

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

Motion of Granite Reliable Power, LLC,)	
To Amend Certificate of Site)	Docket No. 2014-03
And Facility with Request for)	
Expedited Relief)	
.)	

**MOTION OF COUNSEL FOR THE PUBLIC FOR AN ORDER DIRECTING THAT
HEARINGS ON THIS MATTER BE CONDUCTED IN COOS COUNTY**

Counsel for the Public, by his attorneys, the Office of the Attorney General, hereby moves the Committee for entry of an order, pursuant to RSA 162-H:10, II, directing that all further hearings on this matter be held in Coos County, where the project is located. In support hereof, Counsel for the Public respectfully represents as follows:

1. This matter involves a facility constructed and operating in the northern reaches of Coos County. The project site involves several small towns and unincorporated places. Millsfield, the principal location, has a population of 15 people. Coos County is the State’s largest county in terms of landmass, but is also the State’s least populated county.

2. Travel from Errol or Colebrook to Concord is approximately three hours by car in good weather and conditions and is not easily done as a day trip. Cost is also a factor; travel, meals and lodging for a night in Concord could exceed \$200 for a one day trip.¹

¹ Lodging at the Holiday Inn, Concord NH is approximately \$99/night. It is 114 miles from Berlin to Concord, at \$0.56/mile the “cost” of the trip is approximately \$64. The State of New Hampshire’s per diem rate for meals in New Hampshire is \$46. The GSA per diem rate for Concord, New Hampshire is \$51.

3. Pursuant to RSA 162-H:10, II, hearings in this case

may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee.

Clearly the legislature contemplated that in certain cases the public interest would best be served by holding the adjudicative and other hearings in the county where the facility is located.

4. The adjudicative proceedings of this case in 2009 generated a great deal of interest in the case from North Country residents. At the public comment session in Lancaster on March 23, 2009, over 40 people spoke for 2 ½ hours. The Committee's docket shows that there were 20 hearing dates in this matter (not including "technical sessions") over a one year period spanning roughly the second half of 2008 and the first half of 2009.² Of this number the Committee convened only three times in Coos County--the initial public meeting on October 2, 2008, as required by law, a half day of testimony and closing arguments on March 19, 2009, and the public comment session on March 23, 2009. This did not provide much of an opportunity for people in Coos County to meaningfully participate in or observe the many days of adjudicative process, or the six days of deliberations by the Subcommittee where the views of the public should have been discussed.³

² Counsel for the Public filed a motion on October 13, 2008, to require that all hearings be held in Coos County. The Applicant objected on October 23, 2008. The Committee's presiding officer denied the motion on February 10, 2009, citing "serious professional challenges to the members of the Subcommittee" and administrative inefficiency.

³ Unfortunately, there is very little in the record of the deliberations or the final decision showing what consideration the Subcommittee gave to any public comment about the project. *See, e.g.*, Decision and Order, dated July 15, 2009, pp. 7-8 (stating that public comments were considered but not providing any discussion or analysis of them).

5. On December 31, 2013, as required by Senate Bill 99, the Office of Energy and Planning published *New Hampshire's Energy Facility Siting Process: Report on Stakeholder and Citizen Feedback*, by Raab Assocs., Ltd. (the "SB 99 Study").⁴ One finding of the SB 99 Study was that 40% of those polled at the Citizens Workshop held in Groveton believed that the current SEC process for soliciting public input was "very ineffective." An additional 29% believed that the process was lesser degrees of ineffective. SB 99 Study, p. 3-19, table 3-8. Results similar to those seen at Groveton were found at the other workshops – "67% of participants from all five workshops concluded that the current SEC process ranged from very ineffective to somewhat ineffective in soliciting meaningful public input." SB 99 Study, p. 3-19. In addition, when polled to say "how well does the SEC currently do in considering and weighing public input into the decision-making process," 37% of Groveton participants rated it "very ineffective" and an additional 27% rated it somewhat ineffective. SB 99 Study, p. 3-20, table 3-9. Overall, "57% of participants from all five workshops concluded that the current SEC process ranged from very ineffective to somewhat ineffective" in considering and weighing public input. *Id.*, p. 3-20.⁵ The SB 99 Study makes it plain: "Citizens do not feel heard." *Id.*, p. E-1 (Groveton listening session notes).

6. Holding hearings in Concord with its attendant costs, burdens and risks could deprive the people of Coos County a meaningful opportunity to observe and participate in the proceedings. It would also provide further corroboration of the wide-spread and deeply felt

⁴ The SB 99 Study can be accessed on the OEP website at:
<http://www.nh.gov/oep/energy/programs/documents/sb99reportonly.pdf>.

⁵ Similarly, a significant number of participants at the focus groups held as part of the SB 99 Study process believed that the status quo was not an acceptable alternative for means of public participation. SB 99 Study, p. 2-20.

sense of New Hampshire citizens that the Committee does not hear or give weight to their input.

7. Counsel for the Public consulted counsel for the movant, and the intervenors to determine whether they would concur in the relief requested. Counsel for the movant did not respond; both intervenors indicated no objection.

WHEREFORE, Counsel for the Public respectfully requests that the Committee enter an order directing that further hearings and proceedings in this matter be conducted in Coos County, and granting such other and further relief as may be just.

Respectfully submitted,

COUNSEL FOR THE PUBLIC

By his attorneys

JOSEPH A. FOSTER
ATTORNEY GENERAL



Peter C.L. Roth
Senior Assistant Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, New Hampshire 03301-6397
Tel. (603) 271-3679

Certificate of Service

I, Peter C.L. Roth, do hereby certify that I caused the foregoing to be served upon the parties in the case by submitting it to the Committee's Clerk for electronic distribution by her to the Service List.

Dated: April 14, 2014

/s/ Peter C.L. Roth
Peter C.L. Roth