

3/23/2015

Dear Chairman Honigberg & SEC Committee Members,

Having already sent in specific suggested wording changes to the Administrative Rules draft document of 12/16/14, I would like to make some general remarks about the rules that are being reviewed.

As I understand it, Ms. Susan Geiger, Attorney for Energais de Portugal, has suggested that only "permanently occupied homes" be included in protective { audio/infrasound/shadow flicker/ice throw....} measures to safeguard a "permanently occupied home."

Not including second homes, other structures on a person's property, or property lines rather than only exterior walls of a year round home, appears to unreasonably and unfairly discriminate against one class of people while treating another class of people differently. Having said that, even people who are year round residents of "permanently occupied homes" are being discriminated against, in my opinion, since their property lines are apparently not being acknowledged by what Attorney Geiger is apparently advocating as I understand it.

In addition to the Equal Protection 14th Amendment of the US Constitution, our NH Constitution states: "no part of a man's land shall be taken from him, or applied to public use, without his own consent or that of the representative body of the people."

Taxes are there for all homeowners and cover land and homes. SEC rules should not, in my opinion, create two classes of taxpayers which I trust was never the SEC's intention but I wanted to bring it up to be sure.

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Speaking of our NH State Constitution, I would request that the SEC further define "public interest" for an energy project that has been resoundingly rejected by the voters of host towns and neighboring towns and is going to be sending all/most of its non-dispatchable power out of state. When is "public interest" defined as being limited to only the citizens of NH, specifically the region impacted by the energy complex, versus the "public interest" of citizens/governments in other states? If you could make that distinction clear in the final document that would be very helpful.

I realize the SEC in many cases interprets laws; but a clear definition of public {in state versus other states} would be helpful.

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I believe that the SEC is familiar with "Good Neighbor Agreements" which, as I understand them, are written to obtain silence from homeowners/ property owners who are living with, in my estimation, adverse and permanent negative impacts from the noise/infrasound/shadow flicker and omnipresent visual impact of turbines. Of course these agreements are executed by choice.....but for those abutters who do not choose to remain silent, I'd ask that the SEC require wind developers to publicly disclose any/all "Good Neighbor Agreements" executed past or present within the state of NH if it is in your jurisdiction to do so.

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It would seem that "public interest" and "public good/benefit" for any energy project is best defined when that project's projected/forecast performance metrics are available to the SEC and to the public.

Of course the SEC is designed to determine whether a project should be sited or not. However, unless the performance metrics below are clearly defined, neither the SEC or the public at large has a complete picture of the benefits, or lack thereof as the case may be, of siting an individual plant. It is certainly likely some of these items are already considered by the PUC. However, in order to evaluate the benefit a potential energy complex can or can not provide, these performance metrics are, I believe, important for both the SEC and the public to have:

Performance Metrics

- Correlation of power produced by month/time of day with 3 year monthly average load/demand as defined by ISO-NE.**
- Clearly defined transmission costs in state and out.**
- Capacity factors by month versus other generation options**
- Output per square meter/acre of land versus other generation options.**
- If proposed plant is non-dispatchable and requires spinning reserve backup via a dispatchable generation source.... projected "redundancy" costs for that back up source.**

-If proposed plant requires electricity from the grid to help run it.....net gain/loss projection between what is required to run the plant and what the plant's output is.

-If the plant requires a fixed cost PPA versus participating in ISO-NE day ahead market every day.....applicant should supply rationale as to why 98% of generation is priced in the day ahead market but this particular plant is not and how this benefits ratepayers.

-For non-dispatchable sources, proposed plant needs to demonstrate how it will:

- *Perform in scarcity conditions as defined by ISO-NE.**
- *Contribute to lower and/or stable pricing in the FCM.**
- *Correlate with load/demand throughout the year.**
- *Provide reliability/security to the grid.**

Again, I realize the SEC is here to site projects or not; but siting decisions would be far better informed, as would the public, if energy plants, particularly non-dispatchable plants, were required to demonstrate how they will perform on the clearly defined performance metrics above which I believe both the PUC and ISO-NE should welcome as part of an application.

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Lastly, I hope/trust/anticipate that the SEC, post SB-245 and SB-99 is open to input from the public and that the recent press to the contrary proves wrong.

Unlike a few years ago.....the public in many cases is, in my estimation, as well informed and knowledgeable as the lawyers and lobbyists paid to represent companies like Energias de Portugal and others. We are striving to protect NH from being destroyed and deforested in much the same way resident Susan Geiger did, as I read the transcripts, when she spoke of protecting her neighborhood and her town from the NP proposed route.

Towns and communities are making their preferences ever more clear. For example.....nine towns {out of nine that have voted so far} in the Cardigan/Mascoma/Newfound region have voted with huge turnout and resounding majorities, huge margins, to reject any more industrial wind in the region. One existing plant, evidently, is one too many.

The larger point is that the public is acutely aware of, and very well informed on, proposed energy projects. Obviously the public is making our opinions and preferences known, as are municipalities, in much more tangible and measurable ways than ever before.

Please take the public input into consideration with the same weighting and gravitas that industry input has been accorded. The intent of SB-245 and SB-99 was clear; and I hope/trust the well informed ideas/recommendations/suggestions the SEC is getting from the public will be incorporated accordingly.

Thank you for your time and consideration.

Sincerely,

Larry Goodman
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