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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

April 7, 2014 - 6:03 p.m.
Littleton Opera House
2 Union Street
Littleton, New Hampshire

In re: ***Public meeting of the Site
Evaluation Committee (SEC),
including a briefing on the
Pre-Rulemaking Process and
Legislative issues regarding the
SEC, and also matters related to
SEC Docket No. 2014-03, Motion
of Granite Reliable Power, LLC,
to Amend a Certificate of Site
and Facility, with Request for
Expedited Relief.***

PRESENT:

SITE EVALUATION COMMITTEE:

Cmsr. Thomas S. Burack
(Presiding as Chairman of SEC)

Chrmn. Amy L. Ignatius
(Vice Chairman of SEC)
Cmsr. Robert R. Scott
Cmsr. Martin P. Honigberg
Dir. Meredith Hatfield
Cmsr. Jeffrey Rose
Dir. Philip Bryce
Dir. Glenn Normandeau
Dir. Craig Wright
Dir. Brad Simpkins
Kate Bailey, Engineer
(Designated as PUC Engineer)

N.H. Dept. of Environmental
Services

N.H. Public Utilities Comm.

N.H. Public Utilities Comm.
N.H. Public Utilities Comm.
Office of Energy & Planning
Dept. of Res. & Econ. Dev.
DRED-Div. of Parks & Rec.
Fish & Game Department
DES-Air Resources Division
DRED-Div. of Forests & Lands
N.H. Public Utilities Comm.

Counsel for the Committee: Michael J. Iacopino, Esq.

COURT REPORTER: Steven E. Patnaude, LCR No. 52

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ALSO PRESENT:

Counsel for the Public: Peter Roth, Esq.
Senior Asst. Atty General
Department of Justice

Counsel for the Applicant: Harold C. Pachios, Esq.
(Preti Flaherty Beliveau
& Pachios)

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P R O C E E D I N G

1
2 CHAIRMAN BURACK: Good evening, ladies
3 and gentlemen. My name is Tom Burack, and I serve as the
4 Commissioner of the state's Department of Environmental
5 Services. And, in that capacity, I also serve as Chairman
6 of the New Hampshire Site Evaluation Committee. And, I'm
7 pleased to welcome you all to this evening's meeting.

8 The agenda for today's public meeting
9 includes three matters. The Committee will first receive
10 a briefing on some rulemaking and legislative issues. We
11 will then consider a Motion to Amend the Certificate of
12 Site and Facility filed by Granite Reliable Power, LLC, in
13 Docket Number 2014-03. We will then turn to Docket Number
14 2013-02, Application of New England Power d/b/a National
15 Grid, for an Application to construct a new 230 kilovolt
16 transmission line in the Town of Littleton. I should note
17 that we will create a separate transcript for that second
18 docketed matter. And, so, we will go through a set of
19 introductions at the start of both of these sessions here.

20 But what I'd like to do next is to turn
21 to my far right and ask the members of the Committee who
22 are here this evening if they would kindly introduce
23 themselves. And, I'm guessing you all can probably hear
24 okay, but why don't we just pass this microphone down.

1 DIR. HATFIELD: Good evening. I'm
2 Meredith Hatfield from the Office of Energy & Planning.

3 CMSR. SCOTT: I'm Bob Scott, with the
4 Public Utilities Commission.

5 DIR. NORMANDEAU: I'm Glenn Normandeau,
6 the Director of the New Hampshire Fish & Game Department.

7 DIR. WRIGHT: Craig Wright, Director of
8 the Air Resources Division, Department of Environmental
9 Services.

10 MS. BAILEY: Kate Bailey, with the
11 Public Utilities Commission. I'm an engineer.

12 VICE CHAIRMAN IGNATIUS: Amy Ignatius.
13 I'm Chairman of the Public Utilities Commission and, by
14 statute, also the Vice Chair of the Site Evaluation
15 Committee.

16 MR. IACOPINO: Michael Iacopino. I'm
17 Counsel to the Committee.

18 DIR. BRYCE: Phil Bryce, Department of
19 Resources and Economic Development, Director of Division
20 of Parks & Recreation.

21 CMSR. ROSE: Good evening. My name is
22 Jeff Rose. I'm the Commissioner of the Department of
23 Resources and Economic Development.

24 DIR. SIMPKINS: Brad Simpkins, Division

1 of Forests & Lands within the Department of Resources and
2 Economic Development.

3 CMSR. HONIGBERG: I'm Martin Honigberg.
4 I'm with the Public Utilities Commission.

5 CHAIRMAN BURACK: Our first item of
6 business will be a briefing from Meredith Hatfield on the
7 status of the Pre-Rulemaking Process for the adoption of
8 rules relative to the criteria for the siting of energy
9 facilities. Meredith is the Director of the Office &
10 Planning, as you've heard, and, in that capacity, is also
11 a member of this Committee. Pursuant to RSA 162-H:10,
12 VII, which was adopted pursuant to New Hampshire Laws 2013
13 Chapter 134, Section 2, colloquially referred to as "SB
14 99", the Committee must, and I quote, "adopt rules
15 pursuant to RSA 541-A, relative to criteria for the siting
16 of energy facilities, including specific criteria to be
17 applied in determining if the requirements of RSA
18 162-H:16, Sections IV(b) and (c) have been met by the
19 applicant for a certificate of site and facility."
20 Pursuant to the requirements of the statute, the Office of
21 Energy & Planning has engaged in a public stakeholder
22 process to develop regulatory criteria. Director Hatfield
23 will give us a short briefing on the progress being made.
24 I also understand that she may brief us on the status of

1 some pending legislation in the Legislature relating to
2 the Site Evaluation Committee.

3 With that, Director Hatfield.

4 DIR. HATFIELD: Thank you. Good
5 evening, everyone.

6 CHAIRMAN BURACK: Let me pass the
7 microphone down to you.

8 DIR. HATFIELD: As Commissioner Burack
9 reminded everyone, Senate Bill 99 from the last session
10 had several sections, but the one that he mentioned is
11 most relevant to us. It requires that the Site Evaluation
12 Committee promulgate siting regulations by January 1st of
13 2015. So, I've given you a few pieces of paper. There
14 are extras. And, so, if you want to leave them for the
15 audience, that would be great. They are also available
16 online, if someone would like to get them that way.

17 The first document I wanted to make you
18 aware of is Chairman Burack did issue a Notice of a
19 Pre-Ruling Process. And, for those of you who are with
20 agencies, I'm sure that you often use that informal time
21 before you begin rules to get a little input, and that is
22 what this notice to the public is about.

23 Senate Bill 99 requires OEP to assist
24 with that process. And, the second piece of paper that

1 I've given you is a new page on OEP's website that we've
2 created to try to provide information to the public about
3 the process of making rules. And, you'll note that a
4 first open public meeting on this topic is scheduled for
5 this Friday in the Legislative Office Building in Concord.

6 Our hope over the next couple months is
7 to bring together interested members of the public to get
8 their input on what we could bring forward to the SEC, in
9 terms of information. And, if there is any consensus on
10 any issues, OEP would deliver that to the Site Evaluation
11 Committee. And, then, as a group, we will be working on
12 an Initial Rules Proposal.

13 So, I wanted to make sure that you were
14 all aware of that. If anyone wants to talk about this,
15 I'm happy to talk to you about it offline. I would
16 encourage you to have staff attend the session on Friday,
17 if you're able to do that. And, you know, it will be a
18 pretty fluid process over the next few months, really,
19 depending on what kinds of public involvement we get and
20 what level of interest there is in this topic. And, our
21 goal is, by the beginning of June, to be able to provide
22 something to the SEC that we hope will be helpful in
23 developing that Initial Rules Proposal.

24 I did give you two other documents. I

1 gave you a copy of Senate Bill 245, as it passed the
2 Senate. It now is in the House Science, technology &
3 Energy Committee. This is the major legislation related
4 to the Site Evaluation Committee, and it makes several
5 significant changes to the SEC. I just wanted to make
6 sure that you had a copy of it as it is working its way
7 through the House now.

8 And, then, I also gave you a copy of
9 Senate Bill 281, which is related to wind siting. And,
10 this bill also has passed the Senate and is working its
11 way through the House Energy Committee, and it would
12 provide guidance to this body as we develop rules in the
13 coming months.

14 So, this is really just by way of FYI.
15 I wanted to make sure that you were up-to-date with the
16 legislative activity, and also that you knew that we were
17 starting this Pre-Rulemaking Process. Thank you.

18 VICE CHAIRMAN IGNATIUS: Mr. Chairman,
19 one question? You may have already said this, but if
20 people, and I apologize if I missed it, if people want to
21 see how to participate in those siting discussions or see
22 any of the drafts, is all of that posted on the website
23 and will continue to be updated?

24 DIR. HATFIELD: Yes. Thank you. I gave

1 you a copy of the page that we will be using to post all
2 that information. It's at OEP's website, which is
3 *nh.gov/oep*. And, right on our front home page, you'll see
4 a link for Senate Bill 99 related to the siting issues,
5 and that's where we will be posting all of the
6 information.

7 And, also, just to be clear, there's a
8 lot more public process to come after this. This is the
9 sort of pre-rulemaking phase. Then, once the SEC begins
10 its process, there will be a whole lot more opportunity
11 for the public to weigh in as well.

12 CHAIRMAN BURACK: Director Hatfield,
13 thank you very much for that report.

14 Our next order of business is in Docket
15 Number 2014-03, in which Granite Reliable Power, LLC, has
16 filed a Motion to Amend the Certificate of Site and
17 Facility for the Granite Reliable Power wind facility,
18 which is located in the unincorporated areas and in the
19 Town of Dummer, in Coos County.

20 And, before we proceed any further with
21 this matter, the members of the SEC -- I'm sorry, the
22 members of the Public Utilities Commission have a matter
23 they just need to address here.

24 VICE CHAIRMAN IGNATIUS: Thank you.

1 Thank you. This is something just for the PUC members, a
2 bit of business. By statute, when the full Committee is
3 in session taking up a matter, we are required to appoint
4 an engineer to be a participant. And, you heard Kate
5 Bailey introduce herself, she's seated to my right,
6 introduce herself as an engineer on staff at the Public
7 Utilities Commission. I would move that we designate
8 officially Kate Bailey to serve as an engineer in Docket
9 2014-03 regarding Granite Reliable Power.

10 CMSR. SCOTT: Second.

11 VICE CHAIRMAN IGNATIUS: So, it's
12 seconded by Commissioner Scott. The only people who can
13 vote on this is the three PUC Commissioners. So, all in
14 favor, please signify by saying "aye".

15 (PUC Chairman and Commissioners
16 indicating "aye".)

17 VICE CHAIRMAN IGNATIUS: Any opposed?

18 (No verbal response)

19 VICE CHAIRMAN IGNATIUS: We don't have
20 any others. It's unanimous. Thank you.

21 CHAIRMAN BURACK: Thank you very much.
22 I'm going to now provide some background on this matter.
23 Granite Reliable Power, LLC, was issued a Certificate of
24 Site and Facility on July 15, 2009, in SEC Docket Number

1 2008-04. That Certificate included the Committee's
2 approval of the High Elevation Mitigation Settlement
3 Agreement, which we'll refer to as the "Settlement
4 Agreement". The Settlement Agreement was incorporated as
5 a condition of the Certificate. On March 12, 2014,
6 Granite Reliable Power, LLC, filed a motion to amend the
7 Certificate. The Motion requests an amendment to the
8 Certificate that removes the 12 foot limitation on high
9 elevation access road width and revises the revegetation
10 requirements and permits greater access road widths. An
11 amendment to the Settlement Agreement has been proposed by
12 Granite Reliable. Granite Reliable asserts that the New
13 Hampshire Fish & Game Department and the Appalachian
14 Mountain Club support the proposed amendment. Granite
15 Reliable also requests expedited review of the Motion to
16 accommodate the spring planting season.

17 Counsel for the Public has filed an
18 objection to the Motion and asserts that the proposed
19 amendment should be denied and that expedited review is
20 not necessary.

21 Upon receipt of the Motion, an Order and
22 Notice of Public Hearing was issued. The Order and Notice
23 scheduled a public hearing for tonight. The Order and
24 Notice also set deadlines for the filing of motions to

1 intervene. The Order and Notice was published in the
2 Berlin Daily Sun on March 20, 2014, and in the New
3 Hampshire Union Leader on March 21, 2014. Affidavits of
4 publication were filed with the Committee on March 27,
5 2014. The authority for this hearing is set forth in RSA
6 162-H:4, II.

7 And, although, as of this particular
8 moment, no party has yet formally sought to intervene in
9 the proceeding, I am aware of at least one party that
10 approached us this evening and informed of us of an
11 interest in filing a motion to intervene, understanding
12 that today is, in fact, the deadline for doing so. I
13 should also point out that, on March 27, 2014, Counsel for
14 the Public filed an objection to the motion. Since
15 counsel for the Public has lodged an objection to the
16 Motion to Amend the Certificate, this matter should be
17 considered to be a -- should be considered to be a
18 contested case and will require an adjudicative
19 proceeding.

20 With that in mind, I would entertain a
21 motion from a member of the Committee regarding further
22 proceedings on this matter. Is there someone who would
23 like to make a motion? Mr. Wright -- Director Wright.

24 DIR. WRIGHT: Thank you, Mr. Chairman.

1 I move that we schedule a prehearing conference with
2 Counsel to the Committee and that we adjourn this matter
3 for the scheduling of an adjudicative proceeding, the date
4 and time which is to be set by the Chair following the
5 prehearing conference.

6 CHAIRMAN BURACK: Thank you. Is there a
7 second to that motion?

8 CMSR. SCOTT: Second.

9 CHAIRMAN BURACK: Okay. Is there any
10 discussion from the Committee at this point on this
11 matter?

12 (No verbal response)

13 CHAIRMAN BURACK: If not, are there any
14 members of the public or folks here in the audience who
15 would like to be able to speak briefly regarding this
16 matter before we take this vote? Yes, sir. Would you
17 please step forward and introduce yourself.

18 MR. SAMSON: Mr. Chairman, for the
19 record my name is Richard J. Samson, Rick Samson, Coos
20 County Commissioner, District 3, in which this facility is
21 located. And, just as a matter of geography, Phil, Jeff,
22 and Brad know that there is land north of Littleton. And,
23 I appreciate that. I have given written testimony today
24 and will read my testimony for the record. And, I only

1 had ten copies. I did not realize the full Site
2 Evaluation Committee would come this far north. So, thank
3 you very much for making the trip.

4 As the duly elected Coos County
5 Commissioner District 3, I'm requesting intervenor status
6 for Docket Number 2014-03. The proposed request is
7 situated in District 3, which I represent, on private
8 lands located in Dixville, Erving's Location, Millsfield,
9 Odell, and the Town of Dummer, in Coos County.

10 I am respectfully requesting that the
11 Site Evaluation Committee recess this public hearing,
12 re-advertise Docket Number 2014-03, Motion of Granite
13 Reliable Power, LLC, to Amend a Certificate of Site and
14 Facility with Request for Expedited Relief, for the
15 following reasons: Number one, the location of the public
16 hearing in Littleton is outside of Coos County, in which
17 the facility is located. The advertising was not located
18 in the vicinity of the facility. Even though it was in
19 the Berlin Daily Sun, it was not in the Colebrook
20 Chronicle, Colebrook News & Sentinel, or the Coos County
21 Democrat. Neither the Coos County Commissioners, Business
22 Administrator, nor the Coos County Planning Board were
23 notified of this application or meeting, with the
24 exception of the duly noticed public ads.

1 I am respectfully requesting the Site
2 Evaluation Committee schedule this hearing in the effected
3 County of Coos, at the DRED building in Lancaster, and be
4 advertised in the local North Country papers located in
5 Coos County.

6 And, as for expediting this request, I
7 would like to mention that we still have over three feet
8 of snow up north, and it's going to be quite sometime.
9 So, I would be glad to answer any questions that the
10 Committee may have.

11 CHAIRMAN BURACK: Thank you very much,
12 Commissioner Samson. Appreciate your being here. We will
13 certainly take your motion and request under
14 consideration.

15 MR. SAMSON: Thank you, Mr. Chairman.

16 CHAIRMAN BURACK: So, thank you. Is
17 there anything further from any other parties?

18 (No verbal response)

19 CHAIRMAN BURACK: If not, I would ask
20 for a vote on the motion. Again, this was the motion to
21 schedule a prehearing conference with counsel and adjourn
22 this matter subject -- adjourn this matter for the
23 scheduling of an adjudicative proceeding, and, in light of
24 what we just heard, there may be a necessity for a further

1 public hearing as well. But, again, dates for all of
2 these will be set by the Chair after the prehearing
3 conference.

4 Is there any further discussion of the
5 motion?

6 (No verbal response)

7 CHAIRMAN BURACK: If not, all in favor
8 please signify by saying "aye"?

9 (Multiple members indicating "aye".)

10 CHAIRMAN BURACK: Any opposed?

11 (No verbal response)

12 CHAIRMAN BURACK: Thank you. Okay.
13 That passes unanimously. There being no further action
14 taken on this docket this evening, I will now close this
15 portion of this evening's proceedings, and want to thank
16 all of the interested parties for their attendance on that
17 matter.

18 **(Whereupon the public meeting was**
19 **adjourned at 6:21 p.m.)**