

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-01

In re:)
SEA-3, INC.,)
Request for Exemption)

**MOTION OF COUNSEL FOR THE PUBLIC FOR LEAVE TO RETAIN
SEBAGO TECHNICS AND FOR AN ORDER DIRECTING SEA-3, INC. TO
BEAR THE COSTS THEREOF**

Counsel for the Public, by his attorneys, the Office of the Attorney General, hereby moves, pursuant to RSA 162-H:10, V, for leave to retain an expert consultant on safety matters and for an order directing Sea-3, Inc. (“Sea-3”), to bear the costs and fees of the Consultant and reimburse Counsel For the Public in an amount up to \$45,000. In support hereof, Counsel for the Public respectfully represents as follows:

1. On January 8, 2015, Sea-3 filed its Request for Exemption with the Committee seeking, pursuant to RSA 162-H:4, to exempt its proposal to expand its existing propane storage and shipment facility, from oversight and certification by the Committee..

2. On April 6, 2015, the Attorney General appointed the undersigned as Counsel for the Public pursuant to RSA 162-H: 9.

3. Pursuant to RSA 162-H: 10, V, Counsel for the Public may employ such consultants as are necessary to further his duties under ch. 162-H. Also pursuant to RSA 162-H:10, V, the cost of such consultants “shall be borne by the applicant in such amount as may be approved by the Committee.”

4. Counsel for the Public wishes to retain Sebago Technics (“Sebago” or the “Consultant”). The Consultant will be paid up to \$45,000 to conduct a study and prepare a report in advance of the prefiled testimony deadline concerning the safety of the facility and the railroad line, as well as the capabilities of emergency response services in the area. See attached Proposal and resumes of Sebago staff, dated July 6, 2015.

5. A study of the facility’s safety, in addition to that of the railroad line is necessary because under RSA 162-H:4, Counsel for the Public finds that it is necessary to demonstrate that there are aspects of the proposal and its impacts that will not be adequately covered by existing regulatory programs or oversight and that the Committee, and more importantly, the public, can assess those parameters more effectively in a certification proceeding.

6. In addition, Counsel for the Public also believes that the independent review of the submissions by Sea-3 and its consultants will be of significant value to the Committee in conducting an objective evaluation of this Project and putting Sea-3’s submissions in perspective and provide necessary information concerning the safety of the Project and the need for certification in this case.

7. Counsel for the Public has conferred with the other parties to the case. Sea-3 did not assent. The Cities of Portsmouth and Dover, and the Portsmouth Intervenor assented but requested that Sebago also be engaged to assess the emergency response capabilities of the local departments. Counsel for the Public agrees and Sebago has included this work.

Wherefore, Counsel for the Public prays that the Committee enter an order authorizing the employment of Sebago Technics as consultant pursuant to RSA 162-H:10, V, and directing Sea-3 to bear the costs, as incurred monthly, up to a total of \$45,000, and granting such other relief as may be just.

Respectfully submitted this 6th day of July 2015.

PETER C.L. ROTH
COUNSEL FOR THE PUBLIC

By his attorneys

JOSEPH A. FOSTER
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Certificate of Service

I, Peter C.L. Roth, do hereby certify that I caused the foregoing to be served upon each of the parties named in the Service List of this Docket.



Peter C.L. Roth