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APPEARANCES AS NOTED:

Reptg. Antrim Wind Energy:
Barry Needleman, Esq.
(McLane Middleton)

Reptg. Counsel for the Public:
Mark L. Lucas, Esq.
(N.H. Dept. of Justice)

Richard Block, *pro se*

Fred Ward, *pro se*

Lisa Linowes, *pro se*

OTHERS PRESENT (as noted):

John Robertson, Antrim Selectboard/Chairman

Eric Werme

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P R O C E E D I N G

PRESIDING OFCR. EVANS: Good morning.
My name is Jon Evans. I'm the Presiding Officer
of this SEC Subcommittee in Docket Number
2021-02. I'd like to call the meeting to order.
And, so, I guess we will -- okay. I guess we
will get started.

The first order, you know, of our
agenda is "the operation of the ADLS system in
2021." With that, I guess, and I don't know if
you want to discuss kind of how to proceed with
that? Suggestions? Any thoughts?

Does anybody have any thoughts on how
to start out with that discussion? Do you have
anything, John or Tom?

MR. EATON: We're here mostly to set up
a timing for the meetings, right?

PRESIDING OFCR. EVANS: Yes.

MR. DUCLOS: John Duclos. This is my
opinion of the ADL System is that we only have
one complaint on record, and that's
Representative Vose's complaint, filed on
05/06/2021. And looking through the record of
complaints, I see no other complaints, other than

1 Representative Vose's complaint.

2 The charge of this Committee is to
3 review all complaints lodged to December 31st,
4 2021.

5 MR. WARD: Could I request that you
6 push your monitor down a little, so I could see
7 who's talking?

8 PRESIDING OFCR. EVANS: Mine is down as
9 far as it goes.

10 *[Multiple parties speaking*
11 *simultaneously.]*

12 MR. BLOCK: Is there any way to turn
13 the volume up at all, because I can hardly hear a
14 thing?

15 MR. DUCLOS: This working? Maybe I
16 just have to get closer.

17 MR. WARD: Thank you.

18 MR. DUCLOS: I'll repeat for your
19 benefit, on how to handle ADLS complaints.

20 My review of the record was that we
21 only had one complaint on the ADLS system, that
22 was Representative Vose's complaint, filed on
23 May 6 of 2021.

24 The Committee handled that complaint,

1 and felt that the facility was going through a
2 maintenance period of looking at the ADLS system
3 and trying to make it better. And the Committee
4 decided that the facility was not in violation of
5 the lighting standard.

6 I looked at complaints since
7 05/06/2021, and have found none. So, I don't --
8 I'm not -- I'm really unsure as to if there's any
9 complaints before the Subcommittee that we need
10 to review, whether it be at the next meeting.

11 PRESIDING OFCR. EVANS: So, are you
12 saying to see if there's any other complaints
13 right now or --

14 MR. DUCLOS: Well, if there's
15 complaints, let's say, filed today, it would be
16 after, you know, the December 31st, 2021 date.

17 PRESIDING OFCR. EVANS: Right.

18 MR. DUCLOS: So, that would have to be,
19 you know, giving us the authority to review that
20 from the full Committee, or they might have other
21 opinions of how to work those complaints later
22 with a different subcommittee, I really don't
23 know.

24 But I don't see that there's any

1 outstanding ADLS lighting issue complaints that
2 the Subcommittee has to deal with. That's my
3 opinion.

4 PRESIDING OFCR. EVANS: Yes. I think I
5 would agree as well.

6 I guess, maybe we could see if there
7 were any kind of, you know, thoughts on the
8 previous complaints that were prior to that 2021
9 date, you know, any comments to add into that,
10 that might be --

11 *[Court reporter interruption.]*

12 MR. TURNER: You could invite comments,
13 you know, from people here about what they think
14 about what the Subcommittee has done, you know,
15 with their discussion about how to handle the
16 ADLS system.

17 PRESIDING OFCR. EVANS: All right. I
18 guess, with that, are there any comments? I
19 think we would, as we've done in the past, if we
20 do have comments, we'd like to limit them to five
21 minutes. If they're -- you know, and, so, right
22 now anyway, we would be just seeking comments
23 related to the ADLS, particularly, you know,
24 really focused on, you know, prior to the -- was

1 it December 31st, 2021?

2 MR. EATON: Yes.

3 PRESIDING OFCR. EVANS: December 31st,
4 2021. So, with that, are there any comments from
5 those in the audience?

6 Go ahead.

7 MS. LINOWES: Thank you, Mr. Chairman.
8 I just want to make a point that there have been
9 complaints regarding ADLS filed.

10 MR. TURNER: Would you mind just
11 identifying for the record first?

12 MS. LINOWES: Sure. Lisa Linowes,
13 resident of the State of New Hampshire.

14 There have been complaints filed, and
15 Mr. Block had filed one of them. And I'm not
16 sure why that is being -- and the Committee, is
17 my understanding, the SEC committee had sent it
18 over to this Committee, this Subcommittee.

19 Now, I recognize that, at the time in
20 May of 2021, you had stated that there was a --
21 there was a calibration process going on, and you
22 dismissed the complaint as a result of that. But
23 you also brought up the issue on August 18th,
24 2021, wherein Mr. Needle -- Mr. Getz informed the

1 Subcommittee that the system was still operating
2 with lights on more than 40 percent of the time.

3 Now, if this is outside of the
4 jurisdiction of the Subcommittee because it's not
5 "a complaint", but appears is that the
6 calibration did not work.

7 So, I have more to say on that. But,
8 for you to dismiss it today, there is a
9 violation, we believe, a violation of the
10 Certificate. So, if it's not a complaint, then
11 we need to go back to the SEC, I guess. This
12 seems the appropriate place to be bringing it up.
13 I would like to ask that question first.

14 PRESIDING OFCR. EVANS: I mean, I guess
15 I'm interpreting the, you know, the SEC's, you
16 know, directives to us as "investigating
17 complaints". So, if it's simply there's an
18 ongoing issue with the ADLS, then that -- and it
19 was not in a specific complaint that was prior to
20 2021, I mean, we can certainly look and consider
21 Mr. Block's complaint, if it was prior to that
22 December 31st, 2021.

23 But I guess I'm not really -- I would
24 say that that would not be -- that would be out

1 of the realm of our charge. But I don't know if
2 anybody else would agree or disagree?

3 MS. LINOWES: Mr. Chair, if I could
4 interject for a second?

5 So, in May of 2021, this Subcommittee
6 submitted a letter saying that you did not find
7 that there was a violation of the Certificate
8 while the project was operating a significant
9 period of time with the lights on. The
10 determination was it was going through the
11 calibration. After -- come August, the
12 calibration was over, the system was still
13 operating with a significant number of lights on.

14 I am troubled, I don't understand how
15 the complaint that Representative Vose filed has
16 been resolved? You had come up with a condition,
17 which justified perhaps the lights being on at
18 that time. But, when they continued to be on,
19 the complaint should have been -- should be
20 active still.

21 MR. TURNER: I'll just say that I think
22 that what happened was, there a recommendation by
23 the Subcommittee on the Vose complaint to deny
24 that, and the full Committee acted on that

1 recommendation.

2 So, my perspective is, that that
3 complaint has been resolved. But I'm not
4 speaking -- I'm not speaking for the
5 Subcommittee. I'm their counsel. I'm just
6 telling you what my understanding of the process
7 is.

8 MS. LINOWES: So, then, on August 18th,
9 when Mr. Duclos raised the question with Mr. Getz
10 "What is the situation with the project today, in
11 terms of the lighting?", why bother going there?
12 Why did you bring it up?

13 Is the issue -- if the issue is
14 resolved from your perspective, we've waited a
15 year and a half to go back to the SEC to make a
16 complaint to the SEC about the lighting problem.
17 This is -- this does not make sense.

18 And if you're -- if it's outside of
19 your jurisdiction, fine. But that should have
20 been determined. Come August 18th, it should
21 never have been brought up.

22 MR. DUCLOS: I will respectfully
23 disagree with you on that. The issue was that
24 the lighting system was on 100 percent of the

1 time, and that was justifiable, because the FAA,
2 another standard that the facility has to meet,
3 requires the lights to be on if the ADLS system
4 is not functioning properly.

5 Again, this is the first one that's
6 been put in, and was installed even before the
7 FAA approved the ADLS systems.

8 I would be interested, however, on what
9 was actually done with the consultants to improve
10 the ADLS system, and how it's been functioning
11 probably since that work's been completed, and
12 what additional work might be undertaken by the
13 facility.

14 I fully understand that the Certificate
15 of Site and Facility has a bird and bat standard,
16 that talks about the lighting system to be, let's
17 see, effectively "minimized to the nighttime
18 impact to the maximum extent practicable." It's
19 on Page 47 of the Certificate of Site and
20 Facility.

21 But, again, that's not really a
22 complaint. We're not setting what standard that
23 needs to be. Is it 51 percent? Is it 2 percent?

24 MS. LINOWES: Mr. Chair --

1 MR. TURNER: No interrupting, please,
2 Ms. Linowes.

3 MS. LINOWES: Okay.

4 MR. TURNER: One at a time.

5 MS. LINOWES: When the lights were on
6 all the time back in May of 2021, it was
7 understood that they were doing testing. That
8 was not Representative Vose's complaint. The
9 lights had been on regularly leading up to that
10 point, then the calibration was working. That's
11 what triggered the calibration, the lights were a
12 problem leading up to that. So, the complaint
13 wasn't "they're on 100 percent of the time",
14 because there was -- it came out that there was a
15 period where they were on 100 percent of the
16 time. But to dismiss that and say "Oh, that's
17 just because they were testing." And, then, when
18 it went down to 45, 50 percent of the time,
19 "Well, that's okay."

20 But to that -- to the point, you asked
21 that question, in my filing that I gave you,
22 there is a partial transcript from the August
23 18th meeting, and you state, Mr. Duclos, that you
24 are not -- that you think that the 45 percent is

1 high for it to be operating.

2 And then, you also state that there's
3 no specific percentage in the Certificate. I
4 agree. There is no specific percentage in the
5 Certificate.

6 However, the record is very clear, and
7 it is in my documentation I filed, with regard to
8 Antrim Wind's statements, Antrim Wind's expert's
9 statements, and Mr. Needleman's own statements,
10 that the expectation, and the Committee's
11 expectation, in their deliberations, that those
12 lights were going to be off predominantly all the
13 time.

14 When you see -- when you look at the
15 documentation that Antrim Wind has submitted for
16 December, where they're claiming "Well, it's
17 off" -- "they're off 20 percent on average", what
18 that means, in a worst case, is you have hundreds
19 of aircraft, not commercial aircraft, this is
20 general aviation, given the location -- given the
21 zone of impact or area that's followed by the
22 radar, that there would be hundreds of aircraft
23 flying through that zone in the month of December
24 at night. That is not realistic.

1 We are -- so, if this is totally
2 outside of your jurisdiction, I am very sorry
3 that we waited a year and a half. That it's in
4 excusable. That's inexcusable. And then, to get
5 a document dump yesterday, on documentation that
6 was a year old, inexcusable.

7 So, if we're wasting our time here,
8 tell us today, and we'll go to the SEC and raise
9 the issue of a compliance problem. It will
10 probably come right back to you.

11 PRESIDING OFCR. EVANS: What we're
12 talking about today is really planning for our
13 next session for when we will be doing more --
14 having more conversations about some of these
15 concerns, some of those that you have voiced
16 today.

17 MS. LINOWES: That is not what you're
18 saying, though.

19 MR. TURNER: No interrupting, okay?

20 PRESIDING OFCR. EVANS: Yes.

21 MR. TURNER: The record won't work
22 otherwise.

23 PRESIDING OFCR. EVANS: I think that
24 what we're looking at right now, we're trying to

1 figure out what complaints we have, and then
2 which -- how we will be addressing those at our
3 next meeting. And, so, that's what we're trying
4 to do.

5 And, so, with that, I do think that you
6 did interrupt John. I don't know if John has
7 anything else to add. I would encourage John to,
8 you know, if you want to add anything else, then,
9 that's fine. But, otherwise, I think I would
10 like to open up the floor to somebody else who --
11 anybody else who may have comments as well?

12 MR. DELL'ORFANO: Mr. Chair, may I
13 approach for a moment?

14 PRESIDING OFCR. EVANS: Yes.

15 *[Atty. Dell'Orfano conferring with*
16 *Presiding Officer Evans and Atty.*
17 *Turner.]*

18 PRESIDING OFCR. EVANS: So, John, were
19 you all set or did you have anything else to add?

20 MR. DUCLOS: Well, it certainly seems
21 to be still a hot-button issue. I think, if
22 we're setting up what we're going to handle for
23 the next meeting, then what I would like to see
24 is the facility maybe make a presentation of the

1 before and after the work, and try and set a
2 gauge as to improvements that have been made with
3 the work that's been done. I think that's fair
4 to follow up on the issue of the last meeting.

5 It is, I think, beyond our charge to
6 delve deep into that, since we're charged,
7 through the order of the SEC, to investigate
8 complaints, not adjudicate the standard. I think
9 the standard can be set to a certain extent
10 through the public complaining that it's off less
11 than it's on. But that's not for this Committee,
12 in my opinion, to determine.

13 With that, I'll be quiet on the issue,
14 and expect that will remain for the next meeting
15 for further discussion.

16 PRESIDING OFCR. EVANS: All right. It
17 looks like there's another comment over here?

18 MR. NEEDLEMAN: Hi. Good morning.
19 Barry Needleman, representing Antrim Wind.

20 So, Mr. Duclos, picking up on your last
21 comment, and the desire for more information. I
22 guess that's unclear to me in two contexts. One,
23 as you were suggesting, it sounds untethered from
24 the charge of the Committee. But, secondarily,

1 we've already provided a great deal of
2 information pursuant to the Committee's
3 information requests. So, I'm unclear what else
4 you would want.

5 But I would at least ask the Committee
6 to consider all of that before you requested
7 anything additional. And, if there are other
8 things you need to have, consistent with your
9 charge, of course, we're happy to provide that.

10 Secondly, just setting a baseline, I
11 heard Ms. Linowes' comments, and she
12 appropriately recognized that there is no
13 percentage of time in the Certificate when the
14 lights are supposed to be on or off, which is
15 correct. But, then, she kept referring to the
16 "underlying record", as she's done with her
17 materials.

18 And I think, as the Committee thinks
19 about how it's going to handle this, it's
20 important to focus on that point, and the law
21 that we're dealing with here. And, so, I wanted
22 to take a minute to do that.

23 And the touchstone here is the
24 Certificate, and the Order that the Committee

1 issued in March of 2017 that authorized the
2 construction and operation of the facility. And,
3 when you look in the Decision that the Committee
4 issued, on Pages 153 and 154, it runs through its
5 assessment of all of the evidence that it heard
6 about this lighting issue. And that Committee,
7 of course, was the entity that heard all the
8 evidence.

9 They received the written evidence,
10 they heard all the testimony. They then took the
11 totality of everything they heard, which includes
12 that entire "underlying record" that Ms. Linowes
13 was referring to, and they pulled it up into
14 their deliberations, and they said "This is our
15 view of everything we've heard, and this is how
16 we're going to handle it." And it's a half page,
17 and it's on Page 155. And I'm just going to read
18 it, because I think it actually addresses these
19 issues.

20 It says: "The Subcommittee finds that
21 the light associated with the operation of the
22 Project will not have an unreasonable adverse
23 effect on health and safety if the Project will
24 be equipped with the ADLS. In reaching this

1 conclusion, the Subcommittee considered that the
2 Project's lights will be radar operated, to
3 secure their safe operation, and the Applicant
4 will have to receive prior approval from the FAA
5 for the installation of the ADLS. The
6 Subcommittee also considered that it did not
7 receive any reports, or scientific evidence that
8 would verify that the Project's lighting will
9 have an unreasonable adverse effect on human
10 health. The Subcommittee finds that the ADLS
11 shall be installed prior to the operation of the
12 Project. Furthermore, the Applicant is required
13 to file, with the Administrator of the Committee,
14 the FAA determination of no hazard pertaining to
15 its ADLS upon receipt. Subject to the
16 aforementioned conditions, the Subcommittee finds
17 that the Project's lighting will not have an
18 unreasonable adverse effect on health, safety or
19 aesthetics of the region."

20 That's it. They heard it all. They
21 summarized it all. They imposed two conditions
22 related to this, and that's what they required
23 the facility to comply with. And that's it.

24 We're now hearing that people want to

1 pull more stuff up into the record, and what
2 people are essentially saying is "We're unhappy
3 with how the SEC dealt with this." I understand
4 that. That's fine.

5 But, if you're unhappy with a decision,
6 you have a right to seek rehearing on that. They
7 didn't. And then, you have a right to go to the
8 Supreme Court. And, in fact, people did seek
9 rehearing on this, and it did end up in the
10 Supreme Court, and that was not one of the
11 issues.

12 So, I think it's quite clear what the
13 law is here, in terms of how this has to be dealt
14 with, either by this Subcommittee, or by the full
15 Committee when that time comes.

16 Thank you.

17 PRESIDING OFCR. EVANS: Thank you. Do
18 either of you have any questions for
19 Mr. Needleman?

20 MR. EATON: No, I don't.

21 MR. DUCLOS: Well, my reason for
22 bringing up the issue for the next meeting, which
23 is why we're here today, is whether it's still an
24 issue or not, you know, from what we're charged

1 to do, which is the complaint.

2 Having seen no complaints, there's
3 still an issue it appears on the floor from the
4 comments. And we're not here to determine what a
5 level should be, an appropriate level, other than
6 what Mr. Needleman read into the record, as well
7 as the bird and bat standard that they need to
8 comply with as well.

9 So, I think we can look over what's
10 been submitted, and discuss it at the next
11 meeting, and determine whether any additional
12 work needs to be done on it. I think that's
13 fair. I'm not trying to discount it at this
14 meeting.

15 But I don't really see, moving forward,
16 that there's going to be a lot of change in what
17 this Committee is charged to do, and with a
18 review of complaints that have been received
19 since the December '21 deadline.

20 MR. EATON: Mr. Chairman?

21 PRESIDING OFCR. EVANS: Go ahead, Tom.

22 MR. EATON: Yes. Just to bring up a
23 point for the complaints.

24 Mr. Needleman had sent us a conclusion,

1 which at this point it appears -- I'm reading
2 from it -- "At this point, it appears that there
3 is the single lighting complaint from Mr. Block
4 on July 30th, 2021, that must be considered and,
5 based on the docket entries in SEC 2015-02, it
6 appears there are 15 complaints (made at various
7 times between January 7, 2020, and March 19,
8 2021) from five individuals that must be
9 considered."

10 So, I believe that's something we might
11 be looking at at the next meeting.

12 PRESIDING OFCR. EVANS: Correct. I
13 would agree with that.

14 It does appear that there was one other
15 comment?

16 MR. BLOCK: Yes. My name is Richard
17 Block. I live in the North Branch area of
18 Antrim, on the ridge directly across from the
19 turbines.

20 I have a couple of comments, but I
21 would like to start with a question. Does
22 anybody know when Antrim Wind is going to
23 complete the testing of the equipment?

24 PRESIDING OFCR. EVANS: I guess I was

1 under the impression they were done. But,
2 Mr. Needleman, is there any --

3 MR. NEEDLEMAN: Yes. My understanding
4 is it's done. I think that was provided in the
5 information that we provided to the Committee.

6 MR. BLOCK: The reason I asked you
7 that, the lights have essentially been on every
8 night for at least the last year and a half, when
9 I was monitoring at that point. In 2021, I was
10 doing this Antrim Wind lighting observations, I
11 have pages of this stuff [*indicating*], and a
12 place I can check off, when I observe, I put down
13 the time and the data, are they on or are they
14 off.

15 And I can state that, in these pages
16 here, on September 21st, 2021, 8:35 p.m., the
17 lights were off. Every other observation on this
18 sheet, they were on.

19 Last night, I just, out of curiosity, I
20 looked out my office window, and they were
21 flashing at 9:00 at night. They were again at
22 2:00.

23 At 9:00, when I first saw them, I
24 decided "Well, maybe there's a plane going over."

1 So, I picked up my phone at that point. I have
2 an app on my phone called "Flightradar24", which
3 can show me planes. And there were no planes in
4 the area. The closest plane I could find was
5 over -- was just east of Concord at that point,
6 it was on its way to London. Had passed within
7 maybe 20 miles of Antrim, at an altitude of
8 37,000 feet. If that's going to trigger those
9 lights, then there's something wrong with that
10 system. So, that wasn't it. There were no
11 planes in the area; there never are.

12 So, I stopped doing this checking,
13 because it became just an exercise in absurdity.
14 It was just ridiculous. So, I stopped doing
15 that.

16 And it's just frustrating, completely
17 frustrating. Those turbines have been running
18 for, what is it, two or three years now, and the
19 lights have been on, I would say, 90 percent of
20 the time. That's anecdotal in the last year or
21 so. If they're off, it's definitely the
22 exception.

23 But they're visible from Keene to
24 Henniker. If I'm driving down from Concord, I

1 see them. If I'm coming up from Keene, I see
2 them, long before I get to Antrim. So, they're
3 just always on.

4 And I do know that it was specifically
5 mentioned in the visual impact assessment that
6 they were not going to get into dealing with the
7 lights, because, essentially, there were going to
8 be none because of the ADLS. And they predicted
9 that the lights -- and the company that did it,
10 and the stuff they published in their Application
11 said they expected the lights to be off
12 approximately 99 percent of the time.

13 And then, to quote the visual
14 assessment, it says "This mitigation technology
15 will essentially eliminate the impacts of
16 nighttime lighting on potential users of the
17 Project area resources."

18 I know that was a condition imposed
19 upon Antrim Wind, because of the objections of
20 the Appalachian Mountain Club. And I don't know
21 if anybody has approached them to ask how they
22 feel about the facts that essentially the -- what
23 the Appalachian Mountain Club insisted on has
24 never been put into place.

1 That, in a way, you know, there's a
2 part of me that feels bad that Antrim Wind
3 invested whatever money they did in this system,
4 because, obviously, they threw that money away,
5 because it doesn't seem to have worked at all.

6 I can't say that those flashing lights
7 have harmed my health at all over the last three
8 years. But I do know they're an aesthetic
9 imposition.

10 I also know that I sold some of my
11 land. I had 240 -- over 240 acres. And, when I
12 sold some of my land in order to afford to build
13 a new house, I estimated that I lost about 35
14 percent of the value because of the presence of
15 those turbines and the flashing lights and all
16 that.

17 So, it does -- it has had an impact, an
18 effect. And, at this point, I'm just pretty
19 frustrated by the whole thing. And the fact that
20 nothing seems to have been done. You know, I
21 wrote a letter back in July of 2021, and all I
22 hear is that that should be dismissed.

23 And, so, I figure that there's probably
24 two ways to deal with complaints. And one is, as

1 Mr. Needleman tries, is to say "dismiss all the
2 complaints." And the other way to deal with the
3 complaints is, as I see the SEC has done, is
4 ignore them. So, either way, the result is the
5 same.

6 So, it's getting frustrating. It's
7 getting, I feel, a waste of my time to have to
8 come up here, to have to write letters and all
9 this. It shouldn't have happened. It should
10 have been dealt with three years ago. It hasn't
11 been. And I don't know what we, in Antrim, can
12 do to try and get some results for the situation
13 we're faced with.

14 PRESIDING OFCR. EVANS: Thank you.

15 MS. LINOWES: Mr. Chairman, I just have
16 a question, I wanted to verify something that was
17 said. That you're acknowledging that there was a
18 July 2021 complaint?

19 PRESIDING OFCR. EVANS: Can we hold off
20 on your question, because I believe Dr. Ward has
21 a question as well?

22 MS. LINOWES: Okay. Thank you.

23 PRESIDING OFCR. EVANS: Or a comment.

24 MR. WARD: I don't have a -- I don't

1 have a question. I have a general comment. And
2 I'll have other comments later on in this thing.

3 But the problem that I had in my
4 specific complaint about noise extends over to
5 all of the other things, just as any other
6 non-noise related complaints. So, I'm speaking
7 to non-noise and noise-related complaints.

8 There's a Japanese word called
9 "*mokusatsu*", and that stands for "ignore it and
10 it will go away." And that's the feeling that
11 all of us have. I've been at this since 2009,
12 starting with the Antrim Planning Board.

13 And the problem is, I have asked
14 questions and submitted material to not only this
15 Committee, but to the big Committee. And I don't
16 get any reaction back saying there's "good",
17 "bad", or "indifferent". So, I end up, and I may
18 be wrong, and I may be touchy about this, but I
19 get the distinct impression that this Committee
20 does not want to handle or really respond to
21 complaints.

22 That's a problem which we all feel.
23 And it may be our fault, or it may be yours, I'm
24 not saying which it is. But there's a strong

1 feeling that, no matter what we are asked, no
2 matter what we say, somehow or other we didn't do
3 something.

4 And you're pointing out, and I guess
5 rightly so, I'm sure Mr. Needleman has looked at
6 it carefully, that we did or didn't do things.
7 And those are all true. But, at a certain point,
8 I stopped sending things in, because I don't get
9 any reaction out of it.

10 Now, a lot of people -- I go by these
11 lights a lot, and they're always, always on. I
12 haven't kept track of it, but they're damn well
13 on more than half the time, or close to it.

14 What am I going to do? Do I send you a
15 letter every time? They're ignored. No matter
16 what I say, I get that impression.

17 And I guess my comment is, you should
18 not, because you can ignore something, that you
19 should ignore it. That's wrong. The fact that
20 you can ignore it is fine, but that's the
21 complaint about bureaucrats. And I was a
22 bureaucrat for many years. So, I know all the
23 deals. The public gets the impression that "why
24 bother?" And, if that's the point, to let this

1 thing go on for another 20 years and they run out
2 their certificate, fine. But you haven't done
3 the job. And you're giving the impression that
4 "Yes, there are all kinds of little technical
5 things. Did we file it? Didn't we? Did we do
6 it on time? Didn't we? Or, did we speak to that
7 or didn't we?"

8 No matter what I speak to, and I've
9 spoken to the noise thing a lot, and I have the
10 feeling nobody on this Committee gives a damn.

11 Thank you.

12 ADMINISTRATOR BIEMER: Mr. Chairman,
13 may I ask a question, a clarifying question?

14 PRESIDING OFCR. EVANS: Sure.

15 ADMINISTRATOR BIEMER: Is it fair to
16 say or remind that what we're doing here today is
17 we're not judging specific complaints, we're
18 setting the meeting at which those -- the process
19 for which those will be, is that correct?

20 PRESIDING OFCR. EVANS: Correct.

21 ADMINISTRATOR BIEMER: Okay.

22 PRESIDING OFCR. EVANS: So, Lisa,
23 you --

24 MS. LINOWES: Yes, I did. In Mr.

1 Needleman's paperwork, he does include
2 Mr. Block's letter from July 2021 regarding the
3 complaint over the ADLS. So, I just want to make
4 sure this Subcommittee is acknowledging that
5 there is a complaint that was filed in 2021 on
6 the ADLS.

7 He wants, in his summary, he wants to
8 dismiss it as "Oh, that was just part of the time
9 when the lights were on all the time." But
10 that's not what his letter is talking about, not
11 what Mr. Block's letter is talking about. It is
12 an actual problem with the lighting.

13 I just want to make sure that this
14 Subcommittee is acknowledging there was a 2021
15 complaint.

16 PRESIDING OFCR. EVANS: I mean, I think
17 I would agree that that's --

18 MR. EATON: I put it in the record.

19 PRESIDING OFCR. EVANS: Yes. I would
20 agree that it's a complaint.

21 MR. EATON: Yes.

22 PRESIDING OFCR. EVANS: And I will be
23 making -- that will, you know, go into our
24 recommendation back to the SEC.

1 MR. EATON: And I read that into the
2 record.

3 MS. LINOWES: And, Mr. Chair, I just
4 want to make sure, because I want to -- I don't
5 want to lose track of what's happening. The
6 first item on your agenda today is "Discussion of
7 ADLS and other non-noise-related complaints."
8 The second item is to discuss how to move
9 forward.

10 Is the ADLS discussion going to happen,
11 where we are going to be able to present
12 testimony to you, or is this done?

13 PRESIDING OFCR. EVANS: No. We're
14 not -- we're not making final decisions today as
15 to any of the complaints. Those will come at the
16 next meeting. Really, it's about, as Drew kind
17 of mentioned, it's the process that we're going
18 to follow from here, so that everybody is aware
19 of what the -- you know, how we are going to move
20 forward over the next couple of months, assuming
21 that that's how things shake out. You know,
22 about how, you know, are we going to accept more
23 submittals or something like that? I don't know.
24 That's what we're -- the purpose of this meeting

1 really is.

2 MS. LINOWES: Okay. If I could follow
3 up on that then?

4 So, the question is, I'm concerned that
5 this Subcommittee may submit a letter to the SEC
6 saying "We find no violation with the ADLS." And
7 I just want to make sure that you're not on the
8 verge of doing that. You're saying you're not
9 there?

10 PRESIDING OFCR. EVANS: At least
11 we're --

12 *[Court reporter interruption.]*

13 MR. TURNER: Say it again.

14 PRESIDING OFCR. EVANS: Not yet.

15 MS. LINOWES: Okay. Thank you.

16 MR. DUCLOS: And to clarify -- and to
17 clarify, my issue is, I haven't really seen that
18 complaint. So, that came out here today. That
19 appears to be a complaint filed. And that should
20 be on the agenda for our next meeting.

21 PRESIDING OFCR. EVANS: So, we
22 appreciate you bringing that up. And, so that,
23 certainly, I would like to discuss that at the
24 next meeting.

1 MS. LINOWES: Thank you.

2 PRESIDING OFCR. EVANS: All right. I
3 think, and I just want to check and make sure
4 that there's no other, anybody else wants to talk
5 on that first item?

6 *[No verbal response.]*

7 PRESIDING OFCR. EVANS: Seeing no one
8 or hearing no one.

9 I guess the next item would be
10 determination of procedures the Subcommittee
11 should use to decide recommended dispositions of
12 all complaints submitted regarding the docket.
13 And this would really be, you know, this
14 essentially adds in that any noise complaints or
15 any other complaints through December 31st, 2021.

16 I guess I would open it up to comments
17 as to how people would feel -- you know, comments
18 on the Department -- on the Subcommittee's, you
19 know, as we move forward? I don't know if
20 anybody, John or Tom, do you have any thoughts as
21 to how we should move forward?

22 MR. EATON: Yes. We will take the
23 comments we will get between now and when we
24 finally decide when the meeting will be, and that

1 will guide us.

2 PRESIDING OFCR. EVANS: Okay. John?

3 MR. DUCLOS: Well, there's quite a few
4 complaints. The ones that I have on record was
5 from January 7th, 2020, starting with Barbara
6 Berwick, going down to March 19th, 2021, by
7 Mandie Dube.

8 I guess, since we're charged with
9 taking all complaints through December 31st,
10 2021, is there anything I don't know in existence
11 out there in regards to other noise complaints
12 since March 19th, 2021?

13 MS. LINOWES: I could answer that
14 question, if I could?

15 PRESIDING OFCR. EVANS: Go ahead, Lisa.

16 MS. LINOWES: I think that people
17 stopped filing complaints, because they
18 understood that we were going through the
19 process. So, they certainly are experiencing the
20 noise in Antrim, but it didn't seem necessary to
21 submit additional complaints. And I think
22 everyone is waiting on the HMMH report.

23 Thank you.

24 ADMINISTRATOR BIEMER: Mr. Chairman, is

1 it fair to say that the HMMH report will be out
2 in advance of our next meeting, and will be
3 distributed to the public for consumption?

4 PRESIDING OFCR. EVANS: Correct.

5 ADMINISTRATOR BIEMER: And by "in
6 advance", I mean not the day before.

7 PRESIDING OFCR. EVANS: Yes.

8 ADMINISTRATOR BIEMER: Enough time to
9 be digested properly?

10 PRESIDING OFCR. EVANS: Yes.

11 Mr. Needleman.

12 MR. NEEDLEMAN: So, focusing on your
13 question about "what process should look like
14 going forward?" It's our view that there are two
15 somewhat different issues.

16 With respect to sound, I think it's
17 clear. You get the report, and it's either going
18 to indicate that there were violations or there
19 weren't.

20 If there are no violations, based on
21 the output of the report, then I think the
22 recommendation should be that the complaints
23 should be dismissed, because there's no evidence
24 to support them. If there are violations, then

1 the recommendation should be that they get
2 forwarded to the Committee, and that the
3 Committee handle them consistent with the
4 statutory procedure in 162-H:12. So, that seems
5 straightforward to me.

6 With respect to how to deal with the
7 ADLS from a process perspective at your next
8 meeting, it seems clear as well. You have been
9 presented with a complaint, you've been presented
10 with a substantial amount of information about
11 the system, and you have the law in front of you,
12 which is quite clear, in terms of the
13 Certificate. I think you take all of that, you
14 look at it, and you decide whether or not the
15 complaint is valid in light of that.

16 PRESIDING OFCR. EVANS: Mr. Block, it
17 looks like you might have a comment?

18 MR. BLOCK: Yes. Well, I've sort of
19 got a question. I'm not sure I understand why
20 the cut-off of December 31st, 2021? Does that
21 imply that any complaints filed in 2022 and 2023
22 will have to wait until 2025 for disposition or
23 what? I just don't understand why that, you
24 know, the cut-off is there, and not dealing --

1 not talking about complaints after that?

2 MR. TURNER: I'll answer that. It's
3 because the Subcommittee's charge from the full
4 Committee was to look at complaints through 2021.
5 So, this Subcommittee has no legal authority to
6 look at complaints after that.

7 MR. BLOCK: So, is there a procedure in
8 place to deal with complaints that came in after
9 that? What will happen with those complaints, or
10 are they just going to get tossed?

11 MR. TURNER: Yes, it's hard to answer
12 what will happen with complaints that haven't
13 been filed. But you just, you know, follow the
14 rules in the statute as they're laid out, and
15 file the complaints, if there are complaints.

16 MR. BLOCK: Forgive my pessimism, but
17 since there was a Subcommittee to deal with
18 complaints up and through 2021, and, from what I
19 can see, nothing really has happened. I don't
20 have a lot of faith in anything being dealt with,
21 in terms of complaints from, you know, from
22 2021 -- from 2022 on.

23 MR. TURNER: Thank you.

24 PRESIDING OFCR. EVANS: Mr. Ward.

1 MR. WARD: My concern extends not just
2 to 2021, because there's all kinds of paperwork
3 that's been passed back and forth, and I have a
4 whole file cabinet full of it. I have to say I
5 have not wasted my time going back through it
6 again. So, I'm depending a little bit on my
7 memory. And I will say that it hasn't always
8 been perfect.

9 However, Mr. Needleman says, and they
10 have filed, and it's in the record, it was in
11 during the course of the hearings, the appeals,
12 all of these kinds of things, they have said more
13 than once, and there's certainly a strong
14 implication in what he just said now, that there
15 is no evidence that's been considered credible
16 that they have ever violated the 40 dB nighttime
17 noise level.

18 As I have stated many times, and I have
19 presented the evidence, and I was planning on
20 about two minutes to present it again, that they
21 have not -- never made the measurements from
22 which they could make that statement. That is
23 totally false. They can claim all they want, but
24 they have never presented any viable evidence

1 that they have not violated the 40 dB level.

2 I don't know whether they have or not,
3 but they don't either. And that's been ongoing
4 through 2021, through 2020, through 2019, back as
5 far as I can remember. And it's still going on
6 today.

7 And I'm getting the impression here,
8 and I don't want to imply anything that I can't
9 prove, but I'm getting the impression that this
10 is being put off again. When you have not done
11 the one thing that would open -- that would close
12 up this question of "is there proof about the 40
13 dB sound level?" You can make them make the
14 measurements at the right time. We talk about
15 it, we talk about it, we talk about it. You have
16 avoided and deliberately ignored the one thing
17 that would make a difference: Forcing them to
18 find out what weather conditions might produce
19 the over 40 dB turbine noise levels, and make
20 them then make the measurements during those
21 times.

22 It's very simple, very little work for
23 this Committee, and it certainly would save us
24 neighbors a lot of time and trouble. It's

1 weather-related, it can be found out. And I
2 suspect Mr. Needleman would even agree that it's
3 driven by the weather. And, if he didn't, I
4 would love to hear him say it isn't.

5 In any event, it can be settled. It
6 depends on the Committee wanting to do it. And I
7 get the impression, and I'm sorry that I'm
8 getting the impression, that you really don't
9 want to bring this thing to an end. Whether it's
10 more hearings, other hearings, this hearing, that
11 doesn't make a difference. It can be settled.

12 Thank you.

13 PRESIDING OFCR. EVANS: Thank you.

14 Sure, one more comment.

15 MS. LINOWES: Thank you, Mr. Chair.

16 This is my last statement.

17 I just wanted to respond back to what
18 Mr. Needleman had said with regard to whether it
19 would be simple to evaluate the noise study. The
20 fact is, the collection of the sound data is very
21 important. We need to look at the methodology
22 that was followed. We need to look at the data
23 processing that was done on that data. We need
24 to make sure it followed Rule -- New Hampshire

1 Site Rule 301.18(i). We need to make sure that
2 HMMH and Acentech followed the same methodology.
3 It's not always given that that's the case. And
4 we want to make sure that the ANSI standard is
5 followed.

6 It is a complex process. It's not a
7 simple test of "did it pass" -- "was there an
8 exceedance or not?"

9 So, that is the method we're going to
10 follow in reading the HMMH document. And we're
11 hoping that you will allow us to bring forward
12 what we find.

13 And, with regard to the ADLS, I agree
14 the Certificate is important. But I also agree,
15 and I know you understand this, too, the
16 administrative is critically important -- the
17 administrative record is critically important in
18 understanding the Certificate.

19 So, that's all I'm going to say.
20 Thanks.

21 PRESIDING OFCR. EVANS: Thank you. Is
22 there anybody else?

23 *[No verbal response.]*

24 PRESIDING OFCR. EVANS: All right. So,

1 I think, I don't know, I'll give you my thoughts
2 as to, you know, how we move forward. The report
3 will come out, and then we'll, obviously, make it
4 publicly available, and then provide, as Drew
5 mentioned, you know, plenty of the time for
6 people to review it, provide comments. I
7 certainly would encourage written comments,
8 because those are always easier to kind of digest
9 and whatnot. So, you know, and that gives us
10 time to think about them, you know, in advance of
11 making a decision.

12 My feeling is that, at the next
13 meeting, I would really like to make a final
14 decision on the recommendation to the SEC as to
15 the disposition of all the complaints, the ADLS,
16 the noise complaints, and anything else that -- I
17 certainly would encourage, if there's another
18 type of complaint or whatever that we should be
19 considering or whatever, we need to know that
20 now. But what I'm hearing is, it's those two.
21 Those are the ones that we're talking about.

22 So, --

23 MS. LINOWES: Mr. Chairman, I'm sorry
24 to interrupt. But there is one other that I had

1 filed a complaint on back in 2020-2021, but it
2 was largely dismissed. And that is how Antrim
3 Wind has been managing shadow flicker, and the
4 cut-off point at which it stops doing
5 curtailment, where it stops looking at where
6 shadow flicker has occurred.

7 I was going to -- I had hoped to bring
8 that up today, but you were very strict in the
9 agenda, so, I wasn't sure if I could. But I
10 would love to submit a one-page, or on just what
11 that situation is.

12 PRESIDING OFCR. EVANS: I mean, could
13 you give us -- go ahead and give us -- what are
14 the details of that? Like, when --

15 MS. LINOWES: Yes. Absolutely.

16 PRESIDING OFCR. EVANS: Okay. Yes.

17 MS. LINOWES: So, what happens is, when
18 the turbines now, when the turbine is in between
19 someone's house and the Sun, it casts a shadow.
20 When that occurs, the turbine -- the individual
21 turbines are set up to self-curtail until the Sun
22 has moved relative to the turbine and the
23 shadowing casting has ended.

24 However, according to the regulation,

1 that casting has to be out to two -- that has to
2 be tracked out to two miles currently. So that,
3 if there's -- if you imagine Reed Carr Road is
4 one of the roads, that's where Barbara Berwick
5 lives. They're doing the shadow flicker testing
6 up to, essentially, Reed Carr Road. But
7 properties on the other side are not being
8 tested, because they're outside the one-mile -- I
9 don't remember the exact numbers, but they're
10 outside a one-mile distance. The assumption is
11 that the shadow does not cast beyond a mile.
12 When, in fact, we are having properties that are
13 complaining about shadow flicker. And I believe
14 that Antrim Wind is stopping the curtailment --
15 it is stopping short of the distance at which
16 it's supposed to implement the curtailment.

17 It will be a minimal thing to add. But
18 I believe they are not reading the law right.

19 MR. WARD: Are you interested in us
20 submitting anything to the Committee, before you
21 make your final determination?

22 PRESIDING OFCR. EVANS: Yes.

23 MR. WARD: Okay.

24 PRESIDING OFCR. EVANS: Yes. I don't

1 know, Barry, does the -- Mr. Needleman, does the
2 facility have any comments on the shadow flicker
3 complaint at all?

4 MR. NEEDLEMAN: I don't recall the
5 complaint at all. So, I can't speak specifically
6 to it.

7 I can say, generally, like with any
8 complaint, if someone has a complaint, it's
9 really helpful if they say "This is the
10 Certificate condition that you're required to
11 meet. Here's what we believe is happening and
12 why. And, as a consequence, this is why we think
13 you're in violation." And then, everybody can
14 evaluate it.

15 I think the problem we keep having is,
16 you know, without going on for too long, I don't
17 feel like we're getting specific complaints tied
18 to specific conditions.

19 And, so, I'm happy to go back and look
20 at this. I just don't recall it.

21 MS. LINOWES: Mr. Chairman, I'm happy
22 to submit what I sent. It went through Ms.
23 Monroe, who was the SEC Administrator at the
24 time. And we did get a response back from Antrim

1 Wind, they said that "we believe we are following
2 the rule." That was the response back.

3 So, I did articulate exactly what the
4 rule said, and exactly what the issues were
5 regarding the shadow flicker.

6 And I will be happy to send that to you
7 again. It's in the record, but I will send it to
8 the Committee.

9 PRESIDING OFCR. EVANS: Yes. If you
10 could send that and provide us with the details,
11 so that we can then kind of look at that from
12 the, you know, to determine if it truly meets the
13 confines of the Subcommittee, you know, kind of
14 the legal --

15 MS. LINOWES: Yes.

16 PRESIDING OFCR. EVANS: -- limits of
17 this Subcommittee. But, you know, if it is, then
18 I would say that that's something that we should
19 also be making a decision on with our
20 recommendation.

21 MS. LINOWES: Absolutely. Thank you.

22 ADMINISTRATOR BIEMER: Mr. Chairman,
23 may I say something?

24 PRESIDING OFCR. EVANS: Go for it.

1 ADMINISTRATOR BIEMER: I want folks,
2 from an administrative perspective, to know that
3 anything you feel would help educate, please feel
4 free to send. You know how to get in touch with
5 me, but I will send an email to the distribution
6 list. Just being clear that everybody has my
7 contact information.

8 And, if this morning is any indication,
9 and I hope it is moving forward, Ms. Linowes sent
10 me an exhibit this morning, I immediately sent it
11 to the Committee thereafter. And, by the time
12 they arrived here this morning, they had all read
13 it.

14 So, I know that Dr. Ward has voiced a
15 concern regarding whether or not the comments and
16 the exhibits are properly digested. I cannot
17 speak for two years ago. I can speak for the
18 past six months, six-eight months. And I can
19 tell you that, during that period of time,
20 they're being heard.

21 So, I just wanted to just clarify that.
22 Apologies.

23 PRESIDING OFCR. EVANS: No. Thank you.

24 ADMINISTRATOR BIEMER: Yes.

1 PRESIDING OFCR. EVANS: What do you
2 think? Would either of you want to comment on
3 the shadow flicker?

4 I mean, do you agree, disagree, with
5 what I -- you know, my thoughts is, I think, if
6 it fits within our charge, then I would say we
7 should be looking at it?

8 MR. DUCLOS: I would agree. You know,
9 again, that's another complaint that I don't
10 think we were fully aware of that was under our
11 purview as a complaint investigation. But, if
12 you submit it, and it meets within our time
13 schedule of our authority, then we would need to
14 review that, yes.

15 PRESIDING OFCR. EVANS: I mean, I think
16 that's -- I guess that points out why we wanted
17 to have this meeting was, honestly, was to figure
18 out some of these. Make sure that we knew
19 exactly what we were making a decision on at the
20 next meeting. So, thank you.

21 MS. LINOWES: Thank you.

22 PRESIDING OFCR. EVANS: Are there any
23 other comments regarding any of those, you know,
24 what we just discussed?

1 *[No verbal response.]*

2 PRESIDING OFCR. EVANS: I'm not seeing
3 any.

4 MR. DUCLOS: May I add one follow-up, I
5 guess?

6 PRESIDING OFCR. EVANS: Sure.

7 MR. DUCLOS: Is HMMH going to be
8 available to present their report and be
9 available to take questions?

10 PRESIDING OFCR. EVANS: That is
11 certainly a good question. We could. We could
12 make them, you know, available, if that's what
13 the Subcommittee wants. But --

14 MR. TURNER: I'm just going to comment,
15 that you probably want to check with HMMH first
16 about availability and all that other stuff, too,
17 right?

18 PRESIDING OFCR. EVANS: Sure. Yes.
19 Obviously, but, I mean, we haven't even set the
20 date yet. So, you know, I would hope that, if
21 the Subcommittee really wants them there, you
22 know, that we can find a time for our meeting
23 that would -- that they could be available.

24 MR. DUCLOS: This is John Duclos again.

1 I mean, any technical report that's
2 going to be submitted, no matter what the
3 specialty is, it's going to come with a lot of
4 questions. I just want to make sure that we're
5 able to air those questions, get adequate
6 responses, to which we can make a decision on the
7 complaints that are under our purview.

8 So, I think it would be important to
9 have HMMH at our meeting, and to determine
10 whether a five-minute standard, and the testing
11 that was done has any violation or not.

12 As you recall, the Committee was
13 charged with looking at violations under the
14 Certificate, and determining whether there was
15 issues. It's always been an hour standard, you
16 know, averaged over time, through all the reports
17 previously to the Committee, making a
18 recommendation to the full Committee for a lower
19 standard. And I don't believe there's any
20 studies out there or any testing that was done by
21 anyone, except HMMH, to see how it worked. And
22 that's all new ground.

23 And I hate to be the bearer of, you
24 know, realistic news, but, you know, we're bound

1 by the Certificate of Site and Facility, and with
2 the requirements therein. And they're just not
3 as precise as they probably should have been.

4 I'm not getting on a soapbox. But the
5 ADLS system, Mr. Needleman is correct, you know,
6 they met the standard that was in the
7 Certificate.

8 The question is, the full Committee
9 expected a different result, and the public
10 expected a different result. They're expecting a
11 99 percent lighting system in off. And they have
12 never been able to accomplish that. And what is
13 an appropriate standard, a practicable standard?

14 You know, that's another preciseness
15 that's missing from the Certificate. And maybe
16 that's a discussion that we'll have to have at
17 the next meeting, when we talk about the ADLS
18 system. That, you know, obviously, it's off from
19 the expectation, but it's not precisely written
20 into the Certificate.

21 So, whatever we do with the ADLS system
22 as a result of the next meeting has to come with
23 a recommendation similar, I would think, to what
24 we did last time, and expect the Committee to at

1 least consider a more precise standard.

2 That's -- I think that would be fair.

3 But, anyways, I wanted to get that off
4 my chest. Thank you.

5 MR. EATON: So, Mr. Chair, as I see it,
6 going forward, we have to wait for the Committee
7 report. And, once we have that and have that
8 sent out, we give enough notice by statute for
9 everybody for the meeting, and then we can set up
10 the meeting time. And we'd go from there for
11 now.

12 PRESIDING OFCR. EVANS: I wonder if
13 there would be any value or efficiencies in
14 accepting -- my concern is that, if we do -- I'm
15 trying to think of the logistics of having, say,
16 having comments at the next meeting and a
17 question-and-answer session with HMMH, if we were
18 to go that route, if we do that, then that, you
19 know, if there's outstanding issues or whatnot,
20 or outstanding questions, we may not be able to
21 make a decision at that meeting, you know, on
22 how -- on the disposition.

23 And, you know, so, I'm wondering if a
24 solution to that might be to accept comments on

1 the report. And, you know, and, essentially
2 have -- see if we could have HMMH provide, you
3 know, answers to those comments in advance, so
4 that then we could kind of address those in
5 advance, and then try and make the next meeting,
6 you know, more productive, essentially.

7 MR. EATON: I would agree with that.
8 But, following that meeting, I think that we
9 should expedite what we can, because this has
10 been taking long enough for these people.

11 PRESIDING OFCR. EVANS: Right. Agreed.

12 MR. DELL'ORFANO: If I could make a
13 suggestion to the Committee?

14 Perhaps we may have to have another
15 meeting, when the report's ready, so that folks
16 can ask questions and submit written comments.
17 I'm just posing that as a potential possibility.
18 And, after that meeting, or perhaps at the end of
19 that meeting, a date could be set for the
20 determination meeting.

21 PRESIDING OFCR. EVANS: That may be
22 more effect -- I'm not sure of the most efficient
23 process, but that certainly that -- you're right.
24 I was just trying to cut it, and essentially say,

1 "Okay, see if we can't get as much done in
2 writing."

3 MR. DELL'ORFANO: Understood.

4 PRESIDING OFCR. EVANS: So, --

5 MR. DUCLOS: Well, not seeing the
6 report, we're kind of speculating. So, is that a
7 decision that has to be made now? You know, so,
8 you know, depending upon the quality of the
9 report.

10 Jon, you're more of an expert on sound
11 and sound reports than probably the rest of us.
12 What's your opinion? Is it pretty
13 straightforward or it going to bring up the
14 potential for questions?

15 PRESIDING OFCR. EVANS: I mean, it's a
16 technical report. And, so, I think that there's
17 going to be questions, you know, from, certainly,
18 you know, the neighbors, who, you know, are not
19 sound experts. And it may be difficult for them
20 to read and truly understand.

21 So, I would say that, you know, to
22 answer your question, it's not -- it could take
23 some effort, you know, it's a back-and-forth,
24 essentially.

1 MR. TURNER: So, you could schedule,
2 you know, a suggestion, you could schedule a
3 future meeting, and that agenda doesn't
4 necessarily have to be set today, or whenever you
5 set the meeting. You could get the report first,
6 right?

7 PRESIDING OFCR. EVANS: Yes.

8 MR. TURNER: And then decide what you
9 want to do at the next meeting.

10 PRESIDING OFCR. EVANS: Yes.

11 *[Court reporter interruption - multiple*
12 *parties speaking simultaneously.]*

13 MR. DUCLOS: Can you just hold on a
14 second? This is John Duclos. I'm getting a
15 sense of frustration, you know, on both sides,
16 really.

17 You know, we're charging with making
18 decisions on complaints. A new one came up --
19 two new ones, really, came up today. Having not
20 read, let's see, Mr. Block's letter thoroughly,
21 and I don't even know if that's a complaint. You
22 guys read it, you say it's a "complaint". So,
23 I'm going to assume it's a complaint. And, so,
24 we have to deal with that. That's on the ADLS

1 system. I think that's a little bit more
2 straightforward.

3 Shadow flicker is a whole new complaint
4 that, you know, was brought before the Committee.
5 I don't know how long that's going to take.

6 And then, the sound, which is probably
7 the most important, I think, to the residents out
8 there, we're waiting on a report to come in.

9 So, is it worth -- my question is, to
10 the Committee is, is it worthwhile to have a HMM
11 -- or, sorry, HMMH presentation? I would say
12 "yes." And, at that same meeting, can we
13 dispense with a decision on the ADLS system,
14 right?

15 So, I think we're really close to, you
16 know, getting what we need to make a decision and
17 a recommendation to the Committee, whatever that
18 recommendation may be.

19 We're going to have to spend some time
20 looking at the shadow flicker complaint. And,
21 obviously, we're not going to be able to deal, I
22 think, with all the sound complaints until after
23 we have the presentation by HMMH and have an
24 opportunity to make comment.

1 But I think there's two things that we
2 could get done there, and that would be have the
3 presentation on the sound report and, hopefully,
4 be able to make a decision on the ADLS complaint.

5 Does that make sense?

6 MR. TURNER: I was just going to say
7 that, I mean, depending on how that meeting goes,
8 you could maybe have a decision on everything,
9 if, you know, if you have a presentation that you
10 want to have, if that's what the Subcommittee
11 wants to do with HMMH, have that presentation.
12 And you could possibly also make a decision on
13 the sound issues at that same meeting. It's
14 possible, that's all. Yes.

15 PRESIDING OFCR. EVANS: I mean, I
16 would -- I mean, we could say that, at that
17 meeting, the noise complaints are still
18 outstanding, you know, I think in the end our
19 recommendation is just going to be a single, you
20 know, letter, memo, or whatever we want to call
21 it, back to the Subcommittee [Committee?].

22 And, so, I don't think I would have a
23 problem, you know, making a decision and saying
24 "Okay, this particular issue is done." But I

1 would say that, probably just from a paperwork
2 standpoint or whatever, it makes sense just to
3 have a single recommendation that goes back to
4 the Sub -- you know, to the SEC for them to make
5 a final, you know, so that then they can say
6 "Okay, Item 1 in this recommendation, we agree
7 with; Item 2, we don't; and 3, we do", or
8 something like that. I don't know. I guess,
9 that's just my thought.

10 MR. DUCLOS: I will accept your
11 optimism and see what the future holds.

12 MR. WARD: I just want a clarification
13 as to, if I'm going to submit something, am I
14 submitting it for your report, to be used against
15 your report, or to use as part of a discussion of
16 your report? I don't quite understand what -- if
17 I submit something, where is it going to go? I
18 send it to you, and then what?

19 PRESIDING OFCR. EVANS: It will be
20 considered, you know, as we make our decision.

21 MR. WARD: In other words, it might be
22 considered part your report, or you might modify
23 your report, or it might be totally ignored, or
24 whatever?

1 PRESIDING OFCR. EVANS: I'm not sure --
2 modifications to the report would be, I don't
3 know. It would really have to depend on what,
4 you know, the comment was and what the
5 Subcommittee thought was, you know, if they felt
6 that there was an issue with the report, then we
7 would have to go back, you know, to --

8 MR. WARD: Well, we wouldn't have seen
9 the report by then.

10 PRESIDING OFCR. EVANS: Well, no.
11 We're talking after you've seen the report, and
12 provided comments. And, if the comment had some
13 validity, and then the Subcommittee looked at it
14 and said "Yes, your comment makes sense. We
15 don't feel that this section of the report is
16 adequate. We need some more information." Then,
17 that might require a modification to the report.

18 MR. WARD: We can send it in, and then
19 you'll decide what you want to do with it, I
20 guess. I don't have a problem with that. I'm
21 just trying to find out what I'm working towards.

22 MR. TURNER: You could -- if you just
23 say what, you know, what purpose you're
24 submitting it for, that would help. To say what

1 you want to have happen in the comment.

2 MR. WARD: Okay.

3 MR. EATON: I assume we would take it
4 into our consideration for the final report.

5 MR. WARD: Okay. All I need to know.
6 Thank you.

7 MR. DELL'ORFANO: Mr. Chairman, would
8 the Subcommittee like to receive comments from
9 the Counsel for Antrim, Counsel for the Public,
10 on how to proceed with the final determination
11 hearing -- or, excuse me, "meeting", I should
12 say, not "hearing"?

13 Just thinking that we should probably,
14 as part of our agenda, put out a very detailed
15 and specific way that we're planning to have that
16 meeting, so that that way, when folks come, they
17 will know what they're commenting on.

18 PRESIDING OFCR. EVANS: That's a fair
19 point.

20 So, I guess, are there any comments
21 from the Counsel for the Town of Antrim or
22 Counsel for the Public on these proceedings, you
23 know, on how we move forward?

24 MR. NEEDLEMAN: I think I made that

1 point before. I think I summarized how I thought
2 you should proceed with these.

3 I mean, I'm happy to clarify in any
4 way, if that would be helpful?

5 PRESIDING OFCR. EVANS: Well, I think
6 we're looking more for the -- I don't know if
7 there was counsel for the Town -- representing
8 the Town of Antrim.

9 MR. NEEDLEMAN: Oh. I don't know if
10 there still is.

11 PRESIDING OFCR. EVANS: Or, at the very
12 least, Counsel to the Public?

13 MR. LUCAS: Thank you, Mr. Chair,
14 members of the Subcommittee.

15 *[Court reporter interruption.]*

16 MR. LUCAS: Thank you, Mr. Chair,
17 members of the Subcommittee. Counsel for the
18 Public has no comments at this time.

19 PRESIDING OFCR. EVANS: Thank you.

20 MR. DUCLOS: Could you state your name
21 please?

22 MR. LUCAS: Mark Lucas, Office of the
23 New Hampshire Attorney General, Environmental
24 Protection Bureau.

1 PRESIDING OFCR. EVANS: Thank you,
2 Mr. Lucas. All right.

3 MR. EATON: Mr. Chair, I think that we
4 have been through our roster as to what we need
5 to do. And I make a motion that we adjourn.

6 MR. DUCLOS: Second.

7 PRESIDING OFCR. EVANS: All right.
8 Then, with that -- and I would agree as well.

9 *[Presiding Officer Evans and Atty.*
10 *Turner conferring.]*

11 PRESIDING OFCR. EVANS: I have a vote,
12 and I vote to adjourn as well.

13 And, so, with that, the meeting is
14 adjourned at approximately 11:20 a.m. Thank you.

15 ***(Whereupon the public meeting was***
16 ***adjourned at 11:20 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.

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