

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2019-02**

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

**February 5, 2020**

**ORDER ON MOTION TO INTERVENE**

This Order grants the Petition to Intervene filed by the Town of Fitzwilliam.

**I. Background**

On October 18, 2019, Chinook Solar, LLC (Chinook) filed an Application for a Certificate of Site and Facility (Application) seeking to site, construct and operate a 30-megawatt (MW) solar energy generation facility and associated civil and electrical infrastructure in Fitzwilliam in Cheshire County. The proposed Project will be located on approximately 513 acres south of NH State Route 119, east of NH State Route 12, and west of Fullam Hill Road.

On November 8, 2019, a Subcommittee was appointed in this docket. On December 17, 2019, the Subcommittee issued an order finding that the Application was administratively complete. *See* RSA 162-H:7, VI.

On December 23, 2019, the Presiding Officer issued a procedural order requiring that any person seeking to intervene file a written motion no later than January 17, 2020. On January 8, 2020, the Town of Fitzwilliam (Town) filed a petition to intervene. Both the Applicant and Counsel for the Public concurred.

The Town asserts that the proposed project is likely to affect the Town's rights, duties, privileges, immunities and other substantial interests, because the project will be constructed,

operated, and decommissioned within Town borders.

## **II. Standard for Intervention**

RSA 541-A:32, I, sets forth circumstances under which an administrative agency must allow intervention and requires that an administrative agency grant a petition for intervention if:

- (a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing;
- (b) The petition states facts demonstrating that the petitioner's rights, duties, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and
- (c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

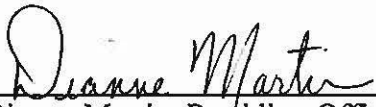
The statute permits the presiding officer to “grant one or more petitions for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.” RSA 541-A:32, II. The Committee’s rules contain similar provisions. *See* N.H. Admin. R., 202.11(a)-(c).

## **III. Analysis**

Participation of local municipalities is consistent with RSA 162-H:16, IV(b). The statute requires that the Subcommittee consider the views of municipal and regional planning commissions and municipal governing bodies when considering the impact of a project on the orderly development of the region. Likewise, RSA 541-A:39, I, requires an agency to give notice to and afford all affected municipalities a reasonable opportunity to submit data, views or comments regarding the issuance of a permit, license, or other action within its boundaries that directly affect the municipality.

Accordingly, the Petition to Intervene filed by the Town of Fitzwilliam is granted without limitation.

SO ORDERED this fifth day of February 2020.

  
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Dianne Martin, Presiding Officer  
Site Evaluation Committee