

September 17, 2015

David K. Wiesner, Staff Attorney  
New Hampshire Public Utilities Commission  
12 South Fruit Street, Suite 10  
Concord, NH 03301

RE: SEC Rules Must Not End Run the Legislature


Dear Mr. Wiesner:

We write once again on behalf of the International Brotherhood of Electrical Workers (IBEW) with respect to the SEC rules process. The IBEW represents the hard working, highly skilled women and men in the electrical construction and maintenance industries. Our membership supports an orderly and objective review of proposed energy facilities. As we have said previously, the SEC rules should provide a process to achieve that purpose. We have closely watched and participated in the SB 99 and SB 245 legislation dealing with the siting of energy facilities. We have also been monitoring the SEC rules process and have reviewed the related materials on the SEC website and attended public sessions.

We have had the opportunity to review the draft final proposed rules submitted via letter dated September 1, 2015 to JLCAR. We were troubled to learn that notwithstanding our letter of November 10, 2014 and similar objections from others, the draft final proposed Site 301.16 providing for the public interest reinserts virtually the identical language ([http://www.gencourt.state.nh.us/legislation/2014/SB0245\\_SA.html](http://www.gencourt.state.nh.us/legislation/2014/SB0245_SA.html)) which was removed by the Senate Finance Committee amendment adopted by the full Senate on March 27, 2014 ([http://www.gencourt.state.nh.us/legislation/2014/SB0245\\_SA.html](http://www.gencourt.state.nh.us/legislation/2014/SB0245_SA.html)). The final version of SB 245 as enacted by both bodies as Chapter 217, Laws of 2014 did not reinsert the language removed by Senate Finance. While we appreciate that the anti-development conservation groups would like to bootstrap the language they lost in the legislative fight into the definition of "public interest," the SEC should not be the enabler of an attempt to end run the legislature.

Since our letter of last November, another provision which is contrary to legislative interest has been inserted at proposed Site 301.03(h)(6) dealing with cumulative impacts. As your counsel attempted to caution you, (See SEC Transcript of July 9, 2015) "cumulative impacts" was applicable to wind energy projects, not all energy facilities. We are aware that certain stakeholders were more amenable to the final revision of SB 245, when it was clear "cumulative impacts" involving only wind energy projects would be handled in a separate bill, namely HB 1602 of the 2014 Legislative Session. Again, we realize that the anti-development, conservation groups would like "cumulative impacts" to be applied to all energy facilities not just wind projects as provided by the Legislature, but we would respectfully point out that the SEC is bound by the policy established by the Legislature.

Sincerely,

A handwritten signature in black ink that reads "Denis R. Beaudoin". The signature is written in a cursive style with a large initial "D".

Denis Beaudoin  
Business Manager  
IBEW Local 490

A handwritten signature in blue ink that reads "Brian T. Murphy". The signature is written in a cursive style with a large initial "B".

Brian Murphy  
Business Manager  
IBEW Local 104