

3/23/2015

Dear Chairman Honigberg & SEC Committee Members,

Please consider incorporating these suggestions into the New Hampshire Code of Administrative Rule document drafted as of 12/16/14.

My thinking on these suggested changes is guided by the following rationale:

- 1} The public's voice in host towns, abutting towns and neighboring towns should be clearly heard.
- 2} An energy plant should document how well, or not, the energy it is projected to produce correlates with load/demand.
- 3} The public's voice in shaping the rules should be every bit as important as the lawyers and lobbyists who are paid by the industry to try to help shape these rules.

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Site 102.14:

Cumulative impact means the totality of, *as well as the individual impact of, each of the visual, audio, economic, environmental, human and wildlife* effects resulting from the proposed facility, *as well as all/any existing local, regional and visually adjacent facilities.....etc*

Site 102.25

A petition, *warrant article, zoning ordinance, or town specific land use document*, endorsed by the governing body of a host community, *as approved by the voters of that community*, or by the governing bodies, *and the voters*, of abutting community's, *to include input from any neighboring community that is visually, audibly, economically, environmentally or culturally impacted;* or

Site 102.35

"Scenic quality" means a reasonable person's perception, *and/or a host town's or neighboring town's perception, as measured by specific voting on a project's impact*, etc.....

Site 102.43

suggest eliminating: "but not within the same viewing arc by changing the viewers cone of vision."

201.01 {page 29 under d}

suggest adding: "The transcript shall be accompanied by a professional quality videotape that has clear and discernible audio."

page 29 under e number 3

"The facility's size and configuration *and how the energy produced by the facility is projected to correlate with load/demand by month of year and by time of day across an average year based on three year load averages as reported by ISO-NE.....etc*

page 29 under f number 2

Capacity in megawatts, *including nameplate and capacity factors, as the facilities output is projected to correlate to load by month and by "scarcity conditions" as both are defined based on three year averages from ISO-NE.*

page 29 under f number 3 item c

Whether the unit will serve base, intermediate or peaking loads *and how it will correlate with three year average load by month as reported by ISO-NE. Whether the unit will have an economic impact on the reliable baseload supply of dispatchable megawatts currently available.*

Site 202.05 Participation of Committee and Agency Staff

ADD: No SEC committee member shall go before the SEC as a private attorney or consultant within 5 years of their service to the SEC.

Site 202.12 (Discovery)

L) ADD: Technical sessions shall be recorded with written transcripts paid by Applicant and updated to SEC website within 14 days.

M) ADD: The SEC will engage in enforcement action, including severe fines, if it is determined data requests have not been amended, supplemented, or answered truthfully and in a timely manner.

N) ADD: All discovery information shall automatically become part of the official record.

Site 202.30 Exparte Communication

B) CHANGE Communication between or among committee members **should be** prohibited!

Site 301.03 (c):

(6) Evidence that the applicant has a current right of legal access to and control of ~~or the ability to acquire control of the site~~ including but not limited to transmission route and substation, in the form of ownership, ground lease, easement, option, or other contractual rights or interests.

Statement of Reason:

The Applicant should be required to legally prove they have access and control of the entire site, including the transmission route and substation. The wording 'or the ability to acquire control of the site' needs to be eliminated.

Site 301.05 number 2

suggest adding: potential daytime and night time visual impacts by season, by time of day, and by weather pattern.

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Thank you for your time and consideration and for hopefully incorporating these suggestions.

Sincerely,

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