

STATE OF NEW HAMPSHIRE
SITE EVALUTION COMMITTEE

Docket No. 2021-01

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

**PROCEDURAL ORDER ON MOTION TO INTERVENE AND
MOTION FOR CLARIFICATION**

This procedural order addresses two pending motions before the Committee: the Town of Milford's Motion to Intervene (March 12, 2021), Doc. No. 7, and Brox Environmental Citizens' Motion for Clarification (March 24, 2021), Doc. No. 9. For the following reasons, both motions are granted.

Motion to Intervene

Motions to intervene in this matter were due on March 22 and objections to those motions were due on April 1. Procedural Order and Notice of Prehearing Conference (March 5, 2021), Doc. No. 5 at 2. The Town of Milford filed its motion to intervene on March 12. No objections were filed.

Pursuant to Site 202.11(b), the presiding officer may grant an undisputed motion to intervene, provided that the petition satisfies the requirements of Site 202.11(b)(1)-(3). For substantially the reasons provided by the Town of Milford in its motion, I find that the requirements of Site 202.11(b)(1)-(3) are satisfied. The motion to intervene is, therefore, **GRANTED**.

Motion for Clarification

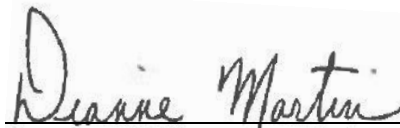
On March 19, 2021, I issued a Prehearing Order and Initial Procedural Schedule in this matter. Doc. No. 9. The "General Discussion" section of this Order contains the following sentence: "Ms. Fournier, on behalf of Brox, confirmed Brox is acting as the sole petitioner in this matter." Doc. No. 9 at 1.

On March 24, Ms. Fournier, on behalf of Brox, filed a motion seeking to clarify this sentence. Specifically, she seeks clarification that, although Brox is the sole entity acting as a petitioner in this matter, Brox is acting as a petitioner under RSA 162-H:3, XI(a) (a person filing a “petition endorsed by 100 or more registered voters in the host community or communities.”) and, separately, as a petitioner under RSA 162-H:3, XI(b) (a person filing a “petition endorsed by 100 or more registered voters from abutting communities.”). She, therefore, argues that Brox fills two petitioner roles and is acting as two petitioners, not the “sole” petitioner. The motion for clarification is unopposed.

Pursuant to Site 202.10(c), the presiding officer has the authority to issue a prehearing order and schedule. The authority to issue such an order includes the authority to amend or clarify the order as necessary. For substantially the reasons provided by Brox in its motion for clarification, the motion is **GRANTED** as follows:

The sentence in the “General Discussion” section of the March 19, 2021 Prehearing Order, which currently reads “Ms. Fournier, on behalf of Brox, confirmed Brox is acting as the sole petitioner in this matter,” is hereby clarified and means the following: “Ms. Fournier, on behalf of Brox, confirmed that Brox is the sole entity acting as a petitioner in this matter, and is a petitioner for both the purposes of RSA 162-H:3, XI(a) and for the purposes of RSA 162-H:3, XI(b).”

SO ORDERED this twentieth day of May, 2021.

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

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