

# Orr&Reno

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September 25, 2020

**Via Email Only**

Dianne Martin, Chair and Presiding Officer  
New Hampshire Site Evaluation Committee  
c/o New Hampshire Public Utilities Commission  
21 South Fruit St., Suite 10  
Concord, NH 03301-2429

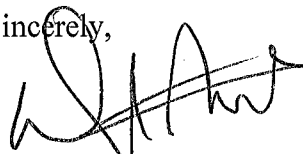
***Re: SEC Docket No. 2019-02, Application of Chinook Solar, LLC for a Certificate of Site and Facility for the Construction and Operation of a 30MW Solar Generating Facility in Fitzwilliam, New Hampshire – Closing Argument and Argument Supporting a Partial Waiver of the Decommissioning Rules***

Dear Ms. Martin:

Attached is the Closing Argument and Argument Supporting a Partial Waiver of the Decommissioning Rules which we are filing on behalf of the Applicant in the above-captioned matter, Chinook Solar, LLC.

Thank you for your assistance. Please let us know if you have any questions.

Sincerely,



Douglas L. Patch

DLP/eac  
Attachment

cc (via email): Service List in SEC Docket 2019-02

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**THE STATE OF NEW HAMPSHIRE  
BEFORE THE  
NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**SEC DOCKET NO. 2019-02**

**APPLICATION OF CHINOOK SOLAR, LLC FOR A  
CERTIFICATE OF SITE AND FACILITY FOR THE CHINOOK  
SOLAR PROJECT IN FITZWILLIAM, NEW HAMPSHIRE**

**APPLICANT'S CLOSING ARGUMENT AND ARGUMENT SUPPORTING A  
PARTIAL WAIVER OF THE DECOMMISSIONING RULES**

Chinook Solar, LLC (“Chinook” or the “Applicant”), by and through its undersigned attorneys, for the reasons set forth below, respectfully requests that the New Hampshire Site Evaluation Committee (the “Committee”) grant a certificate of site and facility to the Chinook Solar Project, a 30 MW electric generating facility proposed to be constructed in Fitzwilliam, New Hampshire (the “Project”). Chinook also respectfully requests that Committee grant the partial waiver of the Committee’s decommissioning rules described in Applicant’s Request to Waive Certain Decommissioning Plan Requirements dated October 18, 2019.

**Chinook Closing Argument**

The Applicant has provided more than sufficient evidence to support findings by the Committee that Chinook has met the certificate criteria listed in RSA 162-H:16, IV. The lead-in sentence to this paragraph provides:

IV. After due consideration of all relevant information regarding the potential siting or routes of a proposed energy facility, including potential significant impacts and benefits, the site evaluation committee shall determine if issuance of a certificate will serve the objectives of this chapter.

The objectives of the chapter are found in RSA 162-H:1:

**162-H:1 Declaration of Purpose.** – The legislature recognizes that the selection of sites for energy facilities may have significant impacts on and benefits to the following: the welfare of the population, private property, the location and growth of industry, the overall economic growth of the state, the environment of the state, historic sites, aesthetics, air and water quality, the use of natural resources, and public health and safety. Accordingly, the legislature finds that it is in the public interest to maintain a balance among those potential significant impacts and benefits in decisions about the siting, construction, and operation of energy facilities in New Hampshire; that undue delay in the construction of new energy facilities be avoided; that full and timely consideration of environmental consequences be provided; that all entities planning to construct facilities in the state be required to provide full and complete disclosure to the public of such plans; and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic, and technical issues are resolved in an integrated fashion. In furtherance of these objectives, the legislature hereby establishes a procedure for the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities.

The preponderance of the record evidence in this docket clearly establishes that the above-stated objectives will be met. The Project's benefits, which include economic benefits to the Town of Fitzwilliam ("the Town") and the region, positive public health benefits, production of electricity by a renewable energy source, implementation of public policy goals embodied in New Hampshire law, and a significant conservation easement, will greatly outweigh any temporary minimal impacts on the natural environment. The Committee's cooperation in maintaining the docket and hearing schedules, despite some last minute issues that arose, has helped Chinook to remain on a course to avoid undue delay in the construction of this new energy facility, another objective of RSA 162-H. Chinook submits that given all of the original assessments, studies and reports, and the additional ones that were done in response to the Town's concerns and those of Counsel for the Public's ("CFP's") consultants, all environmental consequences of the Project have been fully and timely considered. Chinook has provided full and complete disclosure of the plans for the facility, subject to very limited confidentiality consistent with state and federal law. Finally, the process in this docket has assured that the construction and operation of this proposed facility have been treated as a significant aspect of

land-use planning where all environmental, economic and technical issues have been resolved in an integrated fashion. The issuance of a certificate for this Project will thus serve the objectives of RSA 162-H as Mr. Barefoot demonstrated in his pre-filed testimony.<sup>1</sup>

**Financial, Technical and Managerial Capability**

In order to issue a certificate, RSA 162-H:16,IV (a) requires that the Committee find that:

(a) The applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

The record shows that as a subsidiary of NextEra Energy Resources, LLC, Chinook Solar, LLC has access to abundant resources necessary to ensure that the Project is constructed and operated in compliance with the terms and conditions of a certificate of site and facility. This access and NextEra Energy Resources' breadth of experience show that the Applicant has more than adequate financial, technical and managerial capability to construct, own and operate the Project. NextEra Energy Resources, and its parent, NextEra Energy, Inc., are the largest generators of renewable energy from the wind and the sun in the world, and they own over 90 solar projects in North America.<sup>2</sup> The New Hampshire Public Utilities Commission has recognized NextEra Energy Resources as having the financial, technical and managerial capability to own and operate facilities in New Hampshire.<sup>3</sup> Those facilities include the Seabrook Nuclear Generating facility as well as the Seabrook Transmission Substation, which is owned and operated by New Hampshire Transmission Company, a New Hampshire public utility that is a subsidiary of NextEra Energy Resources. In view of the foregoing, and in the absence of any evidence to the contrary, the Committee should find that the Applicant has shown by a

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<sup>1</sup> App Exh 2, pages 8-10.

<sup>2</sup> App Exh 2, page 3.

<sup>3</sup> App Exh 2, page 12.

preponderance of the evidence that it has the requisite financial, technical and managerial capabilities.

At the hearing, CFP raised the issue of a possible parental guarantee to assure construction and operation of the Project. However, neither RSA 162-H nor the Committee's rules require such a guarantee, and the Committee typically does not impose one. The only rule that discusses a possible "guaranty" is the decommissioning rule, Admin. Rule Site 301.08(d)(2)b, and this requirement has been met by the surety bond referenced in the Project's decommissioning plan,<sup>4</sup> as well as the Memorandum of Understanding ("MOU") with the Town.<sup>5</sup> This bond insures that if in some extremely unlikely scenario the Project is abandoned, the Project land will be restored to its current state. As a world leader in the development of renewable resources, Chinook's parent company, which has extensive financial, managerial and technical experience, has never been required to provide a parental guarantee. Such a guarantee is unnecessary in this case given NextEra's size, its demonstrated financial, managerial and technical capabilities to own and operate solar facilities, and its overall track record as a leading owner and operator of renewable energy facilities in the world.

### **Orderly Development of the Region**

RSA 162-H:16,IV(b) requires that the Committee find that:

(b) The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.

There are two separate stipulations with CFP in the record,<sup>6</sup> both of which address the orderly development of the region, with the first covering economic impact more specifically. Both cite to various parts of the record that support the stipulations. These include in particular

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<sup>4</sup> App Exh 48. *See also* App Exh 97.

<sup>5</sup> App Exh 67, Section VI.C.

<sup>6</sup> App Exh 80 and 81.

the analyses performed by Matthew Magnusson which calculate the Project's economic benefits and the lack of impact on property values.<sup>7</sup> The MOU with the Town of Fitzwilliam is further evidence to support this finding.<sup>8</sup> There is no evidence in the record to contradict the evidence presented by the Applicant, or to support a finding on this issue that differs from Mr. Magnusson's position, the stipulations or the MOU. Thus, the Applicant has met its burden of demonstrating by a preponderance of the evidence that the Project will not unduly interfere with the orderly development of the region.

**The Project Will Have No Unreasonable Adverse Effects**

RSA 162-H:16,IV(c) requires that the Committee find that the site and facility will not have an unreasonable adverse effect on a number of different areas, each of which is addressed separately below.

**Aesthetics.** CFP has stipulated that the Applicant has submitted undisputed information sufficient to support a finding that the site and facility will not have an unreasonable adverse effect on aesthetics.<sup>9</sup> The September 4, 2020 stipulation cited record evidence which supports this finding, in particular the Visual Impact Assessment and testimony from Mr. Barefoot and Mr. Buscher.<sup>10</sup> There is no evidence in the record to the contrary with regard to the Project's impact on aesthetics. Accordingly, the Applicant has met its burden of proving by a preponderance of the evidence that the Project will not have an unreasonable adverse effect on aesthetics.

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<sup>7</sup> App Exh 11, 57, 58 and 75.

<sup>8</sup> App Exh 67.

<sup>9</sup> App Exh 81, paragraph 5.

<sup>10</sup> App Exh 2, 7, 13, 28, 68 and 72.

**Historic Sites.** CFP has stipulated that the Applicant has submitted undisputed information sufficient to support a finding that the site and facility will not have an unreasonable adverse effect on historic sites.<sup>11</sup> The September 4, 2020 stipulation specifically addresses this issue and contains a number of citations to information in the record<sup>12</sup> which supports this finding. In particular, and perhaps most importantly, Chinook obtained New Hampshire Division of Historical Resources Concurrence Letters.<sup>13</sup> There is no evidence in the record to the contrary with regard to the Project's impact on historic sites. The Applicant, therefore, has met its burden of proof with respect to this issue.

**Air and Water Quality.** As a solar facility, the Project will create no emissions that will negatively impact air quality. The September 4, 2020 stipulation addresses air quality and contains citations to uncontroverted information in the record that supports a finding that the Project will not have an unreasonable adverse effect on air quality.<sup>14</sup> In particular, the Applicant's greenhouse gas impact report supports this finding,<sup>15</sup> as does Ms. Laurin's pre-filed testimony.<sup>16</sup> There is no evidence in the record that is contrary to the stipulation on air quality, or that refutes Ms. Laurin's testimony or report.

On the issue of the Project's impacts on water quality, the record evidence shows that the Project has been designed to minimize the likelihood of erosion and subsequent sedimentation.<sup>17</sup> The Department of Environmental Services ("DES") final decision<sup>18</sup> includes conditions addressing water quality, including stormwater practices and vegetative cover, as well as environmental monitoring to insure that these practices are inspected and maintained. A

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<sup>11</sup> App Exh 81, paragraph 6.

<sup>12</sup> App Exh 1, 2, 9, 10, 29-37, 63, 66, 68, and 74.

<sup>13</sup> App Exh 30, 32, 37, 63 and 66.

<sup>14</sup> App Exh 81, paragraph 9.

<sup>15</sup> App Exh 38.

<sup>16</sup> App Exh 12.

<sup>17</sup> App Exh 7, pages 5-6; App Exh 39; App Exh 82; App Exh 86; App Exh 92.

<sup>18</sup> App Exh 92.

stormwater pollution prevention plan must be prepared and implemented. Chinook will be required to keep a sufficient quantity of erosion control supplies on the site at all times during construction to facilitate an immediate response to any construction-related erosion issues. Chinook will also prepare a spill prevention, control, and countermeasures plan prior to commencing construction.<sup>19</sup> There is no evidence in the record contradicting that this Project will not have an unreasonable adverse impact on water quality.

In view of the foregoing, the Applicant has met its burden of proving by a preponderance of the evidence that the Project will not have an unreasonable adverse effect on air or water quality.

**The Natural Environment.** Other than the economic impact issues upon which CFP and the Applicant ultimately agreed, the Project's impacts on the natural environment was the sole issue upon which CFP's witnesses focused. In their pre-filed testimony, CFP's natural environment witnesses found that the Project would have no impact on moose wintering areas, wildlife corridors, streams, vernal pools, wetlands, five species of bats, and - given the commitments to the Fish and Game Department ("FGD") - Blandings and Wood Turtles. The issues which CFP's witnesses identified in their pre-filed testimony included: deer wintering areas; wetland buffer impacts; rare, threatened or endangered plant species; exemplary natural communities; and eastern small footed bats.<sup>20</sup> In terms of little brown bats, the pre-filed testimony said that it is unlikely the Project would contribute to their decline, but there could be a conservation and habitat strategy to enhance their recovery.<sup>21</sup> Preliminary concerns that CFP's witnesses had with wetlands were alleviated when the Applicant corrected some wetlands

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<sup>19</sup> App Exh 39.

<sup>20</sup> CFP Exh 1.

<sup>21</sup> CFP Exh 1, page 8.



delineations and eliminated some wetlands buffer impacts by eliminating an internal road.<sup>22</sup> Chinook conducted an additional bat survey in August of this year which did not detect the presence of the eastern small footed bat and which noted that any additional clearing would not be considered a significant habitat loss and would likely not have a negative impact on the little brown bat.<sup>23</sup> FGD's recommendations filed with DES<sup>24</sup> contained only one condition associated with bats, i.e., the restriction on logging activities between November and March, a condition with which the Applicant agrees to comply. Chinook also performed a rare plant survey in August of this year<sup>25</sup> which showed that the habitats in the Project area, an area that has been heavily logged for years, generally do not support plant species considered rare, threatened or endangered. Moreover, there were no observations of rare species in the Project area. In terms of exemplary natural communities, the New Hampshire Natural Heritage Bureau did not express any concern with the Project's impact on exemplary natural communities.<sup>26</sup> Even CFP's witness admitted that it is very unlikely there are any such communities on this site. In terms of deer wintering areas, in a number of meetings with Chinook personnel, FGD, the state agency responsible for managing the New Hampshire deer population, never expressed a concern about deer wintering areas. Moreover, it is important to note that in New Hampshire, deer are not rare, threatened or endangered species.

In addition, there are three very important aspects of this Project which Chinook submits the Committee should take into account when considering the impact on the natural environment. The first is that the Project area has been logged heavily for a number of years by the property owners, which likely has had a significant impact on the diversity of wildlife and plant life, and

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<sup>22</sup> App Exh 70, page 5; App Exh 71, pages 2-3.

<sup>23</sup> App Exh 70, Attachment B.

<sup>24</sup> App Exh 84.

<sup>25</sup> App Exh 70, Attachment A

<sup>26</sup> App Exh 70, pp. 5-6.

which, if this Project is not approved or built, is likely to continue into the indefinite future. If this Project is approved and subsequently constructed, logging will no longer occur at this site. Secondly, Chinook is committed to preserving through a conservation easement more than 300 acres under its control that will not be disturbed by the Project.<sup>27</sup> DES noted this and requested that the easement contain language stating that its purpose is to conserve habitat for wildlife.<sup>28</sup> Thus, wildlife habitat conservation will clearly be one of the primary purposes and effects of this easement. Finally, the MOU between the Town and Chinook has left open the possibility of also conserving the Project's disturbed area once the Project is decommissioned.<sup>29</sup> Because of the way in which this land is currently being used, and because of the MOU conservation provisions, Chinook submits that by establishing a conservation easement and eliminating continued forest clearing, the Project will have a net benefit when it comes to wildlife and plant life. This will provide more than 300 acres for deer to winter, and for other wildlife and plant life to flourish, and the conserved land will be much better protected and preserved than it is now.

In view of the foregoing, the Applicant has met its burden of proving by a preponderance of the evidence that the Project will not have an unreasonable adverse effect on the natural environment.

**Public Health and Safety.** The September 4, 2020 stipulation includes two paragraphs that support a finding that the Project will not have an unreasonable adverse effect on sound.<sup>30</sup> The record includes a number of sound studies that show that the sound impacts of the Project will be minimal and within the Committee's and the Town's sound limits.<sup>31</sup> There is nothing in

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<sup>27</sup> App Exh 70, Section X.A.

<sup>28</sup> App Exh 92.

<sup>29</sup> App Exh 67, Section X. A and B.

<sup>30</sup> App Exh 81, paragraphs 7 and 8.

<sup>31</sup> App Exh 8, 47, and 73.

the record to rebut or contradict the evidence provided by Chinook's sound expert. There is also an agreement on sound with the Town reflected in the MOU.<sup>32</sup>

In terms of public health generally, Lise Laurin's uncontradicted testimony establishes that there are public health benefits from this Project.<sup>33</sup> The record also includes exhibits that address safety issues, including an emergency response and fire safety plan, as well as testimony on this issue.<sup>34</sup> Moreover, there is no evidence in the record that the Project will have an unreasonable adverse impact on public health or safety. Accordingly, the Applicant has met its burden of proving by a preponderance of the evidence that the Project will not have an unreasonable adverse effect on public health or safety.

#### **A Certificate Will Serve the Public Interest**

RSA 162-H:16,IV(e) requires that the Committee find that issuance of a certificate will serve the public interest. The Committee rules listing the criteria to be considered in making this determination,<sup>35</sup> and the record evidence supporting a finding in favor of the Applicant on each criterion, are set forth below:

Site 301.16 Criteria Relative to Finding of Public Interest. In determining whether a proposed energy facility will serve the public interest, the committee shall consider:

- (a) The welfare of the population; [Barefoot testimony]<sup>35</sup>
- (b) Private property; [Magnusson Testimony and reports]<sup>36</sup>
- (c) The location and growth of industry; [Magnusson testimony and reports]<sup>37</sup>
- (d) The overall economic growth of the state; [Magnusson testimony and reports]<sup>38</sup>

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<sup>32</sup> App Exh 67, Section VI.A.

<sup>33</sup> App Exh 12.

<sup>34</sup> App Exh 2, pages 16-19; App Exh 49.

<sup>35</sup> App Exh 2, pages 20-21.

<sup>36</sup> App Exh 11, 57, 58 and 75.

<sup>37</sup> App Exh 11, 57, 58 and 75.

<sup>38</sup> App Exh 11, 57, 58 and 75.

- (e) The environment of the state; [Valleau testimony and reports]<sup>39</sup>
- (f) Historic sites; [Mack and Olausen testimonies and reports]<sup>40</sup>
- (g) Aesthetics; [Buscher testimony and analysis]<sup>41</sup>
- (h) Air and water quality; [Laurin and Persechino testimonies and reports]<sup>42</sup>
- (i) The use of natural resources; and [Valleau testimony and reports]<sup>43</sup>
- (j) Public health and safety. [Wallace, Persechino and Barefoot testimonies and reports]<sup>44</sup>

The Applicant has submitted evidence demonstrating the Project's effects on each of the above-stated issues. The public interest issue is also discussed in the Application,<sup>45</sup> and in the pre-filed testimony of Heath Barefoot.<sup>46</sup> There is no evidence in the record refuting that the Project will serve the public interest. Accordingly, the Applicant has met its burden of proof with respect to this issue.

### **Conclusion**

In summary, Chinook has provided more than sufficient evidence to support findings in its favor on all of the statutory and regulatory criteria that the Committee must evaluate in determining whether to issue a certificate of site and facility for the Project. Given the absence of intervenors (other than the Town), the MOU with the Town, the stipulations with CFP, and the very limited issues on which CFP submitted testimony (all of which have been addressed as explained above), Chinook has met its burden of proving by a preponderance of evidence that the

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<sup>39</sup> App Exh 5, 42, 43, 44, 45, 70, 84 and 87.

<sup>40</sup> App Exh 1, 2, 9, 10, 29-37, 63, 66, 68, and 74.

<sup>41</sup> App Exh 2, 7, 13, 28, 68 and 72.

<sup>42</sup> App Exh 6, 12, 38, 39, 71.

<sup>43</sup> App Exh 5, 42, 43, 44, 45, 70, 84 and 87.

<sup>44</sup> App Exh 2, 6, 8, 47, 49, 68, 71 and 73.

<sup>45</sup> App Exh 1, pages ES-9 and 38.

<sup>46</sup> App Exh 2, pages 20-21.

Project meets all of the criteria that will enable the Committee to make findings in Chinook's favor on each of these issues, such that a certificate of site and facility should be granted.

### **Decommissioning Waiver**

Chinook respectfully requests that the Committee grant the decommissioning waiver request submitted with Chinook's Application.<sup>47</sup> The evidence shows that the waiver criteria under the Committee's rules have been met, and that the waiver would be in the public interest. There were no objections to the waiver request, and there is no evidence in the record to support denying the request.

Admin. Rule Site 301.08 (d)(2) requires that the decommissioning plan provide that: "All underground infrastructure at depths less than four feet below grade shall be removed from the site and all underground infrastructure at depths greater than four feet below finished grade shall be abandoned in place." Site 302.05 permits a waiver in certain circumstances. The Committee must first determine that the waiver is not statutorily prohibited. If it is not statutorily prohibited, then a waiver may be granted, provided that the Committee finds that the waiver serves the public interest and that it will not disrupt the orderly and efficient resolution of matters before the Committee. In determining the public interest, the Committee shall waive the rule if compliance would be onerous or inapplicable given the circumstances, or the purpose of the rule would be satisfied by an alternative method.

The requested waiver is not statutorily prohibited; the decommissioning requirement is in the Committee's rules, not the statute. For the reasons stated in the waiver request filed with the Application, and which are summarized below, granting the waiver serves the public interest and will not disrupt the orderly and efficient resolution of matters before the Committee. As the pre-

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<sup>47</sup> App Exh 88.

filed testimony, both original and supplemental, indicates, the National Electrical Code requires conductors and electrical cables to be installed at a minimum of 36” below grade at certain voltages and conditions, as would be the case here.<sup>48</sup> Since AC collection cables for Chinook will be installed at a minimum depth of three feet in accordance with the electrical code, and their subsequent removal would cause significant ground disturbance, Chinook requests that only cables installed at three feet in depth or less and any other equipment that is located underground at depths of three feet or less, be removed during decommissioning. Based on NextEra Energy Resources’ experience with other solar projects and the kind of infrastructure that is used in these projects, we believe that removing all infrastructure at depths less than 36 inches should be a sufficient decommissioning measure. The equipment that will be left in the ground below 36 inches is inert and is comprised of standard building materials in commercial and residential construction projects.<sup>49</sup>

Chinook also requested a waiver from the four feet depth rule for solar racking piles that have been concreted into rock. Solar racking piles are typically driven into the ground using pile driving equipment to a depth of 6 to 10 feet below grade, depending on soil conditions. During decommissioning, piles that have been installed using pile driving equipment can be removed using equipment similar to the equipment used for pile installation. At the proposed Chinook site, due to the presence of shallow rock, there will be locations where it will not be feasible to install piles using conventional pile driving equipment. In these circumstances, it is customary to drill a hole into the rock, insert the pile and then install concrete to anchor the pile to the shallow rock for structural support of the solar racking. As Mr. Delallo’s testimony<sup>50</sup> indicates, it is anticipated that the site for this Project will require approximately 10 percent of the solar racking

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<sup>48</sup> App. Exh 6, pages 6-8; App Exh 76, pages 3-4.

<sup>49</sup> App Exh 76, page 4.

<sup>50</sup> App Exh 76, pages 3-4.

piles to be predrilled. Chinook expects that approximately 1600 piles will fall into this category, though this of course can vary depending on actual conditions at the site during construction. All of the other solar racking piles, i.e. those that have been driven into the ground, not into rock, will be removed in their entirety. Chinook is requesting a waiver so that it will not have to remove piles at depths shallower than three feet that have been concreted into rock. It is proposed that these piles will be cut off at the interface to the concrete in lieu of removing the pile to a depth of three or four feet. Doing this will avoid even greater disturbance to the terrain that would be caused by having to drill or hammer the piles, remove the rocks with piles in them at shallower depths, or possibly blast the piles out of the rock if necessary.

The Town of Fitzwilliam did not object to the waiver request, nor did the MOU contain any provisions relating to it, and CFP did not object to the request. Moreover, CFP's witnesses, who evaluated environmental concerns, expressed no concerns about decommissioning or the waiver.

Lastly, because of the language in the MOU that addresses what happens to the land that will be disturbed for the Project after decommissioning,<sup>51</sup> it is very unlikely that there will be any future construction or use of this site that will need to disturb materials left in place at levels between 3 feet and 4 feet underground. That fact, coupled with the fact that granting the waiver will mean far less ground disturbance than would be the case if Chinook were to comply with the 4 foot removal rule, demonstrates that the waiver would be in the public interest.

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<sup>51</sup> App Exh 67, Section X.B: "Within one (1) year of decommissioning, Chinook Solar shall either (a) convey a conservation easement to a qualified organization burdening the remainder of the land it purchased for the Project; or (b) it could continue the same project or a similar renewable energy generating facility with similar vertical, horizontal, and *subsurface footprint and impact*, subject to relevant regulatory approval." [Emphasis added.]

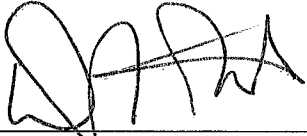
We thank the Committee members for their time and consideration.

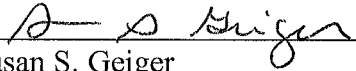
For all of the reasons indicated above, the Applicant respectfully requests that this honorable Committee:

- A. Grant a Certificate of Site and Facility to the Applicant for this Project;
- B. Grant a partial waiver from the decommissioning requirements as explained above; and
- C. Grant such further relief as it deems appropriate.

Respectfully submitted,

Chinook Solar, LLC  
By Its Attorneys

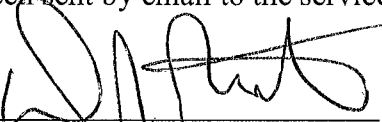
  
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Dated: September 25, 2020

**Certificate of Service**

I hereby certify that a copy of the foregoing request has on this 25<sup>th</sup> day of September, 2020 been sent by email to the service list in SEC Docket No. 2019-02.

By:   
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Douglas L. Patch