

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2021-01

Petition for Jurisdiction
Over Proposed Solar Energy Facility in Milford, NH

PROCEDURAL ORDER AND
NOTICE OF ADJUDICATIVE HEARING

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 Chair of the Site Evaluation acknowledged its receipt of the Petition on December 29, 2020 and appointed a seven-member Subcommittee under RSA 162-H:4-a, II to adjudicate the petition.

The parties to this docket are the Petitioner; Spartan Solar, LLC; and the Town of Milford (collectively, the “Parties”). In March, the Parties participated in a prehearing conference. In April and May preliminary motions were filed and ruled upon, as reflected in the publicly available docket.

With preliminary matters resolved, on June 10, 2021, I issued an order scheduling an adjudicative hearing for June 23, 2021. At the time of issuance, the State of New Hampshire was still in a declared State of Emergency. As the state of emergency expired prior to the hearing, I postponed the adjudicative hearing and issued an order requiring the parties to participate would participate in a second prehearing conference on June 23 in lieu of a hearing. The purpose of the prehearing conference was to discuss how to efficiently move forward with the proceeding, including options for conducting a hearing compliant with RSA 91-A, the State’s Right-to-Know Law.

After the second prehearing conference, I issued a Prehearing Order and Procedural Schedule on July 7. This Order re-scheduled the adjudicative proceeding for July 26, the earliest date for which a quorum of the Subcommittee was available. As some of the parties indicated scheduling conflicts with this date, I requested all parties advise the Subcommittee’s counsel whether the hearing date would need to be moved. Milford Spartan Solar, LLC and the Town of Milford confirmed their unavailability on July 26. Accordingly, an adjudicative hearing in this matter is rescheduled to the week of August 16, 2021. The hearing is now scheduled to begin at 1:30 p.m. on August 19, 2021.

Additionally, during the pendency of this proceeding, Commissioner Bailey’s term at the Public Utilities Commission expired and her period of state service has concluded. As a result, she is no longer a member of this Subcommittee. Under my authority in RSA 162-H:3 and RSA 162-H:4-a, I appoint Public Utilities Commissioner Goldner to this Subcommittee.

Lastly, Commissioner Sheehan is not available for the latest scheduled hearing date. To avoid further delay and as permitted by RSA 162-H:4-a, Commissioner Sheehan will designate a senior administrative employee or a staff attorney from the Department of Transportation to sit in her place on the subcommittee. This designation will be posted to the docket as soon as practicable.

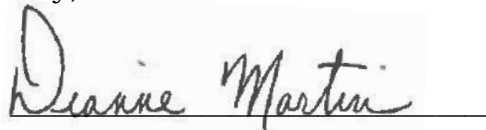
Based upon the foregoing, it is hereby

ORDERED, Public Utilities Commissioner Daniel C. Goldner is appointed to this Subcommittee; and

ORDERED, that the Subcommittee will hold an adjudicative hearing in this matter at 21 S. Fruit St., Suite 10, Concord New Hampshire on **August 19, 2021, from 1:30 p.m. to 4 p.m.**

The hours may be extended at the Presiding Officer's discretion. This hearing is open to the public. At the conclusion of the hearing, the Subcommittee may deliberate on the merits of whether to grant or deny the Petition for Jurisdiction. The Subcommittee's deliberations are also open to the public.

SO ORDERED, this twenty-third day of July, 2021.

A handwritten signature in cursive script that reads "Dianne Martin". The signature is written in black ink on a white background. Below the signature is a horizontal line.

Dianne Martin
Presiding Officer, Docket No. 2021-01
Chairwoman, Site Evaluation Committee