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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

September 1, 2023 - 10:08 a.m. *(Electronically
filed on 09-19-23)*
Public Utilities Commission
21 South Fruit Street Suite 10
Concord, New Hampshire

**IN RE: SEC DOCKET NO. 2021-02
SITE EVALUATION COMMITTEE:**
Investigation of Complaints
Regarding Antrim Wind Energy
Facility.
**[Public meeting of the Subcommittee
to receive public comment and for
deliberations over referral of
complaint accounting and
disposition to the full SEC
Committee]**

PRESENT: SITE EVALUATION COMMITTEE:
Jonathan A. Evans Dept. of Transportation
(Presiding as Presiding Officer)
Thomas R. Eaton Public Member

Also Present for the SEC:

John-Mark Turner, Esq.
(Sheehan Phinney Bass & Green)

Mark W. Dell'Orfano, Esq.
(N.H. Department of Justice)

Andrew Biemer, SEC Administrator

COURT REPORTER: *Steven E. Patnaude, LCR No. 52*

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APPEARANCES AS NOTED:

Reptg. Antrim Wind Energy:
Thomas B. Getz, Esq.
(McLane Middleton)

Reptg. Counsel for the Public:
Joshua Harrison, Esq.
(N.H. Dept. of Justice)

OTHERS PRESENT (as noted):

- Barbara Berwick*
- Richard Block*
- Janice Duley Longgood*
- Fred Ward*
- Eric Werme*

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

2 PRESIDING OFCR. EVANS: Good morning.

3 I'd like to call this meeting to order. My name
4 is Jon Evans. I'm the Chairperson for this
5 Subcommittee, the SEC Docket 2021-02. And with
6 me today is Tom Eaton, Subcommittee member. As
7 well as counsel from the Attorney General's
8 Office, Mark Dell'Orfano; and the Subcommittee's
9 retained counsel, John-Mark Turner; and then
10 Administrator of the SEC, Drew Biemer.

11 So, our agenda here today is to discuss
12 some of the remaining complaints, and try to give
13 some recommendations to the full SEC Committee.

14 And, so, with that, I think probably
15 the first thing to do, you know, with some --
16 some information was sent out recently, and I
17 suspect maybe there may be some, and, in fact,
18 looking at the sign-up sheet, I see that there
19 are some individuals who would like to speak.
20 So, I would say that that may be the first --
21 first order, so that we could, you know -- the
22 first discussion that we could have.

23 So, with that, I'm just going to go in
24 the order that's on the sheet. I would say that

1 I would like to ask that people wishing to speak
2 keep their comments to two minutes, so that we
3 can keep the meeting moving. So, we'll keep
4 track of the time and just give you two minutes,
5 and then we'll move on.

6 So, with that, the first person on the
7 sheet is Barbara Berwick, from Antrim.

8 MS. BERWICK: Do I need to use the
9 mike?

10 PRESIDING OFCR. EVANS: Yes.

11 MS. BERWICK: And do I push -- it's
12 been a while. Do I push the button?

13 PRESIDING OFCR. EVANS: Push the
14 button, it will turn red.

15 MS. BERWICK: Okay. Thanks. So, I am
16 an abutter.

17 MR. DELL'ORFANO: Ma'am, could you just
18 say your name for the record, --

19 MS. BERWICK: Sure.

20 MR. TURNER: -- and your address?

21 MS. BERWICK: Barbara Berwick, at 72
22 Reed Carr Road, Antrim, New Hampshire. I am an
23 abutter to the windmills.

24 We have -- I have filed a complaint,

1 one complaint. And, then, I -- there was nothing
2 set up for what to do.

3 Since then, Pam Monroe, she asked me to
4 send her every time that it was loud, so --
5 because they were trying to coordinate when to
6 come out and do some testing; and I did. And
7 those were listed in your meetings as
8 "complaints". They would have been complaints,
9 but, like, there was no official process of how
10 to file a complaint. I still don't know how to
11 file a complaint.

12 We have Michael Ott now as a selectman
13 in Antrim, who is the one making the most money
14 probably, other than Antrim Wind Energy, from the
15 windmills. So, he's personally invested in these
16 windmills. That's our selectman. So, do I file
17 there? Do I file here? Who do I file a
18 complaint with? I have no idea.

19 So, I thought the purpose of the SEC,
20 when I actually -- when we started the hearings,
21 I actually thought that your purpose was to
22 actually be honest and to protect the public,
23 too. But, at the end, it was obvious that it was
24 just a big sham, that there was no protecting the

1 public. The laws that we were told that would be
2 passed, they were not upheld.

3 I've been -- it's been stated that we
4 refused to allow the Antrim Wind Energy to come
5 and test on our property, but that's not true.
6 They have actually tested on our property like
7 four times. But, then, I did say "Only if
8 they're going to follow the protocols that were
9 put in according to the hearing." But, now, the
10 protocols are "Hey, they can average over however
11 length of time that they want, the sound, and
12 they can just cut out what they want." They came
13 and they did a testing for over, like, two weeks,
14 and they got I think it was one hour's worth of
15 usable data from our location. And, yet, the
16 previous test, they had these hours and hours and
17 hours.

18 So, you know, it would be really nice
19 if the SEC would care about the public and make
20 some sort of way we -- I don't know how to file a
21 complaint, I really don't. I have no idea.

22 I have attended -- I attended the whole
23 thing the last time. I haven't attended all the
24 meetings before. I attended the whole hearings

1 last time. I have attended many of the things at
2 the Supreme Court, at the other court. I still
3 don't know how to file any type of complaint; no
4 idea. I feel like I did file a complaint, and
5 nothing ever happened. They wouldn't even test
6 for it.

7 So, you know, this idea that "Oh, we're
8 done, we've done our job." I guess we've done
9 our job, Michael Ott is making lots of money,
10 Jack Kenworthy is making lots of money, Antrim
11 Wind Energy is making lots of money. But the
12 people that had their lives interrupted, the
13 people that are there, the people that are living
14 with this, we've just been left stranded. That's
15 how I feel.

16 PRESIDING OFCR. EVANS: Thank you.
17 Thank you.

18 MS. BERWICK: You're welcome.

19 PRESIDING OFCR. EVANS: Next is
20 Dr. Fred Ward, from Stoddard.

21 MR. WARD: Thank you.

22 This whole lot of hearings and
23 everything was always about a relatively simple
24 thing: Does and can and will Antrim Wind exceed

1 the 40 decibel level at night? There's a lot of
2 other things that have gone into it, but that's
3 the basic thing.

4 Now, you have gone, when I say "you",
5 I'm talking about you, as a Committee, and all
6 three of you individually, you have gone to the
7 full Committee and reported, basically, that they
8 haven't. And, on that basis, the full Committee
9 said "Well, there really isn't much to do", and
10 they handed it back to you to try again. I don't
11 know what you're supposed to do, but at least
12 they have made an effort and tried.

13 Now, 40 dB will never be exceeded --
14 the turbines will never produce a 40 dB sound at
15 any of the neighbors, unless there's a damn loud
16 sound going out at the turbines. You will only
17 get damn loud sounds at the turbines when there's
18 high winds.

19 So, obviously, if you were trying to
20 find the answer to the question as to whether
21 they produce 40 dB, you would go and you would
22 make measurements when there were high winds at
23 the turbines.

24 In the technical memorandum produced,

1 that Andrew Biemer produced, which was the
2 Executive Summary from I guess it's HMMH, on the
3 Page Number 5, under "Results", there are three
4 times which are mentioned that they did some
5 monitoring.

6 On the first one, it said -- the first
7 one "relatively modest and calm wind conditions".
8 Does that sound like the kind of time you would
9 make measurements to see if there were 40 dB? No
10 damn fool would do that, and it was done
11 deliberately. And he wasn't a damn fool, it was
12 done deliberately.

13 The second modeling occasion was done
14 in the "midday and evening". This was about
15 measurements at night, it had nothing to do with
16 midday and evening.

17 The third monitoring was, according to
18 them, "was on June 30th and July 1 and was chosen
19 for forecast low wind conditions in the study
20 area." What the hell was that all about?

21 What we conclude out of this is that
22 they had no -- they not only didn't have any
23 intention of doing the study right, they had all
24 the intentions of doing it deliberately wrong,

1 and they found no 40 dB levels. You couldn't
2 expect to find 40 dB levels. And the fact that
3 you would buy into the bullshit, which is
4 basically what it is, it was a deliberate effort
5 to be sure that they found no high winds.

6 So, I'll just finish this off by
7 saying --

8 MR. TURNER: Mr. Block [Ward?], can we
9 have some decorum please?

10 MR. WARD: Pardon?

11 MR. TURNER: Some decorum. No cursing,
12 please.

13 PRESIDING OFCR. EVANS: Yes.

14 MR. TURNER: Thank you.

15 MR. WARD: I won't respond to that.

16 If you three, individually, and
17 collectively, as a Committee, were serious about
18 finding whether Antrim Wind has, would, or will
19 exceed 40 dB, you would have thrown out the Menge
20 Report and all of the HMMH material. You cannot
21 find a time in that when you would have expected
22 it to have produced a 40 dB wind/noise at any of
23 the levels.

24 You are derelict in your duty to accept

1 that. You had to know better, and I think you
2 did. I don't know why you went and did it.

3 But I'll only end it by saying, and
4 this applies to all three of you, and the
5 Committee, have you no shame?

6 Thank you.

7 PRESIDING OFCR. EVANS: Thank you. And
8 I just wanted to clarify that Mark Dell'Orfano is
9 not on the Subcommittee. One of the Subcommittee
10 members, Mike Fitzgerald, is not present today.
11 So, the two -- so, it is a two-person
12 Subcommittee today.

13 Next, --

14 MR. TURNER: Can I ask a question from
15 the reporter real quick?

16 In my previous comment, did I reference
17 "Mr. Block" or "Mr. Ward"?

18 *[Court reporter indicated that he*
19 *cannot recall if there was a name*
20 *attached.]*

21 MR. TURNER: Okay. I thought, if I had
22 mentioned "Mr. Block", I had meant "Mr. Ward" in
23 my comment. I just wanted to clarify that for
24 the record.

1 MR. PATNAUDE: Thank you.

2 PRESIDING OFCR. EVANS: So, then, the
3 next person who wished to speak was Richard
4 Block, North Branch, Antrim.

5 MR. BLOCK: Yes. Thank you very much.

6 MR. DELL'ORFANO: Name and address for
7 the record please.

8 MR. BLOCK: Pardon me?

9 MR. DELL'ORFANO: Name and address for
10 the record please.

11 PRESIDING OFCR. EVANS: If you could do
12 your name and address for the record?

13 MR. BLOCK: Yes. My name is Richard
14 Block. I live at 63 Loveren Mill Road, in the
15 North Branch area of Antrim, directly across from
16 the Tuttle Hill ridge.

17 And I wanted to say that just a few
18 years ago I retired from being a professor of
19 Communications down at Franklin Pierce
20 University. And, as such, I spent decades
21 studying and teaching methods of effective
22 communications. And, at the same time, I also
23 studied and examined methods of miscommunication.
24 And I'd like to suggest that the documents that

1 were provided to us, in terms of the recording
2 the ADLS lighting times on and off, are a really
3 good example of miscommunication. There is
4 really an awful lot of information there that
5 means absolutely nothing. Pages and pages,
6 designed to just obfuscate and confuse the whole
7 situation.

8 The radar lighting system, in
9 principle, is very simple. The idea is that the
10 lights should only flash if and when an aircraft
11 flies at a low altitude, below a thousand feet,
12 in close proximity to the turbines. And,
13 obviously, that only makes a difference at night.
14 Well, occasionally, there might be a low, low
15 plane flying by during the day. But I'll suggest
16 that, in the years since those turbines started
17 up, there's been almost none, and certainly less
18 than my -- than the digits on one hand, planes
19 that have flown by in close proximity, at lower
20 than a thousand feet at night. It just doesn't
21 happen. We're too rural. There's no reason for
22 planes to go by.

23 So, the theory is, and this is why the
24 ADLS was instituted, is the theory is that those

1 lights should be off almost all the time. And,
2 if you look at that information, there is "60.2
3 percent", "54.3", there's these ridiculous
4 percentage amounts, which make no sense. It's
5 pretty simple, the lights are either on or
6 they're off, and only if there's a plane nearby
7 should those lights be on. Any other reason for
8 the lights to be on is -- means there's something
9 wrong, something not right with it.

10 So, I think, basically, I just want to
11 point out that I looked and I tried to analyze
12 that data, and it really makes no sense. It's
13 really a pretty -- pretty deep pile of you know
14 what.

15 The -- kind of the questions that it
16 brings to mind that I would just like to leave
17 with here is, why should Antrim Wind follow the
18 restrictions that are listed in their
19 Certificate? Okay. Why should they? Because
20 the only ramification of not following the
21 Certificate is some kind of penalty. If no
22 penalties are ever instituted, because any
23 violations are either ignored or just dismissed,
24 then Antrim Wind has no reason to follow the

1 Certificate, and they can go ahead and act as
2 they please, whatever is the most easy and
3 economical for them.

4 So, what are the penalties for
5 noncompliance? Are there any? Have any ever
6 been imposed? And the last part of the question
7 is, does the SEC enforce any certificate
8 regulations and limitations? I, personally,
9 really haven't heard of anything being done in
10 the case of Antrim Wind.

11 So, thank you for this opportunity.

12 MS. BERWICK: Amen.

13 PRESIDING OFCR. EVANS: Thank you. The
14 next person who wished to speak was Janice
15 Longgood, of Antrim. Could you please state your
16 name and address?

17 MS. LONGGOOD: Certainly. My name is
18 Janice Duley Longgood. I live at 156 Salmon
19 Brook Road, in Antrim. And I have filed a
20 complaint.

21 And I do not believe that the testing
22 that was done by HMMH was at all representative
23 of the issues that I experience on my property.
24 They were a half a mile away from where I live.

1 I have four turbines that I see from my home. I
2 am surrounded by them.

3 The testing that was initially done was
4 on the property above mine, which Mr. Kenworthy
5 purchased 200 acres of, and has pretty much
6 clearcut that land, which I believe has therefore
7 made it even louder than it was. It is
8 intermittent at times. It's not loud all the
9 time. It was loud last night a bit. I know this
10 summer, once my son and I were woken up in the
11 middle of the night from them.

12 But, if there's going to be testing
13 done, I never refused testing on my property, as
14 Barbara said. They -- I wanted to have somebody
15 explain how the testing was going to be done, and
16 that never happened. I have -- would be happy to
17 have testing done. I am sure, or I would hope
18 that Mr. Kenworthy, who purchased the land above
19 me, where all of the initial testing was done
20 prior to the turbines even being approved and
21 built, when it was very quiet up there, he might
22 not allow it, because I think it would be way
23 above 40 at night. It is a very quiet area I
24 have, again, as I stated, prior to four turbines

1 closer than a mile, and the testing that was done
2 was a half a mile down the road from where I am
3 surrounded. And, purposefully, we purchased a
4 place in the Rural Conservation District.
5 Purposefully, we put our home further in toward
6 the woods, which then now is in further, closer
7 to the turbines.

8 So, I would just like to see the
9 Certificate be followed as we were told, that it
10 would not be any louder than 45 dBs during the
11 day and 40 at night. And I can say that it's not
12 regular, it's not predictive, but, when it is
13 loud, it is loud. Even folks across the road,
14 down the road, it's like jet engines roaring, at
15 least on the western part where I.

16 And I am probably, along with Barbara,
17 one of the closest, and, again, surrounded by
18 four of them closer than a mile to my home. I
19 have 55 acres, and not sure how well I want to
20 age out there, but I don't know what the impact
21 of my property value is, but that's not up for
22 discussion at this point.

23 But I would certainly hope that
24 additional testing would be done, and a more

1 appropriate place, and at a more appropriate
2 time, that might at least show the similar kinds
3 of weather in which we are experiencing excessive
4 noise.

5 Thank you for the opportunity to speak.
6 I know I haven't been here for the last few
7 times. I feel like I've been here for years and
8 years and years. And I'm not sure how impactful
9 the public has been, in terms of trying to make
10 an impact. But it has made a major impact on my
11 life and enjoyment of living in the middle of
12 nowhere. And the purpose of that was certainly
13 not have an industrial facility right in my
14 backyard, so to speak.

15 Thank you very much.

16 PRESIDING OFCR. EVANS: Thank you. The
17 last requested speaker was Thomas Getz, Antrim
18 Wind.

19 MR. GETZ: Thank you, and good morning.
20 I'm Tom Getz. I am an attorney with McLane
21 Middleton. I'm here on behalf of Antrim Wind.

22 The investigation of complaints is
23 governed by RSA 162-H:12, which, in pertinent
24 part, states that "Whenever the committee, or the

1 administrator as designee, makes a preliminary
2 determination that any term or condition of any
3 certificate issued under this chapter", meaning
4 RSA Chapter 162-H, "is being violated, it shall,
5 in writing, notify the certificate holder of the
6 specific violation and order the person to
7 immediately terminate the violation."

8 Here, the Subcommittee has been
9 inserted into the process to make a
10 recommendation to the Committee as to whether
11 Antrim Wind is violating any term or condition of
12 its Certificate or RSA 162-H. The Subcommittee
13 has recommended, and the Committee has concluded,
14 with respect to a set of fifteen sound
15 complaints, that Antrim Wind is not in violation
16 of the Certificate.

17 On June 23, Chairman Goldner issued a
18 second order regarding a Subcommittee charge,
19 directing the Subcommittee to recommend the
20 disposition of operational complaints from
21 commercial operation through June 7 of this year
22 for which recommendations had not been provided
23 previously. The Administrator's report that was
24 issued yesterday concludes that there are six

1 communications from Ms. Berwick and Ms. Longgood
2 on sound issues that potentially rise to the
3 level of complaints; and, in addition, a number
4 of communications from Mr. Block have been deemed
5 complaints concerning lighting, that are the
6 subject of today's public meeting.

7 With respect to the six communications
8 labeled as "sound complaints", it appears that
9 they are all effectively subsumed within the
10 Subcommittee's and the Committee's previous
11 disposition of the 15 identified sound complaints
12 from the same individuals.

13 Accordingly, there is no basis in these
14 communications for concluding that HMMH, the
15 Subcommittee, or the Committee would have come to
16 a different conclusion and/or that Antrim Wind is
17 in violation of its Certificate.

18 As for the lighting issues, Antrim Wind
19 pointed out, in its February 2, 2023 filing, that
20 there was an outstanding complaint by Mr. Block,
21 and, in that filing, Antrim Wind included a
22 response to an information request that was
23 previously served on Antrim Wind, detailing why
24 Antrim Wind is not in violation of its

1 Certificate. And I would refer you, I won't go
2 into at length, I will refer you to Attachment J
3 to the February 1, 2023 [February 2, 2023?]
4 filing by Antrim Wind.

5 Antrim Wind's position is unchanged
6 from its response to that information request.
7 And the additional communications listed in the
8 Administrator's report do not alter the
9 situation. Mr. Block's communications
10 essentially comprise a single contention that
11 Antrim Wind is in violation of its Certificate,
12 because the lights are on more than they should
13 be from his perspective.

14 The bottom line, however, is that
15 Antrim Wind is not in violation of its
16 Certificate, and it has done exactly what was
17 required of it. It was required to -- the
18 Certificate had a further ordering clause that
19 the Certificate was conditioned upon compliance
20 with all conditions of the determination of no
21 hazard or error navigation issued by the FAA.
22 And it was required to file with the
23 Administrator the FAA's determination of no
24 hazard pertaining to the Aircraft Detection

1 Lighting System.

2 The SEC required Antrim Wind to do two
3 things, and it did those two things. It is not
4 in violation of its Certificate. And, therefore,
5 it complies with the enforcement statute in RSA
6 162-H.

7 PRESIDING OFCR. EVANS: Mr. Getz, are
8 you about finished?

9 MR. GETZ: I am.

10 PRESIDING OFCR. EVANS: Okay.

11 MR. GETZ: One quick thing. So,
12 neither the Certificate, nor the SEC decision,
13 sets forth a numerical requirement or a standard
14 as to the operation of the ADLS. It's clear from
15 the record that ADLS was an emerging technology
16 at the time of the proceedings. And it's also
17 clear that the FAA's focus is on safety, and at
18 no time has public safety been at risk due to the
19 operation of the ADLS. The ADLS system is set
20 up, when there are -- any issue arises, whether
21 it's an equipment failure or a detection of any
22 movement of any sort, that the lights are
23 activated. And the focus is on public safety,
24 and that's the way that the system has been

1 operating.

2 Thank you.

3 PRESIDING OFCR. EVANS: Thank you.

4 MR. GETZ: And I'd be happy to answer
5 any questions that you have.

6 PRESIDING OFCR. EVANS: Thank you.

7 All right. That was all I had on the
8 list of people who wished to speak. If there's
9 anybody else who would wish to speak, just if you
10 would raise your hand?

11 *[No indication given.]*

12 PRESIDING OFCR. EVANS: No? Okay.

13 All right. So, I think next, the next
14 thing I'd like to do is have Drew Biemer maybe
15 provide a little bit of kind of a presentation or
16 an overview of, you know, you provided a report
17 to us, to the -- you know, regarding essentially
18 a summary of your investigation related to the
19 complaints, and, you know, gathering, you know,
20 figuring out, you know, what complaints we have
21 that may still need to be addressed or are
22 outstanding. And, then, as well as, you know,
23 some information related to the ADLS.

24 So, Drew, I don't know if you would be

1 prepared to provide an overview of your
2 investigation?

3 ADMIN. BIEMER: Absolutely. Thank you.

4 As you know, we had a full SEC meeting
5 on June 7th, and out of that meeting came a
6 couple things. The first was the order from
7 Chairman Goldner, instructing us and myself to
8 provide a full accounting of complaints.

9 Investigative Counsel John-Mark Turner and I
10 embarked on reading through all the dockets for
11 complaints. We compiled a spreadsheet. The
12 types of things that were not included in that
13 spreadsheet were things that were not about
14 specific instances or further communications
15 regarding complaints we had previously logged.

16 But the ones in this spreadsheet are
17 representative of the complaints. There are
18 multiple in here from Barbara Berwick, multiple
19 in here from Mr. Block, multiple in here from
20 Janice Longgood. And we believe that this
21 spreadsheet I've sent out yesterday is
22 representative of all of the complaints.

23 Included in this spreadsheet are the ones that
24 were brought up at the previous meeting of the

1 full SEC.

2 Now, as those complaints at the
3 previous meeting of the full SEC were in regards
4 to the sound study and the sound complaint, the
5 full SEC, in addressing those complaints, it's my
6 position that they have also addressed the other
7 sound complaints. Because the other sound
8 complaints that were not included are pretty much
9 the same as the ones we discussed at the previous
10 meeting of the full SEC.

11 So, that is our position on those
12 complaints, is that the full SEC made a ruling
13 accepting the sound study by HMMH, and that that
14 fact closes the book on that type of complaint.

15 Regarding the ADLS, I embarked on an
16 investigation into the ADLS system that included
17 requesting documents from the facility, regarding
18 the percentage of time it was on, and the
19 percentage of time it was off. That included
20 visiting the facility and touring the site, and
21 getting a full explanation of how the system
22 worked, and also why the system was apparently
23 not working for approximately 100 days in a row.

24 I want to apologize to Mr. Block, who

1 said that the data was not readable, or there was
2 a lot of stuff in there. I did not create that
3 document, that came from the facility. But I
4 looked at it, and it was my determination that
5 that would be a good sort of representation,
6 because it showed percentages of time on, time
7 off, and dates.

8 When I asked about the days when the
9 lights were on 100 percent of the time, the
10 response was that the system was down, meaning
11 the radar itself was down. And, when the radar
12 goes down, they default to being on.

13 Now, I asked some fairly tough
14 questions of the Facility Manager as to why it
15 took so long to get the system back up again.
16 There were two issues, from an equipment
17 perspective, I believe I outlined both of them in
18 my investigative summary. One of them was an air
19 conditioning unit, and one of them was the actual
20 radar itself, and the delay was attributed by the
21 facility to a supply chain issue, and the fact
22 that these parts need to be procured and also
23 serviced and installed by the manufacturer. So,
24 it's not the type of work that the facility is

1 capable of doing themselves.

2 And, outside of those 100 days,
3 approximately 100 days when there was a system
4 malfunction, and the lights defaulted to being
5 on, we regard the percentage, and this is the
6 percentage based on the readout of the time
7 on/time off, which, I believe, and Mr. Turner can
8 correct me here, was hovering around
9 30-40 percent, that might be a little high, it
10 might have been 30.

11 MR. TURNER: Twenty or thirty percent.

12 ADMIN. BIEMER: Twenty to thirty
13 percent. That is in keeping with how the ADLS
14 system is supposed to work. Now, the reason I
15 say "in keeping" is because I'm going to ask
16 Counsel Turner for a more in-depth analysis on
17 what the Certificate says in regards to the ADLS.

18 MR. TURNER: Yes. Sure. You guys have
19 seen the Certificate. There's very little --
20 there's nothing in the Certificate that's a
21 metric for how often the lighting system has to
22 come on and come off, okay.

23 So, you're aware of that. And I think
24 that's what you're referring to, right, Drew?

1 ADMIN. BIEMER: Yes. That's what I was
2 referring to.

3 MR. TURNER: Okay. Great. Yes.

4 PRESIDING OFCR. EVANS: Okay. Thanks.
5 Thank you, Drew.

6 I don't think -- I don't feel that I
7 have any questions necessarily for Drew on that.

8 Tom, do you have any questions on his
9 presentation or --

10 MR. EATON: No, I don't. I just
11 appreciate the background that you just gave us
12 on that.

13 PRESIDING OFCR. EVANS: Yes. And I
14 also appreciate the time of going out there and
15 trying to at least figure out why, you know, view
16 the facility, and really take some time to figure
17 out what was going on.

18 **D E L I B E R A T I O N S**

19 PRESIDING OFCR. EVANS: Okay. So, I
20 think probably the next thing to do would be to,
21 you know, given that we have that spreadsheet
22 that provides, you know, kind of an accounting of
23 all of the -- all of the complaints that we are
24 considering here today or have considered in the

1 past, I would like to motion that we accept that,
2 this spreadsheet, as a complete summary of the
3 complaints.

4 MR. EATON: I will second that.

5 PRESIDING OFCR. EVANS: All right. I
6 guess we will have to vote on that, but --

7 MR. EATON: It's going to take a long
8 time, do you think?

9 MR. DELL'ORFANO: Any discussion the
10 two of you want to have about it?

11 MR. EATON: No, I have no discussion.

12 PRESIDING OFCR. EVANS: Yes. I think
13 it -- it appears to be a pretty complete list to
14 me. Went through all of those. And, to be
15 honest, I think that it, you know, required a lot
16 of work to dig through, and even some of those
17 may or not technically be, you know, and again,
18 as Ms. Berwick indicated, it is tough to tell
19 what is a complaint and what's not. I think that
20 that's a fairly complete list of what's a
21 compliant.

22 So, with that, I would -- I would vote
23 that that is -- that we accept that as a list of
24 all the complaints that we have to date.

1 MR. EATON: I agree, yes.

2 PRESIDING OFCR. EVANS: Okay. So,
3 next, I think the next thing to do would be to --
4 I would recommend to the Subcommittee that they
5 take no enforcement actions on the following
6 communications: The March 2nd, 2020, Barbara
7 Berwick communication; the May 14th, 2021,
8 Berwick and other communication; the July 1st,
9 2021, Barbara Berwick communication; the August
10 11th, 2021, Janice Longgood communication; the
11 January 10th, 2022, Janice Longgood
12 communication; and the May 1st, 2023, Janice
13 Longgood communication.

14 MR. TURNER: Point of clarification?

15 PRESIDING OFCR. EVANS: Sure.

16 MR. TURNER: Is the motion to recommend
17 to the full committee to take no further action
18 on those complaints you just specified? Is that
19 the motion?

20 PRESIDING OFCR. EVANS: Yes.

21 MR. TURNER: Okay. Thank you.

22 MR. EATON: And I will second that
23 motion.

24 PRESIDING OFCR. EVANS: So, at least my

1 feeling is that the -- you know, that the reason
2 that these should be accepted -- I apologize,
3 hang on.

4 MR. DELL'ORFANO: Did Tom second that?

5 MR. EATON: Yes, I did second that.

6 PRESIDING OFCR. EVANS: Yes.

7 MR. EATON: And that was before the --
8 before the sound study, these complaints?

9 PRESIDING OFCR. EVANS: Yes. So, and I
10 guess my feeling is that, essentially, and that's
11 kind of what Thomas Getz brought up, is that they
12 were -- these were all noise complaints, and they
13 were all kind of resolved as part of the HMMH
14 study. So, I feel that that's why we should be
15 recommending to the full Committee that they take
16 no further enforcement action regarding those
17 sound complaints.

18 MR. EATON: Yes.

19 PRESIDING OFCR. EVANS: Okay. So, with
20 that, I would, on that motion, I would vote
21 "yes".

22 MR. EATON: I would vote "yes" also.

23 PRESIDING OFCR. EVANS: All right. So,
24 the next item, I guess, is somewhat similar. I

1 would recommend to the Committee that they take
2 no enforcement actions on the following
3 communications related to the ADLS that predate
4 the Vose complaint that was previously resolved:
5 February 28th, 2020, Richard Block communication;
6 March 13th, 2020, Barbara Berwick communication;
7 April 30th, 2020, Richard Block communication;
8 August 13th, 2020, Richard Block communication;
9 March 25th, 2021, Richard Block communication;
10 and the July 20th, 2021, Richard Block
11 communication.

12 MR. TURNER: Another point of
13 clarification?

14 PRESIDING OFCR. EVANS: Sure.

15 MR. TURNER: Are you making a motion to
16 recommend to the full Committee that they take no
17 further action with respect to those complaints
18 that you just described?

19 PRESIDING OFCR. EVANS: Correct.

20 MR. TURNER: Okay.

21 MR. EATON: And I'll second that. And
22 also state, you know, during that time, there
23 were three equipment failures, which would have
24 produced complaints about the lights being on.

1 PRESIDING OFCR. EVANS: I think
2 those -- those would have been the prior
3 complaint, I mean, the prior malfunction, that
4 happened prior to the Vose complaint.

5 MR. EATON: Right.

6 PRESIDING OFCR. EVANS: So,
7 essentially, I think, again, similar to what
8 we've just kind of discussed with the sound
9 communications, those complaints were kind of --
10 they were resolved as part of the Vose resolution
11 and the recommendation by the Subcommittee, that
12 was then accepted by the full Committee.

13 MR. EATON: Yes.

14 PRESIDING OFCR. EVANS: So, basically,
15 what we're saying is here that these complaints
16 predated that, they were resolved as part of that
17 resolution by the Subcommittee and the full
18 Committee.

19 So, with that, I would vote "yes" on
20 that motion.

21 MR. EATON: I will vote "yes" also.

22 PRESIDING OFCR. EVANS: Okay. The next
23 item would be to, and this, I think, gets to,
24 Tom, what you were just suggesting, --

1 MR. EATON: Ahead of myself on that
2 one.

3 PRESIDING OFCR. EVANS: Yes. As Drew
4 indicated previously, there were several
5 malfunction events since the Vose, you know, the
6 Vose complaint resolution. And, so, that there
7 were -- I would recommend that the Committee take
8 no enforcement action on the following
9 communications: February 2nd, 2023, Richard
10 Block communication -- I apologize -- testimony
11 at the public meeting; the April 28th, 2023,
12 Richard Block communication; and the May 15th,
13 2023, Richard Block testimony at the public
14 meeting.

15 MR. TURNER: Point of clarification
16 again? Sorry.

17 PRESIDING OFCR. EVANS: Yes.

18 MR. TURNER: Are you making a motion.
19 That the Subcommittee recommends that the
20 Committee take no further action with respect to
21 those complaints you just mentioned?

22 PRESIDING OFCR. EVANS: Correct.

23 MR. TURNER: Okay. Thanks.

24 MR. EATON: Second. And I would vote

1 "yes".

2 PRESIDING OFCR. EVANS: All right. And
3 I would vote "yes" as well, but the --

4 MR. EATON: Yes. I think that pretty
5 much takes care of all of our communications,
6 right?

7 PRESIDING OFCR. EVANS: Yes, I think
8 so. I think that takes care of all of the
9 communications.

10 MR. EATON: I would like to add to
11 that, that I think Antrim Wind -- I would
12 recommend that the Antrim Wind facility be
13 requested to provide periodic lighting data and
14 more timely reports about the system problems.
15 And I hope they get those fixed, and I hope the
16 supply chain has come around that will make that
17 better for them.

18 MR. GETZ: Certainly. I will pass that
19 on, Mr. Eaton.

20 PRESIDING OFCR. EVANS: All right.
21 With that, I think --

22 MR. TURNER: A couple of things.

23 PRESIDING OFCR. EVANS: Sure.

24 MR. TURNER: Did you want to consider

1 adopting the Administrator's investigative
2 findings as the Subcommittee's?

3 PRESIDING OFCR. EVANS: Yes.

4 MR. EATON: I move that we do that.
5 Yes.

6 PRESIDING OFCR. EVANS: So, I will
7 second that, that motion as well, to adopt the
8 Administrator's findings.

9 So, I would vote "yes".

10 MR. EATON: I will vote "yes" also.

11 MR. TURNER: The only other procedural
12 matter I would ask is whether the Subcommittee
13 wants to designate the Chairman to write --

14 *[Court reporter interruption.]*

15 MR. TURNER: Sorry. Yes. The only --
16 does the Subcommittee want to designate the
17 Chairman to write the recommendation to the full
18 Committee summarizing what you guys just did?

19 PRESIDING OFCR. EVANS: Yes. I would
20 like to motion that we allow the Administrator to
21 do that.

22 MR. EATON: Second that.

23 MR. TURNER: Clarification. Do you
24 want the Administrator or the Chairman?

1 PRESIDING OFCR. EVANS: Who's the
2 Chair?

3 MR. TURNER: You. Do you want to write
4 it?

5 PRESIDING OFCR. EVANS: Procedurally, I
6 don't know. Should I?

7 MR. TURNER: It's up to you. I'm just
8 asking if that's the way you want to handle it?
9 Or, you just want the --

10 PRESIDING OFCR. EVANS: I think the
11 Administrator could.

12 MR. TURNER: Okay.

13 PRESIDING OFCR. EVANS: So, I'd like to
14 motion that the Administrator do that.

15 MR. EATON: Second that. And with a
16 "yes".

17 PRESIDING OFCR. EVANS: All right. And
18 "yes" for me as well.

19 Anything else?

20 MR. TURNER: Not from me.

21 MR. DELL'ORFANO: No, I think you've
22 covered the agenda.

23 PRESIDING OFCR. EVANS: Okay.

24 MR. EATON: You need a formal motion to

1 adjourn?

2 PRESIDING OFCR. EVANS: Perfect.

3 MR. EATON: So moved.

4 MR. TURNER: All right. You've got to
5 second it.

6 PRESIDING OFCR. EVANS: Yes. I second.

7 MR. EATON: Without objection, yes. I
8 second --

9 PRESIDING OFCR. EVANS: All right.

10 MR. EATON: -- or, I vote "yes".

11 PRESIDING OFCR. EVANS: And I vote
12 "yes".

13 Thank you, everyone.

14 **(Whereupon the SEC Subcommittee public**
15 **meeting was adjourned at 10:52 a.m.)**

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C E R T I F I C A T E

I, **Steven. E. Patnaude**, a Licensed Shorthand Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

/s/ Steven E. Patnaude (09-19-2023)

Steven E. Patnaude, LCR
Licensed Court Reporter
N.H. LCR No. 52
(RSA 310-A:173)