

# Orr&Reno

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January 15, 2021

**Via Email Only**

Dianne Martin, Chair and Presiding Officer  
New Hampshire Site Evaluation Committee  
c/o New Hampshire Public Utilities Commission  
21 South Fruit St., Suite 10  
Concord, NH 03301-2429

***Re: SEC Docket No. 2019-02, Application of Chinook Solar, LLC for a Certificate of Site and Facility for the Construction and Operation of a 30MW Solar Generating Facility in Fitzwilliam, New Hampshire – Request for Clarification of December 17, 2020 Decision and Certificate***

Dear Ms. Martin:

Chinook Solar, LLC (“the Applicant” or “Chinook Solar”), respectfully requests clarification of a few provisions contained in the Decision and Order issued by the New Hampshire Site Evaluation Committee (“Committee”) in the above-referenced matter on December 17, 2020 (“Decision”) and in the Order and Certificate of Site and Facility with Conditions issued on the same date (“Certificate”).

Chinook Solar seeks clarification, not reconsideration, because there are some references in the Decision and the Certificate that conflict with information in the record. We are also seeking clarification, not reconsideration, because the issues below are not errors of law that would warrant the filing of a motion for reconsideration. *See* Admin. Rule Site 202.09 and RSA 541:4.

The Applicant respectfully requests clarification of the following items:

- 1) Page 7 of the Decision includes the following statement: “Short underground 115-kV bonds will loop the existing National Grid 115-kV transmission line to the substation.” While this is how the interconnection to the transmission grid was described in the Application, *see, e.g.*, App Exh 1, p. 30, this information was updated in Heath Barefoot’s supplemental testimony, App Exh 68, p. 7, as follows:

We have been discussing interconnection issues with National Grid and Eversource for a number of months. As we pointed out in the Application, in order for the Project to interconnect with the National Grid 115 kV transmission line it will have to cross the Eversource electric transmission right-of-way ("ROW"). While we had originally believed that the connection would go underground through the Eversource ROW, it now appears that National Grid would like it to be above ground. In order to do so, several structures on the adjacent Eversource 345 kV line will need to be raised to allow the vertical clearance necessary for the 115 kV line loop to pass underneath.

Chinook Solar wishes to clarify that based on its current understanding of National Grid's preferred interconnection method, as reflected in Mr. Barefoot's Supplemental Testimony, the lines that will be needed to interconnect the Project to the transmission grid will be above ground, not underground.

- 2) Page 78 of the Decision contains the following sentence which we believe should be clarified: "After decommissioning, the Project area itself will also be subject to conservation easements." The Memorandum of Understanding with the Town of Fitzwilliam ("MOU"), which is attached to the Certificate and explicitly adopted as part of the Certificate, includes language (Section X.B) that says: "Within one (1) year of decommissioning, Chinook Solar shall either (a) convey a conservation easement to a qualified organization for the remainder of the land it purchased for the Project; or (b) it could continue the same project or a similar renewable energy generating facility with similar vertical, horizontal, and subsurface footprint and impact, subject to relevant regulatory approval." This provision allows for the Project area, subsequent to decommissioning of this Project, to be used either as: a conservation area; a continuation of the current Project; or for the development of a similar renewable energy project. In view of the foregoing, this portion of the Project land will not necessarily be subject to conservation easements after decommissioning as the Decision suggests. Accordingly, we respectfully request that this be clarified.
- 3) With regard to subdivision approval, the Certificate, p. 3, says: "Further Ordered that should the Applicant seek to transfer a portion of the site to a third party (i.e., National Grid) it shall obtain subdivision approval from the Fitzwilliam Planning Board and from any other municipal authority as the law may require. To the extent that subdivision approval is granted it must include the condition requiring the subdivided parcel to be subject to the conditions as contained in the decommissioning and restoration plan as well as a surety bond condition."

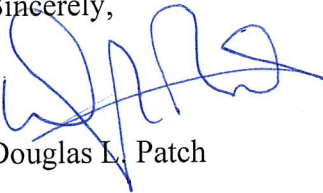
As indicated in the Application, App Exh 1, p. 32, once the land is subdivided and the substation is constructed, the land and substation will be transferred to National Grid and a portion to another third party. This is required in order to accomplish the interconnection of the Project to the transmission grid. After the transfers, the subdivided lots will be owned and controlled by third parties and will no longer be

under the control of Chinook Solar. Moreover, neither of the parcels will contain the solar panels and other equipment that are described in and the subject of the Project decommissioning plan described in App Exh 48. Given this, Chinook Solar submits that it would not be appropriate to subject the substation and other property to the decommissioning plan and the surety bond that apply to the Chinook Solar facility. In addition, it is important to consider that National Grid may need to keep the substation operating after the Chinook solar project is decommissioned, for a variety of reasons. Accordingly, it would be inappropriate to require the substation to be decommissioned at the same time or under the same conditions as the solar facility, especially if, as recognized in the MOU, there is the possibility of another renewable energy project being constructed and operated on this site, which would require an interconnection to the grid.

For these reasons Chinook submits that requiring the Fitzwilliam Planning Board to include this specific provision as a condition of its subdivision approval is inappropriate, impractical, unnecessary, and inconsistent with other aspects of the record. We therefore respectfully request that the Committee clarify that the decommissioning and surety bond provisions apply only to the solar facility property owned and operated by the Applicant or its successors at the time the Project is decommissioned.

Thank you for your assistance. Please let us know if you have any questions.

Sincerely,



Douglas L. Patch

DLP/eac  
Attachment

cc (via email): Service List in SEC Docket 2019-02

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