

STATE OF NEW HAMPSHIRE
SITE EVALUTION COMMITTEE

Docket No. 2021-01

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

PREHEARING ORDER
AND INITIAL PROCEDURAL SCHEDULE

On March 15, 2021 a prehearing conference was held in the above referenced docket. I issued notice of the prehearing conference on March 5, 2021, by procedural order. In accordance with N.H. Code of Administrative Rules Site 202.10 (b), I also designated J.D. Lavallee, Assistant Attorney General, to serve as presiding officer for the prehearing conference. As required by RSA 541-A:31, V (d) and Site 202.10 (c), this Order is written memorialization of the matters determined at the prehearing conference and includes an initial procedural schedule.

Participants

Brox Environmental Citizens (“Brox”) appeared through its representative, Ms. Suzanne Fournier. The owner of the proposed energy facility and potential applicant, Milford Spartan Solar, appeared through its attorney, Barry Needleman of McLane Middleton, P.A. The Town of Milford, whose intervention is pending, appeared through its attorney, John Rattigan of Donahue, Tucker, & Ciandella, PLLC. Additional individuals employed by Milford Spartan Solar and the Town of Milford observed the prehearing conference, as did members of the public.

General Discussion

After a brief recitation of the procedural history, the participants were advised of the scope and nature of a prehearing conference. The current parties and potential intervenor in the proceeding were confirmed. Ms. Fournier, on behalf of Brox, confirmed Brox is acting as the sole petitioner in this matter. At this time, Brox does not have an attorney representing it in this proceeding. Attorney Needleman confirmed he is representing Milford Spartan Solar, LLC. Attorney Needleman further confirmed Milford Spartan Solar is the owner of the proposed facility should the Committee assert its jurisdiction under RSA 162-H:2, XII and RSA 162-H:8-a, IV. Attorney Ratigan confirmed his representation of the Town of Milford, which has filed a petition to intervene in this proceeding.¹ All parties and potential participants are reminded that representatives shall file an appearance

¹ Though captioned as a motion, the filing by the Town of Milford correctly cited N.H. Code of Administrative Rules Site 202.11 and will be treated as a petition for intervention in accordance with this rule and RSA 541-A:32.

containing the information required by N.H. Code of Administrative Rules Site 202.04. After identification of the parties and their representatives, all participants in the conference were encouraged to familiarize themselves with the Committee's website as well as the laws and rules that govern its proceedings. A brief overview of the next steps in the proceeding was provided, followed by discussion of a potential procedural schedule. Attorney Needleman represented Milford Spartan Solar intends to file a motion to dismiss the proceeding. The parties then discussed an initial schedule for briefing and a potential hearing on such a motion. Upon agreement between the parties on an initial procedural schedule, no further matters were discussed or determined.

Procedural Schedule

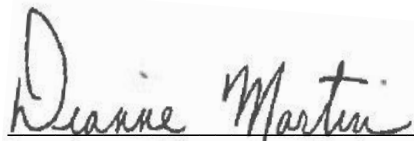
The following procedural schedule was agreed upon by the parties and the potential intervenor:

- | | |
|-----------------------|---|
| March 22, 2021 | Filing Deadline for Petitions for Intervention. |
| March 26, 2021 | Filing Deadline for Motions to Dismiss. |
| April 1, 2021 | Filing Deadline for Objections to Petitions for Intervention. |
| April 9, 2021 | Filing Deadline for Objections to Motions to Dismiss. |

The parties further agreed that an adjudicative hearing may be scheduled to hear oral argument on any filed motions to dismiss. If such a hearing is scheduled, it shall occur no sooner than April 15; a Procedural Order and Notice will be issued advising the parties of the date, time, and forum of any such hearing or subsequent prehearing conference.

I adopt the parties' agreed upon procedural schedule detailed above. Parties are reminded that all filings shall comply with the Committee's administrative rules contained within CHAPTER Site 200.

SO ORDERED this nineteenth day of March, 2021.



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