

**THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2015-02**

**APPLICATION OF ANTRIM WIND ENERGY, LLC  
FOR A CERTIFICATE OF SITE AND FACILITY**

**LISA LINOWES, JANICE LONGGOOD, AND BARBARA BERWICK'S REPLY TO  
ANTRIM WIND ENERGY, LLC'S OBJECTION TO MOTION FOR REHEARING**

NOW COME, Lisa Linowes, Janice Longgood, and Barbara Berwick (“Objecting Parties”), and hereby reply to Antrim Wind Energy, LLC’s (“AWE”) Objection to the Objecting Parties’ Motion for Rehearing of the Site Evaluation Committee’s (“NHSEC”) January 5, 2021, Order on Pending Matters, including the Request for Waiver of Portions of N.H. Administrative Rule Site 301.18 (“the Order”). In support thereof the Objecting Parties state as follows:

**I. INTRODUCTION**

1. NHSEC issued the Order after holding a hearing on November 23, 2020, regarding AWE’s compliance with NHSEC rules and its Certificate of Site and Facility (“Certificate”), and regarding AWE’s requests for waiver from compliance with certain NHSEC rules.<sup>1</sup>

2. The Objecting Parties moved for rehearing, primarily because NHSEC did not provide the Objecting Parties notice of the November 23 Hearing and because AWE has not complied with NHSEC’s sound monitoring rules. See Motion for Rehearing.

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<sup>1</sup> AWE’s claims that NHSEC did not conduct a hearing on November 23, 2020. AWE’s Objection at 2. AWE’s assertion ignores the reality of the underlying issues, the history of the case, the actions taken by NHSEC, and common sense. See Definition of “Hearing,” BALLANTINE’S LAW DICTIONARY (3<sup>rd</sup> Edition). NHSEC’s November 23 Hearing and the Order clearly addressed contested issues that required an adjudicative hearing (explained in greater detail below), whereby the NHSEC considered evidence submitted by AWE, asked questions, deliberated motions, and adjudicated contested issues. Indeed, NHSEC’s own counsel referred to proceedings as a “hearing.” See November 23, 2020 Transcript at 30.

3. AWE filed an Objection to the Objecting Parties Motion for Rehearing on February 11, 2021.

4. The Objecting Parties now submit this Reply to address three specific issues that AWE raised in its Objection. First, the Objecting Parties address AWE's suggestion that the Objecting Parties were not entitled to notice because of AWE's incorrect assertion that the circumstances did not arise to a "contested case," which would have required an adjudicative hearing, see RSA 541-A:31. Second, the Objecting Parties address AWE's assertion that the Objecting Parties interpretation of Rule Site. 301.18 is "extreme." Third, the Objecting Parties wish to detail AWE's ever-shifting reasons for refusing to provide the 0.125-second data required by Site 301.18.

**II. THIS MATTER HAS ARISEN TO A CONTESTED CASE AND AWE ENTIRELY IGNORES THE OBJECTING PARTIES' DUE PROCESS ARGUMENTS.**

5. AWE's assertion that NHSEC was not required to determine whether AWE's sound-monitoring report complied with NHSEC's sound-monitoring rules through an adjudicative hearing is incorrect because the circumstances and interests at stake in NHSEC's determination give rise to a contested case under RSA 541-A:1, IV.

6. It is important to consider at the outset that the purpose of NHSEC's authority to review, approve, monitor, and enforce compliance in the operation of energy facilities is to balance the benefits of energy facilities with the impacts those facilities have on the public. See RSA 162-H:1. In particular, the Legislature recognized that energy facilities have "potential[ly] significant impacts," including impacts on the welfare of residents, private property, aesthetics, air and water quality, and public health and safety. Id. Thus, one of NHSEC's fundamental purposes is to consider and balance the potentially significant impact that these facilities have on the health, safety, welfare, and property interests of neighboring residents such as the Objecting Parties. This

is particularly true with wind-energy facilities and sound impacts, as the sheer size and scale of wind-energy facilities and the operations of those massive facilities can impact residential properties within a wide-radius in a way that other energy facilities may not. See N.H. CODE OF ADMIN. R. Site 301.14 (f) (2) (establishing criteria by which wind energy facility is deemed to have an adverse impact to public health, safety, and welfare); N.H. CODE OF ADMIN. R. Site 301.18(a) (identifying 2-mile minimal radius for conduct of sound studies).

7. The key underlying issue of the Order is whether AWE's winter 2020 sound-monitoring report complied with NHSEC rules and, thus, satisfied its obligations of the Certificate. The flaw in AWE's argument is that it ignores the history, the context, and the interests implicated by the resolution of this issue.

8. When NHSEC conducted a hearing on November 23, 2020, NHSEC considered the merits of the Tocci Peer Review and the completeness of the Acentech Report, both of which involved substantial discussion and adjudication of whether AWE complied with (i.e., did not violate) NHSEC's rules regarding the conduct of post-construction sound monitoring. See N.H. Admin. R., Site 301.18. Critically, this determination occurred at a time when NHSEC was (and remains) considering AWE's compliance with NHSEC noise standards in light of the numerous noise complaints from the Objecting Parties and other surrounding property owners. Indeed, the only reason that NHSEC did not address the issue of those pending noise complaints on November 23, 2020 was due to NHSEC running out of time to address those issues.

9. Concurrent with these issues of compliance, AWE sought a waiver of its obligation to conduct post-construction sound monitoring at Location 4 (the residential neighborhood that has been the source of a significant number of noise complaints) and to postpone its Spring 2020 sound monitoring report. Pursuant to the Certificate and NHSEC's rules, AWE was required to

conduct sound monitoring that complied with NHSEC's rules, including completing sound monitoring reports every three months and at all required sites. See N.H. Admin. R., Site 301.18(e). AWE's request to waive post-construction sound monitoring has a direct bearing on the pending noise complaints and would effectively absolve AWE from seeking to conduct seasonal post-construction sound monitoring in a critical area unless one of the Objecting Parties ascribed to a flawed methodology put forth by AWE.

10. The Objecting Parties' Motion for Rehearing thoroughly explained that Federal and State due process rights guarantee the Objecting Parties' rights to be heard at a "meaningful time and in a meaningful manner," Appeal of Pennichuck Water Works, 160 N.H. 18, 36 (2010), and that those rights were violated when NHSEC failed to provide notice to the Objecting Parties prior to the November 23 Hearing. See Motion for Rehearing, ¶¶25, 27, 31-40. The Objecting Parties and other affected property owners have submitted multiple complaints regarding the adverse noise impacts to their properties from the Antrim Wind Facility into Docket 2015-02.<sup>2</sup> These complaints detail how the noise generated by the Antrim Wind Facility are adversely impacting their quality of life in their homes, directly invoking the public health and safety considerations that NHSEC rules are intended to serve. See N.H. CODE OF ADMIN. R. Site 301.14 (f) (2); N.H. CODE OF ADMIN. R. Site 301.18. The Objecting Parties and others have submitted letters, objections, and evidence regarding: the adverse noise impacts; the failure of AWE to complete sound monitoring in accordance with NHSEC rules; and material, substantive flaws with the sound monitoring report that Acentech prepared on behalf of AWE. The Objecting Parties also submitted

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<sup>2</sup> To the extent that AWE asserts that RSA 162-H:12 does not require a hearing, that statute does not prohibit or proscribe the process for determining issues of compliance when those issues implicate the public health and safety of third parties. Indeed, that statute pertains to the process required when a facility operator's rights under a certificate are to be suspended. It does not address the rights of adversely impacted third parties.

Moreover, the Objecting Parties constitutional due process rights clearly supersede any contrary statutory provisions.

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expert evidence refuting the methodology and conclusions of the Acentech Report. AWE contested these assertions, presenting its own arguments and submitting its own submittals. The Objecting Parties' property interests and due process rights are firmly established.

11. AWE entirely failed to address this issue in its Objection to the Motion for Rehearing. In fact, AWE's Objection does not mention "due process" even a single time. AWE's silence on the matter is deafening. Instead of addressing this issue, AWE instead makes baseless justifications as to why NHSEC's failure to determine the issues of AWE's compliance with NHSEC's sound-monitoring reports through an adjudicative hearing was harmless. Indeed, at one point in its Objection, AWE suggested that rehearing is improper because NHSEC "was aware of and considered Ms. Linowes' various arguments" at the November 23 Hearing. AWE Objection at 4-5.

12. AWE's argument ignores the fundamental due process protections guaranteed by Federal and State Constitutions. Due process is not satisfied simply because NHSEC "considered" each side's arguments. Due process requires notice and an opportunity to be heard. A fundamental aspect of such an adjudicative hearing is notice to the parties, such that the ability to be heard can be duly exercised. See In re Kilton, 156 N.H. 632, 638 (2007) ("the central meaning of procedural due process has been clear: Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified"). Rule Site 202.07 ensures that the right to be heard can be exercised in a contested case by ensuring that those individuals are directly notified. The opportunity to be heard means more than an adjudicative body reviewing written submittals outside of an individual's presence: to meaningfully participate requires the ability to submit evidence, challenge opposing evidence, make arguments, respond to opposing arguments, and answer questions and issues raised by that adjudicative body. The Objecting Parties were

deprived of those opportunities, starting with NHSEC's failure to provide the Objecting Parties with notice that the November 23, 2020 hearing was going to occur.

13. Consider the optics of what actually occurred at the November 23 Hearing. Prior to the November 23 Hearing, AWE and the Objecting Parties submitted adverse evidence and adverse arguments regarding competing interests. The Objecting Parties and others sought a determination from NHSEC that AWE violated established noise limits to the detriment of those living in proximity to the AWE Wind Facility. AWE refuted those assertions. NHSEC actually hired its own expert in light of that contested matter, with the resulting analysis being the subject of similar consternation from the Objecting Parties and others. NHSEC then held the November 23 Hearing, apparently only informing AWE directly of the hearing. See November 23, 2020 Transcript at 68. Because NHSEC did not provide notice to the Objecting Parties, only AWE attended the November 23 Hearing. As a result, AWE was able to present its prior evidence, introduce new evidence and testimony, present its arguments, respond to prior submittals by the Objecting Parties, address NHSEC's questions and concerns, and respond to NHSEC's questions and concerns. Conversely, the Objecting Parties were denied that same opportunity.

14. The Transcript of the November 23 Hearing makes this fundamental inequity clear because NHSEC's member repeatedly stated that they wanted to hear from the Objecting Parties, stated that they were not certain of the Objecting Parties' arguments, and speculated about what the Objecting Parties' would have argued had they been present. See Transcript at 61-62 (Member Duprey discussing not fully understanding Ms. Linowes' arguments, and Chairwoman Martin responding that NHSEC's "action could be that we'd like to hear comment from Ms. Linowes so we can get an explanation"); at 66-67 (Commissioner Scott stating that he was uncertain as to what Ms. Linowes' participation was with respect to the drafting of certain NHSEC rules); at 87

(Chairwoman Martin stating that she “would probably want to hear from the other side,” regarding the interpretation of an NHSEC rule); at 68 (Attorney Iacopino suggesting that NHSEC “could have a further hearing and invite Ms. Linowes and anybody else who the Committee believes might have a view on how the rules should be interpreted, and to determine whether or not the Acentech report is acceptable”); at 78-79 (Attorney Iacopino and Mr. Tocci speculating as to whether or not AWE had provided data to Ms. Linowes); at 87-88 (Commissioner Scott stating that NHSEC was “conjecting that Ms. Linowes may want” certain data related to AWE’s sound monitoring report); at 89 (Attorney Iacopino stating that he was unable to determine whether Ms. Linowes had requested certain data, noting only that Ms. Linowes had asked for a technical session to discuss the report); at 90-91 (Ms. Duprey quoting Ms. Linowes’ February 25, 2020 letter but stating that Ms. Duprey couldn’t identify whether Ms. Linowes was quoting a rule and concluded that Ms. Linowes “seems to be indicating”); at 93 (Chairwoman Martin stating that NHSEC was discussing “whether Ms. Linowes had asked the Committee for the data collected at the .125 interval”); at 99 (Commissioner Sheehan citing Ms. Linowes prior data requests and argument and considering those arguments without the benefit of Ms. Linowes’ testimony); at 108 (Attorney Getz on behalf of AWE being given an opportunity to respond to NHSEC’s understanding of Ms. Linowes’ arguments).

15. If, consistent with due process guarantees, the Objecting Parties had been provided notice of the November 23 Hearing, the Objecting Parties would have had a meaningful opportunity to present their evidence and arguments, to respond to AWE’s evidence and arguments, to address NHSEC’s specific questions, and to clear up NHSEC’s confusion as to Ms. Linowes’ evidence and arguments. This did not happen. Consequently, the Objecting Parties were deprived of basic due process and the NHSEC violated RSA 541-A:31 and Rule Site 202.07.

**III. AWE IS INCORRECT IN CHARACTERIZING THE OBJECTING PARTIES' INTERPRETATION OF RULE SITE 301.18 AS "EXTREME".**

16. AWE asserts that the Objecting Parties have adopted an unreasonable interpretation of Rule 301.18 when they assert that Rule Site 301.18 imposes a requirement to report sound measurements at the 0.125 second interval.

17. This is not an extreme interpretation. Rather, it is the interpretation that is required by New Hampshire law and the plain language of the NHSEC rules. Rule Site 301.18(g) provides that "[f]or each sound measurement period during post-construction monitoring, reports shall include each of the following measurements: (1) LAeq, LA-10, and LA-90." There appears to be no dispute that LA-10 and LA-90 refer to the sound level that is exceeded 10% of the time and 90% of the time, respectively. See Tuscola Wind III v. Almer Charter Twp., 2017 U.S. Dist. LEXIS 182278 at \*7 (decided November 3, 2017). Therefore, the dispute is what interval metric was intended when "LAeq" is referenced in Rule Site 301.18(g).

18. Here, Rule Site 301.18 (e)(6) answers that question where it states that "[a]ll sound measurements during post-construction monitoring shall be taken at 0.125-second intervals measuring both fast response and Leq metrics." Rule Site 301.18(e)(6) is the only point in the NHSEC rules where an interval is ascribed for Leq, and, therefore, reading the rules as a whole and in a manner consistent with one another, the Leq standard referenced in Rule Site 301.18(g) must utilize the 0.125 second-interval expressed for Leq metrics in Rule Site 301.18(e)(6). See North Hampton v. Sanderson, 131 N.H. 614, 622 (stating that the intent of an ordinance or statute is "determined from its construction as a whole and not by construing separately isolated words or phrases"). Otherwise, Rule Site 301.18(e)(6) is rendered effectively superfluous and an ambiguity is created as to what Leq metric to use in Rule Site 301.18(g).



19. This interpretation is further supported by the fact that Rule 301.14(f)(2) imposes a “shall not exceed” standard of 45 dBA day and 40 dBA night noise standard. The application of an Leq interval of 0.125 seconds to be the data collection and recording requirements in Rule Site 301.18 is the interpretation that best correlates and effectuates the purpose of a “shall not exceed” standard set forth in Rule Site 301.14(f)(2). Indeed, the Court in Tuscola Wind III, 2017 U.S. Dist. LEXIS 182278, when faced with the issue of whether the interpretation of a “shall not exceed” decibel limitation permitted the use of a Leq 1-hour standard or a Lmax standard, determined that the use of an Lmax standard was the best interpretation of that decibel limitation. Tuscola Wind III, 2017 U.S. Dist. LEXIS 182278. In that case, the Court rationale is instructive, wherein, with regard to a 45 dBA “shall not exceed” noise limitation, it stated:

If a wind turbine emitted 46 dBA of noise, then a common-sense reading of the provision . . . would conclude that the turbine had violated [that regulation]. No language in the [regulation] would support a conclusion that one instantaneous emission of 46 dBA of noise is not violate of the statute as long as the turbine’s average emission does not exceed 45 dBA.

Tuscola Wind III, 2017 U.S. Dist. LEXIS 182278 at \*61 (Emphases in original.) Here, similar to Tuscola Wind III, Rule Site 301.14 imposes a “shall not exceed standard.” Compare Tuscola Wind III, 2017 U.S. Dist. LEXIS 182278 at \*60-61 with NH. CODE OF ADMIN. R. Site 301.14(f)(2). Like in Tuscola, the NHSEC is faced with determining whether Acentech’s use of an Leq 1-hour averaging is reasonable in light of Rule Site 301.14’s “shall not exceed” standard and Rule Site 301.18(e)(6)’s 0.125 second sound interval (which is nearly instantaneous). Cf. Tuscola Wind III, 2017 U.S. Dist. LEXIS 182278 at \*60-61. As reflected above, the purposes of Rule Site 301.14’s “shall not exceed” standard are best served through the use of a 0.125-second Leq interval, particularly where a longer Leq interval of 1-hour can result in exceedances which can lead to the averaging-out of short-term sound fluctuations that can be a “source of annoyance,” per Mr. Tocci.

See November 23, 2020 Transcript at 56. Contrary to AWE's position, not only is the Objecting Parties' position supported by the plain language and purposes of the NHSEC's rules, such a standard has been upheld as reasonable in other jurisdictions. See Tuscola Wind III, 2017 U.S. Dist. LEXIS 182278 at \*69-70 (finding that Lmax standard in wind ordinance was reasonable<sup>3</sup>).

20. As such, the Objecting Parties re-iterate that the NHSEC acted unlawfully and unreasonable in determining that the Acentech Report was in compliance with NHSEC Rule 301.18. The Leq standard used in the Acentech Report is not consistent with Rule Site 301.18(g) because it does not use the required 0.125-interval proscribed by Rule 301.18(e)(6).

#### **IV. AWE'S SHIFTING REASONS FOR REFUSING TO PROVIDE THE SOUND MONITORING DATA IT COLLECTED.**

21. AWE assertion that the Objecting Parties "additional requests about raw data and technical session, which are beyond the scope of the motion for hearing" fails to acknowledge the statements of the NHSEC and AWE at the November 23, 2020 hearing and constitutes a reflection on AWE's ever-changing position with regard to the raw data underlying the post-construction sound monitoring report.

22. AWE's position ignores that NHSEC invited a request for the raw data during the November 23, 2020 hearing. See November 23, 2020 Transcript at 88 (Commissioner Scott stating that "[i]f we do get a request for information, then requiring it to be produced would be another question for another day"); at 106 (Commissioner Scott amending NHSEC's motion to state that, in addition to accepting AWE's winter 2020 sound monitoring report, that AWE is to produce raw data "upon request"); at 109 (Commissioner Scott stating that "I'd rather address [the raw data

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<sup>3</sup> The NHSEC employs a Leq metric with a 0.125 second measurement interval. This standard is functionally equivalent to Lmax.

issue] as if we get a request”). Indeed, even Mr. Tocci acknowledged that the production of the raw data would not be unreasonable. November 23, 2020 Transcript at 80.

23. More importantly, however, AWE’s position is contrary to the purpose of NHSEC’s sound monitoring rules. The purpose of post-construction sound monitoring is to protect neighboring property owners from potentially adverse noise impacts. To that end, AWE was required to collect sound data from locations around the Antrim Wind Facility, so that that data could be analyzed to determine whether the Antrim Wind Facility was causing adverse noise impacts. See generally N.H. Code of Admin. R. Site 301.18.

24. AWE’s Objection is troubling in that it contains yet another in an evolving list of excuses for why AWE has refused to provide the sound monitoring data it collected to NHSEC, to Mr. Tocci who was hired to peer review the Acentech Report, or to the Objecting Parties.

25. The Acentech report purportedly took sound measurement data at 0.125 second intervals, but Acentech then excluded significant data from its analysis and failed to report or provide any data at the 0.125-second interval as required by N.H. Admin. R., Site 301.18.

26. After Ms. Linowes submitted a letter on May 21, 2020, that identified the failure of AWE to provide the underlying 0.125-second data, TransAlta responded by letter dated July 17, 2020, that it would also be “impractical to provide the data requested.” At the November 23, 2020, hearing, AWE initially repeated this claim that it was “impractical” simply because the data would require more than one excel sheet. Transcript at 86-87; see also Transcript at 53 (Mr. Tocci never attempted “to re-analyze the data that was presented in the report,” which was not even the underlying 0.125-second source data); Transcript at 85 (Chairwoman Martin stating that she assumed the raw data had been provided to Mr. Tocci, and AWE stating that raw data was never provided to Mr. Tocci). However, when pushed at the November 23, 2020 hearing regarding

whether it was actually impractical to provide this data, AWE responded that the data would need to be analyzed in conjunction with corresponding audio, which would be “challenging” and “in [his] humble opinion . . . somewhat impractical.” See November 23, 2020 Transcript at 94-95. Then AWE’s response shifted again to say that the raw data was in a proprietary format. See November 23, 2020 Transcript at 95-96 (Commissioner Scott stating that he thought “the raw data should be made available” and that he didn’t “understand why that couldn’t be made available”); November 23, 2020 Transcript at 97, 109 (Mr. Latour for AWE stating that the sound measurement data was in a “proprietary format” and that third-party review of data is impossible without “proprietary software to analyze those data”). Mr. Latour eventually agreed that the data could be provided if NHSEC ordered the data to be provided. November 23, 2020, Transcript at 98.

27. Thereafter, the Objecting Parties in their Motion for Rehearing did exactly what the NHSEC invited them to do and requested that NHSEC direct AWE to maintain raw data in a non-proprietary format so that there could be transparency and meaningful third-party review of the data and of Acentech’s black-box analysis of that data. AWE in its Objection now claims that the “raw data” is “beyond the scope of the motion for rehearing” and that a technical session to review that data “is neither necessary nor proper”). Objection ¶12.

28. In sum, AWE first claimed providing the data was impractical, then that the data would be of limited use, then that the data was in a proprietary format that could not be analyzed by a third party, and then that it is improper for NHSEC or the Objecting Parties to review that data. Bear in mind that AWE claims that it collected data at 0.125-second intervals, as required by Site 301.18 and that the Antrim Wind Facility has been operating within NHSEC’s established noise limits. However, AWE has refused to allow anyone access to that data: AWE has not provided the data to NHSEC, has not provided that data to Mr. Tocci (who somehow was able to

peer review the sound monitoring report without this data), and is objecting to providing that data to the Objecting Parties (who could then have had a third-party expert review the data).

29. That is not transparency, and there is no way for NHSEC or any affected property owners to determine if AWE is complying with NHSEC's rules when AWE refuses to report or provide data in the required intervals necessary to scrutinize the representations of AWE that the Antrim Wind Facility is operating within proscribed limits. Without transparency, the public cannot have confidence that NHSEC is enforcing compliance or that AWE is complying with NHSEC's rules.

30. It is becoming a pattern that AWE is using every tool at its disposal to keep sound data from being shared with NHSEC or with neighboring property owners and to prevent any meaningful third-party review of the sound measurements it was required to take. The Objecting Parties respectfully ask that NHSEC consider why that is. Stated differently, why is AWE so reluctant to allow NHSEC, Mr. Tocci, or any other individual the opportunity to see the data regarding the sound pressures actually recorded by the Antrim Wind Facility in its raw, unaltered, unfiltered form for the Winter 2020 survey and, to the extent AWE persists, all subsequent monitoring periods.

## V. CONCLUSION

31. In conclusion, the Objecting Parties wish to address certain rhetoric expressed by AWE when it asserted that the Objecting Parties are seeking an adjudicating proceeding "whenever there is a dispute or complaint about anything" and asserted that that the Objecting Parties believe that "if they contest, i.e. disagree with any action of Antrim Wind or the SEC that an adjudicative proceeding automatically ensures." AWE's Objection at 3. AWE's rhetoric is a gross

mischaracterization of the issues and callously disregards the issues facing the Objecting Parties and others in their homes on a regular basis.

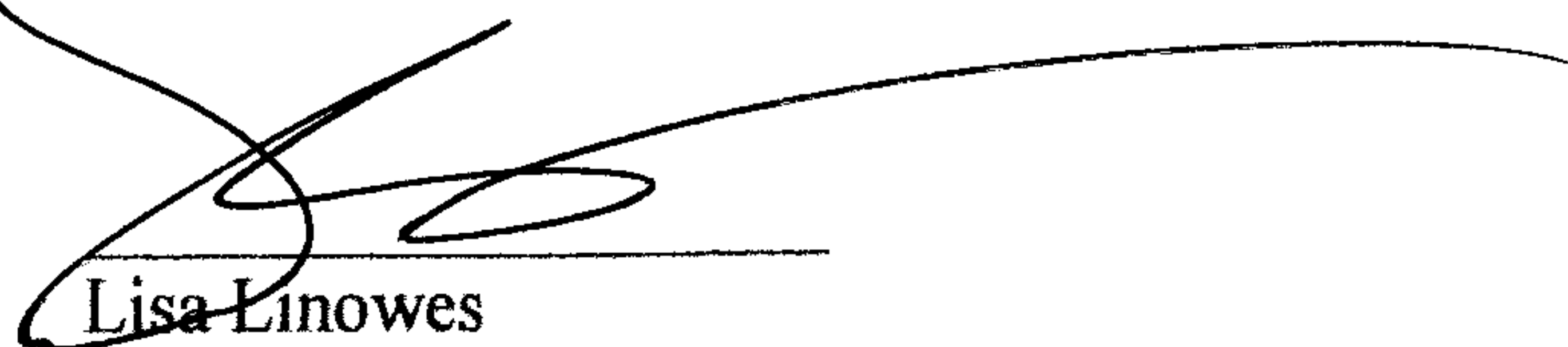
32. The Objecting Parties are not seeking to have an adjudicative process anytime there is a disagreement. It is only when there are definitive property interests at stake and competing assertions by individuals holding those property interests, RSA 541-A:31 and the due process clause of the New Hampshire and United States Constitutions requires the conduct of an adjudicative hearing. As is discussed in detail above, the issue of whether AWE complied with or violated NHSEC rules implicating competing property interests, adverse evidence, and adverse legal arguments. NHSEC cannot resolve that issue without an adjudicative hearing, meaning in accordance with NHSEC rules for adjudicative hearing, and the NHSEC's failure to resolve those contested issues through an adjudicative hearing was unjust and unreasonable.

33. It is troubling that affected property owners such as the Objecting Parties have to fight simply to have notice of and an opportunity to participate in NHSEC's enforcement and compliance hearings involving facilities that directly affect the Objecting Parties. The public needs to have confidence that NHSEC is protecting their interests, and it is difficult to have confidence when AWE is "invited" to participate in a hearing, and affected members of the public are not provided with notice and do not have an equal opportunity to respond to an energy facility's purported compliance or waiver requests. See, e.g., Letter from Senator Ruth Ward et al. to NHSEC, Docket No. 2015-02 (April 17, 2020) (expressing concern and lack of confidence regarding NHSEC's enforcement of terms of certificates of site and facility).

34. The Objecting Parties respectfully request rehearing so that they may participate in NHSEC's compliance determinations both with respect to substantive evidence and with respect to the proper interpretation and application of NHSEC rules.

Dated this 22nd day of February, 2021.

Respectfully submitted,



Lisa Linowes



Barbara Berwick



Janice Longgood

**Certificate of Service**

I hereby certify that I served a copy of this Motion for Rehearing pursuant to Site 202.07 to the current service list in this Docket this 22nd day of February, 2021.

/s/ Lisa Linowes

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