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

June 7, 2023 - 10:16 a.m. *(Electronically
filed on 06-21-23)*
Public Utilities Commission
21 South Fruit Street Suite 10
Concord, New Hampshire

**IN RE: SEC DOCKET NO. 2021-02
SITE EVALUATION COMMITTEE:**
Investigation of Complaints
Regarding Antrim Wind Energy
Facility.
**[Public meeting of the Full
SEC Committee to receive public
comment and consideration of the
Recommendation of the
Investigatory Subcommittee]**

PRESENT: SITE EVALUATION COMMITTEE:

Chairman Daniel C. Goldner <i>(Presiding as Chairman of SEC)</i>	Public Utilities Comm.
Cmsr. Robert R. Scott <i>(Vice Chairman of the SEC)</i>	Dept. of Env. Services
Cmsr. Carleton B. Simpson	Public Utilities Comm.
Cmsr. Pradip K. Chattopadhyay	Public Utilities Comm.
Cmsr. William J. Cass	Dept. of Transportation
Joseph Doiron <i>(Designee)</i>	Dept. of Business and Economic Affairs
Cmsr. Michael C. York	Dept. of Natural and Cultural Resources
Susan V. Duprey	Public Member
James Jalbert	Public Member

Court Reporter: Steven E. Patnaude, LCR No. 52

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APPEARANCES AS NOTED:

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

Reptg. Counsel for the Public:
K. Allen Brooks, Esq.
(N.H. Dept. of Justice)

Reptg. the Subcommittee:
Jonathan A. Evans, Chair
Thomas R. Eaton, Public Member
Mark W. Dell'Orfano, Esq.
(N.H. Dept. of Justice)

OTHERS PRESENT (as noted):

- Richard Block
- Fred Ward
- Lori Lerner
- Eric Werme
- Shelley Nelkens
- Joe Wilkas
- Carl Hanson
- Carroll Brown, Jr.

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

2 CHAIRMAN GOLDNER: Okay. I'll call the
3 meeting to order. Good afternoon -- or, good
4 morning, everyone. We're here for a meeting of
5 the Site Evaluation Committee. We have our
6 Meeting Notice and Agenda.

7 Before we do anything else, I'll ask
8 the members to identify themselves and their
9 title. So, I'll begin with myself. I'm the
10 Chairman, Dan Goldner, PUC.

11 VICE CHAIR SCOTT: Bob Scott, the
12 Commissioner for the Department of Environmental
13 Services, and Vice Chair of the Site Evaluation
14 Committee.

15 CMSR. SIMPSON: Carleton Simpson,
16 Commissioner with the PUC.

17 CMSR. CASS: William Cass, Commissioner
18 at New Hampshire DOT.

19 CMSR. CHATTOPADHYAY: Pradip
20 Chattopadhyay, PUC Commissioner.

21 MS. DUPREY: Susan Duprey, public
22 member.

23 MR. JALBERT: Jim Jalbert, public
24 member.

1 CMSR. YORK: Michael York, representing
2 the Department of Natural and Cultural Resources.

3 MR. DOIRON: Joseph Doiron,
4 representing the Department of Business and
5 Economic Affairs.

6 CHAIRMAN GOLDNER: Okay. I'll also
7 note the presence of Andrew Biemer, on by left,
8 the Site Evaluation Committee Administrator; and,
9 in the back, J.D. Lavallee, assigned Counsel to
10 the Committee, from the Department of Justice.

11 In the first order of business, have
12 the members had the opportunity to review the
13 minutes from the March 9th, 2022, Committee
14 business meeting? And, if so, are there any
15 changes or corrections to those minutes?

16 *[No verbal response.]*

17 CHAIRMAN GOLDNER: Okay, hearing none.
18 Do I have a motion to approve these minutes?

19 MR. JALBERT: So moved.

20 CHAIRMAN GOLDNER: Do I have a second?

21 CMSR. CHATTOPADHYAY: Seconded.

22 CHAIRMAN GOLDNER: All right. Let's
23 take a voice vote. All those in favor say "aye"?

24 *[Multiple members indicating "aye".]*

1 CHAIRMAN GOLDNER: Any opposed?

2 MS. DUPREY: I'm abstaining, because I
3 wasn't a part of the meeting.

4 MR. DOIRON: I will be abstaining as
5 well, Mr. Chairman.

6 CHAIRMAN GOLDNER: Okay. Noted. Okay,
7 the minutes are approved.

8 Okay. Now, that the meeting minutes
9 from the last general business meeting are final,
10 I'd like to take a moment to discuss how this
11 meeting will progress.

12 The purpose of today's meeting is to
13 consider the Investigative Subcommittee's
14 recommendation concerning Charge 3. As I'm sure
15 all of you know, the Investigative Subcommittee
16 was appointed in April 2021 to investigate
17 complaints concerning the Antrim Wind facility
18 operation. The Investigative Subcommittee was
19 charged, in part, with investigating complaints
20 filed prior to December 31st, 2021, and then make
21 a recommendation to this Committee regarding how
22 to handle those complaints.

23 Today, we are here to review the
24 Investigative Subcommittee's recommendation

1 concerning this charge. That is the
2 Subcommittee's recommendation on how to handle
3 the complaints.

4 Upon review of the recommendation, the
5 Subcommittee is specifically recommending denying
6 or taking no further action with regard to 15
7 noise complaints filed between January 7th, 2020
8 and March 19th, 2021.

9 So, first, the Committee will open the
10 floor for public comments. Individuals who
11 signed up will be allowed to comment. The
12 Committee may have questions for commenters. If
13 so, we will not count questions and answers with
14 the Committee as part of that time limit.

15 Second, once the public comments have
16 been heard, the Committee will deliberate on the
17 Subcommittee's recommendation, with the goal of
18 taking action on the Subcommittee's
19 recommendation.

20 One last note, before beginning the
21 public comment portion. If necessary, we may
22 adjourn the meeting briefly to consult with our
23 legal counsel. If we do need to adjourn, we will
24 do so via a motion, and provide a time estimate

1 as to when we will resume.

2 Okay. Let's begin by taking public
3 comment. Has everyone had the opportunity to
4 sign in on the sign-up sheet that wish to
5 comment?

6 ADMIN. BIEMER: Yes.

7 CHAIRMAN GOLDNER: Okay. I'll
8 recognize those who have signed up to comment, in
9 the order that they appear on the sheet. Per our
10 Meeting Notice, each person will be allowed two
11 minutes to address the Committee on the
12 recommendation of the Subcommittee concerning
13 Charge 3. As two minutes goes by quickly, I'll
14 provide a warning to all commenters at the
15 two-minute mark, and cut off comments at three
16 minutes for the court reporter.

17 Okay. Let's begin. And first on the
18 list is Richard Block. Mr. Block, are you here?

19 MR. BLOCK: Yes.

20 CHAIRMAN GOLDNER: Very good, sir. If
21 you'd please proceed.

22 MR. BLOCK: Thank you.

23 Members of the Committee, the May 15th
24 Subcommittee meeting, particularly the

1 deliberations, was a complete travesty, and a
2 blatant indication that the Subcommittee has been
3 operating the entire time of their existence on
4 the premise that they had no intention whatsoever
5 of taking any action against Antrim Wind for any
6 violations.

7 Public Member Thomas Eaton, even before
8 the commencement of deliberations, dismissed my
9 testimony about the constant violation of the
10 radar-controlled nighttime lighting. He stated,
11 and I quote from the transcript: "Our purview is
12 only until December of 2021. And I know there
13 had been problems with the ADLS system. We
14 cannot address -- there are still problems in '22
15 and part of '23, we don't have the ability to
16 address those here today. That has to come from
17 a further investigation."

18 He did say "I know there had been
19 problems with the ADLS system", but ignored the
20 fact that he knew that, because complaints in
21 writing had been made in 2021, and testimony had
22 been given in the past, that demonstrated
23 constant violation of the lighting provision
24 through 2021, and even in prior years.

1 Why were those complaints and
2 testimonies ignored by the Subcommittee? If the
3 Subcommittee's purview was until December of
4 2021, then these complaints and testimonies were
5 relevant, timely, valid, and germane to the
6 question of AWE compliance. By consciously
7 overlooking the issue of noncompliance with the
8 lighting requirements, the Subcommittee has
9 demonstrated that their entire recommendation
10 cannot be deemed valid.

11 This body, the Site Evaluation
12 Committee, is tasked with overseeing the
13 compliance of Antrim Wind with the conditions of
14 their Certificate. Ultimately, it is your
15 responsibility to assure this, not that of the
16 Subcommittee. Thus, any serious noncompliance
17 issue, whether it occurred during the purview of
18 the Subcommittee's study, and certainly if it
19 occurred before the Subcommittee's very
20 existence, and continues constantly and unabated
21 to this very day, as I have testified, must, by
22 the laws and regulations under which the SEC
23 exists, be addressed and enforced.

24 CHAIRMAN GOLDNER: Mr. Block, --

1 MR. BLOCK: Any action short of that by
2 the SEC --

3 CHAIRMAN GOLDNER: Mr. Block, one more
4 minute please.

5 MR. BLOCK: I'm almost done.

6 CHAIRMAN GOLDNER: Thank you, sir.

7 MR. BLOCK: Any action short of that by
8 the SEC constitute a severe dereliction of duty.
9 The Subcommittee was formed for to issue
10 recommendations to the SEC; not to develop or
11 execute policy decisions.

12 I urge this Committee to take the
13 decisive action and do your job in enforcing the
14 terms of the Certificate you issued without
15 excuses or contrived loopholes.

16 Thank you.

17 CHAIRMAN GOLDNER: Thank you, sir. The
18 next person, I'm having a hard time reading the
19 handwriting, is -- I apologize, do you know who
20 signed up second, by chance?

21 MS. NELKENS: I did.

22 CHAIRMAN GOLDNER: Oh. Very good.
23 Very Good. Please proceed, and please identify
24 yourself. I would, but I'm having trouble.

1 MS. NELKENS: Okay. My name is Shelley
2 Nelkens. I'm from Antrim.

3 And I started really paying attention
4 to what your Committee was doing back when
5 everything was under construction. And I would
6 walk my dog up by the lake every day, almost
7 every day, and I noticed that it didn't matter
8 how tall those towers were, there were no lights
9 on them, and nobody seemed to care, including the
10 representative from the SEC that I contacted.

11 So, I went to the selectmen. They had
12 a meeting. They called in the people who were
13 running the towers, and explained to them that we
14 really needed lights. Well, we got lights. That
15 was after they were fully constructed. They were
16 in violation the entire time it was being built,
17 the entire time. And I'm pretty nearsighted.
18 So, if I could see this?

19 Now, we're in the opposite. Those
20 lights are on all the time. Well, I don't know
21 if they're on during the day, I couldn't tell.
22 But, at night, as soon as it gets dark, those
23 lights are on, which is a total violation of
24 their Certificate.

1 And I don't understand what you people
2 are doing, if you're not going to enforce the
3 most blatant, obvious, ridiculous, I mean, I
4 don't know how much slack you want to give these
5 people, the people who built these towers. But
6 it seems like the latitude is endless.

7 And, as far as the sound goes, I really
8 thought that the people who were complaining
9 about the sound, sure, it bothered them, but, eh.
10 I was on my way to the dentist, and I went by one
11 of the towers, it was around 8:00 in the morning.
12 I'm from Manhattan. That thing sounded like the
13 friggin' A train coming. I was absolutely
14 appalled, and I have total sympathy for the
15 people that live near those towers. I'm thankful
16 that I don't.

17 But what are you people doing? Why are
18 you here? I don't understand it. I honestly
19 don't.

20 You all have really powerful positions.
21 Any one of you could say "It's like the Emperor
22 has no clothes. God, this is silly." And nobody
23 has the kahunas? I don't get it.

24 Anyway, I think I've been insulting

1 enough. Thank you.

2 CHAIRMAN GOLDNER: Okay. Let's move to
3 Carl Hanson.

4 MR. HANSON: Thank you. I'm been
5 working in the chicken coop all day, boys. So,
6 if I smell, --

7 MR. DELL'ORFANO: That's fine.

8 MR. HANSON: Is this on? I'll try to
9 fit what I can in two minutes.

10 First, I'd like to say I respect your
11 position, and thank you for upholding what you
12 do. If you're not given the right information,
13 you can't properly execute what you're doing,
14 what people are asking for.

15 I understand that the complaints, some
16 of the findings were that the forms didn't get
17 filled out properly. And one of the reasons I
18 haven't made a complaint yet is because the form
19 isn't conducive to what I need to fill out. What
20 I'm citing is a seismic phenomenon. I'm an
21 ex-industrial wind turbine diagnostic technician,
22 and I am very aware of spacing requirements
23 between those machines.

24 And -- I'm sorry, it's a little -- it's

1 emotional for me. There's vibration mitigation
2 software for those wind turbines. Certain
3 acousticians have said that the seismic
4 phenomenon is prevented, allowing them -- this
5 vibration mitigation software supposedly prevents
6 the seismic phenomenon. It's a very complex and
7 vexing phenomenon that some people feel in here
8 *[indicating]*, while others do not. That's a
9 resonance phenomenon, mechanical resonance. That
10 vibration mitigation software is only applied
11 during short coupling periods, and it is meant to
12 mitigate over-torque to the inner mechanical
13 workings of the nacelle. That in no way
14 mitigates during operational times any
15 tower-to-ground vibrations in any way. Okay.

16 And it's a mitigation; not
17 cancellation, as they represent it. Cancellation
18 is different than mitigation.

19 CHAIRMAN GOLDNER: I'm sorry, sir, two
20 minutes. Another minute please.

21 MR. HANSON: All right. Thank you very
22 much.

23 They have misrepresented this software,
24 in a sense, where they have indicated to you that

1 it runs during their production periods, and it
2 does not. And, even during the time that it is
3 applied, it only mitigates over-torque, it does
4 not cancel, in any way, shape, or form, the
5 tower-to-ground vibrations. And those machines
6 are too close to each other, providing
7 constructive interference within the upper
8 lithosphere of the earth, and you're on a unique
9 situation up there at the Antrim plateau. That's
10 where the lower lithosphere pops up through the
11 upper lithosphere. This makes this phenomenon so
12 much worse.

13 There is an attenuation transparency
14 being created in the earth. That means levels
15 and rates of absorption are affected,
16 overwhelmed, cannot absorb vibrations. And, in
17 traveling through this -- the structure-borne
18 sound traveling through the earth is subject to
19 dynamic magnitude amplification. You've heard of
20 this in the air, the airborne phenomenon. When
21 you put the turbines too close together --

22 CHAIRMAN GOLDNER: I'm sorry, sir.

23 You've reached three minutes. Any --

24 MR. HANSON: Thank you.

1 CHAIRMAN GOLDNER: Thank you.

2 MR. HANSON: Any questions for me?

3 CHAIRMAN GOLDNER: There might be
4 later, sir.

5 MR. HANSON: Okay. Thank you.

6 CHAIRMAN GOLDNER: Next is Lori Lerner.

7 *[Ms. Lerner distributing documents.]*

8 MS. LERNER: And, if I may ask, could I
9 have another minute at the end? Lisa Linowes
10 could not be here, but she did provide me just a
11 brief statement to make.

12 CHAIRMAN GOLDNER: I'm sorry, the rules
13 will apply to everyone today. So, two minutes,
14 plus one more maximum.

15 MS. LERNER: Good morning. My name is
16 Lori Lerner. I'll try to go as quickly as I can.

17 *[Court reporter interruption.]*

18 CHAIRMAN GOLDNER: Start over.

19 MS. LERNER: Good morning. My name is
20 Lori Lerner. Thank you for allowing us the
21 opportunity to speak regarding the investigative
22 Committee recommendation.

23 It's plain and simple, HMMH didn't
24 follow the required SEC rules as defined by the

1 SEC Statute, while the Subcommittee has either
2 encouraged or turned a blind eye to their Rules'
3 violations. These actions should lead to a
4 denial of the recommendation. By HMMH's own
5 admission, they were "following the Sec
6 103.18 [301.18?] noise rules, to the extent we
7 could", a direct quote from them. HMMH dictated
8 the testing protocol with their own "Task
9 Orders", while the SEC Subcommittee took no
10 action to publicly discuss or debate the Task
11 Orders. These Task Orders ignored the plain
12 language of the SEC rules. These actions, on
13 behalf of HMMH and the Subcommittee, are
14 egregious and not acceptable.

15 The following rules were violated,
16 likely many others:

17 One of the rule is that the study was
18 to be conducted "on property that is used in
19 whole or in part for permanent or temporary
20 residential purposes", although the Subcommittee
21 apparently directed them to conduct their study
22 on public property. What authority did the
23 Subcommittee have direct HMMH to violate this
24 rule?

1 Next, "field studies should be
2 conducted under the same meteorological
3 conditions." There is absolutely no reference in
4 HMMH's report to the meteorological conditions
5 during the complaints or during the HMMH study
6 period.

7 Next, the rule requires to determine
8 the "background level". As stated by HMMH's
9 expert, "We couldn't measure background sound
10 levels without the turbines in operation. So, we
11 didn't." Who authorized HMMH to disregard the
12 requirement to measure background sound levels?
13 This measurement could have been conducted at any
14 time before or after the compliance test period.

15 Next, "where turbines are operating at
16 full sound power", another rule. HMMH did not
17 conduct any of their testing when turbines were
18 at full power, violating yet another rule.

19 Who authorized the Subcommittee or HMMH
20 to conduct the study in any way except through
21 the use of the SEC rules?

22 CHAIRMAN GOLDNER: Two-minute warning.

23 MS. LERNER: Why was the public not
24 made aware of these Task Orders? The public had

1 no knowledge of these Task Orders until just
2 prior to last month's Public Meeting. The Task
3 Orders document references communications between
4 the Subcommittee and HMMH. Why haven't those
5 communications been made public?

6 Another compliance issue, as mentioned
7 previously, is the non-performing ADLS system,
8 which has not functioned properly since the start
9 of operation. There's been no site visit by the
10 SEC to validate this ongoing complaint. Those
11 living in view of the lights have repeatedly
12 reported the red flashing lights visible at all
13 hours of the night. According to an Antrim
14 document filed with their application, and
15 included in the Certificate, it states "This
16 system will only activate the nighttime FAA
17 obstruction lights in the event there's an
18 aircraft flying at low altitude at night in close
19 proximity to the Project, which will almost
20 eliminate this nighttime light source." When
21 will this compliance issue be addressed?

22 CHAIRMAN GOLDNER: That's three
23 minutes. Thank you.

24 MS. LERNER: Thank you very much.

1 CHAIRMAN GOLDNER: Thank you. Let's
2 move to --

3 MS. DUPREY: Mr. Chairman, a point of
4 order.

5 I would like to hear what Ms. Linowes
6 had to say. It seems to me that we aren't
7 overwhelmed with a number of people in the room.
8 And I would ask that we let Ms. Lerner tell us
9 what Ms. Linowes would have said?

10 CHAIRMAN GOLDNER: I think to be fair
11 to all of the folks today, we've got a two-minute
12 limit, with a one-minute overage.

13 MS. DUPREY: Uh-huh.

14 CHAIRMAN GOLDNER: What I would suggest
15 is, after the public session, we can take a
16 recess and perhaps discuss further.

17 Okay. Let's move to Mr. Wilkas, Joe
18 Wilkas.

19 *[Mr. Wilkas distributing documents.]*

20 MR. WILKAS: Can you hear me now?
21 Thank you for listening to my testimony. My name
22 is Joe Wilkas, from Bridgewater.

23 The SEC Subcommittee appears to have
24 concluded that the Antrim Wind turbines are in

1 sound compliance, using the results from the HMMH
2 sound level tests, that have at least three
3 glaring errors if the purpose of this testing was
4 to test at maximum turbine sound level output at
5 required measurement locations. The measurements
6 were not made at the correct locations at
7 affected homes, but on nearby public lands that
8 were actually located further away from the
9 turbine noise sources, thereby lowering the
10 measured sound level.

11 These measurements were made when the
12 turbines were not producing anywhere near their
13 maximum power output resulting in lower sound
14 levels. And wind turbines produce pulsed sound
15 level outputs which were then integrated by HMMH,
16 resulting in lowered reported sound levels when
17 compared to the not-to-exceed SEC limits.

18 So, accepting three methods to insure
19 lower sound level output results, the SEC
20 Subcommittee has apparently incorrectly concluded
21 that the lower sound levels reported actually
22 tested the SEC's published limits.

23 For another, more accurate sound level
24 report, please refer to the May 11th, 2021, Rand

1 Letter of Acoustic Tests submitted to the SEC on
2 May 14th, showing that the Antrim Wind turbines
3 exceeded the SEC limits when measurements were
4 correctly made near the Berwick home.

5 And the much easier to understand
6 lighting issue also seems to have been accepted
7 by the SEC Subcommittee. The flashing red lights
8 are only supposed to be on when airplanes are
9 flying nearby, but instead they are on almost all
10 the time, violating the SEC Project requirements
11 and annoying the nearby residents.

12 There has been so much reporting and
13 documentation about these issues over the past
14 several years that it is totally --

15 CHAIRMAN GOLDNER: Two-minute warning,
16 sir.

17 MR. WILKAS: -- it is totally
18 unacceptable that the SEC has done nothing yet to
19 insure that the corrections are made.

20 CHAIRMAN GOLDNER: Thank you. Moving
21 to Tom Getz.

22 MR. GETZ: Thank you. Good morning,
23 Mr. Chairman, members of the Committee. My name
24 is Tom Getz. I'm an attorney with the law firm

1 of McLane Middleton, and I'm here on behalf of
2 Antrim Wind.

3 I believe you should have access to
4 written comments we filed yesterday, in a letter
5 from Mr. Needleman. I will try not to be too
6 repetitive. I'd like to make just two points;
7 one with respect to the law and one with respect
8 to the facts.

9 Your charge today here is governed
10 under RSA 162-H:12, which is the "Enforcement"
11 section of the SEC statutes. The relevant
12 section of that, of H:12, states that "Whenever
13 the committee...makes a preliminary determination
14 that any term or condition of any certificate
15 issued under this chapter is being violated, it
16 shall, in writing, notify the certificate holder
17 of the specific violation and order the person to
18 immediately terminate the violation."

19 The Committee formed a Subcommittee to
20 look at the facts underlying the allegations with
21 respect to Antrim Wind. That Subcommittee has
22 thoroughly reviewed these issues, has hired a
23 sound expert. They have provided you with a
24 written recommendation. And we believe that

1 that -- that order -- that report provided by the
2 Subcommittee faithfully completes Charge 3, by
3 providing you a record to determine that the
4 noise complaints through 2021 are unfounded, and
5 there's simply no evidence or no basis for any
6 enforcement action.

7 As a result, Antrim Wind asks that you
8 adopt the recommendation from the Subcommittee,
9 determine that there is no need for an
10 enforcement action, and close this proceeding.

11 Thank you very much.

12 CHAIRMAN GOLDNER: Thank you, Mr. Getz.
13 Moving to Fred Ward.

14 MR. WARD: Okay. We're on. My name is
15 Fred Ward. I'm a meteorologist. And I have to
16 say up front, I am insulted personally and I am
17 insulted professionally by the comments that have
18 been made by this Subcommittee. Now, what's the
19 problem?

20 Turbine noise is made by the weather.
21 Let me repeat that: Turbine noise is made by the
22 weather. When the weather changes, the turbine
23 noise changes. Almost nothing else affects the
24 turbine noise. Now, we're not talking about the

1 trucks and everything. The turbine noise is
2 completely determined by the weather.

3 Now, the problem that we've had with
4 these Committees is that there appears to have
5 been a collective agreement ahead of time to
6 avoid asking about the weather at the times when
7 the exceedances in sound happen.

8 You cannot do anything unless you know
9 the weather when it happened. Particularly, you
10 cannot go and check to see what's going on, if
11 you didn't know what the weather was when the
12 complaint was made. It isn't a question about
13 the "same meteorological conditions or not".
14 It's a matter of logic. You cannot determine
15 whether something was excessive, when you don't
16 even know what the weather was so that you can
17 repeat it. Basically, that's what happened.

18 There was a report written, I won't
19 belabor Mr. Menge, because I don't know whether
20 he just doesn't know what the hell he's talking
21 about, or whether he has other reasons for saying
22 things that he knew were wrong. Now, why I am
23 saying "he knew it was wrong"? He said that
24 "there's no problem." He made -- three times he

1 went out there and made some measurements, didn't
2 give a damn what time it was, what the weather
3 was or anything. And he said "There's no
4 exceedances." He couldn't know that.

5 Now, he acknowledges that that's a
6 concern, --

7 CHAIRMAN GOLDNER: Two-minute warning,
8 sir.

9 MR. WARD: -- because he said "my
10 readings implied", or I don't remember exact
11 words, "that there was no exceedances."

12 Now, we'll turn to the three members of
13 your Subcommittee who were asked. They also knew
14 that Menge's report was wrong. Now, why do I say
15 that? There was not, over the course of many
16 hours of hearings, comments about the Menge
17 report. Not one of them, despite the fact that I
18 had given them questions ahead of time to ask Mr.
19 Menge, not one of them asked Mr. Menge "did he
20 know, did he care what the weather was at the
21 time of any one of the complaints?" Not one
22 member of the Committee asked that question.
23 They had to know that they should have, and they
24 didn't dare. And the reason they didn't dare was

1 because Antrim had some worries of --

2 CHAIRMAN GOLDNER: That's three
3 minutes.

4 MR. WARD: -- violating the darn
5 thing -- I'm almost finished.

6 CHAIRMAN GOLDNER: That's three
7 minutes, sir.

8 MR. WARD: That they found --

9 CHAIRMAN GOLDNER: That's three
10 minutes, sir. Thank you.

11 Okay. Let's move to the final person
12 on the public sign-in sheet, and I apologize if
13 I'm mispronouncing your name, but it looks like
14 "Eric Werme".

15 MR. WERME: "Werme", very good.

16 Today I expect to hear the SEC accept
17 the report from its Subcommittee. I'd like to
18 spend this time on what you did not hear from the
19 Subcommittee, and what you will hear in the
20 future from the public.

21 You heard about the HMMH sound survey.
22 You did not hear about the Rand Acoustic Survey,
23 which appears to me better in almost all ways.
24 In particular, it recorded two events so loud

1 that they awakened the property owners after
2 midnight. Weather maps and temperature trends
3 during both events were very similar.

4 You heard references to testimony from
5 the public disagreeing with parts of the HMMH
6 Survey. You heard nothing about my testimony
7 about the weather maps on the three partial days
8 HMMH studied; they are not at all similar to the
9 problem periods of the Rand survey.

10 You heard that residents denied access
11 to their properties. You did not hear the
12 residents' strong objections to that
13 characterization.

14 You did not hear about a survey of the
15 ADLS operation, because the Subcommittee didn't
16 request one. You did not hear about Richard
17 Block's survey of the system. The Subcommittee
18 essentially ruled that that was a complaint made
19 after 2021, and, therefore, not their concern.
20 You did not hear Public Member Tom Eaton say
21 "Mr. Block might want to talk to Mr. Needleman or
22 Antrim Wind about that." Mr. Needleman is an
23 attorney, he is required by the Bar to represent
24 his client, and not the complainants.

1 All that you will hear from the
2 Subcommittee is how well they did their job. You
3 will not hear from them what we think of their
4 job. We think the Subcommittee failed.

5 In the future, you will hear more
6 complaints about noise, and you will deny that it
7 exceeds the Certificate, even though HMMH did not
8 sample similar conditions.

9 In the future, you will hear more
10 complaints about the ADLS system.

11 CHAIRMAN GOLDNER: Two-minute warning,
12 sir.

13 MR. WERME: It may now be completely
14 nonfunctional. I don't know; the Subcommittee
15 didn't bother to hear about it from Antrim
16 residents or anyone else.

17 Please don't accept the Subcommittee's
18 failure. Thank you.

19 CHAIRMAN GOLDNER: Thank you.

20 Okay. Having heard public comment, it
21 may be wise to provide the Committee the
22 opportunity to consult with legal counsel under
23 RSA 91-A:2, I(b), "Consultation with legal
24 counsel", is exempted by Right to Know law from

1 the definition of a "public meeting".

2 Is there a motion to temporarily
3 adjourn the meeting for the purposes of
4 consulting with legal counsel?

5 MR. JALBERT: So moved.

6 MR. DOIRON: Second.

7 CHAIRMAN GOLDNER: Okay. Let's take a
8 voice vote.

9 All in favor say "aye"?

10 *[Multiple members indicating "aye".]*

11 CHAIRMAN GOLDNER: Any opposed?

12 *[No indication given.]*

13 CHAIRMAN GOLDNER: Okay. The motion
14 passes.

15 We'll now adjourn this public meeting
16 for the purpose of consulting with legal counsel.
17 The public must leave the meeting room, and the
18 door will be closed. We expect this to take
19 about 15 minutes. So, we'll readjourn *[sic]* at
20 11:00.

21 Thank you.

22 *(Recess taken at 10:46 a.m., and the
23 public meeting resumed at 11:02 a.m.)*

24 CHAIRMAN GOLDNER: Okay. We're back in

1 public meeting, after consulting with legal
2 counsel.

3 We'll allow two more minutes for anyone
4 that wants additional time, and we'll go through
5 the same sequence. So, we'll begin with
6 Mr. Block. If you'd like additional time, sir?

7 MR. BLOCK: No.

8 CHAIRMAN GOLDNER: You're good? Okay.
9 And Ms. Nelkens?

10 MS. NELKENS: "Nelkens". Yes. Just --
11 is it on? Hello?

12 *[Court reporter interruption regarding*
13 *the microphone.]*

14 MS. NELKENS: Oh. Okay, got it. Hi. I
15 just forgot to mention one thing.

16 I know how difficult it is to check on
17 whether the lights are on or not, or whether
18 they're in violation or not. So, I just wanted
19 to recommend, you might want to contact the --
20 he's a licensed pilot, and he flies around Antrim
21 a lot. He happens to be the Police Chief in
22 Greenfield, and also a U.S. Marshal, who has
23 mentioned quite a few times, at least to me,
24 about the lights being on.

1 So, it really is a no-brainer, if you
2 guys really want to do your job and look out. Go
3 out and look for yourself. And then, you can
4 see, the Subcommittee is not to be taken
5 seriously.

6 Thank you.

7 CHAIRMAN GOLDNER: All right. We'll
8 move to Mr. Hanson. If you'd like additional
9 time?

10 MR. HANSON: Yes. Thank you.

11 CHAIRMAN GOLDNER: Uh-huh.

12 MR. HANSON: How much time do I have?

13 CHAIRMAN GOLDNER: Two minutes, sir.

14 MR. HANSON: Thank you.

15 I guess what I should say is that
16 this -- this issue that I'm speaking of is really
17 not -- I don't think you guys are privy to it.
18 If you've never heard of "spacing requirements",
19 or the debate involving that, or that the
20 manufacturer of the turbines has a meeting with
21 the site developer about spacing requirements,
22 and that conversation is only held between them.

23 Obviously, without knowledge, if you
24 guys know anything about this, all I can say is

1 that this is a fundamental problem with the
2 configuration of the site, and that the software
3 was misrepresented to cover up the creation of
4 this seismic phenomenon. This extends out into
5 this entire region, many miles.

6 Sound and vibrations travel through the
7 ground at a much faster rate than in the water or
8 in the air. And you can change the absorption
9 qualities of the earth. The bedrock is
10 frequency-dependent or frequency-independent.
11 So, when the levels of rates of absorption are
12 hit with a broadband migrational signal, so to
13 speak, those levels and rates of absorption get
14 overwhelmed, so that the attenuation or the
15 absorption, which is done through thermal
16 dispersion, is -- it's really not there, it's
17 negligible.

18 So, what ensues is a seismic resonance
19 phenomenon, mechanical resonance, where there are
20 seismic couplings, very far out, away from the
21 sites, and this is a direct result of the
22 emissions.

23 CHAIRMAN GOLDNER: One more minute,
24 sir.

1 MR. HANSON: And you do have, it's my
2 opinion, I know this to be true, I'm convicted in
3 this, but you figure it out any way you want, or
4 accept it or not, there are quite a few people
5 suffering from this seismic resonance phenomenon,
6 and it's causing some very mysterious maladies.
7 I can't say that many of these people know what's
8 happening to them, if any of them do. They go
9 towards the other explanations.

10 I've been working with a lot of these
11 people. There are victims to this that pop up
12 every week. There are certain things that I can
13 say to people, or I know that they're suffering
14 from this phenomenon. One of them, and I just
15 want to get this out there, I know I don't have a
16 lot of time, is "auditory pareidolia". When
17 you're listening to interference patterns or your
18 vestibular system is feeling these interference
19 patterns, some people, at certain intensities,
20 can hear infrasound sound, feel it.

21 What causes auditory pareidolia, your
22 subconscious mind hears these interference
23 patterns, your conscious [sic] isn't aware of
24 this, and it tries to make sense of the missing

1 information, and inserts its own interdialogue or
2 intermonologue. So, we do have a lot of people
3 that are getting diagnosed with schizophrenia at
4 later ages in life, out of nowhere. They don't
5 show any other symptoms, except hearing voices,
6 songs, things like that. So, they're being
7 diagnosed with schizophrenia.

8 CHAIRMAN GOLDNER: Sorry, sir. We're
9 out of time. Thank you.

10 MR. HANSON: Thank you.

11 CHAIRMAN GOLDNER: Thank you very much.

12 MS. DUPREY: Mr. Chairman, when do we
13 have a chance to ask questions of the people who
14 are testifying?

15 CHAIRMAN GOLDNER: I was planning on
16 letting everyone go through and add their
17 additional time, and then, at that time, asking
18 any questions, if --

19 MS. DUPREY: Terrific. Thank you.

20 CHAIRMAN GOLDNER: Okay. Very good.
21 And Ms. Lerner is next.

22 MS. LERNER: Thank you for this
23 additional opportunity to speak. I'll use my
24 time just to share with you a communication from

1 Lisa Linowes. Unfortunately, she couldn't be
2 here today. She has submitted this
3 electronically, but I just wanted everyone here
4 in the room to be aware of it.

5 The purpose of her letter is to notify
6 the Site Evaluation Committee that she will be
7 filing a formal complaint in reference to the
8 post-construction sound survey conducted by HMMH,
9 under the auspices of the SEC's 2021-02
10 Subcommittee.

11 The complaint centers on certain
12 statements made by HMMH, in their written report
13 and sworn testimony, that appear to be false, or
14 that HMMH has been unwilling or unable to
15 substantiate. The 2021-02 Subcommittee relied on
16 these statements by HMMH in arriving at its
17 conclusions about noise complaints, thereby
18 depriving those experiencing Project sound levels
19 to a full and honest review.

20 Respectfully, Lisa Linowes.

21 CHAIRMAN GOLDNER: Thank you. And
22 we'll move to Mr. Wilkas, if there's anything
23 else?

24 MR. WILKAS: No, I'm fine. Thank you.

1 CHAIRMAN GOLDNER: All right. Very
2 good. Next is Mr. Getz.

3 MR. GETZ: Thank you, Mr. Chairman.
4 Thank you, Mr. Chairman. I just want to address
5 briefly the issues that have been raised about
6 ADLS and lighting.

7 And I would refer the members of the
8 Committee to a filing that Antrim Wind provided
9 on February 1, 2023, in advance of the public
10 meeting that was held on February 3. That filing
11 provides a full roadmap and background history to
12 all of the lighting issues. And it -- the upshot
13 of it is is that, under the Certificate, the only
14 requirement really is that the Antrim Wind would
15 install ADLS. They installed the best available
16 technology. They have provided countless updates
17 to the Committee, and showing that the operation
18 of the lighting has improved from 43 percent in
19 the early months, when the technology was being
20 accommodated to the terrain, and the report shows
21 that the -- as of -- that the data request that
22 we provided showed that it had improved to 20
23 percent.

24 As you may or may not know, there is no

1 specific numerical requirement under the
2 Certificate, only that the -- that an ADLS
3 technology be installed. This was something new
4 that was available, and it's been approved by the
5 FAA.

6 So, Antrim has taken all reasonable
7 steps to comply with the Certificate, and takes
8 the position that there is no violation of the
9 Certificate.

10 Thank you.

11 CHAIRMAN GOLDNER: Thank you. And,
12 now, we'll move to Mr. Ward, if you have any
13 additional comments?

14 MR. WARD: I just had two, two quick
15 comments.

16 Number one, the HMMH report is a
17 disgrace. The reason I say that is that Mr.
18 Menge, who wrote the report, took some time to go
19 out and make some measurements. He ensured that,
20 when he went out, he would never get an overage
21 on the 40 dB. He selected his time. One of them
22 was in the middle of the day, where there's no
23 chance of ever getting a 40 dB. He had one at
24 twilight, where there's no chance. And he did it

1 in -- the third one was during the night, and he
2 did it in weather that would never get it. He
3 knew, when he went out, and before he wrote the
4 report, that he wasn't going to get a serious
5 measurement.

6 And he said, at the end of it, he waved
7 his hands and said "Well, I must have gotten
8 something here. If there was anything there, I
9 got it." That's Item Number 1.

10 Item Number 2, which is even more
11 serious, is that the Committee -- your
12 Subcommittee never asked him about this question
13 of "Did he ever know, did he care, did he measure
14 the weather when any of the complaints came in?"
15 Not one question from your Committee. Why not?

16 Thank you.

17 CHAIRMAN GOLDNER: Thank you. And,
18 finally, we'll move to Mr. Werme.

19 MR. WERME: Thank you. I was going to
20 pass on this, but I do want to address some of
21 the comments that Tom Getz made.

22 The original reason for the ADLS was
23 actually pushed by the AMC, and in response to
24 preventing bats flying around the turbines and

1 injuring a bat. That always seemed rather weak
2 to me. But the promise for the ADLS system was
3 not to satisfy the FAA requirements, but to
4 install a system that would nearly never have the
5 lights on at night.

6 I did not see this February 1st, 2023,
7 report that Tom referred to, and I will have to
8 hunt it down. But Antrim Wind did provide some
9 reports in 2021, between September and October, I
10 believe, of the frequency that the lights were
11 off. That seems to be completely at loggerheads
12 of what Rich Block has reported, where he has
13 said that they appear to be on essentially all
14 the time now.

15 So, there is some major disconnect
16 here. And I will just blame it off on that
17 Mr. Getz is an attorney, he is paid to represent
18 Antrim Wind and TransAlta, and not us.

19 Thank you.

20 CHAIRMAN GOLDNER: Okay. Thank you.

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

22 CHAIRMAN GOLDNER: We'll now move to
23 our final agenda item, which is to deliberate and
24 take action on the Subcommittee's recommendation.

1 Does anyone -- does anyone want to kick off the
2 discussion, and including any questions?

3 MS. DUPREY: I have a couple of
4 questions.

5 First, to Carl Hanson, --

6 MR. HANSON: Yes.

7 MS. DUPREY: -- if you could come up to
8 the microphone please.

9 MR. HANSON: Sure. Yes. Thank you.

10 MS. DUPREY: So, a number of the points
11 that you made, I'm not really understanding how
12 they're relating specifically to the rule. And,
13 also, you're way over my head, in terms of the
14 science.

15 What I'd like to understand, in as
16 concise terms as you can tell me, is what causes
17 these turbines to be heard by people?

18 MR. HANSON: Seismically speaking or
19 ambiently?

20 MS. DUPREY: Neither. If I'm just a
21 person standing out there by the site, what
22 causes me to hear those turbines?

23 MR. HANSON: If they're too close
24 together, dynamic amplification.

1 MS. DUPREY: No. Still not what I'm
2 getting at.

3 MR. HANSON: Okay.

4 MS. DUPREY: So, unless what you're
5 saying to me, if --

6 MR. HANSON: Vibrational cochlear
7 stimulation possibly?

8 MS. DUPREY: -- if they're too -- no.
9 If they're too close together, does it amplify
10 the sound?

11 MR. HANSON: Yes.

12 MS. DUPREY: Okay.

13 MR. HANSON: That's dynamic
14 amplification.

15 MS. DUPREY: Yes. Well, you know,
16 still you're over my head. But, okay.

17 MR. HANSON: And I appreciate that
18 you're asking the question. Thank you.

19 MS. DUPREY: Okay. Thank you. What
20 about the weather? We've heard from Mr. Ward
21 that "the weather affects the sound." What is
22 your opinion on that?

23 MR. HANSON: I would add to that.

24 MS. DUPREY: Uh-huh.

1 MR. HANSON: That it's, and in respect
2 to Fred, I know he's very knowledgeable, --

3 MS. DUPREY: Uh-huh.

4 MR. HANSON: -- the blade pitch is
5 actually --

6 MS. DUPREY: So, the angle of the
7 blade?

8 MR. HANSON: The angle of the blade, if
9 it's pitched all the way out, you have
10 efficiency.

11 MS. DUPREY: Uh-huh.

12 MR. HANSON: So, if they're running at
13 98 percent, the blades are pitched almost all the
14 way out.

15 MS. DUPREY: Uh-huh.

16 MR. HANSON: They do that at night, key
17 production hours a lot of times. So, --

18 MS. DUPREY: So, -- excuse me. So, the
19 blade pitch can be changed?

20 MR. HANSON: Yes.

21 MS. DUPREY: Okay. Uh-huh.

22 MR. HANSON: Yes. So, blade pitch into
23 the weather will determine the kind of torque
24 values on the machine.

1 MS. DUPREY: Uh-huh. And are you
2 saying that the torque values, the higher the
3 torque value, the louder the sound?

4 MR. HANSON: Yes. Exactly, yes.

5 MS. DUPREY: So, if I can paraphrase
6 what I think you're saying to me, it is that the
7 owner or person operating the wind tower can
8 change the angle of the blade, depending on --

9 MR. HANSON: Yes. That's correct.

10 MS. DUPREY: -- its desire to produce
11 power, if you will, --

12 MR. HANSON: Yes.

13 MS. DUPREY: -- or efficiency --

14 MR. HANSON: It's an efficiency level.

15 MS. DUPREY: -- to increase the power?

16 MR. HANSON: Correct.

17 MS. DUPREY: To increase the amount of
18 power that it produces?

19 MR. HANSON: Right. You pitch out into
20 the wind to catch it, and you pitch back to
21 stall.

22 MS. DUPREY: And is that automatic?
23 Does that happen automatically?

24 MR. HANSON: They have -- they don't

1 have -- they do have -- they have remote
2 operators.

3 MS. DUPREY: Uh-huh.

4 MR. HANSON: In some cases, it can be
5 automatically set, but then adjusted, if needed.

6 MS. DUPREY: Okay.

7 MR. HANSON: I'm not quite sure, with
8 the direct-drive units that they have there, I
9 know they have a SCADA system.

10 MS. DUPREY: Okay. So, again, just
11 from your basic knowledge, why is it that, in
12 your opinion, the sound is less in the daytime
13 and more in the nighttime for people?

14 MR. HANSON: It's less in the daytime
15 because the blades are not pitched out at a high
16 efficiency.

17 MS. DUPREY: Why?

18 MR. HANSON: It's not peak production
19 times. And I -- you know, that's a good
20 question.

21 MS. DUPREY: And why isn't it peak
22 production time?

23 MR. HANSON: Well, at night, if you
24 want to cut down on fossil fuel use, --

1 MS. DUPREY: Uh-huh.

2 MR. HANSON: -- at night, there's not a
3 lot of demand. Like, we meet our demands
4 energywise, as it is.

5 MS. DUPREY: Uh-huh.

6 MR. HANSON: We don't really need the
7 extra energy from the turbines. So, at night,
8 they can, in a sense, you know, this is the idea,
9 is that you can power back on your regular grid,
10 you know, your backup.

11 MS. DUPREY: Uh-huh.

12 MR. HANSON: You can power back down on
13 that stuff, and then the wind turbines will be
14 able to sell more electricity at peak production
15 hours. And, when the Sun goes down, you get a
16 little more wind, too. So, there are some
17 weather effects also.

18 MS. DUPREY: Well, that just seems to
19 me the reverse of what you were saying before.
20 If the blades aren't turning as fast at night,
21 because you don't need the power, why would the
22 sound be worse at night?

23 MR. HANSON: No. They're turning at a
24 higher efficiency.

1 MS. DUPREY: At night?

2 MR. HANSON: At night. They are
3 coupled more. So, if you got a two-mile per hour
4 wind, those machines can couple at that low wind
5 speed.

6 MS. DUPREY: Okay.

7 MR. HANSON: Once they're coupled, you
8 pitch the blades out to harness as much of the
9 weather or the wind as you can.

10 MS. DUPREY: Uh-huh.

11 MR. HANSON: If the blades -- if you
12 set the blades back a little bit, that's a lower
13 efficiency.

14 MS. DUPREY: Okay.

15 MR. HANSON: So, at night, peak
16 production, "peak production" meaning that other
17 plants can scale back, and the turbine company
18 can sell their power.

19 MS. DUPREY: I see.

20 MR. HANSON: And it's a little easier
21 to be accepted into the grid.

22 MS. DUPREY: Okay.

23 MR. HANSON: From my understanding, and
24 I could be, you know, --

1 MS. DUPREY: Okay.

2 MR. HANSON: -- missing a few things
3 here. But blade pitch definitely affects it. I
4 understand that wind does affect that. But, when
5 you have more wind, the operators are more likely
6 to pitch the blades out. And, when the Sun goes
7 down, that creates some wind.

8 MS. DUPREY: Okay.

9 MR. HANSON: You've got thermal
10 changes, you know. Sometimes there's temperature
11 inversion conditions also that can project those,
12 the airborne phenomenon, a lot further than
13 normal.

14 MS. DUPREY: Okay. What is the ideal
15 distance that these turbines should be set apart?

16 MR. HANSON: So, there's a debate on
17 that. And, currently, the idea, and this debate
18 hasn't been brought up in awhile, a few years
19 now, I haven't heard much talk about it. They
20 were talking seven times -- there's a debate
21 about seven times the blade length, or seven
22 times the swept diameter. And some scientists
23 even suggest maybe fifteen times the swept
24 diameter, which would -- that puts a lot of space

1 between those turbines. You can't have a
2 compressed footprint at that point.

3 MS. DUPREY: And do we know what the
4 distance is between these?

5 MR. HANSON: They're at -- they're very
6 close to each other. I've gone on Google Maps,
7 and I've actually looked up the feet and distance
8 between them. Since nobody at TransAlta, or Jack
9 Kenworthy, or any of the acousticians ever
10 mentioned any kind of spacing. There's really no
11 set standard for that. There's recommendations,
12 and there is a debate about that.

13 MS. DUPREY: Okay. Not my question.

14 MR. HANSON: Thank you.

15 MS. DUPREY: My question was, do you
16 know how far apart these towers are? I'm being
17 told that they may be 300 meters apart.

18 MR. HANSON: That would be very short.
19 I don't -- I can't remember the exact distance
20 between all nine turbines at this moment in time.
21 Thank you.

22 MS. DUPREY: All right. That's all my
23 questions of him, sir.

24 CHAIRMAN GOLDNER: Thank you.

1 Commissioner Chattopadhyay.

2 CMSR. CHATTOPADHYAY: Just a follow-up
3 question.

4 You mentioned "sometimes there is
5 temperature inversion."

6 MR. HANSON: Yes.

7 CMSR. CHATTOPADHYAY: Can you describe
8 it further, so that an economist can understand
9 it fully?

10 MR. HANSON: It's where -- well, I'm
11 sure Fred could do this a lot better. But --

12 CMSR. CHATTOPADHYAY: Yes. My focus
13 is, I've read the --

14 MR. HANSON: Temperature inversion is
15 still --

16 *[Court reporter interruption - multiple*
17 *parties speaking at the same time.]*

18 CMSR. CHATTOPADHYAY: Sorry. I
19 understand the concept. But just you said
20 "sometimes". So, I just want to understand that
21 aspect?

22 MR. HANSON: Oh, "sometimes".

23 CMSR. CHATTOPADHYAY: Yes.

24 MR. HANSON: In the aspect that

1 temperature inversion conditions are never
2 constant. It's a weather phenomenon, where you
3 get a bundle of heat, *etcetera*, over a larger
4 area. And that sound will go up and reflect off
5 of that. It reflects -- it creates a barrier,
6 the temperature differences. The sound will
7 reflect off of that and project out very far,
8 we're talking tens of kilometers sometimes. This
9 is common on the seacoast, when there's
10 temperature inversion conditions, people can hear
11 the lorries and the ships for many miles, if
12 those conditions are present.

13 CMSR. CHATTOPADHYAY: Is that pretty
14 common?

15 MR. HANSON: Temperature inversion
16 conditions are common, and it's a natural weather
17 occurrence.

18 CMSR. CHATTOPADHYAY: Does it happen
19 more at night?

20 MR. HANSON: Yes. Yes.

21 CMSR. CHATTOPADHYAY: Thank you.

22 CHAIRMAN GOLDNER: Mr. Werme, this is
23 the portion where we allow the Committee members
24 to address questions to individuals. So, if

1 somebody wishes to address a question, then they
2 will.

3 Are there any other questions, before
4 we move to formal deliberations? And I would say
5 a question can be asked at any time. But, if
6 there are no more questions at this time, we can
7 begin deliberations?

8 Mr. Jalbert.

9 MR. JALBERT: First of all, I want to,
10 you know, apologize. I'm a new member. And, so,
11 you know, I tried to get up to speed as much as I
12 could and read everything I could. I'm assuming
13 we don't have a member from the HMMH here, is
14 that correct?

15 CHAIRMAN GOLDNER: I don't know. Do we
16 have that?

17 MR. DELL'ORFANO: I'm Mark Dell'Orfano.
18 I'm attorney to the Subcommittee. No, no one
19 from HMMH is here today, sir.

20 MR. JALBERT: Okay. So, I have three
21 questions.

22 The first question I have is, in your
23 deliberations -- and, hi, nice to meet you all.
24 In your deliberations, did the study provider

1 ever discuss with you the difference
2 between decibels at night and during the daytime
3 hours when you take measurements?

4 MR. EVANS: My name is Jon Evans.

5 MR. JALBERT: Hi, Jon.

6 MR. EVANS: I'm the Chair of the
7 Subcommittee.

8 There isn't a difference, if I'm
9 understanding your question correctly, that a
10 decibel during the day is a decibel at night.

11 MR. JALBERT: Well, it's in
12 relationship to wind farms, because that's, you
13 know, I mean, I'm just --

14 MR. EVANS: So, the standard is
15 different, you know, between that. So that the
16 standard that we reviewed was -- or, that's in
17 the rules is 40 dBA, 40 decibels, at night, and
18 45 during the day.

19 MR. JALBERT: Yes, and I understand
20 that as well. But what the question I asked is,
21 did the study provider ever tell you that decibel
22 changes occur between the daytime hours and the
23 nighttime hours in the measurement of decibels
24 for wind farms?

1 MR. DELL'ORFANO: Sir, I guess we don't
2 understand the question.

3 MR. JALBERT: Well, sometimes things
4 are louder during the night than during the day.
5 I mean, that's the simplest way. Did he ever say
6 that, that a wind farm may be louder at night?

7 MR. EVANS: I mean, --

8 MR. JALBERT: I mean, if you live in
9 the country -- if you live in the country, and
10 you -- and, so, I live in Rollinsford, New
11 Hampshire. And, during the day, coyotes kill
12 deer, but you don't hear them. But, at night,
13 you can hear them from ten miles away.

14 And, so, my question is, there is a
15 correlation between sound and sound generation of
16 certain types of sound generators, day versus
17 night. I'm just simply asking, yes or no, did
18 the provider -- the study provider say that these
19 things could potentially or appear to sound
20 louder at night versus the day? Not what the
21 settings were, not what, you know, --

22 MR. DELL'ORFANO: I would have to say
23 the answer to that is "no."

24 MR. JALBERT: But they never said that,

1 no one ever asked it, nor did they ever say that?
2 They never --

3 *[Atty. Dell'Orfano indicating in the*
4 *negative.]*

5 MR. JALBERT: No, they didn't identify
6 it. Okay. Fine. Thank you. That's the first
7 question.

8 The second question is, is there a
9 preset device that shuts off when they hit a
10 certain decibel level, or that changes the pitch
11 to alter the -- to alter the noise?

12 MR. DELL'ORFANO: Are you asking "does
13 the facility's wind turbines have a device to
14 turn them off if" --

15 MR. JALBERT: Right.

16 MR. DELL'ORFANO: " -- the decibel
17 level is too high?"

18 MR. JALBERT: Yes.

19 MR. DELL'ORFANO: We don't know the
20 answer to that question, sir.

21 MR. JALBERT: Okay. And the last
22 thing, and it had to do with the gentleman
23 before, but -- and, again, I apologize, I just --
24 so, I have to do my own research on this, to sort

1 of come in here and not sound like, you know, I
2 don't know what the hell I'm talking about. And
3 I'm not a wind expert, guys. So, I'm sorry, but
4 I'm just trying to be fair and honest with
5 everybody.

6 MR. DELL'ORFANO: Just do the best you
7 can, sir.

8 MR. JALBERT: Yes, I'm doing the best I
9 can.

10 There is also, based on my research, a
11 correlation between wind noise generation and
12 turbine placement. Not only turbine placement
13 for efficiency, but turbine placement for wind
14 generation. Was that ever discussed?

15 MR. DELL'ORFANO: Discussed by the
16 Subcommittee?

17 MR. JALBERT: Yes.

18 MR. DELL'ORFANO: Not as far as we're
19 aware.

20 MR. JALBERT: Okay. That's all the
21 questions I have. Thank you.

22 CHAIRMAN GOLDNER: Okay. Mr. Doiron.

23 MR. DOIRON: Just a question for the
24 Subcommittee.

1 Just in review of the materials, when
2 measuring the noise, was there an attempt to go
3 on people's properties to hear, you know, "I'm
4 hearing it from so-and-so's property that it's
5 too loud. Can I take a measurement here?" Was
6 that attempt made?

7 MR. DELL'ORFANO: It was, sir, yes.

8 MR. DOIRON: And were measurements
9 conducted from those properties?

10 MR. DELL'ORFANO: They were not,
11 because the Subcommittee could not obtain
12 permission from the landholders -- or, the
13 owners, excuse me.

14 MR. DOIRON: And it was requested by
15 the consultant and the group?

16 MR. DELL'ORFANO: That is my
17 understanding, yes.

18 MR. DOIRON: Thank you.

19 CHAIRMAN GOLDNER: Anyone else that
20 hasn't asked a question yet? So, we can go
21 around again.

22 CMSR. SIMPSON: I'll ask a question of
23 the Subcommittee.

24 We've heard some testimony with respect

1 to "weather conditions", and how the complaints
2 that were made were made during certain weather
3 conditions, but the measurements were made during
4 times of different weather. Do you have any
5 comment on that? Was there an attempt to align
6 measurement with certain weather conditions? Or
7 is it not possible to do that?

8 MR. DELL'ORFANO: I'll start, and
9 then -- so, I'll start with the response to that,
10 and then I'll hand it over to Mr. Evans.

11 So, in the first instance, if you take
12 a look at Page 4 of the Subcommittee's report,
13 Paragraph 10, you'll see a number of complaints
14 occurring over the period of -- and excuse me
15 voice, I apologize for that up front. You will
16 see that there are a number of complaints that
17 began in early 2022 and -- or, excuse me, early
18 2020, and went through here June 18th, 2020.

19 If one were to try and match the
20 weather conditions for each and every one of
21 these complaints, taking one of these studies or
22 making one of these studies would be almost
23 economically infeasible. So, instead, what the
24 consultants did is that they measured sound under

1 differing wind conditions. Because it's a
2 scientific fact that sound travels differently
3 based on how fast the wind is blowing.

4 I can let Dr. Ward deal with the
5 science around that, if he wishes. But that's
6 what we've been told by the consultant. And, so,
7 what the consultant did is, although they didn't
8 go out and, say, in June of '21, when they did
9 the study, they said "Okay. Well, if, in January
10 of '20, the wind was blowing at", I don't know,
11 you know, "five miles per hour", then they would
12 try and collect data that corresponded with that
13 timeframe, and with the wind speed at that time,
14 and at different power levels of the turbine.
15 So, that is how they based their study. They did
16 the absolute best they could.

17 And I'd also point out that the rules
18 that the folks from the public keep bringing up
19 are actually waivable rules by the Administrator.
20 And the Subcommittee, acting in that capacity as
21 Administrator, to hear and consider these
22 complaints, could have just waived the rules
23 altogether dealing with what the weather
24 conditions were at the time of the complaint.

1 But, instead, they tried to do it in a way that
2 allowed some reflection of what the wind speed
3 could have been and how the noise could have
4 traveled during those periods of time.

5 MR. EVANS: That's perfect. And the
6 only other thing that I would add is that we did
7 attempt to try and do it at the different times
8 of day. I mean, there were a number of
9 complaints that I'd say were at night, during the
10 day, or whatnot. So, we tried to catch the
11 various times of the day, which would -- and, in
12 the end, it's -- there are a lot of factors that
13 go into noise, you know, and the weather
14 conditions that you do have out there. And you
15 do the best you can to try and catch as many of
16 those factors.

17 But, in the end, you're not going to be
18 able to catch the exact circumstances that
19 existed on a day that the complaint was made.
20 So, we tried to hit as many of those during that
21 time period, you know, to do an investigation,
22 you know, during a reasonable time period. We
23 had several months, and we did it over a course
24 of a number of weeks trying to hit different

1 weather conditions, say wind speeds and whatnot.

2 But, then, the other aspect to
3 consider, too, is there are limits to the ANSI
4 standards that do prevent measurements to be
5 taken under certain conditions, because they can
6 contaminate the noise, you know, as you're taking
7 those measurements. And, then, you end up having
8 to throw out the data from, say, too much wind at
9 a microphone or whatnot. And, so, there's a
10 balancing act there between trying to hit those
11 times when you are getting, you know, trying to
12 recreate those as best you can, or applying the
13 conditions as best you can that existed at the
14 time of the complaint, while also making sure
15 that you can make an accurate determination from
16 the results, by making sure that you have enough
17 data to actually do that.

18 CMSR. SIMPSON: Thank you.

19 CHAIRMAN GOLDNER: And I'll move to
20 Commissioner Scott.

21 VICE CHAIR SCOTT: So, I'll note that,
22 looking at the deliberation transcript from May
23 of 2023, I notice, on Page 54, there's a
24 discussion, it's basically the same discussion, I

1 believe, which I'm going to paraphrase, this is
2 not what's written here, is, you know, "Did you
3 look at with maximum conditions or were
4 worst-case conditions looked at?"

5 So, my question, I guess, to the Chair
6 of the Subcommittee is, so, do you feel that was
7 adequately addressed in your deliberations and in
8 your recommendations?

9 MR. EVANS: I'm sorry, I guess I
10 don't -- I don't follow, which aspect?

11 VICE CHAIR SCOTT: Were the -- did you
12 feel that adequate effort was made for the
13 monitoring to reflect worst-case conditions? I
14 noticed on Page 54 of the deliberations that was
15 discussed.

16 MR. EVANS: Yes, I do. Only -- and
17 again, going back to what I was saying
18 previously, that you have -- there are limits as
19 to how high, you know, you can, you know, say, if
20 you, you know, 50 mile an hour winds are not
21 going to be conducive to taking measurements, you
22 know, or at least 50 mile an hour winds at the
23 microphone, you know, that that's not going to --
24 it's not going to work.

1 So, I do feel that what they -- what
2 the consultant did, when we were selecting days,
3 and I was in contact with them, you know, during
4 those times, was to say "Okay, today is a higher
5 wind day, we're going to try and do that." And
6 then, they also tried to do some of those lower
7 wind days, to say "okay, well" -- and at
8 different wind speed, directions, too, as well.
9 So, they really tried, within the limits of, you
10 know, the amount of time and effort. You know, I
11 really do feel that they adequately did that.

12 VICE CHAIR SCOTT: Thank you.

13 CHAIRMAN GOLDNER: There are some
14 additional questions, I think. And Ms. Duprey
15 was next, and then Commissioner Chattopadhyay.

16 MS. DUPREY: Let him go before me.

17 CHAIRMAN GOLDNER: Okay. Commissioner
18 Chattopadhyay.

19 CMSR. CHATTOPADHYAY: So, this Page
20 Number 4 that you were talking about, for all of
21 those days, the complaints that were filed, did
22 you actively collect data on what the wind speeds
23 might have been? Did the consultant do that? Or
24 was there any discussion about that?

1 So, I'm sort of curious, were the
2 weather conditions actually looked at? Did you
3 actually document it? So, you know, can you
4 throw some light on that?

5 MR. EVANS: We asked them to review the
6 complaints, and, you know, the complaints that
7 were made, and then the data that -- the
8 information that was available related to the
9 complaints. And then, they tried to choose times
10 with similar weather conditions as best they
11 could. Obviously, you know, some of these
12 complaints were in February, you know, or
13 something like that. We can't recreate those
14 conditions in June. But, you know, the
15 temperature conditions of February and June.
16 But, yes.

17 CMSR. CHATTOPADHYAY: I'm a little
18 perplexed that, in the report, given that, you
19 know, the Siting rules, I think it's 301.18(i),
20 that's the "validation of noise complaints...must
21 be done during meteorological conditions as
22 occurred at the time of the alleged exceedance
23 that is subject of the complaint." That aspect
24 was not at all touched upon in the report.

1 I mean, I understand all the discussion
2 that you're having about what kind of details he
3 went into. But did you ever really talk about
4 this, this rule?

5 MR. DELL'ORFANO: Well, first off, that
6 rule can be waived by the Administrator, if the
7 Administrator was considering the complaint, and
8 it can also be waived by the Subcommittee, if
9 they were considering the complaint.

10 So, the way that -- what was attempted
11 here was, there are noise complaints that
12 occurred under certain sorts of conditions. Can
13 we try to collect data under similar conditions?
14 Okay. The exact same weather conditions? No,
15 you can't collect January weather conditions in
16 June, okay. But you can try and collect data at
17 a time that's similar to when the complaint
18 occurred, that wind speed may have been similar
19 to that same time, other aspects could be
20 similar.

21 But, no. The reason that they didn't
22 try to, you know, collect data at times that
23 exactly matched the conditions at the time of
24 each and every complaint is because it just would

1 have taken too long for them to complete this
2 study. And, so, you know, given the fact that
3 the public has been very patient here, the
4 facility has been very patient here, this is a
5 process that's gone on for almost two years now,
6 the Subcommittee did the best it could. It
7 worked with the -- it worked with the consultant
8 to do a study that reflected how things were, how
9 the weather conditions may have been at the times
10 that these complaints were actually addressed.
11 And, you know, put together a study that, at the
12 end of day demonstrates that there was no
13 occurrence of an exceedance of the thresholds in
14 the Certificate.

15 So, at the end of the day, what you're
16 seeing here from the Subcommittee is you're
17 saying "Look, here's a report that we had a sound
18 consultant go out and do, we haven't seen a
19 Certificate violation. But this whole process of
20 dealing with these complaints could be much, much
21 better."

22 And, so, I think that one of the things
23 that the Subcommittee really wants to bring back
24 to the Full Committee is the idea that there

1 might need to be some rulemaking around "how do
2 we make this a better process all the way
3 through?"

4 One of the issues that we have brought
5 up here, and that the public seems to continually
6 bring up, is the idea that "well, you know, you
7 folks didn't measure the sound at the homes where
8 the complaints happened." Well, you know, one of
9 the recommendations that the Subcommittee makes
10 is "Well, if that's going to be the standard,
11 then, when someone makes a complaint, they have
12 to allow the Committee or the Subcommittee or the
13 Administrator the authority to go on their
14 property and record the sound", without it
15 turning into some sort of big negotiation. That
16 wasn't allowed here.

17 And, so, I think what you're seeing is
18 you're seeing the best product that this
19 Subcommittee could produce, given the realities
20 of the situation. The ANSI standards, which are,
21 in some cases, not the same as what the rule that
22 the SEC has previously adopted regarding noise
23 complaints might be.

24 And, you know, lastly, that, you know,

1 we are dealing with a number of complaints over a
2 very long period of time. And, so, if one was
3 going to try and address the weather conditions
4 for each and every one of these complaints, we
5 still probably would be working on the sound
6 study.

7 CHAIRMAN GOLDNER: Ms. Duprey.

8 MS. DUPREY: Are you finished?

9 CMSR. CHATTOPADHYAY: Yes. Thank you.

10 MS. DUPREY: A question for counsel for
11 the Subcommittee.

12 You've mentioned several times that the
13 Committee -- "Subcommittee could have waived the
14 rules." Were the rules ever waived?

15 MR. DELL'ORFANO: There was no formal
16 decision on waiving the rules.

17 MS. DUPREY: Okay. So, they weren't.
18 And I guess, again to the Subcommittee, I'm not
19 sure who to direct this comment to or question.
20 Is there a standard sound that turbines are
21 compared to? For instance, I've worked on a
22 couple of sound cases, one for a motor sports
23 park. And, so, we compared it to what a
24 lawnmower was, there was a standard sound for

1 that; what a car was; what an airplane was. For
2 various different things, there are standard dBs
3 for those things. Is there such a measurement
4 for turbines?

5 MR. EVANS: As far as the turbines go,
6 I don't know. It would, obviously, depend on how
7 close you are to them.

8 MS. DUPREY: Well, that's true for all
9 of these things, though. Yes.

10 MR. EVANS: That's a key piece. But,
11 you know, these standards are very, very low.
12 As -- so, I work for the Department of
13 Transportation.

14 MS. DUPREY: Yes.

15 MR. EVANS: And I do noise studies for
16 the Department of Transportation. And the noise
17 levels that we're talking about at the Department
18 of Transportation are much higher.

19 MS. DUPREY: Such as?

20 MR. EVANS: Such as, so, our standard
21 is 66 decibels.

22 MS. DUPREY: Uh-huh.

23 MR. EVANS: Those -- that 66 decibels
24 is the limit at which -- like, I'm speaking up a

1 little bit so that everyone can hear. But, if
2 you and I are sitting in a room having a
3 conversation, 66 decibels is about the limit of
4 what that conversation is over, you know, again,
5 averaged over the period of time that you're
6 having that conversation.

7 MS. DUPREY: Okay.

8 MR. EVANS: You know, when you start
9 getting up into the -- so, a lawnmower is in the
10 ballpark of, say, 90 decibels, somewhere in
11 there. And it's not a linear progression, it's a
12 logarithmic progression.

13 MS. DUPREY: Uh-huh.

14 MR. EVANS: So that, when we're talking
15 about "40 decibels", this is very quiet, like the
16 sound of a refrigerator or something to that
17 effect. So, that's where we're -- that's what
18 this standard really means.

19 MS. DUPREY: So, have you listened to
20 some of the recordings that were made by the
21 complainants?

22 MR. EVANS: I have not, no.

23 MS. DUPREY: Okay. So, I believe they
24 were submitted, at least in one case, they were

1 submitted. And it was not the level of a
2 conversation. So, I'm not an expert. I don't
3 know 40 versus 45 versus 90. I just know that it
4 was significantly louder than this whooshing
5 sound that is -- that is constant.

6 Another question. Did you ever ask the
7 operator to run the turbines at maximum speed
8 that they would run them at, during the night, or
9 whatever, you know, whenever, to experience that
10 when you were out doing your site evaluation
11 yourself?

12 MR. EVANS: So, one of the things we
13 were concerned about was the perception that the
14 facility might do something to alter the
15 production of the turbines, you know, say, shut
16 them down or lower their speeds or something like
17 that, if they knew that we were out there.

18 MS. DUPREY: Uh-huh.

19 MR. EVANS: So, actually, what we
20 decided to do was to have not -- make the
21 facility completely blind as to when these --
22 when the measurements were being taken, because,
23 you know, again, we were concerned that, if we
24 did alert the facility, then there would be

1 concern that the facility might have done
2 something to shut them down. So, --

3 MS. DUPREY: But couldn't there have
4 been an additional test beyond that, to have them
5 run it at maximum, so that you could have gotten
6 a sense of what that was like?

7 MR. EVANS: There could have been.
8 However, that just, again, like as the attorney
9 mentioned, you know, we were trying to do this
10 within a reasonable timeframe, and, you know,
11 that we had, and that wasn't part of what we --

12 MS. DUPREY: Okay. It just doesn't
13 seem like that would have taken very long. It's
14 a direct request. "We're going to be there on
15 such and such a day, turn up the speed."

16 MR. DELL'ORFANO: Well, the speed is
17 dependent on the wind. So, if, you know, they
18 weren't there on a day where the turbines could
19 have run at their maximum speed, --

20 MS. DUPREY: But can't they be directed
21 to run at a maximum speed, even if the wind isn't
22 there? I think they can.

23 MR. DELL'ORFANO: I guess I don't
24 understand the question, ma'am.

1 MS. DUPREY: So, my understanding is
2 that the turbines are turning all the time. Is
3 that true? That they're directed to turn all the
4 time, because otherwise there would be warping or
5 ice build-up, or whatever. I think I read that
6 in the record.

7 MR. DELL'ORFANO: I can't comment on
8 that, ma'am. So, --

9 MS. DUPREY: So, you don't know if they
10 could turn the speed up or if it's solely
11 directed by the wind?

12 MR. DELL'ORFANO: Well, I guess, again,
13 it comes back to I don't understand your
14 question. Because are you asking "could the
15 facility have turned them on into a mode where
16 they could make the maximum amount of power,
17 depending on whether the wind is blowing hard or
18 not?" Or are you asking "Hey, could you run the
19 things as fast as possible, so we can see if
20 there's any noise?"

21 MS. DUPREY: Yes, the latter.

22 MR. DELL'ORFANO: The second one?

23 MS. DUPREY: Yes.

24 MR. DELL'ORFANO: Okay.

1 MS. DUPREY: Uh-huh.

2 MR. DELL'ORFANO: So, I'm not exactly
3 sure if they can do that.

4 MS. DUPREY: So, you didn't ask, and
5 you don't know?

6 MR. DELL'ORFANO: I think that's what
7 we're saying, yes.

8 MS. DUPREY: Okay. Thank you. I have
9 two more questions. I don't know if you want me
10 to keep going?

11 CHAIRMAN GOLDNER: Please continue.

12 MS. DUPREY: And I'd just like to say,
13 at the end, if we could let Mr. Getz comment on
14 what he's hearing here, because no one really has
15 a question of him, but I think it's fair to let
16 him comment on what we're hearing.

17 Ms. Lerner, I'm curious as to your
18 interpretation, because I think I've seen this
19 from some of the comments, on the ability of the
20 Subcommittee's expert to get on the people's
21 properties. We hear on one side that you all
22 wouldn't allow them onto the property without
23 certain conditions that weren't acceptable. You
24 say that's not so. Can you just give us your

1 perspective on that?

2 MS. LERNER: Sure. I wasn't directly
3 involved, but having spoken to some of the people
4 who had filed complaints, my understanding is
5 that they would be willing to allow them to come
6 on their property to do the sound study, if they
7 could first understand what the protocol for the
8 sound study was. Based on the testimony of Chair
9 Evans, or maybe from Menge, last meeting, it
10 sounds as though Chair Evans made a decision that
11 he didn't want to have a -- he referred to as a
12 "debate about the protocol". So, therefore, he
13 opted, without even checking with the neighbors,
14 whether HMMH could use their properties. HMMH
15 never went forward, never requested access to
16 those properties.

17 As an alternative, my understanding is
18 Chair Evans directed them to use public
19 properties, which was much further away from the
20 complainants' homes than should have been done,
21 considerably further away.

22 MS. DUPREY: Thank you. And the last
23 question to Mr. Ward.

24 You have stated numerous times how the

1 weather affects the sounds that people would
2 hear. And I would ask that you concisely tell me
3 how it is that the weather affects it, other than
4 the wind, which would relate to the speed of the
5 turbines?

6 MR. WARD: Well, let's settle one quick
7 question we've settled here. The turbines will
8 operate faster at night than the daytime. The
9 reason is that, while the winds are very low down
10 at our level, on the tops of the hills they're
11 stronger at night, on the average, than they are
12 in the daytime.

13 MS. DUPREY: Okay.

14 MR. WARD: So, you should always get
15 more production.

16 Now, the other part of it is, how much
17 gets out to the neighbors? The situation there
18 depends on -- well, let me back up. Sound, the
19 speed of sound rises as the temperature rises.
20 In the daytime, generally, the highest
21 temperatures are near the ground, because the Sun
22 is heating it; at night, the lowest temperatures
23 are near the ground because it's radiating the
24 space. This produces a situation such as, in the

1 daytime, the sound, no matter what it is, most of
2 it goes up and out. At nighttime, when you have
3 an inversion, most of the sound goes down in.

4 So, two effects: Number one, the winds
5 are higher at night, on average. And, secondly,
6 getting the noise to the neighbors is much worse
7 at night. It's such that the difference in the
8 loudness at the neighbor's house, at night, can
9 vary tremendously.

10 And it is well known, we used to, in
11 business, talk about "clear, calm, and cold", you
12 may have heard that on the weather. Clear, calm,
13 and cold, you will get your coldest weather right
14 at the ground, because there's nothing to disturb
15 it, the ground just radiates like crazy. Those
16 are the days -- those are the kinds of things
17 which will produce the loudest noise. But you
18 have to have strong winds to generate these
19 things, and the combination of very little wind
20 at the ground.

21 Those things are known. They could
22 have been known for the study. They were
23 deliberately overlooked. That's my complaint.
24 It isn't a question of -- I don't know for sure

1 whether Antrim Wind violates the 40 dB, I don't.
2 There's no way I could know that. But I'm
3 suspicious, because the people who could know
4 have avoided asking the question.

5 And all I'm saying to you is, the
6 Subcommittee should have asked the question. I
7 would love to have you ask the question, a simple
8 question, is the -- "do you agree that the
9 loudest sounds will come with a combination of
10 strong winds on the turbine and an inversion in
11 temperature?" Once you ask that question, and
12 they have to answer it "yes", then you have to
13 say "Did you ever measure during that?" And the
14 answer to that, as far as we know, is a big, big
15 "No." "Why not?" I think that's the question.

16 MS. DUPREY: My understanding is that
17 it was measured at night, that measurements were
18 taken at night?

19 MR. WARD: Oh, yes. You can take them
20 at night, but not any old night. It doesn't --
21 you don't have an inversion -- I would say, on
22 average, I'm trying to think back in the day,
23 probably half the nights you'd have a small
24 temperature inversion. And maybe once a week or

1 twice a week, you'd get a big inversion that
2 would go high enough so that the wind -- the
3 sound being generated would be bounce off and
4 then go back to the ground.

5 MS. DUPREY: Okay.

6 MR. WARD: Make once or twice a week,
7 generally late at night, 3:00 to 5:00 o'clock in
8 the morning, something like that. Those are sort
9 of forecastable. But, as a forecaster, I wasn't
10 100 percent. I have to admit to that.

11 MS. DUPREY: Okay. All right. I think
12 I'm done. Thank you.

13 CHAIRMAN GOLDNER: Any other questions?
14 Commissioner Scott.

15 VICE CHAIR SCOTT: Thank you. This is
16 for the Subcommittee, Chair Evans.

17 On your report, your recommendations to
18 us, and this probably goes under the "Careful
19 what you ask for", you suggest that "additional
20 rulemaking should be done to clarify different
21 aspects, and hopefully make this go easier in the
22 future."

23 Would you agree that this Subcommittee,
24 given that they are well emersed in this, is

1 probably the best group to help craft a proposed
2 rule?

3 MR. EVANS: We certainly could help.

4 VICE CHAIR SCOTT: Thank you for that.
5 And my next question is for Mr. -- for the
6 Administrator, Mr. Biemer.

7 ADMIN. BIEMER: Yes, sir.

8 VICE CHAIR SCOTT: So, we've heard from
9 the different testimony, verbal and in writing,
10 about concerns about the ADLS system, and
11 complaints that are -- were viewed by this
12 Subcommittee to be beyond the scope of their
13 charge. Can you update the Committee on any
14 outstanding complaints and their disposition?

15 ADMIN. BIEMER: Any outstanding
16 complaints that have not been addressed?

17 VICE CHAIR SCOTT: By the Subcommittee,
18 correct.

19 ADMIN. BIEMER: I cannot. I do not
20 have an update on unaddressed complaints. There
21 were complaints brought up at the Subcommittee
22 that were after the sunset. There was one
23 specifically by Mr. Block, I believe. Is that
24 accurate?

1 MR. BLOCK: Yes.

2 ADMIN. BIEMER: That was after the
3 sunset, in regards to the ADLS lighting system.
4 So, it is my understanding that that was not
5 considered -- or, it was considered at the
6 Subcommittee, and I believe it was Member Eaton
7 who pointed out in the transcript that "it was
8 outside the purview of the Subcommittee."

9 VICE CHAIR SCOTT: I guess my question
10 is, is, for complaints that were received after,
11 have they been addressed? Or is that something
12 we ought to be looking at perhaps having the
13 Subcommittee look at those complaints, since they
14 weren't able to -- their charge did not include,
15 for instance, Mr. Block's ADLS complaint?

16 ADMIN. BIEMER: I do not have an
17 opinion on whether specific complaints have risen
18 to official complaint threshold. But, if that
19 determination is made, then, yes, there should be
20 further investigations.

21 VICE CHAIR SCOTT: All right. Thank
22 you.

23 CHAIRMAN GOLDNER: Yes, Mr. Jalbert.

24 MR. JALBERT: Yes, one other question.

1 And, first of all, I want to say, I recognize how
2 much work this is. And I appreciate everything
3 you all have done. And it's always difficult to
4 thread the needle, and I get that, so.

5 Did most of the complaints, and I see a
6 lot them came in in the winter, is that true?

7 MR. EVANS: I would suggest that they
8 were spread throughout the year.

9 MR. JALBERT: They were spread. Okay.
10 Okay. Because I wondered if there was a sound
11 variance winter to summer, ice on ground, no
12 green -- no foliage, versus -- such as bare
13 trees, you know, wind difference?

14 MR. EVANS: In my experience, there's
15 different challenges at different times of the
16 year.

17 MR. JALBERT: Okay.

18 MR. EVANS: The snow can also, you
19 know, if it's a light snow, it can -- it can
20 actually kind of grab the sound and act as like,
21 you know, almost like, you know, an insulated
22 room with like foam, or muffle it, basically.

23 MR. JALBERT: Sure. If it's falling?

24 MR. EVANS: Right. If it's falling, or

1 even if it just freshly fell or something. But,
2 then, if you just say you had some rain, and then
3 it froze, then it's kind of more like asphalt or
4 water, like a lake, which then can kind of
5 project the sound further.

6 So, there are different challenges at
7 different times of the year. For example, one of
8 the other challenges that we had that I know that
9 the consultant did struggle with was bird noise
10 and that kind of stuff. You have less of that
11 during the winter, more of that during the
12 summer. And leaves in the trees, those kinds of
13 things. There are different aspects.

14 MR. JALBERT: But, in the wintertime,
15 if you're out in the middle of the night, and
16 you've got a heavy snowpack and it's ice, it's
17 like standing in the middle of the auditorium and
18 speaking, with nobody in the auditorium, you can
19 hear it from one end to the other a lot easier
20 than the summer, when you have, you know, grasses
21 and, you know, different landscape.

22 MR. EVANS: Sure.

23 MR. JALBERT: Okay. I think that's it
24 for now. Thanks.

1 CHAIRMAN GOLDNER: Any other Committee
2 members have any more additional questions?

3 Ms. Duprey.

4 MS. DUPREY: One quick question. One
5 quick question, Mr. Evans.

6 I know that you have a background in
7 traffic and airplane noise. And I know, in
8 Manchester, there are some barriers that have
9 been erected, I believe, by the State with
10 respect to traffic noise. And I know that the
11 airport has sound-proofed homes. I'm wondering
12 at what dBA level that sort of action takes place
13 is approved? Is there a standard?

14 MR. EVANS: So, the FAA standards are a
15 little different. And, to be quite honest, I
16 don't -- offhand, I don't know the exact
17 standards for, like, say, that's where you would
18 get into insulating, the insulation of buildings
19 and whatnot.

20 MS. DUPREY: Yes. Uh-huh.

21 MR. EVANS: But, for the standard for
22 the Department of Transportation, from a highway
23 standpoint, is 66 decibels. We have a policy
24 that kind of dictates when you also put in those

1 barriers from a feasibility and reasonableness
2 standpoint.

3 But, from a noise aspect, the limit at
4 which a "impact" is determined is 66 decibels for
5 residential areas.

6 MS. DUPREY: And is there a time period
7 that it has to occur at?

8 MR. EVANS: The loudest hour of the
9 day. So, that's typically going to be the peak
10 hour of traffic conditions.

11 MS. DUPREY: Yes.

12 MR. EVANS: Unless those -- that's the
13 result of reduced traffic speed, in which case
14 you may kind of shoulder that peak hour.

15 MS. DUPREY: Okay. Thank you.

16 CHAIRMAN GOLDNER: Anything else?

17 *[No indication given.]*

18 CHAIRMAN GOLDNER: I would like to -- I
19 would like to give Mr. Getz an opportunity, as
20 the party of the opposition, to make any
21 statements you might have.

22 MR. GETZ: Thank you, Mr. Chairman. I
23 would just -- and thank you for bringing it up,
24 Ms. Duprey.

1 So, what I think the Committee should
2 look at as a basic set of facts here is the HMMH
3 sound study shows no period, applying the
4 methodology approved by the Committee, no period
5 where the 40 dBA or 45 dBA standards were
6 violated, whether, you know, daytime or
7 nighttime. That's the facts that you have
8 before. There is no factual violation.

9 With respect to the issues about
10 access, and same meteorological conditions, my
11 understanding, from what's in the record and
12 what's been reported is, the complainants denied
13 access, unless there was some agreement about
14 what methodology was applied. And this gets back
15 to the whole issue of -- that was resolved in the
16 Charge 1. So, that's what I take away from the
17 record. And that may be debated. But, based on
18 the denial of access, the Subcommittee, I think,
19 and Antrim Wind I think would argue, that the
20 whole -- the complaints should have been
21 dismissed, because they weren't allowed to go on
22 the property to take the measurements.

23 As for the -- but, nevertheless, the
24 Subcommittee decided to go the extra mile. So,

1 they hired HMMH, and constructed the sound study,
2 went to other locations, and tried to replicate
3 the meteorological conditions as best they could.
4 Were they identical? I guess it depends on how
5 you use your terms. I mean, obviously, they
6 weren't done in February to match up with a
7 particular February complaint. But they tried
8 to, from what I understand, and what Mr. Evans
9 has explained today, is to match up the wind
10 speeds, the time of day, so that you could, you
11 know, address what the intent of the rules is.

12 But it gets back to the bottom line,
13 there is no evidence of a violation of the
14 Certificate. And Antrim Wind would ask that the
15 Committee find that today, accept the report, and
16 close this proceeding.

17 Thank you.

18 CHAIRMAN GOLDNER: Okay. Before we
19 move on to the next phase of deliberations, I
20 received a request for a bowel break. So, we'll
21 take ten minutes, and return at 12:10.

22 And I'll just instruct the Committee
23 members not to talk about anything substantive
24 outside the hearing room. Thank you.

1 *(Recess taken at 12:01 p.m., and the*
2 *hearing resumed at 12:12 p.m.)*

3 CHAIRMAN GOLDNER: Okay. I'll call
4 everyone back to order. Thank you.

5 Okay. Let's continue with
6 deliberations. And, if there's anyone that would
7 like to lead off, that would be great.

8 What I'll say is, before making a
9 motion, my request would be to take your time and
10 write down the motion, so that it's clear and
11 concise, and we can move quickly through any
12 motions that are made.

13 So, I'll pause there, and start
14 deliberation with whoever wants to begin?

15 Commissioner Scott.

16 VICE CHAIR SCOTT: Thank you.

17 First, I want to thank the
18 Subcommittee. I think we ought to -- sorry, my
19 phone is going off, and I thought I turned it
20 down, but apparently not.

21 I want to thank the Subcommittee.
22 Obviously, we gave -- the Committee gave the
23 Subcommittee a difficult task, and this is all
24 new ground for, I think, everybody, in some

1 respect. So, I wanted to really thank them for
2 that.

3 I agree that none of this is perfect,
4 right? And, in my view, the Subcommittee, in
5 their deliberations, they spent a lot of time on
6 this, understood that and looked at that, and
7 made the best of what they could with what they
8 had.

9 So, in that context, I could make a
10 motion. I don't know if you wanted to have more
11 discussion first, Mr. Chair?

12 CHAIRMAN GOLDNER: Commissioner Scott,
13 Vice Chairman Scott, if you'd like to make a
14 motion, we can -- that can then be seconded, and
15 then we can open it up for discussion.

16 VICE CHAIR SCOTT: Okay. So,
17 understanding the warts and all, I'll leave it at
18 that, I move that we accept the Subcommittee's
19 recommendation concerning Charge 3, and its
20 recommendation regarding that no further action
21 on the 15 identified noise complaints.

22 But I also would like to require,
23 effectively, a new charge to the Subcommittee, to
24 address the additional complaints that have been

1 received since those that the Committee has --
2 the Subcommittee has looked at. And, as I
3 mentioned in my earlier discussions, I would also
4 like to charge them with coming up with a
5 proposal for the Committee to look at and
6 consider for additional rulemaking. So, they
7 had, in their report, they had made some
8 recommendations based on this experience. And I
9 would like to use their collective experience and
10 giving us a proposal.

11 CHAIRMAN GOLDNER: Is there a second?

12 MR. DOIRON: Mr. Chairman, I'd like to
13 second.

14 CHAIRMAN GOLDNER: Okay. Thank you.
15 There's a second.

16 So, let's open it up for discussion.

17 CMSR. SIMPSON: I appreciate Vice
18 Chairman Scott's motion. I would agree. I think
19 that it's important to note the complaints that
20 were received after the deadline. And it would
21 be helpful for us to see a draft of rules from
22 the Subcommittee, so that we fully understood
23 their thinking, and, as a Committee, can act on
24 those as warranted.

1 CHAIRMAN GOLDNER: Thank you,
2 Commissioner Simpson. Any other discussion?

3 Ms. Duprey.

4 MS. DUPREY: With all due respect to
5 the Subcommittee, I can't support this motion.
6 And I do realize that you had an incredibly
7 difficult task at hand.

8 But, unlike Attorney Getz, I do feel
9 like there's been evidence provided that the
10 sound standards have been violated. I feel like
11 they were provided by certain of the members of
12 the public that filed complaints. One person, I
13 believe her name was "Barbara", actually, two
14 people sat down and drew up charts. Now,
15 admittedly, they were using their phones to
16 measure the sound. But they did submit evidence
17 that it was well over 40 and 45 decibels.

18 And I've had a long career in listening
19 to the public with respect to issues, generally
20 speaking, that my clients were involved with.
21 And I would probably disregard, to some degree,
22 complaints on sight. But, on sound, where we
23 have people testifying that they're literally
24 being driven out of their minds, I feel like we

1 have an obligation to really investigate that.
2 First of all, I think there's liability on the
3 part of the State, potentially, or Antrim, if
4 people really are, based on the sound that
5 they're experiencing.

6 I didn't feel like the record included
7 information about, I mean, I feel like we're
8 recreating the wheel here, and that, to some
9 degree, this -- some of this information is out
10 in the public domain. We're not the first people
11 to have a wind farm. We're not the first people
12 to have people complaining about the wind farm.
13 I realize we have a standard that, you know, we
14 can measure against. But I would have liked to
15 have seen some more information about what other
16 communities have experienced and what they're
17 doing about it.

18 Also, I would have really appreciated
19 at least knowing whether you could go out onto
20 someone's property and have the operator operate
21 the turbine at maximum, so that there could have
22 been a determination about what that sound was
23 like. I don't feel like members of the public
24 are making up their experience with these

1 turbines. And I find their comments disturbing
2 and at odds with the report that we've received.

3 So, for that reason, I can't support
4 the motion.

5 CHAIRMAN GOLDNER: Any other comments
6 or comments on the motion?

7 Okay. Commissioner Chattopadhyay,
8 please.

9 CMSR. CHATTOPADHYAY: I am sort of
10 focused on the task at hand about, you know,
11 when -- how those days when the testing were done
12 were selected. And I know there was a lot of
13 discussion back and forth on, you know, what was
14 constraining the Committee -- the Subcommittee.

15 I still feel like it's in the rules,
16 and a better explanation of that, as to why those
17 days were chosen, the times were chosen, in
18 trying to best match with what, you know, the
19 complaints were about, you know, what the weather
20 conditions were. So, I'm still a little bit
21 hesitant, you know.

22 I will also add, I kind of like the --
23 part of what the motion was about, which is, you
24 know, the new charge, I agree with that. I also

1 agree that it would be very helpful if the
2 Subcommittee is able to clearly articulate what
3 changes they might want to see in the process, so
4 that it becomes easier for us next time around to
5 look at stuff.

6 That's just a comment I wanted to make
7 here.

8 CHAIRMAN GOLDNER: Anything else? Ms.
9 Duprey.

10 MS. DUPREY: I have a question. And
11 maybe there's no way to answer it, and so maybe
12 it will, in effect, be a comment.

13 But, with respect to future complaints,
14 aren't we just going to go through the same
15 process again? I don't really see what the
16 purpose of it is. We're just going to bring HMMH
17 back in. They're going to do the same thing they
18 did this time. The findings are going to be the
19 same. So, I don't see how we're really
20 addressing complaints.

21 I also would just like to add that I
22 feel like the ball has been dropped with respect
23 to the lighting. When I first heard about this
24 whole situation years ago, the ADLH [sic] system

1 was not operating correctly. And, so, therefore,
2 there were all these reasons why the lights were
3 on more than they should have been on.

4 I don't really understand what the
5 situation is with that. It seems to me that it
6 would be possible for, you know, anyone to go out
7 there and just observe how often the lights are
8 on at night. Doesn't seem that complicated to
9 me. But, you know, for people to say that
10 they're still seeing these lights constantly, you
11 know, is really bothersome to me.

12 I'd also like to just comment about the
13 amount of time that this has all taken. Part of
14 the reason, to my recollection, that this has, to
15 some degree, taken as long as it has, is that
16 Antrim, which was supposed to be filing certain
17 reports with the Subcommittee, asked at least on
18 one occasion, and my memory is more than one
19 occasion, to have an extension of the time to
20 file these reports. And, so, you know, it kept
21 getting longer and longer.

22 And, while I agree that it's taken a
23 long time, I don't feel like that's to really the
24 detriment of Antrim particularly. I feel it's

1 way more to the detriment of the people who have
2 had to live with the sound.

3 Thank you.

4 CHAIRMAN GOLDNER: Any other comments?
5 Yes, sir.

6 MR. JALBERT: Yes. I can't support it
7 either. But I'll tell you why. I mean, I
8 appreciate all the work you did, and it's clear
9 you did a lot. But I think there's too much
10 unknown in this whole thing.

11 And, if you look at, in the brief
12 research I did prior to coming here today, there
13 are a lot of unknowns of "what do we really know
14 about wind turbine noise?" And, if we just walk
15 away right now, and we aren't more thoughtful
16 about this, and establish better ground rules for
17 measurement, establish better -- have a better
18 understanding or knowledge of how turbines
19 generate noise, day versus night, winter versus
20 summer.

21 Not have a discussion, and I looked at
22 the three test days, and not have a discussion
23 about there's a direct correlation between wind
24 speed and turbine noise, right? But the

1 measurements couldn't be taken because it was too
2 windy. Well, it kind of -- one conflicts with
3 the other. That doesn't make a lot of sense to
4 me. I mean, I'm not a -- I'm not a wind
5 scientist, but that just doesn't cut it.

6 And, so, how can -- I can't, in good
7 conscience, say that this study wasn't flawed.
8 Not because of what you guys did, but because of
9 what we, as a group, as an organization, didn't
10 do. And that was to hire somebody to do research
11 to educate us about what wind turbines represent
12 for noise, and then give us some baseline. So,
13 moving forward, as we go through the permitting
14 process, we can make the right decisions.

15 As an example, there is a deep -- there
16 is a decibel switch that shuts these damn things
17 off. Yet, we never told Antrim they had to put
18 one in. Why?

19 You know, I just think we can do
20 better, and I think we need to aspire to do
21 better, you know. You may not get the decision
22 you want today. But I think we have to work
23 towards make -- look, alternative energy is
24 coming. Personally, I don't really enjoy wind

1 farms. I think they're a tax boondoggle. But
2 alternative power is a thing of the future, and
3 we have to look towards it.

4 So, thank you.

5 CHAIRMAN GOLDNER: Mr. York.

6 CMSR. YORK: I have the same concerns
7 that Attorney Duprey has about, you know, that
8 noise is a very difficult thing for us to solve.
9 But we've been talking about these lights
10 forever. And it seems like we ought to focus on
11 trying to get that situation straightened out, at
12 least get something straightened out here.

13 This is going to be a -- I think this
14 is going to be a very long process. But we ought
15 to get the low-hanging fruit, if you will, at
16 this point.

17 CHAIRMAN GOLDNER: My suggestion would
18 be, after we vote on Commissioner Scott's
19 proposal, that we would come back to an
20 additional motion relative to the lights. Yes.

21 Okay. Anything else? Yes, sir.

22 CMSR. CASS: I would just comment --
23 whoops. I would just comment the same. That,
24 you know, I think the charge we gave to the

1 Subcommittee, they did their honest effort to
2 evaluate the complaints that were before them.
3 And it's hard to represent the exact conditions,
4 and, in listening to the testimony and reading
5 the Report, did the best they could to get a, you
6 know, representative sample of different
7 conditions to make a reasonable recommendation.

8 With that said, I think it's incumbent
9 on us, if this motion doesn't carry, we really
10 need to think about what direction can we give
11 the Subcommittee, beyond the level of the study
12 that they have already done.

13 We've heard the testimony that, to try
14 to replicate or capture measurements exactly the
15 same or close to or similar to all of these
16 complaints, could be a, you know, an economically
17 unviable or a study that goes on for an
18 inordinate amount of time. So, I think, we
19 would, as a Committee, really need to think what
20 direction we would be tasking the Subcommittee
21 with that.

22 With regard to, you know, the process,
23 the second part of your motion, Commissioner
24 Scott, whether we're talking about just noise or

1 all complaints? It does seem there's something
2 missing on the lights. Whether it's a formal
3 complaint, you had mentioned, and that's probably
4 my own unfamiliarity with the process, I think
5 you said something, Drew, that if it rose to a,
6 you know, whether it rose to a certain level of
7 complaint, or something like that.

8 And I heard Mr. Getz talk about they
9 had some filing in February, I'm going to go back
10 and look at that, where they seemed to try to
11 answer that. But I think there does need to be
12 more precision in the process on when a complaint
13 reaches a certain threshold, and when it is moved
14 to action, and when it is adequately responded to
15 or not.

16 So, that's all I have.

17 CHAIRMAN GOLDNER: Commissioner Scott.

18 VICE CHAIR SCOTT: Yes. Just to
19 clarify my motion, I said generically
20 "complaints" received after that '21 date, and I
21 meant that purposefully, right? So, whether it's
22 Mr. Block's ADLS complaint, or a noise complaint
23 that I'm not aware of.

24 CMSR. CASS: Sure.

1 VICE CHAIR SCOTT: So, that was my
2 intent. I didn't specify on purpose, if that
3 helps.

4 CMSR. CASS: Yes.

5 VICE CHAIR SCOTT: Also, again, I think
6 we're all agreeing none of this is easy. So,
7 stating the obvious, our task is, you know, "Did
8 they meet their Certificate requirements?" Not
9 what we wish the Certificate requirements said,
10 but what they currently say. And "Did they meet
11 the rules?" Right?

12 So, I think there's a lot to learn from
13 this whole process. But I am also cognizant
14 that, you know, we have to look at that, and what
15 the Subcommittee did, not what maybe they should
16 have done if the rules were different or if the
17 Certificate was different.

18 So, I'm not saying this is easy.

19 CHAIRMAN GOLDNER: Commissioner
20 Chattopadhyay.

21 CMSR. CHATTOPADHYAY: To be clear, I
22 think the way I would cut it would be, because I
23 understand what the Subcommittee was trying to
24 explain, what's in the written form, it's not

1 clear as to why those specific dates were chosen,
2 why those specific times were chosen. It's more
3 about also looking into the complaints, the
4 dates, and sort of giving a good explanation,
5 perhaps in a supplement, you know, to why those
6 particular dates were chosen, and why the
7 Subcommittee believes that, you know, that those
8 are the right dataset -- that is the right
9 dataset, including the issue of, you know,
10 whether a waiver was being requested or not.

11 So, I'm a little bit -- that's why I'm
12 saying that, you know, while, on the other two
13 issues, the new charge and how the Subcommittee
14 has said the process should improve, you know, it
15 would benefit me to see something from the
16 Subcommittee more in writing, and giving me a
17 better sense of why they think those dates were
18 the right ones, addressing some of the issues
19 that we've heard in this public meeting here as
20 of now.

21 Thank you.

22 CHAIRMAN GOLDNER: Mr. Doiron.

23 MR. DOIRON: I would agree, sir. And
24 then, I think, you know, to Commissioner Scott's

1 motion, I think we need to look at the process.
2 You know, what we do and how we do it, and have
3 it a little bit more explained. You know, what
4 dates are selected, why were they selected.

5 And then, also, too, I mean, something
6 for me, and I think, you know, I don't want to
7 speak for members of the Committee, but maybe in
8 the future we have someone from the consultant
9 group here present to help maybe answer some
10 technical questions that Committee members may
11 have.

12 CHAIRMAN GOLDNER: Thank you. Anything
13 else, before we vote on Commissioner Scott's
14 motion? And there will be the opportunity for
15 additional motions afterwards.

16 Ms. Duprey.

17 MS. DUPREY: I guess I would just say
18 that I don't believe we're really solving any
19 problem by taking this motion today, because
20 we're just going to get the same complaints
21 again, and have to go through this process again.
22 Because it's flawed, and I just -- I just don't
23 see where we're going with it.

24 But, thanks.

1 CHAIRMAN GOLDNER: Anything else,
2 before we move to -- and we'll do a roll call
3 vote, so, we'll just go one-by-one, since it
4 seems it's unlikely to be unanimous.

5 So, Commissioner Scott, if you could,
6 maybe just repeat the motion into the record, so
7 everyone knows what they're voting on. And then,
8 we'll move to Commissioner Simpson next.

9 VICE CHAIR SCOTT: This will not be
10 verbatim, because I don't have that kind of
11 memory.

12 So, I move we accept the Committee --
13 the Subcommittee's recommendation concerning
14 Charge 3, and its recommendation regarding taking
15 no further action on the 15 identified noise
16 complaints.

17 But, also, that we require the
18 Subcommittee to file an additional report
19 addressing complaints received, and, again, I can
20 clarify "complaints", whether it's sound or
21 visual, regarding the ADLS system, for example,
22 since the timeframe that they covered under their
23 existing charge.

24 And also, to request that or require

1 that the Subcommittee draft some proposed rules
2 to address some of the concerns that they
3 encountered in their experience with this,
4 addressing these. So, if I recollect correctly,
5 that included things as including how complaints
6 are registered, so they have the information they
7 need, for example.

8 CHAIRMAN GOLDNER: Thank you,
9 Commissioner Scott. I'll mark you down as a
10 "yea" vote.

11 Commissioner Simpson?

12 CMSR. SIMPSON: Yea.

13 CMSR. CASS: Yea.

14 CHAIRMAN GOLDNER: And Mr. Gates *[sic]*
15 said "yes"?

16 CMSR. CASS: Yes.

17 CHAIRMAN GOLDNER: I'm sorry. Mr.
18 Cass, sorry?

19 CMSR. CASS: Yea. Yes.

20 CHAIRMAN GOLDNER: Commissioner
21 Chattopadhyay?

22 CMSR. CHATTOPADHYAY: Nay.

23 CHAIRMAN GOLDNER: Ms. Duprey?

24 MS. DUPREY: No.

1 MR. JALBERT: No.

2 CMSR. YORK: Yes.

3 CHAIRMAN GOLDNER: Mr. Jalbert -- I'm
4 sorry, Mr. York, you're going awfully fast. Mr.
5 York is a "yes"?

6 CMSR. YORK: Yes.

7 CHAIRMAN GOLDNER: And Mr. Doiron?

8 MR. DOIRON: Yes.

9 CHAIRMAN GOLDNER: Okay. The vote
10 passes and is approved.

11 We'll move on now to any discussion on
12 any further motions that anyone would like to put
13 forward?

14 *[No indication given.]*

15 CHAIRMAN GOLDNER: Okay. Hearing
16 nothing further, do I have a motion to adjourn?

17 CMSR. SIMPSON: So moved.

18 CHAIRMAN GOLDNER: Do I have a second?

19 CMSR. CASS: Second.

20 CHAIRMAN GOLDNER: Okay. Let's take a
21 voice vote. All in favor of adjournment say
22 "aye"?

23 *[Multiple Committee members indicating*
24 *in the affirmative by saying "aye".]*

1 CHAIRMAN GOLDNER: Any opposed?

2 *[No indication given.]*

3 CHAIRMAN GOLDNER: Okay. Thank you.

4 We are adjourned.

5 ***(Whereupon the Public Meeting was***

6 ***adjourned at 12:35 p.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)