118:23; 119:6;121:6;130:10; 137:12;141:17,20; 142:17 proposals (3) 67:3;93:22;96:18 propose (1) 43:13 proposed (23) 9:17,19;18:10; 22:16;25:7;28:1; 33:18;37:24;38:3; 39:6;58:8;61:19; 62:12;66:21;69:12; 86:14;91:24;106:24; 113:2;121:9;122:16; 149:4;151:6 proposing (1) 79:13 protect (2) 23:8;139:22 protection (2) 13:6;128:16 provide (7) 16:7;32:8;33:21; 48:15;61:20;101:12; 145:24 provided (6) 59:5;63:17,24; 101:21;118:19;140:7 provides (4) 13:6;77:6;90:4; 106:15 providing (2) 62:6;154:6 provision (4) 14:1,20,21;55:18 proximity (6) 6:17;93:1;102:4, 16;108:4;123:5 public (21) 4:17;42:5;43:1; 49:12;54:15;70:21; 86:24;116:12;122:4, 129:21,22;143:2,9,</p>	<p>16;146:17;153:8,11; 154:2,5,13;157:13 pull (1) 145:6 pulled (1) 80:4 purchase (8) 53:7;66:22;68:12; 76:11;80:11,13;86:6, 12 purchases (1) 80:20 purposes (2) 109:4;125:23 pursuant (1) 23:17 pursue (3) 12:24;13:23;89:10 pursued (1) 71:13 pursuing (2) 13:11;125:8 put (20) 22:12;49:6;55:11; 77:3;81:20;84:8,17; 86:2;94:12;114:1; 116:4;119:22;121:4, 8,15;125:14;136:18; 140:8;144:14,23 puts (5) 12:8;96:3;103:2; 119:11;132:21 putting (5) 18:1;27:10;45:14; 46:11;110:3</p>	<p>radar (1) 6:4 radar-activated (6) 5:20;6:2;7:21; 11:8;14:9;21:19 radius (5) 39:23;52:8;53:5; 67:13;81:2 raise (8) 124:15;129:3; 130:5;142:19;153:3; 155:20,22;156:1 raised (7) 30:4;70:13;72:10; 87:19;103:3;112:4; 152:5 raising (3) 65:15;130:6;156:7 rate (1) 144:7 rather (6) 26:1;30:16;57:3; 77:1;128:12;131:23 rationale (1) 85:12 reach (2) 21:10;92:12 reached (1) 138:8 reaching (1) 36:13 react (1) 88:3 reaction (1) 80:22 read (23) 22:12;23:10,23; 24:5;25:5;27:16; 33:20;39:9;40:23; 41:5;89:13;90:1; 91:18;123:20;134:5; 141:14,15,21;143:6; 151:4,8;152:17,19 reads (1) 61:19 ready (1) 154:21 real (9) 12:4;36:24;40:17; 69:7;74:1;94:8; 108:9;110:12;135:2 realities (1) 16:1 reality (1) 31:21 realize (2) 108:10;133:8 really (25) 11:15;32:4;46:22; 69:2;71:23;74:6; 75:24;78:17,21; 79:13;80:9,15;84:23; 86:2;88:24;89:9;</p>	<p>95:9;97:16,17; 101:14,17;102:7; 118:14;154:10;157:1 realm (1) 110:19 re-articulate (1) 143:4 reason (7) 11:9;19:8,10;58:4; 80:18;94:4;119:9 reasonable (5) 25:24;26:5;27:17; 114:17;156:12 reasons (3) 82:24;83:2;107:1 recall (6) 99:14;101:8;104:8; 106:4;112:6;146:1 recapping (1) 54:4 receipt (1) 35:13 receive (5) 47:13;74:23;124:6; 131:4;142:7 received (5) 22:2;47:8;64:20; 80:10;121:7 receives (3) 123:23;131:2; 142:5 receiving (1) 117:9 receptors (1) 42:8 Recess (4) 88:17;121:6,20; 122:1 recognize (3) 15:24;114:10; 154:3 recollect (1) 58:4 recollection (8) 35:23;39:8;48:10, 12;66:17;76:9;83:12; 122:21 recommend (4) 25:10;27:15;155:6, 8 recommendation (1) 24:14 recommendations (1) 24:12 recommended (2) 24:21;36:2 record (30) 4:3;8:6;12:11;68:2, 14;70:3,5;72:21; 74:21;82:19;88:20; 94:24;98:22;99:3,6; 113:3;116:10;118:3, 4;120:19,22;123:20;</p>
		Q		
		<p>qualification (1) 76:22 qualified (3) 30:11;32:15,18 quality (2) 23:9;143:15 quantifiable (2) 93:3;139:5 quantify (2) 74:22;119:24 quarterly (2) 46:15;48:9 quick (1) 36:24 quickly (1) 15:12 quiet (1) 74:10 quite (7) 47:8;48:8;79:11; 99:12,13;117:9; 149:8</p>		
		R		

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

137:2;139:20; 141:14;146:22; 154:12,18;155:24; 157:4	relatively (2) 17:5;118:20	representative (1) 22:20	response (1) 13:13	126:3;127:5;129:20; 130:7,8;131:22; 132:8,24;134:15; 136:9;138:22; 142:16,23;148:9; 151:22;152:10;157:8
recovering (1) 94:7	relevant (1) 102:24	request (8) 48:14;77:20;90:15; 91:11;118:2,17; 133:14;149:7	response] (11) 22:6;25:20;27:22; 38:22;48:19;64:12, 22;65:11;146:18; 151:21;153:21	rights (5) 74:7,7;81:14; 97:21;139:23
reduce (1) 146:5	Reliable (3) 147:8;149:9; 150:14	requested (7) 35:9,18;100:6; 107:7,16;133:7; 140:1	responses (1) 103:5	road (6) 17:12;56:17;68:1; 76:21;83:1;137:22
reduced (1) 113:13	relocate (2) 26:1;27:7	requests (6) 12:17;76:10,12; 100:4;118:4;131:11	responsibility (1) 141:6	roadway (2) 49:13;54:17
reducing (1) 146:3	relocating (1) 27:3	require (12) 21:24;23:5;27:11; 37:11;45:15;64:15; 67:10;77:4;87:7; 90:2;91:20;147:19	responsive (1) 15:10	Roberts (1) 121:17
reduction (1) 73:4	reluctance (1) 19:22	required (13) 6:8;7:3;9:9,18; 10:22;22:14;28:3; 33:24;35:1;45:16; 63:17,22;143:10	responsiveness (2) 12:16;16:13	robust (2) 68:14;76:12
reductions (2) 71:17,22	reluctant (4) 69:4;84:20;98:4; 115:17	requirements (7) 7:10;50:17;66:3, 16;119:20,22;144:7	rest (4) 62:2;78:3;138:9; 156:8	Rock (1) 23:7
redundancy (1) 24:3	relying (1) 13:4	requirement (8) 9:14;10:1;21:21; 24:19;91:17;149:3; 151:3;153:5	restored (1) 123:7	role (1) 31:10
redundant (3) 4:5;24:13,18	remain (2) 60:2,5	research (2) 73:13;85:3	restrictive (1) 18:1	rolling (2) 47:2,21
re-engage (1) 88:16	remains (3) 61:8;105:17;143:1	researching (1) 85:5	result (2) 116:14;118:19	rolls (1) 53:20
refer (1) 59:19	remember (11) 5:14;7:23;30:21; 34:9;35:5,5;40:4; 58:3;60:9,10;104:22	residence (5) 40:19;42:23;49:7, 10;54:14	results (5) 30:23,24;31:14; 32:9;49:20	room (1) 11:13
reference (4) 49:14;56:21,24; 134:12	remembering (1) 99:21	residences (2) 41:2;73:22	resumed (1) 88:18	Rose (34) 9:6,7;13:8,9;14:6; 19:2,5;20:2;29:4; 30:5,22;41:23;46:10; 50:1;51:3;62:4; 74:17,18;92:8,9; 94:2;99:8,9;117:15; 119:4,5;124:17; 125:9;127:14; 132:19;133:1;139:2; 145:15;150:10
referenced (5) 5:8;8:8;10:16; 13:10;139:4	removal (1) 38:16	resident (1) 51:11	retailer (1) 32:12	Rose's (1) 43:14
referencing (2) 24:16;92:11	removed (1) 38:18	resident's (1) 51:22	retrieval (1) 36:16	round (1) 133:18
refine (2) 122:7;125:13	renewable (3) 120:13;145:23; 146:9	resolution (2) 57:14;64:20	retrospect (1) 71:14	route (10) 66:24;67:13,21; 69:10;85:11;97:1; 98:9,10;104:5;150:2
reflected (2) 58:15,22	reopen (1) 99:6	resolve (2) 11:12;17:14	revenues (3) 116:17,19;117:1	routes (2) 6:19;67:19
regard (2) 5:6;110:12	reopening (1) 99:2	resolved (1) 17:18	review (3) 17:2;19:13;26:14	RSA (8) 123:24;124:1; 130:22,22;134:1; 142:1,2;143:7
regarding (8) 4:6;12:11;57:23; 62:11;72:6;118:3; 121:3;156:8	repeat (1) 127:7	resource (1) 31:12	reviewed (3) 44:2;58:20;59:18	rule (12) 55:6,9,12,17,24; 56:17,20,22,24;57:1, 4;145:7
regardless (2) 16:14;117:4	repeating (1) 150:11	resources (5) 111:1;120:13; 143:15,16;146:9	reviewing (1) 5:21	rulemaking (1) 55:20
regards (1) 33:18	re-permitting (1) 27:12	respect (5) 13:1;65:6;66:4; 74:7;149:11	RFP (1) 30:14	rules (33) 9:14;10:1;34:22; 35:1,2,19;36:3;42:19, 21;46:13;47:20;49:2;
region (3) 100:16;127:15; 128:4	report (27) 39:13;44:12,19; 45:10;46:8;48:23; 50:3,6,12,15,18; 51:22;52:5;54:10; 56:22;64:16;65:4; 74:23;95:5;101:14; 103:24;112:19; 137:4,5,6,7;140:6	respects (2) 63:5;112:11	right (54) 5:14;8:1;19:6; 20:11,19;26:21; 27:23;28:23;30:7; 31:1;33:17;37:24; 38:23;39:5;40:14; 41:23;45:12;49:4,16; 51:18;52:20;62:15; 74:8,10;75:15;79:9; 84:11;85:23;101:19; 108:21;115:11; 116:16,21;118:6; 121:22;123:2,11;	
regional (1) 146:8	Reporter (6) 6:22;49:8;60:3; 63:3;65:18;115:24			
regulations (1) 134:1	reporting (4) 45:7;50:17;62:2,4			
regulatory (4) 16:1,6,16;135:8	reports (11) 30:20;33:23;43:23; 45:15;46:2;63:22,23; 64:3;65:6,7;101:20			
related (7) 26:20;102:3,15; 106:2;149:11; 153:15,16				
relationship (1) 110:22				
relative (2) 76:8;113:23				

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

56:2,19;66:3,7;99:5; 109:1,3,5,19;119:20; 120:3,16;127:1,1; 144:14,16,18,23; 145:2,6;156:15 running (3) 30:14;78:21;143:3	17:11,20;18:23; 19:21;20:19,23;22:3, 7;23:22;25:4,14,18, 21;26:24;27:20,23; 28:20;29:21;30:3; 32:24;33:7,16;34:14; 35:3;36:5,22;37:2,6, 16;38:8,13,19,23; 39:5;40:2;41:13; 42:16;45:2,24;48:17, 20;49:5,23;53:13,24; 54:3,7,20;56:5;57:12, 19;60:8;61:15,18; 63:10;64:10,13,23; 65:9,12;66:10,20; 67:23;71:1;72:23; 74:16;76:4;79:4,24; 81:24;84:10;87:3,21; 88:10,19;89:4,12,19, 24;91:10;92:1,7; 93:16;95:12,19; 98:24;99:7;101:3,22; 103:13;108:13; 112:10;118:1;119:3; 120:24;122:5,11,13; 124:11,18;125:1; 126:15,19;127:9; 128:11,23;129:14; 130:1,7,12;131:19; 134:16;135:14; 138:11;140:22; 141:11;142:12,16,20, 22;143:23;144:9,20; 145:4;146:16; 147:17;149:18; 150:5;151:12,19,22; 152:4,10,16,19; 153:17,22;154:19; 155:11,18,23;156:4, 19;157:8	seeks (2) 130:21;141:24 seem (2) 43:5;119:21 seeded (2) 105:21;106:9 seems (11) 5:1;6:23;17:18; 28:24;29:15;34:18; 44:16;59:11;69:17; 118:12;135:19 select (1) 29:2 selected (1) 32:20 selection (3) 28:21,24;33:11 selectmen (6) 32:13;102:13; 105:3,12,12,16 sell (6) 67:12;78:23;79:22; 80:10,14;103:18 seller (1) 135:4 seller's (2) 77:21;90:17 selling (4) 73:19;80:19; 101:10;110:12 sells (3) 79:12;123:10; 147:18 semi-annual (7) 39:9,11;41:4; 42:15;46:16;48:21; 54:8 semi-annually (1) 46:15 Send (1) 64:6 sending (1) 50:3 sense (19) 4:11;17:15;25:6; 27:10,13;37:11;43:6; 46:14,16;60:13; 63:21;73:6;75:3,21; 100:15;103:9,10; 113:1;119:15 sensing (1) 6:12 sensitive (3) 42:8;97:15;139:24 sent (1) 64:24 sentence (7) 24:13,24;27:16; 36:23;37:3;60:1,20 sentences (1) 84:10 separate (5) 98:12;110:20;	144:14,24;145:3 separately (1) 156:16 September (1) 92:22 sequence (1) 61:21 series (1) 51:6 serve (1) 143:9 serves (2) 101:24;154:5 service (1) 80:8 Services (3) 22:24;23:19;24:17 session (5) 69:1,14;84:22; 136:9,9 set (4) 44:1;111:23,24; 139:11 setbacks (4) 153:6,15,16,19 setting (3) 42:24;49:11;54:15 several (1) 144:3 shadow (22) 35:15;39:8,16; 41:15;42:2,13;43:5; 44:20;46:1;48:24; 50:15;54:12;55:7; 65:6,24;106:7;109:7, 16,18;110:7;112:17; 124:3 shaking (1) 130:4 shall (40) 6:3,10,11;7:21; 14:9;22:14,22;23:13; 25:23;26:5;27:17; 28:10;33:21;34:1; 35:16;36:9;37:17; 39:12;48:22;50:4; 53:15;54:9;58:20; 60:2,5;61:20;77:13, 19,20,24;90:8;124:6, 9;131:4,7;142:7,10; 148:24;150:21;153:4 shared (2) 23:24;68:1 short (1) 24:22 show (3) 47:18;154:24; 155:24 showed (2) 82:23;95:2 showing (1) 34:1 shows (6)	39:15;41:15;48:24; 54:11;104:13;112:20 show-stopper (3) 19:24;20:3,5 side (3) 14:17;83:5,6 sides (2) 74:8;88:4 sight (1) 108:3 signed (1) 10:7 significance (1) 97:21 significant (5) 12:23;19:16; 101:16;102:6,8 similar (4) 54:18;79:19,20; 147:7 similarly-situated (3) 83:17,19,21 simple (4) 12:20;51:23;52:21; 64:9 simplicity (1) 119:14 simplistic (1) 117:22 simply (2) 151:5;156:6 simulations (1) 81:10 simultaneously (1) 6:4 single-family (1) 92:22 sink (1) 100:9 sit (2) 136:5;138:5 site (12) 4:20;6:14;11:16; 23:10,11;32:1;33:24; 36:12,19,20;148:22; 153:3 sited (1) 153:5 sits (2) 79:12;80:15 situation (3) 78:1;90:21;106:10 situations (3) 25:12;101:8;114:8 six (3) 47:11;48:4;141:18 skeptical (1) 74:14 skepticism (1) 68:1 sketch (1) 63:6 skewing (1)
S				
safes (1) 19:9 safety (14) 12:3,5,7,12;14:17; 18:3,7,16;110:21; 111:1;143:17;153:7, 9,12 sake (1) 37:22 salary (1) 106:14 sale (10) 77:12,16;78:11,14; 90:4,7,12;135:3,5; 150:22 sales (4) 76:22;125:17,19, 21 same (16) 20:8;43:17;45:11; 65:4,8;76:11;83:8,9, 24;90:11;94:20; 107:24;115:19; 123:9;134:22;141:5 sampling (4) 22:17;23:2,2;25:1 saw (2) 81:10;123:14 saying (17) 15:20;63:2;66:21; 70:6;94:20;96:22; 108:20;109:22; 113:12;115:21; 116:6,9;117:21; 127:3;144:23; 152:13,20 SCADA (5) 39:13;48:23;50:11; 54:11;112:19 schedule (1) 88:5 school (1) 115:20 scooped (2) 66:7;83:7 scope (4) 26:6;27:18;76:7; 97:20 SCOTT (159) 4:2;5:11;7:18;8:10, 17,24;9:5;10:19; 11:11,23;13:7;14:4, 13;15:15;16:23;	Scott's (1) 86:5 search (1) 130:2 SEC (11) 16:6;28:5,11; 29:18;33:5;57:3; 63:18;64:1;70:22; 86:11;109:2 second (10) 24:16;36:8;37:1,3; 89:9;121:16;142:14, 24;155:16,17 SEC's (1) 31:8 Section (6) 4:23;9:16;21:6; 42:20;108:18;153:3 seeing (6) 18:14;25:21;38:24; 99:14;106:4;153:23 seek (2) 10:8;14:10			

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

32:9 skills (1) 72:4 slippery (2) 75:18;93:7 slope (2) 75:18;93:7 small (4) 17:5,7;79:3;128:6 Society (1) 13:5 soften (1) 117:6 sold (5) 78:10;79:8;80:2; 123:3;148:3 solely (5) 131:2;132:7,12,16; 142:5 solution (5) 71:10;72:9;102:10; 103:13,14 solve (1) 127:19 somebody (4) 29:8;30:6;32:11; 148:3 somehow (6) 17:2;33:12;114:19; 115:1;128:8,9 Someone (9) 17:9;29:19;73:18, 24;96:21;104:9; 126:2;133:5;141:10 someone's (2) 74:10;78:11 sometimes (1) 12:19 somewhat (5) 46:21;74:14;75:17; 114:3;149:13 somewhere (1) 104:9 soon (3) 13:24;15:12; 118:20 sorry (5) 49:18;60:4;70:21; 121:23;143:23 sort (19) 10:5;29:7;36:15; 48:3;51:7;52:22; 68:22;69:5,16;81:17; 84:17;92:16,23,24; 93:2;118:15;120:2; 138:14;149:22 sound (24) 28:18;29:2;30:23; 31:6,20;32:14,16,22; 33:23;35:15;47:17; 60:14;65:24;96:7; 106:8;108:24;109:6, 15,18;110:7;112:12;	119:18;124:3;148:5 sound-measuring (2) 34:5,6 sounds (6) 6:6;11:8;27:20; 86:9;150:7;154:21 space (3) 42:23;49:10;54:14 spans (1) 18:9 speak (5) 10:20;35:1;36:3; 67:24;97:11 speaks (1) 151:1 specific (12) 6:13;11:16;31:4; 43:8;73:3;75:3,8; 101:12;102:15,15; 152:13,23 spell (1) 70:17 spelling (1) 56:16 spend (1) 85:4 spent (1) 157:14 spoke (1) 103:17 spreadsheet (1) 50:24 spreadsheets (2) 51:7,16 spurred (1) 31:15 square (1) 83:22 stab (1) 48:18 stakeholder (1) 96:12 stalemate (1) 9:12 stall (1) 9:12 stand (4) 57:17;138:10; 157:7,16 standard (1) 144:6 standards (1) 105:14 standing (1) 134:23 start (5) 24:20;44:24;67:1; 78:21;93:7 started (6) 9:8;46:8,9;83:1; 97:21;108:6 starts (1) 45:23	state (11) 26:6,11;27:18; 30:15;115:11; 120:13;139:2,18; 143:14,14;156:7 stated (6) 9:17;13:10;14:7,8; 130:4;146:12 statement (2) 36:18;64:2 statements (2) 16:17;100:5 states (3) 10:8;120:20;143:7 state's (2) 146:5;154:8 static (1) 42:3 stationary (1) 18:4 statistical (2) 82:21,22 status (5) 43:19,20;44:13; 45:7;64:18 statute (4) 143:6;145:8,14; 149:2 statutory (3) 133:23;134:11; 144:7 stick (1) 50:19 still (15) 4:10;6:12;10:21; 15:17;43:9;84:16; 94:7;107:24;110:1; 112:16;113:4,8,11; 135:17;139:19 stomach (1) 138:23 stop (2) 57:15;70:24 straight-face (1) 33:11 straightforward (2) 119:20;126:9 strategic (2) 120:12;139:17 straw (14) 112:14;121:15; 124:12;125:11; 126:8;127:5,18; 128:12,14;129:2; 134:17;138:12,16; 156:10 streamlined (1) 15:9 street (5) 52:13,18;83:6,8; 111:19 stressing (1) 115:2	stretch (1) 20:6 strictly (1) 72:12 strikes (1) 12:2 stringent (2) 27:6;151:11 strongly (1) 16:11 structure (7) 18:7;31:9;147:10, 11;149:6;150:18; 151:10 structures (16) 7:4;18:14;33:19; 34:20;40:16,19,21; 41:3,9,10,16,21;42:6; 54:18;56:9;79:20 struggle (1) 101:17 struggling (1) 85:23 stuck (4) 95:8;107:24; 108:23;109:14 study (2) 39:23;95:2 stuff (6) 52:3;56:1;115:20; 137:14,15;148:15 style (1) 83:23 Subcommittee (7) 51:10;101:2;141:3; 143:10;147:16; 148:4;150:24 Subcommittee's (1) 75:22 subject (6) 66:2;149:22;153:6; 154:17;155:8,12 subjected (2) 42:14;47:16 submission (2) 30:23;43:18 submissions (1) 45:15 submit (5) 39:12;48:22;50:5; 54:9;86:14 submits (1) 97:5 submitted (5) 45:17;49:21;54:22; 91:22;101:15 subsequent (5) 123:18;124:9; 131:6;134:13;142:9 substantial (3) 87:11,15;111:21 substitute (1) 115:15	substituting (1) 150:15 subsumed (1) 63:16 successful (2) 89:1;116:16 such-and-such (2) 71:10,10 suddenly (1) 116:16 sufficient (4) 36:18;43:16;53:12; 157:4 suggest (18) 7:19;24:22;33:9; 37:17;42:2,19;50:4; 51:13,14;62:7;75:15; 76:23;78:10;93:15; 99:15;140:3;147:2; 151:13 suggested (19) 8:18;18:16;22:11; 25:22;34:10;35:9; 47:12;48:13;49:2; 50:2;54:21;74:24; 95:20;97:2;102:11; 103:14;138:15; 139:8;152:1 suggesting (9) 16:24;30:17;41:24; 46:1;90:1;95:16; 99:4;120:1;126:18 suggestion (20) 21:23;27:15,21; 38:20;46:11;51:19; 72:4;78:5;80:23,23; 88:14,23;89:8;95:14; 101:9;104:7;107:3; 124:20;134:9;150:6 suggestions (4) 66:23;71:6;88:21; 92:2 summarize (1) 104:18 summary (1) 51:8 sundry (1) 44:20 superseded (1) 62:10 Supervisory (1) 39:14 supply (1) 22:19 support (10) 19:1;56:3;64:5; 84:13,20;104:23; 113:7;135:17;156:9, 14 supported (1) 107:1 supporting (2) 55:23,23
---	--	---	---	---

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

<p>supportive (2) 113:5;116:11</p> <p>suppose (6) 16:4,7,18;23:17; 71:12;102:8</p> <p>supposed (4) 44:5;55:7;122:3; 141:7</p> <p>sure (27) 13:2;17:3;39:4; 40:13;41:6;42:12,18; 59:14;60:23;66:13; 71:3;74:21;79:11; 112:5;115:23;116:1; 117:3;118:7,14; 129:23;135:9; 145:12;148:5;150:2, 13;151:17;153:13</p> <p>surprisingly (1) 80:24</p> <p>surveys (1) 112:16</p> <p>suspect (1) 87:9</p> <p>switch (2) 5:16;45:18</p> <p>system (25) 4:5,24;6:2,4,8,11; 8:15;9:2;10:12;11:8; 13:12;14:10;15:1,2; 18:6;19:10;30:15; 39:14,15;41:15; 48:24;50:11;54:11; 84:8;112:19</p> <p>systems (1) 7:22</p>	<p>tax (26) 52:1,18;53:11,16, 18,20,21;54:13; 102:2,12;105:22; 107:8;113:7,12; 115:9;116:17,18; 117:1,4;119:10; 122:23;123:24; 125:23;130:22; 131:13;142:1</p> <p>tax-assessed (1) 104:14</p> <p>taxes (7) 44:7;103:16; 115:11,15;117:10; 134:3,13</p> <p>taxpayer (1) 115:23</p> <p>tease (1) 95:13</p> <p>technical (1) 69:14</p> <p>Technically (1) 87:11</p> <p>technologies (1) 15:11</p> <p>teeth (1) 100:9</p> <p>temporary (2) 7:3;21:9</p> <p>tend (4) 14:18;75:10;82:16; 92:10</p> <p>tends (1) 73:6</p> <p>tenth (1) 111:19</p> <p>term (3) 26:11;132:12; 133:10</p> <p>terms (13) 7:16;25:10;70:1; 91:8,9;97:2;110:23; 111:7;115:22; 116:11;133:8; 139:11;146:5</p> <p>terrain (4) 24:2;26:20;27:4,9</p> <p>test (2) 33:12;47:17</p> <p>testified (1) 137:9</p> <p>testifying (1) 101:11</p> <p>testimony (20) 71:6,7,12;73:5,7; 82:18;85:12;86:15; 88:3;89:10;99:13; 101:9,20;102:2; 103:21;112:7; 136:11;137:3;140:2; 144:5</p> <p>testing (1)</p>	<p>42:7</p> <p>theoretically (1) 109:4</p> <p>theory (1) 30:8</p> <p>therefore (1) 123:5</p> <p>there'll (1) 57:1</p> <p>thin (1) 136:24</p> <p>thinking (10) 44:1;49:22;52:11; 76:5,6;79:10;81:4; 87:18;110:6;125:15</p> <p>third (6) 29:8;58:21;59:18; 77:24;90:20;92:3</p> <p>third-party (5) 28:4,22;30:12; 33:4;59:6</p> <p>thorough (2) 19:13;99:11</p> <p>though (9) 7:14;52:21;59:11; 68:1,20;75:13; 104:10;128:7;135:6</p> <p>thought (27) 11:4;18:21;44:21; 46:12,17;50:23; 65:21;66:6;76:14; 77:3,10;79:6;81:16; 91:4,12,18;95:15,17; 102:17;106:24; 111:8,16;130:13; 132:6;135:12; 140:11;144:2</p> <p>thoughtful (1) 89:3</p> <p>thoughts (3) 78:7;82:1;88:13</p> <p>thousand (3) 117:13,14,16</p> <p>three (11) 38:2;59:4,21;78:3; 84:10;97:7,17,19; 142:21,21;143:6</p> <p>threshold (1) 47:19</p> <p>thresholds (1) 127:4</p> <p>throughout (1) 23:15</p> <p>throw (7) 18:21;57:5;77:11; 80:20;82:7;138:2,3</p> <p>thrown (2) 56:2;91:16</p> <p>thumbnail (1) 63:6</p> <p>Thurber (1) 113:6</p> <p>tie (5)</p>	<p>49:21;50:16;55:14, 16;57:3</p> <p>tied (2) 57:2;126:13</p> <p>ties (2) 43:3;109:7</p> <p>tighten (1) 43:12</p> <p>times (4) 44:18;48:11;64:14; 117:17</p> <p>timing (4) 61:21;87:4;113:23; 114:22</p> <p>titled (1) 23:7</p> <p>today (6) 41:24;87:18;98:11; 109:8;124:23;136:21</p> <p>together (4) 22:12;50:16;86:19; 149:23</p> <p>took (2) 50:16;63:11</p> <p>tool (1) 53:9</p> <p>topic (3) 14:15;136:21; 141:1</p> <p>topics (1) 136:24</p> <p>topography (1) 34:3</p> <p>torn (1) 14:16</p> <p>total (1) 112:2</p> <p>totality (1) 145:11</p> <p>totally (1) 12:8</p> <p>touching (1) 154:17</p> <p>tough (2) 73:1;75:11</p> <p>towards (2) 18:1;110:17</p> <p>tower (1) 106:3</p> <p>towers (3) 81:6;102:4,16</p> <p>Town (44) 28:4,15;33:21; 36:9;37:11,13,14,18; 44:4;50:5;52:2;53:4, 19;54:22;59:5,8; 62:8,19;63:18,23,24; 64:24;65:3,5;104:11, 12,23;107:10;108:2; 110:16;113:6; 115:10,18;116:9,10, 14,24;117:6;118:3,7; 127:15;131:18;</p>	<p>136:13;139:11</p> <p>Town's (4) 63:16;115:12; 116:4,17</p> <p>track (3) 46:6;52:2;72:21</p> <p>training (1) 6:20</p> <p>transaction (1) 111:7</p> <p>transferred (3) 147:14,23;150:22</p> <p>Transportation's (1) 4:19</p> <p>tried (1) 50:14</p> <p>trigger (3) 5:17,19;45:20</p> <p>true (2) 103:8;128:8</p> <p>trust (1) 112:23</p> <p>try (26) 13:23;42:11;48:14; 51:17;53:1;71:9; 72:2,9;77:1;78:17; 82:4;100:13,18,20; 102:10;103:12,18; 119:21,24;120:10; 125:13;128:12; 130:10;139:22; 140:16;146:8</p> <p>trying (27) 15:24;16:14;58:3; 70:17;78:5,20,22; 83:24;92:12;93:7; 96:8;99:23;101:17; 114:1,7;116:13; 117:5;119:12; 120:24;121:8; 125:20;128:22; 132:3,14;139:16; 140:14;146:5</p> <p>turbine (4) 34:7;54:18;55:5; 84:2</p> <p>turbine-driven (1) 94:12</p> <p>turbines (3) 21:8;99:19;103:20</p> <p>turn (1) 80:14</p> <p>turned (3) 21:12,13;45:20</p> <p>Tuttle (1) 26:3</p> <p>tweak (1) 78:9</p> <p>tweaking (2) 78:15;133:18</p> <p>twice (1) 94:21</p> <p>two (28)</p>
T				
<p>table (3) 16:24;92:2;121:5</p> <p>talk (10) 10:4;65:14;67:2,3, 5;88:1;122:17;138:4, 24;154:10</p> <p>talked (11) 7:11;31:9;39:8; 43:19;45:5;53:3; 65:23;108:24;113:6; 114:5;144:3</p> <p>talking (18) 30:20;37:23;40:18, 22;42:21,22;68:23; 77:11;82:11;87:6; 91:4;110:8;122:18, 24;124:22,23; 137:13;148:7</p> <p>Talks (2) 7:5;43:4</p> <p>target (1) 44:9</p> <p>task (1) 85:9</p>				

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

<p>19:1;23:24;41:2,2; 46:20,20;59:3,17; 64:3,7;76:7;78:12; 81:19;89:6;90:6; 91:15;92:2;97:6,17; 101:8;102:2;107:18; 113:8;126:1,23; 130:8;134:22;138:13</p> <p>tying (2) 46:13;55:3</p> <p>type (8) 4:24;68:23;73:12; 96:12;113:16; 114:18;129:11; 141:19</p> <p>types (3) 43:22;56:16;114:8</p> <p>typographical (1) 134:8</p>	<p>4:7;7:5;10:9;17:12, 13;31:1;43:12;46:8, 9;47:3;53:23;66:7; 71:4,13;83:7;84:6,8; 89:2;94:17;96:15; 98:2;102:14;112:4; 116:23;125:10; 135:17;138:1,21; 143:3;145:6;154:2</p> <p>update (3) 4:12;43:19;62:7</p> <p>updated (2) 61:21,24</p> <p>updates (1) 62:1</p> <p>upon (15) 13:4;16:6;31:13; 77:12,20;78:13; 85:19;90:4,7,15; 110:11;121:7; 132:17;155:9,13</p>	<p>71:22;73:4;75:1,7; 82:20;89:11;94:4; 95:3;100:3;110:9,17, 20;111:12;114:9; 118:12;125:23; 126:11,23;127:12,22, 24;134:21;139:10</p> <p>various (5) 32:2;42:9;44:18, 20;91:8</p> <p>varying (1) 20:15</p> <p>vehicles (1) 146:4</p> <p>venue (1) 122:22</p> <p>verbal (11) 22:6;25:20;27:22; 38:22;48:19;64:12, 22;65:11;146:18; 151:21;153:21</p> <p>verbatim (2) 38:6;58:14</p> <p>verify (1) 112:23</p> <p>versus (3) 40:7;101:20; 139:16</p> <p>vet (1) 104:5</p> <p>vetted (3) 98:6;102:14;106:1</p> <p>via (1) 13:13</p> <p>viability (1) 148:13</p> <p>view (15) 30:6;31:5;57:9; 68:9;79:22;81:6; 83:9,14;84:2;103:20; 106:19;110:14; 113:18;114:3;117:10</p> <p>viewpoint (1) 117:22</p> <p>view-related (1) 85:21</p> <p>views (1) 87:17</p> <p>vigor (1) 16:6</p> <p>virtually (2) 63:1,5</p> <p>visible (1) 9:23</p> <p>visual (6) 9:21;108:17;109:7, 15;114:5;124:3</p> <p>visuals (1) 106:7</p> <p>voice (1) 20:11</p> <p>vote (42) 14:19;19:22,23;</p>	<p>20:13,14,17;98:1,2; 109:11,13;121:10,15; 124:12;125:8,11; 126:8;127:6;128:13, 14;129:2;134:18; 136:20,21;137:24; 138:1,12,16,19,19; 140:19;141:9; 142:17,19;146:21; 154:22,22,24;155:15, 22,24;156:10,14</p> <p>vote] (1) 130:6</p> <p>voted (2) 66:8;156:15</p> <p>votes (1) 112:14</p> <p>voting (3) 20:9;127:8;141:12</p>	<p>ways (3) 70:18;75:18;154:6</p> <p>WEATHERSBY (71) 5:13,22;8:7,13,19; 9:1;10:20,21;17:16; 18:11;21:2;31:18; 34:18;52:12;54:3; 56:7;58:7,17,24; 59:10,16;60:4,16,22; 61:3;63:21;67:4; 68:24;70:9;72:18; 80:3;86:4;87:5; 91:20;95:15,20;96:1, 23;99:4;103:15; 107:4;113:22;118:6; 127:7,17;129:11,21; 130:10,16;131:22; 132:4,8,16,24;133:3; 134:5,6,9;141:13,16; 143:19,21;147:1,21; 148:9,17,20;149:24; 150:10,13;151:17</p> <p>Weathersby's (5) 11:17;13:2;88:14; 91:5;100:11</p> <p>web (6) 4:20;23:9,11; 36:12,19,20</p> <p>weekend (4) 73:13;76:5;85:4,10</p> <p>weeks (2) 97:7,7</p> <p>weigh (2) 70:23;87:10</p> <p>welfare (3) 143:11;145:20; 146:14</p> <p>wells (8) 22:12,15,20,20,21; 23:12,14;24:19</p> <p>weren't (4) 10:24;71:5;76:12; 146:12</p> <p>what's (7) 43:6;55:24;95:17, 18;98:17;109:19; 138:16</p> <p>whence (1) 4:8</p> <p>whenever (1) 44:23</p> <p>where's (2) 84:11,11</p> <p>whole (14) 7:9;19:23;20:14; 21:15;51:16;87:7,12; 90:17;108:6;114:6; 116:10;123:16; 137:24;139:11</p> <p>who's (2) 32:22;97:6</p> <p>whose (1) 135:9</p>
U			W	
<p>unanimous (1) 66:18</p> <p>Uncertain (1) 118:13</p> <p>uncertainty (1) 139:16</p> <p>uncomfortable (5) 94:21;95:10;110:2; 140:13,21</p> <p>uncommon (1) 133:11</p> <p>under (11) 6:7;40:12,13;43:4; 63:22;87:13;117:8; 129:10,19;143:19; 145:20</p> <p>understood (2) 41:21;91:19</p> <p>undertaken (1) 49:18</p> <p>undeveloped (1) 73:22</p> <p>undue (1) 96:5</p> <p>unethical (1) 116:9</p> <p>unified (2) 15:17;16:20</p> <p>unique (1) 12:2</p> <p>unless (7) 28:24;44:7;57:10, 20;79:21;126:5; 141:9</p> <p>unreasonable (14) 82:10;97:23; 108:19;112:14; 126:11,21;127:12,21, 24;128:1,3,13;155:2; 156:11</p> <p>up (31)</p>	<p>upper (2) 112:1,2</p> <p>upward (1) 59:21</p> <p>use (9) 25:24;42:20;49:2; 74:9;80:8;83:13; 133:8;135:13;143:16</p> <p>used (4) 24:1;36:16;72:20; 88:10</p> <p>useful (1) 69:3</p> <p>user (1) 52:19</p> <p>usually (1) 56:23</p>			
	V			
	<p>validate (1) 28:7</p> <p>valuation (12) 72:7,15;117:12; 118:16,20;119:9; 120:1;124:2,8; 130:24;131:5;142:8</p> <p>valuations (2) 71:17;122:18</p> <p>value (41) 48:5;67:14,18; 68:5;72:1,7;73:24; 78:1;80:5;90:21; 99:16,18;104:11,14; 112:21;113:14; 114:15,23;118:18,22; 119:2;121:3;122:22; 123:1,6,15;125:17, 19;128:7,16;129:4,9, 13;131:16;135:1,3,3, 5,6;141:19;142:3</p> <p>values (23)</p>			

**DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS**

willing (7) 12:9;35:24;74:18; 75:23;98:20;121:13; 137:21	Wordsmith (1) 69:5	76:24;77:13;78:11, 12;79:1;81:17,19; 90:5,7;107:18	22:16;23:12;24:20	146:2,3
Wind (35) 6:3;11:19;18:2,18; 34:7;67:10;70:19; 74:4;77:15,19,21; 78:2;79:15,17,18; 90:10,11,14,16,22; 93:1;102:4,16; 104:15;105:6;106:3; 123:5,11;124:5,7; 131:4,10,16;142:7; 147:5	Wordsmithing (1) 140:16	yesterday (1) 68:8	2:38 (1) 88:17	360 (1) 80:12
windmills (3) 73:8;94:10;95:4	work (17) 20:12;37:19;44:16, 17;69:18;70:8;74:2; 75:17;78:14;84:18; 88:24;104:12;109:3; 114:20,21;116:2; 122:1	Yup (1) 134:11	2:47 (1) 88:18	39 (2) 58:14;61:1
window (2) 47:1;139:13	workable (1) 85:2	Z	200 (2) 7:5;21:10	4
windows (1) 46:19	working (3) 129:24;130:17; 138:14	zone (1) 26:5	2008 (1) 94:6	4 (4) 58:2;61:4;62:12; 63:15
Wind's (1) 36:2	workplace (3) 42:23;49:11;54:14	zones (1) 153:7	2012 (2) 8:12;59:1	4:14 (1) 157:18
winner (3) 83:4;106:17,20	works (3) 16:1;33:10;49:24	0	2015 (1) 21:4	40 (2) 36:20;109:2
wish (2) 156:1,23	world (1) 16:16	08 (1) 92:22	2016 (2) 4:14;23:19	42 (1) 10:3
wit (1) 150:18	worry (3) 52:23;64:7;148:12	1	2017 (1) 45:21	441 (1) 10:2
within (41) 5:16;9:14,16;10:1, 1,12;12:20;13:18; 22:15;23:12;24:20; 26:3,6;27:17;39:23; 47:20;49:13;54:17; 55:5;56:11;61:19; 66:7;67:12;74:20; 76:22;77:12;80:11; 81:19;90:5,7;93:9; 119:20;120:3,19; 129:24;130:19; 131:10;139:13,20; 140:1;141:22	worth (7) 72:22;121:10,11; 123:12,13;125:7; 154:11	1 (6) 34:2;61:4;62:11; 63:15;81:3;125:22	2017 (1) 45:21	45 (1) 109:2
without (19) 24:2;36:15;69:6; 77:15,19,21;78:2; 79:18;82:7;84:2,16; 90:11,14,16,22; 94:13;98:3;147:15; 150:23	worthwhile (1) 121:12	10 (2) 28:2;117:17	2025 (1) 146:6	5
wonder (4) 26:22;33:2;89:1; 126:7	worthy (1) 117:23	100 (1) 83:8	25 (1) 146:6	5 (1) 81:3
wondering (4) 26:16;37:22; 108:22;127:10	wrap (1) 17:13	11 (4) 8:8,8;47:11;92:23	27 (1) 58:2	6
word (3) 27:2;43:2;101:19	wrestle (1) 99:23	12 (1) 5:16	28-1/2 (1) 145:23	7
words (15) 20:9,21;33:3,4; 44:6,14;49:19;55:15, 16;57:13;69:9;83:15; 96:16;115:16;116:2	wrestling (1) 115:8	12,000 (1) 146:1	2's (1) 22:9	8
	write (4) 37:9;51:14;132:14; 156:23	13 (1) 157:11	3	6 (1) 47:11
	writes (1) 4:22	14 (2) 62:20;63:11	3 (7) 34:5;47:10;59:11; 60:19,19;61:4; 157:11	60 (2) 5:24;6:6
	written (1) 20:24	14-1 (1) 4:23	30 (4) 61:19;62:23,24; 63:8	7
	wrong (3) 58:23;99:9;117:13	15 (2) 62:20;63:11	301.05 (1) 9:15	7 (2) 15:18;47:10
	Y	15th (2) 44:7;45:21	301.08 (1) 55:19	70/7460-IL (1) 4:13
	yards (1) 83:8	162-H4-e (1) 143:7	301.08a2 (4) 42:22;49:10;55:2; 57:6	73 (7) 40:11,23;41:16,24; 42:10,12;48:6
	yardstick (4) 72:13;134:23; 135:7,12	17 (1) 134:1	301.09 (1) 55:19	74 (1) 40:11
	year (17) 10:13;15:7;42:15; 48:1,2,2,12;56:13; 81:19,20;117:18; 130:20;131:10,13; 132:2,4;141:22	18 (2) 45:21;78:24	301.14f2b (1) 43:4	76:16 (5) 123:24;130:22; 134:1,12;142:1
	years (13) 36:20;59:4,21;	180 (1) 80:12	301.16a (1) 144:21	76:17-c (4) 130:23;134:5,12; 142:2
		19th (1) 36:17	301.17 (6) 148:22;149:23; 150:3;151:4;152:1; 153:3	76C (1) 124:1
		2	301.17a (3) 149:2;151:4,15	77 (1) 40:10
		2 (9) 34:4;58:10;59:22; 60:19,24;61:4;81:3, 4;85:16	301.17i (2) 152:7,20	8
		2,000 (3)	31 (1) 21:4	8 (5) 40:7,8,12,13;47:3
			31st (1) 8:12	8:00 (1) 138:6
			33,000 (2)	8-hour (1)

DAY 3 - AFTERNOON SESSION ONLY - December 12, 2016
SEC 2015-02 ANTRIM WIND ENERGY DELIBERATIONS

40:24 8th (3) 4:13;23:19;59:1				
9				
9 (1) 9:16 91-A (1) 52:24				