THE NEW HAMPSHIRE SITE EVALUATION COMMITTEE

AN INTRODUCTION TO THE COMMITTEE AND ITS PROCESS
Site Evaluation Committee Website

WWW.NHSEC.NH.GOV
PAMELA.MONROE@SEC.NH.GOV
271-2435
PURPOSE OF RSA 162-H

• Balance the benefits and impacts of site selection on the welfare of the population, private property, the location and growth of industry, the economic growth of the state, the environment of the state, historic sites, aesthetics, air and water quality, natural resources and public health and safety;
• Avoid undue delay in the construction of new facilities;
• Full and timely consideration of environmental consequences;
• Full and complete public disclosure;
• Ensure that the construction and operation of energy facilities is treated as a significant aspect of land use planning in which all environmental, economic and technical issues are resolved in an integrated fashion.
Statewide Planning Board for Energy Projects

- Designed to integrate the various permitting processes as well as environmental, economic and technical issues.
- Pre-empts local authority and ordinances.
- The “supermarket theory” or “one stop” theory of permitting.
# The Committee Today

<table>
<thead>
<tr>
<th>Position</th>
<th>Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUC Commissioner, Chair</td>
<td>Martin P. Honigberg, Chair</td>
</tr>
<tr>
<td>DES Commissioner</td>
<td>Thomas S. Burack, Vice Chair</td>
</tr>
<tr>
<td>PUC Commissioner</td>
<td>Robert Scott</td>
</tr>
<tr>
<td>PUC Commissioner</td>
<td>Kathryn M. Bailey</td>
</tr>
<tr>
<td>DOT Commissioner</td>
<td>Victoria Sheehan</td>
</tr>
<tr>
<td>DRED Commissioner</td>
<td>Jeffrey Rose</td>
</tr>
<tr>
<td>Cultural Resources Commissioner or Director Div. of Historical Resources</td>
<td>Van McCloud or Elizabeth Muzzey</td>
</tr>
<tr>
<td>Public Member</td>
<td></td>
</tr>
<tr>
<td>Public Member</td>
<td>Patricia Weathersby, Esq.</td>
</tr>
<tr>
<td>Alternate Public Member</td>
<td>Rachel E.D. Whitaker</td>
</tr>
<tr>
<td><strong>Northern Pass Subcommittee</strong></td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td></td>
</tr>
</tbody>
</table>
| **Martin Honigberg**  
PUC Commissioner  
Chairman and Presiding Officer |
| **Craig Wright**  
Department of Environmental Services, Air Resources Division Director  
Sitting for Department of Environmental Services, Commissioner Thomas Burack |
| **Kathryn Bailey**  
Commissioner  
Public Utilities Commission |
| **Christopher Way**  
Division of Economic Development Director  
Sitting for Dept. of Resources and Economic Development, Commissioner Jeffrey Rose |
| **William Oldenburg**  
Assistant Director Project Development  
Sitting for Department of Transportation, Commissioner Victoria Sheehan |
| **Patricia Weathersby, Esq.**  
Public Member |
| **Rachel E.D. Whitaker**  
Alternate Public Member |
COUNSEL FOR THE PUBLIC
RSA 162-H:9

- Appointed by the Attorney General
- Represents the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy
- All rights, responsibilities and privileges of an attorney representing a party in a formal action
- Northern Pass Docket: Senior Assistant Attorney General, Peter C.L. Roth

Contact info: 271-1270, peter.roth@doj.nh.gov
Before an Application is Filed

• Independent System Operator (ISO)
• Environmental and Resource Studies
• Early pre-permitting meetings with relevant state and federal agencies, e.g., DES, F&G, USFW, USACE, PUC, DOT etc. . . .
• Regional Planning Commission
• Municipalities
• Transmission companies
• Power Purchase Agreements
• Financing
• Eligibility for tax credits etc. . .
• Pre-Filing Public Information Sessions in Each County
Requirements of an Application (1)

An application must contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law and shall include completed application forms for each agency. RSA 162-H:7, IV.

An Application shall also include the following:
(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the preferred choice and any other choices for the site of each major part of the proposed facility.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each community in which the facility is proposed to be located.

(g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.

(h) Provide such additional information as the committee may require to carry out the purposes of this chapter. NH Admin. Rules, Site 301
New Administrative Rules

- Adopted and effective as of December 16, 2015
- Site 300 – Requirements for Applications
- RSA 162-H:10, VII, pending applications subject to the new rules and the applicant shall be afforded a reasonable opportunity to comply.
- Administrative letter sent on 12/18/15, requesting that by 1/22/16, the applicant advise whether additional information is required and if so, the time needed to supplement the application.
<table>
<thead>
<tr>
<th>Event</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Application Public Information Session (in each county)</td>
<td>At least 30 days before filing</td>
</tr>
<tr>
<td>Chair forwards to agencies with jurisdiction</td>
<td>Expeditiously</td>
</tr>
<tr>
<td>Preliminary review by Committee</td>
<td>Expeditiously</td>
</tr>
<tr>
<td>Committee’s determination if application is complete and acceptance if complete</td>
<td>Within 60 days of filing</td>
</tr>
<tr>
<td>(Northern Pass: 12/18/15)</td>
<td></td>
</tr>
<tr>
<td>Designation of a Subcommittee</td>
<td>Upon acceptance of application</td>
</tr>
<tr>
<td>One Public Information Session (in each county)</td>
<td>Within 45 days after acceptance of application</td>
</tr>
<tr>
<td>(Northern Pass: 1/11/16, 1/13/16, 1/14/16, 1/20/16, 1/21/16)</td>
<td></td>
</tr>
<tr>
<td>One Joint Public Hearing (in each county) with other agencies</td>
<td>Within 90 days of acceptance of application</td>
</tr>
<tr>
<td>(Northern Pass: Must complete by 3/17/16 – TBD)</td>
<td></td>
</tr>
<tr>
<td>Agency preliminary reports with draft conditions</td>
<td>Within 150 days of acceptance of application</td>
</tr>
<tr>
<td>(Northern Pass: 5/16/16)</td>
<td></td>
</tr>
<tr>
<td>Agency final decisions</td>
<td>Within 240 days of acceptance of application</td>
</tr>
<tr>
<td>(Northern Pass: 8/15/16)</td>
<td></td>
</tr>
<tr>
<td>Adjudicative proceedings on the merits</td>
<td>After agency final decisions</td>
</tr>
<tr>
<td>(Northern Pass: To Be Scheduled)</td>
<td></td>
</tr>
<tr>
<td>Decision granting or denying Certificate</td>
<td>Within 365 days of acceptance of application</td>
</tr>
<tr>
<td>(Northern Pass: 12/19/16)</td>
<td></td>
</tr>
</tbody>
</table>
PUBLIC PARTICIPATION (1)

1. Counsel for the Public
   • (603) 271-3658 (Attorney General’s Office)

2. Pre-Filing Public Information Sessions: one in each county at least 30 days before filing. RSA 162-H:10, I.

3. Post-Filing Public Information Sessions: one in each county within 45 days of acceptance of the application. RSA 162-H:10, I-a.

4. Post-Filing Joint Public Hearing: one in each county within 90 days of acceptance of the application. RSA 162-H:10, I-c.
5. Written Public Comment

• Accepted throughout the pendency of all proceedings
• Committee must consider and weigh information and reports from the public.
6. Intervention in adjudicative proceeding

- Rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding. NH Code of Administrative Rules, Site 202.11.

- Interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. NH Code of Administrative Rules, Site 202.11.

NORTHERN PASS 

MOTIONS TO INTERVENE SHALL BE FILED BY FEBRUARY 5, 2016
Standards
RSA 162-H:16, IV

- Due consideration of relevant information regarding potential siting or routes of a proposed facility;
- Due consideration of significant impacts and benefits;
- Will the issuance of a certificate serve the objectives of RSA 162-H?
Findings Re: Proposed Site and Facility
RSA 162-H:16, IV (a)-(e)

• Applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

• 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.

• Will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

• Issuance of a certificate will serve the public interest.
Site Evaluation Committee Website

WWW.NHSEC.NH.GOV
PAMELA.MONROE@SEC.NH.GOV
271-2435