

Wright Tavern Farm
2048 NH Rte. 118
Dorchester, NH 03266
March 23, 2015

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

Dear Chairman Honigberg:

On January 13, 2015 we sent a letter to Timothy Drew stating our objection to the Spruce Ridge Project. In this communication, we would like to address a few issues regarding the rules that could eventually govern SEC proceedings regarding site development.

With regard to Rule 301.06, any applicant must provide “evidence of a current right of legal access to and control of ... the site...” The wording “or the ability to acquire control of the site” should be eliminated. The applicant should be able to prove they have legal access and control of an entire site, including the transmission routes and substations, before any approval would be granted. Further, the applicant should have obtained absolute authority to develop a project depending on its conforming to the letter of the law of RSA 162-H:16.IV(b)(e), which reads: “The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies,” and the “issuance of a certificate will serve the public interest.”

We cannot emphasize enough the importance of local governing bodies that must be given “due consideration” in the SEC hearing process for siting an energy facility. Not listening to the affected towns, several of which have publicly and overwhelmingly voted against the siting of wind turbines, would lead to unexpected consequences. Further, many towns with zoning ordinances might be adversely affected: for instance, what would be the determination if there were a conflict between a town’s and the state’s ordinances regarding setbacks from property lines and wind tower structures? If town ordinances contain guidelines regarding the maintenance of wind tower-related structures, road funding, and maintenance and emergency response, would it behoove a wind turbine company to adhere to such strictures? We believe that it is important that the SEC diligently apply the intention of giving consideration to local governing parties and the interests of the public as specified in the RSA cited above.

Respectfully,

Albert J. Franz

Patricia E. Franz