

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2021-05

**APPLICATION OF NEW HAMPSHIRE TRANSMISSION, LLC
FOR A CERTIFICATE OF SITE AND FACILITY**

Order on Procedural Waiver Request

March 31, 2022

I. Background

On November 19, 2021, New Hampshire Transmission, LLC (Applicant) submitted a letter providing the Site Evaluation Committee (Committee) with notice that it would conduct a pre-application information session relating to a proposed capacitor bank and circuit breaker project (Project) in Seabrook, NH, as required by RSA 162-H:10, I. In addition, the Applicant informed the Committee that it intended to file an application for this Project, along with a request for an exemption or a determination that the Project does not constitute a “sizeable addition.” In response to the letter, the Committee opened the above-captioned docket. On December 15, 2021, the Applicant submitted a procedural waiver request, requesting waiver of certain application filing requirements.

II. Applicant’s Waiver Request

The Applicant identified that Site 301.01(a) requires an Applicant to file one original and 15 paper copies of an application and an electronic version in PDF format with the Committee. Site 301.02 provides that the format of the application shall be on standard 8½ x 11 inch sheets and that plans, maps, photo simulations, and other oversized documents shall be folded to that size or rolled and provided in protective tubes. In the request, the Applicant stated that the Application will be hundreds of pages long, and that many of the documents will be oversized and will have to be

folded or put into protective tubes. To conserve resources and to make it more convenient for the agencies, Counsel for the Public, and the Town of Seabrook, the Applicant requested that the Committee waive the requirement that it generate complete paper copies for each recipient and proposed providing complete copies of the Application in a combination of paper and electronic format as set-forth below.

As an alternative to the requirements in the rules, the Applicant proposed to provide: (1) a complete original paper copy of the Application, including pre-filed testimony, and all related appendices and reports in 8½ x 11 inch binders, and the Project maps, visual impact assessment report and related photo simulations unfolded in an 11 x 17 inch binder; (2) 6 paper copies of the Application and pre-filed testimony; and (3) 10 electronic copies of the Application and all associated attachments, in PDF format on a USB drive or other electronic media. The Applicant also stated that it will coordinate with Counsel for the Public and the Town and provide them with copies that meet their preferences. Lastly, the Applicant offered that it will provide such other copies as directed by the Committee.

III. Analysis

At this point in the proceeding, the Applicant has filed a letter with the Committee stating its intention to file an application and this docket has been opened, but a subcommittee has not been established and a presiding officer has not been designated. RSA 162-H:3, V, provides that the chairperson of the committee may perform administrative actions for the committee, as may a presiding officer. The request is a procedural matter that is administrative in nature.

Site 301.01(a) provides that an applicant shall file one original and 15 paper copies of its application, unless otherwise directed by the chairperson or the administrator. Site 202.15 and Site 302.05 provide that the Committee shall waive the

provisions of the chapter, upon request by an interested party, if the Committee finds both that the waiver will serve the public interest, and that the waiver will not disrupt the orderly and efficient resolution of matters before the Committee.

In determining the public interest, Site 202.15(b) provides that the Committee shall waive a rule if compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or the purpose of the rule would be satisfied by an alternative method proposed. In Docket Nos. 2015-04, 2015-06, and 2019-02, the Chair granted similar procedural waiver requests.

Requiring the Applicant to provide 15 paper copies to the Committee would be an unnecessary waste of resources and the public interest will be served by providing the application in a combination of both paper and electronic means. The alternative method proposed by the Applicant will satisfy the purpose of the rules, subject to the conditions below.

IV. Order

It is hereby Ordered, that the Applicant shall provide to the Committee: (1) a complete original copy of the application, the pre-filed testimony, and all related appendices and reports in 8½ x 11 inch binders, and the project maps, visual impact assessment report and related photo simulations shall be provided unfolded in an 11 x 17 inch binder; (2) 6 paper copies of the application and pre-filed testimony; and (3) ten electronic copies of the application and all associated attachments in .pdf format on USB thumb drives.

It is hereby Further Ordered, that the Applicant shall provide one paper copy of all applicable agency permit applications or other agency-required information, directly to the agency on the same date that the application is filed with the Committee.

It is hereby Further Ordered, that the Applicant shall coordinate with the Town of Seabrook and provide a copy of the application in either paper or electronic form, or a combination of both, depending on the Town's preference on the same date that the application is filed with the Committee.

It is hereby Further Ordered, that the Applicant shall coordinate with Counsel for the Public, upon appointment by the Attorney General, and provide a copy of the application in either paper or electronic form, or a combination of both, depending on Counsel for the Public's preference.

It is hereby Further Ordered, that the Applicant shall provide additional electronic and/or paper copies of the application and any of the documents provided in the application, upon request of the Committee.

So Ordered, this thirty-first day of March, 2022.



Daniel C. Goldner
Chairman