

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2021-01

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

March 5, 2021

**PROCEDURAL ORDER AND NOTICE OF
PREHEARING CONFERENCE**

PLEASE TAKE NOTICE that the Site Evaluation Committee for the State of New Hampshire is scheduling a prehearing conference in the 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 prehearing conference will be a web-enabled video conference. The access instructions for the prehearing conference, shall be posted on the Committee's website.

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).

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) 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.

By February 2, 2021 Order, an adjudicative proceeding in this matter was convened. Subsequently, on February 19, 2021, the Chairwoman of the Committee issued an Order Appointing a Subcommittee, charging a 7-member subcommittee with resolving all issues that may arise in this docket and to determine whether to grant or deny the petitions for jurisdiction as filed.

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

Authority for the Proceeding

As indicated in the February 2, 2021 convening order, RSA 162-H:2, XII; RSA 162-H:4, I; RSA 162-H:4-a, II; RSA 541-A:29; RSA 541-A:31; and N.H. Code of Administrative Rules PART Site 202 provide the Committee authority to hold an adjudicative proceeding in this matter.

Intervention

Any person wishing to intervene in this matter shall file a motion to intervene on or before March 22, 2021. Motions to intervene should comply with the requirements of N.H. Code of Administrative Rules Site 202.11. Objections to motions to intervene shall be filed by April 1, 2021.

Prehearing Conference

An informal prehearing conference in this matter will be held on March 15, 2021, at 10 a.m. All persons moving to intervene in this proceeding shall attend the prehearing conference. Members of the public who do not intervene may make oral statements at the prehearing conference under N.H. Code of Administrative Rules Site 202.25. And, in accordance with N.H. Code of Administrative Rules Site 103.04 and Site 202.10, J.D. Lavallee, Counsel to the Committee, will serve as presiding officer for the prehearing conference. The prehearing conference will be a web-enabled video conference. Access instructions shall be posted on the Committee's website and in the docket.

Order

IT IS HEREBY ORDERED that an informal prehearing conference in this adjudicative proceeding shall be held on March 15, 2021 at 10:00 a.m. The conference will be a web-enabled video conference;

IT IS FURTHER ORDERED, that J.D. Lavallee shall act as the subcommittee's presiding officer for the prehearing conference in accordance with administrative rules Site 103.04 and Site 202.10;

IT IS FURTHER ORDERED, that detailed access instructions for the prehearing conference will be posted by the subcommittee on the Committee's website and in the docket for this matter;

IT IS FURTHER ORDERED, any individual seeking to intervene in this matter shall file a motion to intervene by March 22, 2021. All such motions must comply with the requirements of administrative rule Site 202.11. Objections to motions for interventions shall be filed by April 1, 2021. 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 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 or (603) 271-2435. *Ex parte* communications are forbidden by statute and the Committee's administrative rules; and

SO ORDERED, this fifth day of March, 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
NH Site Evaluation Committee