

NEW HAMPSHIRE
SUSTAINABLE ENERGY
ASSOCIATION



February 19, 2016

The New Hampshire Site Evaluation Committee
21 South Fruit Street
Concord, NH 03301

RE: Docket DE 2015-02 Antrim Wind Energy, LLC

Dear Chairman Honigberg and Members of the Committee:

We are writing to urge the New Hampshire Site Evaluation Committee (“SEC” or “Committee”) to consider New Hampshire’s statutory energy policies as the SEC adjudicates issues presented in the Antrim Wind Energy (AWE) project in Docket DE 2015-02 and contemplates a public interest standard that comports with existing statutes. New Hampshire’s renewable energy policies are bipartisan, broadly supported by the public, and have stood up to scrutiny over many contentious political cycles.

Because the course and the result of the Antrim Wind proceeding will impact future renewable energy investment decisions, it is important that the SEC’s processes and decisions create regulatory certainty and avoid market confusion. While we understand that no project is perfect, the process for determining whether a project receives a Certificate of Site and Facility must be impartial, fair, transparent, objective and principled. Otherwise, New Hampshire stands to lose a great deal more than the opportunity for 28.8 Megawatts of clean, local, renewable energy that AWE brings to our state.

As the largest member-based non-profit in New Hampshire that is dedicated to the advancement of environmentally-sound and economically beneficial clean energy, the New Hampshire Sustainable Energy Association (NHSEA) and the New Hampshire CleanTech Council (NHCTC) urge you to carefully consider the breadth and depth of statutory support for renewable energy resources evidenced in the statutes set forth below as you decide the future of AWE specifically, and wind siting generally.

NH RSA 378:37, New Hampshire Energy Policy: “The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources;...and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources.” AWE offers diversity to our electrical energy supply resources, at a low and predictable cost to end-users. AWE also offers our state an emission-free source of energy supply that does not pollute our air or water and does not in any manner threaten the health or safety of NH citizens. Peer-reviewed, epidemiological studies conducted on the health effects of wind energy have concluded that there is no evidence of adverse health effects.¹

¹ <http://www.mass.gov/eea/docs/dep/energy/wind/turbine-impact-study.pdf>

NH RSA 374-F, Electric Utility Restructuring: The opening section of one of NH’s foundational energy statutes states that, *“The most compelling reason to restructure the New Hampshire electric utility industry is to reduce costs for all consumers of electricity by harnessing the power of competitive markets.”* AWE is a merchant project that is only possible because of a long process of market transformation and competition in the electric power supply market. It is projects like AWE that were intended by 374-F—fuel-free projects that bring electricity costs down for consumers and that bear the risk of development. Additionally, 374-F:3, IX states that, *“Increased future commitments to renewable energy resources should be consistent with the New Hampshire energy policy as set forth in RSA 378:37 and should be balanced against the impact on generation prices.”* AWE will help mitigate generation price volatility and rising average wholesale prices by providing low-cost power at stable prices which are not subject to fluctuating fuel costs, such as we are seeing currently in the natural gas-fueled electric supply prices.

NH RSA 362-F:1, Electric Renewable Portfolio Standard. The final sentence of 362-F’s Purpose statement concludes that, *“It is therefore in the public interest to stimulate investment in low emission renewable energy generation technologies in New England and, in particular, New Hampshire, whether at new or existing facilities.”* One of New Hampshire’s pivotal energy policies expressly states that it is in the public interest to stimulate investment in new, renewable energy. AWE is a perfect example of such investment. This is an important consideration under the public interest standard in RSA 162-H:16, IV(e) which the SEC must determine.

NH RSA 162-H. Energy Facility Evaluation, Siting, Construction and Operation. NH RSA 162-H is replete with language on what constitutes a public interest finding. Among other sections of 162-H, including the purpose statement, section **H:10-a, Wind Energy Systems** states, *“To meet the objectives of this chapter, and with due regard for the renewable energy goals of RSA 362-F, including promoting the use of renewable resources... the general court finds that appropriately sited and conditioned wind energy systems subject to committee approval have the potential to assist the state in accomplishing these goals. Accordingly, the general court finds that it is in the public interest for the site evaluation committee to establish criteria or standards governing the siting of wind energy systems in order to **ensure that the potential benefits of such systems are appropriately considered and unreasonable adverse effects avoided through a comprehensive, transparent, and predictable process.**”* The SEC has completed its work to establish criteria governing the siting of wind energy systems, and now it must demonstrate to the state that such criteria is indeed transparent, comprehensive and predictable for all projects, including AWE. As the first project to come before the committee since such criteria was established, AWE is an important test case to ensure the potential benefits and unreasonable adverse effects are balanced, and that the result of applying those benefits and unreasonable adverse effects truly serve the public interest: myriad statues pre-dating 162-H:10 have already found that wind energy in NH serves the public interest.


Given the broad policy support for wind energy in New Hampshire, reasonable projects should be able to follow a clear path to earning a Certificate of Site and Facility in our state. The legislature has already deemed renewable energy projects to be in the public interest, a finding that must not be ignored nor discounted in the SEC process. Any discordance in this process, however unintended, would be counter to the legislative intent of our state’s energy policies. The above-cited policies prioritize renewable, diverse, and locally-sited sources of energy. Yet the SEC’s recent decisions regarding actual projects that further these statutory goals have been seemingly at odds with such policy goals.

As a local wind energy project, AWE clearly meets the goals articulated in the above-cited statutes. If it is found to meet the remaining siting criteria required by 162-H, then the Committee must issue a Certificate. As RSA 162-H:10-a clearly states, it is in the public interest for the Committee to establish criteria in order to ensure that potential benefits are appropriately considered and unreasonable adverse effects are avoided through a transparent, comprehensive, and predictable process. We are concerned that the SEC process has become less than predictable, and more focused on sentiment, however legitimate, rather than on objective policy, evidence, and the public interest. There are many important community and statewide factors to consider in addition to our policies. Aesthetics, while important to a state of scenic beauty like New Hampshire, is but one factor among many that must be considered. Empirical evidence rather than public sentiment or subjective feelings about aesthetics must govern the SEC's decisions. The aesthetics criterion cannot outweigh others such as economic development, environmental protection, and historic preservation. New Hampshire has three commercial scale wind facilities that have not created unreasonable adverse effects toward any of these criteria, to the citizens of this state, individual property rights, the landscape, the economy, or the public health. AWE shares many similarities with other existing wind facilities that have received SEC certificates; there is nothing unusual about it.

It is important to consider wind power's significant environmental attributes associated with its lack of air-emissions and water usage. It can be developed responsibly, with community input, and while also maintaining an emphasis on the value we place on scenic landscapes, tourism, and environmental stewardship. We know this is true because of past history. Each wind project, similarly to each and every larger-scale energy project, must be evaluated on its own merits. AWE is no different. However, it is important that the SEC not deviate from standards established in prior wind siting decisions and that currently apply to the three certificated wind projects in New Hampshire. Subjecting AWE to an unpredictable process or imbalanced standards would be antithetical to actual, existing statutes and standards. It would be harmful not only to our economy, but also our environment, if New Hampshire sets a moving target for siting wind energy that no reasonable investors or community participants can predict and reasonably comply.

AWE is a sound project that will contribute to the diversity of New Hampshire's portfolio of clean, renewable energy resources. It has proven its commitment to our state, to the community in which it would be built, and to the goals of each and every one of our state's energy policies. We respectfully ask that you carefully consider the state's energy policy goals, myriad site-specific criteria, and the future of clean energy investment in our state as you work toward your decision in DE 2015-02. We think that you will find that AWE meets, if not exceeds, the important standards that must be met to earn a Certificate of Site and Facility.

Sincerely,



Kate Epsen
Executive Director
New Hampshire Sustainable Energy Association
New Hampshire CleanTech Council