

Appendix F. Public Comments by Email

In addition to the Citizen Workshops and Listening Sessions, OEP accepted written comments via email. The following pages are all of the comments received by OEP from individuals and organizations.

Email Comments and Letters from Individuals

Allow greater local control by impacted communities of any energy project.
-- Henrietta H. of Lancaster

Stop the BS and BURY IT! WIN-WIN FOR EVERYONE.
-- Glenn English, Haverhill

I do have some background in this area. As I think more about this work to improve the SEC process, I realized that my main interest is in topic #3 "...consistency w/NH energy policy." [I would urge] the state to hold off on considering ANY supply project until the regional energy demand and supply picture is more clear, and in the meantime, get VERY committed to energy use reductions. If done effectively, such demand side work will likely avoid the need for additional supply for a very long time.
-- Kate Hartnett, Deerfield

The decisions that the SEC are asked to make are too important to the State, it's citizens, it's economy, it's environment without the expertise of professionals and the input from those it would impact: it's towns and citizens and businesses. The Committee should be funded to accomplish the foregoing with appropriate profession assistance.
-- Marilyn and Steve Monsein, Sugar Hill

As a member of the Sugar Hill Select Board, I feel that it is vital to the economic and environmental health of municipalities to have input into the Site Evaluation review process. Citizens and their leaders have a good sense of what types of development will be beneficial and successful in their individual communities. I am sure there is a way that municipalities that are affected by proposed development can be part of the site evaluation process.
-- Margo Connors

I attended the workshop in Plymouth and I thought it was very well done. I would just like to make one additional comment/suggestion pertaining to the SEC. Why not require an election polling all the surrounding communities affected by any new energy project to see if the people are in favor of the project? The people of Groton got to express their opinions for their wind farm but the surrounding communities are the ones mostly affected. Rumney and Plymouth have to look and hear the towers and the massive transmission lines are running through their Towns, not Groton. We are having a special election in January to pick a replacement for the Governor's Executive Council. This election is less than two months before the state wide general election in March so evidently a special election must not be too difficult have or too cost prohibited.
-- Thomas Gump, Hebron

Email Comments and Letters from Individuals

I offer the following questions and thoughts having no past experience with the OEP or the SEC and without studying any of the documentation from the Working Group. I must say that I am motivated to write after attending the first 1-1/2 hours of the OEP Citizen Workshop last night (Dec 10) at Plymouth Regional High School. While I attended the beginning of the workshop, I did not participate in a 6-person citizen groups that considered discussion questions nor did I vote in any of the polls. Perhaps if I had stayed for the second half of the workshop, I would have heard the Team take up the following topic.

Big energy projects can cause damage and significant financial loss to individuals, organizations, and businesses that are not in the business of producing or delivery of energy. To me, there should be a reasonable process for injured parties suffering from collateral damage caused by big energy projects to make their case and receive compensation for losses. Is there legislation that is needed to authorize the SEC to force applicants for big energy projects to preplan for funding to meet liability claims by injured parties over the life of their projects?

Could the SEC require the applicant to commission an unbiased survey of effected communities and regions to determine in advance likely damages that their project will cause? Applicants could also cite the experience of other comparable communities and regions where such projects are in operation. Their surveys should show damages caused throughout the life of the project and beyond -- construction, annual operations, decommissioning, and aftermath.

Then, as part of the process, could the applicant be required to post bonds, buy liability insurance, or offer some other means of expectation of payment in order to cover their expected cost of compensation for likely damages?

While the above may not match the mission of the SEC Study for process Re: siting energy facilities, certainty of financial liability for collateral damage is something I'd like to see part of the planning for and siting of big energy projects. Please consider it.

-- Wallace Stuart, Plymouth

We believe that there is always a right way to do something. When we first heard about the Northern Pass, we knew it would pass through our property, ruin our view, and destroy our property value. However, we thought that we should not stand in the way of progress and definitely not deny our neighbors in Massachusetts and Connecticut electrical power. We were willing to accept harm to the quality of our lives for the benefit of the common good. Then, as the Northern Pass opposition grew, we learned that the project was not needed to maintain system reliability. We further learned that it was a "merchant funded" project initiated purely for a profit motive. We further determined that the best way to preserve the beauty of New Hampshire is to bury the entire length of the project. However, as with many corporations, executive salaries and stockholder profits are the driving force and the issues raised by the landowners are ignored. Now if you study this, not from the perspective of an individual landowner, but as "New Hampshire" being the landowner, we see the need for an SEC where the needs of New Hampshire are protected from corporate greed. First, a project should be evaluated on need and if needed, then the beauty, quality of life and property values should be protected and never become secondary. Remember, before any project is undertaken, it is paramount that it be completed the right way.

-- Michael Marino & Lee Ann Moulder, Holderness

Over the past decade substantial technological advances have been made to mitigate the impact of power projects on our communities and local economies. Many of these are affordable and of much lower impact than traditional methods. Certainly, the long term effects of these new technologies have substantial benefits to the way in which

Email Comments and Letters from Individuals

we live and work. Greater security, reliability and maintenance costs all are benefits looking out over the life of a project as compared to the more traditional delivery systems.

Furthermore under the current environment, private, "for profit" ventures are coming to the market that are not required for reliability. These private investors seek to make a profit on their investment which they have every right to do. However, such projects should not be at the expense of other interested parties - be it their invested property values, their local businesses or their way of life. This is particularly true when other options are readily available and affordable with these new technologies.

Other neighboring states have taken the lead and are attracting these projects despite tougher regulation. This illustrates that the profit/ cost ratio remains high on these projects regardless, and investors will pursue them where there is more certainty of a smoother process because the rules are clear and accepted by the public. The ambiguity in New Hampshire, while less regulatory, increases uncertainty and leads to poor investment rather than well thought out projects. That ambiguity will end when the public views the process as acceptable and looking out for their interests as well as for those of business.

Please amend the process for the SEC so that applicants must submit more than one proposal - and one that mitigates the impact on local communities - be it burial and/or alternate routes. The SEC should be empowered to demand that option where the project is not required for reliability.

-- Jamie White, Sugar Hill

Noam Chomsky wrote: "The smart way to keep people passive and obedient is to strictly limit the spectrum of acceptable opinion, but allow very lively debate within that spectrum." Clearly this is what is happening at the SEC Citizen Input Meetings. Raab Associates specializes in "consensus building" which appears to be giving the developers what they want, while going through the motions of listening to the people. It is an insult to ask us to spend our gas and time driving to meetings where we push buttons allowing us to register our opinions on a deliberately limited spectrum of options. **Where is the possibility for input on whether the SEC should be allowed to override local zoning laws, on needed or elective projects? The one big question, the first question that should have been asked...mysteriously missing.** Who would most want it to be missing? The developers. Raab Associates has worked as a facilitator for the very projects the SEC regulates.

"Facilitating Wind Siting Workshop" U.S. Department of Energy with the Consensus Building Institute (CBI) and the MIT-Harvard Public Disputes Program, Raab Associates designed and ran a national training funded by U.S. DOE on facilitating wind siting. This three day workshop, held at Harvard Law School in March 2011, was geared toward state and local government officials, wind developers, and other stakeholders and focused on developing the capacity to collaborate effectively on wind development policy, facility siting, and related issues, including visual impacts, noise, credible data, local benefits and more. Using a mix of presentations, panel discussions and interactive exercises, the workshop introduced important risk assessment, planning, and decision-making tools and concepts. Wind Powering America (WPA), a nationwide initiative of the U.S. Department of Energy's Wind Program, recognized the Raab Associates/CBI workshop as a successful step toward increasing the acceptance of wind technology in the U.S., calling it a "Wind Powering America Success Story."

Whoever is in charge of the SEC evaluation purposely gutted it from the start, eliminating the real questions that could have led to change and empowerment of the people. They hired Raab Associates and the CBI to give an illusion of meaningful public input while making sure the format of the polling did its best to prevent that, while at the same time creating confusion and vague, malleable data. Kudos to those who stuck out the three hours of sludge to give real input at the very end of the session; the very input that should have been part of the process at the very beginning.

-- Kris Pastoriza, Easton

Email Comments and Letters from Individuals

Due to work obligations I was unable to attend the Public Workshops or Listening Sessions. However, I trust that this letter will find it's way in to the feedback that is required to correctly revise the current SEC process. The following is a list of my concerns/suggestions.

- Develop a set of criteria to determine “need” in the true sense of the word. Projects that are not needed “to keep the lights on” should not benefit from any loopholes or a streamlined process.
- Hire dedicated personnel to be on the SEC. Currently the SEC calls upon members to take time away from their career in order to make decisions. We need FOCUSED members on the committee to make informed decisions due to the scale and number of projects on the drawing board.
- The communities that are going to be directly affected by a project need to have a much louder voice in the decision making process, especially for elective projects.
- The SEC must also require all applicants to do their due-diligence. There should be at least one VALID alternative to a project, and those alternatives need to have hard data to back up any assertions one way or the other. For example, if underground is deemed “too expensive”, then the real data must be available for all to see in order to make an informed decision.

The bottom line is that there are projects in the works that have the potential for major impacts on NH and her people. Please do all you can to ensure the SEC has all the resources it needs to make these types of decisions. These are decisions that will affect future generations in drastic ways. We only have one chance to “get it right”
-- Mark Orzeck, Westport, MA

As I was unable to attend any of the OEP listening session, please accept the following written comments as my contribution to the OEP statutory study.

1. The world of power generation and distribution has changed dramatically since the SEC was created.
2. Before, there were a few kinds of traditional generating facilities, and power was distributed through standard towers and poles along largely existing corridors that were visible but not excessively offensive aesthetically. Today, there are new kinds of generating facilities, including windmills and very tall transmission towers, which are excessively offensive aesthetically.
3. The SEC was established during the “before” world. The issues it faced were largely technical ones, so its membership included folks with engineering, technological and environmental backgrounds and positions.
4. As the world transitioned to “after,” the legislature added historic and aesthetic considerations to those the SEC had to consider, but it did not change the make-up of the SEC. The make-up of the committee is not suited to deal with these new criteria. Indeed, the new criteria are so individual and emotional that no committee, no matter its composition, could deal satisfactorily with them. Any legislative effort to clarify the criteria would be akin to developing an operational definition of beauty, which, we're told, is in the eye of the beholder.
5. The site evaluation process needs to be restructured to include public decision-making in those applications in which historic and aesthetic factors loom large. In the same way that casino operators must have local voter approval before siting a casino in a particular community, power generation and transmission facilities that significantly affect public places should only go forward if a majority of the voters in the affected communities, taken as a whole, approves.

Respectfully submitted,
Neal Kurk

Email Comments and Letters from Individuals

Dec 17, 2013

Governor Hassan
107 Pleasant Street
Concord, NH 03301

Dear Governor Hassan,

Thank you for taking my comments on the Site Evaluation Committee, as required by SB99.

I am very concerned about the impacts of climate change in New Hampshire. Mild winters allowed winter ticks to flourish. The tens of thousands of ticks kill New Hampshire's iconic moose leaving a small and vulnerable population. Extreme weather events have turned our roadways to rubble again and again. More carbon pollution will make matters worse for sensitive populations with asthma, COPD and other chronic breathing conditions.

I support:

1. A fair process for all energy proposals;
2. Providing a professional staff for the work of the SEC;
3. People adversely impacted by a project must have the right to intervene;
4. Including clear filing requirements in the application, such as alternative options and analysis of environmental impacts; and
5. Consistency of project approval with state climate and renewable energy policies.

The radical element in the state would have you believe that the current energy sources in the state are acceptable, that there is no public participation in the SEC process and that there is no room for wind power in our state. These assertions are wrong. The SEC process could be improved.

We must improve the process not disable it. New Hampshire can solve this with smart and creative solutions. There is no downside to taking action to limit climate disruption.

We can reduce pollution, stop wasting our limited resources and protect our communities. Inaction could be fatal. Please help create solutions to protect our environment and future generations from the threat of climate change.

Sincerely,

[This letter was received from 320 individual citizens from around New Hampshire. The full list of names can be obtained by contacting OEP.]

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We are residents of Danbury and will be unable to attend any of the Citizen's workshops or the Listening Sessions. We have read with concern about the current process for siting new energy generation facilities in New Hampshire, particularly wind turbines.

While the SEC's stated goals are laudable in terms of protecting the environment, developing new energy facilities and sound land use planning, the resulting process for considering new projects falls short.

Our home is located on Forbes Mountain Road in Danbury, in close proximity to the proposed turbines for the Wild Meadows project. We are greatly concerned about the criteria cited in reviewing wind projects, particularly the lack of consensus on noise standards. There is growing evidence from around the country that noise from wind turbines is a major problem for residents living within several miles of a wind facility. The town of Falmouth, Massachusetts recently agreed to limit the hours of operation for its wind turbines because of complaints from residents over noise.

We also noticed no consideration of other health impacts from wind turbines. There have been many reports from of headaches and other negative health effects from those living near wind turbines around the country.

Additionally, the SEC has avoided the issue of aesthetics. The ridgeline impacted by the proposed Wild Meadow turbines is one of the most beautiful in the Lakes Region. A thriving tourist industry has been built around Newfound Lake and Mount Cardigan State Park; an industry that would certainly be negatively impacted with wind turbines, not to mention the quality of life for residents of the area. But yet, to quote your report, "no consistent, formalized, visual impact standards for energy facilities exist". How can the people who have to live with the development be ignored in this way?

While the SEC commits to one public hearing in any county affected by a proposed energy facilities, that's not enough when the project impacts will impact residents' lives for 20 years or more. Even more concerning is the perception that the current certificate process favors applicants. There's also the criticism voiced about "the SEC's ability to weigh diverse public opinion." Then the fact that the SEC can pre-empt the decisions and issues raised by local municipalities. Add to that the finding of a "lack of clarity on how public input informs decision, including any balancing of local and statewide interests". It truly sounds like citizens are underrepresented and getting short shrift in the SEC's current deliberation process.

The SEC is inadequately staffed to review the number of requests for certificates it is receiving in a timely and thorough manner. That is also true for the monitoring and enforcement responsibilities with which it is tasked. This is concerning because already, Iberdola's new Groton wind turbine development has been cited for noncompliance with its certificate. Who will ensure that the safety and well-being of local citizens will be protected if the SEC and local municipalities are not in a position to do so?

We understand the need to develop renewable energy sources in New Hampshire, but the energy from Wild Meadows will go to the New England Power Pool, not necessarily to New Hampshire. This renewable energy is coming at too high a cost to residents of the impacted area.

We find it very short-sighted that the SEC avoids consideration of such issues as noise, health, and aesthetics because consensus about criteria was not reached among its members and their stakeholder committee. Also there is a serious gap in their ability to monitor and enforce the agreements with developers because of budget issues. But these factors have a very real and lasting impact for thousands of people living in the area and they and these issues need to be part of the decision-making process.

Respectfully submitted,
Mary and Peter Wallan

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I am a resident of the Newfound Lake area, which as currently proposed, could end up with approximately 100 forty and fifty story wind turbines; so I am keenly interested in the SEC process as well as the energy markets.

I. Current SEC Process

1. The current SEC process pits billion dollar multi national utilities against small relatively poor rural communities. To make it fair why not require wind developers to cover the extensive legal and expert witness costs intervenors and local communities are now forced to absorb?
2. The current SEC process is run by the SEC's lawyer as transcripts show. Is this a legal process or a regulatory process; or are they now one and the same? The SEC's lawyer in public remarks makes it clear to opponents of wind projects that they need a lawyer{s}. If this is going to be a fair debate the developer should pay for the opposition lawyers in much the same way the developers apparently pay all legal costs of the few towns {Groton for example} who have agreed to "host" them.
3. Since the state has usurped local and regional voting control, perhaps it is fair for the state to pay for the experts and lawyers local communities need to defend themselves against industrial wind complexes.

In short, either the developer or the state should cover the enormous cost burden the current SEC process places on local communities. The process as it stands now is an expensive and protracted one. Small communities can't be expected to stand up to the resources of billion dollar utilities.

II. Economics

1. The SEC appears to not consider comparative economics. Why site a plant without knowing its relative value? For example NH has stated we do not feel the NESCOE ratepayer plan for wind energy transmission throughout NE is fair. FERC will decide as you know. How is transmission part of the SEC decision making and how does the SEC consider for wind:
 - The cost of fossil fuel redundancy?
 - The cost of curtailment?
 - The cost of ISO-NE negative pricing?
 - The \$11-\$15 billion {ISO-NE Governor's Report} in transmission?
2. More importantly, where are the comprehensive comparisons of the full economic impact of wind versus other forms of energy? Does the SEC know the cost per carbon ton reduction of wind relative to other {non coal} forms of energy?
3. Why does the SEC evaluate energy installations ad hoc rather than evaluating the most cost effective form of energy for ratepayers and the most cost effective carbon reducing forms of energy comparatively? Shouldn't those metrics be clearly defined for the public and for the SEC prior to a project going to the SEC or as a part of what the SEC is required to do?

III. Health & Noise

1. The wind industry is being embroiled in health and noise litigation in many states across the country. The SEC should have independent experts, with no ties to industrial wind, look at this topic rather than relying on any "research" or "facts" provided by wind developers.

Thanks for asking for public input,

Larry Goodman
Hebron

Email Comments and Letters from Individuals

Dear OEP,

I was unable to attend the Dec. 17 listening session, so I am providing my comments here as instructed by your office.

It is imperative that local communities have a role and authority in the siting of privately-owned, commercial, industrial-sized energy projects in NH, and the SEC structure, guidelines, and review criteria must be changed to allow this to happen.

Secondly, the projects should be assessed on their actual impacts to numerous things wholistically. I would direct you to look at the way the Cape Cod Commission reviews "projects of regional impact" on Cape Cod, MA. They assess all physical and measurable impacts on resources: water, wildlife, economic, transportation, health and housing, and puts this through a benefits vs detriments test in reviewing projects. The studies are done by professional staff, public agencies, and consultants for the Commission, and the developer does the same as part of his project proposal. This is a much more equitable review that permits projects that pass these reviews (often with many conditions that make the project better, or reduces impacts to a particular resource area), or denies them when detriments can't outweigh benefits. In the current SEC review, the developer does the assessments and edits reports to mis-inform regarding impacts.

In particular, the wind development proposals occurring in the Newfound Lake region are a travesty to our region and state. This is some of the most beautiful country in NH, and as a tourist economy the impacts would be devastating. There is the Cardigan Mtn. State Park, Wellington State Park, many inns, restaurants and small businesses that rely on our second home owners and seasonal visitors who enjoy the region for its outdoor recreation opportunities and scenery. For its pristine rural character, which our towns work very hard to preserve, and market around the world. This development is also proposed in some of the highest quality wildlife at a state level, and Fish and Game and UNH have been tasked with identifying these places for preservation, and working very hard with towns to develop conservation plans!!!

A large wind development would cut 75' wide roadways right through miles of this habitat, cutting it in two and destroying a significant unfragmented forest block. Timber harvesting causes temporary disruptions, but with 16' roadways that then re-grow into great multi-age successional habitats can actually benefit wildlife.

It is not right that public US/NH taxes should be allowed to go to foreign companies to subsidize their for-profit projects that are not needed, they are not green, and they are not viable without the subsidies. We should use those subsidies to put solar panels on all the large roofs in the country - where there is direct use of the energy, and the infrastructure is in place already. These European companies have exhausted sites in Europe, or have been regulated out because of negative impacts, so they are coming here to NH to take advantage of towns who: have a small rural population, have no zoning, need income, and with a state that has usurped local authority to review these projects.

I urge the Committee to research this issue thoroughly with continued public input, so that we can take back control of our communities and find solutions to our energy needs in a less invasive and unfair way.

Thank you,
Martha Twombly
Hebron

Email Comments and Letters from Individuals

On Thursday December 5th my wife and I participated in the Citizen Workshops regarding the Site Evaluation Commission Study (SB99). I thought that it was an interesting way to quantify feedback from NH voters. By its very nature the topics that were voted on were “pre-selected” and thus did not capture some of the discussion that were brought up in the individual groups. This was a significant limitation of the methodology but assuming that the questionnaire was accurate, it was an effective way to gauge citizen opinion.

I want to provide my additional feedback as you requested at the meeting. The following are the issues that I believe need to be changed:

1. With the deregulation of the energy market in the early part of this century, NH now has energy producers and energy distributors. Some companies perform both tasks but it appears that both PSNH and NHEC are shying away from power generation and focusing on distribution. The 162-H law as currently written gives substantial benefits to the developers in terms of an expedited permitting process, no requirements to meet local community needs, an opportunity to pay lower taxes, etc.. In return for this the state of NH must demand that the developer demonstrate a **NEED in NH** for the proposed project. In many cases recently, this just isn't so. Northern Pass will provide power to NY, CT and MA while most of the wind power projects provide the bulk of their output to neighboring states (VT, MA, CT). There must be some form of **demonstrated NEED and benefit to the citizens of NH** before any project being accepted to the SEC process for any energy project. If there is no demonstrated need developers shouldn't get the benefits of the SEC process! What we have now is **Energy carpet baggers** who come to exploit our NH way of life, the beauty of our state and federal tax credits!
2. The developer should be required to make best efforts to visually mitigate the proposed energy facility. In situations where visual mitigation will not be effective, such as wind turbines, the developer must put the facility in topography where the visual impact is lessened and agree to set-backs that are considerable, perhaps **setbacks of 1-2 miles** from adjacent property. As technology evolves, particularly wind technology, the legislature should consider a maximum state wide height for a facility especially for facilities that have multiple towers.
3. Noise, particularly from wind turbines are an on-going issue. There are several families in Groton that were forced to move out of their homes due to noise issues. Many others have to tolerate noises that weren't there before the turbines were erected. The current measures using the decibel A scale are inappropriate for wind facilities as they do not capture low frequency sound. There are many recent studies that implicate this low frequency sound to a wide variety of serious conditions such as severe headaches, vertigo, nausea and heart palpitations often referred to as “Wind Turbine Syndrome”. The siting criteria for wind must consider **using the broader dB C scale and compare this to** local ambient levels.
4. Energy facilities, especially elective energy facilities, should not have a negative impact on adjacent or community property values. If they did, this would constitute the “taking” of private property by another without compensation. The energy developers will testify that these facilities do not impact property values although recent studies might paint a different picture. There is an easy way to solve this. Have the energy facility **provide a property value guarantee** for all property within a 2 mile radius of the facility. This guarantee would be for “like” situated properties in comparable areas within the state.
5. Finally, the entire cost of the SEC process is too high, to all affected parties. The state, the “host” towns that may not want them and finally to individuals. The developer should be required to establish a sufficient amount of funding to permit towns that want to intervene on behalf of their citizens to do so. The Counsel for the Public does not perform this task and may in fact be in favor of a facility. Most towns do not have a spare \$200-\$400K to provide a defense of their position. Ideally the energy developer would provide significant benefits to not only a subset of landowners but to towns and adjacent towns that are impact by the facility. By having a financial incentive to reach an amicable agreement with all stakeholders, the developer would be a better neighbor within a host town and throughout the impacted area.

Respectfully submitted,
Russell Blair, Bridgewater

Email Comments and Letters from Individuals

I would like to THANK the NH Office of Energy and Planning for allowing me to offer these comments. Consideration of the composition, functions and funding of the STATE ENERGY FACILITY SITE EVALUATION COMMITTEE (NH SEC) is critically important for two primary reasons:

First: *The location of electrical power generation facilities and their associated transmission infrastructure is a legitimate and extremely important function of State government. It is a fundamental States rights issue.*

Second: *The next several decades will see very significant changes in the generation and transmission of electric power as we change the mix of power sources among fossil, nuclear, renewable and fuel-cell sources and are required to establish new distribution strategies.*

From 1985 to 2001 I held an appointment to the STATE OF CONNECTICUT SITING COUNCIL (CTSC). This Council has broader regulatory power than the NH SEC, but overlapping responsibility regarding energy. *It is interesting to note that the Connecticut Legislature created the CTSC in the 1970s in response to Northeast Utilities INABILITY to locate a new transmission line through several western Connecticut towns. The CTSC regulates the design and Statewide site selection for; (1) ALL power stations and electric generating facilities (inc. coal, natural gas, wood, MSW, tires, nuclear and hydro), (2) electric and gas transmission infrastructure, (3) utility, commercial and State-owned telecommunications towers, (4) hazardous waste storage, treatment and transport facilities and (5) low-level nuclear waste disposal facilities. As a result of these CTSC responsibilities over sixteen years, I have sat through as many public hearings and formal administrative procedures as any one in this room !!!*

As a result of my experience with the the CTSC, I FULLY appreciate the critical need for diversity in Council membership and a professional staff. In order for the public to be adequately served, the siting function MUST be fair, efficient, comprehensive and very professional.

My specific recommendations for consideration for changes to the current NHSEC include:

ONE: Broaden the membership of the Committee to include, in addition to the Heads or Designees of the relevant NH Departments, members from the public and/or elected officials. The former could include scientists or engineers from NH's academic or private sectors and the latter could include mayors, selectpersons or other elected local officials. The Chair of the CTSC is appointed by the Governor from the general public.

TWO: Provide a professional staff adequate to the work-load of the NHSEC. Ideally this staff would include professionals with legal and formal siting experience. The CTSC presently has a staff of nine for a nine person Council for energy proceedings. When I left the Council, funding for ALL Council expenses was fully funded with APPLICTION FEES and independent of the CT General Fund

To illustrate the value of a professional staff and in conclusion, I would like to provide a copy of one of the most recent CTSC's Staff documents providing criteria for the siting of wind generation facilities.

[ATTACHMENT NOT INCLUDED IN THIS REPORT BUT AVAILABLE UPON REQUEST FROM OEP.]

Respectfully,
William H. Smith PhD, Center Harbor

Email Comments and Letters from Individuals

I welcome the opportunity to provide comments, and commend staff in the application and execution of SB 99. My comments are a result of attending and participating in the Citizens Workshop, December 10th in Plymouth, and (2) listening sessions December 11th in Lebanon, and December 17th in Plymouth.

In consideration of my comments, I have also researched a wide variety of material, including;

- Site Evaluation Committee Study (SB 99)
- Notes from the 9/19 meeting of the Coordinating Committee
- Notes from the 10/30 meeting of the Coordinating Committee
- Notes from the 11/13 meeting of the Coordinating Committee
- New Hampshire Siting Process
- Multi-State Energy Facility Siting Review
- New Hampshire's RPS Statute, RSA 362-F
- The New Hampshire Clean Power Act
- Docket No, 2012-01, Antrim Wind Energy (motion to reopen)
- Docket No, 2013-04, Timbertop Wind I (petition for jurisdiction)
- NH SEC: Coordinating Committee Kick-Off Meeting, September 19th
- The NH Climate Action Plan, NHDES, March 2009

I am 25 year grid scale wind energy developer, with project development activities and research covering approximately 15 states including the New England region and Mexico. Those development activities have resulted in 25 gigawatts of project development research, with approximately 2.5 gigawatts (2500MW) of built wind farms facilities located in the mid and western US markets including Mexico. These activities include conceptual to early site research and analysis, to project monitoring and inspection, project operations and management, and decommissioning.

My current development activities include a 1000MW Pumped Hydro Storage project in California, Wind and solar asset evaluation; California. Wind and Gas early project analysis; Mid-West. Renewable project analysis with The Clean Line Energy HVDC projects totaling over 14 Gigawatts of transmission; Mid-West. I'm also working on a 4MW re-power wind project and mid-size wind turbine research and analysis.

I've been a permanent resident of New Hampshire since 2002, residing in Enfield, (Grafton Co.), with multi generation family ties here in Enfield and throughout New England. My exposure to SB 99 was a result of news feeds and a request for involvement through the American Wind Energy Association. I have no affiliation to any of the wind energy developers in the region, and have only received any relevant research material for projects, issues, or updates through the local media and industry news feeds.

I'll be focusing my comments as they relate to the Raab Assoc. 'New Hampshire Energy Facilities Siting Process', November 12, 2012, primarily focusing in on the 'Challenges' sections, 'compiled through the research phase-documenting the current process and identifying areas for potential improvement'.

I. Structure and Authority

SEC Membership

Staffing/Funding

Jurisdiction

Role of Council

With respect to SEC membership, there seems to be a consensus that the 15 member panel poses an inherent logistical issue, 'large and cumbersome', ex-parte issues, no dedicated staff or funding. I am of the opinion that

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the agency needs to be fairly efficient to meet the needs of a highly efficient and motivated renewables industry, and that includes issue of government.

I am also of the opinion that given adequate funding and staffing, that the agency as it stands now would be able to operate much more efficiently, and I feel an analysis of this thought to be considered before reducing the committee members. If it is a consensus that if the membership would still be viewed as ‘large and cumbersome’ after adequate staff and funding are considered, then I would imagine a staff representing all agencies, at least (8) to be sufficient. I feel the need for diverse representation is needed to handle the diversity OEP currently experiences with current and future case loads.

It is also paramount that SEC is funded, with application and associated fees. In my experiences developer fees not only assist in funding the processes, but also helps demonstrates a financial obligation and ability to the project. I also think the fees should be variable to the size and type of the project; a commercial grid-scale wind project would have fees different from a distributive wind project so the scale of the project has fees associated with its size. It might also consider a reduced SEC board to focus on projects of reduced size and type; example, 5 members for projects 5-20MW, 8 members for projects 20-40MW, 15 members for projects over 40MW. I also think the current ‘Conditions for Exemption’; ‘Opt-In’ should be kept in place with minor modifications if needed to increase efficiency through funding and staff. I feel with adequate funding and staffing that the ‘Role of the Counsel for the Public’ would be enhanced negating the need for drastic change.

II. Process

Filing Requirements

Deadlines

Process for Decision Making

Public Engagement

Role of Municipalities

Monitoring and Enforcement

ADR

In general, the ‘processes’ as it is currently written is sufficient, however, industry relies heavily on reducing uncertainty, because uncertainty has substantial ripple effects on a project. Having uncertainty in the ‘process’ with unmet or delayed deadlines literally can be felt to the manufacturing floor of a facility providing materials for a project. Having certainty, especially in a fee based application would have to be paramount. I would suspect that with adequate funding and staff this might ‘fix itself’, or the deadline would have to be extended for the applicant to have ‘certainty’.

After reading the various Dockets, it seems that the process is quite formal and one would almost need to seek qualified counsel/interveners. I think the state should have an approved vendor list for applicants to utilize. The approved vendor can supply an applicant with adequate expertise, and the state can move this process along more efficiently having familiarity with the vendor/representing firm. Obviously this would not work in all instances, but certainly relating to providing the committee with good sound scientific and ‘certified’ testimony.

Public participation and engagement are vital to the transparency issue. I think the SEC should ensure all communities have proper notification of projects through the local government, and ensure that SEC has the sufficient staffing and funding to not have citizens uninformed.

Certainly funding and adequate staffing will help out the monitoring and enforcement issue. I hate to keep coming back to the ‘adequate funding and staff’, but if SEC were a business, it would need ‘funding and staff’.

Email Comments and Letters from Individuals

III. Findings and Criteria

Findings Necessary for approval of certificate

Orderly Development

Noise of Wind facilities

Visual impacts of Wind facilities

Transmission lines

Eminent Domain

This section really relies heavily upon a ‘need’ for a particular project. Certainly if energy generation is a regional issue (New England), then sending electrons over a border essentially does not become an issue, and the issue becomes more ‘visual’.

New Hampshire has a vast opportunity to mold a robust alternative energy industry with emerging projects such as distributed energy, small hydro, industrial park solar projects, municipal energy projects etc. Grid scale wind projects rely upon ridge line siting given the particular wind regime, and unless there exists a very large presence of projects, New Hampshire will not benefit from long term jobs, training, or industry. However, by focusing in on smaller projects that will impact positively on the local regions grid through upgrades and VAR support, and spurring maintenance facilities, support manufacturing etc. for these smaller (5-20MW) wind, solar and hydro facilities. This also creates a vocation that can help keep qualified individuals in state, and creating an ‘industry’ of ‘boutique’ style energy projects.

But the ‘need’ for a project will be a major issue moving forward, and I would imagine it would have to coincide to a large extent with other agency findings as it relates to the RFP statute, Clean Power Act, NH Climate Action Plan etc., and to work in harmony with neighboring state agencies in siting projects.

In closing I would again like to thank OEP for the opportunity to comment. I could’ve spent an entire week researching the issues, and have found them very interesting from a developers perspective, ‘in my back yard’. I look forward to receiving any correspondence and updates regarding SB 99, and look forward to participate in helping New Hampshire’s renewable energy planning.

Stuart Smith
Enfield

Email Comments and Letters from Individuals

Hello. Thank you for the opportunity to express my views on the New Hampshire Site Evaluation Committee. I have segmented this letter into three parts:

- A. SEC comments.
- B. Northern Pass Comments
- C. Conclusions

A. Concerning the New Hampshire Site Evaluation Committee (SEC):

Each of the following comments are oriented towards large non-community-based State-wide mega-power-projects like wind towers and electrical transmission towers.

First: The Special SEC Approval Process Should NOT address “Non-Need,” Private Energy Projects

The SEC’s jurisdiction should be limited to energy projects that have been formally determined by the appropriate federal, regional and state regulators to serve a “public need.”

If the project is not needed it should be shelved.

Second: For “Needed” Energy Projects, the SEC Process Should Be Changed to **Make It More Fair for the Public:**

1. Affected towns must approve projects.

Local participation in approval process: SEC membership should “float” on a project-to-project basis, with at least one-third of the membership for any given application representing the affected towns and regional bodies. This would ensure a more fair and robust debate at the SEC and more airtime for local public concerns.

2. Give more weight to private property rights.

3. Level the financial playing field:

The public point of view gets overwhelmed by the developer’s wall of money.

The developer should be required to fund expert studies undertaken for the public’s side of the debate using non-biased resources.

On points that may not be fully covered by the competing studies of the developer and the public, the SEC itself should be required to commission objective expert input.

4. Require consideration of alternatives

For example: New Hampshire HB569 is scheduled for a vote in the New Hampshire House of Representatives on January 8, 2014. This bill would instruct the New Hampshire Site Evaluation Committee (SEC) to give preference to elective transmission projects buried in state-owned transportation rights of way. It will provide the State with funding and prevent our citizens from suffering visual blight and economic disaster while supplying power to our neighbors to our south while allowing smaller renewable energy projects to flourish.

B. Concerning the Northern Pass Project:

I think that the State of New Hampshire should create and manage a power corridor on existing roadways, railroad lines and other rights of way that could be used to bury power lines. Ideally the State would lease the right-of-way to whoever passes muster...Hydro Quebec for example.

This would create a win-win-win:

1. the USA would gain another source of energy not gas, coal or oil based
2. Hydro Quebec would gain by working with a friendly neighbor
3. New Hampshire taxpayers would gain revenue from power corridor leasing fees

Of course burying power lines might incur incremental costs over a tower based solution initially but would save in the long run by:

- retaining revenue to and taxes from and jobs within NH’s tourist industry which would be negatively impacted by a tower based solution.

Email Comments and Letters from Individuals

- retaining our current property tax base by avoiding massive property devaluation resulting from a tower based solution.
- retaining the current second home industry which would be negatively impacted by a tower based solution.
- save in on-going maintenance costs that a tower based solution would incur:
For example: in the Dec 7 Union Leader we see a letter: *Why is Hydro Quebec ignoring buried lines?*
The author reported that TransEnergieUS, Hydro Quebec's transmission division, sponsored a 2004 Federal Energy Regulatory Commission Conference, held in Hartford, Connecticut.
From the FERC website conference details, we find that three studies: one in North Carolina in 2003, one in Maryland in 2000, and one in Australia in 1998 confirmed that underground frequency and duration of outages_were significantly less than overhead tower-based solutions.

C. In conclusion. Today we stand at a crossroad...

One direction will cause job loss, property value de-valuations and loss of property tax revenue while simultaneously destroying the quality of life in New Hampshire that everyone loves, all to line the pockets of a few special interests.

A different direction will maintain jobs, ease the tax burden for New Hampshire residents, preserve the New Hampshire qualities that everyone loves and help provide another reliable source of power from a friendly source.

To me the choice is clear.

Vote *for* New Hampshire; Vote to make the New Hampshire SEC more community oriented.

Thank you.

Dave Rivers
Thornton

Email Comments and Letters from Individuals

Thank you very much for this opportunity to submit written comments regarding the NH SEC process. I've participated as a full intervenor before the SEC under four separate dockets (2006-01, 2008-04, 2010-03, 2011-02) and also provided expert testimony in a fifth (2012-04). In that time, I've had the opportunity to witness some of the weaknesses in the process which, in my opinion, have encumbered the Committee and the State in achieving the full and true disclosure of the facts. Please see my comments below.

a. Committee makeup

Consider establishing the SEC as a full-time administrative body comprised of appointed members with a staff and budget. As an alternative, assign the responsibilities of the SEC to the PUC.

Reasons:

1. The SEC does not exist except when an application is before it. No budget is available for the Committee to act on petitions from the public or to take any action except as it relates to an active application before it.
2. SEC members are high-ranking officials in State government and are required to split their attention when the SEC is in session. The size of the Committee makes scheduling members difficult, especially given each member's rank within the State's administration.
3. The Committee make-up assumes that members represent the positions of their respective agencies. Having members that represent a cross-section of disciplines is intended to enhance the one-stop review process and allow issues to be resolved in an integrated fashion. The concept, in theory, makes sense but does not appear to work in practice. Committee members must refrain from speaking with their reports about applications as any communications could be deemed ex parte. The members can only present the official findings of their Agencies.

b. Counsel for the Public

Expand the legal description of Counsel for the Public's role.

Reasons:

RSA 162-H:9 restricts Counsel for the Public's participation to only two topics: the environment and in seeking to assure an adequate supply of energy. At the very minimum, the role of Public Counsel must be updated to reflect a more expansive review of applications. (Note: The SEC has permitted Public Counsel to explore other issues, contrary to the law).

Consider assigning the role to an outside attorney.

Reasons:

As an employee of the DOJ, Public Counsel is at risk of bending to the political whims of the governor. Counsel for the Public must be assured the freedom to carry out his/her duties as seen fit and given the weight of the evidence. In the case of Granite Reliable Wind docket, the record shows that Counsel for the Public was asked to change his position on the project as a result of pressure from the Coos County leadership.

c. Role of State Agencies

Expand the role of the State agencies in the SEC proceedings.

Reasons:

There is no mechanism under RSA 162h whereby agencies involved with the review of applications can present their findings under cross-examination.

State agency experts must be permitted to participate in the proceedings before the SEC including, but not limited to, submitting testimony and agreeing to be cross-examined on their findings. Absent this option, neither the public, nor the SEC has the benefit of hearing from State experts regarding the effects of the application(s).

Email Comments and Letters from Individuals

Discussions between the developer, Fish and Game, DES Wetlands and Alteration of Terrain, as well as Historic Resources, Transportation etc. are generally not public and the process does not allow the public or the SEC to know what was said.

d. Funding for studies

Establish a means of funding studies that may not be specific to a project application before the SEC.

Reasons:

Currently any funding for studies is imposed on the Applicant. The SEC generally does not ask for studies, however, Counsel for the Public may require additional pre-construction studies to be done in conjunction with the Committee. These studies are usually limited in scope given the time constraints for reviewing a project that are fixed by statute. Also, there is no mechanism for state agencies to recover funding for studies they may deem necessary to test claims by project proponents. Nor has the SEC required funding to cover post-construction studies. Given limited manpower, such funding should allow for outside resource to be hired to oversee any studies and report the results to the Committee and the public. In the alternative, establish the required studies (pre-application, pre-construction, and post-construction) and require project proponents to fund all studies as part of the application process.

e. The Project Application

Require the SEC to expand the requirements for an application to be considered complete and ready for review.

RSA 162-h:7 IV and V establish the contents of an Application submitted to the SEC. The burden is very low. No definitions are provided in either the Statute or the Committee's rules which explain specific studies to be conducted by the Applicant in order to demonstrate, for example, the impact of the proposed facility on the environment. No requirements address standards for conducting appropriate post-construction surveys. Siting guidelines will help the SEC, State Agencies, and Applicants in deciding what studies should be conducted and the protocols to be followed PRIOR to an application being submitted. Clarifying language from the Legislature will ensure the Committee conducts a thorough review of what components the application should include.

f. Findings

Examine and clarify RSA 162h regarding findings to be made the SEC. Areas of concern include a) criteria for defining alternatives; b) the role of host communities and existing ordinances; c) the definition of 'project need' etc.

Reasons:

The statute, as currently written, provides very little guidance to the SEC on whether proposed projects are needed. Not all electric generating facilities are equal and not all are needed. In addition, the law is unclear on how the SEC should weigh 'alternatives' and entirely silent on whether existing local ordinances should have any role involving proceedings before the SEC. These issues go beyond the list of findings the SEC is asked to answer in RSA 162h:16

Respectfully,
Lisa Linowes
Lyman

Email Comments and Letters from Individuals

Dear SB 99 Study Committee:

Thank you for the opportunity to comment on New Hampshire energy future. **I will focus on the importance of public input in the Site Evaluation Committee's (SEC) process, and provide several additional comments regarding specific site selection criteria.** I regret that I was unable to attend the public input and listening sessions due to semester-ending responsibilities at Plymouth State University (PSU), where I am a member of the College of Business Administration Adjunct Faculty.

I frame this letter in four sections, each to provide the perspectives I have as 1) a recently retired Vice President of Novelis Corporation, a \$12 BN global aluminum leader, 2) a professor of business administration at PSU, 3) the Chair of Easton NH's Conservation Commission, and 4) a member of the growing retired community in New Hampshire, who have chosen New Hampshire, among many attractive locations, for their sole residence.

Your process is meant to be policy-driven, not unduly influenced by the merits of any one project. I would argue that the public's perception of projects, with which they are familiar, is what shapes opinions, votes, and actions and, therefore, is highly relevant to informing policy. For the four years I have been residing in New Hampshire, it is Northern Pass that has defined daily life, driving my ideas on energy policy. My wife and I would never have chosen to retire here, had we known about Northern Pass, and the State's seeming lack of power in controlling the project - in view of strong public sentiment.

As a Retired Vice President, Novelis Inc. (\$12BN)

The widely accepted norms of corporate social responsibility, the triple bottom line and corporate sustainability are quite specific in calling for public input on corporate actions, and, particularly, large projects that impact communities. Indeed, well-managed companies view the public as full "stakeholders". Without meaningful input from the public, projects are not allowed to proceed to the next level of planning.

The reality is that many companies lack the finances and knowledge to effectively incorporate public views in to their planning. In the worst case, companies with limitless marketing budgets, lobbyists and PR firms claim to be "listening" when, in fact, they are parsing and "spinning" pieces of the story in to a compelling case for the community. It is a downside of corporate governance, explained by the imperative to maximize investor return and, to support corporate compensation.

With Northern Pass, heavy doses of statewide advertising, slick mailings, and intensive lobbying are evidence that the project lacks merit to stand up to intense public opposition. The so-called Northern Pass "open houses" provide a further example of how the project's partners are desperately attempting to claim public support. I attended the two open houses to which residents of Easton were invited and observed, at both, a tightly orchestrated effort to limit group discussion and to minimize the voices of opponents. None of my questions were addressed, my concerns were denied, and answers that were promised have still not been provided, months later. At the Sugar Hill Open House, Northern Pass informed attendees that they would have to leave if they persisted in asking for an open dialog, requested by the Chairperson of Sugar Hill's Select Board. Many felt the scorn of intimidating looks and body language from Northern Pass "hosts", and were surprised at the presence of their own town's police. This is clearly not the premise for value-adding public input.

Recommendation: Against the backdrop of shareholder financial expectations and in the absence of responsible corporate outreach to a concerned public, New Hampshire's Site Evaluation Committee process must fill the void. There needs to be a state-sponsored and directed forum for systematic public input to meet the basic requirements of responsive government.

As a Member of the PSU Adjunct Faculty

In eight semesters at PSU, I have taught over five hundred students in marketing, innovation, and small business. I take seriously the words within the University's mission "Plymouth State has a special commitment of service to the North Country and Lakes Region of New Hampshire". My classes have engaged with North Country business owners, and I take great pride in the thought that some of my students will someday soon create businesses of their own in the region.

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In my discussions with many business owners in the North Country, I have not found one who supports Northern Pass; indeed, most feel the project is a major threat to the region's economy, principally as it would impact tourism, property values and seasonal property ownership. Most lack the means to challenge large projects such as Northern Pass, or to participate as a full party in the current SEC process.

Recommendation: Lacking, financial means and time, small business owners need to be heard in the evaluation of projects, and their voice should be considered as part of a formal SEC public input process.

As Chair (2013) of the Easton NH Conservation Commission

Throughout New Hampshire, conservation commissions offer a structure to monitor and protect natural resources on a local level. Comprised of volunteers, these commissions are the eyes and ears of the community, in no small part responsible for maintaining the integrity of New Hampshire internationally recognized natural environment. The state could not provide this level of local sensitivity without considerable taxpayer expense.

While Conservation Commissions may become a party to the current SEC process, it is a difficult, time-consuming and potentially expensive proposition. It is unlikely that members would have the time or expertise to effectively participate in this process. To hire counsel to represent the commissions would be prohibitive.

Alternatively, our Commission attempted, in July 2013, to engage directly with Northern Pass to collaboratively discuss impacts and potential alternatives. As well, we asked 26 questions that any responsible conservation commission might pose as a matter of due diligence with a project of this scope. Despite the fact that executives from Northeast Utilities, PSNH and Northern Pass have assured us, on multiple occasions, that we would meet, we have not had a response on a meeting date in six months, and none of our questions have been answered.

As a proof point that Conservation Commissions can have considerable, fact-based input into the project evaluation process, including proposals around alternatives, please link to the following presentations. Both were submitted to White Mountain National Forest (WMNF) Supervisor Tom Wagner and submitted to the Department of Energy EIS process. Nearly 70% of Easton lies within WMNF.

- 6/10/13 Presentation to White Mountain National Forest Supervisor Tom Wagner and Staff
<https://www.dropbox.com/s/pp3mrlen33dlu25/WMNF%2C%20Town%20of%20Easton%2C%20and%20Northern%20Pass%20%283%29.pdf>
- 11/4/13 Addendum including Recommendation
- <https://www.dropbox.com/s/y3m87wmfkmihu4m/Addendum.pdf>

Recommendation: Given the importance of the Conservation Commissions in anticipating local project impact and the recognition that few of these entities would have the ability to participate effectively in the current SEC process, a specific process is needed to ensure their voice.

As a Resident of Easton, NH

My wife and I made a considerable investment in land and our sole residence in Easton, NH, upon retirement four years ago. We brought our life savings to New Hampshire, employing the local trades in an extensive restoration of a historic home. We have recently committed to place most of our 160 acres in to a conservation easement. I teach a substantial load as an adjunct faculty member at PSU and, together, my wife and I have volunteered more than 1000 hours in four years for a number of non-profit organizations vital to community health. Both of us serve on Easton's Conservation Commission. We support the local economy, make donations to non-profits and pay taxes. We are especially proud to say that two of our children, in their twenties, have also taken up residence in the state, both with great jobs.

We do not consider our case to be special. The demographics of "retired" and "young, college educated" are on the rise in New Hampshire. We believe the State has become a preferred living destination for many based upon natural beauty and strong quality-of-life indicators. New Hampshire's highly-desired position among the fifty states in this regard did not come as an accident; rather, many individuals and institutions are responsible for protecting the State's unparalleled natural features.

It is incongruous, therefore, to have a SEC process that does not allow for input from those who have chosen the state for the precise values that are threatened by massive development projects such as Northern Pass. Unbelievably, a senior executive of Northeast Utilities responded to my concerns at the Lincoln Open

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House by simply stating that “Northern Pass is simply another electric transmission project, no different from any others which routinely happen around the State.” Of course, any objective observer knows that this is a view shaped by corporate vested interests, not recognizing the reality of 135-foot towers and the destruction of real property value. Again, we would not have invested in New Hampshire, had we known of Northern Pass – plans for which were unveiled just months after we bought our property.

Recommendation: In a historical moment when the insensitivity of institutions and governments has led to stalemate, boycott, strikes and confrontation, New Hampshire would be committing a egregious error by not incorporating formal public input in to the SEC process. Alternatively, New Hampshire should live up to the expectations of shifting demographics, and in view of nation-leading quality of life indicators, by instituting a highly responsive review system for projects that fully integrates the voice of the public.

Finally, I would like to offer a few thoughts on specific site selection criteria. Again, these are offered from my working perspective, corporate and public, as well as an extensive education in Natural Resources Management, with degrees from Cornell University (BS/1976) and University of New Hampshire (MS/1981).

1. **Public Need.** A private, profit-driven project should not be accorded SEC consideration in the absence of fully-verified public need. From a New Hampshire perspective, the test should be applied locally – the project must meet New Hampshire’s public need, not simply that of the region or country. The notion of serving as a “host” should be discarded, as it provides legitimacy to the idea that the needs of one public are more important than the needs of another public.
2. **Disproportionate Local Impact.** If a project is viewed to be in the State’s interests, there should be criteria to mitigate impact in those areas that are asked to take on the negative consequences of the project. Compensation, either direct or through tax subsidy, is not a reasonable substitute for mitigation when technology exists to ameliorate the impacts.
3. **Areas of High Economic and Natural Sensitivity.** The economic viability and natural resource integrity of New Hampshire is potentially threatened by projects with major impact, including the regions of the Seacoast, Lakes Region, WMNF and, increasingly, the North Country. SEC review standards need to reflect the sensitivity of these areas, requiring avoidance or the use of best available technology to mitigate impact.
4. **New Hampshire Weather.** There is clear evidence supporting the prediction that our weather will become increasingly affected by intense storms. SEC should be anticipating this reality, planning for the full time horizon of projects and requiring best available technology to ensure reliability and public safety in the event of destructive weather events.

Again, I appreciate the opportunity to comment and apologize that my letter is arriving just under the deadline.

Sincerely,
Roy R. Stever

Adjunct Faculty - College of Business Administration
Plymouth State University

Vice-President (Retired) – Strategic Marketing
Novelis, Inc.

Chair
Town of Easton Conservation Commission

Email Comments and Letters from Individuals

I attended the Manchester OEP meeting this week; you asked to leave or write you with written comments on the issues discussed. I am a meteorologist/climatologist and feel the meteorology of the region is not being properly considered. I would be happy to be part of a study group on those issues. I have also listed the issues with wind from my study of wind power abroad and in the US for your consideration. I believe the SEC needs to evaluate these factors.

NH WEATHER RELATED PROBLEMS BEING IGNORED

- Several years ago a lengthy study was conducted on Mt Washington evaluating the potential to harness wind power. The study concluded that the frequent icing of equipment and the strength and gustiness of the wind at this location was so severe that wind energy would not be a practical or cost effective alternative. This remains the case today.
- Fires from lightning strikes and extreme winds, much higher probability at higher elevations (Mt Washington averages 16 thunderstorm days/year). Mt Washington frequently gets winds exceeding hurricane force and wind gusts have reached 231 mph.
- Ice damage to blades, electronics is real. The Finnish Meteorological Institute found some ice layers 6 inches thick on turbines. They documented that these fragments could be thrown up to 1800 feet and land with impact speeds up to 170 miles/hour. Mt. Washington's FAQ talks about 80 pound chunks of ice falling from towers and buildings being a serious danger to their employees and visitors.
- Ice damage to power lines and power poles. The devastating 1998 ice storm in northern New England and Quebec which brought 3 to as much as 5 inches of ice, left 300,000 people shivering in the dark for a month. Thirty people died in Canada and another 17 in the United States. The storm of 2008 left as many as 1.7 million NH customers without power. Now NH government is planning to rely on more transmission lines and poles to get power from Canada or the wind farms. Heavy ice could, in the extreme, lead to major damage to and even the collapse of wind turbines. In Canada ice storm of 1998, heavy duty towers collapsed under the weight of ice..
- In New Hampshire, you get the strongest winds at night when the demand is least. You need to go to higher elevations to find the stronger winds because as nighttime inversions develop the base of the wind profile rises and the winds aloft can increase.
- Inversions are frequent as the air cools at night, especially in the colder months. The ducting of noise and infrasound can cause a 5 fold increase in the distance noise travels. This is true for both noise and infrasound. In Australia, they detected infrasound as far as 19 miles from a large turbine.
- The NWS office in Burlington, Vermont has provided [research](#) on this issue that showed wind farms provide clutter that may look like a strong cell and may affect the velocity returns and trigger alarms that forces the FAA to delay or reroute planes. NOAA has an [FAQ](#) on this issue. This confusion causes unnecessary and expensive aircraft re-routing and excess fuel consumption.

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FIRE, BLADE BREAKAGE

Address the safety impacts attributable to the increased risk of fires being started in the project area, particularly given dry summer conditions and consistently high winds in and around the project area. Fire can be caused by construction activities, mechanical breakdown (e.g., loss of a blade), electrical breakdown, carelessness, or lightning strikes

In an article written in January 1996, Professor Otfried Wolfrum, professor of applied geodesy at Darmstadt University reported on blade failures in Germany, detailing four particularly severe examples where blade fragments weighing up to a half-ton were thrown up to 900 feet.

Palm Springs keeps turbines more than ½ mile from highways and residences because of the risk of flying broken blade debris.

Renewables UK, an industry trade association, has admitted to 1,500 wind turbine accidents/incidents in the UK alone during the past five years, the [London Telegraph](#) reported. Those included 300 injuries and four deaths—in just one small part of the world.

IMPROPER MAINTENANCE BUDGETING

In Florida, the *Desert Valley Star* reported in January 2009 that FPL/NER operates 60 wind turbines—and reportedly 40% were “malfunctioning, in disrepair, or need maintenance.”

Windtech International reported that a survey of 75 wind farm operators in the U.S. in 2008 found that 60% of turbines may be behind in critical maintenance due largely to a shortage of qualified turbine technicians.

ICE THROW

Ice and snow is common in the northeast Mt Washington has an average of 281 inches of snow and a record of 566 inches in a season. Icing is often severe.

Markker J. Vartianinen, of the Finnish Meteorological Institute, has written on this subject, "some ice layers 6 inches thick have been detected Professor Wolfrum documented that these fragments could be thrown up to 1800 feet and land with impact speeds up to 170 miles/hour.

ICESTORM TURBINE, TRANSMISSION LINE COLLAPSE

The region is subject to a large scale major ice storm on average every 7 years. Major damaging ice storms occurred in 1973, 1989, 1996, 1998, 2008.

For six days in January 1998, [freezing rain](#) coated [Ontario](#), [Quebec](#) and [New Brunswick](#) with 3-4 inches of ice. Trees and hydro wires fell and utility poles and transmission towers came down causing massive power outages, some for as long as a month. It was the most expensive natural disaster in Canada. According to Environment Canada, the ice storm of 1998 directly affected more people than any other previous weather event in Canadian history. Ice storm 1998 in Quebec .But for 300,000 people, it meant shivering in the dark for almost a month — in the coldest, darkest part of winter. Thirty people died in Canada and another 17 in the United States.

The December 2008 ice storm of [New England](#) and [Upstate New York](#) was a damaging [ice storm](#) that took out [power](#) for millions of people in those regions. The storm was deemed the worst ice storm in a decade for New England (since 1996) and the most severe in 21 years for Upstate New York (1989). Damage was primarily a result of fallen trees and fallen utility [wires](#) and [poles](#), which were coated in a heavy layer of ice. The storm raised heavy controversy over the slow return of power, as at the storm's peak as many as 1.7 million customers were without power. Days after the storm more than 800,000 customers were still without power. Almost a week after the storm still more than 100,000 customers were without power, affecting the holiday shopping season and crippling the business and transportation of many northeast cities for days.

TRANSMISSION ELECTROMAGNETIC WAVE HEALTH ISSUES

Study the potential for electromagnetic radiation turbine site and transmission lines created by the project to result in adverse health effects such as increased cancer risk

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RELIABILITY OF WIND

Wind power generation is often the lowest when needed most – daytimes. Highest at night at wind turbine levels as base of the wind profile lifts over the inversion.

Frigid arctic air masses that settle in as they have in Europe the last 5 winters, cause winds to go calm. In 2009, Black Bear Lake in Maine reached a state record low of -50F with calm winds. The German government remarked that solar provided 0% of the electrical needs last winter. In December 2010, when the UK had the second coldest December since the Little Ice Age in 1659, the massive wind farms produced less than 0.5% of their energy needs.

The same wind power die down in west Texas was observed in a cold outbreak a few years ago causing brownouts in Dallas and Houston. In heat waves, stagnant air means little wind/ventilation.

BIRD, BAT MASSACRE

According to an estimate published in the Wildlife Society Bulletin in March, almost 600,000 birds are killed by wind farms in America each year, including over 80,000 raptors such as hawks and falcons and eagles (Wildlife Society).

Even more bats die, as their lungs are inverted by the negative pressures generated behind the 170 mile-per-hour spinning blades. A new study from the University of Colorado, Denver, estimates that 600,000 bats were killed by wind turbines last year alone – could be as high as 900,000. Feed on insects that would otherwise destroy crops, and it pollinates as it goes about its nightly tasks.

In Digby, Nova Scotia, an [Emu farm](#) was put out of business. Operators of Ocean Breeze Emu Farm in Digby County are shutting down due to a nearby wind turbine farm. The farm's operators, Davey and Deb Van Tassel, say they started having problems with their emus when test towers were put up for the wind power farm. "First with the installation of the test towers and the high-pitch sounds emitting from them, we lost 26 of our 38 emus with no eggs laid," the Van Tassels wrote in an email. "During the time the turbines were erected and the test towers were still in place, we lost five more emus." The Van Tassels were told the birds "had died of fear," they said. The problems have continued, they say, the agitation from the turbines causing the remaining birds "to run and run night and day, wearing them down to practically nothing" In the last five weeks they have lost five young emus.

LIGHT FLICKER

You need to address the possible health problems cased by light flicker. The view of strobe lights or of a red glow all night long is expected to affect migraine sufferers. Wind turbine shadow flicker has the potential to induce photosensitive epilepsy seizures. Shadow flicker is also a safety concern. For example it can cause vehicle driver distraction.

HUMAN HEALTH - NOISE

The [New York Times](#) reports residents living less than a mile from the \$15 million wind facility in Vinalhaven, Me., say the industrial whoosh-and-whoop of the 123-foot blades is making life unbearable. "The quality of life that we came here for was quiet," one resident said. "You don't live in a place where you have to take an hour-and-15-minute ferry ride to live next to an industrial park. And that's where we are right now."

In Canada, Carmen Krogh, a retired Alberta pharmacist and a group of volunteers surveyed residents in areas near wind farms. Of 76 people who responded to their informal survey, 53 reported at least one health complaint. All across the US, lawsuits have been filed against the wind farms because of these health issues. An epidemiology study conducted by World Health Organization demonstrated disturbance by noise and sleep disturbance by noise increased the risk of depression 40%, and 100% respectively. In addition to visual burdens wind turbines create noise pollution which can cause annoyance, stress and sleep disturbance. In light of these statistics it is expected that people may suffer adverse health effects from visual and noise impacts of wind turbines.

In a letter to the Falmouth Board of health, Dr Willian Hallstein, a Psychiatrists wrote: "*Turning now to the topic of sleep interruption and deprivation. Sleep disturbance is not a trivial matter. Children with inadequate sleep perform poorly academically, emotionally and physically. Errors in judgement and accident rates increase*

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with inadequate sleep and fatigue for everyone: athletes, truck drivers, ship operators, aircraft pilots and physicians. No one is exempt.

In the world of medicine illnesses of all varieties are destabilized by fatigue secondary to inadequate sleep. Diabetic blood sugars become labile, cardiac rhythms become irregular, migraines erupt and increase in intensity, tissue healing is retarded, and so forth, across the entire field of physical medicine. Psychiatric problems intensify and people decompensate. Mood disorders become more extreme and psychotic disorders more severe.

People with no previously identified psychiatric illness are destabilized by sleep deprivation. Sleep deprivation experiments have repeatedly been terminated because test subjects become psychotic; they begin to hallucinate auditory and visual phenomena. They develop paranoid delusions. This all happens in the "normal" brain. Sleep deprivation has been used as an effective means of torture and a technique for extracting confessions.

US Justice Muse has just ruled that two 1.65 VESTAS Wind Turbines in Falmouth cause "irreparable physical and psychological harm" to the health of neighbors. He has ordered that the turbines are immediately turned off between 7pm and 7am every night, pending the hearing of a case for noise nuisance. These two turbines are the same power generating capacity as wind turbines at a number of wind developments in Australia where local residents have reported the same range of symptoms, most commonly repetitive sleep disturbance, known for centuries to result in serious long term damage to mental and physical health

NOISE ENHANCEMENT IN CERTAIN ATMOSPHERIC CONDITIONS

The distance sound travels increases 5 fold from day to night when inversions develop and duct the sound. In Australia, infrasound from the wind turbines at Leonards Hill travelled over 19 miles and the attenuation followed the pattern of the NASA experiments in the 1980's.

The same has been observed in South Carolina when Duke tests sirens. It is called atmospheric audio ducting. It's when we have an inversion or a warm layer of air just off the surface of the ground. It can trap and bounce the audio waves between it and the ground. Making them travel long distances and make the sound much louder.

INFRASOUND

On 31 May 2003, a group of UK researchers held a mass experiment where they exposed some 700 people to infrasound waves "**near the edge of hearing**". The presence of the tone resulted in a significant number (22%) of respondents reporting anxiety, uneasiness, extreme sorrow, nervous feelings of revulsion or fear, chills down the spine, and feelings of pressure on the chest. In presenting the evidence to [British Association for the Advancement of Science](#), Professor [Richard Wiseman](#) said, "These results suggest that low frequency sound can cause people to have unusual experiences even though they cannot consciously detect infrasound. [Sounds like terror in the air Sydney Morning Herald, 9 September 2003.](#)

I have attached a paper on Infrasound by Alec N. Salt, Ph.D., [Cochlear Fluids Research Laboratory](#), Washington University in St. Louis. *[ATTACHMENT NOT INCLUDED IN THIS REPORT BUT AVAILABLE ON REQUEST FROM OEP.]*

EFFECT ON TOURISM

[Tourism](#) is New Hampshire's second-largest industry. The Total Sales generated by recreational uses (i.e., boating, fishing, swimming) of New Hampshire's freshwaters, and by public drinking water supplies, range from \$1.1 billion to as much as \$1.5 billion annually. The Outdoor Foundation reports tourism supports 53,000 jobs, generates \$261 million in annual state tax revenue and produces nearly \$4 billion annually in retail sales and services.

State parks benefit tourism - "*In a recent survey the Division of Travel and Tourism learned that the main activities associated with New Hampshire were outdoor activities with 90% of them being recreational activities that take part in New Hampshire State Parks. Of those surveyed, 70% agreed that New Hampshire has great state and national parks, just reaffirming that these natural resources are an important aspect for promoting New Hampshire. The natural landscapes and varied experiences provide exceptional opportunities for both residents and visitors travelling from all corners of the globe to enjoy what New Hampshire has to offer whether they are*

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seeking active outdoor recreation, relaxation, or just the natural beauty of our quintessential New England landscape. -Lori Harnois, Director, NH Division of Travel and Tourism Development

Plans to dot France with wind farms are facing fierce opposition from critics worried they will blight a landscape that has helped make the country the world's top tourist destination. ...opponents are urging the government to tread carefully so as not to damage France's thousands of kilometers of stunningly beautiful landscapes.

QUALITY OF LIFE

Wind farms and transmission lines will provide a degraded view of the areas lakes, mountains. An epidemiology study conducted by World Health Organization determined a "bad view out of window" increased the risk for depression by 40%.

Also we need to evaluate how the projects would interfere with communication systems, including cell phones, radios, and televisions in the project areas.

PROPERTY DEVALUATION

Though proponents of wind say it enhances property value, there is concrete evidence to the contrary. In a wind impact study in Dodge and Fond Du Lac Counties in Wisconsin, large turbines (389 feet high) using a literature study, an opinion survey of realtors and sales studies determined that sales were less than outside the areas, and prices were lower. Land values were decreased from 13% to 47% with an average of 30%.

INCREASED ELECTRICITY COSTS

David Kreutzer of the Heritage Foundation's Center for Data Analysis adjusted the Energy Information Administration's projected energy costs for various sources in 2016 to account for the variability and remoteness of the major renewable energy sources – wind and solar. With these adjustments, swapping one megawatt-hour (MWh) of electricity from coal or natural gas combined-cycle generation to onshore wind drives the cost up from about \$79 to \$177. Offshore wind is worse at \$218 per MWh. Heritage analyzed a generic RES that starts at 3 percent of total power generation in 2012 and rises by 1.5 percent per year. Such an RES would destroy 1 million jobs by 2020, when the standard reaches 15 percent. *Average families will pay \$2,400 more per year.*

INCREASED UNEMPLOYMENT AND THE FALLACY OF GREEN JOBS

Unemployment reached a new high in Europe in part due to the green renewable revolution that has been deemed a dismal failure.

Almost two-thirds of young Greeks are unable to find work, exemplifying Europe's 'lost generation'. In France, the number of jobless rose to a record, while in Italy, the unemployment rate hit its highest level in 36 years, with 40 percent of young people out of work. In Spain, unemployment reached a record 27.2% due to a combination of the progressive big government anti-business policies and the enviro pushed green energy subsidies. This green push (wind power is not only a health hazard to humans and deadly to birds (killing millions worldwide including many endangered species like eagles and condors), but among the most inefficient of all energy sources) caused energy prices to skyrocket, shutting businesses or forcing manufacturers overseas.

In Spain, 2.2 jobs were lost for every green job created and only 1 in 10 green job was permanent. In Italy it was 3.4 jobs lost for every temporary green job, Spain ceased subsidization, but the damage has been done. In Germany where electricity prices have doubled, 600,000 homes had their electricity turned off during the last of 5 straight brutal winter. In the UK 25 to 50% are in energy poverty. Many pensioners have had to choose between heating and eating. Many tens of thousands died in the cold. The German government remarked that solar provided 0% of the electrical needs last winter. In December 2010, when the UK had the second coldest December since the Little Ice Age in 1659, the massive wind farms produced less than 0.5% of their energy needs.

How about the US? Without much fanfare, the Department of Energy (DOE) recently updated the list of loan guarantee projects on its website. Unlike in 2008, when Barack Obama pledged to create 5 million jobs over 10 years by directing taxpayer funds toward renewable energy projects, there were no press conferences or stump

Email Comments and Letters from Individuals

speeches. But the data are nonetheless revealing: for the over \$26 billion spent since 2009, DOE Section 1703 and 1705 loan guarantees have created only 2,298 permanent jobs for a cost of over \$11.45 million per job.

INCREASING NUMBER OF PEOPLE IN ENERGY POVERTY

UK Prime Minister David Cameron who once pledged to lead the ‘greenest government ever’, has publicly promised to ‘roll back’ green taxes, which add more than £110 a year to average fuel bills. A senior aide said ‘He’s telling everyone, “We’ve got to get rid of all this green crap.”’

Just recently, German figures were released on the actual productivity of the country’s wind power over the last ten years. The figure is 16.3 percent! Due to the inherent intermittent nature of wind, their wind power system was designed for an assumed 30% load factor in the first place. That means that they hoped to get a mere 30% of the installed capacity – versus some 85-90% for coal, natural gas, nuclear and hydroelectric facilities. That means that, when they build 3,000MW of wind power, they expect to actually get merely 900MW, because the wind does not always blow at the required speeds. But in reality, after ten years, they have discovered that they are actually getting only half of what they had optimistically, and irrationally, hoped for: a measly 16.3 percent. Even worse, after spending billions of Euros on subsidies, Germany’s total combined solar facilities have contributed a miserly, imperceptible 0.084% of Germany’s electricity over the last 22 years. That is not even one-tenth of one percent. Even in rock-solid Germany, up to 15% of the populace is now believed to be in “fuel poverty.” Some 600,000 low-income Germans are now being cut off by their power companies annually, a number expected to increase as a never-ending stream of global-warming projects in the pipeline wallops customers. In the U.K., which has laboured under the most politically correct climate leadership in the world, some 12 million people are already in fuel poverty, 900,000 of them in wind-infested Scotland alone, and the U.K. has now entered a double-dip recession.

NASA’S JAMES HANSEN AND MIT’S DR. KERRY EMANUEL RECOMMEND NUCLEAR INSTEAD OF WIND AND SOLAR

In an ideal world, we’d move steadily away from fossil fuels to renewable energy, like wind and solar, while neatly avoiding messy alternatives like natural gas and nuclear power. But according to four top U.S. scientists, renewable energy won’t be enough to head off the rapidly advancing reality of climate change. Despite the scary things you may be hearing about it, they said, nuclear power is a solution, and it needs to be taken seriously. The [letter](#), signed by James Hansen, a former top NASA scientist; Ken Caldeira, of the Carnegie Institution; Kerry Emanuel, of the Massachusetts Institute of Technology; and Tom Wigley, of the University of Adelaide in Australia — all of whom, [according to the AP](#), “have played a key role in alerting the public to the dangers of climate change” – was sent to leading environmental groups and leaders around the world.

http://www.salon.com/2013/11/04/climate_experts_to_enviros_the_time_has_come_to_embrace_nuclear_power

Thank you,

Joseph D’Aleo, Hudson

Certified Consulting Meteorologist, AMS
Fellow of the American Meteorological Society
Former college professor of Meteorology/Climatology
Co-Founder of the Weather Channel and first Director of Meteorology
Chief Meteorologist for 3 corporations for 22 years, currently Weatherbell Analytics LLC
Author on books and numerous papers on climate and weather.

December 17, 2013

NH Office of Energy and Planning
Governor Hugh J. Gallen State Office Park
Johnson Hall, 3rd Floor
107 Pleasant Street
Concord, New Hampshire 03301

RE: Public Comment for Site Evaluation Committee Study (SB 99) (submitted via E-mail)

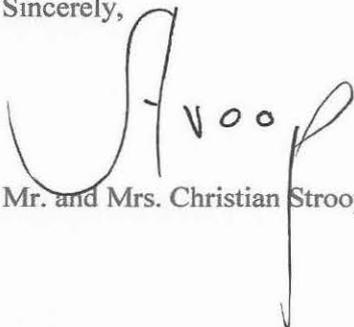
To Whom It May Concern:

Due to travel schedules and time constraints, my wife and I were not able to attend the scheduled workshops / listening sessions for SB 99. We do hope that the outcome of the SB99 process will not only improve the SEC and it's processes, but we also hope the SEC of the future will be required to make its decisions firmly anchored to up-to-date energy policies devised for the State of New Hampshire and provide for greater influence of local municipalities in the decision making process.

We tried to provide succinct comments under the major categories discussed at the workshop sessions. Should you or anyone else on your project team have questions for us in regards to our comments below, please do not hesitate to contact us via email at [REDACTED]

In advance, we thank you for the opportunity to submit our comments and we look forward to the final report from Raab Associates.

Sincerely,



Mr. and Mrs. Christian Stroop

[REDACTED]

General Considerations

Decisions by the Site Evaluation Committee (“SEC”) with regard to new electrical generation facilities should be made in an integrated, comprehensive and balanced manner by taking into account **all** pertinent factors without prioritizing individual objectives to the detriment of others. This should include provision of participation of local and regional municipalities and agencies.

Decisions should be **verifiable based on clear criteria** relative to the individual considerations, and **proposed projects should meet all established criteria in order to obtain approval**. Specific criteria for each type of proposed energy project, as well as general criteria applicable to every project, should be developed at a minimum for the following:

- Environmental factors
- Economic factors
- Societal factors and public interest
- Public health factors
- New Hampshire state energy policy and objectives

Such criteria must be developed urgently in much greater detail and specificity than they exist today as part of a New Hampshire State Energy Policy/Strategy/Plan.

SEC decisions should be anchored to an up-to-date, publicly endorsed New Hampshire State Energy Policy/Strategy/Plan. The task and expertise of the SEC is to assess and decide on the compatibility of proposed projects with objectives that should be set by the democratically elected New Hampshire legislature and various levels of New Hampshire government, incl. local government. **Forcing the SEC to factually set policies by not being able to anchor its decisions to clear frameworks and criteria that are publicly endorsed should be avoided.**

Considerations on New Hampshire State Energy Policy/Strategy/Plan

Pivotal to a more transparent and verifiable SEC review process is the development of an up-to-date New Hampshire State Energy Policy/Strategy/Plan from which clear review criteria can be deduced. Such a policy must provide answers, among others, to key questions such as:

- How much electricity generation capacity does New Hampshire require when the State has for decades exported significantly more electricity than it uses?
- What are the opportunities for “demand-side” policies to reduce energy consumption?
- What is the right generation structure for a largely rural state where scenic beauty is integral to its way of living and a widely shared societal value - large-scale, industrialized generation or small-scale, distributed generation?
- What economic benefit does the New Hampshire economy gain from a new generation facility?
- What negative externalities are acceptable and which ones are not?

Once answers to the above and more questions have been developed and democratically endorsed into a binding policy/strategy/plan, the SEC would be able to verifiably and expeditiously judge proposed projects as to their compliance with New Hampshire interests which is its core competence and statutory purpose.

Considerations on Structure, Membership and Process

The size, membership and composition of the SEC should be changed to allow for a more efficient and verifiable decision making process:

- Reduce size of SEC to 8 members
 - One senior representative each for DES, PUC, DRED, Health & Humans Services, OEP
 - Two experienced independent members
 - One Public Engagement Officer / Hearing Officer (“Hearing Officer”)

- The SEC should be required to hold case meetings (outside the formal adjudicatory hearing process) with each of the 8 state agencies currently represented in order to better integrate the agencies’ expert views into the decision making process
 - Such agency case meetings should be attended by the Counsel for the Public as an observer and be documented by the Hearing Officer to ensure public transparency

The Hearing Officer should also act as Public Engagement Officer and ensure, alongside the Counsel of the Public, the organized integration of public views into the decision making process. The SEC under current law trumps any and all local zoning or other ordinances; yet, there is no process in place to assure that municipalities have a direct voice in the siting of a new energy facility within their region. The process needs to be re-aligned to provide municipalities with such a voice. The solicitation by the SEC of formalized positions of the affected communities (e.g. warrant vote results, referendum results, town / city council declarations) should be an integral requirement of the review process.

There should be a small, dedicated, and full-time SEC office centered around the Hearing Officer with some support staff to assist in and coordinate the review process, as well as to enforce and monitor conditions placed upon any approvals.

SEC decisions should be subject to review by the pertinent New Hampshire court system.

Considerations on Public Engagement

New Hampshire's citizens are proud of their longstanding tradition of strong, decentralized local government and self-reliance. It is a widely accepted societal value.

Consequently, **public engagement in particular from the communities directly affected by proposed generation projects should be expanded and afforded greater influence in the SEC decision making process.** Currently, there are no formalized linkages back from the affected communities into SEC decision-making.. The local voice might be heard by the SEC, but its institutionalized influence is non-existent.

A formal position of the affected communities should be mandatorily solicited by the SEC

Affected local communities should have a veto right on proposed new projects if:

- The proposed project does **not** demonstrably and significantly advance the objectives laid out in a New Hampshire State Energy Policy/Strategy/Plan by such a clear margin that the interests of the New Hampshire public at large clearly outweigh the singular interests of the affected communities
 - E.g.: min. incremental contribution to NH GDP, min. incremental contribution to NH emission reduction and energy security goals, min. % of economic value added and **retained** in NH, full compliance with criteria governing negative externalities (noise, visual impact, emissions etc.)
- The citizens of the affected communities have democratically voted with sufficient quorum and majority to oppose a proposed project.

The proposed approach would follow the principle of subsidiarity: **if a project does not demonstrably and verifiably further the well being of the New Hampshire public-at-large, it should be decided upon by the directly affected populace.**

Considerations on Noise Pollution

Noise pollution is a generally accepted negative externality of some new power generation projects.

Currently, the SEC decision making framework does not take into account of noise pollution other than through abstract references to public health and the environment.

In the future, new generation projects should meet clear minimum standards both on an absolute as well as relative level:

- No project should be approved that exceeds absolute noise levels (across the entire relevant frequency spectrum) which are considered harmful to humans, and potentially other creatures, living in the vicinity of the proposed facility.
- No project should be approved which increases the average noise level within a defined vicinity by a to-be-determined percentage above the prevalent noise level existing prior to the facility coming into operation

The proposed approach is based on the recognition (i) that public health is an absolute criteria not to be violated, and (ii) that noise often is a relative concept, with noise pollution next to an existing airport, interstate highway or industrial facilities having a very different character than in a rural setting with very little existing noise pollution.

As the noise impact of a new generation facility first and foremost affects the local population, the principle of subsidiarity suggests that the citizens of the affected local communities should have the right (democratically voted with sufficient quorum and majority) to provide a waiver from the relative noise limitations set out above if they deem the noise impact of a proposed project acceptable in light of other potential local benefits.

Considerations on Visual Impact

The visual impact of some new power generation projects can literally be “far-reaching”.

Similar to noise pollution, the current SEC review process refers to the visual impact of new generation projects only in an abstract form, lacking verifiable criteria.

While it is admittedly more difficult to develop verifiable and consistently applicable criteria for “visual impact”, it seems possible to develop them by following certain guidelines:

- Developments on brownfields or within existing or zoned industrial/heavily commercialized areas are by definition less incrementally disturbing than developments on greenfields or in undisturbed rural areas. **Consequently, new power generation projects should, when possible, be developed preferentially in the former areas.**

- **Certain absolute and relative standards reflecting the visual impact of a proposed project should be met:**
 - A new facility should not be visible beyond a certain radius (e.g. x miles), reflecting its location, its absolute size as well as the population density of its surrounding area
 - A new facility should not exceed the average height of its neighborhood or natural surroundings (be it built-up or “natural” structures, such as trees) by more than a to-be-determined factor
 - The footprint of a new facility should not exceed the typical size of industrial or commercial structures in the neighborhood by more than a to-be-determined factor

Just as noise, the visual impact of a new generation facility first and foremost affects the local population. The citizens of the affected local communities should have the right (democratically voted with sufficient quorum and majority) to provide a waiver from the above limitations if they deem the visual impact of a proposed project acceptable in light of other potential local benefits.

To: Meredith Hatfield, Director, Office of Energy and Planning
Jonathan Raab, Raab Associates Ltd.

From: Appalachian Mountain Club, Audubon Society of New Hampshire, Conservation Law Foundation, EDP Renewables, Eolian Renewable Energy, Iberdrola Renewables, New Hampshire Sierra Club, New England Clean Energy Council, New Hampshire Sustainable Energy Association, Renewable Energy New England, Society for the Protection of New Hampshire Forests, The Nature Conservancy New Hampshire, and Wagner Forest Management

Re: *Ad hoc group recommendations relating to Senate Bill 99 study and rule-making*

Date: December 18, 2013

The individuals and organizations (the “Group”) above have been meeting on an ad hoc basis during the fall of 2013 to discuss the range of issues set forth in SB 99, with a specific focus on wind energy projects. The Group convened to discuss these issues because of a shared interest in the development of appropriately sited terrestrial wind power in New Hampshire that balances the need for new renewable energy with the conservation of significant natural and cultural values of the state’s landscape. The Group believes that the SEC siting process for wind and other energy projects can be improved.

This document recommends changes to improve the SEC process, and to bring needed clarity to the project application process. However, the recommendations below are by no means comprehensive, and many significant aspects of energy siting and SEC process are not addressed. Our group intends to continue our discussions on other issues set forth in SB99.

1. Reduce the Size of the SEC

The Group agreed that the size of the SEC should be reduced from its current 15 members, or 9 members for the renewable energy project subcommittee. There was general agreement that the appropriate range is 3 to 7 members. The Group was in agreement that the current size and membership is inefficient and a drain on the individuals involved, uses a lot of state resources in an already under-resourced agency environment, creates scheduling difficulties which slow the decision-making process, and raises concerns when all committee members cannot be present at hearings. Finally, to promote consistency in decision-making, the Group also recommends limiting the ability of SEC members to designate substitutes routinely, except in circumstances involving legal conflict.

The recommended change in membership should not be interpreted to mean that the state agencies removed from the SEC would no longer play an important role in the siting process. State agency officials are tasked with protecting the resources that they manage and are experts in their particular area and need to play an important role in the SEC’s adjudicative process.

2. Establish Professional Staff & Funding

The Group agreed that a professional staff, such as a hearing examiner and/or staff attorney, as well as other professionals with specific subject matter expertise, is needed. This Staff would be able to support the SEC in the adjudicative process and in post-permit oversight and monitoring. A permanent professional staff could assist the SEC in mediating and resolving conflict, clarifying and consolidating issues to be finally addressed by the Committee members, and reducing the amount of time, effort, and energy required for adjudication.

To support this professional staff, the Group recognizes that a revamped application fee-based funding structure, as well as general fund appropriations, will be required. Such a structure would permit the SEC to operate more consistently and without wholesale reliance on intermittent large projects and contract professionals, and would also provide more certainty to developers regarding the costs associated with an SEC application. Finally, the Group recognizes the critical importance to the State of the decisions rendered by the SEC, and believes that general fund support for the SEC in whatever form is an appropriate investment of state resources.

The Group discussed administratively attaching or housing the SEC staff within another state agency. One consideration discussed was the ability of the SEC to share resources with another agency in order to economize and maximize the staff available to the SEC during busy periods.

3. Better Define the Role of Public Counsel

The Group agreed that the role of Counsel for the Public should be better defined, including specific legal obligations, accountability, and transparency.

4. Define Required Elements of SEC Energy Project Applications

The Group agrees that, although the current SEC statute and regulations specify some requirements for SEC energy project applications, the process would benefit from greater specificity regarding required elements of applications. The purposes of better defining standard application elements are to improve the consistency of the studies and other materials provided to the SEC, to reduce disputes over the sufficiency of developer filings, and to enhance the SEC's ability to reach informed judgments in applying the statutory siting criteria.

The Group agrees that the SEC regulations should specify, as further defined in the rulemaking process, that applications should include:

- A Visual Impact Assessment (VIA), prepared in accordance with professional standards, that identifies the project's impacts on viewpoints within a certain geographic area around the project;
- Documentation (including, as appropriate, technical reports or surveys), developed in consultation with state resource agencies, addressing impacts with respect to wildlife species and the habitats on which they depend, rare plants, rare and exemplary natural communities; and,

- For wind energy projects, documentation (including, as appropriate, technical reports or surveys) addressing concerns such as shadow flicker, ice throw, noise, and air quality.

The Group believes that, through the rulemaking process, additional application elements could be productively defined with respect to other certification and siting criteria set forth in RSA 162-H:16, such as historic sites and orderly development of the region.

1093293_1



December 19, 2013

Via Electronic Mail (oepinfo@nh.gov)

Meredith Hatfield, Director
NH Office of Energy and Planning
Johnson Hall
107 Pleasant St.
Concord, NH 03301

Re: Comments Regarding Site Evaluation Committee Study, Senate Bill 99

To Whom It May Concern:

New England Power d/b/a National Grid (“National Grid”), offers the following comments regarding the Site Evaluation Committee (“SEC”) Study initiated pursuant to Senate Bill 99 of 2013. National Grid participated in the Focus Group held on November 7, 2013, with other owners and operators of gas and electric transmission facilities.

By way of background, NEP owns and operates approximately 8,600 miles of electric transmission lines and associated facilities throughout the Northeast in New Hampshire, Massachusetts, New York, Vermont and Rhode Island. As such, National Grid has extensive experience with the siting of energy facilities in other states, particularly Massachusetts, Rhode Island, New York and Vermont.

National Grid currently is working toward filing an SEC application for a new 0.2-mile 230-kV tap line project in northern New Hampshire. In preparing this application, National Grid, among other things, has retained local counsel, and hired environmental consultants. Outside counsel’s and the environmental consultants’ responsibilities include a thorough review of numerous environmental impacts, including wetlands, archaeology, viewsheds, and species habitat, and preparation of applications to state agencies with jurisdiction over those resources. In addition, the Project manager and other Company representatives have appeared twice before the zoning board of appeals of the host town and sent a detailed letter to the Board of Selectmen, the Zoning and Planning Boards, the Town Manger and the Fire Chief to explain the project and to solicit any comments and concerns. National Grid offers this background to demonstrate that for even small projects applicants routinely provide extensive information to the SEC to enable its thorough and complete review.

Generally speaking, National Grid supports the SEC’s current siting process, which properly balances the broader statewide and regional interests in developing and maintaining a reliable electric transmission system with the narrower interests of municipalities, landowners and consumers. Although the SEC Study examines a broad range of topics, the following

comments are limited to topics that are of particular interest to National Grid and perhaps other similarly situated SEC applicants.

1. Topic: Required Findings.

The SEC Study identifies as a potential challenge the fact that the SEC must make only three broad findings and suggests that more specific criteria may be warranted.¹ As a threshold matter, it is misleading to suggest that the siting process requires that the SEC must only make three findings. Rather, the applicable statute provides that the SEC must make those findings only “after having considered available alternatives and fully reviewed the environmental impact of the site or route, and other relevant factors bearing on whether the objectives of this chapter would be best served by the issuance of the certificate.” RSA 162-H:6(IV). Taking these mandates as a whole, it is apparent that the Legislature already requires that the SEC conduct a comprehensive and probing review of all aspects of a proposed jurisdictional energy facility, which it routinely does.

In addition, the SEC process requires that applicants file complete applications for permits and approvals that otherwise would be issued directly by state agencies having jurisdiction over the proposed project. Those agencies then provide comments and conditions that the SEC incorporates into its final decision. The SEC process also provides ample notice and opportunity for municipalities and affected persons to comment on the proposed project. This is a thoughtful approach that capitalizes on the expertise and professional judgment of the SEC members and their associated agencies and enables the SEC to create a full evidentiary record upon which to base its decisions.

One example presented in the SEC Study of a supposed lack of specificity is that the requirement that an applicant show “financial capability” is ambiguous and not clearly defined in the statute. It is not uncommon to have undefined language in a statute that allows for flexibility in its application as industry standards and practices develop. Broadly speaking, creating new statutory definitions may or may not create greater clarity, and instead could have the unintended effect of constraining the SEC’s authority to interpret its governing statute to keep up with changes in the industry. This regulatory flexibility will be an asset in the coming years as the

¹ The three findings the SEC must make regarding the site and facility are as follows:

- (a) 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.
- (b) 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.
- (c) Will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

RSA 162-H:6(IV).

industry begins to grapple with how to respond to the Federal Energy Regulatory Commission's Order 1000.

In short, National Grid believes that the existing statutory criteria provide adequate and proper guidance for the SEC and any proposal to mandate that the SEC inquire into a greater number of more specific criteria should be rejected.

2. Topic: State Energy Policy

The Focus Group questions whether the SEC should be required to make findings that a proposed project is aligned with the state energy policy, including whether the project is needed. With respect to projects that ISO-NE has determined are needed to resolve some deficiency in the regional electric transmission system, National Grid strongly recommends that the SEC accept such determinations as conclusive. ISO-NE is authorized by FERC to act as the regional transmission operator and its determinations are reached following a thorough and mandatory regional transmission planning process. A requirement that the SEC make an independent need determination could very well lead to conflicting results.

3. Topic: Alternative Routes

National Grid also recommends that the SEC not be required to give preferential treatment to undergrounding or to require an in-depth routing alternatives analysis in every instance. Energy facility siting invariably includes an examination of the relative impacts of project alternatives. National Grid is keenly aware of this fact and, therefore, from the outset of project planning National Grid planners and engineers evaluate alternatives and select a preferred route that accomplishes the purpose for which the project is proposed with minimal environmental impact and at the lowest cost.

Accordingly, it would be unnecessary and unwarranted to require applicants to file with the SEC in-depth analyses of alternatives at a level of detail equal to the preferred route. This view was borne out recently in Massachusetts, which requires applicants to identify a geographically diverse alternative route, thoroughly analyze its impacts and notify all abutters along the right-of-way that a new line may be constructed on adjacent property. In this instance, the alternative route was patently inferior to National Grid's preferred route from the perspective of environmental impact and cost. The clear superiority of the preferred route and the unnecessary anxiety caused by notifying abutting landowners led the Massachusetts staff to question National Grid on whether this requirement should be retained. National Grid certainly understands the value in having to demonstrate that it has examined alternatives; however, in certain instances a route is so superior that the time and money spent by the Company on developing other routing alternatives, and by the agencies on reviewing these alternatives, is unnecessary and wasteful.

Similarly, National Grid believes that mandating the SEC to give preference to the burial of transmission lines, as was discussed during the Focus Group and has been proposed in recent legislative bills, is seriously misguided. National Grid understands the impulse toward burying lines, but outside of urban or densely developed areas doing so typically is not the best option in

terms of cost, reliability and environmental impacts as compared to overhead construction. The salient point is that the creation of a rebuttable presumption in favor of burial puts a thumb on the scale and thus constrains the flexibility of the SEC to ensure that for each application it achieves the proper balance of competing interests.

In closing, National Grid credits the State's effort to evaluate whether New Hampshire's siting process can be improved. In this instance, National Grid does not perceive any major flaws relating to the SEC's criteria and process that stand in the way of the SEC adequately evaluating relevant factors and properly balancing local, state and regional interests. In short, the existing system works. The Legislature should tread cautiously in deciding whether to fix a system that is not broken.

Thank you for the opportunity to comment. Please do not hesitate to contact me if National Grid can provide additional information or if you have any questions.

Respectfully,

A handwritten signature in blue ink that reads "Mark R. Rielly". The signature is written in a cursive, flowing style.

Mark R. Rielly



Meredith Hatfield, Director
NH Office of Energy and Planning
Governor Hugh J. Gallen State Office Park
Johnson Hall, 3rd Floor
107 Pleasant Street
Concord, NH 03301

December 16, 2013

Subject: Testimony Regarding SB99 Study Commission Report

Dear Director Hatfield:

On behalf of the Newfound Lake Region Association (NLRA), I am submitting comments and recommendations for inclusion with the findings of the SB99 study commission. The NLRA is a member supported non-profit whose mission is to protect the ecological and economic vitality of the 65,000-acre Newfound Lake watershed. In November 2012 our Board took a position regarding the Wild Meadows wind project of “opposed as proposed”. Since that time we have spent many hours researching and exploring the costs and benefits of commercial wind, as well as the current process for permitting such facilities through the NH Site Evaluation Committee (NHSEC) in the context of a State Energy Plan.

To become better informed about how energy siting decisions are made, we have attended various meetings, reviewed current policy and guidelines, and spoken with our members and conservation partners. In support of our position we have submitted testimony regarding House Bill 580 and Senate Bills SB99 and SB191, and participated in a Raab Associates focus group and the December 10th Citizen’s Workshop.

We have several significant concerns about the process for siting energy facilities in the State, and especially with regard to the commercial windfarms proposed for the Newfound watershed and surrounding ridges. I have summarized our key concerns and recommendations as follows:

- The second sentence of NHSEC’s governing statute (162-H:1) states “...it is in the public interest to maintain a balance between the environment and the *need* for new energy facilities...” (emphasis added). The lack of a current State energy plan exacerbates the problem caused by such undefined foundational standards. As the governing body, the NHSEC must have a clear means to determine project need.

Determination of need is central to an effective State energy plan and energy project evaluation. We recommend that critical criteria such as carbon emissions reduction; increased energy independence; reduced and stable electrical costs; and local, regional and State-wide impacts and benefits be included, defined and assessed as part of the needs determination.

- While the existing NHSEC criteria are broadly inclusive their lack of clarity and definition is problematic for applicants and intervenors. For example, criteria related to visual impacts and noise are undefined, and analyses of potential impacts, alternatives or mitigation options are not required of the applicant. NHSEC evaluating criteria must be clarified and defined.
- We applaud the NHSEC Commissioners for their commitment to what are essentially extra-curricular additions to their workloads, but believe the current system does not meet the State's needs. We recommend the following restructuring of the NHSEC:
 - Create an independent commission that can be supported by various State agencies and Departments, but is not staffed by Department directors. The Directors lack sufficient time and resources to perform the required duties, and the existing ex-parte communications requirement prevents them from working with their staff.
 - Include one or more local representatives of the impacted communities. In the case of Northern Pass or commercial wind facilities located on ridges, the visual impacts extend substantial distances. For example, on a clear day the full array of the Groton Wind project (24 turbines) is visible from the south side on Mt. Trip pyramid (north), roughly 30 miles away.
 - Provide sufficient funding to retain experts in the areas defined by the permit review criteria. The criteria are diverse, ranging from environmental impacts to financial life-cycle analysis, and a high level of specialized skill is required to effectively evaluate the complex and extensive filing requirements. Funding support should come in large part from the applicant, with a baseline of State funding to maintain independence and capacity between NHSEC assignments.

We just learned that Iberdrola Renewables submitted an application for the Wild Meadows project to the NHSEC on or around December 5, 2013. In addition, we are aware of two other very large parcels of high-elevation, unfragmented forest in the Newfound watershed that have been leased for potential future wind development. With large uncertainties regarding the need for additional energy in New Hampshire and the process for determining whether a new facility will address this need, the NLRA is deeply concerned about how the NHSEC will proceed while their operating rules are being revised.

Thank you very much for your consideration of our concerns and recommendations, and for your leadership of this fast-paced, critical and challenging project, as well as for your Department's role in revising the State Energy Plan. Please do not hesitate to contact me if you should have any questions or if we can be of any assistance.

Sincerely,



Boyd Smith, Director



Pasquaney

December 20, 2013

Meredith Hatfield, Director
NH Office of Energy and Planning
Johnson Hall, 3rd Floor
107 Pleasant Street
Concord, NH 03301

Dear Director Hatfield:

The reexamination of the Site Evaluation Committee is a rare opportunity to ensure that the resources of the greatest value to New Hampshire remain just that. At Manchester Airport, we welcome visitors to New Hampshire with views of our state's natural treasures. These are clearly a powerful draw. That is why we put those pictures there. Tourism is the state's second largest industry, but from Concord north, the less prosperous part of the state, it is number one by far. This week in Plymouth, a woman pointed to the pictures of unblemished mountain views surrounding us on the lobby walls of the PSU hockey arena and called them "iconic New Hampshire." (In fact the photo at the top of your homepage for the OEP showcases NH beauty!) Iconic New Hampshire was protected when the state became, I believe, the only state to block an interstate highway. It was protecting Franconia Notch and the Old Man. The resulting parkway was vastly better than an interstate and even improved the tourism value of the state park.

The primary reason that New Hampshire was selected for our camp on Newfound Lake in 1895 was the "natural life in the woods" that it provided away from urban life and industry. The mountains and lakes were available for hiking, camping, and boating. The camp's site up a mountainside was to inspire the campers with its views of distant hills. We appeal to those charged with restructuring the SEC to consider criteria that protect these elements.

In its criteria for the siting of an energy project we request that the SEC weigh heavily

- The project's impact on our iconic settings and tourism industries long term, not just on purported short-term employment,
- The need of New Hampshire citizens and businesses for the project, not the needs of other states who have imposed limits on themselves, especially when the project comes at the price of some of the state's beautiful areas, and
- The concentration of other projects already in the area when considering a site in a wild and beautiful region, especially one already designated as of strategic natural importance.

I have attended a workshop and a listening session about the SEC reformation, and I have read articles and communications about it and heard proposals that sound as though they might be helpful, but I do not feel that I know enough to advocate for those structural changes. I do feel comfortable, however, with the importance of those stated above. I taught Swiss and European history, and I know how carefully the Swiss handle anything that might impact their valuable tourism industry. As a result, they are very careful with anything that would mar the appearance of their countryside.

I cite below two sections of the Protest by the Public Utility Commissions of NH and Vermont, which you have probably already seen, and which support some of the ideas above.

Thank you for your good efforts in making the revised SEC the best it can be. I have been very impressed by the process you have set up.

Sincerely,
Vincent J. Broderick, Director, Camp Pasquaney

Excerpts from the PROTEST OF THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION,
THE RHODE ISLAND PUBLIC UTILITIES COMMISSION, THE VERMONT PUBLIC SERVICE BOARD, THE
VERMONT PUBLIC SERVICE DEPARTMENT, VERMONT ELECTRIC POWER COMPANY, INC. AND VERMONT
TRANSCO, LLC
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Section 15 'The Filing Parties also fail to acknowledge that because Public Policy Transmission Upgrades may run through scenic landscapes including forested and open wetland areas, they can burden the host states with significant economic and non-monetary costs, such as impacts on viewsheds, recreation and tourism, human health and overall environmental quality. As the State of Connecticut's moratorium on wind development, ¹⁵ in place since June 2011, and the controversy surrounding the Northern Pass Transmission Project in New Hampshire attest, these long-lasting economic and non-monetary costs can outweigh the short-term employment/economic benefits usually associated with local infrastructure projects.'

Section 21 'For example, at the present time, New Hampshire's largest utility, which accounts for approximately 70 percent of all distribution sales in the state, has sufficient Class I Renewable Energy Credits under contract to meet its Renewable Portfolio Standards obligations for the foreseeable future, has no current need for additional renewable energy purchases, and therefore is unlikely to request service from any developer of Public Policy Transmission Upgrades. '

Comments of Responsible Energy Action, LLC.

REAL's Suggested Changes

We recommend fundamental changes to the SEC's jurisdiction and process. Without major reforms, the SEC fails to serve the public interest. We call for a basic distinction in the treatment of "non-need" and "needed" energy projects.

#1: The Special SEC Approval Process Should NOT Be Available to "Non-Need," Private Energy Projects

The SEC process boils down to a special, streamlined, industry-slanted regulatory approval process for siting energy facilities (power plants, transmission lines) in New Hampshire. The SEC is a state approval committee that preempts all existing local and regional land use approval requirements and sharply limits the opportunity for meaningful public participation. In other words, if a developer wants to build any major energy facility in New Hampshire, the developer gets a free pass from local and regional land use rules and meaningful public debate. The project is considered only at the state level, and under a set of procedural rules that rush the approval process forward, short-change public input and clearly favor the industry developers.

What's remarkable is that the energy industry has gotten this special deal just for itself. Our guess is that the energy lobby was able to capitalize successfully on fears associated with the decades-old oil crisis. The lobbyists were able to paint energy as a critical public need and convince legislators to hand out exceptional "breaks" in the SEC process.

The world has changed. Most energy projects today have nothing to do with public need and are all about private, corporate profit, like any other business. But the special SEC giveaways for all large energy projects continue, even for private, for-profit, non-need, "merchant" transmission developments like Northern Pass.

This is neither fair nor sound policy. In today's world, most energy projects are just another private, corporate investment. There is no reason why a transmission line or generation plant sponsored by a big company just to make more money should have any special breaks in the approval process. Why should a new private energy project from Hydro-Quebec, Northeast Utilities and PSNH have a streamlined, project-slanted approval process with limited public input and a full exemption from local land use rules, when a new private hospital (health), new private university (education), new private food processing plant (food), or new private manufacturing business (jobs) will be 100% subject to full and customary state, local and regional review and public comment?

REAL does not believe that private, for-profit energy projects should be entitled to any special treatment. We recommend that the SEC process be changed so that private, merchant energy projects (that is, projects for which there is no determination of "need" by the applicable federal, regional or state regulator) no longer fall within the jurisdiction of the SEC. Private, merchant energy projects should be subject to the same New Hampshire state, regional and local approval rules as any other private development project.

We would specifically limit the SEC's jurisdiction to energy projects that have been formally determined by the appropriate federal, regional or state regulator to serve a "public need."

#2: For "Needed" Energy Projects, the SEC Process Should Be Changed to Make It More Fair for the Public

Where the SEC will still have jurisdiction ("needed" energy projects), the process must be changed to level the playing field for the public.

- § **Affected towns must approve project:** The SEC process is a carte-blanche pre-emption of local and regional authority. Yes, the SEC is supposed to hear the views of affected towns and regional bodies, but there is nothing in the rules that prevents the SEC from granting approval even if every single affected town and region overwhelmingly says “no” to a project on the official record. The weight of local voices should be increased in the SEC procedure. The SEC should be prevented from granting approval if the town affected, by official vote, disapproves the development. For multi-town projects, if a majority of the affected towns, by official vote, disapprove the project, the SEC should be required to reject it.
- § **Local participation in approval process:** Only state agencies sit on the SEC. There is no local or regional voice. To ensure that local and regional points of view are really taken into account, the SEC membership should “float” on a project-to-project basis, with at least one-third of the membership for any given application representing the affected towns and regional bodies. This would ensure a more fair and robust debate at the SEC and more airtime for local public concerns.
- § **Replace subjective standards with required determination of “net public benefit”:** The standards for SEC approval are unclear, subjective and highly judgmental. They employ terms such as “unreasonable” or “undue” when referring to harms to the public interest, with no definitions, references or quantification. This approach should be replaced by the clear requirement that the SEC, to grant approval, must determine that the project produces a net public benefit, taking into account all applicable benefits and costs. The statute should provide a non-exclusive list of the factors to be considered. There should be no presumption that any and all energy projects somehow generate substantial net public benefits, and the SEC process should be held to the higher standard and rigor of a qualitative, and to the extent practicable, quantitative net cost-benefit analysis.
- § **Give more weight to property rights.** Nothing in the current SEC legislation requires the SEC to consider and give specific weight to a project’s harm to property values and the use and enjoyment of private property. Private property rights are strongly protected in New Hampshire’s political traditions as well as in our state constitution. Surely the legislature did not intend to subjugate property rights to energy project incentives (the SEC approval process is in substance nothing more than an incentive handed out to energy companies). The SEC should be prohibited from approving a project if it entails material, measurable harms to property values or property rights, unless the developer reaches a consensual agreement with affected property owners to mitigate or compensate the harms.
- § **Require consideration of alternatives.** The SEC rules do not require the applicant to lay out alternatives such as different routes, designs or other variations that may lessen harmful impacts. This leads to a high-stakes, take-it-or-leave-it posture that tilts the playing field toward the project as proposed. The SEC process should be revised to require applications to present detailed analysis of reasonable alternatives, and the SEC should have the authority to require a serious alternatives analysis if it is not presented by the project sponsor.
- § **Level the evidentiary playing field.** The SEC purports to make its decisions based on an evidentiary record, where the project developer and members of the public can present formal reports, professional assessments, valuations and the like. This once again stacks the deck in favor of the developer. The developer has the budget to hire experts to provide testimony. The public generally does not. As a result, on matters as fundamental as whether a transmission line will adversely affect property values, the developer can slap an expert study on the table saying “no impact”, the public can’t afford a fully competing study (that is, the public presents no comparable evidence, just appraisals of several affected properties), and the SEC is left to decide the property value point in favor of the developer, because the public has failed to prove its point with comparable evidence. The public point of view gets overwhelmed by the developer’s wall of money. We recommend two fixes. First, the developer should be required to fund expert studies undertaken for the public’s side of the debate. Second, on points that may not be fully covered (in an evidentiary sense) by the competing studies of the developer and the public, the SEC itself should be required to commission objective expert input.