

INTRODUCTION

The Energy Facility Siting, Licensing, and Operation Study Committee was created by vote of the New Hampshire General Court in its 1989 session. It was formed based on a recommendation offered by the State Electrical Energy Needs Planning Committee in its report dated November 30, 1988. The recommendation reads:

- 2b. The committee recommends that the New Hampshire General Court investigate the procedures for siting, licensing and operation of energy facilities for efficiency and fairness. The Committee further recommends that the N.H. General Court investigate the procedures of public involvement to insure that neither state nor local practices unduly hinder the process.

The study committee focused its attention on integrating the state's two siting laws, Revised Statutes Annotated 162-F and RSA 162-H into a single statute. The revision creates one committee, the Site Evaluation Committee (SEC) from the two existent under the present laws.

The study committee made numerous modifications to the processes defined in the present laws to enhance the public's opportunity for input and to speed the selection process. These include increasing the jurisdiction of the SEC, decreasing the time frame, removing restrictions on direct questioning by the public in informational hearings and many others as detailed in this report.

The study committee also offers nine recommendations to insure that the process is fair and relatively swift.

The committee believes that implementation of these recommendations will assist the State in meeting its long-term energy needs as spelled out in the report of the State Electrical Energy Needs Committee.

**REPORT OF THE SITING, LICENSING AND OPERATIONS
STUDY COMMITTEE**

As a result of continuing concern about the ability of the State of New Hampshire to meet its growing energy needs while maintaining environmental quality, the New Hampshire General Court passed Chapter 239, Laws of 1989, creating the Energy Facility Siting, Licensing and Operations Study Committee. The law was based on Recommendation 2b of the State Electrical Energy Needs Planning Committee Report, dated November 30, 1988. The recommendation reads:

- 2b. The committee recommends that the New Hampshire General Court investigate the procedures for siting, licensing and operation of energy facilities for efficiency and fairness. The Committee further recommends that the N.H. General Court investigate the procedures of public involvement to insure that neither state nor local practices unduly hinder the process.

In testimony in support of House Bill 608, which became Chapter 239, it was noted that, despite significant progress in energy efficiency improvements, demands for energy production, handling and distribution systems would grow. Electrical generating plants typically have a minimum lead time of ten years and projections point to a need for new capacity within the New England region within five years. It is obvious that time frames which can be cut, must be cut.

It is also obvious that new facilities are difficult to site and license. The emergence of the so called NIMBY (Not In My BackYard) phenomenon, which is characterized by a generalized lack of willingness of communities or individuals to host facilities which may be required to meet greater social needs, demands that public input be unfettered by procedural rules. New and increasingly strict environmental laws also have the effect of lengthening the time periods necessary to site plants. Furthermore, appeals have sometimes prevented constructed and needed facilities from operating.

Chapter 239 described the composition of the committee and by whom the members were to be appointed. The membership was designed to bring together representation of each of the major sectors with a stake in the siting of energy producing

facilities. Heading the list were representatives of the General Court consisting of four members of House of Representatives, appointed by the Speaker, and four members of the Senate, appointed by the President.

Because this was a Legislative Committee, technically only the legislators on the committee were empowered to vote. All other members were ex-officio. The Co-chairmen, at the start, recognized the need to gather as much input as possible while avoiding the inhibition imposed by the voting rules. The committee therefore was run as an open forum utilizing a strategy of consensus building.

The others on the committee included several from government. They came from the Public Utilities Commission, the consumer advocate, the Governor's Energy Office and the Department of Environmental Services and were designated by statute. Also included was a representative from municipal government, who was appointed by the Governor and his Executive Council.

From the private sector came two representatives of electrical utilities and one from a natural gas company. Two members represented the alternative energy sector and one each represented the general business and the financial communities. All were also appointed by the Governor and Council.

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