



The Senate of the State of New Hampshire

107 North Main Street, Concord, N.H. 03301-4951

October 27, 2015

Martin P. Honigberg, Chair
NH Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Dear Chairman Honigberg:

This letter is written to ask the Site Evaluation Committee to reaffirm the Administrative Rule package recently presented to the Joint Legislative Committee on Administrative Rules. While there may be cause to make some modifications of a technical nature, please defend the core objectives of the rules as you have presented them.

As original co-sponsors of SB 245, we are particularly concerned with efforts to undermine the new proposed rule that guides the SEC on how it reaches the new finding required in SB 245 that an energy facility project serve the public interest. The requirement that the SEC make an affirmative public interest finding is the heart and soul of SB 245. It is why we introduced the legislation. The new proposed rule Site 301.16 makes clear to all potential stakeholders what considerations the SEC should use as a foundation in reaching this finding. None of the provisions of this proposed rule are intended to individually or collectively disqualify a project; rather, Site 301.16 creates a clear expectation for all as to how the SEC does its job in assessing whether the public interest is served by a proposed project. This is part of balancing the health of the environment with the generation and delivery of energy—the core purpose of the statute establishing the SEC (RSA 162-H).

We are also concerned that JLCAR has suggested in its preliminary objections that the proposed rule regarding cumulative impacts, Site 301.149(g), is inconsistent with the legislative intent. Another core objective of SB 245 was to assure the public that the SEC would, at the very least, consider the cumulative impacts one or more projects in a region would have on the environment in that region. We strongly encourage you to retain the language of this proposed rule when you respond to JLCAR's preliminary objection.

We believe that the SEC has done a good job in preparing the rules recently submitted to JLCAR. We don't believe JLCAR appreciates the full history behind the introduction and enactment of SB 99 and SB 245. We hope this letter will assist you in defending the rules as you have proposed them on these two issues.

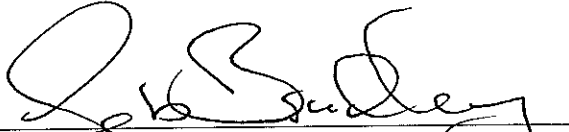
Sincerely,

Senator Jeanie Forrester

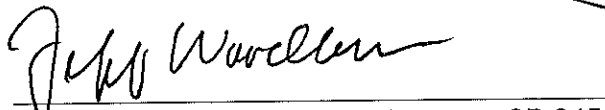
Senator Jeanie Forrester, Sponsor, SB 245

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Martin P. Honigberg, Chair
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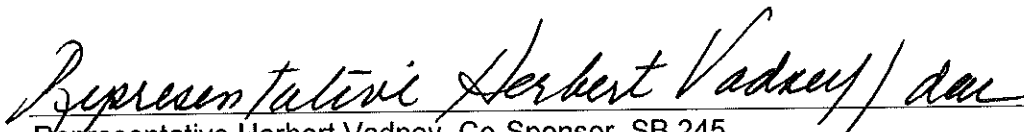
Senator Jeb Bradley, Co-Sponsor, SB 245



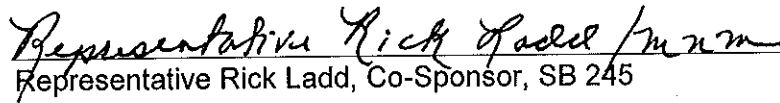
Senator Jeff Woodburn, Co-Sponsor, SB 245



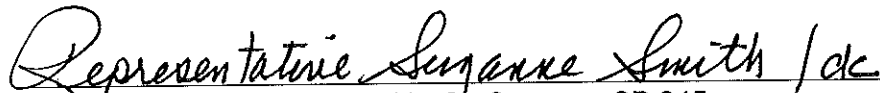
Senator Martha Fuller Clark, Co-Sponsor, SB 245



Representative Herbert Vadney, Co-Sponsor, SB 245



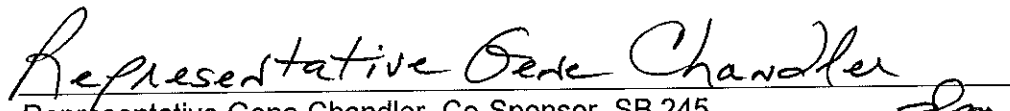
Representative Rick Ladd, Co-Sponsor, SB 245



Representative Suzanne Smith, Co-Sponsor, SB 245



Representative Susan Ford, Co-Sponsor, SB 245



Representative Gene Chandler, Co-Sponsor, SB 245

cc: Members of the Joint Legislative Committee on Administrative Rules