

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2022-01

Town of Lempster
Petition for Declaratory Ruling

February 28, 2022

ORDER APPOINTING SUBCOMMITTEE

On February 16, 2022, the Town of Lempster (“Town”) filed a petition for a declaratory ruling with respect to the Lempster Wind, LLC facility pursuant to N.H. R. Admin. Site 203.01. The facility received a Certificate of Site and Facility on June 28, 2007 in Docket No. 2006-01.

The Town requested that its petition be heard by a three-member subcommittee, as authorized by RSA 162-H:4-a, III and paid the required \$3,000 filing fee under RSA 162-H:8-a, II(d)(2). Pursuant to RSA 162-H:4-a, I, the subcommittee will assume the role of and be considered the committee for the purposes of consideration of this petition.

I hereby appoint the following subcommittee to rule on the petition:

1. **Carleton Simpson**, Commissioner, Public Utilities Commission¹
2. **Victoria Sheehan**, Commissioner, Department of Transportation
3. **Lisa Noe**, Public Member²

Pursuant to RSA 162-H:4-b, if at any time the public member of the Subcommittee must recuse herself for good cause, or is not otherwise available for good reason, I will replace the public member using the random draw procedure.

State agency members of the Subcommittee intending to designate pursuant to RSA 162-H:4-a, III must do so in writing. **Please submit designations by**

¹ As an attorney, Commissioner Simpson is hereby appointed as the Presiding Officer of this subcommittee. The Presiding Officer may appoint a Hearing Officer to hear and decide procedural matters before the subcommittee pursuant to Site 202.02(d).

² Ms. Noe was selected from among available public committee members and public “pool” members by random draw pursuant to RSA 162-H:4-b, V.

March 7, 2022. All public filings related to this Subcommittee shall be made available on the Committee's website: www.nhsec.nh.gov.

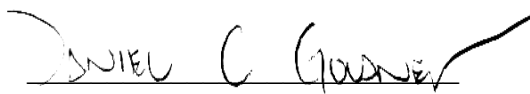
Please note that pursuant to N.H. R. Admin. Site 203.02, the subcommittee must "issue a written ruling either granting or denying the petition, including an explanation of the factual and legal basis for granting or denying the petition, **within 90 days of receipt of the petition**" (emphasis added).

In addition, please note that, although the petition is captioned as "Town of Lempster v. Kevin Onnela, et al," petitions for declaratory rulings do not have defendants or respondents.³ To enable the subcommittee to consider "objections or other replies . . . with respect to the petition" pursuant to N.H. R. Admin. 203.02 (a), **the Town shall, no later than March 7, 2022, serve this order on any person whose substantive rights may be impacted by the subcommittee's decision on the petition. Also no later than March 7, 2022, the Town shall file with the SEC (admin@sec.nh.gov) a list of persons served and certification of service therefor.**

Any person so served seeking to intervene on the petition shall file a request in accordance with N.H. R. Admin. Site 202.11 by no later than March 14, 2022.

The subcommittee will schedule a prehearing conference shortly thereafter to establish a procedural schedule for the petition and consider any other matters appropriate for consideration under RSA 541-A:31, V(c).

SO ORDERED, this twenty-eighth day of February, 2022.



Dan Goldner
Chairman
Site Evaluation Committee

³ Compare RSA 541-A:1, V with RSA 491:22, I; see also New Hampshire Drafting and Procedure Manual for Administrative Rules, Office of Legislative Services, 17 (eff. May 1, 2016) ("[B]y definition a declaratory ruling can apply only to the petitioner because it is a ruling 'as to the specific applicability of any statutory provision or of any rule or order of the agency.'" (citing RSA 541-A:1, V).