



May 18, 2021

**VIA ELECTRONIC MAIL**

Jonathan A. Evans  
Presiding Officer  
New Hampshire Site Evaluation Subcommittee  
21 South Fruit Street, Suite 10  
Concord, NH 03301

**RE: DOCKET NO. 2021-02 INVESTIGATION OF COMPLAINTS REGARDING ANTRIM  
WIND ENERGY FACILITY**

Dear Subcommittee Chair Evans:

Thank you for the opportunity to provide comment in the above referenced matter. Attached please find testimony to be considered at the Subcommittee's May 21, 2021 public meeting.

Respectfully,

A handwritten signature in black ink, appearing to read 'Lisa Linowes'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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Lisa Linowes

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

Docket No. 2021-02

INVESTIGATION OF COMPLAINTS  
REGARDING ANTRIM WIND ENERGY FACILITY

May 21, 2021 Subcommittee Public Meeting  
Regarding Turbine Lighting

**1. Background**

The following text, with minor amendments, is excerpted from the April 17, 2020 letter submitted to SEC Chairwoman Martin by Rep. Michael Vose and Sens. Bob Giuda and Ruth Ward<sup>1</sup>:

*Antrim Wind Energy LLC (“AWE”) agreed to utilize an Aircraft Detection Lighting System (“ADLS”) as part of the operating Facility. (SEC Decision and Order, March 17, 2017 at 154) ADLS systems “permit wind turbine obstruction lights to remain off at all times unless an aircraft is operating in the vicinity of the wind farm, thus greatly reducing nighttime lighting at these wind projects. (Antrim Wind Visual Assessment, April 27, 2015 at 37) Antrim Wind testified that it “virtually eliminated any nighttime visual affect through its commitment to employ an Aircraft Detection Lighting System”. (Antrim Wind Energy, LLC Post Hearing Memorandum November 30, 2016 at 30)*

*The Subcommittee under Docket 2015-02 found that turbine lighting at Facility would not have an unreasonable adverse effect on health and safety provided the Facility is equipped with the ADLS. (SEC Decision and Order, March 17, 2017 at 156) The Subcommittee required the ADLS be installed prior to the Facility going into operation. (SEC Decision and Order, March 17, 2017 at 156) The Subcommittee also required AWE to file with the SEC administrator the FAA determination of no hazard pertaining ADLS upon its receipt. (SEC Decision and Order, March 17, 2017 at 156)*

*In a September 11, 2019 email to Administrator Monroe, TransAlta specialist Jean-Francois Latour asserted that the Town of Antrim would be informed when the ADLS was installed and*

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<sup>1</sup> [https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02\\_2020-04-17\\_ltr\\_chair\\_constituent\\_concerns.pdf](https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02_2020-04-17_ltr_chair_constituent_concerns.pdf)

*fully commissioned. Mr. Latour also affirmed that the Facility's Commercial Operation Date (COD) would be delayed until the ADLS is installed and commissioned "to be in compliance with our certificate."<sup>2</sup> In a December 29, 2019 letter to the Antrim Selectboard, TransAlta states that the COD was December 24, 2019.<sup>3</sup>*

*Since December 24, 2019, several videos taken by different residents living in the vicinity of the Facility showed red blinking lights operating continuously through the night on at least four turbines and on the met tower. A formal letter of complaint was filed with the SEC on February 28, 2020 which included video screenshots of lit turbines taken on February 15, 2020.*

Since then, neighbors to the Facility have repeatedly notified the SEC Administrator, and now the Committee that the issue of lighting remains unresolved.

## **2. Discussion**

Docket 2015-02 is replete with correspondence regarding problems with the Facility's ADLS. Despite assurances from TransAlta that the issues have been addressed, the problem persists. TransAlta has provided multiple, and differing explanations for why its ADLS has regularly failed to meet the promises AWE testified to under oath. These explanations include ice build-up on the radar, a defective 30m radar motor;<sup>4</sup> and a "continuous communication/control error between system components."<sup>5</sup> More than a year ago, on April 17, 2020 TransAlta representative, Ethan Mollasalehi, assured the SEC administrator they were working on the issue.<sup>6</sup> According to Mollasalehi:

- a) TransAlta's Wind Control Center (WCC) checks the ADLS communication and operational status at least once every 24 hours; and

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<sup>2</sup> [https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02\\_2019-12-29\\_notice\\_commercial\\_operation\\_date.pdf](https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02_2019-12-29_notice_commercial_operation_date.pdf)

<sup>3</sup> [https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02\\_2019-12-29\\_notice\\_operation\\_date.pdf](https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02_2019-12-29_notice_operation_date.pdf)

<sup>4</sup> [https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02\\_2020-03-04\\_update\\_aircraft\\_detection\\_lighting.pdf](https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02_2020-03-04_update_aircraft_detection_lighting.pdf)

<sup>5</sup> [https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02\\_2020-05-05\\_awe\\_response\\_ques\\_aircraft\\_detection\\_lighting.pdf](https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02_2020-05-05_awe_response_ques_aircraft_detection_lighting.pdf)

<sup>6</sup> [https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02\\_2020-04-17\\_awe\\_nhsec\\_inspect\\_maintenance\\_optimization\\_detection\\_light.pdf](https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02_2020-04-17_awe_nhsec_inspect_maintenance_optimization_detection_light.pdf)

b) TransAlta was optimizing the ADLS system to, in part, reduce detection of “moving objects unrelated to air traffic such as car traffic and movement in tree canopy.”<sup>7</sup>

There is no evidence TransAlta conducted the work as itemized in its April 17, 2020. Further, if TransAlta’s WCC is able to check the status of the ADLS daily, there is no explanation for why TransAlta has not proactively taken steps to correct the problem. This assumes TransAlta’s WCC is capable of detecting a *lights-on condition* when aircraft are *not* in the area. Mr. Mollasalehi’s latest email again promises to resolve the lighting problem but at no time explains why his prior assurances have not been realized.”<sup>8</sup>

TransAlta asserts that the purpose of the ADLS system is for aviation safety. **This is incorrect.** Aviation safety is addressed via FAA lighting. The purpose of the ADLS is to ensure the nighttime sky is not illuminated at all hours regardless of whether low-flying aircraft are in the area. While it is true that the Facility must abide by FAA regulations on lighting, the Facility must abide by a higher standard set by the SEC which is to operate in accordance with the clear intent of the Committee to safeguard residents from being adversely impacted by flashing lights at all hours of the night.

Turbine lighting was a significant concern for the Committee and the residents under Docket 2015-02. The SEC was clear in its deliberations and its permit that the Facility, without an operational ADLS, would produce an unreasonable adverse effect on health and safety. In 2015-02, the SEC and the residents believed AWE when it testified the nighttime visual affect would be "virtually eliminated." Given the emphasis on this issue and the ongoing concern by residents that the ADLS is not operating according to expectations set under oath by Antrim Wind, a more thorough investigation by the SEC appears warranted.

When TransAlta insists that the ADLS system is for aviation safety, it appears TransAlta is attempting to redirect the Committee’s attention away from the clear purpose and intent of the SEC back under 2015-02 when the members imposed the ADLS condition. The Committee should not ignore the deliberate intent behind the ADLS condition and the very language of the SEC at the time. (*Docket 2015-02 Transcript, 12/12/2016 AM \*108-110*). Doing so would have the effect of weakening the permit condition thereby

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<sup>7</sup> [https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02\\_2020-05-05\\_awe\\_response\\_ques\\_aircraft\\_detection\\_lighting.pdf](https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02_2020-05-05_awe_response_ques_aircraft_detection_lighting.pdf) \*4

<sup>8</sup> [https://www.nhsec.nh.gov/projects/2021-02/letters\\_memos\\_correspondance/2021-02\\_2021-04-30\\_awe\\_adls\\_upgrade.pdf](https://www.nhsec.nh.gov/projects/2021-02/letters_memos_correspondance/2021-02_2021-04-30_awe_adls_upgrade.pdf)

rewarding TransAlta, harming neighbors to the Facility, and leading TransAlta and other future applicants to believe the SEC can easily be dissuaded from enforcing its own requirements.

In light of the above, I respectfully ask the New Hampshire Site Evaluation Committee to:

- A. Undertake a full investigation into the lighting issue at the Facility including determining exactly what actions TransAlta has taken to ensure proper operation of the ADLS in accordance with the SEC's intent when it imposed the ADLS condition;
- B. Require TransAlta to file with the Committee monthly public reports citing the days and times in the month when the aviation lights are on, the reason for the lights being on (including aircraft in the area), and actions taken, if needed, to correct for lights on;
- C. Take enforcement action against TransAlta as warranted according to such monthly reporting;  
and
- D. Grant such other relief as deemed just and appropriate.

Respectfully Submitted on May 18, 2021 by:



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