

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-01

**Request of SEA-3, Inc. for Exemption from
the Approval and Certificate Provisions of RSA Chapter 162-H**

June 18, 2015

PROCEDURAL ORDER

On January 8, 2015, SEA-3, Inc. (SEA-3) filed a Request for Exemption from the Approval and Certificate Provisions of RSA Chapter 162-H (Petition) with the New Hampshire Site Evaluation Committee (Committee). SEA-3 owns and operates a propane storage and distribution facility located at 190 Shattuck Way in Newington, New Hampshire (Site). The existing facility and associated equipment at the Site was exempted from the requirements of RSA 162-H in 1995. The Site contains two parcels of real estate owned by SEA-3: (i) 7.02 acres to the west of the Newington Branch trail that lies partly within Newington's General Industrial Zoning District and partly within the Waterfront Industrial and Commercial Zoning District (Upper Lot) and (ii) 3.92 acres located within Newington's Waterfront Industrial and Commercial Zoning District with frontage on the Piscataqua River on the other side of the Newington Branch trail (Lower Lot). SEA-3 seeks to construct five additional rail unloading berths, three 90,000 gallon above ground storage tanks, a condenser, condenser cooling unit, dryer and heater, mechanical building, refrigeration equipment and associated pipelines and accessory equipment. The proposed improvements appear to be a sizable change or addition to the existing facility. The purpose of the proposed improvements is to facilitate the off-loading, processing and distribution of liquid propane gas delivered to the facility by rail-car. The proposed improvements will allow SEA-3 to offload additional quantities of propane from the

rail berths, pump it to the Lower Lot storage tanks, send it to the dryer and condenser, refrigerate it and, ultimately, pipe it to the primary storage tanks located on the Upper Lot for storage.

SEA-3 requests that the Committee determine that the construction of five additional rail unloading berths, storage facilities and associated equipment at the Site should be exempt from the approval and certification provisions of RSA 162-H:1 *et. seq.*

On February 27, 2015, SEA-3 supplemented its filing as requested by the Chairman of the Committee. On March 26, 2015, SEA-3's Petition was deemed to be complete and accepted by the Chairman of the Committee. The Chairman of the Committee also designated a Subcommittee to address SEA-3's request and scheduled a public meeting. On April 6, 2015, Attorney Peter Roth was designated to serve as Counsel for the Public in this docket.

The Subcommittee held a public hearing in Newington on May 7, 2015. At the public hearing, the Subcommittee heard a presentation by SEA-3 and also heard from members of the public. After ruling on requests for intervention, memorialized by the Subcommittee's written order of May 19, 2015, and hearing from the public, the Subcommittee determined that an adjudicative proceeding, with hearings, would be necessary in this docket. A pre-hearing conference was scheduled for June 5, 2015.

On June 3, 2015, the Presiding Officer granted, by written order, late-filed motions to intervene from the Town of Newington and the Great Bay Stewards.

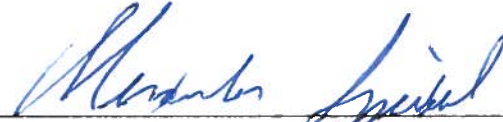
A prehearing conference was held on June 5, 2015. Counsel to the Committee presided at the pre-hearing conference. At the pre-hearing conference, the parties agreed on a procedural schedule for the balance of the adjudicative proceedings in this docket. Counsel to the Committee issued a Pre-Hearing Conference Report containing a proposed procedural schedule.

The procedural schedule provided in Counsel's report is hereby adopted. The procedural schedule for the balance of the proceedings in this docket shall be as follows:

June 26, 2015	SEA-3 will identify witnesses and pre-file their testimony.
July 6, 2015	Counsel for the Public will file his motion seeking to employ experts.
July 16, 2015	The Petitioner's objection to counsel for the Public's motion to employ experts is due.
July 10, 2015	Deadline to submit data requests to the Petitioner.
July 20, 2015	Deadline for Petitioner's answers to data requests.
August 17, 2015	All parties other than the Petitioner will identify witnesses and pre-file their testimony.
August 31, 2015	Deadline for the Petitioner to submit data requests to the other parties.
September 10, 2015	Deadline for answers to data requests submitted by the Petitioner.
September 18, 2015	Technical session (at 9:00 a.m.) at New Hampshire Fish and Game Department, (11 Hazen Drive, Concord). All parties and witnesses must appear. (Request for telephonic appearance shall be made on or before September 10, 2015)
October 5, 2015	Legal briefing and memoranda are due on any legal issues including the application of the doctrine of federal preemption.
October 14 and 15, 2015	Final hearing on the merits (at 9:00 a.m.), at New Hampshire Public Utilities Commission Hearing Room "A" (21 S. Fruit Street, Concord).

All parties are encouraged to confer and attempt to resolve discovery issues and other procedural matters before seeking relief from the Subcommittee.

So ordered this 18th day of June, 2015.

A handwritten signature in blue ink, appearing to read "Alexander Speidel", written over a horizontal line.

Alexander Speidel, Presiding Officer
NH Site Evaluation Committee