

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2019-02

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

August 17, 2020

**ORDER ON THE TOWN OF FITZWILLIAM'S ASSENTED-TO MOTION TO
CONTINUE DEADLINES AND ORDER ON THE REQUEST FROM THE
DEPARTMENT OF ENVIRONMENTAL SERVICES
TO EXTEND ITS REPORT DEADLINE**

This order grants the motion to continue deadlines submitted by the Town of Fitzwilliam (Town) on August 13, 2020. This order also grants the request received from the Department of Environmental Services (DES) to extend the deadline for filing its final report and conditions. The order also amends the procedural schedule.

I. Background

On April 2, 2020, the Presiding Officer issued a Procedural Order requiring Counsel for the Public and the Town to submit prefiled direct testimony no later than June 2, 2020. The Procedural Order also scheduled an adjudicative hearing to begin on or about September 9, 2020, subject to the availability of the Subcommittee.

On April 17, 2020, Counsel for the Public filed an assented to motion to extend the deadline for submitting prefiled testimony. Counsel for the Public's motion was granted on May 5, 2020, and following a status conference, an Order and Revised Procedural Schedule was issued on June 2, 2020. The revised procedural schedule extended the deadline for Counsel for the Public and the Town to submit prefiled testimony until July 2, 2020.

On June 29, 2020, Counsel for the Public filed a further motion to extend the deadline for prefiled testimony, data requests from the Applicant, and responses to Applicant's data requests.

On July 2, 2020, an order was issued requiring Counsel for the Public to submit prefiled testimony no later than July 8, 2020. The Applicant was required to submit data requests no later than July 17, 2020, and Counsel for the Public and the Town were required to respond to those data requests no later than July 28, 2020.

On July 2, 2020, the Town filed a motion seeking to again continue the prefiled testimony and other procedural deadlines. On August 5, 2020, an order was issued amending the procedural schedule by extending the deadline for filing supplemental testimony on all issues for all parties to August 17. The order also provided that the Town may file direct testimony, if necessary, no later than August 17, 2020.

On August 11, 2020, DES submitted a letter requesting an extension of the deadline from August 13 to until August 27, 2020, to file its final decision on the parts of the Application that relate to its permitting or other regulatory authority. DES asserts that it received additional information from the Applicant on August 10, 2020, and will need the additional time to review that information.

On August 13, 2020, the Town filed the instant motion seeking to extend the deadline for filing supplemental testimony for all parties and to extend the filing of direct testimony by the Town, until August 31, 2020. The Town reports that negotiations over a Memorandum of Understanding (MOU) with the Applicant are ongoing, but have not yet been resolved.

The adjudicative hearings in this docket are scheduled to begin on September 10, 2020. The Town's motion suggests, but does not seek, a continuance of the commencement of the adjudicative hearing from September 10 to September 15, 2020.

II. Analysis

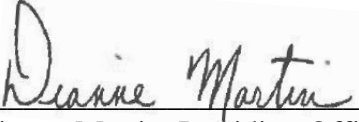
The parties assented to the motion filed by the Town and the request from DES is

unopposed. Under the circumstances as presented, an extension of the deadlines is appropriate.

The Town's motion and the request from DES are granted. The procedural schedule is amended as follows:

1. The deadline for the final report from DES is extended until **August 27, 2020**;
2. The Town may file direct testimony, if necessary, no later than **August 31, 2020**;
3. The deadline for filing supplemental testimony for all parties on all issues is extended until **August 31, 2020**;
4. The deadline to file stipulated facts shall remain as September 4, 2020;
5. The final prehearing conference presently scheduled for September 2, 2020, shall not be continued; and
6. The hearing scheduled for September 10, 2020 is canceled. The adjudicative proceeding shall commence September 15, 2020 at 1:00 p.m. and shall proceed in accordance with the published schedule thereafter.

SO ORDERED this seventeenth day of August 2020.



Dianne Martin, Presiding Officer
Site Evaluation Committee