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May 20, 2021

Mr. Jonathan A. Evans
Presiding Officer
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**Re: SEC Docket No. 2021-02
Investigation of Complaints
Regarding Antrim Wind Energy Facility
Investigative Plan**

Dear Mr. Evans:

On May 11, 2021, a number of individuals sent you a letter thanking you for the opportunity to comment on Site Evaluation Committee (“SEC”) Docket No. 2021-02, Investigation of Complaints regarding Antrim Wind Energy Facility.¹ In their letter, which appears to be outside the scope of the Subcommittee’s Investigative Plan, these individuals take the position that Antrim Wind Energy, LLC (“Antrim Wind”) has misapplied the SEC rules governing wind facility sound.

As Antrim Wind has made clear numerous times with respect to assertions by Lisa Linowes et al., Antrim Wind correctly applied the SEC’s sound rules in conducting its quarterly post-construction measurements and reporting the results. Furthermore, Gregory Tocci, the expert hired by the SEC, correctly applied the SEC’s sound rules in conducting his field studies with respect to sound complaints and in performing his peer review of Antrim Wind’s winter 2020 post-construction sound monitoring. In that regard, Antrim Wind refers the Subcommittee to:

- (1) [Mr. Latour’s letter of July 17, 2020 to Administrator Monroe](#);
- (2) [Attorney Needleman’s letter of August 11, 2020 to Administrator Monroe](#);
- (3) [Mr. Tocci’s revised report of September 2, 2020](#);
- (4) [Mr. Tocci’s peer review of September 4, 2020](#);
- (5) [Attorney Needleman’s letter to Chairwoman Martin of November 20, 2020](#); and,
- (6) [Attorney Needleman’s letter to Chairwoman Martin of March 22, 2021](#).

¹ The same individuals also sent you a letter dated May 14, 2021, which included a document titled Complaint Response Noise Survey.

May 20, 2021

Page 2

Antrim Wind understands from the Subcommittee's Investigative Plan, which is a topic for its May 21, 2021 Public Meeting, that, if necessary, it will hold public meetings to hear from interested parties (item no. 3), that it will conduct public meetings to hear and identify any additional concerns (item no. 7), and that it will hear from all interested parties (item no. 7). Clearly, Antrim Wind is an interested party and it intends to pursue every available opportunity to reiterate its case to the Subcommittee that Ms. Linowes et al. are the ones who seek to misapply the SEC rules by transforming a measurement metric into a compliance standard contrary to the plain language and the intent of the SEC rules.

The May 11, 2011 letter closes by saying that "we respectfully request that a formal adjudicative proceeding be convened to finally get to the bottom of this issue. *This matter has inexcusably persisted for over a year.* Only with a hearing will the impacted parties, including AWE, have a full and fair opportunity to be heard." (Emphasis in the original.)

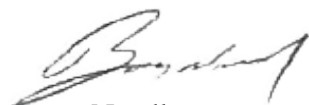
Just as Antrim Wind has made clear numerous times that Ms. Linowes et al. are wrong on the substance of the rules, Antrim Wind has made clear that Ms. Linowes et al. are wrong on procedure. Antrim Wind's position, moreover, is consistent with the SEC's recent order in Docket No. 2015-02, which denied a motion to rehear from Ms. Linowes, Ms. Berwick and Ms. Longgood. In particular, the SEC found in its May 14, 2021 order that the adjudicative portion of Docket No. 2015-02 had long been closed and that the actions the SEC took at the Public Hearing on November 23, 2020, were not in the context of a contested case.

This proceeding, Docket No. 2021-02, is a direct extension of the SEC's enforcement authority under RSA 162-H:12 to address post-construction matters that had previously been considered in Docket No. 2015-02. In fact, the Chairwoman's April 2, 2021 Order Appointing Subcommittee stated: "As the Committee currently lacks an administrator, the Committee voted to have complaints investigated by a three person subcommittee." Accordingly, given the current procedural posture as an enforcement matter, an adjudicative hearing is not authorized.

Finally, the May 11, 2021 and May 14, 2011 letters are premature under the Subcommittee's Investigative Plan, and Antrim Wind asks the Subcommittee to defer any action related to the letters and proceed in the orderly fashion set out in its Investigative Plan. As a party directly affected by this proceeding, i.e., the holder of the Certificate of Site and Facility, Antrim Wind intends to file, at the appropriate time, a comprehensive explanation of the SEC's sound rules relative to wind facilities, which will demonstrate that Antrim Wind and Mr. Tocci have correctly applied the SEC rules.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Barry Needleman

cc: Service List