

BROX ENVIRONMENTAL CITIZENS

Working to Protect Wetlands & Wildlife at Special Places

March 24, 2021

Administrator
New Hampshire Site Evaluation Committee
21 South Fruit St., Suite 10
Concord, NH 03301-2429

RE: Docket No. 2021-01, Petition for Jurisdiction Over Proposed Solar Energy Facility in Milford, NH – Motion for Clarification of March 19, 2021 Prehearing Order and Initial Procedural Schedule

Dear Administrator:

Enclosed by postal mail please find an original and one copy of Brox Environmental Citizens' Motion for Clarification of March 19, 2021 Prehearing Order and Initial Procedural Schedule.

A copy of the Motion has also been sent electronically to the service list.

As a point of information, our attorney discovered a conflict with this matter and therefore we will be engaging a new attorney who will file an appearance as soon as possible.

Please call me if any questions.

Sincerely,

Suzanne L. Fournier

Suzanne L. Fournier, Coordinator
Brox Environmental Citizens
Working to Protect Wetlands & Wildlife at Special Places
9 Woodward Dr.
Milford, NH
(603) 673-7389

Cc: via email 3/24/21 to service list in Docket No. 2021-01

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

SEC Docket No. 2021-01

Petition for Jurisdiction

Over Proposed Solar Energy Facility in Milford, NH

Motion for Clarification

Of March 19, 2021 Prehearing Order and Initial Procedural Schedule

Brox Environmental Citizens (“the Petitioners” or “Brox”) respectfully requests clarification of the description of “petitioner” provided in paragraph three in the General Discussion section of the Prehearing Order and Initial Procedural Schedule (“Order”).

1. Brox seeks clarification of the description of “petitioner” found in the statement “... Brox is acting as the *sole petitioner* in this matter ...” because this conflicts with the facts in the docket and RSA 162-H. [emphasis added]
2. Brox respectfully requests clarification of the following item:
Page 1 of the Order includes the statement: “Ms. Fournier, on behalf of Brox, confirmed Brox is acting as the *sole petitioner* in this matter.” [emphasis added]
3. While the phrase “sole petitioner” may have been iterated by the Presiding Officer, Mr. Lavalley, and Ms. Fournier may have iterated the word “sole” or “only,” as suggested by Mr. Lavalley, the law does not support the use of the phrase “sole petitioner” in this case, because the case has two petitioners according to RSA 162-H as follows:

XI. "Petitioner" means a person filing a petition meeting any of the following conditions:

(a) A petition endorsed by 100 or more registered voters in the host community or host communities. In this case Brox submitted a petition of 119 Milford registered voters thereby meeting the requirements of (a) and is, therefore, a Petitioner under XI.

Again, XI. "Petitioner" means a person filing a petition meeting any of the following conditions:

(b) A petition endorsed by 100 or more registered voters from abutting communities.

In this case Brox submitted a petition of 104 registered voters in abutting towns thereby meeting the requirements of (b) and is, therefore, a Petitioner for the second time under XI.

4. Brox is Petitioner twice, or "Petitioners," plural, because of meeting the requirements of both XI(a) and XI(b).
5. While Brox, and Suzanne Fournier as the group's representative, is the only "person" as defined in Section IX (i.e., "any individual, group, firm partnership, corporation, cooperative, municipality, political subdivision, government agency or other organization), Brox is the "person" who is the Petitioner once for XI(a) and again for XI(b).
6. Therefore, this case has two Petitioners and both are Brox.
7. The two Petitioners have met the requirement of XII that a request for jurisdiction be made by 2 or more petitioners as defined in RSA 162-H:2, XI.

WHEREFORE, Brox Environmental Citizens, Brox, the Petitioners, respectfully request that the Committee:

- A. Clarify the phrase “sole petitioner” by explaining it or replacing it with language to the effect that Brox is the person serving as the two Petitioners that meet the petition requirement under XII.
- B. Grant such further relief as deemed appropriate.

Respectfully submitted,

Brox Environmental Citizens

Dated, March 24, 2021

By: *Suzanne L. Fournier*

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Certificate of Service

Via email 3/24/21 to Service List in SEC Docket No. 2021-01