



February 25, 2015

SEC Chairman Honigberg  
New Hampshire Public Utilities Commission  
21 South Fruit Street  
Concord, NH 03301

RE: SEC Rulemaking Docket 2014-14

Dear SEC Chairman Honigberg,

On behalf of NHWindWatch, I would like to take this opportunity to share a few concerns regarding the SEC Rulemaking process and public hearing scheduling. I understand the SEC process is under transition from DES to the PUC. It is our hope that this could be accomplished without impairing the opportunity for public participation and public input.

1) Prerulemaking effort: Senate Bill 99, the statute governing the Rulemaking effort, called for a stakeholder process to develop a report for consideration by the SEC in the rulemaking effort.

“relative to criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV(b) and (c) have been met ... Prior to the adoption of such rules, the office of energy and planning shall hire and manage one or more consultants to **conduct a public stakeholder process to develop recommended regulatory criteria....**”.

The compilation of this report required significant time by members of the public, subject matter experts and other stakeholders. Our expectation was that the [resulting report](#) would prove valuable and relevant to the Rulemaking effort. Unfortunately, it is not evident that the SB 99 influenced or informed the process. The very fact that the report was omitted from the SEC rulemaking web page continues to surprise us.

2) SEC Rulemaking Public Hearing notice was posted on SEC Rulemaking docket only. Based on RSA 541-A:6 I and III, respectively, (as referenced within RSA 162:H:10), “The agency shall give **at least 20 days' notice** of its intent to hold a public hearing...” and “The agency shall send notice... **to all persons who have made timely request for advance notice of rulemaking proceedings**”. There was NO notification to the Service List (Pre-rulemaking effort and/or Notice of Rulemaking Public Comment Hearing participants or other requested individuals) of the meeting scheduled for Wednesday, March 4<sup>th</sup> and therefore the ability for public participation has been limited to those who have frequently checked the docket. The notice of public meeting held on December 22<sup>nd</sup> was communicated to those of us involved in the pre-rulemaking effort albeit with only several days notice (December 17<sup>th</sup>).



**We would like to request the Public Hearing be postponed several weeks while appropriate notification is given to the public, although we understand the SEC Committee is working under a tight schedule to meet the July 1<sup>st</sup> deadline.** Per RSA 541-A:11 IV, “A public comment hearing may be postponed in the event of any of the following: ... **(d) Determination by the agency that postponement of the public comment hearing shall facilitate greater participation by the public.**” If an extension of the public hearing is not possible, we request the date for written comment be extended by 2 weeks beyond the current March 13<sup>th</sup> deadline.

The legislature enacted the law (SB99) with the intent of improving public trust and transparency. The concerns stated above directly contradict the intent of the law. We sincerely hope all possible steps will be taken from this point forward to restore trust, transparency and integrity into the process.

Sincerely,  
Lori Lerner  
President, NHWindWatch