

STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE

Docket No. 2014-04

SUMMARY OF PRELIMINARY RULES REVIEW AND REVISION PROCESS

Under [RSA 162-H:10](#), VII, as it was amended earlier this year by [SB 245](#), the reconstituted Site Evaluation Committee is required to adopt rules “relative to the organization, practices, and procedures of the committee and criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of [RSA 162-H:16](#), IV have been met by the applicant for a certificate of site and facility.” Under [RSA 162-H:10-a](#), added this year pursuant to [HB 1602](#), the SEC must adopt rules establishing criteria and standards particular to the siting of wind energy systems, including specific issues that must be considered by the SEC in evaluating applications for wind energy projects.

SB 245 changed the Site Evaluation Committee in a number of significant ways, including decreasing the number of members, adding two public members, having the SEC be administratively attached to the Public Utilities Commission, making the Chair of the PUC the Chair of the SEC, and making the Commissioner of the Department of Environmental Services the Vice Chair of the SEC.

Even before the passage of SB 245, the SEC had opened a rulemaking docket, No. 2014-04, which can be viewed at this link, <http://www.nhsec.nh.gov/projects/2014-04/index.htm>. On [August 18, 2014](#), the SEC invited public comments on any and all subject matters within the SEC’s rules, and on [September 8, 2014](#), the SEC further notified the public that it would accept comments at least until the end of September, and would continue to review and consider comments submitted after that date “while proceeding with preparation of an initial rulemaking proposal.”

The SEC received 20 separate comment filings, including comprehensive proposals for overhauling the rules and specific suggestions regarding individual rules. Some of the commenters, in turn, commented on the suggestions and proposals made by others. All of the public comments received can be viewed at the docket link in the previous paragraph.

At the request of the Chair and Vice Chair, staff counsel at the PUC has reviewed all of the comments and, in consultation with the Chair, Vice Chair, and the Attorney General’s Office, has put together a draft rules revision proposal for the SEC to consider. That draft proposal is being distributed to the members of the SEC and posted on the SEC’s website at the 2014-04 docket link above.

The SEC will be meeting at noon on Monday, December 22, 2014, to consider the draft rules revision proposal and whether to adopt the draft as an initial proposal for filing with the Joint Legislative Committee on Administrative Rules (JLCAR) under [RSA ch. 541-A](#). A filing with JLCAR will trigger additional proceedings, including an SEC hearing at which the public can provide comments on the proposed rules and an additional period for the submission of written comments for the SEC to consider in crafting a final proposal. Once the SEC adopts a final proposal, the JLCAR will have its own public proceedings to consider the SEC’s proposal.

Dated: December 16, 2014