

COMMENTS TO THE 1/25/16 "REQUEST FOR ADVANCE PUBLIC COMMENT ON SUBJECT  
MATTER OF POSSIBLE RULEMAKING

I respectfully submit the following comments to "Rules Related to Certificates of Site and Facility, Site 300" (1/25/2016)

I would strongly urge the Site Evaluation Committee (SEC) to propose new rules that only implement the changes to the law (RSA 162-H:10-b,II) with regard to siting of high pressure gas pipelines and that implement existing law with regard to criteria and procedures for suspension and revocation of certificates and do not create new laws via regulatory fiat.

In the recent rule making (rules for Site 100 -300, effective 12/16/2015) the SEC adopted rules that far exceeded the authority granted them in the changes to RSA 162-H. Three examples of this are

1. The requirement in the rules that for all requests for an exemption from full certification, an adjudicative proceeding must be held. There is no such requirement in the law. In fact this section of the law (162-H:4,IV) does not even contain the words "adjudicative proceeding"
2. The application of many requirements that the law applies only to wind energy systems to all energy facilities. RSA162-H:10-a, Wind Energy Systems, is very specific, it states in part II "For the adoption of rules, pursuant to RSA 541-A, *relative to the siting of wind energy systems*, the committee shall address the following." It is very clear the criteria apply only to wind energy systems yet the new rules applied most of the wind only criteria all energy facilities
3. The new rules require in section 301.08(c) (4) that applicants provide "A plan for emergency response to the proposed facility site ". This section applies to all energy facilities but the word "emergency" does not even appear anywhere in RSA 162:H. This new requirement is just a fabrication of the SEC

Again, I would strongly urge that the SEC only implement the law in this new round of rule making and not create new law

Sincerely

Michael Harrington  
82 Garland Rd  
Strafford NH 03884