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March 23, 2015

David K. Wiesner, Staff Attorney  
N.H. Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301

Dear Mr. Wiesner:

This letter is to follow up oral comments I provided on behalf of the Forest Society concerning the SEC rules at the SEC's March 4, 2015 rules hearing. There are two issues the Forest Society recommends be addressed in the final rule proposed by the SEC to the Joint Legislative Committee on Administrative Rules.

The first relates to the draft Site 301.03(c)(6), regarding contents of an SEC application. The language in the draft reads:

*Evidence that the applicant has a current right of legal access to and control of or the ability to acquire control of the site in the form of ownership, easement, option or other contractual rights or interests.*

We recommend that this draft language be changed to:

*Each application shall include an attorney letter verifying that the applicant has secured legal access to all land necessary to build the proposed project, accompanied by any and all necessary documentation to prove such legal access. Such documentation should include any and all state permit applications within the jurisdiction of the Site Evaluation Committee that are needed to cross public roads and transportation corridors.*

The point of the change we recommend is that the SEC should not be using its time to consider applications where clear legal control of the needed land to build the proposed project does not exist. The qualifying words used in the draft language of Site 301.03(c)(6) create unnecessary ambiguity as to what constitutes sufficiency for the purpose of presenting a complete application. We think the SEC should eliminate the ambiguity. Either the property rights necessary to complete the project are in the applicant's possession or they are not. If they are, then there should be no issue with an attorney representing the applicant so stating in a written letter.

The second concern relates to the statutory charge in RSA 162-H:16, IV(c). Specifically, this section refers to a determination that "the site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety." The Forest Society believes that the new SEC rules should make clear that an adverse impact on a historically significant landscape is something the SEC should weigh as part of reaching this finding. It is often the case that what makes a historic site historic is the

landscape view from the site itself. It is also the case that historically significant landscapes, in and of themselves, are a vital part of the State's cultural heritage. We understand that comments to the SEC as part of this rule-making docket from the National Trust for Historic Preservation and the New Hampshire Preservation Alliance will directly address this concern. We strongly urge you to work with the New Hampshire Division of Historical Resources in considering these comments and recommendations on how to craft rule language to accomplish this objective. Part of retaining New Hampshire's cultural heritage is successfully protecting and conserving the historic natural landscapes that help create both our sense of place and the attraction that draws visitors from around the world.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Abbott". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Will Abbott  
VP for Policy & Reservation Stewardship