

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2021-01

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

**TOWN OF MILFORD'S NOTICE OF JOINDER TO
MILFORD SPARTAN SOLAR, LLC'S MOTION TO
DISMISS PETITION FOR JURISDICTION**

NOW COMES the Town of Milford, New Hampshire ("Town"), by and through its attorneys, Donahue, Tucker & Ciandella, PLLC, and hereby notifies the Site Evaluation Committee ("SEC") that the Town joins in Milford Spartan Solar, LLC's ("Spartan Solar") Motion to Dismiss Petition for Jurisdiction ("Motion"). The Town states as follows:

1. On or about December 3, 2020, Brox Environmental Citizens ("Brox"), a citizen group, filed two petitions (referred to collectively as the "Petition") requesting that the SEC assert jurisdiction over a solar energy development project proposed by Spartan Solar and located on approximately 83 acres within the Town.

2. On or about March 26, 2021, Spartan Solar filed a Motion to Dismiss Petition for Jurisdiction, arguing the Petition should be dismissed as Brox has failed to meet its burden to show a certificate is required, pursuant to RSA 162-H, and because the Town has the requisite capabilities and regulations to adequately review Spartan Solar's proposed project.

3. The Petition for Jurisdiction should be dismissed for the reasons stated in Spartan Solar's Motion to Dismiss.

WHEREFORE, the Town of Milford respectfully requests that the SEC:

A. Dismiss the Petition for Jurisdiction with prejudice; and

B. Grant such other and further relief as is deemed just and appropriate.

Respectfully submitted,

TOWN OF MILFORD

By its attorneys,

DONAHUE, TUCKER & CIANDELLA, PLLC

Dated: March 29, 2021


By:



John J. Ratigan, Esquire / NHB#4849
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Certificate of Service

I certify that on this 29th day of March, 2021, a copy of the foregoing was forwarded by electronic mail to all parties listed on the SEC Docket 2021-01 Service List as required by N.H. Code Admin. R. Site 202.07.



John J. Ratigan, Esquire

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**SEC Docket 2021-01
Service List**

Subcommittee Members

<p>Chair, Public Utilities Commission Dianne Martin, Chair 21 South Fruit Street, Suite 10 Concord, NH 03301 Dianne.h.Martin@puc.nh.gov Tel. (603) 271-2437</p>	<p>Commissioner, Department of Environmental Services Robert R. Scott, Vice Chair 29 Hazen Drive, PO Box 95 Concord, NH 03302-0095 robert.r.scott@des.nh.gov Tel: (603) 271-2958</p>
<p>Commissioner, Public Utilities Commission Kathryn M. Bailey 21 South Fruit Street, Suite 10 Concord, NH 03301 Kate.Bailey@puc.nh.gov Tel: (603) 271-2437</p>	<p>State Librarian, Department of Natural and Cultural Resources Designee Michael C. York 172 Pembroke Road P.O. Box 1856 Concord, NH 03301 michael.york@dncr.nh.gov Tel: (603) 271-2397</p>
<p>Commissioner, Department of Transportation Victoria Sheehan 7 Hazen Drive, PO Box 483 Concord, NH 03302-0483 Victoria.Sheehan@dot.nh.gov Tel. (603) 271-1484</p>	<p>Public Member Robert A. Baines Manchester, NH bobbaines@outlook.com Term: September 20, 2018 - September 20, 2022</p>
<p>Public Member Lisa R. Noe Laconia, NH lnoe2@comcast.net Term: :April 17, 2019 - March 27, 2023</p>	

Committee Staff

<p>SEC:Admin admin@sec.nh.gov</p>	<p>Jody Carmody jody.m.carmody@puc.nh.gov</p>
<p>Attorney Department of Justice JD Lavallee 33 Capitol Street Concord, NH 03301 jon.lavallee@doj.nh.gov</p>	<p>Chairwoman, Public Utilities Commission Dianne Martin dianne.h.martin@puc.nh.gov</p>

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Parties

Brox Environmental Citizens c/o Suzanne Fournier, Coordinator 9 Woodward Drive Milford, NH 03055-3122 broxEnvironCitizens2@comcast.net	Granite Apollo, LLC Olivewood Energy 114 N. Main Street, 4 th Floor Concord, NH 03301 dom@olivewoodenergy.com
Michael Caplan Milford Spartan Solar, LLC c/o Olivewood Energy LLC 470 James St., Suite 7 New Haven, CT 06513 mike@olivewoodenergy.com	Barry Needleman McLane Middleton 11 South Main St., Suite 500 Concord, NH 03301 Barry.needleman@mcclane.com

Interested Persons

Annie Ropcik New Hampshire Public Radio aropcik@nhpr.org	
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