

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2019-02

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

September 5, 2019

ORDER ON PROCEDURAL WAIVER REQUEST

I. Background

On June 24, 2019, Chinook Solar, LLC (Applicant) submitted a letter stating that it intended to submit an application for a Certificate of Site and Facility (Application) with the New Hampshire Site Evaluation Committee (Committee) in accordance with RSA 162-H, to construct a new 30-megawatt solar energy generating facility in Fitzwilliam, NH. In response to the letter, the Committee opened the above-captioned docket. On August 30, 2019, the Committee received a procedural waiver request from the Applicant requesting to waive certain application filing requirements.

II. Applicant's Waiver Request

Site 301.01 requires an Applicant to file one original and 15 paper copies of its application and an electronic version in PDF format with the Committee. Site 301.02 provides that the format of the application shall be on standard 8½ x 11 inch sheets and that plans, maps, photosimulations, and other oversized documents shall be folded to that size or rolled and provided in protective tubes. In the request, the Applicant stated that the Application will be hundreds of pages long, and that many of the documents will be oversized and will have to be folded or put into protective tubes.

To conserve resources and to make it more convenient for the agencies, Counsel for the Public, and the Town of Fitzwilliam, the Applicant requested that the Committee waive the

requirement that it generate complete paper copies for each recipient, and proposed providing complete copies of the Application in a combination of paper and electronic format as set-forth below.

As an alternative to the requirements in the rules, the Applicant proposed to provide: (1) a complete original paper copy of the Application, including pre-filed testimony, and all related appendices and reports in 8½ x 11 inch binders, and the Project maps, visual impact assessment report and related photo simulations unfolded in an 11 x 17 inch binder; (2) 6 paper copies of the Application and pre-filed testimony; and (3) 10 electronic copies of the Application and all associated attachments, in PDF format on a DVD or other electronic media. The Applicant also stated that it will coordinate with Counsel for the Public and the Town, and provide them with copies that meet their preferences. Lastly, the Applicant offered that it will provide such other copies as directed by the Committee.

III. Analysis

At this point in the proceeding, the Applicant has filed a letter with the Committee stating its intention to file an Application and this docket has been opened, but a subcommittee has not been established and a presiding officer has not been designated. RSA 162-H:3, V, provides that the chairperson of the committee may perform administrative actions for the committee, as may a presiding officer. The request is a procedural matter that is administrative in nature.

Site 301.01(a) provides that an applicant shall file one original and 15 paper copies of its application, unless otherwise directed by the chairperson or the administrator. Site 201.15 and Site 302.05 provide that the Committee shall waive the provisions of the chapter, upon request by an interested party, if the Committee finds both that the waiver will serve the public interest, and that the waiver will not disrupt the orderly and efficient resolution of matters before the

Committee. In determining the public interest, Site 302.05(b) provides that the Committee shall waive a rule if compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or the purpose of the rule would be satisfied by an alternative method proposed. In Docket No. 2015-06, and 2015-04, the Chair granted similar procedural waiver requests that related to the number of copies and the form of the Application.

Requiring the Applicant to provide 15 paper copies to the Committee would be an unnecessary waste of resources and the public interest will be served by providing the Application in a combination of both paper and electronic means. The alternative method proposed by the Applicant will satisfy the purpose of the rules, subject to the conditions below.

IV. ORDER

It is hereby ordered, that the Applicant shall provide to the Committee: (1) a complete original copy of the Application, the pre-filed testimony, and all related appendices and reports in 8½ x 11 inch binders, and the Project Maps, visual impact assessment report and related photo simulations shall be provided unfolded in an 11 x 17 inch binder; (2) 6 paper copies of the Application and pre-filed testimony; and (3) ten electronic copies of the Application and all associated attachments in .pdf format on USB thumbdrives.

It is hereby further ordered, that the Applicant shall provide one paper copy of all applicable agency permit applications or other agency-required information, directly to the agency on the same date that the Application is filed with the Committee.

It is hereby further ordered, that the Applicant shall coordinate with the Town of Fitzwilliam and provide a copy of the Application in either paper or electronic form, or a combination of both, depending on the Town's preference on the same date that the Application is filed with the Committee.

It is hereby further ordered, that the Applicant shall coordinate with Counsel for the Public, upon appointment by the Attorney General, and provide a copy of the Application in either paper or electronic form, or a combination of both, depending on Counsel for the Public's preference.

It is hereby further ordered, that the Applicant shall provide additional electronic and/or paper copies of any of the documents provided in the Application, upon request of the Committee.

SO ORDERED this fifth day of September, 2019.



Robert R. Scott, Vice-Chair
Site Evaluation Committee