

Chairman Martin Honigberg
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: NH Site Evaluation Committee Rulemaking, Docket No. 2014-04

Dear Chairman Honigberg and Committee Members:

I am very supportive of the Rules put forth by the SEC Committee, as reviewed by the Joint Legislative Committee on Administrative Rules (JLCAR).

There was much debate during the JLCAR hearing and within the JLCAR notes of the legislative intent of Public Interest and specifically the authority of the SEC Committee to define administrative rules in this area and the resulting criteria representing a 'balancing' of the benefits and impacts.

As stated in SB99, enacted in June 2013 and adopted in the RSA 162-H:10, "VII. As soon as practicable but no later than November 1, 2015, the committee shall adopt rules, pursuant to RSA 541-A, relative to the organization, practices, and procedures of the committee and criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV have been met by the applicant for a certificate of site and facility" (emphasis added)


In SB245, enacted July 2014, RSA 162-H:16, IV (e) was added, "Issuance of a certificate will serve the public interest." along with the re-enactment of the Purpose statement, "162-H:1 Declaration of Purpose. ...Accordingly, *the legislature finds that it is in the public interest to maintain a balance among those potential significant impacts and benefits in decisions about the siting, construction, and operation of energy facilities in New Hampshire; ...*" and the Findings preamble amended by SB245 (RSA 162-H:16 IV), "After due consideration of all relevant information regarding the potential siting or routes of a proposed energy facility, *including potential significant impacts and benefits*, the site evaluation committee shall determine if issuance of a certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall find that..." (emphasis added)

The SEC Committee debated the Public Interest Rules in great detail, with the resulting Rules following the intent dictated by the legislation as described above, containing the specific criteria as outlined within the Purpose statement and the Findings preamble.

The Public Interest Rules were misconstrued by EDP and NE Ratepayers Assoc, likely causing confusion with the JLCAR committee members. Both groups were referring to an outdated version of the Rules where the Findings required the proposed facility be '*consistent*' with municipal master plans, etc whereas the final Rules required only '*consideration*' of the municipal master plans, etc. There were references within 'industry' comments, Legislative and JLCAR notes to an exchange between Senator Bradley and Susan Geiger stating objection to a 'net benefits' requirement, whereas the audio of the exchange is clearly directed to concern with a net benefits requirement being a condition of the certificate, not the net benefit requirement itself.

It is my sincere hope the Committee will stand firm with these standards.

Respectfully,


Becca Hornan
Bradford, NH

Copy: Rep. Carol M. McGuire, Chair, Joint Legislative Committee on Administrative Rules Sen. John Reagan, Vice Chair, Joint Legislative Committee on Administrative Rules Committee Members, Joint Legislative Committee on Administrative Rules Pamela G. Monroe, Administrator, Site Evaluation Committee Scott F. Eaton, Administrative Rules Director, Joint Legislative Committee on Administrative Rules Aaron J. Mitchell, Committee Attorney, Joint Legislative Committee on Administrative Rules