

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2021-03**

Joint Petition for Approval of the Transfer of Membership Interests  
in BAIF Granite Holdings, LLC and Granite Reliable Power, LLC to  
Tusk Wind Holdings III, LLC

**June 28, 2021**

**REPORT OF PREHEARING CONFERENCE**

On May 3, 2021, Tusk Wind Holdings III, LLC (Tusk), BAIF Granite Holdings, LLC and Granite Reliable Power, LLC (collectively Brookfield) and Freshet Wind Energy LLC (Freshet) filed a Petition to Transfer Membership Interests in BAIF Granite Holdings LLC and Granite Reliable Power LLC to Tusk Wind Holdings III, LLC (Petition). The Petition pertains to the Certificate of Site and Facility awarded to Granite Reliable Power, LLC on July 15, 2009, in Docket 2008-04.

On June 24, 2021, a prehearing conference was held in the referenced docket. Michael J. Iacopino, Counsel to the Committee presided at the conference. This memorandum will serve as a Report of Prehearing Conference pursuant to RSA 541-A: 31, V (d). Notice of the prehearing conference was issued, forwarded to the service list, and published on the Committee's website on June 9, 2021, and June 10, 2021.

**I. Participants**

Tusk was represented at the conference by Douglas L. Patch (Orr & Reno), and Kevin Donaldson (Senior Attorney, NextEra Energy Resources). Brookfield was represented by Justin Glick (Senior Legal Counsel, Brookfield Renewable). Freshet

was represented by Colleen Lyons (Sheehan Phinney Bass & Green)<sup>1</sup>. Senior Assistant Attorney General K. Allen Brooks appeared as Counsel for the Public.

The Prehearing Conference was noticed to be held by remote video platform (WebEx) due to concerns regarding the Covid-19 state of emergency. Members of the Site Evaluation Committee did not attend the prehearing conference.

The parties were advised of the scope and nature of a pre-hearing conference. The conference then turned to the items on the agenda.

## **II. Intervention**

To date, there are no intervenors in this docket. To the extent that motions to intervene are filed the parties are encouraged to file responses as soon as possible to allow a timely ruling that does not delay the adjudicative process.

## **III. Motions**

The Joint Petitioners filed a Motion for Protective Order and Confidential Treatment (Motion). The Motion seeks protective treatment of the Purchase and Sale Agreement and the Pro Forma Financial Statement. Counsel for the Public takes no position on the pending Motion. No objections to the motion were filed. Further motions for protective orders are not anticipated.

The Joint Petitioners also inquired about filing a proposed final order for consideration by the Subcommittee. They were advised that there is no prohibition on filing a proposed order and that the contents of the final order will ultimately be determined by the Subcommittee.

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<sup>1</sup> Tusk, Brookfield and Freshet are collectively referred to as Joint Petitioners.

#### **IV. Witnesses**

The Joint Petition was accompanied by the prefiled direct testimony of Matthew Rosko and Gerard Nostra. Counsel for the Public expects to cross-examine the witnesses. At this time additional witnesses are not expected. However, the Joint Petitioners expressed a willingness to make additional witnesses available to answer any questions from the Subcommittee.

#### **V. Discovery**

Counsel for the Public and the Joint Petitioners reported an agreement on discovery. Counsel for the Public will submit written data requests to counsel for the joint petitioners on or before July 6, 2021. The Joint Petitioners shall respond to the data requests in writing on or before July 9, 2021. Depositions or technical sessions are not necessary. The parties do not anticipate further discovery.

#### **VI. Scheduling**

Counsel for the Public and the Joint petitioners also proposed a schedule for resolution of the Petition. The parties proposed that a merits hearing be held during the week of July 19, 2021, with a final order issued by July 30, 2021. Counsel to the Committee explained that his proposed schedule was not quite as aggressive and would involve a merits hearing during the week of July 26, 2021 with a final order issued by August 13, 2021. Counsel to the Committee advised he would present the parties proposed schedule to Chairwoman Martin. The procedural schedule is within the discretion of the Chair of the Subcommittee and subject to the availability of the Subcommittee members.

#### **VII. Adjournment**

There being no further business the prehearing conference was adjourned. A

procedural order will be forthcoming.

A handwritten signature in black ink, appearing to read "Michael J. Iacopino". The signature is fluid and cursive, with a long horizontal stroke at the end.

Date: June 28, 2021

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Michael J. Iacopino, Esq  
Presiding Officer