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June 25, 2021

Ms. Dianne Martin  
New Hampshire Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

**Re: SEC Docket No. 2021-01  
Petition for Jurisdiction over  
Proposed Solar Energy Facility in Milford, NH  
Assented-to Motion for Deliberations**

Dear Chairwoman Martin:

On behalf of Milford Spartan Solar, LLC please find enclosed for filing in the above captioned matter a copy of an Assented-to Motion for Deliberations. A copy of the enclosed filing has also been sent electronically to all persons listed on the Committee's official Service List for this docket.

Please let me know if you have any questions regarding this filing.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Needleman".

Barry Needleman

BN:rs3

Enclosure

cc: Service List

**THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2021-01**

**PETITION FOR JURISDICTION OVER  
PROPOSED SOLAR ENERGY FACILITY IN MILFORD, NH**

**ASSENTED-TO MOTION FOR DELIBERATIONS**

Milford Spartan Solar, LLC (“Spartan Solar”) by and through its attorneys, McLane Middleton, Professional Association, submits this Assented-to Motion for Deliberations.

**I. Background**

On December 4, 2020, Suzanne Fournier on behalf of Brox Environmental Citizens (the “Petitioner”) filed a Petition for Jurisdiction pursuant to RSA 162-H:2, XII. The Site Evaluation Committee (“SEC”) acknowledged its receipt of the Petition on or about December 29, 2020. The SEC issued an initial Procedural Order and Notice of Prehearing Conference on March 5, 2021. The parties to this docket are Petitioner, Spartan Solar, and the Town of Milford (collectively, the “Parties”).

On June 10, 2021, the SEC issued an order scheduling an adjudicative hearing for June 23, 2021. Subsequently, on June 18, 2021, the SEC issued an order postponing the adjudicative hearing and ordering that in lieu of a hearing, the parties would participate in a second prehearing conference on June 23, 2021 for the purpose of discussing matters which would aid in the disposition of the proceeding.

The Parties propose the following schedule to aid with expediting the adjudicative proceeding:

July 2, 2021                      Petitioner shall submit a supplemental filing in support of petition.

July 9, 2021	Milford Spartan Solar and the Town of Milford shall submit responses to the supplemental filing submitted by Petitioner.
TBD	Oral argument, public comment, presentation of evidence, and deliberations.

## **II. Record and Evidentiary Issues**

The Parties propose that the evidence for the purposes of RSA 541-A:33 consist of the documents filed by the Parties with the Committee to date, as same may be supplemented.

The Parties agree that the Administrative Procedure Act does not require the Committee to hear live witnesses in every contested case. They agree that the process proposed here provides the necessary opportunity to present evidence and argument. The Parties waive their right of cross-examination.

Argument is contemplated through oral argument during the adjudicative hearing. The Parties may cite to the record or to any statute, rule, or decision of the Committee or court of competent jurisdiction for purposes of briefing or in oral argument.

The Committee may give the evidence in the record the weight it is due. The Parties reserve all rights to request rehearing with respect to any matter included, or not included, in the final order or decision of the Site Evaluation Committee.

During the pre-hearing conference held on June 23, 2021, the Parties discussed availability for an adjudicative hearing. Given the difficulty of coordinating schedules during the summer months, the Parties identified the weeks of July 12 and July 19 as weeks when the Parties are available and when the Parties would be prepared for a hearing, based on the above proposed schedule. Counsel for the Town as well as Counsel for Milford

Spartan Solar are unavailable beginning the week of July 26, 2021 through August 8, 2021.

Counsel for the Town also noted that he is unavailable the afternoon of July 21, 2021.

Counsel for the Town and Brox assent to this Motion and the relief requested.

### **III. Conclusion**

In order to ensure timely review of the petition, the Parties respectfully request that the SEC schedule an adjudicative hearing and deliberations in this docket at the Committee's earliest convenience. The Parties further request that the Committee make a determination whether to assert jurisdiction over the Milford Spartan Solar Project based on the record and supplementary filings as described herein.

Respectfully Submitted,

MILFORD SPARTAN SOLAR, LLC

By its attorneys,

McLANE MIDDLETON,  
PROFESSIONAL ASSOCIATION

Dated: June 25, 2021

By:  \_\_\_\_\_

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Certificate of Service

I hereby certify that on the 25th day of June, 2021, a copy of the foregoing Assented-To Motion for Deliberations was submitted electronically to the New Hampshire Site Evaluation Committee and sent to the following entity included on the Docket Service List:

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