

From: Nancy Martland
Sent: Thursday, September 17, 2015 10:57 AM
To: Murray, Jane; Wiesner, David K
Subject: Comment on Rulemaking, SEC Docket 2014-04

To: Jane Murray, NH DES and David Wiesner, NH PUC
From: Nancy Martland
Re: Comment on Rulemaking, SEC Docket 2104-04

I am very concerned about the current draft SEC rules regarding the following:

1. The ability of the SEC to override municipalities' objections to the siting of energy facilities within their municipal jurisdiction confers enormous power on the SEC. This power to compel towns to allow activity that they find harmful and to which they object is not to be taken lightly and should be carefully and closely regulated . When a project would take away municipal control over its own jurisdiction through state preemption, it seems essential that every care is taken to identify and consider the views of such municipalities. In fact, "consideration" is too weak. Municipal views must be an important factor in these decisions. I don't think these rules achieve that goal. What is "due consideration" for example? What does that mean? What, in practical, meaningful terms, is the role of municipal views? How are municipal views represented in an application and in the decision-making process? This needs to be specified.
2. Conditions under which preemption is not allowed should be named. For example, if a project is not required for system reliability, I don't believe that the state should be able to preempt municipal zoning and planning regulations. The state of NH, for example, does not allow the use of eminent domain for private, for-profit transmission projects. Preemption amounts to a form of eminent domain and should not be allowed in the case of private, for-profit projects either.
3. Set backs should be established for transmission lines following FERC or HUD standards.
4. The members sitting on a case before the SEC should be required to visit, in person, the proposed site(s) of the applicant project.

Thank you for your consideration.

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