

SITE EVALUATION COMMITTEE

Annual Review and Evaluation of Application and Filing Fees
RSA 162-H:8-a, III

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I. New Dockets

A. Application for Certificate of Site and Facility

1. SEC Docket No. 2019-02, Application of Chinook Solar, LLC for a Certificate of Site and Facility

On October 18, 2019, the SEC received an application to site, construct and operate a 30-megawatt (MW) solar energy electric generation facility and associated electrical infrastructure in Fitzwilliam. The Town of Fitzwilliam is the only intervenor in this docket.

On December 17, 2019, the Subcommittee issued an Order accepting the application and determined that it was administratively complete. The Public hearing was held on February 20, 2020. The adjudicative hearing is estimated to take 4 full days and is scheduled to begin on September 10.

Application Fee **\$60,000¹**. Total charges to date: **\$7,681** (Agency \$0, DOJ \$6,708, Public \$973)

B. Declaratory Rulings

1. SEC Docket No. 2019-03, Petition for Declaratory Ruling, or in the Alternative, Motion for Expedited Approval of Change in Ownership or Ownership Structure

On September 17, 2019, Antrim Level, LLC filed a petition seeking a ruling that a proposed tax equity financing transaction does not require SEC approval, or in the alternative, approve the proposed tax equity financing structure. The Town of Antrim and two Antrim residents (combined as a group) were intervenors in the proceeding.

On November 12, 2019, a 3-person subcommittee held an adjudicative hearing on the petition. On November 27, an order was issued denying the Petition for Declaratory Ruling and granting the Motion and approving the corporate restructuring in support of the tax equity financing.

Total time from filing the motion to written decision—71 days (09/17/19-11/27/19)

Application Fee **\$3,600**. Total charges **\$581**.

¹ This is the first application received since the SEC voted to increase the fees by 20% at its meeting in April 2018.

II. Historical Information

A. Applications for Certificate of Site and Facility

1. SEC Docket No. 2015-05, Joint Application of New England Power Company d/b/a National Grid and Public Service Company of New Hampshire d/b/a Eversource for a Certificate of Site and Facility to Construct a New 345 kV Electric Transmission Line in Southern, NH (Merrimack Valley Reliability Project)

The Project consisted of construction of a new 345 kV overhead transmission line, approximately 18 miles in length, located in an existing developed transmission line corridor. The project is located in the Towns of Pelham and Hudson in Hillsborough County, and the Towns of Windham and Londonderry in Rockingham County. It was a reliability project selected by the Independent System Operator of New England to address transmission capacity needs for the continued reliability of the regional electric transmission system in southern New Hampshire and northeastern Massachusetts. There was 1 individual intervenor in this docket.

On August 5, 2015, the SEC received the application. The Subcommittee conducted two full days of adjudicative hearings and one half day of deliberations. On July 11, 2016, the Subcommittee completed deliberations. The final written order granting the application was issued on October 4, 2016.

Total time from acceptance of application to written decision—365 days (10/05/15-10/04/16).

Application Fee **\$104,000** (\$50,000 base charge x 18 miles in length at \$3,000 per mile (\$54,000)). Total charges: **\$36,669**. (Agency \$20,586, DOJ \$10,378, Public \$5,705)

2. SEC Docket No. 2015-02, Application of Antrim Wind Energy, LLC for a Certificate of Site and Facility for Construction of a Wind Project in Antrim, NH

The Project consisted of the construction and operation of 9 direct drive wind turbines, each capable of generating 3.2 MW for a total nameplate capacity of 28.8 MW. The Project will be constructed entirely in the Town of Antrim. Twenty-seven petitions to intervene were filed and twenty-five of the petitions were granted, resulting in 12 intervenor groups.

On October 2, 2015, the SEC received the application. The Subcommittee conducted 13 days of adjudicative hearings and 3 days of deliberations. On December 12, 2016, the Subcommittee completed its deliberations. The final written order granting the application was issued on March 17, 2017.

Three motions for rehearing were received and a hearing was held on May 5, 2017. A written order denying the motions was issued on June 21, 2017. On May 11, 2018, the N.H. Supreme Court issued an order affirming the Subcommittee's decision.

Total time from acceptance of application to written decision—472 days (12/01/15-03/17/17).

Application Fee **\$78,800** (\$50,000 base charge X 28.8 MW of power (\$1,000 per MW for a facility less than 40 MW). Total charges: **\$165,727**. (Agency \$58,029, DoJ, \$93,994, Public \$13,704)

3. SEC Docket No. 2015-06, Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of a New 1,090 MW Electric Transmission Line

On October 19, 2015, the SEC received an application to construct a new transmission line with a 1,090 MW transfer rating, extending approximately 192 miles from the Canadian border in Pittsburg, NH to a substation in Deerfield. Approximately 60 miles will be located underground.

The Subcommittee received 160 Motions to Intervene. The intervenors were combined into 24 groups. Counsel for the Public retained outside counsel as well as 8 consulting firms to provide expert opinion and analysis in the areas of: economic benefits; aesthetics and scenic resources; energy markets; historic and cultural resources; wildlife, wildlife habitat and rare, threatened and endangered species; and transmission design and construction.

The adjudicative hearing was held over 70 days beginning in April 2017, and concluded in December 2017. Deliberations were held over 3 days and concluded on February 1, 2018. The final written order denying the application was issued on March 30, 2018. Motions for rehearing were filed and the Subcommittee conducted deliberations on May 24, 2018, and issued an order denying the motions on July 12, 2018. An appeal was filed with the N.H. Supreme Court. On May 15, 2019, oral arguments were held, and on July 19, 2019, the N.H. Supreme Court issued an opinion affirming the decision.

Total time from acceptance of application to written decision—833 days (12/18/15-03/30/18).

Application Fee \$626,000 (\$50,000 base charge X 192 miles in length at \$3,000 per mile (\$576,000). Total charges: **\$642,009**. (Agency \$295,556, DoJ \$256,709, Public \$89,745)

4. SEC Docket No. 2015-04, Application of Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of a New 115 kV Transmission Line

On April 12, 2016, the SEC received an application to construct a new 115 kV transmission line between existing substations in Madbury and Portsmouth. The proposed transmission line will be approximately 12.9 miles in length and is comprised of a combination of above ground, underground, and underwater segments in the Towns of Madbury, Durham and Newington and the City of Portsmouth. This is a reliability project required to address concerns in the Seacoast Region identified by the Independent System Operator of the New England electric system.

There were 10 intervenor groups in this docket. Counsel for the Public retained 3 consulting firms to provide expert analysis and opinion of the effects of the Project on aesthetics, historical and cultural resources, and the environment.

The Subcommittee held a public meeting on June 1, 2016 and determined that the application was complete. An Order memorializing this decision was issued on June 13, 2016. The Procedural Schedule for this project was put on hold after the application was received for various reasons and not due to any fault of the Subcommittee.

The adjudicative hearings were held over 15 days beginning in August 2018 and concluded in October 2018. Deliberations were held over six days and were completed on December 10, 2018. The written order granting the application was issued on January 31, 2019. Motions for rehearing were filed by three of the parties. The Subcommittee conducted deliberations on March 11, 2019, and issued an order denying the motions on April 11, 2019. An appeal was filed with the N.H. Supreme Court. On March 10, 2020, oral arguments were held, and on May 22, 2020, the N.H. Supreme Court issued an order affirming the decision.

Total time from acceptance of application to written decision—962 days (06/13/16-01/31/19)².

Application Fee \$88,700 (\$50,000 base charge X 12.9 miles in length at \$3,000 per mile (\$38,700). Total charges to date: **\$194,497³**. (Agency \$90,960, DoJ \$66,801, Public \$36,736)

5. SEC Docket No. 2015-08, Tennessee Gas Pipeline Company, LLC

On November 16, 2015, a docket was opened when Tenn. Gas filed a letter with the SEC stating that it intended to submit an application for a Certificate of Site and Facility to construct a compressor station, and 71 miles of natural gas transmission pipeline from the Massachusetts border in Winchester to Pelham.

On January 5 and 12, 2016, the Subcommittee assigned to this docket convened to consider intervening in the Federal Energy Regulatory Commission (FERC) proceedings involving the siting of high pressure gas pipelines in order to protect the interest of the state of New Hampshire. *See* RSA 162-H:10-b.

On May 24, 2016, Tenn. Gas filed a letter with the SEC, stating that it had withdrawn its application for the project with the Federal Energy Regulatory Commission and that it no longer planned to file an application with the SEC.

An application was never submitted in this docket. Total charges billed to and paid by the SEC Fund for the proceeding to consider intervention: **\$2,935**.

² A revised Procedural Order was issued on April 6, 2018. The timeframe from the date of the Revised Procedural Order to the written decision on January 31, 2019, was 300 days.

³ Updated on 07/22/20.

B. Transfer of Certificate

1. SEC Docket No. 2015-07, Joint Petition of Granite Ridge Energy, LLC and Calpine Granite Holdings, LLC, for Approval to Transfer Membership Interests in Granite Ridge Energy, LLC

On October 28, 2015, a joint petition was filed to transfer membership interests in a 720 MW combined cycle natural gas-fired power plant that was granted a certificate by the SEC in 1999. In 2004, the SEC approved transfer of the ownership interests of the certificate holder, AES Londonderry, LLC (AESL), to its lenders through voluntary foreclosure and the use of a special purpose holding company.

On January 19, 2016, a 3-person subcommittee conducted its adjudicative hearing and deliberations. A final written decision and order granting the joint petition was issued on February 3, 2016.

Total time from filing of petition to written decision—98 days (10/28/15-02/03/16).

Application Fee **\$3,000** (3-member subcommittee). Total charges: **\$1,409**.

2. SEC Docket No. 2016-02, Joint Petition of IFM Global Infrastructure Fund and Nautilus Generation, LLC for Approval of the Transfer of Membership Interests in Essential Power Newington, LLC

On February 29, 2016, a joint petition was filed to transfer membership interests in a 525 MW combined cycle, dual fuel, (natural gas and oil) power plant that was granted a certificate by the SEC in 1999. In 2008, the SEC approved transfer of 100% of the membership interests of the certificate holder, EP Newington, to Essential Power, LLC.

On June 2, 2016, a 3-person subcommittee conducted an adjudicative hearing and deliberations. A final written decision and order granting the joint petition was issued on June 3, 2016.

Total time from filing of petition to written decision—95 days (02/29/16-06/03/16).

Application Fee **\$3,000**. Total charges: **\$502**.

3. Docket No. 2018-03, Joint Petition of Walden Green Energy Northeast Wind, LLC, Walden Antrim, LLC and Antrim Level, LLC for Approval of the Transfer of Membership Interests in Antrim Wind Energy, LLC

On August 7, 2018, a joint petition was filed to transfer membership interests in the Antrim Wind facility that was granted a certificate on March 17, 2017, in Docket No. 2015-02. The certificate is not transferable to any other person or entity without prior approval of the committee. 13 petitions to intervene were filed in this docket, resulting in 3 intervenor groups.

On December 19 and 20, 2018, a 3-person subcommittee held an adjudicatory hearing and deliberations. On February 15, 2019, an order was issued granting the joint petition.

Total time from filing of petition to written decision—192 days (08/07/18-02/15/19).

Application Fee **\$3,000**. Total charges: **\$7,792** (DOJ \$7,161).

C. Declaratory Rulings

1. SEC Docket No. 2016-03, Petition for Declaratory Ruling

On December 19, 2016, a petition for declaratory ruling was filed by 17 towns and 2 NGOs, requesting that the SEC issue a ruling declaring that only municipalities can authorize the installation of power poles or underground cables on, across, or under locally maintained highways.

On January 12, 2017, the SEC held a public meeting and voted to dismiss the petition. On March 7, 2017, the written order was issued dismissing the petition. The petitioners filed a motion for rehearing, but the motion was subsequently withdrawn.

Total time from filing of petition to written decision—78 days (12/19/16-03/07/17).

Application Fee **\$3,000**. Total charges: **\$5,936**.

2. Docket No. 2018-01, Petition for Declaratory Ruling of the Antrim Wind Opponents

On April 6, 2018, a petition for declaratory ruling was filed by 104 individuals, commissions, and entities. The matter arose from post-certificate, pre-construction activity by Antrim Wind Energy (Docket No. 2015-02) and among other things, the Petitioners requested a waiver of the filing fee and that the committee suspend the certificate pending a hearing on certain matters related to compliance with the certificate.

On May 31, 2018, a 3-person subcommittee held a hearing on the request to waive the filing fee. On June 8, an Order was issued denying the request and scheduling a hearing, subject to payment of the filing fee. The hearing was held on June 18 and on July 26, 2018, an order was issued denying the petition.

Total time from filing of petition to written decision—111 days (04/06/18-07/26/18).

Application Fee **\$3,000**. Total charges: **\$10,898**.

3. Docket No. 2018-02, Petition for Declaratory Ruling of New Hampshire Transmission, LLC, Regarding Transmission Substation Upgrade

On May 8, 2018, New Hampshire Transmission, LLC filed a petition seeking a declaratory ruling that the proposed upgrade to portions of the Seabrook transmission substation did not constitute a sizeable change or addition to an existing facility within the meaning of RSA 162-H:5, I.

On July 12, 2018, the 3-person subcommittee conducted a site visit and conducted the adjudicatory hearing the next day. On August 2, 2018, an order was issued granting the petition.

Total time from filing of petition to written decision—86 days (05/08/18-08/02/18).

Application Fee **\$3,000**. Total charges: \$1,644.

D. Other Proceedings

1. SEC Docket No. 2016-01, Rulemaking

RSA 162-H:10-b, effective July 20, 2015, required to SEC to adopt rules relative to the siting of high pressure gas pipelines within one year.

On January 25, 2016, the SEC opened a rulemaking docket, seeking input on specific rules language. In order to comply with the statutory deadline, a contractor was retained to conduct research, review the advance public comments that were received, and to work with the Administrator in drafting rules consistent with state and federal law. On June 30, 2016, the SEC held a public meeting to consider the oral and written public comments that were received and to approve specific language and the text of a final proposal. On July 21, 2016, the Joint Legislative Committee on Administrative Rules approved the final proposal, and on August 15, 2016, the SEC held a public meeting and approved the adoption and filing of the final proposal as approved by JLCAR.

Total charges: **\$15,182**.

2. Docket No. 2019-01, Antrim Wind Energy, LLC, Motion to Modify Certificate of Site and Facility

On January 10, 2019, Antrim Wind Energy filed a motion requesting a modification of its certificate to authorize the additional temporary impact of 10,000 square feet of wetlands.

On February 26, 2019, a 3-person subcommittee held a hearing and deliberations and on March 19, issued an order granting the motion.

Total time from filing of motion to written decision—68 days (01/10/19-03/19/19).

Application Fee **\$3,600**. Total charges: \$847