

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

Docket No. 2021-01

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

February 2, 2021

**NOTICE AND ORDER**  
**CONVENING ADJUDICATIVE PROCEEDING**

**PLEASE TAKE NOTICE** that the Site Evaluation Committee for the State of New Hampshire is convening an adjudicative proceeding in above referenced docket. Consistent with Governor Christopher T. Sununu’s Declaration of a State of Emergency and subsequent emergency orders, including Emergency Order #12, the Site Evaluation Committee will hold a web-enabled adjudicative hearing to consider a petition for Committee jurisdiction. The date, time, and access instructions for all hearings, including any prehearing conferences, shall be issued by the subcommittee considering the petition in a subsequent procedural order.

**Background**

In December 2020, Brox Environmental Citizens (Brox), a citizen group, filed two petitions requesting the Site Evaluation Committee (Committee) assert jurisdiction over a proposed solar energy facility with a nameplate capacity of less than 30 megawatts (MW). Brox asserts each petition is endorsed by 100 or more registered voters in the host community or abutting communities. As a result, Brox states each filing qualifies it to be considered a “petitioner” under RSA 162-H:2, XI. Brox considers itself exempt from a filing fee under RSA 162-H:8-a, IV.

According to the cover letter filed with the petitions, Milford Spartan Solar, LLC also referred to as Granite Apollo, LLC and Olivewood Energy, LLC, proposes to site, construct, and operate a solar energy facility (Facility). The Facility to be located on 83 acres in the Town of Milford, west of downtown, south of the Route 101 Milford Bypass, east of Brookview Drive, west of Osgood Road, and north of Mason Road. The Facility is expected to have an installed nameplate capacity of greater than 5 MW but less than 30 MW. The petitions seek a determination by the Committee that a certificate of site and facility is required for the proposed 16 MW electric generating facility.

The petitions filed by Brox request that the Committee take jurisdiction over the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of the proposed facility under RSA 162-H:2, XII.

In accordance with the Committee's administrative rule Site 202.01, the Committee must conduct an adjudicative proceeding regarding petitions for Committee jurisdiction in accordance with RSA Chapter 541-A and its procedural rules contained within N.H. CODE OF ADMINISTRATIVE RULES CHAPTER Site 200.

Therefore an adjudicative proceeding will be convened. This adjudicative proceeding will include one or more adjudicative hearings, which are public evidentiary hearings. See Site 102.04 and the Committee's administrative rules contained in PART Site 202. At the conclusion of the evidentiary portion of the proceeding the Committee may deliberate on the merits of whether the proposed Facility is a "renewable energy facility" under RSA 162-H:2, XII and subject to Committee jurisdiction under RSA Chapter 162-H.

The original petitions, cover letter, and all other public filings in this docket are available on the Committee's website: [www.nhsec.nh.gov](http://www.nhsec.nh.gov).

### **Order**

IT IS HEREBY ORDERED that an adjudicative proceeding shall be commenced for the purpose of resolving the issues articulated above pursuant to RSA 162-H:2; RSA 162-H:4; RSA 162-H:4-a, II; RSA 541-A:29; RSA 541-A:31; and the Committee's administrative rules;

IT IS FURTHER ORDERED, that a subcommittee consisting of 7 members shall be established to consider the petition in accordance with RSA 162-H:4-a, II and the Chairperson of the Site Evaluation Committee shall act as the subcommittee's presiding officer;

IT IS FURTHER ORDERED, that notice of the date and time of all adjudicative hearings and prehearing conferences will be issued by the subcommittee in accordance with RSA 541-A:31 and administrative rule Site 202.09;

IT IS FURTHER ORDERED, any individual seeking to intervene in this matter shall file a motion to intervene as soon as possible. All such motions must comply with the requirements of administrative rule Site 202.11. Interested persons or groups who wish to be included on the service list should file such a request by contacting the Committee at [admin@sec.nh.gov](mailto:admin@sec.nh.gov) or (603) 271-2435;

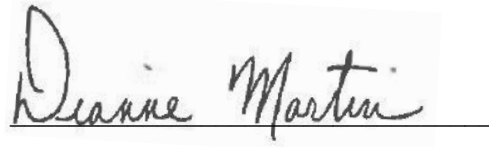
IT IS FURTHER ORDERED that each party in this proceeding has the right to have an attorney represent the party at the party's expense;

IT IS FURTHER ORDERED that all filings with the Committee shall be made in accordance with the Committee's administrative rules, including Site 202.23;

IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting [admin@sec.nh.gov](mailto:admin@sec.nh.gov) or (603) 271-2435. *Ex parte* communications are forbidden by statute and the Committee's administrative rules; and

IT IS FURTHER ORDERED, that a copy of this notice shall be served via electronic mail and certified mail to Brox and Milford Spartan Solar, LLC c/o Olivewood Energy, LLC this notice shall also be published on the Committee's website.

So Ordered, this 2nd day of February, 2021.

A handwritten signature in black ink that reads "Dianne Martin". The signature is written in a cursive style and is positioned above a solid horizontal line.

Dianne Martin  
Chairwoman  
Site Evaluation Committee