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VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

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Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
executive.director@puc.nh.gov

Re: *Antrim Wind Energy LLC Notice of Intent to Produce Electricity, and, Alternatively, Request for Waiver of N.H. Admin. R. Puc 301.02 Pursuant to N.H. Admin. R. Puc 201.05(a) and 202.01(d) and Request for Expedited Review of the Waiver Request*

Dear Ms. Howland:

I am writing on behalf of Antrim Wind Energy LLC ("Antrim Wind") which, on March 17, 2017, was issued a Certificate of Site and Facility from the New Hampshire Site Evaluation Committee ("NH SEC") to construct and operate a 28.8 megawatt wind energy facility in Antrim, New Hampshire. On February 15, 2019, the NH SEC approved the transfer of ownership interest in Antrim Wind from Walden Green Energy Northeast Wind, LLC and Walden Antrim, LLC to Antrim Level, LLC, the current upstream owner of the Antrim Wind generation facility.

N.H. Admin. R. Puc 301.02 requires "any facility" located within New Hampshire proposing to generate electricity over one megawatt ultimately sold to the public to file with the Commission a "notice of intent to produce electrical energy" at least six months prior to the date that energy is first proposed to be produced by the facility. Notwithstanding that the above-referenced rule applies to "any facility," N.H. Admin. R. Puc 301.01 expressly states that the Commission's Chapter 300 rules only apply to a "utility" as defined by Puc 302.23 (which adopts the definition in RSA 362:2). Because of its status as an energy facility certificated by the New Hampshire Site Evaluation Committee, Antrim Wind is not a utility within the meaning of RSA 362:2. *See* RSA 362:4-c. Accordingly, it appears that Antrim Wind is not subject to the notice requirement of N.H. Admin. R. Puc 301.02.

However, to avoid any uncertainty over this issue, and without conceding that the rule applies to Antrim Wind, this letter is submitted to notify the Commission that Antrim Wind intends to produce electricity at the Antrim Wind generation facility on approximately November 15, 2019.

Please note that this date of expected commercial operation is sooner than six months from the date of this notification letter. Accordingly, should the Commission find that N.H. Admin. R. Puc 301.02 does apply to the Antrim Wind generation facility, without conceding that the rule applies to Antrim and without waiving the right to challenge the applicability of the rule, Antrim Wind respectfully requests that the Commission waive the six month advance notification requirement in favor of a shorter notification period that will allow this notification letter to comply with the rule.

Waiver Request

N.H. Admin. R. Puc 201.05(a) provides that the Commission “shall waive the provisions of any of its rules, except where precluded by statute, upon request by an interested party, or on its own motion, if the Commission finds that: (1) the waiver serves the public interest; and (2) the waiver will not disrupt the orderly and efficient resolution of matters before the Commission.” In determining the public interest, the Commission shall waive a rule if: (1) compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or (2) the purpose of the rule would be satisfied by an alternative method proposed. N.H. Admin. R. Puc 201.05(b).

In this case, Antrim Wind respectfully submits that it would be in the public interest to waive the six month advance notice requirement of N.H. Admin. R. Puc 301.02 because requiring compliance with the six month advance notification requirement would be extremely onerous as it may delay the Antrim Wind generation facility from commencing operations until six months from the date of this notification, which would be approximately March 12, 2020. Such delay would cause substantial financial hardship to Antrim Wind, which has power purchase agreements (“PPA”) with both New Hampshire Electric Cooperative (“NHEC”) and EDF Energy Services, LLC (“EDF”) for the purchase and sale of energy, renewable energy certificates (“RECs”) and environmental attributes from the Antrim Wind generation that require that the Antrim Wind generation facility commence commercial operations well before March 12, 2020. Additionally, as stated above, compliance with the six-month advance notification requirement is inapplicable to Antrim Wind because the Antrim Wind generation facility has received a Certificate of Site and Facility from the NH SEC and thus is not a public utility subject to the rule.

Furthermore, granting a waiver will not undermine the purpose of N.H. Admin. R. Puc 301.02 as this letter still provides substantial advance notice to the Commission of Antrim

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Wind's intent to produce electricity. This notice is given more than 2 months prior to commencement of operation. We believe that the purpose of the advance notice requirement is satisfied in this case with the amount of notice hereby provided in light of the fact that the Antrim Wind generation facility has applied for and received the required approvals from the NH SEC to construct and operate the facility and has an executed interconnection agreement with ISO-NE. These approvals establish that the addition of the Antrim Wind generation facility to the system has been appropriately vetted and approved both from a site location and a reliability perspective.¹

The Commission's waiver of N.H. Admin. R. Puc 301.02 would avoid a potential delay to the commencement of commercial operation of the Antrim Wind generation facility, which would facilitate the earlier delivery of the renewable energy benefits and the greenhouse reduction benefits to the New England region from Antrim Wind. Accordingly, the Commission's issuance of the requested waiver of the N.H. Admin. R. Puc 301.02 serves the public interest.

Granting the waiver of the six month advance notification period contained in N.H. Admin. R. PUC 301.02 in favor of a shorter notification period would also not disrupt the orderly and efficient resolution of matters before the Commission. At its core, Antrim Wind's request is to waive a requirement regarding the time period for advance notification and to allow a shorter, but still substantial, advance notification. Granting this request in this case will not materially impact the Commission's operations or case load.

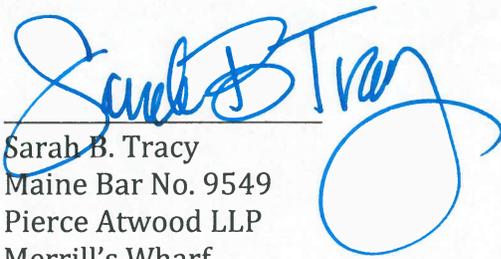
Finally, Antrim Wind respectfully requests that the Commission review and grant the requested waiver on an expedited basis. Antrim Wind and its affiliates are in the final phase of negotiating financing for the Antrim Wind generation facility. The expedited resolution of this matter will ensure that this issue does not result in a delay of the closing on the financing for the Antrim Wind generation facility.

Please contact us if the Commission has any questions about the Antrim Wind project or this notice and request. Thank you.

Sincerely,

¹ The Commission may also find that Commission had constructive notice of Antrim Wind's intent to produce electricity. The NH SEC granted a Certificate of Site and Facility on March 17, 2017, and approved a transfer of ownership interests in Antrim Wind on February 15, 2019. New Hampshire Public Utilities Commissioner Scott participated in the 2017 NH SEC decision and Commissioner Bailey participated in the 2019 NH SEC decision.

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