

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

June 29, 2020

**Via Email Only**

Pamela G. Monroe, Administrator  
N.H. Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301-2429

Re: SEC Docket No. 2019-02, Application of Chinook Solar, LLC for a  
Certificate of Site and Facility

Dear Ms. Monroe:

Enclosed please find Counsel for the Public's Assented-to Motion to Continue  
Deadline for Pre-Filed Testimony, Data Requests from the Applicant, and Responses to  
Applicant's Data Requests for filing in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,

/s/ Laura L. Maynard

Laura L. Maynard  
Paralegal II  
Environmental Protection Bureau  
(603) 271-3679  
laura.maynard@doj.nh.gov

/llm

Enclosure

ec: SEC Docket 2019-02 Service List dated 3/3/20

THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

Docket No. 2019-02

Application of Chinook Solar, LLC for a Certificate of Site and Facility

**COUNSEL FOR THE PUBLIC’S ASSENTED-TO MOTION  
TO CONTINUE DEADLINE FOR PRE-FILED TESTIMONY,  
DATA REQUESTS FROM THE APPLICANT, AND  
RESPONSES TO APPLICANT’S DATA REQUESTS**

Counsel for the Public hereby moves, to extend the deadline by which to submit pre-filed testimony by six days. In support hereof, Counsel for the Public respectfully states as follows:

**A. Background.**

On October 18, 2019, the Applicant submitted an Application for a Certificate of Site and Facility to the New Hampshire Site Evaluation Committee to construct and operate a 30-megawatt solar energy generation facility and associated electrical infrastructure in Fitzwilliam, Cheshire County. On November 8, 2019, the Vice-Chairperson of the Committee appointed a Subcommittee to consider the Application. The Subcommittee accepted the Application on December 17, 2019.

**B. Legal Standard.**

Pursuant to Site 202.17, Counsel for the Public requests the deadline for pre-filed testimony currently July 2, 2020, be extended to July 8, 2020. This request is necessary because Arrowwood Environmental recently completed the site inspection but needs a few more days to finalize the environmental analysis. As previously articulated, the site visit was delayed due to the COVID-19 pandemic.

It is Counsel for the Public’s responsibility to “represent the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy.” Moreover, RSA 162-H:10, V, authorizes Counsel for the Public to “conduct such reasonable studies and investigations as [she] deem[s] necessary or appropriate to carry out the purpose of this chapter...”

Counsel for the Public's broad role includes conducting studies and investigations necessary and appropriate to carry out the purposes of the statute. *See* SEC Docket No. 2015-01, Order on Pending Motions, *In re Request of SEA-3, Inc. for Exemption*, dated August 10, 2015, at 9.

**C. Argument.**

Counsel for the Public retained Arrowwood Environmental to provide expert analysis and opinion concerning the proposed project's impacts to: 1) Wetlands, waterbodies, and vernal pools; 2) Wildlife and wildlife habitat; 3) Rare, threatened, and endangered plants; and 4) Natural communities. Arrowwood Environmental has requested a few more days to complete this analysis with independent research, review of the filed documentation and site visit data, and ongoing review of data provided by the Applicant through discovery.

Counsel to the Public requests the current deadline of July 2, 2020 be extended to July 8, 2020. Applicant assents to this request as long as the deadline for the Applicant to submit data requests to Counsel for the Public and the Town is extended from July 13 to July 17, 2020, and the date for Counsel for the Public and the Town to respond to the data requests would be extended from July 24 to July 28, 2020. The Town and Counsel to the Public agree to this modification to deadlines proposed by the Applicant.

**D. Position of the Parties on this Motion.**

*The Applicant's Position:*

The Applicant assents to the relief sought in this motion with the understanding that changing the deadline for filing testimony from July 2 to July 8, 2020 will not result in a change to the existing deadlines beyond the dates discussed herein.

*The following parties concur in this Motion:*

Town of Fitzwilliam.

*The following parties object to this Motion:*

None.

*The following parties take no position on this Motion:*

None.

WHEREFORE, Counsel for the Public prays that the Committee enter an Order extending the deadline by which 1) Counsel to the Public must submit pre-filed testimony to July 8, 2020; 2) Applicant will submit data requests to July 17, 2020; and 3) Counsel for the Public and Town respond to the data requests to July 28, 2020, and grant such other relief as may be just.

Respectfully submitted,

COUNSEL FOR THE PUBLIC

June 29, 2020

/s/ Heather Neville  
Heather Neville, Esquire  
Assistant Attorney General  
Environmental Protection Bureau  
33 Capitol Street  
Concord, NH 03301  
(603) 271-3679

**Certificate of Service**

I hereby certify that a copy of the foregoing Motion has this day been forwarded via email or mail to persons named on the Distribution List of this docket.

June 29, 2020

/s/ Heather Neville  
Heather Neville