

March 22, 2015

New Hampshire Site Evaluation Committee
NH Public Utilities Commission
21 Fruit Street, Suite 10
Concord, NH 03301

Re: New Hampshire Site Evaluation Committee Rulemaking, Docket 2014-04

Dear Mr. Wiesner,

My name is George Tuthill, and I am a permanent resident of Alexandria, NH. My views on this issue are informed by my participation in town government, but I am writing to express my opinions as a private citizen. I wish to convey a number of my concerns about the proposed rules issued in draft form in late January of this year.

- a) My first area of concern relates to municipal ordinances, as referenced in 301.09 “Effects on Orderly Development of Region”. The draft mentions the “views of municipal.... planning commissions” but fails to include mention of the town master plans themselves. These documents, updated regularly per statute, constitute far more than simply the views of the commission members; instead they represent the consensus – generally established through opinion surveys and public hearings - of all the town’s residents. Zoning ordinances (in towns that have them) possess similar status, established through town-wide vote. Applicants should be required to reference the contents of these plans, and the impact of the proposed facility in relation to them, for each of the host or adjacent towns. I would suggest the following wording change (in italics) in the introductory paragraph of 301.9:

“Each application shall include information regarding the effects of the proposed facility on the orderly development of the region, including the views of municipal and regional planning commissions and municipal governing bodies regarding the proposed facility, if such views have been expressed in writing, *including at minimum the master plans and zoning ordinances of host and abutting towns*, and the applicant’s estimate of the effects of the construction and operation of the facility....”

- b) A second concern involves the references to the decommissioning plan, in 301.08(a)(7). There are very few specifics in the draft as to what would actually constitute decommissioning, other than “...removal of all structures and restoration of the site...”. In my view this is needlessly vague language, and therefore the level of financial guarantee (e.g., letter of credit) is largely up to the applicant to determine. This is a possible major liability, from a host town’s point of view. In fact there have been much more detailed decommissioning plans adopted for other industrial wind projects (for example in Vermont) so the Commission need not reinvent the wheel to spell out the requirements. Based on those, the decommissioning guarantee should be established by an independent consulting engineer.
- c) The “Good Neighbor Agreements” signed by some landowners near the Granite Reliable installation in Coos County highlight another concern. This is the issue of transparency as it may relate to tax issues, including possible future abatements requested by nearby property

owners. Although such agreements are typically defended as strictly private matters between wind development applicants and landowners, they may pose perplexing problems of fairness in the event of abatement requests. Just as applicants need to disclose their legal right of access to all properties on which the installation will be sited, I recommend that they also be required to reveal any Good Neighbor Agreements related to their proposal. This information should be added to sections 301.3 (Contents of Application), 301.8 (Effects on Public Health and Safety), and 301.16 (Additional Criteria). Landowners who have taken compensation from the applicant in return for their active support and advocacy of the proposal in front of the SEC should be required to disclose that status, since effectively they are functioning as paid lobbyists.

Thank you for your consideration.

Best Regards,

George Tuthill
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