

Kris Pastoriza, 3/16/15

Suggested revisions; additions in bold italics:

“Site 102.08 “Best practical measures” means ~~economically~~ **technologically** feasible actions that ~~utilize~~ **use** available technology and have been demonstrated to effectively avoid, **or when avoidance is impossible**, minimize, or mitigate ~~relevant~~ facility impacts.

“Site 102.10 “Combined observation” means a viewer sees multiple energy facilities from a ~~stationary point~~ **commonly traversed path**, within a typical cone of vision.” (The Groton turbines are visible as one drives along Route 93. Most views of powerlines and turbines will not be from a fixed point)

“Site 102.14 “Cumulative impacts” means the totality of effects resulting from the proposed facility, all existing energy facilities, all energy facilities for which a certificate of site and facility has been granted, and all proposed energy facilities **that have spent more than \$10,000 on project promotion or land acquisition**. ~~for which an application has been accepted.~~” (Northern Pass, for example, has had huge impacts for four years, and has yet to apply for a permit from the SEC. Any corporation that continually asserts that its project will happen, should be willing to have it considered as an impact.)

“Site 102. (c) an electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility under subparagraph (b), ~~over a route not already occupied by a transmission line or lines;~~ (d) an electric transmission line of a design rating in excess of 100 kilovolts ~~that is in excess of 10 miles in length, over a route not already occupied by a transmission line;”~~ (Most existing rights-of-way were acquired in the 1920s to 1940s and need to be re-evaluated in light of existing environmental and aesthetic standards and increased population. 10 miles is an arbitrary, unsupported figure.)

“Site 102.17 “Key observation point” means a point from a scenic resource that has the greatest number of proposed facility structures or components potentially visible, where the greatest amount of public use is anticipated, and at which access to the scenic ~~resource~~ **viewshed** is most easily or likely achieved.” (The most common definition of resource is money or property that can be converted to money. This implies that “scenic resources” can be fully expressed in cash value and their destruction justly compensated for in cash or exchange with other “scenic resources.”)

“Site 102.212 “Person” means “person” as defined by RSA 162-H:2, IX, namely, “any individual, group, firm **representing a person**, partnership **composed of people, non-industrial** corporation, cooperative, municipality, political subdivision, government agency or other organization.”

“Site 102.214 “Petitioner” means: (a) For a petition as defined in Site 102.13(a), “petitioner” as defined in RSA 162-H:2, XI, namely, “a person filing a petition meeting any of the following conditions: (1) A petition endorsed by 100 or more, **or 10% of**, registered voters in the host community or host communities;” (Towns with small numbers should not be penalized.)

“Site 102.29 “Public information session” means a public meeting held before or after the filing of an application at which the applicant presents information to the public **and answers question from the public**, regarding the proposed facility, as provided for in RSA 162-H:10, I and I-a.”

Site 102.3018 “Public utility” means any electric utility engaged in the production, distribution, sale, delivery or furnishing of electricity **produced in the United States**, including municipalities, cooperatives,

regulated electric companies, agencies or any combination thereof.” (The SEC does not have the expertise to evaluate the many issues involved (foreign environmental standards, foreign ownership issues) in siting projects dependent on foreign energy sources.

“Site 102.35 “Scenic ~~resource~~–viewshed” means ~~resources~~ viewsheds designated by national, state, or municipal authorities for their scenic quality and to which the public has a legal *or informal* right of access; conservation lands or easement areas that possess a scenic quality and to which the public has a legal *or informal* right of access; lakes, ponds, rivers, parks, and other tourism destinations recognized by the New Hampshire Division of Travel and Tourism as having scenic quality and to which the public has a legal *or informal* right of access; recreational trails, parks, or areas established, protected or maintained in whole or in part with public funds; and town and village centers that possess a scenic quality.” (There is no justification for eliminating private lands from consideration, when they constitute the vast majority of adversely affected terrain.)

“Site 103.01 Committee Membership and Responsibilities

(5) The commissioner of the department of cultural resources or the director of the division of historical resources as designee ***executive director of the fish and game department***; and” (Fish & Game should be reinstated as environmental concerns were already under-represented in the SEC)

“Site 103.04 Quorum.

(a) For purposes of conducting a hearing, and voting on motions, or conducting other business of the committee, a quorum of the committee or a subcommittee shall be 7 members of the committee a majority of the members of the committee or subcommittee.

(b) For purposes of conducting the business of a subcommittee established under Site 103.03(c), 5 members of the subcommittee shall constitute a quorum.

(c) For purposes of conducting the business of a subcommittee established under Site 103.03(d), 2 members of the subcommittee shall constitute a quorum.

(d) For purposes of writing Draft rules or Rules, a quorum must be present. (This process and its results are too important to happen behind closed doors, without public record of the proceedings.)

Site 201.01 Public Information Sessions Prior to Application.

(a) At least 30 days prior to filing an application for a certificate, the applicant shall hold at least one public information session in each ~~county~~ ***town*** in which the proposed facility is to be located, at which session the applicant shall present information regarding the project and receive comments from the public. ***Each town shall receive notice of this meeting 30 days in advance.*** (The size of Coos and Grafton Counties need to be taken into account, as well as the extent of long-distance transmission projects.)

“Site 201.02 Public Information Sessions After Application.

(a) Within 45 days after acceptance of an application for a certificate pursuant to Site 301.04, the applicant shall hold at least one public information session in each ~~county~~ ***town*** in which the proposed facility is to be located, at which session the applicant shall present information regarding the proposed energy facility described in the application, ***and answer all questions posed by the public. Each town shall be notified of this meeting 45 days in advance.***

(b) The applicant shall publish a public notice not less than 14 days before each such session in one or more newspapers having a regular circulation in the ~~county~~ ***town*** in which the session is to be held, describing the nature and location of the proposed facility.”

“Site 201.031 Public Information Hearings in Host Counties.

(a) Within 90 days after acceptance of an application for a certificate pursuant to Site 301.04, the committee shall hold at least one public hearing in each ~~county~~ **town** in which the proposed facility is to be located. Within 30 days of a finding that an application for a bulk power facility or an energy facility is complete pursuant to 301.05, the committee, or, in the case of a bulk power supply facility, the commission, with representatives of other agencies that have jurisdiction over the subject matter, shall hold at least one joint public information hearing in each ~~county~~ **town** in which the proposed facility is to be located, pursuant to RSA 162-H:10, I.

(d) The committee shall publish a public notice not less than 14 days before each such public hearing in one or more newspapers having a regular circulation in the ~~county~~ **town** in which the hearing is to be held, describing the nature and location of the proposed facility.

Site 202.03 Withdrawal of Presiding Officer or Committee or Subcommittee Member.

(b) Good cause shall exist if a committee or subcommittee member has:

(1) A direct interest in the outcome of the proceeding, including, but not limited to, a financial or family relationship within the third degree of relationships, with any party or representative; or

(2) Made statements or engaged in behavior which a reasonable person would believe indicates that he or she has prejudged the facts of the case; or

(3) Personally believes he or she cannot fairly judge the facts of the case

(4) Has formerly served on the Site Evaluation Committee with any party or representative.

(The effects of these relationships are clear and detrimental to the proceedings and reputation of the SEC.)

“Site 202.11 Intervention

(f) Any party aggrieved by a decision on a petition to intervene may within ~~10~~ **30** days request that the decision be reviewed by the committee or subcommittee, as applicable.”

“Site 202.13 Site Inspections. (a) The committee or subcommittee, as applicable, and public counsel shall conduct a site visit of any property which is the subject of a hearing if requested by a party, or on its own motion, ~~if the committee or subcommittee determines that the site visit will assist the committee or subcommittee in reaching a determination in the hearing.~~

Site 202.25 Public Statements

(b) The committee shall require members of the public desiring to make oral statements at a hearing or prehearing conference to so indicate by signing a roster made available for this purpose prior to the commencement of the hearing or prehearing conference. ***Socially disabled members who do not wish to speak in public may submit a statement to be read by a person of their choice or public counsel.***

I request that public counsel be available to the public in any situation where they are involved with the SEC or its protocols, such as pre-rulesmaking and Rulesmaking.