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Chairman Martin Honigberg  
New Hampshire Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301

Re: Rulemaking, Docket No. 2014-04

After reviewing the final draft rules, I still have some issues I feel need your review and either addition to or clarification of the rules.

Site 301.03 (c) (6) With regards to the proposed SEC rules thus far, I am still not satisfied with the wording regarding control of a project's route for an application. It appears to be opening the door for the Northern Pass which wants to file its application, yet does not have complete control of its route, either in northern Coos county or along the roadways where the NP intends to bury its lines. All permitting, etc. should be totally completed prior to the application to save the SEC's, as well as the public's, time due to route revisions.

The power of your committee to supposedly preempt municipal town zoning laws and master plans needs to be addressed. Commissioner Burack's statement, "I will offer the observation, and I know this may not be accepted by some, but I think we need to acknowledge that the Legislature, in creating this statute, really expected that this body would act as a statewide planning and zoning board and would have the authority to effectively preempt local planning and zoning ordinances, master plans, etcetera, *to the extent that they may exist and might otherwise lead to a different outcome with respect to a particular project.*" is unrealistic. I highly doubt that the intent of the legislature is that any nine people should be able to destroy towns all over NH by giving the power to an energy company to preempt towns' rules. That type of authority would not be merely inferred by a statute. It should have to be granted only by a specifically worded, legislative action and even then, it is an unacceptable abuse of our constitutional rights.

“New ” Large energy projects applying for a permit shall be labeled as “essential” (necessary to keep the lights on) or “elective.” Basic words, clear and understandable by all, so as not to distort the general purpose of the point, as happened in the committee's earlier discussion, which was...Elective projects should not be granted powers available to “essential” projects.

“Considered” used throughout your rules should be replaced. Considering a historic site, a town's economy, a negative visual impact, a master plan or zoning rules, does not offer any protection to those entities. It is a way to proceed as the energy companies want to proceed.

“New” “All elective transmission lines shall be buried unless proven it is not possible.” The technology is available and burial of lines would remove many of the negatives.

“New ” “If a town or municipality votes to place certain restrictions on an energy project, the project shall abide by the will of the town.”

“Every project shall submit with the application a map of the entire project showing buildings in the affected areas with their distance from the project. They shall also include the buildings' purpose (high school, hospital, daycare center, etc..)”

“New ” “If additional lines or voltage is to be added to the lines and towers, there shall be a further application made to the Site Evaluation Committee to consider the new parameters and notice of such addition(s) shall be required to be submitted to the affected town officials.”

“New ” “Transmission lines or towers shall have setback requirements .” Despite your acceptance of the National Grid's recommendation that there is no need for setbacks for transmission lines and towers, and despite Attorney Wiesner's comment: “Theoretically, there is a risk of fall. But the risk is so minimum, versus the other benefits of the development, that it should be permitted.”, there is a need setback rules. Commission Burack's reasoning that just because pictures of fallen towers and poles did not list where, when and why the poles had fallen, they could be ignored and since the risk is low there is no need for setbacks, is unacceptable. In the ice storm of 1998, as one example, one thousand steel poles and thirty five thousand wooden poles fell.

Is that a minor risk? Aren't setbacks necessary?

“Transmission lines in areas with residences or public buildings shall have a routine *five year* inspection by an electrical engineer, unrelated to the project, to ascertain the EMFs or mGs are within the updated (at that time) guidelines for safety.”

“New ” “The decline in property values due to any energy project shall be included in the application form, verified by a certified appraiser of the affected area, unrelated to the project.”

“New ” “Loss of property value shall be compensated to the owner by the offending project . ” When a woman testifies at a hearing that her husband had died, all her money was tied up in her home and when asked how much her property value would decrease, she was told only 10%, she was horrified. Why should people lose “their” money to subsidize a for profit company?

“New ” “The application shall include the realistic estimated numbers of jobs lost, due to a project . ” (Currently it only includes the number of jobs created due to a project.) It is a case of giving you, the SEC, the negative and positive numbers, as you discussed.

“New ” “The potential effect on the economy of the town, area, etc., of an energy project, shall be considered. There shall be no negative effects allowed for “elective projects” and considerable proof of necessity and a town vote of support for “essential” ones. ”

“New ” “Private views, as well as public views, shall not be damaged for an “elective” project.”

“Day and night visits to the area for a project *shall be required* by the SEC voting members prior to the voting. A balloon shall demonstrate the highest point of the project if over a certain height.”

“New ” “There shall be *required unannounced* visits to the area of a project under construction by an inspector unrelated to the project.” (The purpose being to ascertain building practices are according to the rules. IT must be specified NO notice is to be given.)

“New ” “Any departure from the specific rules for a project shall be fined on a daily basis, and collected, until the matter is corrected. (The fines would act as a deterrent and a source of revenue for the SEC.)

“The funds for decommissioning shall be proved available at the beginning of the project and remain available.” A parent company, with a good credit rating, is not sufficient. No company is too big to fail, as we have witnessed. You are taking the advice you requested from the National Grid and not considering the potential consequences for the people of this state.

I know your job is extremely difficult and I urge you to not just accept the recommendations of the industry representatives. You have the ability, as I previously said, to change thousands and thousands of lives for the worse. You must give the people more consideration.

Thank you,

Dorothy McPhaul