

New Hampshire's Energy Facility Siting Process: *Report on Stakeholder and Citizen Feedback*

For the NH Office of Energy and Planning
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Chapter 1: Background, Introduction, and Overview

1.1 Background Leading to this Study

On June 26, 2013, Senate Bill 99 (Chapter 134) was enacted. This law requires the Office of Energy and Planning (OEP) to undertake the following work related to the New Hampshire Site Evaluation Committee (SEC): a study of the site evaluation committee's organization, structure, and process; and a public stakeholder process to consider regulatory criteria for the siting of energy facilities.¹ SB99 required that the project seek to identify deficits and needs, including but not limited to, funding, technology expertise, committee membership, staffing, the roles of municipalities and public in SEC proceedings, and the role of Counsel to the Public.

OEP issued a Request for Proposals on July 22, 2013, and received proposals from five bidders. OEP assembled a review team that included legislators and state agency representatives, which ultimately selected Raab Associates, Ltd. in partnership with the Consensus Building Institute (CBI) and with assistance from Rubin and Rudman, as the winning bidder (the consulting team). On September 18, 2013 the contract with Raab Associates was approved by the Governor and Executive Council.

1.1.1 Brief Background on the SEC

The New Hampshire Site Evaluation Committee (SEC) has jurisdiction over proposed energy generation facilities exceeding 30 megawatts (MW) in capacity, as well as other types of projects related to the delivery or production of energy (see RSA 162-H:2). Certain parties may also request that the SEC take jurisdiction over other projects under certain circumstances. As a result, the SEC may review generation plants, for example, that are smaller than 30 MW.

The SEC statute requires that eight state agencies sit on the SEC, comprised of 15 total members. The Legislature created the SEC in recognition of the state's requirements for an adequate and reliable supply of electricity and the effect that the siting and construction of energy facilities has on the public welfare, economic growth, the environment and the use of natural resources. In doing so, the legislature found that the public interest requires:

- 1) a balance between the environment and the need for new energy facilities;
- 2) elimination of delay in the construction of new facilities;
- 3) full and timely consideration of environmental consequences;
- 4) transparency and complete disclosure of plans; and
- 5) sound land use planning where all environmental, economic and technical issues are resolved on an integrated basis.

In response to applications from energy project developers, the SEC, as a body, must find based on the record that:

¹ The bill also requires the SEC to promulgate siting rules for effect on January 1, 2015.

- The 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.
- The site and facility 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.
- The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

Each agency that has permitting authority over a particular issue (e.g., the Department of Environmental Services for wetlands) conducts its usual review process and submits permit conditions to the SEC for consideration for inclusion in the SEC-issued Certificate of Site and Facility if the SEC approves the project.

If the SEC votes to approve a facility, it grants a Certificate of Site and Facility, often with conditions. Consistent with the criteria listed above, a party proposing a project must demonstrate that it has adequate financial, technical, and managerial capability, that the project will not unduly interfere with the orderly development of the region, and that the project will not have an unreasonably adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety (see more detail below).

The SEC's fifteen members from eight state agencies include:

- Department of Environmental Services (DES), Commissioner
- DES Director of Water Division
- DES Director of Air Division
- Public Utility Commission (PUC), 3 Commissioners and a staff engineer designated by the PUC Commissioners
- Department of Resources and Economic Development (DRED), Commissioner
- DRED Director of Parks and Recreation
- DRED Director of Division of Forests and Lands
- Department of Health and Human Services, Commissioner
- Fish and Game Department, Executive Director
- Governor's Office of Energy and Planning, Director
- Department of Transportation, Commissioner
- Department of Cultural Resources, Commissioner

Some members may designate other staff within their agency to participate in proceedings on their behalf.

1.2 Overview of the Study

The consulting team worked for the Office of Energy and Planning (OEP), with guidance provided by many stakeholders as discussed below. The three key components of this study included:

- Researching the current approach of the NH SEC to siting energy facilities and the approach of other Northeastern states to these matters
- Conducting seven Focus Groups to obtain structured feedback on the current challenges and options to address them (In total, 69 individuals from 61 stakeholder organizations, agencies, or entities participated in these focus groups)
- Conducting five Citizen Workshops around the state to obtain structured feedback on key topics and options identified and refined during the study process (312 citizens participated in these workshops)

The consulting team sought advice throughout the process from a diverse group known as the Coordinating Committee. The Coordinating Committee was comprised of a range of stakeholders with an interest in and knowledge of the SEC and energy facility siting in New Hampshire Table 1-1 below lists the Coordinating Committee members. The Coordinating Committee provided advice and input on a range of issues, including the advantages and challenges of the current siting process, the makeup of focus groups, the draft options and challenges developed from the initial research that would be tested with stakeholders and citizens, the format and locations for the citizen workshops, and the form and style of the final report. Please note that the Coordinating Committee was advisory only. It did not seek agreement among its ad hoc members; rather, it offered a range and diversity of advice. All final decisions as to process and written documents were the responsibility of the consulting team and OEP. The Committee provided invaluable input and helped to bring diverse perspectives to the project.

Table 1-1: Coordinating Committee Members

Senator Jeanie Forrester (R-Senate District 2)	Susan Arnold, Appalachian Mountain Club
Representative Suzanne Smith (D-Grafton District 9)	Janet Besser, New England Clean Energy Alliance
David Shulock, NH Public Utilities Commission	Jeff Hayes, North Country Council
Mike Wimsatt, NH Department of Environmental Services	Tom Getz, Devine Millimet and former SEC Vice-Chair
Peter Roth, NH DOJ, Counsel for the Public	Huck Montgomery, IBEW Local 409
Doug Patch, Orr and Reno, and former SEC Vice-Chair	Christophe Courchesne, Conservation Law Foundation

The following sections describe each of the three components of this study in more detail.

1.2.1 Research

To provide a detailed overview of the current New Hampshire SEC process and to compare New Hampshire's siting process to those of other states, the consulting team undertook research into the current SEC process and how other Northeastern states address similar issues. The consulting team prepared two reports: *Multi-State Energy Facility Siting Review* and the *New Hampshire Siting Process*.

The multi-state report included a review of the siting process in seven states--New Hampshire, Connecticut, Maine, Massachusetts, Rhode Island, Vermont, and New York. The report covers three topics: 1) structure and authority of each state's siting agency or body; 2) process for engaging the public and affected communities, and the process for making decisions; and 3) criteria used for decision-making. To gather this information, the consulting team reviewed existing summaries of state siting processes, enabling legislation, and government and other websites. This study was not intended to serve as comprehensive research into each state's written policies and practices, but rather, as a compilation of several states' approaches to selected aspects of the siting process to provide the New Hampshire legislature and citizens with useful background information. While some comparative studies existed prior to this effort, no previous study gathered and organized information on the full range of both process and substantive concerns of interest to New Hampshire.

For the New Hampshire report, the consulting team reviewed written materials, including the enabling statute and many cases and materials found on the SEC website. In addition, the team interviewed numerous individuals across stakeholder groups with a specific knowledge of the SEC and New Hampshire's energy facility siting process. The two reports can be found in Appendix A.

In addition, the consulting team scanned national and regional studies on best practices in energy facilities siting, including work published by National Association of Regulatory Utility Commissioners (NARUC), Edison Electric Institute (EEl), National Governors Association, U.S. DOE, U.S. Fish and Wildlife and many others. An abstract of the studies reviewed can be found in Appendix A. Many of these studies focused on subject matter outside the purview of this project.

1.3 Focus Groups

In November 2013, the consulting team convened and facilitated seven stakeholder focus groups in order to gather structured feedback on a wide range of topics related to the SEC structure, membership, processes, and decision-making criteria. The stakeholder groups, which included almost 70 individuals from over 60 organizations, agencies, and other entities, were grouped as follows: Citizen Groups & Local Government; Environmental & Natural Resources; Business, Industry & Labor; Transmission & Pipelines; Generators (non-wind); Wind Developers; and State Agencies.

These groupings were designed to provide a range of perspectives on SEC related issues, and to allow for frank interchange among stakeholders with similar affiliations and interests.

The goal of each focus group was to obtain feedback on stakeholders’ priorities among a number of topics, and then to identify preferences among several options under each topic. Altogether there were 15 different topics—eight related to decision-making criteria and seven related to SEC structure, memberships, and processes. These topic areas and options were developed via: 1) background research on NH and Northeastern States; 2) individual interviews with Legislators and stakeholders; and 3) input from the Coordinating Committee. The 15 topics discussed during the focus groups are shown below.

Table 1-2: Focus Group Topics

SEC Structure, Membership, & Processes	SEC Decision-making Criteria
SEC Membership and Delegation	Required Findings
Conduct of Proceedings	State Energy Policy
SEC Staffing	Orderly Development
Source of Funding	Visual Impacts
Covered Facilities & Opt-Ins	Noise
Public Engagement	Environmental and Natural Resource Impacts
Role of the Counsel for the Public	Alternative Routes (Transmission/Pipelines)
	Alternative Sites (Generating Facilities)

The focus groups included brief presentations by the consulting team, discussion among the focus group participants, and then polling to determine each individual participant’s preferences among the various options under each topic.

1.4 Citizen Workshops

In December 2013 the consulting team facilitated five citizen workshops throughout New Hampshire to gather structured feedback on the SEC, its process, and the criteria for decision-making.

Citizens of New Hampshire were invited to attend one of five workshops, preferably at the location closest to where they live:

- December 3, 2013 at the Manchester Memorial High School Cafeteria
- December 4, 2013 at the Groveton High School Gymnasium
- December 5, 2013 at the City of Keene Recreation Center
- December 9, 2013 at the Town of Newington Main Hall
- December 10, 2013 at the Plymouth High School

Each workshop covered the same four topics, and used the same process. The four topics covered were:

- Public Engagement Process
- Noise and Visual impacts
- State Energy Policy and Alternative Routes and Sites
- SEC Membership and Size

For each topic, the consulting team provided a brief presentation on the current SEC process, arguments for and against the status quo, a list of alternative options, and a few discussion questions. Participants then discussed each topic in small groups of 5-8 citizens. Following the discussions, participants were surveyed using keypad polling devices to gather structured feedback on questions and options. The options presented in the Citizen Workshop were developed and honed by the consulting team and OEP and based on the research, Focus Group responses, and input from the Coordinating Committee.

1.5 Overview of Report

The report includes four Chapters and seven Appendices organized as follows:

- Chapter 1 is the introduction and background;
- Chapter 2 is on the seven Focus Groups, including their design, and the results stemming from the Focus Group polling;
- Chapter 3 is on the Citizen Workshops, including their design, and the results of the citizen polling;
- Chapter 4, the concluding chapter, highlights areas of convergence across the focus groups, across the citizen workshops, and between the focus groups and the citizen workshops; and
- The Appendices contain the documents referenced in Chapters 1-3, as well as all comments received.

Chapter 2: Focus Groups

2.1 Introduction and Methodology

In November 2013, seven stakeholder focus groups were facilitated by the consulting team to gather structured feedback on a wide range of topics related to the SEC structure, membership, processes, and decision-making criteria.

The focus groups sought to obtain feedback from a diverse set of stakeholder interests as described in Table 2-1. The stakeholder groupings were selected to provide a range of perspectives on SEC related issues, and to allow for frank interchange among stakeholders with similar affiliations and interests. The size of the focus groups varied from five organizations/entities with eight participants, to 15 organizations/entities and 15 participants. Altogether, 61 different organizations/entities participated in the focus group process, which included 68 participants.² The selection of these stakeholder groups was guided by the advice of OEP and the Coordinating Committee. A complete list of all of the organizations/entities and the individuals from each organization/entity can be found in Appendix B.

Table 2-1: Focus Group Cluster and Size

Focus Group	Number of Participants	Number of Organizations/Entities
Environmental/Natural Resources	15	12
Business/Industry/Labor	8	7
Transmission/Pipelines	7	6
Generation (non-wind)	8	8
Wind Developers	7	7
State Agencies	8	5
Citizen Groups/Local Government	15	15
TOTAL	68	61

The goal of each focus group was to obtain feedback on stakeholders' priorities among a number of topics, and then to identify preferences among several options under each topic.

² When multiple people from a single organization/entity participated in a focus group, that organization/entity still only had one "vote" in the various polling exercises.

Altogether there were 15 different topics each with its own challenge statement—eight related to decision-making criteria and seven related to SEC structure, memberships, and processes. These topic areas and options were developed via: 1) background research on NH and Northeastern States; 2) individual interviews with Legislators and other stakeholders; and 3) input from the Coordinating Committee. The 15 topics discussed during the focus group process are shown in Table 2-2. The challenges associated with each topic can be found in the NH SEC Report in Appendix A.

Table 2-2: Focus Group Topics

SEC Structure, Membership, & Processes	SEC Decision-making Criteria
SEC Membership and Delegation	Required Findings
Conduct of Proceedings	State Energy Policy
SEC Staffing	Orderly Development
Source of Funding	Visual Impacts
Covered Facilities & Opt-Ins	Noise
Public Engagement	Environmental and Natural Resource Impacts
Role of the Counsel for the Public	Alternative Routes (Transmission/Pipelines)
	Alternative Sites (Generating Facilities)

Each focus group was conducted using the same format. After a brief introduction, background, and ground rules, each group focused separately on SEC Structure, Membership, and Processes and on SEC Decision-making Criteria. Each discussion began with a brief review of the topics and related challenges by the focus group facilitator, followed by a discussion among the participants regarding which of the topics/challenges were most important and which were less important to them.

Following their discussion, each organization/entity was given four blue “polling dots” to distribute among seven or eight topics based on importance to their organization/entity.³ The dots were then tallied for the focus group, and the topics with the highest level of support were discussed first and given more time than the topics that received the least support, and hence determined to be lower priorities for that particular focus group. The results from the prioritization exercises for each focus group is available in Tables 2-3 and 2-4, which also include the average level of support for each topic across all seven focus groups, and the total

³ The four sticky dots could be spread over four different topics/challenges or concentrated in one or more topic/challenge. Please note that “importance” to a particular organization could either be because it supports the status quo but is concerned that others will advocate for changes they may find unacceptable, or because it believes that the status quo needs to be changed.

percent of votes cast of all focus group participants. This provides both a sense of the priority of all individuals who participated (All Participants), and also provides a sense of the “average” priority of the sectors (Average of 7 Focus Groups-equally weighted).

Table 2-3 Focus Group Priorities: SEC Structure, Authority, & Processes⁴

	Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	All Responses
SEC Membership and Delegation	23%	32%	18%	21%	43%	22%	35%	28%	27%
Conduct of Proceedings	11%	21%	14%	4%	0%	12%	15%	11%	11%
SEC Staffing	19%	18%	5%	18%	14%	8%	20%	15%	14%
Source of Funding	19%	21%	14%	21%	0%	17%	10%	15%	15%
Covered Facilities & Opt-Ins	2%	2%	23%	14%	7%	8%	0%	8%	8%
Public Engagement	21%	2%	9%	11%	14%	23%	15%	14%	16%
Role of the Counsel for the Public	4%	4%	18%	11%	21%	10%	5%	10%	10%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

For five of the focus groups (Environmental/Natural Resources; Business/Industry/Labor; Generation (non-wind); Wind Developers; and State Agencies) the most important topic was the SEC Membership & Delegation. For the Transmission/Pipelines focus group the most important topic was Covered Facilities & Opt-Ins, while for the Citizen Groups and Local Government focus groups, it was Public Engagement.

Averaging the results of all of the focus groups and calculating the percent results from all responses revealed that SEC Membership and Delegation was the topic that received the most interest, with nearly double the support of the next highest topic/choice. Covered Facilities and Opt-Ins received the least interest averaged across all the focus groups and focus group participants.⁵

⁴ Focus Group abbreviations used in this chapter are as follows: Enviro/NR (Environmental/Natural Resources); Biz/Labor (Business/Industry/Labor); Trans/Pipe (Transmission/ Pipelines); Gen (Generation (non-wind)); Wind (Wind Developers); Local (Citizen Groups/Local Government); State (State Agencies).

⁵ The average of percent results across the seven focus groups, while accurate, can be viewed as giving greater weight to the preferences of the energy facility developers/business focus groups, since they represent four of the seven focus groups. To balance this potential bias and to provide another important view of the data, we also included the percent responses of all participants without regard to which focus group they participated in. Since the environmental/natural resource and citizen group/local government focus groups each had many more participants than each of the other groups, this statistic favors those larger focus groups. In many instances these two statistics were very similar. There was also substantial variability both within focus groups and across focus groups on different topics.

Table 2-4 Focus Group Priorities: SEC Decision-making Criteria

	Enviro /NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	All Responses
Required Findings	25%	32%	5%	18%	36%	15%	23%	22%	22%
State Energy Policy	25%	25%	27%	18%	4%	15%	14%	18%	18%
Orderly Development	2%	4%	9%	21%	4%	17%	18%	11%	10%
Visual Impacts	6%	7%	18%	18%	25%	17%	18%	16%	15%
Noise	2%	7%	0%	7%	14%	3%	9%	6%	5%
Environmental and Natural Resource Impacts	21%	7%	0%	11%	14%	15%	0%	10%	12%
Alternative Routes (Transmission/Pipelines)	11%	11%	27%	0%	0%	12%	9%	10%	10%
Alternative Sites (Generating Facilities)	9%	7%	14%	7%	4%	7%	9%	8%	8%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

For the same five focus groups as above (Environmental/Natural Resources; Business/Industry/Labor; Generation (non-wind); Wind Developers; and State Agencies) the most important topic/challenge was the Required Findings.⁶ For the Transmission/Pipelines focus group the most important topic/challenge was tied between State Energy Policy and Alternative Routes, while for the Citizen Groups/Local Government focus group it was also a tie, but between Orderly Development and Visual Impacts.

Averaging across all the focus groups and across all the focus group participants, the topics of Required Findings, followed by State Policy, and then Visual Impacts, held the highest level of interest. Meanwhile, Noise had the lowest level of interest, followed by Alternative Sites--averaged across all the focus groups and focus group participants.

In each focus group, we discussed each topic/challenge, beginning with the ones of greatest interest to that particular focus group first, going through as many topics/challenges as time allowed. Prior to the focus group discussion for each topic/challenge, the facilitator reviewed the range of options beginning with the status quo. Because we wanted input on the breadth of options already identified, and to provide a means to include new options during the course of the ensuing discussion if there was an option that multiple focus group participants preferred to the ones presented, that option was added to the list of choices for that focus group as well as the other focus groups.⁷ The discussion on each topic/challenge allowed time for the focus

⁶ Although the Environmental /Natural Resource focus group had a tie between Required Findings and Energy Policy; and the Generation (non-wind) focus group had a three-way tie between Required Findings, Energy Policy, and Visual Impacts.

⁷ New options were added to the options for subsequent focus groups, and participants in focus groups that had already taken place were given an opportunity to poll on the additional options (although they were only polled on

group participants to discuss the relative merits of each option--often including differing views among the participants on the various options.

After the discussion on each topic, focus group participants were polled on that topic/challenge. The polling for each topic included two different polling methods. The first method asked the participant to choose all options that were acceptable (i.e., they could support), while the second asked the participant to identify their "first choice" among all their acceptable options. These are two well tested polling/voting methods known respectively as approval voting and preference voting. The options under every topic/challenge were polled, even if the focus group ran out of time before engaging in a detailed discussion about one or more of that focus group's lower priority topics/challenges. The polling was anonymous within the room; participants didn't reveal their choices to the focus group.

The following tables and text summarize the polling results for each of the 15 topics/challenges. Under each topic/challenge there are two polling tables—one with the results of "acceptable choice" polling and the other with the results of "first choice" polling. In both tables there is a separate column with the results from each of the seven focus groups, one column that shows the average of the percent results across all seven focus groups (equally-weighted by the seven focus groups), and another column that shows the percent of all focus group participants (regardless of which focus group they participated in) who selected that option. All of the results are expressed as percentages, with the first choice percentages down any column adding up to 100% and the acceptable choice percentages being anywhere in the range of 0% to 100% for each cell (100% meaning everyone in that focus group polled on that option as something they could approve, support, or "live with.") In the first choice matrices, the first choice percentages in each column are highlighted, while in the acceptable choice matrices we have highlighted all the percentages that received 50% or more (i.e., majority) support.

At the bottom of some of the matrices, one or more option is highlighted in yellow, indicating that this option was not one of the original options but was added by a focus group and then added in subsequent focus groups and re-polled for acceptable choice only to focus groups that had already taken place. In the tables where re-polling occurred, NP indicates "not polled" since we didn't re-poll the first choice options, and NR means "no response" when participants in a particular focus group didn't provide a response regarding a particular re-polled option during the time allowed.⁸

At the end of the chapter we highlight the areas of convergence and divergence found within the following 15 topics.

whether the new option was "acceptable" or not, but not re-polled on their first choice option). Eight options were added by focus groups across the 15 topics during the course of the focus groups.

⁸ Because of time constraints, focus group participants were given less than a week to poll on new options proposed subsequent to their focus group meeting and were sent only one notice. Responses on newly polled options ranged from no responses in one focus group to one-third to half the participants responding in several of the other focus groups. Therefore, in every case, the responses in the re-polled options had significantly less participants weighing in than options polled during the original focus group meetings.

2.2 Topic: SEC Membership & Delegation⁹

SEC Membership and Delegation--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC includes 15 high-level state officials from 8 agencies. Some members may designate a deputy or other high level official in their agency to sit in their place but not all can delegate.	0%	0%	67%	43%	14%	7%	60%	27%	21%
OPTION 2	Change Membership from 15 to 8 (only one Member from each agency)	33%	100%	50%	86%	29%	40%	20%	51%	48%
OPTION 3	Change Membership from 8 Agencies to 2-3 agencies (PUC,DES, Other?) responsible for running the proceedings and deciding	75%	67%	50%	71%	100%	27%	20%	59%	57%
OPTION 4	Transfer responsibility to one Agency (e.g., PUC) responsible for running the proceedings and deciding	42%	100%	33%	29%	86%	33%	60%	55%	50%
OPTION 5	Create free-standing council or commission separate from and not including existing state agencies	58%	33%	0%	14%	0%	60%	60%	32%	38%
OPTION 6	Supplement Agency Members with non-Agency Members (i.e., regional representation and/or public members)	58%	67%	17%	14%	43%	80%	20%	43%	50%

SEC Membership and Delegation--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC includes 15 high-level state officials from 8 agencies. Some members may designate a deputy or other high level official in their agency to sit in their place but not all can delegate.	0%	0%	50%	29%	0%	7%	40%	18%	14%
OPTION 2	Change Membership from 15 to 8 (only one Member from each agency)	0%	67%	17%	29%	0%	20%	20%	22%	19%
OPTION 3	Change Membership from 8 Agencies to 2-3 agencies (PUC,DES, Other?) responsible for running the proceedings and deciding	50%	0%	17%	43%	57%	0%	20%	27%	26%
OPTION 4	Transfer responsibility to one Agency (e.g., PUC) responsible for running the proceedings and deciding	0%	33%	17%	0%	43%	7%	0%	14%	12%
OPTION 5	Create free-standing council or commission separate from and not including existing state agencies	33%	0%	0%	0%	0%	40%	20%	13%	19%
OPTION 6	Supplement Agency Members with non-Agency Members (i.e., regional representation and/or public members)	17%	0%	0%	0%	0%	27%	0%	6%	10%
Total		100%	100%	100%	100%	100%	100%	100%	100%	100%

⁹ "Average of 7 Focus Groups (equally weighted)" was derived by adding the % for each option and dividing by seven. The "Average of all Participants (equally weighted)" was derived by taking the total participants who chose a particular option, and dividing by the total number of those who polled on that topic.

2.1.1 Discussion of Status Quo

Two of the seven focus groups and 14% across all focus group participants ranked the 15 Member, 8 Agency SEC make-up (Option 1/Status Quo) as their first choice. The other five focus groups and over 85% average of all focus group participants designated as their first choice either a smaller SEC (with fewer Members, fewer Agencies, or both) (Options 2, 3 & 4) or a new free-standing council not tied to any agency (Option 5) or supplementing Agency Members with public, non-Agency Members (Options 6).

For those supportive of maintaining the status quo (Option 1), which included both participants in the Transmission/Pipelines and State Agency focus groups, where 50% and 40%, respectively, selected this as their first choice and 21% of all focus group participants that found the status quo “acceptable”, the reasons given included:

- NH has the largest Legislature in the country, so not unusual to have large committees to do work here in NH
- Having so many agencies and Members engaged assures broad expertise available to draw from, multiple state perspectives, and supports the original intent of the statute that is a one-stop shop for everyone
- Not all Members’ expertise is needed on each case, so maybe it’s better to focus on allowing smaller subcommittees than on changing the membership

For the 79% of all focus group participants who felt that the status quo was not “acceptable”, the reasons given included:

- It is overwhelming state agencies, and draining staff and leaders who have many other duties and do not receive any funding to participate on the SEC
- It’s difficult to coordinate 15 Members’ schedules to ensure a quorum at the hearings, resulting in a longer overall timeframe than necessary to hear and decide cases (and often with months between hearings/meetings)
- Tying up 15 high-ranking Members on siting cases pulls them away from their other work obligations, and since they are sitting in quasi-judicial role, they aren’t permitted to consult with their staff on issues before them
- Continuity and institutional memory is actually adversely affected by the size, since those making up quorum or sitting on subcommittees is constantly shifting
- Better to have core group of decision-makers who can sort through information and decide. Other agencies can provide input as needed (e.g., give testimony)

2.2.1 Discussion of Alternatives

The leading alternative option for changing the make-up of the SEC involved some variation of making the SEC smaller. The first choice of the Environmental/Natural Resources, Generation (non-wind), and Wind Developers was to change the Membership from 8 Agencies to 2-3 Agencies (Option 3), while the first choice of the Business/Industry/Labor focus group was to reduce the membership from 15 to 8. (Option 2) It is also worth noting that a majority in five of the seven focus groups and 57% of all the participants found acceptable the option to change

the membership from 8 to 2-3 agencies. According to the supporters of reducing the size of the SEC (Options 2, 3, & 4), the main benefits of these options included:

- Reducing from 15 Members to 8
 - An 8 Member panel with 5 person quorum would be much more nimble than 15 Members
 - If go to 8 Member SEC, they don't all have to be from 8 agencies (e.g., could have 2 from PUC, 2 from DES, and 4 from other agencies)
- Reducing to 2-3 Agencies
 - Having 2-3 agencies would be much more efficient (perhaps PUC, DES, and DRED), and could then bring other agencies in to provide testimony or evidence as needed
 - Could have 3 agencies but 5 Members (3 PUC Commissioners who bring differing expertise, DES Chair, and DRED Commissioner)
- Reduce to PUC
 - Makes a lot of sense to have PUC run process. They have energy facility expertise, are used to running adjudicatory proceedings and adhere to precedence, and are more insulated than commissioners in other agencies
 - Prefer to house at PUC and have PUC staff it, but still could have several agencies as decision-makers

Another option, which was the first choice of the Citizen Groups/Local Government focus group and also found “acceptable” by a majority in the Environmental/Natural Resources and State Agency focus groups, was to create a free-standing council or commission separate from and not including existing state agencies (Option 5).

Finally, the option of supplementing agency members with non-agency members, such as a regional representative and/or public member, who could potentially be added to any of the configuration in the other options including the status quo (Option 6), was not the first choice of any focus group but was considered acceptable by a majority of participants in the Environmental/Natural Resources, Business/Industry/Labor, and Citizen Groups/Local Government caucuses. Key points made:

- If we have two, one can be from the region a particular facility is proposed to be sited and another outside the region.
- Might be preferable to have one non-Agency member representing the public (e.g., elder statesperson). For instance, NY siting commission is working very well with public representative.
- Would like to have hybrid, both fewer members total and include non-agency members.
- If public members are on the SEC, the Public Counsel may no longer be necessary.

2.3 Topic: Conduct of Proceedings

Conduct of Proceedings--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The SEC Members often all sit to hear a full case. For energy facility applications, the chairperson may designate a subcommittee of no fewer than seven members to consider the application. But for renewable applications, the chairman shall designate a subcommittee, which has full authority to make decisions and issue certificates	20%	71%	67%	71%	29%	40%	0%	43%	42%
OPTION 2	Require SEC Chair to designate Members to subcommittees to represent SEC for all projects (not just for renewable projects)	30%	71%	100%	86%	0%	90%	80%	65%	63%
OPTION 3	Have hearing officer develop evidentiary record and develop issues memo without making recommendations to SEC Members	100%	43%	50%	43%	57%	60%	40%	56%	60%
OPTION 4	Have administrative law judges hear cases, and make recommendations to SEC Members for final decisionmaking	80%	14%	17%	29%	57%	40%	40%	40%	42%
OPTION 5	Clarify intervenor standards and procedures	83%	NR	100%	100%	100%	90%	20%	82%	81%

Conduct of Proceedings--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The SEC Members often all sit to hear a full case. For energy facility applications, the chairperson may designate a subcommittee of no fewer than seven members to consider the application. But for renewable applications, the chairman shall designate a subcommittee, which has full authority to make decisions and issue certificates	10%	43%	17%	43%	0%	20%	0%	19%	19%
OPTION 2	Require SEC Chair to designate Members to subcommittees to represent SEC for all projects (not just for renewable projects)	0%	43%	83%	29%	0%	40%	60%	36%	33%
OPTION 3	Have hearing officer develop evidentiary record and develop issues memo without making recommendations to SEC Members	30%	14%	0%	29%	0%	10%	20%	15%	15%
OPTION 4	Have administrative law judges hear cases, and make recommendations to SEC Members for final decision-making	60%	0%	0%	0%	14%	0%	0%	11%	13%
OPTION 5	Clarify intervenor standards and procedures	NP	NP	NP	NP	86%	30%	20%	NC	NC

Total		100%								
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2.3.1 Discussion of the Status Quo

Two focus groups (Business/Industry/Labor & Generation (non-wind)) ranked the status quo/Option 1, whereby the SEC Members directly hear the full application proceeding but can designate a subcommittee of Members (and must do so for renewable applications) as their first choice. The other five focus groups, and over 80% of all focus group participants, selected something other than the status quo as their first choice.

- Transmission/Pipelines, Citizen Groups/Local Government, State Agencies, and Business/Industry/Labor¹⁰ focus groups' first choice was to require a subcommittee delegation for all cases (Option 2);
- Environmental/Natural Resource focus group's first choice was to have an administrative law judge hear cases and make recommendations to the Members, (Option 4); and
- State Agency focus group's first choice was to clarify intervenor standards and procedures (Option 5).

For those who consider the status quo "acceptable" including a majority of the Generation (non-wind), Business/Industry/Labor, and Transmission/Pipelines focus groups and 42% across all the participants, the reasons include:

- Chair already has the discretion to form subcommittees on non-renewable applications
- If hearing officer or administrative law judge hears cases instead of Members, then decision-makers aren't hearing directly from applicant and public

2.3.2 Discussion of Alternatives

A majority in five of the seven focus groups (Business/Industry/Labor, Transmission/ Pipelines, Generation (non-wind), Citizens Groups/Local Government, and State Agencies) and nearly two-thirds of all focus group participants supported (through acceptable choice polling) requiring the SEC Chair to designate subcommittees for all applications, not just for renewables (Option 2). The rationale heard in the focus groups included:

- While the Chair already has the option to appoint subcommittees for non-renewable applications, it is not always done and should be required
- If subcommittees were always used, could allow for continuing to have larger SEC membership than otherwise

¹⁰ Business/Industry/Labor had tie for first choice between Options 1 and 2.

Regarding having a hearing officer developing the evidentiary record (i.e., conducting the hearing process) but not making recommendations (Option 3), a majority in four of the focus groups (Environmental/Natural Resources, Transmission/Pipelines, Wind Developers, and Citizen Groups/Local Government) as well as 60% of all focus group participants found this option acceptable. By contrast, the option of taking it one step further by having a hearing officer or administrative law judge conduct the hearings and also make recommendations was supported by a majority in only two focus groups, (Environmental/Natural Resources and Wind Developers), and by less than 50% of all focus group participants.

Some of the comments on these options included:

- Having a hearing officer or administrative law judge would greatly reduce time commitment of Members on each case
- The volume of materials makes it challenging for members to review and digest it all, and attendance at hearings changes from hearing to hearing—would benefit from focused, dedicated hearing officer or administrative law judge hearing case and building evidentiary record
- Focus for Members would therefore be on making decisions, rather than building the record

A final option (Option 5) suggested during a later focus group (and re-polled to other focus groups) on the need to clarify intervenor standards and procedures had an overwhelming majority of support in five of the six focus groups polled (only a majority in the State Agency focus group didn't support it), as well as support from over 80% of all focus group participants polled. A comment on this option was:

- The rules and procedures related to intervention by the public and towns is often confusing and not always perceived as consistent, and could benefit from clearer standards and procedures

2.4 Topic: SEC Staffing

SEC Staffing--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	No dedicated staff to assist the SEC; Legal Counsel, DES administrative assistant, and stenographer costs are reimbursed by the applicant, hired/funded on an ad hoc, case by case basis	0%	14%	100%	57%	33%	7%	0%	30%	23%
OPTION 2	Hire dedicated, permanent staff to support/administer SEC (counsel, clerk)	83%	86%	60%	86%	83%	93%	60%	79%	82%
OPTION 3	Hire dedicated, permanent staff to support and provide substantive assistance to the SEC (potentially including recommendations)	100%	71%	40%	71%	33%	64%	100%	69%	71%
OPTION 4	Hire dedicated, permanent staff to monitor and enforce permits and conditions	83%	0%	20%	0%	17%	79%	40%	34%	45%

SEC Staffing--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	No dedicated staff to assist the SEC; Legal Counsel, DES administrative assistant, and stenographer costs are reimbursed by the applicant, hired/funded on a ad hoc, case by case basis	0%	0%	40%	14%	33%	0%	0%	13%	9%
OPTION 2	Hire dedicated, permanent staff to support/administer SEC (counsel, clerk)	17%	57%	40%	29%	67%	57%	0%	38%	39%
OPTION 3	Hire dedicated, permanent staff to support and provide substantive assistance to the SEC (potentially including recommendations)	83%	43%	20%	57%	0%	21%	100%	46%	46%
OPTION 4	Hire dedicated, permanent staff to monitor and enforce permits and conditions	0%	0%	0%	0%	0%	21%	0%	3%	5%

Total		100%	100%	100%	100%	100%	100%	100%	100%	100%
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2.4.1 Discussion of the Status Quo

Only one focus group and less than 10% of all focus group participants supported as their first choice the status quo (Option1) of the SEC having no dedicated staff to assist it (except for legal counsel hired under contract, a stenographer, and administrative assistant used as needed). The other six focus groups and over 90% of focus group participants did not support the status quo as their first choice. The first choice of the other focus groups were split evenly between hiring dedicated staff to just provide support and administer the process (Option 2) and also having dedicated staff to provide substantive assistance (potentially including developing recommendations) (Option 3).

2.4.2 Discussion of Alternatives

In the acceptable choice polling, a majority of every focus group and over 80% of all the participants supported hiring dedicated, permanent staff to support the SEC. (Option 2) Five of the seven focus groups and over 70% of focus group participants supported also having dedicated, permanent staff to provide substantive assistance as well (Option 3). A majority in two focus groups (Environmental/Natural Resources and Citizen Groups/Local Government) also supported having dedicated permanent staff to monitor and enforce permits and conditions (Option 4), while the other focus groups expressed less preference for this option.

Some of the comments regarding the hiring of dedicated, permanent staff included:

- Hard to figure out how to staff a committee that meets in fits and starts
- Although the workload fluctuates, it still makes sense to have permanent staff—they don't have to be full time
- Having at least one permanent staff person to manage the entire process in a consistent fashion will benefit both the applicant and the SEC
- Having permanent staff that could summarize and potentially advise on substantive issues makes sense, but making recommendations may challenge some of the transparency needs
- Can potentially hire people on case by case basis to monitor and enforce or use agency staff—less critical than core staff to manage the process

2.5 Topic: SEC Funding

Source/Level of Funding--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The SEC has no dedicated budget; applicants pay for studies and counsel and experts for NH; and each Agency covers its own SEC member and staff time	25%	0%	100%	86%	57%	21%	0%	41%	37%
OPTION 2	Expand current applicant invoicing to cover SEC Member agency staff and Counsel for the Public time not currently reimbursed	83%	29%	20%	14%	0%	57%	100%	43%	47%
OPTION 3	Levy a standardized application fee (tailored to type and size of facility) to cover some or all SEC costs	100%	100%	80%	71%	71%	100%	40%	80%	86%
OPTION 4	Charge operating energy facilities an assessment fee to cover some or all SEC costs	33%	29%	40%	0%	14%	43%	60%	31%	32%
OPTION 5	State appropriation to cover some or all SEC costs	67%	71%	80%	100%	71%	79%	0%	67%	70%

Source/Level of Funding--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The SEC has no dedicated budget; applicants pay for studies and counsel and experts for NH; and each Agency covers its own SEC member and staff time	0%	0%	40%	43%	14%	0%	0%	14%	11%
OPTION 2	Expand current applicant invoicing to cover SEC Member agency staff and Counsel for the Public time not currently reimbursed	42%	0%	0%	0%	0%	14%	100%	22%	21%
OPTION 3	Levy a standardized application fee (tailored to type and size of facility) to cover some or all SEC costs	58%	100%	20%	0%	29%	54%	0%	37%	43%
OPTION 4	Charge operating energy facilities an assessment fee to cover some or all SEC costs	0%	0%	0%	0%	0%	0%	0%	0%	0%
OPTION 5	State appropriation to cover some or all SEC costs	0%	0%	40%	57%	57%	32%	0%	27%	25%

Total		100%	100%	100%	100%	100%	100%	100%	100%	100%
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2.5.1 Discussion of Status Quo

The SEC has no dedicated budget, but applicants pay for studies and SEC counsel, stenographer, and administrative support on a case-by-case basis, with agencies on the SEC covering the salaries of Members and agency staff. Only one focus group and 11% across all focus group participants support the status quo (Option 1) as their first choice. The other six focus groups and almost 90% of all focus group participants support supplementing the amount of funding, or replacing the source of the funding, or both, as their first choice regarding funding the SEC.

The status quo (Option 1) of relying on applicant funding for some of SEC costs, was selected by one focus group as its first choice, but a majority in three focus groups found it acceptable (Transmission/Pipelines, Generation (non-wind), and Wind Developers). Those who supported this option were primarily from the developer-oriented focus groups, and these participants were willing to continue to pay some of the costs (which they argue can be extensive) but didn't necessarily support paying all of the SEC related expenses (including Agency Members and staff time).

2.5.2 Discussion of Alternatives

The most popular alternative -- to levy a standardized application fee (tailored to the type and size of a facility) to cover some or all SEC costs (Option 3) -- was supported by six of the seven focus groups (all but State Agencies) and 86% of all focus group participants based on acceptable choice polling. This was also the first choice option of the Environmental/Natural Resources, Business/Industry/Labor, and Citizen Groups/Local Government caucus. Points discussed under this option included:

- Lack of funding/resources seems to be significant problem
- A standardized fee is more predictable for developers
- But some were concerned that a standardized fee alone, could underfund the SEC process—so they wanted the ability to have a standardized fee plus some additional funds on a case by case basis to cover additional costs (e.g., studies)
- Others pointed out that standardized application fees wouldn't necessarily limit applicants' costs if additional funds could be required, so they advocated for some type of bounding on potential additional fees that could be levied on applicants

The other option that also received support from the same six of seven focus groups (all but State Agencies) and 70% of all focus group participants based on acceptable choice polling is to use a state appropriation to cover some or all SEC costs (Option 5). This was also the first choice option of the Transmission/Pipelines, Generation (non-wind), and Wind Developers. Their rationale for supporting this option:

- State should have “skin in the game” since siting is an issue of statewide concern—there should be at least some dedicated state appropriation for SEC
- Need some state funding to build a continuously operating SEC—the state can't just rely on applicant fees

- Some argued that at a minimum, agencies should track their annual participation for SEC Members and Staff, and include in line-item as part of their annual budget
- Others pointed out that while a State appropriation makes sense, it may be politically infeasible

Expanding current applicant invoicing to cover SEC Member agency staff and Counsel for the Public for time not currently reimbursed (Option 2) was supported by the Environmental/Natural Resources, Citizen Groups/Local Government, and State Agency focus groups based on acceptable choice polling and was the first choice of 100% of the State Agency focus group participants.

- Those supporting this felt that applicants should pay more of the total real cost of staffing the SEC, including costs of the Member agencies, than is currently collected.
- Others, particularly those in the focus groups including applicants, were worried that this could become a black hole for them if they were responsible for covering all staffing, expert, and study costs.

Charging operating energy facilities an assessment fee to cover some or all SEC costs (Option 4) was supported by a majority in only one focus group, State Agencies, and notably, was not selected as a first choice by a single participant of any of the 7 focus groups. The chief point made on this option was:

- Operating energy facilities assessment on existing facilities doesn't seem fair.

2.6 Topic: Covered Facilities & Opt In

Covered Facilities & Opt-In--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Generation >30 MW (Renewables between 5 and 30 MW SEC can review on own motion), >10 miles of pipeline, >100kV transmission lines; storage and loading facilities; SEC may grant exemptions if it finds that existing agency permits, state and federal policies adequately cover possible impacts. Non-Covered Facilities can opt in by petition of 1) applicant; 2) local gov't +/-or registered voter petition; or 3) SEC on its own motion; if SEC accepts the request, the final decision preempts the local jurisdiction.	73%	57%	100%	71%	86%	54%	0%	63%	64%
OPTION 2	Increase one or more of the thresholds to reduce number of cases requiring SEC review (e.g., 100 MW in MA)	18%	0%	67%	43%	29%	31%	80%	38%	34%
OPTION 3	Do not allow for opt-ins	0%	0%	0%	0%	14%	54%	80%	21%	21%
OPTION 4	Do not allow for opt-ins but reduce size thresholds for Covered Facilities (some states renewables reviewed for greater than 1 MW)	64%	29%	0%	0%	14%	8%	20%	19%	21%
OPTION 5	Develop clearer, consistent criteria for SEC to accept opt Ins	91%	86%	0%	100%	71%	69%	80%	71%	73%

Covered Facilities & Opt-In--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Generation >30 MW (Renewables between 5 and 30 MW SEC can review on own motion), >10 miles of pipeline, >100kV transmission lines; storage and loading facilities; SEC may grant exemptions if it finds that existing agency permits, state and federal policies adequately cover possible impacts. Non-Covered Facilities can opt in by petition of 1) applicant; 2) local gov't +/-or registered voter petition; or 3) SEC on its own motion; if SEC accepts the request, the final decision preempts the local jurisdiction.	36%	29%	67%	29%	29%	8%	0%	28%	27%
OPTION 2	Increase one or more of the thresholds to reduce number of cases requiring SEC review (e.g., 100 MW in MA)	0%	0%	33%	14%	14%	23%	20%	15%	14%
OPTION 3	Do not allow for opt-ins	0%	0%	0%	0%	0%	31%	40%	10%	11%
OPTION 4	Do not allow for opt-ins but reduce size thresholds for Covered Facilities (some states renewables reviewed for greater than 1 MW)	9%	14%	0%	0%	0%	0%	0%	3%	4%
OPTION 5	Develop clearer, consistent criteria for SEC to accept opt Ins	55%	57%	0%	57%	57%	38%	40%	43%	45%
Total		100%	100%	100%	100%	100%	100%	100%	100%	100%

2.6.1 Discussion of Status Quo

Currently, SEC approval is required for facilities over a certain size, and other projects can “opt-in” to the SEC process under certain circumstances. While one focus group supported the status quo (Option 1) as their first choice, a majority in six groups (all but State Agencies) support the status quo based on acceptable choice polling. The first choice of the other six focus groups is to develop clearer, consistent criteria for opt-ins (Option 5), while the State Agencies’ first choice was a tie between this option and the option to not allow opt-ins at all (Option 3).

The rationale for supporting the status quo by focus group participants included:

- Status quo balances things well, and opt-ins haven’t been that common so not sure there’s a real problem here
- It’s helpful to have an opt-in option for both local interests and the applicant
 - In some cases local governments ask for opt-in because don’t have legal structure and/or capability to adequately deal with an application
 - Opt-in can benefit developers, as it provides one stop forum and pre-empts local jurisdiction

2.6.2 Discussion of Alternatives

The most popular alternative, supported by six focus groups and 73% of all participants, is to develop clearer, consistent criteria for opt-ins (Option 5). Comments included:

- State permitting is necessary to meet state goals, but would be helpful if clearer standards were developed
- When and how opt-ins are allowed could benefit from much clearer standards, as can provide great uncertainty to applicants and towns alike and promote unproductive and inappropriate forum shopping
- Consider having different required analyses/timelines potentially for different size applications or applications with different potential impacts

A majority in two groups, Citizen Groups/Local Government and State Agencies, supported not allowing opt-ins (Option 3); notably, this option got 0% support in four groups (Environmental/Natural Resources, Business/Industry/Labor, Transmission/Pipelines, and Generation (non-wind)). However, a majority in only the Environmental/Natural Resources group could support not allowing opt-ins if the size threshold for Covered Facilities was lowered (Option 4). Comments related to these options included:

- Most of the other states in the multi-state study don’t allow opt-ins, and opt-ins create additional work for the SEC
- Eliminating this option altogether would disadvantage towns that need help or don’t have the local authority or institutional capacity to process

Increasing one or more of the thresholds to reduce the number of cases (Option 2) garnered majority support in only two focus groups (Transmission/Pipelines and State Agencies). Those who supported this option were looking to reduce the number and type of cases requiring SEC resources by limiting opt-ins, raising the covered facilities thresholds, or both.

2.7 Topic: Public Engagement

Public Engagement--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Minimum of one informational session in county where proposed facility located; public input is through in-person and in-writing comment during meetings or adjudicatory hearings and can file as a formal intervenor	42%	86%	100%	71%	71%	22%	40%	62%	55%
OPTION 2	Adopt a "meaningful" pre-application process that engages the affected communities (e.g., New York)	100%	43%	0%	100%	43%	43%	40%	53%	57%
OPTION 3	Require at least two community meetings, one with the developer during the pre-filing phase and another with SEC representatives post-filing (e.g., Maine)	58%	43%	0%	43%	57%	36%	60%	42%	43%
OPTION 4	Applicants provide intervenor funding for participating in adjudicatory proceedings (e.g., New York)	75%	14%	0%	0%	14%	94%	40%	34%	45%
OPTION 5	Add statutory requirement that applicant has duly considered local, regional, and public comment	42%	29%	0%	43%	29%	86%	40%	38%	45%
OPTION 6	Create an SEC position for public engagement coordination (e.g., New York)	42%	14%	0%	43%	71%	36%	80%	41%	40%

Public Engagement--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg of 7 Focus Grps (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Minimum of one informational session in county where proposed facility located; public input is through in-person and in-writing comment during meetings or adjudicatory hearings and can file as a formal intervenor	17%	57%	100%	43%	14%	0%	20%	36%	29%
OPTION 2	Adopt a "meaningful" pre-application process that engages the affected communities (e.g., New York)	67%	14%	0%	29%	29%	6%	40%	26%	27%
OPTION 3	Require at least two community meetings, one with the developer during the pre-filing phase and another with SEC representatives post-filing (e.g., Maine)	8%	29%	0%	29%	0%	0%	0%	9%	9%
OPTION 4	Applicants provide intervenor funding for participating in adjudicatory proceedings (e.g., New York)	0%	0%	0%	0%	0%	56%	0%	8%	13%
OPTION 5	Add statutory requirement that applicant has duly considered local, regional, and public comment	0%	0%	0%	0%	14%	36%	0%	7%	10%
OPTION 6	Create an SEC position for public engagement coordination (e.g., New York)	8%	0%	0%	0%	43%	2%	40%	13%	11%
Total		100%	100%	100%	100%	100%	100%	100%	100%	100%

2.7.1 Discussion of Status Quo

Public engagement on SEC matters currently includes a minimum of one informational session in the county where an energy facility is proposed to be located, written or oral comments during local meetings or adjudicatory hearings, and the ability to formally intervene before the SEC. A majority in three of the seven focus groups selected this status quo (Option 1) as their first choice, and this also had the highest level of first choice support across all the focus group participants (29%). However, 4 focus groups and over 70% of the focus group participants had first choices other than the status quo. These other first choices included 1) adopting a “meaningful” pre-application process that engages the affected communities (Option 2); 2) creating an SEC position for public engagement coordination (Option 6); and 3) providing intervenor funding for participating in adjudicatory proceedings (Option 4).

For those who consider the status quo (Option 1) “acceptable,” including a majority of four focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation, and Wind Developers) as well as 55% of all the focus group participants, the reasons include:

- Extensive public engagement is required already, and SEC already shows how public engagement is incorporated in decisions
- Somewhat self-policed, because if applicants don’t intensely engage public, they do so at their own peril (“permitting suicide”) so don’t need more requirements

For the 45% of focus group participants who felt that the status quo was not “acceptable” as is, some of the reasons included:

- Public input has to have value placed on it in the decision-making process
- It’s not at all clear how the SEC takes into account public comments and incorporates them in their decision making process
- “Public outcry has been ignored in recent years and has not been taken seriously”

2.7.2 Discussion of Alternatives

Of all the other options, which can largely be viewed as supplements to the status quo as opposed to wholesale replacements, the option that had the broadest support, with 57% of the focus group participants, was to adopt a “meaningful” pre-application process that engages the affected communities (Option 2). Notably, this option also had 100% support based on acceptable choice polling in both the Environmental/Natural Resources and Generation (non-wind) focus groups. Some of the clarifying comments related to this option included:

- A pre-application process early on would be valuable (before a lot of time and money is spent in litigation) to help sort thru issues and give applicants a window to address community concerns through siting modifications, mitigation, etc.
- Need to better define what a “meaningful” pre-application process should look like

Although none of the other options received support from more than 50% of the focus group participants, several others received over 40% support overall as well as majority support in two or more focus groups. Requiring at least two community meetings—one with developer during pre-filing phase and another with SEC representatives post filing (Option 3)—had majority “acceptable” support in the Environmental/Natural Resources, Wind Developers, and State Agency focus groups. Providing intervenor funding for participating in adjudicatory proceedings had majority “acceptable” support in the Environmental/Natural Resources and Citizen Groups/Local Government focus groups but 0% support in the Transmission/Pipelines and Generation (non-wind) focus groups. Creating a new SEC position for public engagement coordination (Option 6) received majority support in the Wind Developers and State Agencies focus groups. Comments on these options included:

- Community Meetings:
 - Multiple meetings are important, especially if project evolves
 - SEC needs to get out to the community more times, even if the SEC needs to be smaller or different to accommodate that
- Intervenor Funding
 - Many felt that intervenor funding would let towns and the public more fully and effectively participate in the SEC process
 - Some wondered how intervenor funding would work where the public in a community was divided about the project
 - Others argued that there’s already sufficient public participation, and that developer funds would be better targeted to other things like mitigation
 - Some asked if the Counsel for Public is the entrusted public official in every case before the SEC, whether you would also need intervenor funding?
- New SEC Position for Public Engagement
 - Some thought that this could be very helpful as a liaison between the developer, community, and SEC on “meaningful” public engagement
 - Others thought that it was unnecessary

2.8 Topic: Role of the Counsel for the Public

Role of the Counsel for the Public--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The Counsel represents the public to ensure a balance between protecting the quality of the environment and maintaining an adequate supply of energy. The Counsel has full intervenor status. The Counsel is housed in the Attorney General's office.	33%	57%	50%	57%	14%	20%	20%	36%	34%
OPTION 2	Develop clear principles or criteria to clarify the role	67%	100%	100%	100%	57%	80%	80%	83%	81%
OPTION 3	Broaden the role to allow consideration of more than need and environmental impact	67%	43%	17%	29%	0%	53%	20%	33%	39%
OPTION 4	Provide additional resources for adequate participation	92%	57%	17%	43%	0%	73%	20%	43%	53%
OPTION 5	Create a separate, and independent office for the Public Counsel	33%	0%	0%	0%	71%	27%	40%	24%	25%
OPTION 6	Eliminate the Public Counsel and establish a public engagement coordinator	33%	NR	67%	100%	57%	0%	80%	56%	35%

Role of the Counsel for the Public--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The Counsel represents the public to ensure a balance between protecting the quality of the environment and maintaining an adequate supply of energy. The Counsel has full intervenor status. The Counsel is housed in the Attorney General's office.	17%	0%	17%	29%	0%	13%	0%	11%	12%
OPTION 2	Develop clear principles or criteria to clarify the role	42%	86%	83%	71%	0%	43%	60%	55%	52%
OPTION 3	Broaden the role to allow consideration of more than need and environmental impact	17%	0%	0%	0%	0%	17%	0%	5%	8%
OPTION 4	Provide additional resources for adequate participation	25%	14%	0%	0%	0%	20%	0%	8%	12%
OPTION 5	Create a separate, and independent office for the Public Counsel	0%	0%	0%	0%	71%	7%	0%	11%	10%
OPTION 6	Eliminate the Public Counsel and establish a public engagement coordinator	NP	NP	NP	NP	29%	0%	40%	NC	NC
Total		100%	100%	100%	100%	100%	100%	100%		

2.8.1 Discussion of the Status Quo

The Counsel for the Public represents the public at all SEC proceedings to ensure a balance between protecting the quality of the environment and maintaining an adequate supply of energy. The Counsel has full party status, and is an attorney appointed by the Attorney General. For a variety of reasons, none of the seven focus groups and only 12% of all focus group participants support the status quo (Option 1) as their first choice. Instead, six of the seven focus groups and 52% of all focus group participants' first choice was to develop clear principles or criteria to clarify the role (Option 2). Option 2 was also supported by 81% of all the focus group participants.

The comments and questions about the areas where the Counsel role needs clarification included:

- Public Counsel necessary, but role not that clear
- Should the Counsel be representing the state as a whole, or local communities at proposed sites? If the latter and the communities are split, who should Counsel represent?
- If this is also the SEC role, what role should the Counsel play? In a related matter, what should be the Counsel vs. SEC role in balancing energy needs and environment? (*See Energy Policy Criteria for more on this issue*)
- Should the Counsel continue to have to intervene in every case, or should it be discretionary?
- If standards are clear and application is deemed complete by SEC, then why should Counsel still be able to ask for additional studies?
- Counsel has acted as facilitator to help work things out
- Public Counsel has become the anti-wind representative and no longer representing the broader public interest

2.8.2 Discussion of Alternatives

Of the remaining options, two other options garnered substantial support, albeit from different constellations of focus groups. The first, to provide additional resources to the Counsel for the Public for adequate participation was supported (through acceptable choice polling) by over half of the Environmental/Natural Resources, Business/Industry/Labor, and Citizen Groups/Local Government focus groups, and 53% of all the focus group participants. Those who supported this maintained that if the Counsel has to intervene in every SEC case and represent the public interest, the Counsel needs more resources.

The other option, to eliminate the Public Counsel and establish a public engagement coordinator, was supported by over half the Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agency focus groups. Those who supported this generally felt that the role is somewhat or largely redundant with the SEC. Some argued that if there were one or

more public seats in the SEC Membership, and/or a public engagement coordinator this role may not be needed. Others felt strongly that the Counsel plays an important role holding the applicant's feet to the fire in terms of satisfying the terms of the statute, and should be retained and strengthened.

The two other options received less support. A majority in only the Environmental/Natural Resources and Citizen Groups/Local Government supported broadening the role of the Counsel to allow consideration of more than need and environmental impact; and a majority in only the Wind Developers group supported creating a separate, independent office for the Public Counsel. Others advocated for moving the Counsel to the Office of the Consumer Advocate, although they acknowledged that the State may need to broaden the Consumer Advocate's authority beyond representing residential ratepayers in order to do so.

2.9 Topic: Required Findings

Required Findings--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Three findings outlined in legislation guide decision-making (see current findings above); No specific detailed criteria.	0%	57%	83%	100%	57%	7%	20%	46%	38%
OPTION 2	Define and detail existing 3 findings more clearly	42%	86%	33%	71%	100%	86%	100%	74%	72%
OPTION 3	Create more specific criteria that applies to all energy facilities	92%	43%	17%	0%	29%	71%	40%	42%	50%
OPTION 4	Create more specific criteria for each type of facility	75%	29%	17%	0%	14%	64%	40%	34%	41%
OPTION 5	Create additional and more specific criteria for all facilities and additional and more specific criteria for certain types of Facilities	100%	57%	17%	29%	14%	93%	60%	53%	62%

Required Findings--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Three findings outlined in legislation guide decision-making (see current findings above); No specific detailed criteria.	0%	29%	83%	86%	29%	0%	0%	32%	26%
OPTION 2	Define and detail existing 3 findings more clearly	0%	29%	0%	14%	57%	18%	80%	28%	23%
OPTION 3	Create more specific criteria that applies to all energy facilities	0%	14%	0%	0%	0%	14%	0%	4%	5%
OPTION 4	Create more specific criteria for each type of facility	0%	0%	17%	0%	14%	14%	0%	6%	7%
OPTION 5	Create additional and more specific criteria for all facilities and additional and more specific criteria for certain types of Facilities	100%	29%	0%	0%	0%	54%	20%	29%	39%
Total		100%	100%	100%	100%	100%	100%	100%	100%	100%

2.9.1 Discussion of the Status Quo

Three of the seven focus groups felt that the current required Findings as outlined in the statute are adequate guidance for the SEC in making its decisions. On average, over two-thirds of the focus groups and individual participants indicated that some further definition to the current Findings or more specific criteria were needed and would be preferable to the status quo.

Thirty-eight percent of the individual participants placed the status quo among their acceptable choices. These individuals were predominantly among the project developers (Transmission/Pipelines, Generation (non-wind), and Wind Developers) and Business/Industry/Labor participants. The comments supporting this point of view included:

- The current Findings have been adequate and have led to consistent and well-supported decisions.
- Each project is unique; therefore there are no criteria that could apply to all types of projects or to both urban and rural settings.
- Any more definition to the criteria may unnecessarily constrain the developer and the SEC.
- The comprehensive nature of the permitting process makes additional criteria unnecessary.
- Past SEC decisions create precedent on how the Findings are supported and applied and help ensure consistency in decision making.

2.9.2 Discussion of Alternatives

Those who wanted change were concerned that the lack of definition could lead to inconsistent application of the Findings. For instance, some suggested that there is not a clear understanding whether the financial ability to complete decommissioning is considered part of the overall financial viability of the developer. Some also noted that a clearer understanding of the Finding would provide developers more certainty about what to expect and what information to provide.

A majority in five of the focus groups (Business/Industry/Labor; Generation (non-wind); Wind Developers; Citizen Groups/Local Government; and State Agencies) and nearly three quarters of all the focus group participants (based on acceptable choice polling) support adding more definition to the existing three Findings (Option 2). Observations on this option included:

- Without more definition to the Findings, there is increased likelihood of inconsistent application by the SEC.
- Strengthening the definition of the Findings should be the first step. If that proves inadequate, the state should consider adopting more specific criteria.

- While some felt that the financial viability Finding needed strengthening, others thought the Finding was not appropriate at all and noted that it is not applied in any other type of development project.

A majority in four of the focus groups (Business/Industry/Labor; Citizen Groups/Local Government; and State Agencies) and 60% of the individual participants (based on acceptable choice polling) support the state adopting more specific criteria that applies to all facilities and additional criteria that applies to only some types of facilities (Option 5). The Environmental/Natural Resource participants were unanimous in their support of this option, and the Citizen Groups/Local Government focus group nearly so. This was the least favorable choice for the project developers based on first choice polling.

It was clear from the discussion that there was not a common understanding of the terms “Findings” and “criteria.” As it is applied in the options, findings referred to higher-level principles that could be applied to all facilities (e.g. financial viability, lack of adverse impact, etc.) while criteria are more specific standards or benchmarks and are designed to address particular types of impacts or projects.

2.10 Topic: State Energy Policy

State Energy Policy--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	In practice, the SEC has referred to state policies such as the RPS and 25x25 goals to support a finding of need, but not instructed to tie to state energy policy.	8%	57%	83%	100%	71%	0%	80%	57%	46%
OPTION 2	Require finding that the project is aligned with state energy policy	83%	29%	17%	29%	0%	92%	40%	41%	51%
OPTION 3	Specify in findings and purposes what need means.	83%	43%	33%	14%	14%	92%	0%	40%	51%
OPTION 4	Require finding that the project is aligned with both state energy and natural resource protection policies.	75%	14%	17%	0%	43%	77%	0%	32%	42%
OPTION 5	Add filing requirement on relationship between project and state energy policy; No consistency with energy policy finding by SEC required	NP	86%	67%	100%	0%	8%	20%	47%	42%
OPTION 6	SEC should not be required to make a need finding	50%	NR	100%	100%	100%	50%	60%	77%	63%

State Energy Policy – First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	In practice, the SEC has referred to state policies such as the RPS and 25x25 goals to support a finding of need, but not instructed to tie to state energy policy.	0%	14%	67%	43%	43%	0%	60%	32%	25%
OPTION 2	Require finding that the project is aligned with state energy policy	8%	0%	0%	0%	0%	38%	0%	7%	11%
OPTION 3	Specify in findings and purposes what need means.	58%	14%	17%	14%	14%	19%	0%	20%	24%
OPTION 4	Require finding that the project is aligned with both state energy and natural resource protection policies.	33%	0%	17%	0%	43%	35%	0%	18%	22%
OPTION 5	Add filing requirement on relationship between project and state energy policy; No consistency with energy policy finding by SEC required	NP	71%	0%	43%	0%	8%	0%	17%	16%
OPTION 6	SEC should not be required to make a need finding	NP	NP	NP	NP	NP	NP	40%	NC	NC
Total		100%	100%	100%	100%	100%	100%	100%		

2.10.1 Discussion of the Status Quo

Currently, the SEC may refer to state policies such as the Renewable Portfolio Standard to support its decision, but is not required to do so and no formal need finding is required. The status quo of acknowledging if and how state energy policy have been considered in the decision had the most overall support, with four of the focus groups (Transmission/ Pipelines; Generation (non-wind); Wind Developers; and State Agencies) and one-quarter of the participating individuals selecting it as their first choice (Option 1). A majority in those four focus groups, plus a majority in the Business/Industry/Labor focus group all found the status quo acceptable. Some of those who supported the status quo as their first choice or found it acceptable stated:

- Because there is not a comprehensive state energy policy, we are uncomfortable with the idea of requiring project developers or the SEC to demonstrate that a particular project aligns with state policy.
- The state's energy policy is a collection of executive orders, laws, regulations and policies that are frequently changing.
- Restructured electricity markets make it impossible to use state policy or utility plans to define need for new generation or transmission.
- Need is now being defined by market demand or regional considerations such as the need for transmission to deliver site-constrained power to load centers outside the state. Therefore, it isn't appropriate to require a finding of need.

2.10.2 Discussion of Alternatives

None of the Citizen Groups/Local Government focus group participants and only 8% of the Environmental/Natural Resource focus group participants found the status quo acceptable. The Citizen Groups/Local Government focus group participants' preferred option was that the SEC should be *required* to make a formal finding that the energy facility "is aligned with state energy policy" (Option 2). The Environmental/Natural Resources focus group participants preferred option was that need *should* be better defined (Option 3). Both of these focus groups also strongly supported a finding that an application is aligned with both energy and natural resource policy (Option 4).

The Business/Industry/Labor focus group suggested adding the fifth option and supported it strongly, with 71% selecting it as their first choice. This option suggests that the SEC create filing requirements for the energy facility applicants to show how the project relates to state policy, but would not require the SEC to make a finding that it is consistent with state policy. The majority of Transmission/Pipelines and Generation (non-wind) focus group participants also thought this option was acceptable (67% and 100%, respectively).

The lack of a comprehensive state energy policy seemed to be a factor in many people's choices on this topic. Some did not want to make a closer tie between the siting process and the current mix of policies that change often and might even be in conflict. Many saw the possible adoption of a more comprehensive state energy strategy as an opportunity to clarify the linkage with energy policy and siting. The connection between state energy policy and a finding of need was confusing for a number of focus group participants, who see them as unrelated or only partially connected at best. However, a majority of participants in all six of the focus groups that polled on added Option 6 agreed that the SEC should not be required to make a need related finding.

We note that a few states reviewed in the Multi-State Report in Appendix A do include a finding of need as part of their general required findings (see pgs. 35- 39). For instance, Connecticut requires that the Siting Council balance the public need or public benefit for a facility with the need to protect the environment. Other states, like Rhode Island, New York and Massachusetts, do not refer to a finding of need as necessary for siting approval.

2.11 Topic: Environment and Natural Resource Impacts

Environmental and Natural Resource--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Individual agencies exercise their permitting authority for such media as wetlands, water, and air. Wildlife must be taken under consideration in the SEC review though there is very limited permitting authority by wildlife agencies.	17%	86%	100%	100%	71%	27%	80%	69%	58%
OPTION 2	By reference, incorporate USFWS Wind and Wildlife guidelines and other appropriate guidelines for other facility types	50%	43%	33%	0%	29%	54%	0%	30%	36%
OPTION 3	Require a full environmental impact assessment for facilities over a certain size	58%	14%	17%	14%	0%	87%	60%	36%	44%
OPTION 4	Develop more specific criteria for the finding that a project should have no unreasonable adverse effect on environment or natural resources.	92%	29%	17%	29%	14%	74%	80%	48%	54%
OPTION 5	Where permitting exists or is granted by another Agency, the SEC should honor the permit conditions (and not amend).	63%	NR	100%	100%	86%	13%	0%	60%	44%

Environmental and Natural Resource--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Individual agencies exercise their permitting authority for such media as wetlands, water, and air. Wildlife must be taken under consideration in the SEC review though there is very limited permitting authority by wildlife agencies.	0%	86%	83%	100%	0%	0%	60%	47%	36%
OPTION 2	By reference, incorporate USFWS Wind and Wildlife guidelines and other appropriate guidelines for other facility types	8%	0%	0%	0%	0%	9%	0%	2%	4%
OPTION 3	Require a full environmental impact assessment for facilities over a certain size	17%	0%	0%	0%	0%	36%	0%	7%	12%
OPTION 4	Develop more specific criteria for the finding that a project should have no unreasonable adverse effect on environment or natural resources.	75%	14%	17%	0%	14%	56%	40%	31%	38%
OPTION 5	Where permitting exists or is granted by another Agency, the SEC should honor the permit conditions (and not amend).	NP	NP	NP	NP	86%	0%	0%	NC	NC
Total		100%	100%	100%	100%	100%	100%	100%		

2.11.1 Discussion of the Status Quo

The current practice of relying on the permitting process to evaluate environmental and natural resource impacts was the first choice of four focus groups – Business/Industry/Labor; Generation (non-wind); Transmission/Pipelines; and the State Agencies. Some of the reasons for this support of the status quo included:

- The current process is thorough and already requires substantial analysis from the applicant on impacts on the environment and natural resources.
- There is a state Wildlife Action Plan that could be brought into the SEC evaluation process to address wildlife issues not currently captured in the permitting process.
- The term “unreasonable” implied that a balance had to be met and there is not a “bright line” that can be established with criteria.

2.11.2 Discussion of Alternatives

Although the status quo was acceptable to most of the participants, only 17% and 27%, respectively, of the Environmental/Natural Resources and Citizen Groups/Local Government focus group participants included the status quo among their acceptable choices. The first choice for these groups was the development of more specific criteria for the finding that a project should have no unreasonable adverse effect on the environment or natural resources.

- The current finding that a project should have no unreasonable adverse impact needed more definition and criteria.
- The criteria should take into account the unique characteristics of the environmental setting of a project, such as a ridgeline or forest.
- Criteria for unreasonable adverse impact should not be based on the size of the project, noting that small projects can have a significant impact depending on the location and surrounding habitat.

Wind Developers felt strongly that the permitting processes of agencies with jurisdiction should carry significant weight, and the SEC should not have the ability to amend the permits or place conditions on the certificate that were in conflict with the permits. They added Option 5 to address this concern, and a majority of participants in 4 focus groups (Environmental/Natural Resources; Generation (non-wind); Transmission/Pipelines; and the State Agencies) found this to be an acceptable option.

Option 3, which would require a full Environmental Impact Assessment, was acceptable to the majority of Citizens Groups/Local Government and the State agency participants. But in discussion of this option, a number of the other focus group members thought this was unnecessary or unworkable. They argued that:

- The current permitting process is very thorough and is almost equivalent to a federal Environmental Impact Assessment process in terms of the information that must be provided by the applicant.
- An EIA or EIS requirement on top of the current process would be burdensome to the applicants.
- Because the State does not currently have a state EIS requirement, implementing this option would require legislation and regulations defining the process.

2.12 Topic: Visual Impacts

Visual Impacts--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC addresses visual impacts on case by case basis. However, no consistent, formalized visual impacts standards for energy facilities exist.	8%	57%	83%	43%	57%	20%	60%	47%	39%
OPTION 2	Adopt visual impacts-specific filings requirements such as visualization studies, viewshed studies, etc.	92%	43%	50%	86%	86%	73%	80%	73%	75%
OPTION 3	Adopt guidelines to mitigate adverse visual disruption (color, signage, screening, ridgelines/elevation, set backs, etc.)	67%	71%	17%	0%	57%	53%	40%	44%	47%
OPTION 4	Adopt standards to prohibit adverse visual disruption (set backs, heights restrictions, catalog of protected resources/sites.)	50%	0%	0%	0%	0%	53%	20%	18%	25%
OPTION 5	Develop criteria on how visual impacts should be evaluated by SEC	86%	NR	83%	71%	29%	93%	60%	70%	74%

Visual Impacts—First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC addresses visual impacts on case by case basis. However, no consistent, formalized visual impacts standards for energy facilities exist.	8%	43%	33%	29%	29%	0%	20%	23%	19%
OPTION 2	Adopt visual impacts-specific filings requirements such as visualization studies, viewshed studies, etc.	75%	14%	17%	21%	57%	10%	60%	36%	36%
OPTION 3	Adopt guidelines to mitigate adverse visual disruption (color, signage, screening, ridgelines/elevation, set backs, etc.)	8%	43%	0%	0%	0%	20%	0%	10%	12%
OPTION 4	Adopt standards to prohibit adverse visual disruption (set backs, heights restrictions, catalog of protected resources/sites.)	8%	0%	0%	0%	0%	40%	20%	10%	14%
OPTION 5	Develop criteria on how visual impacts should be evaluated by SEC	NP	NP	50%	50%	14%	30%	0%	NC	NC
Total		100%	100%	100%	100%	100%	100%	100%		

2.12.1 Discussion of the Status Quo

The status quo, case-by-case analysis of visual impacts and no specific filing requirements or standards for visual impacts, was considered an acceptable choice by about 40% of all focus group participants. Only one focus group (Business/Industry/Labor) and less than one-fifth of all focus group participants selected it as their first choice. Comments supporting the status quo included:

- The subjective nature of visual impacts makes it difficult to capture in criteria or standards.
- The surroundings of the site are very important considerations in the visual impacts and would vary with each project. A project in a rural area should not be evaluated with the same criteria as a project in a very developed area.
- Visual impacts should not be considered in isolation, but rather the full range of impacts must be taken together and the SEC should seek to balance overall adverse impacts against the benefits of a project.

2.12.2 Discussion of Alternatives

The most widely-supported option was the idea of adopting filing requirements for measuring visual impacts (Option 2). This option was found acceptable by a majority of participants in all the focus groups except one, 75% of all participants, and the first choice in three of the focus groups (Environmental/Natural Resources; Wind Developers; & State Agencies). Supporters of this option thought that having consistent information for the SEC to consider in each case was very important.

Another popular option found acceptable by a majority of participants in five of the focus groups and 74% of all participants polled, and the first choice in two of the focus groups (Transmission/Pipelines; and Generation (non-wind)) is for the state to adopt actual criteria on how visual impacts should be evaluated by the SEC (Option 5). The rationale for this option added by one of the focus groups included:

- It is important that applicants know both what information was needed on visual impacts and how that information would be used by the SEC to come to a decision.
- In setting either criteria or guidelines, SEC should take into account the “ambient conditions” of the site, that is, the character of the existing environment and development and who would be impacted.

Adopting guidelines to mitigate visual impacts (Option 3) was the first choice of the Business, Industry and Labor focus group, and was found acceptable by a majority of the participants in two additional focus groups (Environmental/Natural Resources; Citizen Groups/Local Government). The first choice of the Citizen Groups/Local Government focus group members was Option 4, setting standards to prohibit adverse visual disruption, but this was the least favorable option among the polling for acceptable choices, with only 25% of all the focus group participants selecting it.

2.13 Topic: Noise

Noise--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC addresses noise on case by case basis. SEC does not have a formalized and consistent noise standard. Some municipalities are developing them.	18%	71%	83%	100%	29%	50%	20%	53%	50%
OPTION 2	Adopt a statewide absolute standard (e.g. 55 dB as model ordinance in NY)	82%	0%	17%	17%	86%	50%	40%	42%	46%
OPTION 3	Adopt a statewide relative standard (e.g., no more than 10 dB above local background noise as in MA)	82%	57%	33%	100%	43%	83%	100%	71%	72%
OPTION 4	No statewide standard, but SEC incorporates local government set noise standard if exists	18%	57%	17%	0%	0%	75%	0%	24%	30%

Noise--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC addresses noise on case by case basis. SEC does not have a formalized and consistent noise standard. Some municipalities are developing them.	18%	43%	67%	50%	0%	17%	0%	28%	26%
OPTION 2	Adopt a statewide absolute standard (e.g. 55 dB as model ordinance in NY)	9%	0%	17%	0%	86%	17%	0%	18%	19%
OPTION 3	Adopt a statewide relative standard (e.g., no more than 10 dB above local background noise as in MA)	73%	43%	8%	50%	14%	42%	100%	47%	47%
OPTION 4	No statewide standard, but SEC incorporates local government set noise standard if exists	0%	14%	8%	0%	0%	25%	0%	7%	8%
Total		100%	100%	100%	100%	100%	100%	100%	100%	100%

2.13.1 Discussion of the Status Quo

The status quo, whereby there is no statewide standard and the SEC can override local noise standards, received first choice support from the Generation (non-wind), Transmission/Pipelines and Business/Industry/Labor focus groups. Some of the reasons in support of the status quo included:

- A case-by-case analysis approach is working well because the developers work closely with the municipalities on issues like noise and address it early in the process.
- Case by case approaches allow the SEC to take into account background ambient conditions

2.13.2 Discussion of Alternatives

The adoption of a state-wide relative noise standard (Option 3) gained the strongest support among the options, with five focus groups selecting it as their first choice (Environmental/Natural Resource, Generation (non-wind), Business/Industry/Labor, Citizen Groups/Local Government, and State Agencies) and over 70% of all focus group participants finding it acceptable. Arguments for this option included:

- The noise of a new development relative to the pre-existing noise levels is more likely to capture the perceived impact on those nearby.
- If a relative noise standard were to be adopted, it would be important that the level of background noise at the time of the application be the baseline for the decision, and the decision should not be revisited in the future, even if ambient noise levels changed.

Wind Developers preferred Option 3, an absolute state-wide noise standard, as indicated by the fact that it received 86% as both the first choice and an acceptable choice from this focus group. Their rationale included

- While it is important to document the background noise level, setting an absolute standard was likely to result in less controversy.
- It is important to be clear about the receptor point for measuring the noise impact and setting a standard.
- Not every siting case necessarily needs a noise study; therefore, the requirement for such a study should be limited.

Deferring to local government noise standards where they exist (Option 4) did not have strong support from any of the focus group participants, with only 7% of individuals on average selecting it as their first choice, and only 30% of all participants finding it acceptable, although a majority of both the Citizen/Local Government and Business/Industry/Labor groups found it acceptable. Such a change would require an amendment to the current statute, which gives the SEC the authority to preempt local regulations if deemed necessary to preserve state interests. In discussing this option, the Citizen Groups/Local Government participants noted that most towns do not currently have noise regulations but some are developing them.

2.14 Topic: Orderly Development

Orderly Development--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The SEC must consider undue interference with orderly development of the region. Applicants submit and the SEC reviews economic impacts predictions.	17%	63%	100%	57%	86%	29%	60%	59%	51%
OPTION 2	Provide resources for RPCs to conduct impact studies to ensure consistency with regional land use and economic development plans (RSA 36)	58%	38%	0%	71%	0%	86%	40%	42%	49%
OPTION 3	Adopt more specific criteria for evaluating undue interference with orderly development	83%	38%	50%	86%	29%	100%	80%	66%	71%
OPTION 4	Adopt criteria for evaluating regional cumulative impacts within or across regions	75%	50%	33%	43%	0%	86%	60%	50%	56%

Orderly Development--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The SEC must consider undue interference with orderly development of the region. Applicants submit and the SEC reviews economic impacts predictions.	0%	63%	83%	43%	71%	0%	20%	40%	32%
OPTION 2	Provide resources for RPCs to conduct impact studies to ensure consistency with regional land use and economic development plans (RSA 36)	17%	0%	0%	43%	0%	14%	0%	11%	12%
OPTION 3	Adopt more specific criteria for evaluating undue interference with orderly development	33%	13%	17%	14%	29%	68%	80%	36%	38%
OPTION 4	Adopt criteria for evaluating regional cumulative impacts within or across regions	50%	25%	0%	0%	0%	18%	0%	13%	18%
Total		100%	100%	100%	100%	100%	100%	100%	100%	100%

2.14.1 Discussion of the Status Quo

The status quo was the first choice of about one-third of the individuals attending the focus groups and four of the focus groups (Generation (non-wind), Transmission/Pipelines, Wind Developers, and Business/Industry/Labor focus), and was found acceptable by a majority in five focus groups including State Agencies. It was also an acceptable choice to over half all the focus group participants.

2.14.2 Discussion of Alternatives

The most acceptable option, however, was Option 3 that the finding regarding whether the project “unduly interferes with orderly development” needs specific criteria. Seventy-one percent of all focus group participants and a majority in five focus groups (Environmental/Natural Resources, Generation (non-wind), Transmission/Pipelines, Citizen Groups/Local Government, and State Agencies) found this option “acceptable.” Many thought that both the terms “undue” and “orderly development” were too vague and needed further definition. Comments included:

- Orderly development is typically benchmarked against some type of plan; therefore, need to determine if the benchmark will be state, regional, or individual town plans.
- Regional Planning Commissions develop regional plans that look at important factors in regional growth and development that could serve as guide to orderly development, along with local master plans.

56% of the focus group participants and a majority in four focus groups (Environmental/Natural Resources, Business/Industry/Labor, Citizen Groups/Local Government, and State Agencies) thought that adopting criteria to evaluate cumulative impacts within and across regions was an acceptable choice. While some felt that considering the cumulative impacts of energy facilities was important, others noted that the statute currently does not envision this level of evaluation, so it would require legislative changes to incorporate it into the SEC findings.

Shifting the responsibility to the Regional Planning Commissions to evaluate the economic development impacts also received about half of the participants’ support as an acceptable choice.

All of the options presented, including the status quo, received significant support from some focus groups, which indicates that there is not strong agreement about whether the current approach to considering a project’s impact on orderly development is adequate, or if not, how best to improve it.

2.15 Topic: Alternative Routes

Alternative Routes (Transmission/Pipelines)--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1 / Status Quo	SEC considers "available alternative," however, no comprehensive analyses of alternative routes or use of existing right-of-way are required; applicant may include alternatives it considered in its application.	0%	57%	67%	71%	86%	21%	60%	52%	44%
OPTION 2	Require analysis of alternative routes and undergrounding as part of filing	100%	14%	33%	71%	14%	100%	60%	56%	65%
OPTION 3	Require state to designate acceptable transmission/pipelines corridors and then give preference for location in those corridors	45%	14%	33%	29%	0%	64%	40%	32%	37%
OPTION 4	Require use of existing transmission/pipelines corridors /developed rights-of-way as first option	45%	14%	17%	57%	0%	57%	20%	30%	35%
OPTION 5	Require analysis of alternative routes as part of filing (may include undergrounding at applicant's discretion)	83%	100%	50%	43%	29%	36%	40%	54%	52%

Alternative Routes (Transmission/Pipelines)--First Choice

		Enviro/ NR	Biz/ Labor	Trans /Pipe	Gen	Wind	Local	State	Average of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC considers "available alternatives;" however, no comprehensive analyses of alternative routes or use of existing right-of-way are required; applicant may include alternatives it considered in its application.	0%	29%	50%	43%	86%	4%	40%	36%	29%
OPTION 2	Require analysis of alternative routes and undergrounding as part of filing	100%	14%	0%	43%	14%	43%	20%	33%	40%
OPTION 3	Require state to designate acceptable transmission/pipelines corridors and then give preference for location in those corridors	0%	0%	17%	14%	0%	11%	20%	9%	8%
OPTION 4	Require use of existing transmission/pipelines corridors /developed rights-of-way as first option	0%	0%	0%	0%	0%	14%	0%	2%	4%
OPTION 5	Require analysis of alternative routes as part of filing (may include undergrounding at applicant's discretion)	NP	57%	33%	0%	0%	29%	20%	NC	NC
Total		100%	100%	100%	100%	100%	100%	100%		

2.15.1 Discussion of the Status Quo

The project developer focus groups (Generation (non-wind), Transmission/Pipelines, and Wind Developers) and the State Agencies focus preferred the status quo as indicated by their first choice. They noted that:

- Applicants routinely provide information about the alternative routes they considered and the SEC has the authority to evaluate the information as part of its decision.
- It doesn't always make sense to require detailed evaluation of alternatives if the route selected has minimal impacts or is clearly superior.
- Some transmission projects will have undergone a robust federal EIS process and alternatives analysis already.

2.15.2 Discussion of Alternatives

The most popular choice based on acceptable choice polling was Option 2, requiring the applicant to provide an analysis of alternative routes and undergrounding of transmission as part of their filing, with support from 65% of all focus group participants as well as the first choice for 3 focus groups (Environmental/Natural Resources, Generation¹¹, and Citizen Groups/Local Government). This would strengthen the current language in the statute that requires the applicant to "identify the preferred choice and any other choices" but currently does not require an analysis of their relative merits.

More than half of all focus group participants and a majority in three focus groups (Environmental/Natural Resources, Business/Industry/Labor, and Transmission/Pipelines, Generation) supported Option 5--requiring the applicant to file an analysis of the alternative routes considered, but that undergrounding should be included only at the applicant's discretion. They noted that undergrounding is more about mitigating a visual impact than creating an alternative route.

There was little first choice support for the idea of creating preferences for projects that were sited within new state-designated corridors or existing corridors and rights of ways (Option 4), although a majority of focus group participants in Citizen Groups/Local Government and Generation (non-wind) find it acceptable. A number of focus group members had experience with the process of state-designated energy corridors in other states. They noted:

- Difficulty encountered when states tried to use this approach outside of state-owned land.
- Controversy over creating a dual standard for incumbent facility owners and merchant developers
- There are benefits of using corridors if it significantly streamlines the permitting process.

¹¹ Generation focus group first choice polling was tied between Status Quo and Option 2.

2.16 Topic: Alternative Sites

Alternative Sites (Generating Facilities)--Acceptable Choices

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC considers "available alternatives", however, no comprehensive analyses of alternative sites are required; applicant may include alternatives considered in its application.	0%	57%	100%	100%	100%	29%	100%	69%	57%
OPTION 2	Require analysis of alternative sites as part of filing	67%	57%	0%	14%	0%	64%	40%	35%	41%
OPTION 3	Allow SEC to request alternative sites to be presented during the proceeding without triggering new application.	92%	43%	17%	14%	0%	93%	20%	40%	52%
OPTION 4	Require state to designate areas not acceptable for energy facility sites.	42%	14%	17%	14%	0%	57%	80%	32%	34%

Alternative Sites (Generating Facilities)--First Choice

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC considers "available alternatives"; however, no comprehensive analyses of alternative sites are required; applicant may include alternatives considered in its application.	0%	43%	100%	100%	100%	0%	80%	60%	47%
OPTION 2	Require analysis of alternative sites as part of filing	42%	43%	0%	0%	0%	29%	0%	16%	21%
OPTION 3	Allow SEC to request alternative sites to be presented during the proceeding without triggering new application.	42%	14%	0%	0%	0%	61%	0%	17%	25%
OPTION 4	Require state to designate areas not acceptable for energy facility sites.	17%	0%	0%	0%	0%	11%	20%	7%	8%
Total		100%	100%	100%	100%	100%	100%	100%	100%	100%

2.16.1 Discussion of the Status Quo

The polling indicates strong support for the Status Quo practice of the SEC in reviewing any alternative sites put before it but not requiring additional alternative site analysis. Five of the focus groups first choice (Generation (non-wind), Transmission/Pipelines, Wind Developers, State Agencies, and Business/Industry/Labor¹²) strongly supported the status quo. Comments in support of the status quo included:

- Developers have spent a lot of resources before submitting an application to find the appropriate site and likely have considered alternatives.
- In many cases the site options are very limited, because the applicants generally do not have eminent domain authority to gain access to multiple sites.
- Applicants will provide information about alternatives considered as a matter of course. They anticipate that if they don't provide the information, the application will not be considered complete.

2.16.2 Discussion of Alternatives

Those who thought change was needed favored Option 2 (acceptable to a majority in Environmental/Natural Resource, Business/Industry/Labor, and Citizen Groups/Local Government focus groups), which would require applicants to submit an analysis of alternatives in their filing, or Option 3, (acceptable to a majority in Environmental/Natural Resource and Citizen Groups/Local Government focus groups) which would allow the SEC to request additional analysis of alternative sites during the proceedings without triggering a new application.

- If an applicant proposes a new site once the proceedings have begun, it could be grounds for making the project developer submit a new application.
- Some were more comfortable with Option 3 because they felt that not every project was necessarily going to have a better site alternative, and therefore, it was preferable to give the SEC the authority to request an analysis.

Requiring the state to designate areas not acceptable for siting energy facilities gained the least amount of support, although 80% of the State Agency focus group members thought it was an acceptable choice.

¹² Business/Industry/Labor's first choice was tied with Option 2, requiring analysis of alternative sites as part of the filing.

2.17 Summary of Focus Groups

Below is a brief summary of each of the 15 topics in the body of this chapter. For more information on each topic, see the applicable section in the chapter.

SEC Membership and Delegation

- A majority in two focus groups [Transmission/Pipelines and State Agencies] and 21% of all the focus group participants find acceptable the status quo of 15 high-level state officials from eight agencies as members.
- A majority of six of seven focus groups support reducing the SEC—with a majority in 5 focus groups supported reducing it from eight agencies to two or three agencies. A majority of 3 different focus groupings could also support reducing membership from 15 to 8 (one from each agency) or transferring responsibility to one agency (e.g., PUC).
- Supplementing agency membership on the SEC with non-agency members was supported (i.e., found acceptable) by a majority in three of the focus groups [Environmental/Natural Resources, Business/Industry/Labor and Citizen Groups/Local Government] and by 50% of all focus group participants.
- A majority in three focus groups [Environmental/Natural Resources, Citizen Group/Local Government, State Agencies], and 38% of all focus group participants supported a free-standing council or an Independent Commissions defined as having no Agency representation, but a separate, appointed independent Commission.

Conduct of Proceedings

- A majority in five focus groups [Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Citizen Groups/Local Government, and State Agencies] and 63% of all focus group participants supported requiring the SEC to designate subcommittees for all applicant cases as an acceptable change to the current process.
- A majority of four focus groups [Environmental/Natural Resources, Transmission/Pipelines, Wind Developers, Citizen Groups/Local Government] and 60% of all focus group participants support having a hearing officer develop an evidentiary record without making recommendations.
- A majority of five [Environmental/Natural Resources, Transmission/Pipelines, Generation (non-wind), Wind Developers, Citizen Groups/Local Government] of six focus groups polled on this topic and over 80% of all focus group participants find acceptable the option to clarify intervenor standards and procedures.

SEC Staffing

- The status quo only received majority support from two focus groups [Transmission/Pipelines, Generation (non-wind)] and 23% of all focus group participants. There is currently no dedicated, permanent staff supporting the SEC.
- A majority in all seven focus groups and 82% of all focus group participants support hiring permanent and dedicated staff to support the SEC in administrative tasks.

- A majority of five focus groups [Environmental/Natural Resources, Business/Industry/Labor, Generation, Citizen Groups/Local Government, State Agencies] and 71% of all focus group participants support hiring dedicated staff that provides substantive assistance (potentially including recommendations).

Funding

- Eighty-six (86%) percent of all focus group participants and over 70% in six of seven focus groups [all but State Agencies] find acceptable instituting a standardized application fee to cover some of all of SEC-related costs.
- Additionally, 70% of all focus group participants and over two-thirds in six of seven focus groups [all but State Agencies] find acceptable state appropriation cover some or all of the SEC's costs.

Covered Facilities and Opt-ins

- A majority in six of the seven focus groups [all but State Agencies] and 64% of all focus group participants support the status quo as an acceptable option. There are currently specific thresholds and definitions of covered facilities outlined in the statute and the provision for opt-in under certain circumstances.
- A majority in six of seven focus groups [all but Transmission/Pipelines] and 73% of all focus group participants support developing clearer, consistent criteria for the SEC to accept opt-ins.
- Making changes to the current thresholds for covered facilities or eliminating the current practice of allowing opt-ins did not receive majority support of more than one or two focus groups as acceptable options.

Public Engagement

- The status quo (minimum of one informational session, public input through in-person and written comment, and ability to file as a formal intervenor) was the only option that received the majority support from four or more of the seven focus groups [Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Wind Developers]. It was also supported by 55% of all focus group participants.
- A more “meaningful” pre-application process was the only other option that was supported by over 50% of focus group participants (but it was only a majority in two focus groups [Environmental/Natural Resources and Generation]).
- All other options are acceptable to a majority of only one to three focus groups, but none received over 50% support of all participants.

Role of the Counsel for the Public

- The majority in all focus groups and 81% of all focus group participants supported developing clear principles or criteria to clarify the role of the Counsel for the Public.
- Providing additional resources to the Counsel for adequate participation in the SEC process was supported by 53% of all workshop participants, but only a majority in three focus groups [Environmental/Natural Resources, Business/Industry/Labor, and Citizen Groups/Local Government].

- Eliminating the Counsel for the Public and establishing a public engagement coordinator received a majority in four focus groups [Transmission/Pipelines, Generation, Wind Developers, and State Agencies] as an acceptable alternative (although this option was only supported by 35% of all focus group participants).

Required Findings

- The status quo with three findings outlined in legislation but no specific criteria has majority support from four focus groups [Business/Industry/Labor, Transmission/Pipelines, Generation, and Wind Developers], but from only 38% of all focus group participants.
- A majority in five of the seven focus groups [Business/Industry/Labor, Generation (non-wind), Wind Developers, Citizen Groups/Local Government, and State Agencies] and 72% of all the focus group participants support defining and detailing the existing three findings more clearly.
- Creating additional and more specific criteria for all energy facilities and additional and more specific criteria for certain facilities received majority support from four focus groups [Environmental/Natural Resources, Business/Industry/Labor, Citizen Groups/Local Government, and State Agencies] and 62% of all focus group participants.

State Energy Policy

- The status quo was an acceptable choice with a majority of five of the seven focus groups [Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agencies] and 46% of all focus group participants. Currently the SEC may refer to state policies to support a finding of need, but is not required to consider state energy policy in its review.
- “Requiring a finding that the project is aligned with state energy policy” received 51% support of all focus group participants, but a majority in only two focus groups [Environmental/Natural Resources, Citizen Groups/Local Government].
- The option “SEC should continue to not be required to make a need finding” received strongest overall support as acceptable, with more than 60% in four focus groups [Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agencies], 50% in the other two groups [Environmental/Natural Resources, Citizen Groups/Local Government], and 63% of all focus group participants overall.
- Specifying in findings and purposes what “need” means received 51% support of all focus group participants, but only a majority in two focus groups [Environmental/Natural Resources and Citizen Groups/Local Government].

Environment and Natural Resources

- The status quo received majority support as acceptable from five of seven focus groups [Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agencies] and 58% of all focus group participants (the status quo is that individual agencies exercise their permitting authority for such resources as wetlands, water, and air. Wildlife must be taken under consideration in the SEC review though there is very limited permitting by wildlife agencies.)

- Developing more specific criteria for the finding that a project should have no unreasonable adverse effect on environment and natural resources was acceptable to 54% of all focus group participants, but a majority in only three focus groups (Environmental/Natural Resources, Citizen Groups/Local Government, State Agencies).
- Requiring the SEC to honor permit conditions (and not amend) when they exist or are granted from another agency had majority support in four focus groups (Environmental/Natural Resources, Transmission/Pipelines, Generation (non-wind), and Wind Developers), but only 44% of all focus group participants.

Visual Impacts

- The status quo (SEC review case-by-case, but no formal filing requirements or evaluation criteria) had majority support in four focus groups (Business/Industry/Labor, Transmission/Pipelines, Wind Developers, and State Agencies), but only the support of 39% of all focus group participants.
- The majority of six of the seven focus groups (all but Business/Industry/Labor) and 75% of all focus group participants support adopting visual impacts-specific filing requirements.
- The majority of five or six focus groups (all but Wind Developers) and 74% of all focus groups participants also support developing criteria on how visual impacts should be evaluated by the SEC.

Noise

- The status quo (SEC review case-by-case, but no formal filing requirement or evaluation criteria) had majority support in four focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), and Citizen Groups/Local Government) with 50% of all focus group participants supporting it.
- Seventy-two (72%) percent of all the participants and a majority in five focus groups (Environmental/Natural Resources, Business/Industry/Labor, Generation (non-wind), Citizen Groups/Local Government, State Agencies) supported a statewide relative noise standard.
- Adopting an absolute standard for noise or deferring to local noise standards received support from less than 50% of all focus group participants, and a majority of three (Environmental/Natural Resources, Citizen Groups/Local Government and Wind Developers) and two (Business/Industry/Labor and Citizen Groups/Local Government) focus groups respectively.

Orderly Development

- The status quo (SEC considers undue interference with orderly development of the region and applications submit for SEC review economic impact predictions) received a majority support in five focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Wind Developers, State Agencies) and with 51% of all participants.
- Seventy-one (71%) percent of all participants and a majority in five groups (Environmental/Natural Resources, Transmission/Pipelines, Generation (non-wind),

Citizen Groups/Local Government, State Agencies) think adopting more specific criteria for evaluating undue interference with orderly development is an acceptable choice.

- Adopting criteria for evaluating regional cumulative impacts within or across regions had majority support in four focus groups (Environmental/Natural Resources, Business/Industry/Labor, Citizen Groups/Local Government, and State Agencies) and was supported by 56% of all focus group participants.
- The alternative calling for the Regional Planning Commissions to conduct impact studies to ensure consistency with regional land use and economic development plans only received majority support from three focus groups (Environmental/Natural Resources, Generation (non-wind), Citizen Groups/Local Government) but less than 50% of all focus group participants.

Alternative Routes

- A majority of four focus groups (Transmission/Pipelines, Generation (non-wind), Wind Developers, State Agencies), but fewer than 50% of all focus group participants support the status quo (SEC reviewing the “available alternatives” filed by the applicant but no requirement to file the alternatives).
- Requiring analysis of alternative routes and undergrounding as part of a filing received a majority support in four focus groups (Environmental/Natural Resources, Generation (non-wind), Citizen Groups/Local Government, and State Agencies) and 65% of all focus group participants.
- Requiring analysis of alternative routes as part of a filing but undergrounding at the applicant’s discretion received a majority support in three focus groups (Environmental /Natural Resources, Business/Industry/Labor, and Transmission/Pipelines) and 52% of all focus group participants.

Alternative Sites

- A majority of five focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agencies) and 57% of all focus group participants supported the status quo (SEC reviewing the “available alternatives” filed by the applicant but no requirement to file the alternatives).
- A majority in three focus groups (Environmental/Natural Resources, Business/Industry/Labor, and Citizen Groups/Local Government) and 41% of all focus group participants supported requiring alternate site analysis as part of filing.
- Allowing SEC to request alternative sites be presented without triggering a new application was supported by a majority in two focus groups (Environmental/Natural Resources, Citizen Groups/Local Government), but by 52% of all participants.
- Requiring the state to designate areas not acceptable for energy facility sites received 20% or less support from all of the focus groups.

Chapter 3: Citizen Workshops

3.1 Introduction and Methodology

In December 2013, five citizen workshops¹³ throughout New Hampshire were facilitated by the consulting team to gather structured feedback on the SEC, its process, and the criteria used by the SEC in its decision-making.

Citizens of New Hampshire were invited to attend one of five locations for the workshops, preferably at the location closest to where they live:

- December 3, 2013 at the Manchester Memorial High School Cafeteria
- December 4, 2013 at the Groveton High School Gymnasium
- December 5, 2013 at the City of Keene Recreation Center
- December 9, 2013 at the Town of Newington Main Hall
- December 10, 2013 at the Plymouth High School

The locations of the workshops and listening sessions were selected by the Office of Energy and Planning (OEP) to provide both geographic balance and access to as many citizens as possible across New Hampshire. The Coordinating Committee, the facilitators, legislators, and other stakeholders provided input to OEP on location selection.

The workshops were publicized by a variety of means. The consulting team and OEP prepared a flyer for the workshops. The Coordinating Committee members and focus group participants were asked to also distribute the flyer to their members, constituents, colleagues, and friends. In addition, OEP sent out the flyer to its email lists, publicized the workshops in various local newspapers via a press advisory, and received radio and print coverage from some state-wide and local news outlets. As shown below in Table 3-1 below, over 300 NH citizens participated in the five citizen workshops.¹⁴

Table 3-1: Workshop Participation

Manchester	Groveton	Keene	Newington	Plymouth	Total
73	41	35	24	144	317

Each workshop was conducted using the same format, presentations, and polling questions. Meredith Hatfield, the Director of OEP, opened each workshop with a welcome, a brief description of OEP, the role of the Siting Evaluation Committee (SEC), and Senate Bill 99 that initiated this process. The facilitators also provided some introductory remarks on their overall project (including report development, focus groups, and the citizen workshops), the purpose

¹³ In addition to these five workshops, OEP also held three listening sessions (no key pad polling) during the same time period: in Colebrook on December 2, in Lebanon on December 11, and in Plymouth on December 17. Notes from these sessions can be found in the Appendix E.

¹⁴ Over 400 people registered to participate but not all registrants attended a meeting.

and format of the workshop, ground rules for the small table discussions, and an overview of keypad polling. Prior to discussion of the four substantive topic modules, the facilitators polled participants for basic demographic data from the participants in the room (e.g., gender, residency, age).

The remainder of the evening was divided into four modules on the below topics in the order noted.

- Public Engagement Process
- Noise and Visual Impacts
- State Energy Policy & Alternative Routes and Sites
- SEC Membership and Size

Each module began with a brief presentation by the facilitator on the current situation (i.e., the status quo), the arguments for and against the status quo (gleaned from the research, Coordinating Committee members, and the focus groups), options for potential improvement, and small group discussion questions. These brief presentations were followed by discussions among small tables of 5 to 8 participants, randomly assigned at registration, for between 15 and 25 minutes. Members of the consulting team, OEP staff, and several Coordinating Committee members present at each workshop were available to the small groups to answer questions about the topic or the process as needed. Participants were told that they did not need to reach agreement, but instead should have a discussion about the issues before them.

After each small group discussion for each of the modules, participants were polled on their preferences. Each participant, using a keypad polling device (see below for further description of this technology), was asked to respond to a number and variety of multiple choice and ranking questions. The questions were designed to elicit the participants' preferences among options, including the option of making no change to the current structure, process, or criteria. The results of the polling appeared on the screen at the close of polling after each question, so that the participants immediately saw the distribution of the choices of all the participants. At the end of the four modules, the facilitators conducted a brief evaluation of each workshop via keypad polling.

Citizens also had the opportunity to comment in two other ways. At the end of each workshop, OEP held a listening session for citizens to make comments on any topic that they wished. These comments were captured in writing by OEP. In addition, throughout the evening, participants were provided index cards. If they wished, they could write comments on options missed, questions not asked, or other ideas or comments throughout the night. At the end of each workshop, OEP collected and captured these comments in writing. See Appendix D for a compendium of all comments received orally or in writing as part of the workshop process.

Keypad polling was used to gather instantaneous and inclusive feedback on a number of issues and options, reflecting information gained from research, the Coordinating Committee members, and running the Focus Groups prior to the Citizen Workshops. The keypad polling

used individual cards or pads, provided to workshop participants as they registered, for participants to poll for each question presented. A central electronic receiver gathered signals from each keypad to register and compile results. The keypad polling allowed everyone in the room to privately weigh in on issues under discussion and also provided a quantitative summary of the responses in the room. The facilitators noted the following to participants about keypad polling as the night began.

- Key pad polling is anonymous (results are not linked to anyone’s name or affiliation)
- The polling questions asked in the workshops had been vetted by the Coordinating Committee, but the questions were ultimately determined by consultants and OEP
- Sometimes, the facilitators noted, participants were asked to make “difficult choices” in a question because the SEC and Legislature are faced with similar hard choices and trade-offs
- Keypad polling reflects the views of those in the room. Results are from a self-selected sample of citizens (i.e. those who attended the workshops), rather than a random sample of all New Hampshire residents. However, keypad polling provides both more detailed information and citizen discussion prior to polling than typical polling. Furthermore, with sufficient workshop participation, keypad polling results can provide decision-makers quantified, detailed data on citizen preferences, especially among those of various interests who choose to be active and seek to influence policy by coming to such events as the workshops.

The remainder of this chapter captures the presentation materials and the polling results obtained from each of the four modules. The data are presented primarily through tables and graphics. These tables include the question, the percentage results by each of the five workshops, including the number of responses for that question at each workshop, and two summary data points across all workshops. The summary data include both the total percent responses by all workshop respondents regardless of which workshop they attended, and the average percent of the five workshops (weighted equally across workshops, regardless of number of participants in each).

Data are also presented, in some cases, in summary tables portraying the mean for each workshop on a scale of 1 to 6, with “1” being ineffective and “6” being effective. In some cases, we also present pie charts where data sums to 100% and the options were few enough to make such a chart useful. We also present responses to some questions in “histograms,” where the total percentage of responses and the average percent of workshop responses are shown by the preferences expressed on the scale of 1 to 6 so that the reader can identify any variability that would not be obvious if we simply relayed the mean or average.

The data tables for many of the polling questions from each workshop will be discussed in this chapter. Any tables that are not included in this chapter can be found in Appendix C.

Please also note a few points about terms. We use the term “participant” or “respondent” to mean those who attended one of the public workshops and who participated in polling. We use the term “responses” to indicate each time a respondent was polled. In some questions, we asked for the participants to select their preferred option. In these cases there is one response for each respondent. In other questions, we asked for the participants to pick two or more options or choices. In these cases, the number of responses will be greater than the number of respondents. The following tables and charts in this section note how many responses or respondents polled on each question by listing the total number of responses or respondents for each question. Please note that the number of respondents may vary by question within the same workshop because some respondents might have chosen to not poll on that question, could have been out of the room during that question, or might have left early before all polling was complete.

Before polling on the four different modules, we conducted some demographic polling to see who was attending the workshop. After polling was concluded on the four different modules, we conducted a short set of evaluation polling questions on the workshop (found at the end of this chapter.)

3.1 Demographics

Over 300 New Hampshire residents attended one of the five Citizen Workshops. Attendance at each workshop ranged from 24 in Newington to 144 in Plymouth.¹⁵

Figure 3-1: Workshop Attendance

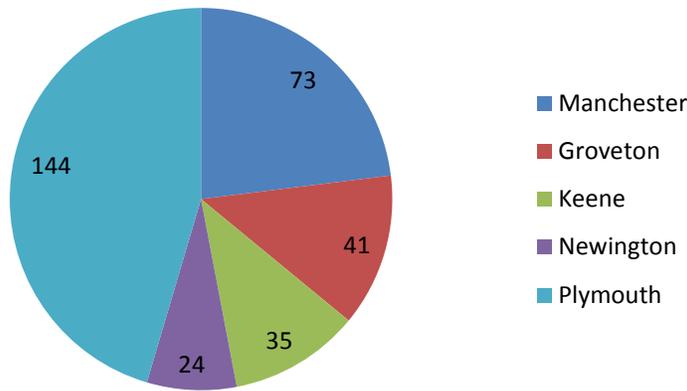
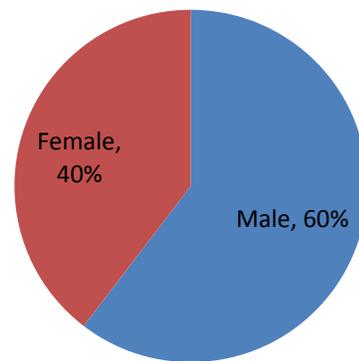
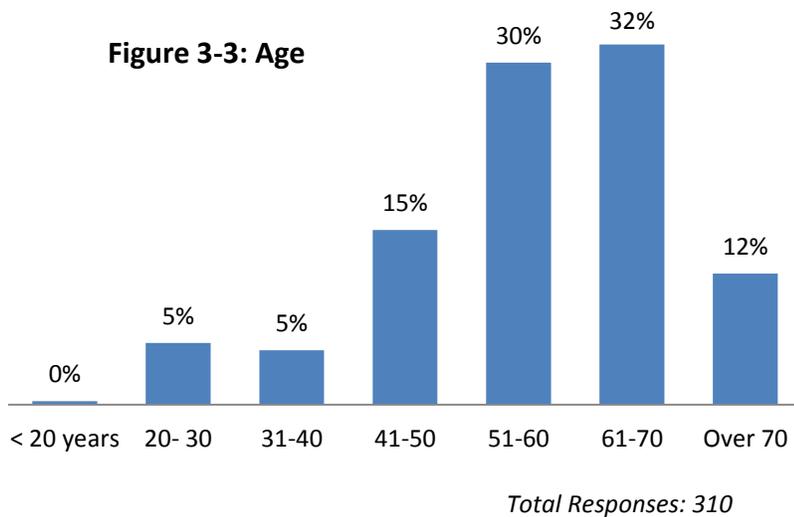


Figure 3-2: Gender



Gender distribution of workshop participants overall was 60% male and 40% female, ranging from about 55%/45% in Manchester and Plymouth to about 75%/25% male-female ratio in Groveton and Newington.

Figure 3-3: Age



Total Responses: 308

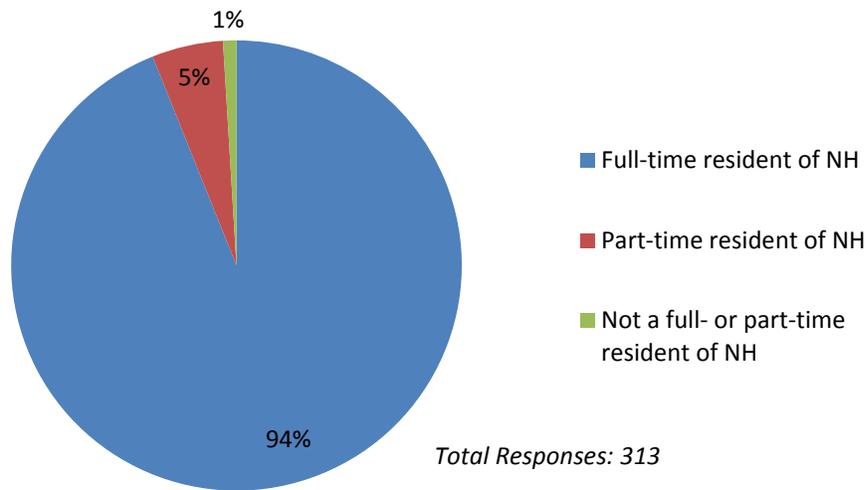
The age of all participants in the workshop ranged from under 20 to over 70. More than 74% were older than 50, and 44% were over 60 years of age. Participation of those over 50 ranged from 59% in Manchester to 88% in Keene.

Ninety-four percent of

¹⁵ Attendance was counted as the maximum number of respondents to one or more questions during the keypad polling throughout the night. Observers who did not poll were not counted as participants in the workshops.

participants were full-time residents of New Hampshire, 5% were part-time residents, and 1% stated they were not residents of the state. Fifty-seven (57%) percent of the participants had lived in New Hampshire for 25 years or longer, and 85% had lived in New Hampshire for 11 years or longer.

Figure 3-4: NH Residency



The workshops were held throughout the state to make it as convenient as possible for residents from a broad geographic range to attend. Participants were asked to attend the workshop closest to where they lived, if possible. Overall, 58% of workshop participants were from either the Lakes Region of New Hampshire (37%) or Northern New Hampshire (21%), and the rest were from other parts of the state as shown below. All of the workshops had a majority of participants from the region in which the workshop was held.

Table 3-2: Area of Residence

I currently live in:	Manchester	Groveton	Keene	Newington	Plymouth	All Workshop Participants
Northern New Hampshire	1%	95%	0%	4%	18%	21%
The Lakes Region	21%	0%	6%	4%	69%	37%
Capital Region	23%	0%	3%	8%	6%	9%
Southern New Hampshire	41%	0%	3%	13%	4%	12%
The Monadnock region	6%	0%	85%	0%	1%	11%
The Seacoast region	6%	2%	0%	71%	1%	7%
Other in NH	1%	2%	0%	0%	3%	2%
Not in NH	1%	0%	3%	0%	0%	1%
Totals	100%	100%	100%	100%	100%	100%
Responses	71	42	33	24	142	312

3.2 Topic: SEC Structure, Membership, and Process

3.2.1 Background Presentation

At the beginning of the module on public engagement, the facilitators summarized the SEC's current approach. The status quo includes:

- 15 Members from 8 Agencies
- At least 8 Members must be present at each hearing, except if application is delegated to subcommittee
- Subcommittees of 7 Members are required for all renewable energy facility applications, and at Chair's discretion for non-renewable facilities
- Members hear and decide cases directly, cases are not heard by hearing officers

Of the 15 members, the following is the SEC membership by agency and division.

- Dept. of Environmental Services (DES), Commissioner
- DES, Director of Water Division
- DES, Director of Air Division
- Public Utility Commission (PUC), 3 Commissioners and a staff engineer designated by the PUC Commissioners.
- Department of Resources and Economic Development (DRED), Commissioner
- DRED, Director of Parks and Recreation
- DRED, Director of Division of Forests and Lands
- Department of Health and Human Services, Commissioner
- Fish and Game Department, Executive Director
- Office of Energy and Planning, Director
- Department of Transportation, Commissioner
- Department of Cultural Resources, Commissioner

The facilitators provided a summary of results from the Northeastern states review to offer comparisons between New Hampshire and other states. These differences regarding *agency* membership are summarized below.

State	Total Members	Agencies
NH	15	8 Agencies (As explained above)
MA	9	5 Agencies: Public Utilities Commission, Division of Energy Resources, Energy & Environmental Affairs, Dept. Environmental Protection, Housing and Economic Development
RI	3	3 Agencies: Public Utilities Commission, Department of Environmental Management, Statewide Planning
NY	7	5 Agencies: Public Service Commission, NY State Energy Research and Development Agency, Dept. Environmental Conservation, Economic Development, Dept. Of Health
CT	9	2 Agencies: Public Utilities Commission, Dept. Environmental Protection
ME	N/A	No independent siting body, directly with permitting agencies. For unincorporated areas, Land Use Regulatory Commission.
VT	3	1 Agency: Public Service Board

These differences regarding *public* membership are summarized below.

State	Total Members	Public/Other Members
NH	15	0
MA	9	3: appointed by Governor
RI	3	0
NY	7	2: Ad hoc public members per case
CT	9	7: 5 appointed by Governor, 1 by House Speaker, & 1 by Senate Pres.
VT	3	0
ME	0	0: For LURC, 13 members appointed by Senate and House and some "required" seats by interest/location/party affiliation

The facilitators then summarized arguments for and against the status quo, as gleaned from reviewing public documents related to NH's siting process, conversations with a range of stakeholders including Legislators, and from the focus group discussions.

Arguments for the Status Quo include:	Arguments against the Status Quo include:
<ul style="list-style-type: none"> • Having many agencies and Members engaged assures broad expertise represented on the SEC • Supports one-stop shopping • Members hear directly from applicants, stakeholders, and concerned citizens • Utilizes current government agencies and positions 	<ul style="list-style-type: none"> • The time commitment and responsibilities of SEC Members can be overwhelming for agency personnel, who have many other duties • Difficult to coordinate 15 Members' schedules to ensure a quorum at the hearings, resulting in delays • Members sitting in quasi-judicial role aren't permitted to consult with their staff on issues before them • Continuity and institutional memory is adversely affected by the size, since those making up quorum or sitting on subcommittees sometimes shift

The facilitators presented options for participants to consider, including the status quo. These options included below are not necessarily mutually exclusive. In other words, the SEC could take up two or more of these options to help improve the SEC's effectiveness.

- *Status quo*: 15 Members, 8 Agencies, subcommittees required for renewables and optional for non-renewables, and Members both conduct all hearings and decide
- *Smaller SEC*: Such as 5-10 Members; 1-3 Agencies (e.g. PUC/DES) with other agencies testifying as needed
- *Subcommittees*: Require use of subcommittees for all applications
- *Hearing Officers*: Allow hearing officers to hear cases, with Members still deciding cases
- *Public Membership*: Include one or more public Members alongside Agency Members on SEC
- *Independent Commission*: Have no Agency representation, but a separate appointed, independent Commission

Lastly, the facilitators offered the workshop participants three discussion questions for consideration in breakouts:

- What should be most effective size and make-up of the SEC?
- How should subcommittees and hearing officers be used?
- Which options do you prefer and why?

3.2.2 Polling

3.2.2.1 SEC Membership and Size Overall

The following table, chart, and narrative summarize polling results regarding SEC Membership and size.

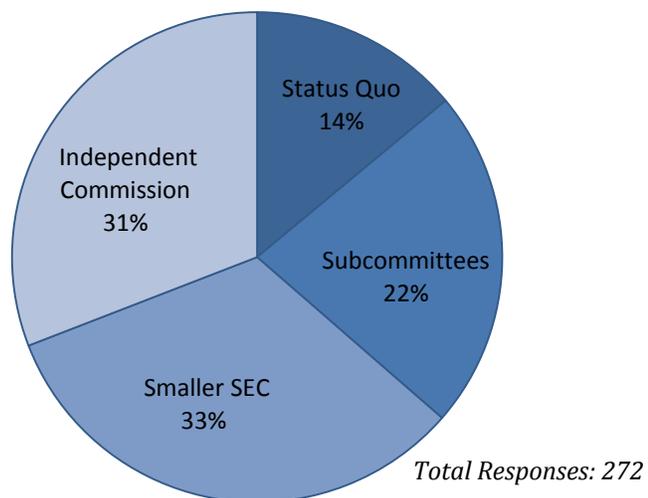
Table 3-3: State Agency Representation

Regarding State Agency representation on the SEC, should the SEC (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	30%	18%	0%	33%	3%	17%	14%
Require Subcommittees	14%	18%	61%	19%	19%	26%	22%
Smaller SEC	36%	42%	13%	38%	32%	32%	33%
Independent Commission	20%	21%	26%	10%	45%	24%	31%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	70	33	31	21	117	N/A	272

Across all five workshops, 14% of participants preferred the current status quo on size of membership. However, the participants’ responses showed preferences divided among the three other options offered for polling based on registering their first choice. 33% percent of respondents preferred a smaller SEC by agency, membership, or some combination, 31% preferred an independent commission, and 22% preferred use of subcommittees in all proceedings.

The top choice results differed substantially from one workshop to another. 61% percent of Keene participants preferred the use of subcommittees. Participants from Manchester, Groveton, and Newington (36%, 42%, and 38% respectively) preferred a smaller SEC among the options and 45% of Plymouth of participants preferred an independent commission.

Figure 3-5: State Agency Representation



3.2.2.2 SEC Membership and Size

The following table, chart, and narrative summarize polling results on a second and more detailed question regarding SEC Membership and size for agency membership.

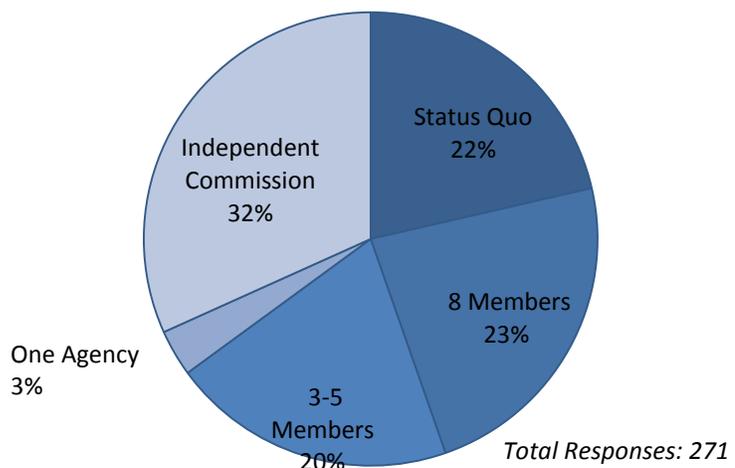
Table 3-4: SEC Detailed Agency Representation

My preference among the following more detailed options in terms of Agency representation on SEC is (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	33%	29%	17%	38%	10%	26%	22%
8 Members	23%	24%	41%	19%	20%	25%	23%
3-5 Members	19%	21%	24%	29%	19%	22%	20%
One Agency	4%	3%	0%	10%	3%	4%	3%
Independent Commission	21%	24%	17%	5%	49%	23%	32%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	70	34	29	21	117	N/A	271

When asked about reducing the size of the SEC in the question regarding agency membership, 46% of all participants preferred a smaller SEC (23% preferred 8 agencies with 8 members, 20% preferred a 3 to 5 agency member SEC, and 3% preferred one agency). 32% percent of all participants preferred an independent commission, and 22% preferred the current status quo.

Each location except Plymouth preferred a smaller SEC agency membership to either the status quo or an independent commission when the three smaller size options are totaled (though the top polling choice in four of the five workshops was the status quo). Of the smaller size options, all workshops preferred the 8 members from 8 or fewer agencies over 3-5 members from 3 agencies, with only 1 agency polling last. Only in the Newington workshop was 3-5 members from 3 agencies preferred over 8 members from 8 or fewer agencies. In Plymouth, 49% of participants preferred an independent commission.

Figure 3-6: Detailed Agency Representation



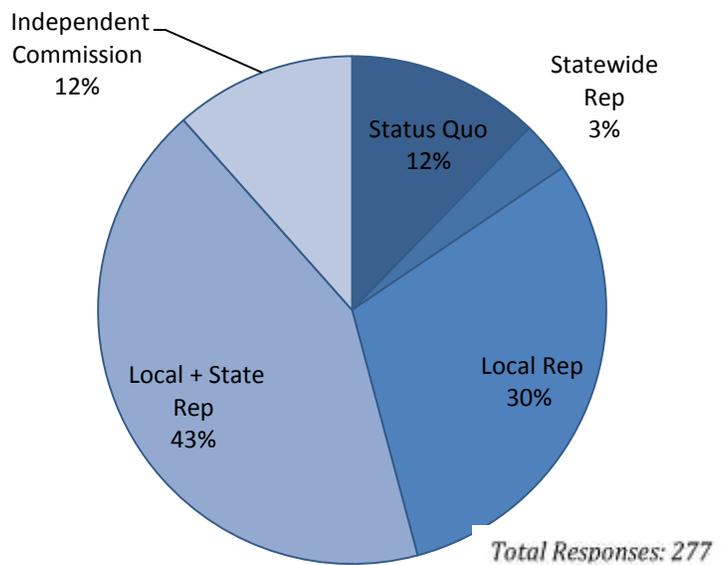
3.2.2.3 SEC Membership and Size Regarding Public Membership

The following table, chart, and narrative summarize polling results on a third and more detailed question regarding SEC Membership and public membership.

Table 3-5: Public Membership

Regarding public membership on SEC, my preference is (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	21%	3%	10%	48%	4%	17%	12%
Statewide Representation	4%	0%	3%	0%	4%	2%	3%
Local Representation	24%	35%	34%	10%	35%	28%	30%
Statewide & Local Representation	41%	53%	45%	43%	40%	44%	43%
Independent Commission	9%	9%	7%	0%	17%	8%	12%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	34	29	21	123	N/A	277

Figure 3-7: Public Membership



Only 12% of participants from all five workshops preferred the current status quo on membership on the SEC for the public (i.e., no public representation currently). A preference for some kind of public SEC membership polled at 76% when the three variations for such public membership are totaled together. Among these three, the participants’ responses across all workshops showed strongest preference, at 43%, for adding two or more members of the public, with at least one appointed to represent the locality or region of the proposed application and the other representing the state as a whole. “Local representation” polled second highest at 30% of all workshop participants and having only a public state-wide member polled the lowest at just 3% of all workshop participants. An independent commission garnered only 12% of respondents when combined with the option to include public members on the SEC.

Again, the results differed substantially from one workshop to another but not as much as the previous questions' responses. Newington participants' responses at 48% ranked the status quo as their highest preference while participants at all other workshop locations ranked the combination of having both statewide *and* local public representation as their highest preference, ranging from 40% to 53% of participants in each of these other four workshops.

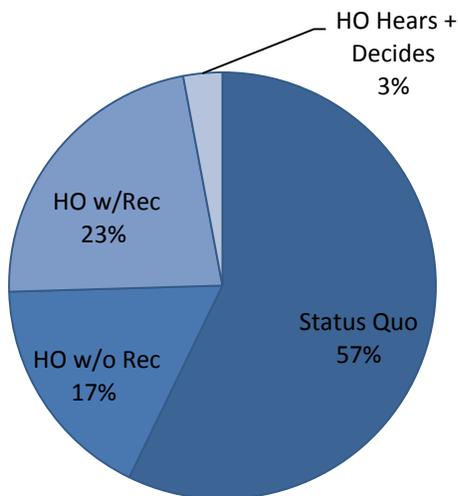
3.2.2.4 Use of Hearing Officers

The following table, chart, and narrative summarizes polling results on a question regarding the use of hearing officers

Table 3-6: Hearing Officers

Regarding the use of a hearing officer (HO), my preference is (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	59%	65%	69%	86%	46%	65%	57%
HO Hears w/o Recommendations	17%	24%	10%	10%	19%	16%	17%
HO Hears with Recommendations	24%	12%	17%	5%	29%	17%	23%
HO Hears/Decides	0%	0%	3%	0%	6%	2%	3%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	34	29	21	117	N/A	271

Figure 3-8: Hearing Officers



Total Responses: 271

The current status quo of SEC members hearing cases directly from applicants, consultants, and intervenors rather than using a hearing officer drew the strongest first choice preference from all five workshops and across all participants. 57% percent of all participants selected the status quo. The use of hearing officers to preside over the hearings and make recommendations to SEC Members who would still decide the case polled the next highest at 23% of all participants. 17% percent choose as their first choice a hearing officer hearing all the evidence in a case and summarizing it (*without* recommendations), and only 3% of participants preferred that a hearing officer hear and decide cases.

The results did vary across workshop locations. Participants' first-choice preference in each of the five workshops was the status quo—to not use a hearing officer at all. However, for those participants who preferred to use a hearing officer, there was a range of opinion by location about whether hearing officers should make recommendations. More Manchester, Keene, and Plymouth respondents preferred a hearing officer making recommendations over a hearing officer only summarizing a case without recommendations. More Groveton and Newington respondents preferred a hearing office not making recommendations but rather only summarizing the case.

3.2.3 Additional Comments on SEC Structure and Membership

Participants in the workshops also provided written or verbal comments on these issues. Comments related to the topics covered in this module generally centered on timeline and resource issues. Comments recorded multiple times included:

- The SEC review timeline should be lengthened to provide sufficient time for public and municipal engagement, especially for large projects or projects with potentially significant impacts, including cumulative impacts to a region
- Consider a stepped process that allows different intensity of review and timelines depending on location, technology, and scale
- SEC needs sufficient funding for adequate staffing, potentially instituting application fees to cover up-front and non-application related SEC costs
- SEC needs to do more on compliance and monitoring
- SEC needs to pay closer attention to decommissioning process, procedures, and funding

Please see Appendix D for detailed summary of written and verbal comments that reflect the specific points, issues, ideas, and concerns raised.

3.2.4 SEC Membership, Structure, and Process Summary

The following is a brief summary of all the polling results from this module.

- 14% of participants in all five workshops preferred the current status quo on overall size and structure of SEC.
- The participants' responses showed preferences divided among the three other options offered for polling. 33% of respondents preferred a smaller SEC, 31% preferred an independent commission, and 22% preferred use of subcommittees in all proceedings.
- On a more detailed question about agency membership, 46% of all workshop participants preferred a smaller SEC (23% preferred eight agencies with eight members, 20% preferred a 3 to 5 agency member SEC, and 3% preferred only one agency). 32%

percent preferred an independent commission and 21% preferred the status quo (15 members from eight agencies).

- A preference for some kind of public SEC membership polled at 76% when the three variations for such public membership are totaled together. Among these three, the participants' responses across all workshops showed strongest preference, at 43%, for adding two or more members of the public, with at least one appointed to represent the locality or region of the proposed application and the other representing the state as a whole. An independent commission garnered only 12% of respondents when combined with the option to include public members on the SEC.
- 57% percent of all workshop participants preferred the status quo where SEC members hear directly from applicants, consultants, and intervenors and a hearing officer is not used.

3.3 Topic: Public Engagement

3.3.1 Background Presentation

At the beginning of the module on public engagement, the facilitators summarized the SEC’s current approach. The status quo includes:

- The SEC must hold at least one informational public hearing in the county or counties where the facility is proposed to be; SEC may at its discretion hold additional informational hearings.
- The SEC must consider and weigh all evidence presented at public hearings and all written information and reports submitted to it by members of the public-- before, during, and subsequent to public hearings.
- Any member of the public may, at the discretion of the SEC, also become a formal intervenor in the adjudicatory proceedings. (RSA 162-H:10)
- The Counsel for the Public has full intervenor status in all SEC cases for the purpose of ensuring a balance of protecting the quality of the environment and maintaining an adequate supply of energy.

The facilitators then summarized arguments for and against the status quo, as gleaned from reviewing public documents related to NH's siting process, conversations with a range of stakeholders including Legislators, and from the focus group discussions.

Arguments for the Status Quo include:	Arguments against the Status Quo include:
<ul style="list-style-type: none">• The public has multiple ways and means to participate• The quasi-judicial format ensures adherence to statutory findings• The quasi-judicial format ensures orderly, constructive, and focused process• The SEC strives to balance local and statewide needs• The SEC must deliberate on its decision in a public meeting	<ul style="list-style-type: none">• The process is legalistic and formal which may make it less accessible to the general public• The process is time consuming and expensive to participate in• The format may favor those with expertise, past experience, and resources as compared to an average citizen• Citizens often cannot clearly see how their strong concerns have been taken into account in SEC decisions

The facilitators then presented several options for participants to consider, including the status quo. These options included below are not necessarily mutually exclusive from one another. In other words, the SEC could take up two or more of these options to help improve public engagement.

- *Status Quo*: Minimum of one informational session in county where proposed facility located; public input is through in-person and in-writing comment during meetings or adjudicatory hearings and citizens can file to become a formal intervenor
- *Pre-Application Process*: Adopt a "meaningful" pre-application process that engages the affected communities
- *Required Meetings*: Require at least two community meetings, one with the developer during the pre-filing phase and another with SEC representatives post-filing
- *Intervenor Funding*: Applicants provide intervenor funding for participating in adjudicatory proceedings
- *Public Engagement Coordinator*: Create an SEC position for public engagement coordination
- *SEC Membership*: Supplement Agency Members with non-Agency Members (i.e., regional representation and/or public members)
- *Counsel for the Public*: Strengthen the role as public advocate and provide additional resources

Lastly, we offered the workshop participants three discussion questions for consideration in breakouts:

- What does “meaningful” public engagement mean to you?
- How might the SEC best balance local concerns with private interests and statewide public interests?
- Which of the options just listed do you think will ensure the most effective public engagement?

3.3.2 Polling

3.3.2.1 SEC Participation

The following table and narrative summarizes polling results regarding attendance at SEC proceedings.

Table 3-7: Participation

Indicate below whether you have attended any of the following (choose as many as apply to you):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
SEC informational meeting in county where a facility is proposed	18%	30%	11%	7%	25%	18%	21%
SEC adjudicatory proceeding as an intervenor	3%	7%	23%	4%	4%	8%	6%
SEC adjudicatory proceeding as an applicant or on behalf of an applicant	1%	7%	5%	4%	5%	4%	4%
SEC adjudicatory proceeding as an observer	15%	16%	16%	19%	18%	17%	17%
None of the above	64%	41%	45%	67%	49%	53%	52%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	80	61	44	27	177	N/A	389

52% percent of the Citizen Workshop participants had not participated directly in a SEC proceeding, be that a county informational meeting sponsored by the SEC or a formal SEC hearing. The remaining 48% had participated in one or more SEC proceedings as an interested citizen, formal intervenor, and/or as or on behalf of an applicant. Of those who attended one or more SEC proceedings, most participated in a SEC-sponsored county meeting or observed a formal SEC hearing, but not as a formal intervenor or as a representative of an applicant. The participants were not asked if they participated in one or more public events related to an energy facility sponsored by an applicant or an individual state or federal agency.

3.3.2.2 SEC Effectiveness

The following table and narrative summarizes polling results on SEC effectiveness in soliciting public input.

Table 3-8: SEC Public Input

How effective is the current SEC process in soliciting meaningful public input in its review of an application?	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshop Participants
1 - Very Ineffective	48%	40%	12%	8%	47%	31%	40%
2	6%	19%	21%	17%	23%	17%	18%
3	11%	10%	18%	13%	4%	11%	9%
4	5%	2%	3%	4%	4%	4%	4%
5	5%	7%	6%	8%	4%	6%	5%
6 - Very effective	5%	7%	3%	21%	6%	8%	7%
7 - I don't know	21%	14%	36%	29%	11%	22%	18%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	66	42	33	24	140	N/A	305
Mean	2.0	2.3	2.7	3.7	2.0	2.5	2.2

Participants were asked how effective is the current SEC process in *soliciting meaningful public input* in its review of an application, with one (1) being very ineffective and six (6) being very effective. The mean of all participant workshops was 2.2, which correlates to “ineffective” to “somewhat ineffective” on the scale of 1 to 6.¹⁶ One should note that while all but the Newington workshop means ranged between 2 and 2.7, Newington stands out as different with a mean of 3.7, or approaching a view of the SEC as “somewhat effective.”

67% percent of participants from all five workshops concluded that the current SEC process ranged from very ineffective to somewhat ineffective in soliciting meaningful public input (rating the process a 1, 2, or 3). 16% percent found it somewhat to very effective (rating the process 4, 5, or 6), and 18% polled that they did not know.

The results from individual workshops varied significantly. For instance, only 3% of Keene participants found the SEC very effective in soliciting meaningful public input while 21% of Newington participants found it very effective. 36% percent of Keene participants stated they did not know while only 11% of Plymouth participants stated the same.

¹⁶ The rating of 7 or “don’t know” is not included in the calculations of the means.

Table 3-9: SEC Decision-making Process

How well does the SEC currently do in considering and weighing public input into its decision-making process?	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
1 - Very ineffective	36%	37%	3%	9%	45%	26%	35%
2	10%	15%	22%	13%	15%	15%	14%
3	3%	12%	16%	9%	8%	9%	8%
4	10%	7%	13%	9%	4%	8%	7%
5	10%	2%	0%	9%	1%	4%	4%
6 - Very effective	11%	12%	6%	22%	7%	12%	10%
7 - I don't know	22%	15%	41%	30%	20%	26%	23%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	73	41	32	23	142	N/A	311
Mean	2.8	2.5	3.1	3.9	2.0	2.9	2.5

Participants were also asked how well the SEC currently does in *considering and weighing public input into its decision-making process*, with one (1) being very ineffective and six (6) being very effective. The mean of all workshop participants was 2.5, which correlates to “somewhat ineffective” to “ineffective” on the scale of 1 to 6. One should note that responses from different workshops varied widely. For instance, Plymouth participants’ mean response was 2.0 while Newington participants’ mean response was 3.9.

57% percent of participants from all five workshops concluded that the current SEC process ranged from very ineffective to somewhat ineffective (1 to 3) in soliciting meaningful public input. 21% percent found it somewhat to very effective (4 to 6), and 23% did not know. Again, the results from individual workshops varied significantly. For instance, 22% of Newington respondents found the SEC very effective in considering and weighing public input while only 6% in Keene stated the same.

3.3.2.3 SEC Public Engagement Potential Changes

The participants were polled on a number of possible options for how the SEC engages the public, including the status quo. The polling question was: “Of the following potential changes or supplements to the current SEC related public engagement process, which three options would do the MOST to improve public engagement (choose your top THREE).”

The following table, chart and narrative summarize polling results on potential changes to the SEC’s process for engaging the public.

Table 3-10: Most Effective Options

Of the following potential changes or supplements to the current SEC related public engagement process, which three options would do the MOST to improve public engagement (choose bottom THREE):	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshop Participants
Status quo	6%	7%	1%	16%	5%	7%	6%
Pre-Application Process	19%	24%	22%	26%	20%	22%	21%
Required Meetings	17%	20%	18%	19%	19%	19%	19%
Intervenor Funding	13%	8%	18%	14%	13%	13%	13%
Public Engagement Coordinator	16%	8%	18%	14%	13%	14%	13%
SEC Membership	13%	23%	9%	5%	17%	13%	15%
Counsel for the Public	15%	10%	11%	7%	13%	11%	13%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	201	122	89	58	392	N/A	862

Across all workshops, 6% of responses included the status quo as one of three top choices. “Requiring a pre-application process” polled the highest, with 21% of all responses. “Requiring at least two public meetings (one by the applicant prior to filing and another by the SEC after the filing)” polled next highest at 19% of all responses, followed by “One or more public member on the SEC” receiving 15% of all responses. The remaining options all polled at 13%-- “having the applicant provide intervenor funding,” “having a public engagement coordinator at the SEC,” and “strengthening the role of the Counsel for the Public.”

Though the results did not vary widely across the locations, there were some differences. “A required pre-application process” ranked first, as ordered by highest number of responses from each of the workshops, “required public meetings” ranked second among responses from four

of the workshops, and “improving the role of the Counsel for the Public” ranked fourth or fifth in each workshop. Other options varied more widely. For example, “intervenor funding” tied for second in Keene with two other options while it ranked 5th in Groveton and Manchester.

We also polled participants on the same options but asked: “Of the following potential changes or supplements to the current SEC-related public engagement process, which three options would do the LEAST to improve public engagement (choose your top THREE).”

Table 3-11: Least Effective Options

Of the following potential changes or supplements to the current SEC related public engagement process, which three options would do the LEAST to improve public engagement (choose bottom THREE):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status quo	27%	29%	32%	24%	34%	29%	30%
Pre-Application Process	9%	6%	9%	8%	7%	8%	8%
Required Meetings	14%	6%	6%	10%	5%	8%	9%
Intervenor Funding	15%	19%	6%	14%	17%	14%	15%
Public Engagement Coordinator	10%	18%	10%	12%	17%	13%	13%
SEC Membership	14%	7%	18%	12%	8%	12%	11%
Counsel for the Public	13%	14%	16%	18%	12%	14%	13%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	199	113	90	49	319	N/A	969

The results mirrored the results in the polling on “most effective” and thus confirmed lowest support for the “status quo,” highest support for “a pre-application process” and “required meetings” and some support for the other options: “intervenor funding,” “strengthening the role of the Counsel for the Public,” and “having a public engagement coordinator at the SEC.”

The following two charts indicate the same results, but in bar chart format, for the polling on the most and least effective public engagement options.

Figure 3-9: Most Effective Options

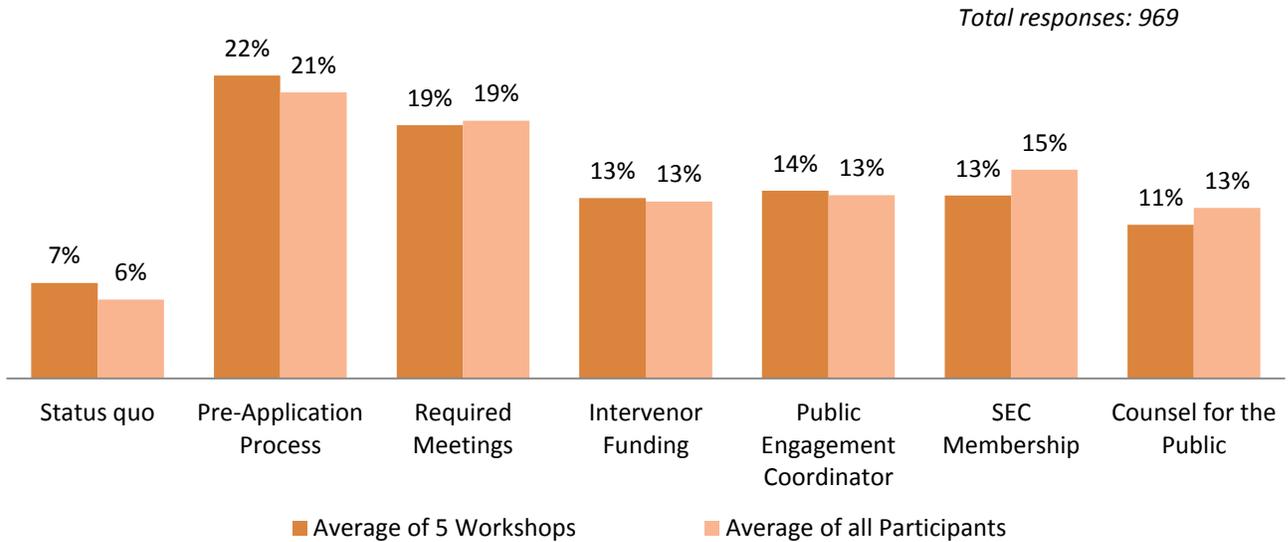
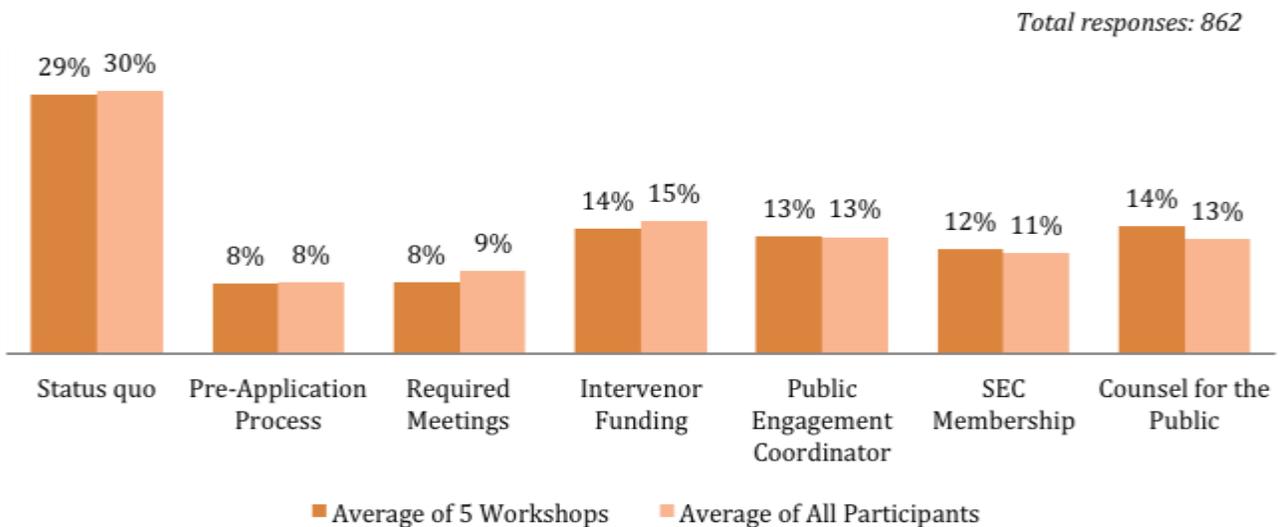


Figure 3-10: Least Effective Options



3.3.3 Additional Comments on Public Engagement

Participants in the workshops also provided written or verbal comments on these issues. Comments often touched on increased public engagement and on the balance of control between the state and local authorities. Comments heard multiple times included:

- Improve notification of SEC proceedings to the public, expanding beyond basic legal and media notices, and add more than one meeting in affected county
- Increase SEC responsiveness and transparency to the public by responding in writing to public comments and/or including in final decisions clear and detailed delineations of arguments for and against the proposed project
- The SEC should show local ordinances, zoning, and standards more deference
- Provide intervenor funding for municipalities to respond to applications within their borders
- Give the local municipalities or regions greater say in decision making process

Please see Appendix D for a detailed summary of comments that reflect the specific points, issues, ideas, and concerns raised.

3.3.4 Public Engagement Summary

The following is a brief summary of all the polling results from this module.

- Slightly more than half, or 52% of the participants, had not participated directly in a SEC proceeding.
- 67% of participants from all five workshops concluded that the current SEC process is very to somewhat ineffective (1 to 3) in soliciting meaningful public input. 57% percent of participants from all five workshops also concluded that the SEC is very to somewhat ineffective (1 to 3) in considering and weighing public input into its decision making process.
- However, approximately one-fifth of all respondents to the two questions on the SEC's public engagement effectiveness polled "I don't know" and there were significant differences in results across the five workshop sites.
- The top three supported potential improvements to SEC public engagement included: "A required pre-application procedure," with 21% of all responses; "additional required meetings" with 19% of all responses; and "one or more public member on the SEC" receiving 15% of all responses.
- The "status quo" was clearly the least popular option with only 6% of responses indicating it as one of three most effective choices, and 30% of responses indicating it as one of three least effective options.
- The other options all received similar and more modest support: "intervenor funding," "strengthening the role of the Counsel for the Public," and "having a public engagement coordinator at the SEC."

3.4 Topic: Noise and Visual Impacts

3.4.1 Presentation

This module included two different topics: noise and visual impacts.

At the beginning of this module, the facilitators summarized the SEC’s current approach to potential noise impacts. The status quo includes:

- The SEC does not currently have criteria governing noise levels of energy facilities and has addressed noise on a case-by-case basis.
- Some municipalities may have or be considering adopting local noise ordinances.
- The SEC has the authority to override local noise ordinances if it finds reason to in its review of an application.

The facilitators also summarized the SEC’s current approach to potential visual impacts. The status quo includes:

- SEC addresses visual impacts on case-by-case basis.
- No consistent, formalized visual impacts-related filing requirements or standards for energy facilities currently exist.

The facilitators noted some issues related to these two impacts:

- For both visual impacts and noise, the SEC does not have detailed guidance for required submissions: i.e., which studies, methodology, format, or level of detail.
- The SEC does not have detailed methodologies, guidelines, or criteria for how it should evaluate, analyze, and weigh impacts of noise or visual impacts across cases. It relies on expert analysis and the particular conditions and circumstances in each case.
- There are a diversity of ways northeastern states have or are trying to address noise and visual impacts.

The facilitators then summarized arguments for and against the status quo, as gleaned from reviewing public documents related to NH’s siting process, conversations with a range of stakeholders including Legislators, and from the focus group discussions.

Arguments for the Status Quo include:	Arguments against the Status Quo include:
<ul style="list-style-type: none">• Allows for different levels of submission depending on scale of project & community concern• Does not try to standardize complex issues that have varying human response• Allows the SEC to take into account the specific context (ambient noise, surrounding landscape, etc.) of each site	<ul style="list-style-type: none">• May allow for inconsistency in submittals, analysis and decisions across cases• Creates uncertainty for applicants about submittal requirements and basis for review and approval• Creates uncertainty for communities about what to expect in terms of submittals and basis for review and approval

The facilitators presented options for participants to consider for potential noise impacts. The options included:

- **Status Quo:** SEC addresses noise impacts on case by case basis, no standard noise filing requirement or standards
- **SEC Filing Requirements:** Adopt noise impact specific filings requirements such as background baseline monitoring and energy facility noise modeling
- **Statewide Standard:** Adopt a statewide standard for noise
- **Local Preference on Noise:** Allow local governments to set their own energy facility noise standards that SEC would defer to when reviewing an application in that jurisdiction

The facilitators presented options for participants to consider for potential visual impacts. The options included:

- **Status Quo:** SEC addresses visual impacts on case by case basis with no standard filing requirements or evaluation criteria
- **SEC Filing Requirements:** Adopt visual impacts-specific filings requirements such as visualization studies, view shed studies, community surveys, etc.
- **SEC Review Criteria:** Develop criteria for how visual impacts must be evaluated by the SEC
- **Mitigation Guidance:** SEC establishes guidance that applicants can use to mitigate potential adverse visual disruptions (i.e., color, signage, screening, setbacks)

Discussion Questions

Lastly, the facilitators offered the workshop participants several questions for consideration in break out groups. The questions for noise included:

- Should the state develop statewide noise standards for energy facilities?
 - Should they be the same standard for all types of energy facilities or different for different types of facilities?¹⁷
 - If there is a state standard, should it be based on:
 - An absolute standard (e.g., can't be louder than X decibels in total)
 - A relative standard (e.g., can't be louder than Y decibels above typical background noise)
- If no statewide noise standard, should the SEC defer to local noise standards, if they exist?

¹⁷ Note that we did not have a polling question directly related to this question.

The discussion questions for visual impacts included:

- Should the SEC address visual impacts on a case-by-case basis?
- Should the SEC develop specific requirements across cases for:
 - Filing requirements such as required visualization studies, viewshed studies, community surveys, etc.
 - Required criteria for how visual impacts must be evaluated by the SEC consistently across cases
- Should the SEC establish guidance that applicants can use to mitigate potential adverse visual disruptions (i.e., color, signage, screening, setbacks)?

3.4.2 Polling

3.4.2.1 Energy Facility Potential Environmental Impacts

The intent of this module was to focus primarily on noise and visual impacts-- two impacts that emerged as areas of greatest interest in the research, interviews with stakeholders, and focus groups. However, the facilitators also wanted to provide an opportunity for participants to weigh in on a wider range of potential environmental impacts associated with energy facility siting. Respondents were asked to select two among seven potential impacts, one of which included “other.” Participants were polled on these impacts using two questions: what impacts concern you the *most* and what impacts concern you the *least*.

When ordered by total number of responses, three potential impacts of *most* concern ranked the highest: visual impacts (26%), greenhouse gas/climate impacts (17%), and air quality impacts (16%). Three other impacts ranked lower, respectively – water (14%), noise (12%), and wildlife (11%).

Table 3-12: Impacts of Most Concern Rank Order	
Visual Impacts	26%
Greenhouse Gas/Climate Impacts	17%
Air Quality Impacts	16%
Water Impacts	14%
Noise Impacts	12%
Wildlife Impacts	11%
Other Impacts	3%

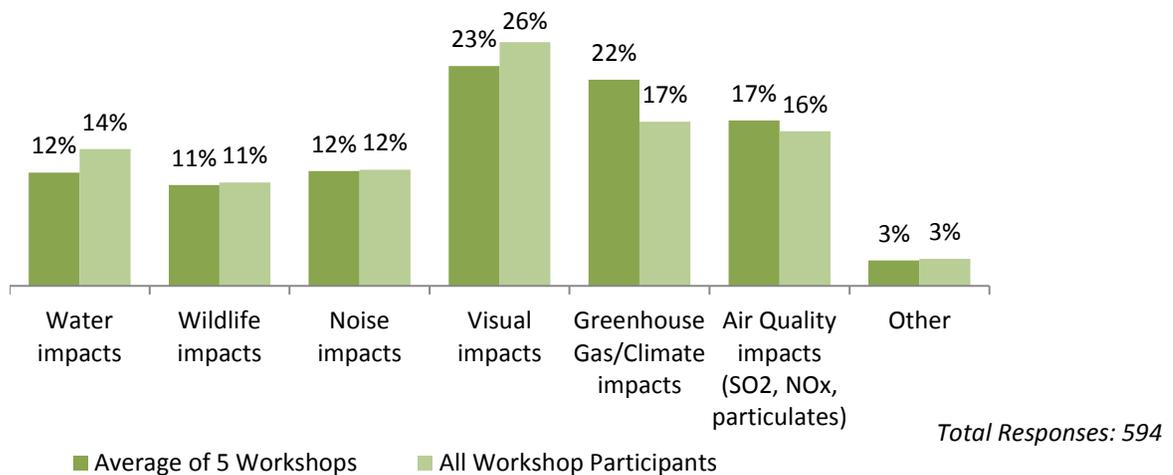
The following table and narrative summarize polling results regarding potential impacts of *most* concern by workshop.

Table 3-13: Potential Impacts of Most Concern

Which of these energy facilities-related potential impacts concern you the most (choose two):	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
Water impacts	12%	14%	11%	5%	18%	12%	14%
Wildlife impacts	11%	11%	11%	9%	11%	11%	11%
Noise impacts	11%	11%	19%	7%	12%	12%	12%
Visual impacts	25%	31%	20%	12%	28%	23%	26%
Greenhouse Gas/Climate impacts	21%	14%	23%	40%	12%	22%	17%
Air Quality impacts (SO ₂ , NO _x , particulates)	18%	15%	14%	26%	15%	17%	16%
Other	3%	4%	2%	2%	3%	3%	3%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	141	80	64	43	266	N/A	594

The rankings were different across the workshops. For example, in Manchester, Groveton, and Plymouth, visual impacts ranked as the highest concern among total responses, while in Keene and Newington, greenhouse gas/climate impacts ranked as the highest concern among total responses in those workshops. Visual impacts ranked highest or second in responses among all workshops, except for Newington, where it ranked third by responses. The following chart summarizes these same results in bar chart format.

Figure 3-11: Potential Impacts of Most Concern



We also asked participants to rank the two potential impacts of “least concern.” The following table and narrative summarize polling results regarding potential impacts of *least* concern.

Table 3-14: Potential Impacts of Least Concern

Which of these energy facilities-related potential impacts concern you the least (choose two):	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
Water impacts	9%	14%	7%	7%	5%	8%	8%
Wildlife impacts	9%	11%	4%	9%	10%	9%	9%
Noise impacts	17%	11%	18%	36%	12%	19%	16%
Visual impacts	20%	11%	16%	31%	11%	18%	15%
Greenhouse Gas/Climate impacts	17%	20%	18%	4%	21%	16%	18%
Air impacts (SO ₂ , NO _x , etc.)	14%	11%	19%	2%	16%	12%	14%
Other	14%	21%	19%	11%	25%	18%	20%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	132	71	57	45	241	N/A	546

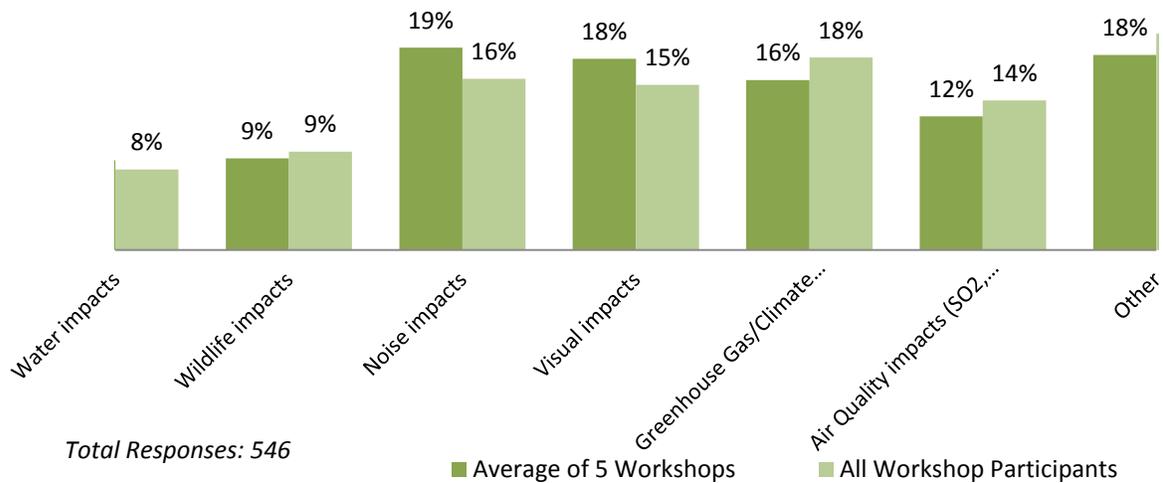
Visual and greenhouse gas impacts ranked high for impacts of *most* concern and also high for impacts of *least* concern. 18% percent of all responses for *least* concern included greenhouse gas/climate impacts, and 15% for visual impacts.

When each workshop’s responses are viewed, again the impacts of *least* concern varied. Manchester responses ranked visual as of *least* concern. Newington responses ranked noise as of *least* concern. Groveton and Plymouth responses ranked “other” as of *least* concern. Keene responses ranked air quality and “other” as of *least* concern.

Other	20%
Greenhouse Gas/Climate Impacts	18%
Noise Impacts	16%
Visual Impacts	15%
Air Quality Impacts	14%
Wildlife Impacts	9%
Water Impacts	8%

The following chart summarizes the same table results “of least concern” in bar chart format.

Figure 3-12: Potential Impacts of Least Concern



3.4.2.2 Noise Impacts

We polled participants on a range of options addressing potential noise impacts, using a scale from 1 to 6, with 1 being not effective and 6 being very effective.¹⁸

Table 3-16 Noise Impact Means

Noise Impacts – Means by Option	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshops
Local Preference	3.7	5.0	4.3	3.0	4.3	4.0	4.1
SEC Filing	4.0	3.7	4.0	3.7	3.6	3.8	3.7
State Noise Standard	4.0	4.0	3.3	2.4	3.8	3.5	3.7
Status Quo	2.9	1.9	2.2	3.8	2.1	2.6	2.4

Of the options polled on addressing potential noise impacts, across all workshop respondents, “Local Preference” rated the highest with a mean of 4.1, “SEC Filing Requirements” and “Statewide Noise Standard” tied for second with means of 3.7 each, and the “Status Quo” the least support at 2.4.

¹⁸ We did not allow for respondents to answer “don’t know” in these questions.

The following tables and charts provide the polling results for each of the individual options to address potential noise impacts.

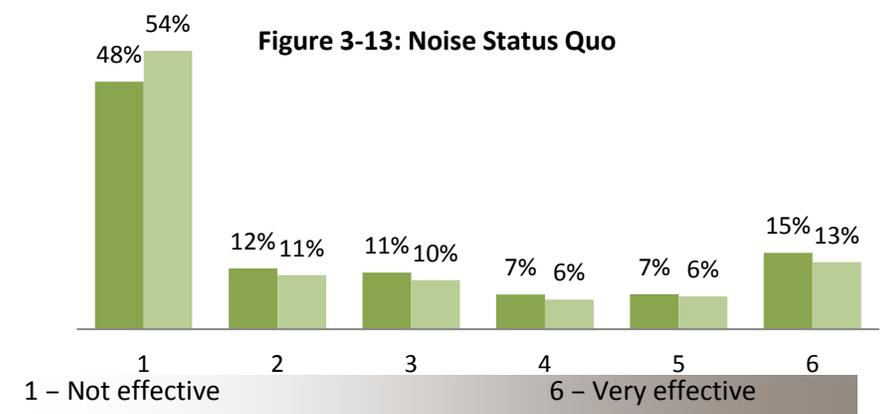
Noise Status Quo. The mean of all workshop respondents was 2.4 for the “status quo: SEC addresses noise impacts on case-by-case basis, no standard noise filing requirement or standards,” indicating low support for this option.¹⁹ Groveton and Plymouth rated the status quo lower, with a mean in each workshop of 1.9 and 2.1 respectively, while Manchester and Newington rated it somewhat higher, with a mean in each of those workshops at 2.9 and 3.8.

Table 3-17 Noise Status Quo

Status Quo: SEC addresses noise impacts on case by case basis, no standard noise filing requirement or standards	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshop Participants
1 - Not effective	42%	73%	47%	17%	63%	48%	54%
2	14%	5%	16%	17%	8%	12%	11%
3	7%	5%	22%	13%	9%	11%	10%
4	6%	5%	6%	13%	5%	7%	6%
5	10%	5%	6%	8%	5%	7%	6%
6 - Very effective	21%	7%	3%	33%	10%	15%	13%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	71	41	32	24	144	N/A	312
Mean	2.9	1.9	2.2	3.8	2.1	2.6	2.4

The following chart summarizes the same table results for “the status quo” in bar chart format.

54% percent of all workshop respondents gave the status quo regarding addressing noise impacts a 1 or “not effective,” which is substantially more than the next number of responses at 13% for “very effective” or 6.



¹⁹ On a 1 to 6 scale, the mid-point is 3.5. We consider anything below 2.5 to be a “low” rating, from 2.5-4.5 a “medium” rating, and above 4.5 to be a “high” rating.

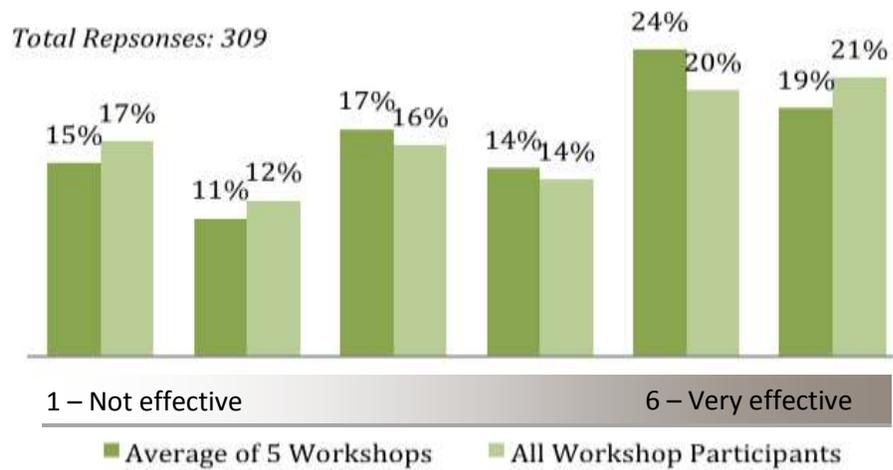
Noise SEC Filing Requirements. The mean of all workshop respondents was 3.7, for the “SEC Filing Requirements: adopt noise impact specific filings requirements such as background baseline monitoring and energy facility noise modeling,” a rating substantially higher than for the “status quo.”

Table 3-18: SEC Filing Requirements

SEC Filing Requirements: Adopt noise impact specific filings requirements such as background baseline monitoring and energy facility noise modeling	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
1 - Not effective	10%	13%	9%	21%	22%	15%	17%
2	13%	13%	6%	8%	13%	11%	12%
3	17%	25%	15%	17%	13%	17%	16%
4	15%	10%	27%	8%	11%	14%	14%
5	15%	25%	30%	29%	18%	24%	20%
6 - Very effective	30%	15%	12%	17%	22%	19%	21%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	71	40	33	24	141	n/a	309
Mean	4.0	3.7	4.0	3.7	3.6	3.8	3.7

Manchester and Keene rated this option highest with a mean of 4.0. Groveton, Newington, and Plymouth rated it as slightly lower with a mean of 3.7, 3.7 and 3.6 respectively. When one views the results across each of the six possible ratings, however, it becomes clearer that respondents were of more mixed views on the effectiveness of this option. 21% of respondents gave this option a rating of 6, or very effective, but 17% of respondents also gave this option a 1, or very ineffective. The following chart summarizes the same table results for the SEC Filing Requirement options in bar chart format.

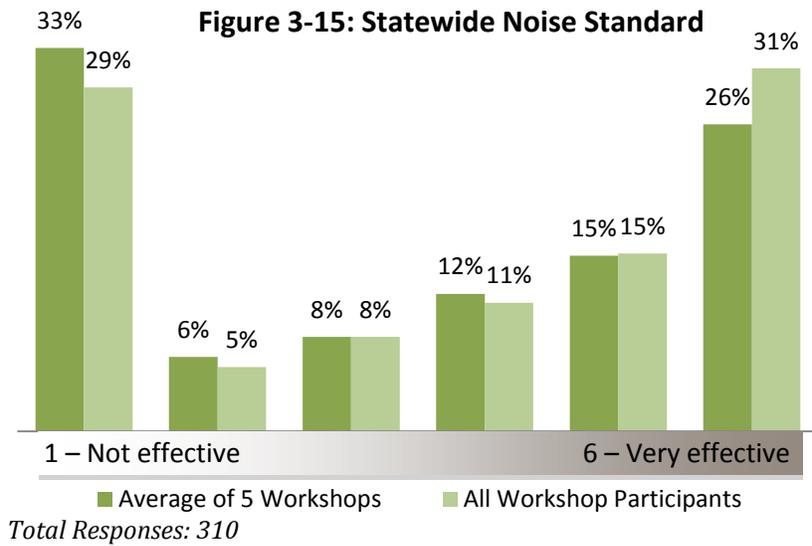
Figure 3-14: SEC Filing Requirements for Noise



State-Wide Noise Standard. The mean of all workshop respondents for “adopt a statewide standard for noise” was 3.7, the same mean as for “SEC Filing Requirements.” Manchester and Groveton rated this option highest at 4.0, followed closely by Manchester at a mean of 3.8. Keene rated this option as somewhat lower at 3.3 and Newington rated this option lowest at 2.4

Table 3-19: Statewide Noise Standard

Statewide Standard: Adopt a statewide standard for noise	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
1 - Not effective	27%	22%	28%	58%	28%	33%	29%
2	3%	7%	13%	4%	5%	6%	5%
3	9%	7%	13%	4%	8%	8%	8%
4	7%	12%	16%	13%	11%	12%	11%
5	17%	17%	9%	17%	15%	15%	15%
6 - Very effective	37%	34%	22%	4%	34%	26%	31%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	70	41	32	24	143	n/a	310
Mean	4.0	4.0	3.3	2.4	3.8	3.5	3.7



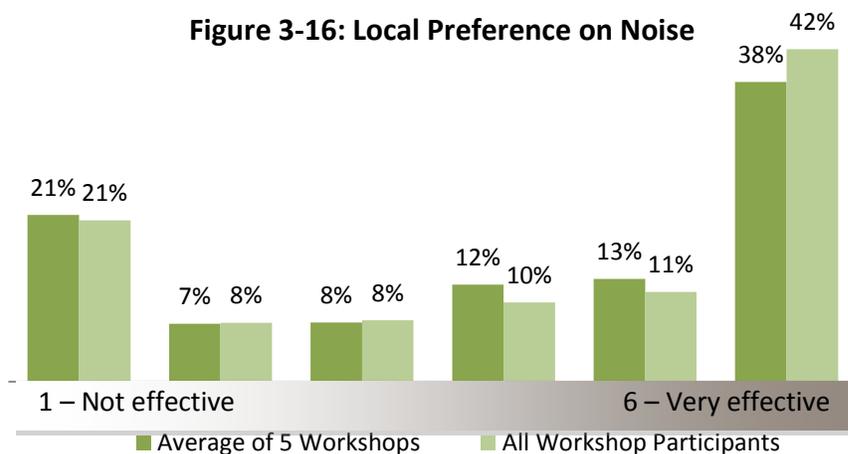
There is a “bimodal” split on whether this option would be effective. While 31% of all respondents rated this option as very effective, almost the same amount, or 29%, ranked this option as not effective. The first choice at three workshops - Manchester, Groveton, and Plymouth - “very effective,” while Keene’s and Newington’s respondents’ first choice was “not effective.”

Local Preference. The mean of all workshop respondents was 4.1 for “Local Preference on Noise: Allow local governments to set their own energy facility noise standards, that SEC would defer to when reviewing an application in that jurisdiction.” Keene and Plymouth respondents both rated this option highest at a mean of 4.3, followed by Manchester at a mean of 4.0, Groveton at 3.7 and Newington at 3.0.

Table 3-20: Local Preference on Noise

D. Local Preference on Noise: Allow local govts to set energy facility noise standards that SEC would defer to for an application in that jurisdiction	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
1 - not effective	30%	10%	6%	42%	19%	21%	21%
2	4%	2%	13%	8%	9%	7%	8%
3	11%	2%	13%	4%	7%	8%	8%
4	11%	10%	22%	13%	6%	12%	10%
5	10%	17%	13%	17%	9%	13%	11%
6 - very effective	33%	59%	34%	17%	49%	38%	42%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	41	32	24	139	N/A	306
Mean	3.7	5.0	4.3	3.0	4.3	4.0	4.1

Figure 3-16: Local Preference on Noise



Total Responses: 306

There is also a bimodal split for this option, though not as strong as in the state-wide standard responses. While 42% of all respondents rated this option as very effective, the next most common selection was 1, or not effective. Respondents at four workshops gave this

option a 6 or “very effective” as their first choice – Manchester, Groveton, Plymouth, and Keene – while Newington’s first choice was 1, or “not effective.”

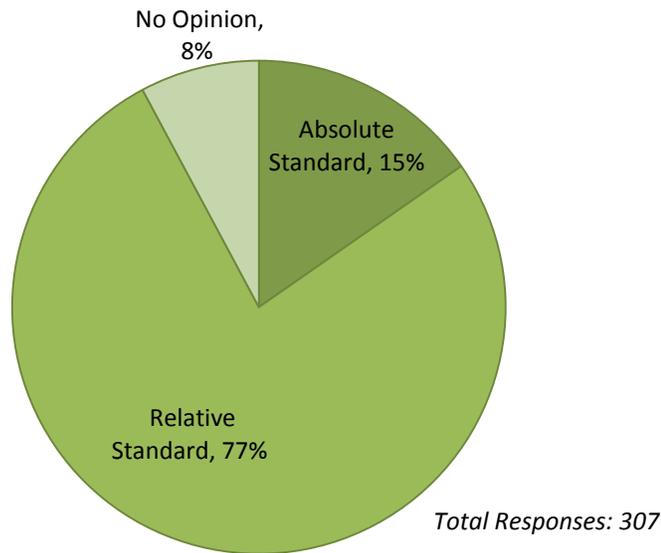
Type of Noise Standard. We also polled participants on what kind of noise standard the state should adopt, were it to create a statewide standard for noise. We asked about an absolute standard (e.g., cannot be louder than X decibels in total), a relative standard (e.g. cannot be louder than Y decibels over typical background noise), and also offered the choice of “no opinion.”

Table 3-21: Type of Noise Standard

If the state were to create a statewide noise standard, it should be (choose 1):	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
	An Absolute Standard	13%	33%	25%	4%	12%	17%
A Relative Standard	74%	60%	75%	79%	83%	74%	77%
No Opinion	14%	8%	0%	17%	5%	9%	8%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	72	40	32	24	139	n/a	307

Seventy-seven (77%) percent of all respondents chose a “relative standard” were the state to enact a statewide noise standard and this option also ranked first among responses in each of the five workshops, with a high of 83% in Plymouth and a low of 60% in Groveton. Fifteen (15%) percent of all workshop participants selected an absolute standard, and 8% said they didn’t know. The following pie chart visually displays the table results.

Figure 3-17: State Noise Standard



3.4.2.3 Visual Impacts

We polled participants on options regarding visual impacts. We asked the participants to rate each option on a scale from 1 to 6, with 1 being not effective and 6 being very effective.

Table 3-22: Means across all Visual Options

Visual Impacts – Means by Options	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
SEC Visual Review Criteria	4.4	4.7	4.6	3.5	4.9	4.4	4.6
SEC Visual Filing Requirements	4.9	4.6	4.7	3.7	4.4	4.4	4.5
Mitigation Guidance	2.9	3.3	3.1	3.4	2.8	3.1	3.0
Status Quo	2.9	2.1	2.4	3.8	1.9	2.6	2.3

Of the options polled on for addressing visual impacts, across all workshops, “SEC Review Criteria” rated the highest with a mean of 4.6. “SEC Filing Requirements” polled closely behind with a mean of 4.5, while the “Mitigation Guidance” and “Status Quo” options rated much lower at 3.0 and 2.3 respectively.

Visual Status Quo. The mean of all workshops was 2.3 for the “Status quo: SEC addresses visual impacts on case-by-case basis with no standard filing requirements or evaluation criteria”.

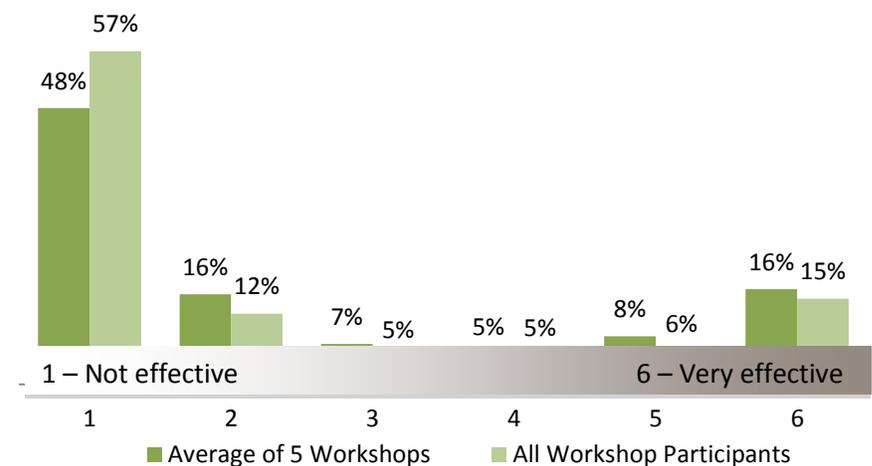
Table 3-23: Visual Status Quo

<i>Status Quo</i> : SEC addresses visual impacts on case by case basis with no standard filing requirements or evaluation criteria	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
1 - Not effective	47%	63%	34%	21%	72%	48%	57%
2	10%	10%	28%	21%	9%	16%	12%
3	7%	2%	16%	8%	1%	7%	5%
4	6%	7%	9%	0%	4%	5%	5%
5	7%	7%	13%	13%	2%	8%	6%
6 - Very Effective	24%	10%	0%	38%	11%	16%	15%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	72	41	32	24	143	n/a	312
Mean	2.9	2.1	2.4	3.8	1.9	2.6	2.3

Groveton and Plymouth rated the status quo lower, with a mean respectively in each workshop of 2.1 and 1.9 while Manchester and Keene rated it somewhat higher, with a mean in each of those workshops at 2.9 and 2.4. Newington rated it the highest at 3.8.

When one views the results across each of the six possible ratings, the total number of responses rates this option low, as noted in this bar chart – 57% percent of all workshop respondents gave the status quo regarding addressing visual impacts a 1 or “not effective,” which is much higher than the next number of responses at 15% for “very effective” or 6. Respondents at four workshops gave this a 1 or “very ineffective” as their first choice – Manchester, Groveton, Keene, and Plymouth – while Newington respondents gave this a 6, or “very effective” as their first choice.

Figure 3-18: Visual Status Quo



Total Responses: 312

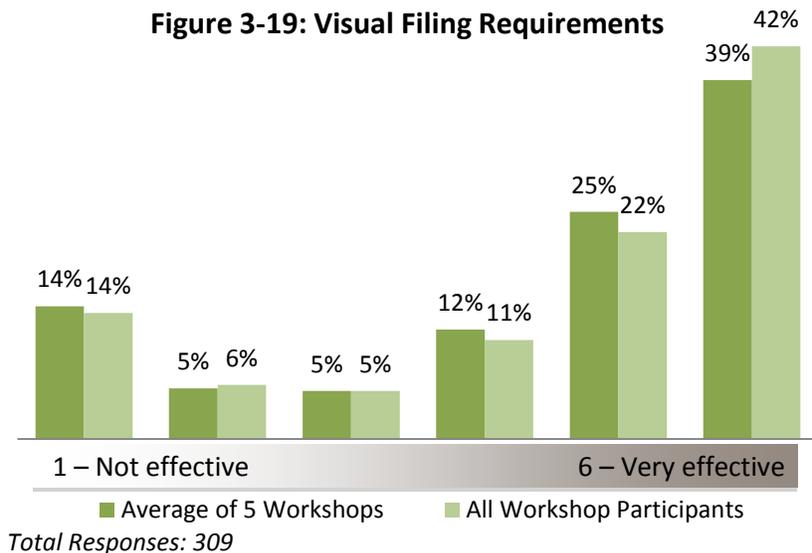
Visual SEC Filing Requirements. The mean of all workshop respondents was 4.5, for the “SEC Filing Requirements: Adopt visual impacts-specific filings requirements such as visualization studies, view shed studies, community surveys, etc.,” substantially higher than the mean for the “status quo.”

Table 3-24: Visual Filing Requirements

SEC Filing Requirements: Adopt visual impacts- filings requirements such as visualization studies, viewshed studies, community surveys, etc.	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
1 - Not effective	8%	7%	6%	33%	16%	14%	14%
2	4%	2%	9%	4%	7%	5%	6%
3	7%	12%	3%	0%	4%	5%	5%
4	6%	15%	16%	13%	11%	12%	11%
5	22%	32%	25%	25%	19%	25%	22%
6 - Very effective	53%	32%	41%	25%	44%	39%	42%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	72	41	32	24	140	N/A	309
Mean	4.9	4.6	4.7	3.7	4.4	4.4	4.5

Manchester, Keene, and Groveton rated this option the highest at 4.9, 4.7 and 4.6 respectively. Plymouth rated this option as 4.4 on average across its participants and Newington was the lowest but still favorable at 3.7.

Figure 3-19: Visual Filing Requirements



Viewing the results across each of the six possible ratings, as this chart portrays, shows that most respondents believe that this option would be effective to very effective. 64% of respondents ranked this highly, while only 20% of respondents gave this option a 1 or a 2, for very ineffective to ineffective.

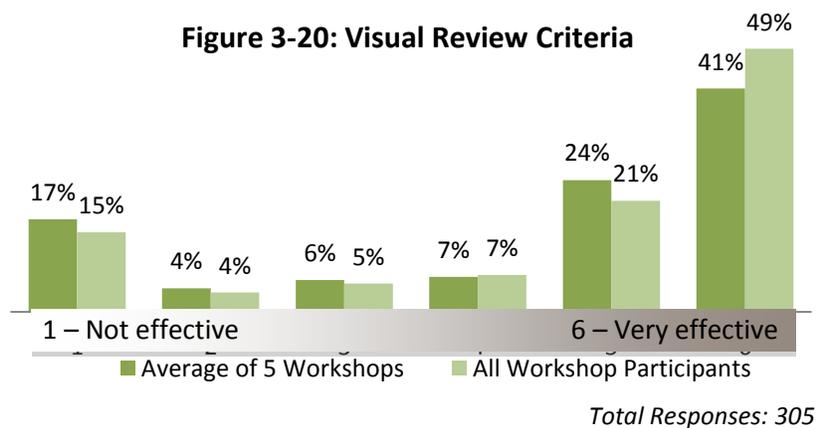
Visual SEC Review Criteria. The mean of all workshop respondents was 4.6, for the “SEC Review Criteria: Develop criteria for how visual impacts must be evaluated by the SEC,” substantially higher than for the “status quo” and similar to “SEC Filing Requirements.”

Table 3-25: Visual Review Criteria

SEC Review Criteria: Develop criteria for how visual impacts must be evaluated by SEC	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
1 - Not effective	17%	10%	12%	35%	12%	17%	15%
2	4%	0%	6%	9%	3%	4%	4%
3	9%	10%	9%	0%	2%	6%	5%
4	10%	7%	0%	9%	7%	7%	7%
5	13%	37%	30%	26%	17%	24%	21%
6 - Very effective	47%	37%	42%	22%	59%	41%	49%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	41	33	23	138	n/a	305
Mean	4.4	4.7	4.6	3.5	4.9	4.4	4.6

Plymouth, Groveton, Keene, and Manchester rated this option the highest with means of 4.9, 4.7, 4.6 and 4.4 respectively. Newington rated this option the lowest at 3.5.

When one views the results across each of the six possible ratings as this chart portrays, one sees that there is a generally held view among respondents that this option would be effective to very effective. 70% of respondents gave this option a rating of 5 or 6, while only 19% of respondents gave this option a 1 or 2, or very ineffective to ineffective.



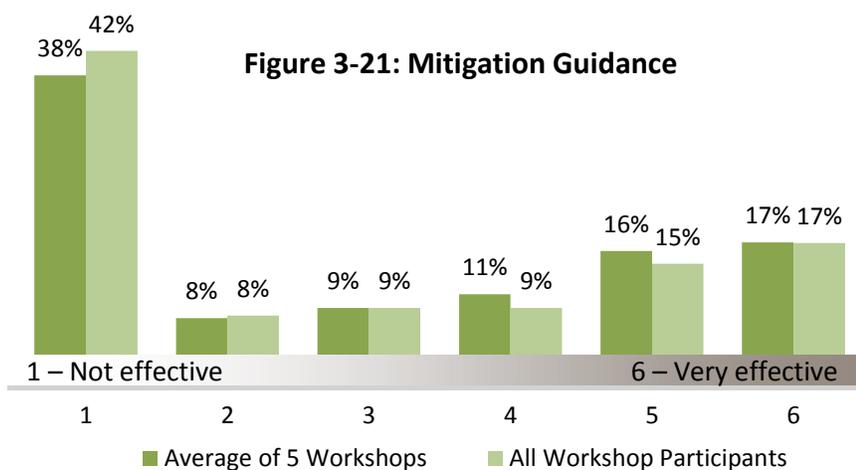
Visual Mitigation Guidance. The mean of all workshop respondents was 3.0, for the “Mitigation Guidance: SEC establishes guidance that applicants can use to mitigate potential adverse visual disruptions (i.e., color, signage, screening, setbacks),” substantially lower than “Filing Requirements” or “Review Criteria” options.

Table 3-26: Mitigation Guidance

Mitigation Guidance: SEC establishes guidance applicants can use to mitigate potential adverse visual disruptions (i.e., color, signage, screening, setbacks)						Ave. of 5 Workshops	All Workshops
	Manchester	Groveton	Keene	Newington	Plymouth		
1 - Not effective	46%	27%	36%	38%	46%	38%	42%
2	6%	10%	6%	8%	9%	8%	8%
3	9%	12%	12%	4%	9%	9%	9%
4	9%	24%	12%	4%	5%	11%	9%
5	14%	12%	21%	21%	13%	16%	15%
6 - Very effective	17%	15%	12%	25%	18%	17%	17%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	41	33	24	138	N/A	306
Mean	2.9	3.3	3.1	3.4	2.8	2.8	3.0

Newington, Groveton, and Keene rated this option the highest at 3.4, 3.3, and 3.1 respectively. Manchester and Plymouth rated this lower at 2.9 and 2.8 respectively.

While the overall mean for this option at 3.0 indicates lower support, the distribution portrayed



in this chart is somewhat bi-modal. 50% of respondents gave this option a rating of 1 or 2, indicating their belief that it would not be very effective, while 35% of respondents gave this option a 5 or 6, indicating their belief that it would be effective.

Total Responses: 306

3.4.3 Additional Comments on Noise and Visual Impacts

Participants in the workshops also provided written or verbal comments on these issues. Comments on this module predominantly focused on detailing or adding to the options polled on and noting the importance of the SEC considering context and cumulative impact. Comments heard multiple times included:

- The SEC must consider cumulative impacts to an area or region, not just the impacts of each particular project
- Potential adverse health and property value impacts should also be considered in siting decision making
- Vibration and infrasound (low frequency sound) are also part of potential noise impacts that must be considered
- Consider a relative noise standard but with an absolute cap
- Consider urban versus rural standards for both visual and noise
- Any noise standard would require a great deal more research and dialogue since this is a complex topic
- The draft wind guidelines developed in 2007 are a good starting point

Please see Appendix D for detailed summary of comments that reflect the specific points, issues, ideas, and concerns raised.

3.4.4 Summary of Noise and Visual Impacts

The following is a brief summary of all the polling results from this module.

- Three potential impacts of *most* concern ranked the highest: visual impacts, greenhouse gas/climate impacts, and air quality impacts.
- Three other impacts -- water, noise, and wildlife -- ranked lower in terms of most concern.
- When asked to rank the same impacts in terms of “least concern,” the results were more highly varied, but the three specific areas of least concern were noise impacts, and both visual impacts and greenhouse gas/climate impacts (which were other participants’ greatest concerns). “Other Impacts” polled highest as of least concern.
- Of the options polled on for addressing potential noise impacts, across all workshop respondents, “Local Preference” rated the highest at a mean of 4.1, “SEC Filing Requirements” and “Statewide Noise Standard” second at 3.7 each, and the “Status Quo” the least at 2.4.
- If a statewide noise standard is pursued, 77% of all workshop participants prefer a relative noise standard, 15% an absolute noise standard, and 8% don’t know.
- Of the options polled on for addressing potential visual impacts, across all workshop respondents, “SEC Review Criteria” rated the highest at a mean of 4.6, “SEC Filing Requirements” at 4.5, while the “Mitigation Guidance” and “Status Quo” options rated much lower with means of 3.0 and 2.3 respectively.

3.5 Topic: Alternative Routes, Sites, and Energy Policy

3.5.1 Presentation

This module included three different topics: two related topics of alternative routes (primarily for transmission lines and pipelines) and alternative sites (for generating facilities), and one separate topic, energy policy.

Alternative Routes and Sites

At the beginning of this module, the facilitators summarized the SEC’s current approach to alternative routes and sites. Under the status quo:

- SEC considers any “available alternatives” submitted by the applicant. No comprehensive analysis of alternative routes and sites is required
- Applicants may (and often do) include in their filing alternatives that they considered
- Alternatives provided by applicants generally include differing configurations, but are not fully developed different sites or routes

The facilitators then summarized arguments for and against the status quo, as gleaned from reviewing public documents related to NH's siting process, conversations with a range of stakeholders including Legislators, and from the focus group discussions.

Arguments for the Status Quo include:	Arguments against the Status Quo include:
<ul style="list-style-type: none">• Applicants often have control or access to only one site or route and thus can’t meaningfully consider alternative sites• Applicants usually consider and provide information on alternatives• Extensive alternatives analysis may be costly	<ul style="list-style-type: none">• Without alternatives, it is difficult to assess relative merits of the proposed site or route or determine if other alternatives are better (i.e., less expensive, less impact, better balance)

The facilitators then presented several options for participants to consider for both routes and sites. The options for routes included:

- **Status Quo:** SEC considers alternative routes if submitted, but alternative routes aren’t required to be analyzed and submitted
- **Required Alternative Routes and Undergrounding Analysis:** Require analysis of alternative routes and undergrounding options as part of filing
- **Required Alternative Routes Analysis Only:** Require analysis of alternative routes as part of filing (but undergrounding analysis at applicant’s discretion)
- **Required Existing Rights of Way Use:** Require use of existing transmission/pipelines corridors /developed rights-of-way as first option

The options for sites included:

- **Status Quo:** SEC reviews alternatives considered by applicant but consideration of alternatives not required
- **Alternative Site Configuration Analysis:** Require analysis of alternative configurations and placements on the proposed site
- **Alternative Site Consideration:** Require applicant to consider alternative sites and delineate the reasons why it selected the proposed site
- **Alternative Site Analysis Required:** Require applicant to consider alternative sites and require applicant to conduct a rigorous analysis of alternative sites

Energy Policy

The facilitators then summarized the SEC’s current approach to energy policy. The status quo includes:

- No current finding required by the SEC that a project is consistent with state energy policy
- Also, currently there is no formal, comprehensive energy plan or strategy to tie to (although the state is in process of developing an energy strategy for NH)
- In practice, the SEC references existing state policies such as the Renewable Portfolio Standard (RPS), which requires 25% renewable energy by 2025

The facilitators then summarized arguments for and against the status quo, as gleaned from reviewing public documents related to NH’s siting process, conversations with a range of stakeholders including Legislators, and from the focus group discussions.

Arguments for the Status Quo include:	Arguments against the Status Quo include:
<ul style="list-style-type: none"> • Energy policies are diffuse (new laws, executive orders, regulations) and changing over time (e.g. Renewable Portfolio Standard or RPS); this creates uncertainty for applicants and SEC • Energy technologies are changing rapidly; difficult for energy policy to keep pace • Current market structure gives authority to the Regional Transmission Organization (RTO), Federal Energy Regulatory Commission (FERC), and marketplace to determine what new facilities should/can be built 	<ul style="list-style-type: none"> • State energy strategy could help resolve the tension between state policies and priorities, and the role of the state in helping to meet larger regional energy needs • State energy strategy and policies set goals for the state, and applicants should demonstrate how the projected project is consistent with those goals

The facilitators then presented several options for participants to consider for both routes and sites. The options for routes included:

- **Status Quo:** no formal requirement for SEC finding that a proposed energy facility is consistent with state energy policies or state energy strategy
- **Consistency with State Energy Policies:** require SEC to find that a proposed energy facility is consistent with current and future state energy policies (e.g. RPS requiring 25% renewables by 2025)
- **Consistency with State Energy Strategy:** require SEC to find that a proposed energy facility is consistent with a formal, state energy strategy

Discussion Questions

Lastly, we offered the workshop participants several questions for consideration in break out groups:

- Given that energy facility applicants usually only have site control of their proposed site or route, should alternative site/route analysis be required, and if so what should it include?
- Given that New Hampshire has restructured its electricity market and no longer requires utility least cost plans, should the SEC take into account state energy policies/strategy when reviewing and approving a proposed energy facility, and if so in what way?
- Which of the options (on previous page) do you prefer and why, for:
 - Alternative routes
 - Alternative sites
 - Energy policy

3.5.2 Polling

3.5.2.1 Options for Alternative Routes

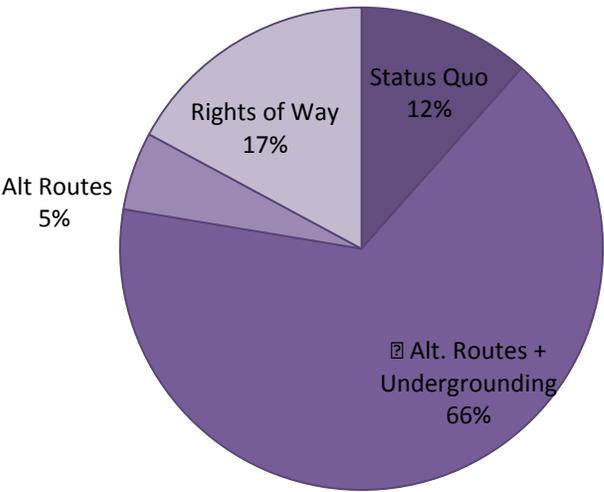
The following table, chart, and narrative summarize polling results regarding options for alternative routes.

Table 3-27: Alternative Routes

Choose your top choice from the following (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
Status Quo	14%	11%	0%	43%	8%	15%	12%
Required Alternative Routes and Undergrounding Analysis	59%	79%	61%	33%	73%	61%	66%
Required Alternative Routes Analysis Only	7%	3%	13%	10%	2%	7%	5%
Required Existing Rights of Way Use	20%	8%	26%	14%	17%	17%	17%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	38	31	21	126	N/A	286

Figure 3-22: Alternative Routes

Participants were asked to pick their top choice for how potentially to address alternative routes in SEC proceedings. 66% of all participants selected “require alternative routes and undergrounding” as their preferred option. 17% percent of respondents selected “require use of existing transmission/pipelines corridors,” 12% of all participants selected the status quo, and 5% of respondents selected “require analysis of alternative routes as part of filing (but undergrounding analysis at applicant’s discretion).”



Total Responses: 286

However, there was a significant difference in responses between Newington and all of the other sites. 43% of Newington participants selected the status quo as their preferred approach, while 15% or less of participants in each of all the other workshops selected the status quo as their preferred approach. Regarding the alternative routes and undergrounding option, 59% to 79% of participants in all of the workshops except Newington selected this option as their preferred alternative while 33% of Newington participants chose this as their first choice.

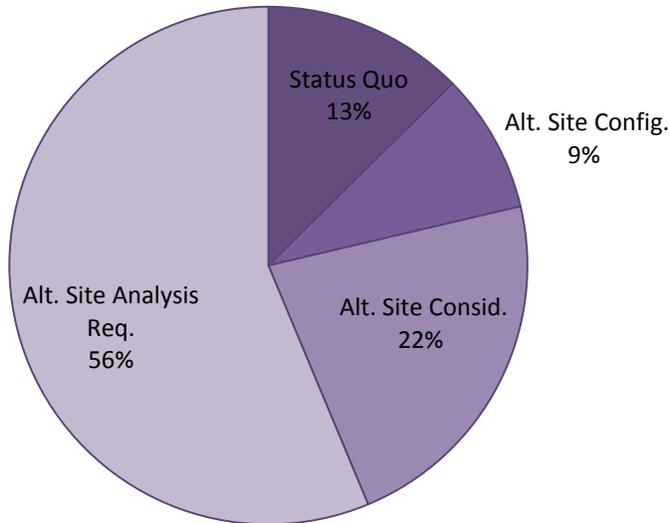
3.5.2.2 Options for Alternative Sites

The following table, chart, and narrative summarize polling results regarding options for alternative sites.

Table 3-28: Alternative Sites

Choose your top choice from the following (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshop Participants
Status Quo	17%	16%	0%	48%	6%	17%	13%
Alternative Site Configuration	9%	5%	0%	14%	11%	8%	9%
Analysis Alternative Site Consideration	27%	24%	32%	5%	20%	22%	22%
Alternative Site Analysis Required	47%	55%	68%	33%	63%	53%	56%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	38	31	21	126	N/A	286

Figure 3-23: Alternative Sites



Total Responses: 286

The participants were also asked to pick their top choice among several for how to address alternative sites in SEC proceedings. 56% of all participants selected “require alternative site analysis” as their preferred option. 22% of participants selected “require applicant to consider alternative sites and delineate the reasons why it selected the proposed site.” Thirteen (13%) percent selected the status quo, “SEC considers any alternative submitted, but alternatives are not required”, and 9% selected “require analysis of alternative configurations and placements on the proposed site.”

However, there was a significant difference in responses between Newington and all the other workshop sites. 48% of Newington participants selected the status quo as their preferred approach, while 17% or less of participants in each of all the other workshops selected the status quo as their preferred approach. The option “requiring alternative site analysis” polled highest among each workshop except for Newington, with a range of 47% to 68%). This option received the second highest of responses from Newington, with 33% participants choosing this as their first choice.

3.5.2.3 Energy Policy

The following table, chart, and narrative summarize polling results regarding options for energy policy.

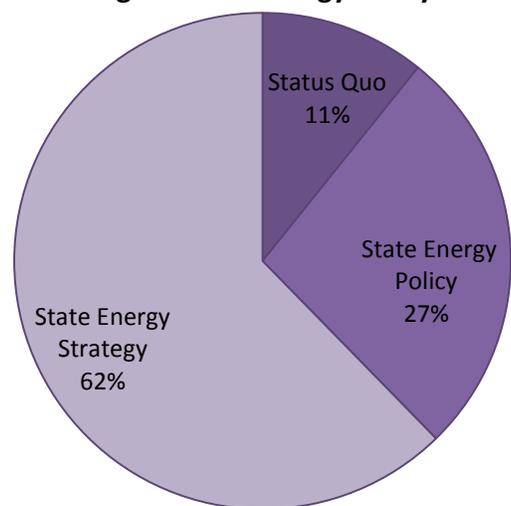
Table 3-29: Energy Policy

Choose your top choice from the following (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Ave. of 5 Workshops	All Workshops
Status Quo	13%	8%	13%	43%	4%	16%	11%
Consistency with State Energy Policies	30%	32%	26%	24%	24%	27%	27%
Consistency with State Energy Strategy	58%	59%	61%	33%	72%	57%	62%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	71	37	31	21	120	N/A	280

Participants were also asked to pick their top choice among three options for how the SEC does or might link energy facility siting with state energy policy. 62% of all participants preferred “require the SEC to find that a proposed energy facility is consistent with a formal, state energy strategy” as their preferred option. Consistency with existing state energy policies was the selection preferred by 27% of all workshop participants, and 11% of all participants selected the status quo, “no formal finding required that an application is consistent with state energy policy or a statewide energy strategy.”

Again there was a significant difference in responses between Newington and the other sites. 43% of Newington participants selected the status quo as their preferred approach, while 16% or less of participants in each of all other workshops selected the status quo as their preferred approach. In contrast, 57% to 72% of participants in the other workshops selected the SEC having to make a finding that an application is consistent with a formal state energy strategy as their preferred alternative, while 33% of Newington participants chose this as their first choice.

Figure 3-24: Energy Policy



Total Responses: 280

3.5.3 Additional Comments on Alternative Routes, Sites, and Energy Policy

Participants in the workshops also provided written or verbal comments on these issues. Comments on this module generally centered on providing greater detail on alternatives analysis. Comments heard multiple times included:

- Require all three ideas within the [alternative routes] options polled: alternative routes analysis, undergrounding, and using existing rights of way
- Require a NEPA-like alternatives analysis for routes and sites
- Provide an independent analysis of site and route-related applications

Comments on this module focused primarily on the lack of a need determination in the siting process, and the potential lack of local benefit for new energy projects. Comments heard multiple times included:

- Put determination of need back into the SEC process, particularly the need for New Hampshire, versus the needs or desire of the region
- Projects that are needed for reliability should have a different process than those projects that are economic-based projects. Specifically, economic-based projects should either be decided locally or local government/citizens should have greater input and decision making authority
- The SEC should be required to find that a project is consistent with a formal NH energy strategy or plan
- Until NH has a formal energy plan or strategy (or a formal need determination process), there should be a moratorium on new applications

Please see Appendix D for detailed summary of comments that reflect the specific points, issues, ideas, and concerns raised.

3.5.4 Summary of Alternative Routes, Sites, and Energy Policy

The following is a brief summary of all the polling results from this module.

- Alternative Routes: “Require analysis of alternative routes and undergrounding options as part of filing” polled the highest on this topic across all workshop participants at 66%.
- Alternative Sites: “Require alternative site analysis” polled the highest on this topic with 56% of all participants selecting this option.
- Energy Policy: “Require the SEC to find that a proposed energy facility is consistent with a formal, state energy strategy” polled the highest on this topic at 63% of all participants.
- There was a significant difference in responses between Newington and the other sites, with Newington respondents preferring the status quo over other options for each of the three topics.

3.6 Evaluation: NH Citizen Workshops

At the conclusion of each of the five regional workshops, participants rated how effective they found various aspects of the workshop, from 1 (not effective) to 6 (very effective). Workshop participants, in total, assigned high value to all aspects of the workshop.²⁰ They assigned the greatest relative value to the keypad polling (mean 5.1), followed closely by the small group discussions (mean 5.0). Participants assigned modestly lower but still high value to the short presentations (mean 4.7) and the workshop as a whole at 4.6.

Workshop Element	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Presentations	4.8	4.8	4.6	4.6	4.8	4.7	4.7
Small Group Discussions	5.2	4.9	4.9	4.6	5.1	4.9	5.0
Keypad Polling	5.3	5.2	4.6	4.6	5.2	5.0	5.1
Workshop Overall	4.8	4.7	4.2	4.2	4.7	4.5	4.6

The evaluation at each of the five workshops was very similar. The most common rating for both keypad polling and small group discussion was a 6 (very effective) across all workshops, and the means ranged from 4.6 to 5.2 for keypad polling and small group discussion. The most common rating was also a 6 (very effective) for the short presentations at all five workshops but the range of means was a bit lower, ranging from 4.6 to 4.8. For the workshop overall, the most common rating was a 5 in five of the workshops, with the most common rating in Manchester being a 6, and the means ranged from 4.2 to 4.8. (See the tables in Appendix C for all evaluation data from the five workshops.)

Figure 3-25: Presentations

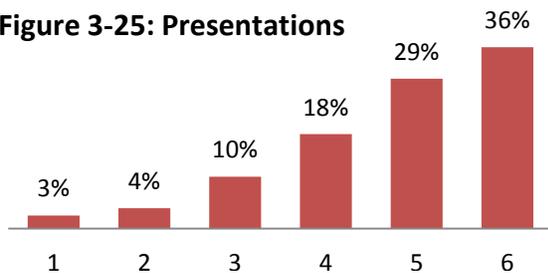


Figure 3-26: Small Group

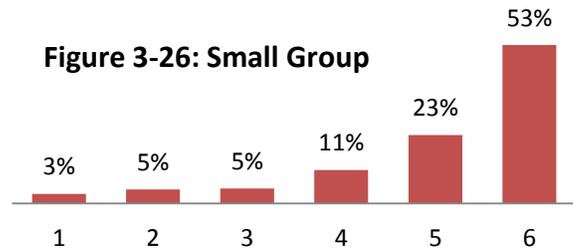


Figure 3-27: Keypad Polling

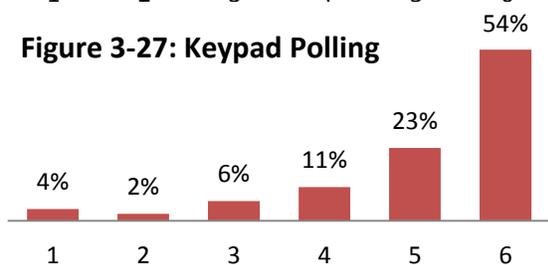
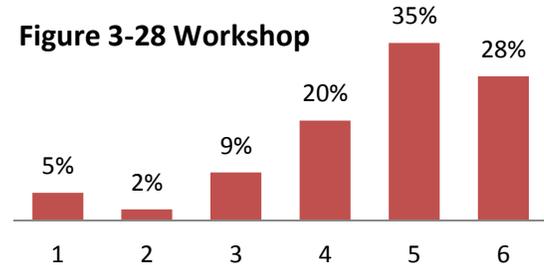


Figure 3-28 Workshop



²⁰ On a 1 to 6 scale, the mid-point is 3.5. We consider anything below 2.5 to be a “low” rating, from 2.5-4.5 a “medium” rating, and above 4.5 to be a “high” rating.

Chapter 4: Comparative Summary of Focus Group and Citizen Workshop Results

This Chapter will show side-by-side comparisons of the polling results from the seven Focus Groups conducted in November and the five Citizen Workshops conducted in December. The polling results cover a wide range of topics related to SEC Structure, Membership, and Processes as well as SEC Decision-making Criteria. The narrative information and data tables/charts in this chapter are excerpted from Chapter 2 (Focus Groups) and Chapter 3 (Focus Groups). Those chapters each contain greater detail and analysis on each topic. Readers are encouraged to read those chapters for a more in-depth understanding of the stakeholder and citizen feedback garnered from the Focus Groups and Citizen Workshops.

The intent of this chapter is to provide a summary of the responses to various options under each topic (including the status quo) within each Focus Group and across all Focus Group participants; within each Citizen Workshop and across all Citizen Workshop participants; and lastly, between the Focus Groups and the Citizen Workshops.

Responses within and across the Focus Groups are easily comparable as the questions asked of and the options presented to all Focus Group participants were identical. The responses within and across the Citizen Workshops are also easily comparable as the questions asked of and the options presented to all Citizen Workshop participants were the same. However, the comparisons between the Focus Groups and Citizen Workshops are not always as easily comparable due to several factors:

- We did not cover every topic with the Citizen Workshops that we covered with the Focus Groups because the Focus Group process provided the consulting team valuable information on where and how to focus the key issues for the Citizen Workshops
- Questions asked and options offered at the Focus Groups and Citizen Workshops were not always identical
- We used a range of different polling methods that were tailored to the question and the venue but were not identical including: first choice, acceptable choice, ranking 1-6, selecting two – three top or bottom choices, etc.

However, similarities and differences can be identified when carefully comparing the text and the data tables that follow. Because the consulting team's task was not to develop nor make specific recommendations, the following comparisons should provide a useful tool for New Hampshire citizens, stakeholders in the SEC process, and New Hampshire Legislators to draw their own conclusions.

4.1 SEC Structure, Membership, and Processes

4.1.1 SEC Agency Membership/Size

Focus Groups

A majority in two focus groups (Transmission/Pipelines and State Agencies²¹) and 21% of all the focus group participants find acceptable the status quo of 15 high-level state officials from eight agencies as members. A majority of six of seven focus groups support reducing the SEC—with a majority in 5 focus groups supported reducing it from eight agencies to two or three agencies. A majority of 3 different focus groupings could also support reducing membership from 15 to 8 (one from each agency) or transferring responsibility to one agency (e.g., PUC)

Citizen Workshops

22% of the Citizen Workshop participants preferred the status quo, while 46% preferred a smaller SEC (23% preferring eight members, 20% preferring three to five agencies, and 3% preferring a single agency).

4.1.2 SEC Public Membership

Focus Groups

Supplementing agency membership on the SEC with non-agency members was supported (i.e., found acceptable) by a majority in three of the focus groups (Environmental/Natural Resources, Business/Industry/Labor and Citizen Groups/Local Government) and by 50% of all focus group participants.

Citizen Workshops

Only 12% of participants from all five workshops preferred the current status quo of no non-agency members. A preference for some form of public SEC membership polled at 76% when the three different options with public membership were totaled. Of those three, “at least two public members: one local and one statewide” polled highest at 43%.

4.1.3 Independent Commission

Focus Groups

A majority in three focus groups (Environmental/Natural Resources, Citizen Groups/Local Government, State Agencies), and 38% of all focus group participants supported a free-standing council or an Independent Commissions defined as a separate, appointed Commission having no Agency representation.

²¹ Focus Group abbreviations used in the tables are as follows: Enviro/NR (Environment/Natural Resources); Biz/Labor (Business/Industry/Labor); Trans/Pipe (Transmission/ Pipelines); Gen (Generation {non-wind}); Wind (Wind Developers); Local (Citizen Groups/Local Government); State (State Agencies).

Citizen Workshops

32% of workshop participants preferred an Independent Commission to the status quo or a smaller commission. When asked their preference regarding public membership on the SEC, 12% preferred an Independent Commission while 76% preferred some form of public membership on the SEC and 12% preferred the status quo.

Table 4-1: Focus Groups - SEC Membership and Delegation

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC includes 15 high-level state officials from 8 agencies. Some members may designate a deputy or other high level official in their agency to sit in their place but not all can delegate.	0%	0%	67%	43%	14%	7%	60%	27%	21%
OPTION 2	Change Membership from 15 to 8 (only one Member from each agency)	33%	100%	50%	86%	29%	40%	20%	51%	48%
OPTION 3	Change Membership from 8 Agencies to 2-3 agencies (PUC,DES, Other?) responsible for running the proceedings and deciding	75%	67%	50%	71%	100%	27%	20%	59%	57%
OPTION 4	Transfer responsibility to one Agency (e.g., PUC) responsible for running the proceedings and deciding	42%	100%	33%	29%	86%	33%	60%	55%	50%
OPTION 5	Create free-standing council or commission separate from and not including existing state agencies	58%	33%	0%	14%	0%	60%	60%	32%	38%
OPTION 6	Supplement Agency Members with non-Agency Members (i.e., regional representation and/or public members)	58%	67%	17%	14%	43%	80%	20%	43%	50%

Table 4-2: Citizen Workshops - SEC Agency Representation

My preference among the following more detailed options in terms of Agency representation on SEC is (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	33%	29%	17%	38%	10%	26%	22%
8 Members	23%	24%	41%	19%	20%	25%	23%
3-5 Members	19%	21%	24%	29%	19%	22%	20%
One Agency	4%	3%	0%	10%	3%	4%	3%
Independent Commission	21%	24%	17%	5%	49%	23%	32%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	70	34	29	21	117	N/A	271

Table 4-3: Citizen Workshops - SEC Public Membership

Regarding public membership on SEC, my preference is (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	21%	3%	10%	48%	4%	17%	12%
Statewide Representation	4%	0%	3%	0%	4%	2%	3%
Local Representation	24%	35%	34%	10%	35%	28%	30%
Statewide & Local Representation	41%	53%	45%	43%	40%	44%	43%
Independent Commission	9%	9%	7%	0%	17%	8%	12%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	34	29	21	123	N/A	277

4.1.4 Use of Subcommittees

Focus Groups

A majority in five focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Citizen Groups/Local Government, and State Agencies) and 63% of all focus group participants supported requiring the SEC to designate subcommittees for all applicant cases as an acceptable change to the current process.

Citizen Workshops

22% of workshop participants preferred requiring subcommittees over the status quo for all cases rather than a smaller SEC or an Independent Commission.

4.1.5 Use of Hearing Officers

Focus Groups

A majority of four focus groups (Environmental/Natural Resources, Transmission/Pipelines, Wind Developers, and Citizen Groups/Local Government) and 60% of all focus group participants support having a hearing officer develop an evidentiary record without making recommendations.

Citizen Workshops

57% of citizen workshop participants preferred the status quo (no hearing officer; direct interaction). Using a Hearing Officer *only for hearings* polled at 17% of all participants and using a hearing officer to also *offer recommendations* polled at 23%.

4.1.6 Intervenor Standards

Focus Groups

A majority of five (Environmental/Natural Resources, Transmission/Pipelines, Generation (non-wind), Wind Developers, Citizen Groups/Local Government) of six focus groups polled on this topic and over 80% of all focus group participants find acceptable the option to clarify intervenor standards and procedures.

Citizen Workshops

This topic was not discussed or polled in the citizen workshops.

Table 4-4: Focus Groups – Conduct of Proceedings

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The SEC Members often all sit to hear a full case. For energy facility applications, the chairperson may designate a subcommittee of no fewer than seven members to consider the application. But for renewable applications, the chairman shall designate a subcommittee, which has full authority to make decisions and issue certificates	20%	71%	67%	71%	29%	40%	0%	43%	42%
OPTION 2	Require SEC Chair to designate Members to subcommittees to represent SEC for all projects (not just for renewable projects)	30%	71%	100%	86%	0%	90%	80%	65%	63%
OPTION 3	Have hearing officer develop evidentiary record and develop issues memo without making recommendations to SEC Members	100%	43%	50%	43%	57%	60%	40%	56%	60%
OPTION 4	Have administrative law judges hear cases, and make recommendations to SEC Members for final decisionmaking	80%	14%	17%	29%	57%	40%	40%	40%	42%
OPTION 5	Clarify intervenor standards and procedures	83%	NR	100%	100%	100%	90%	20%	82%	81%

Table 4-5: Citizen Workshops – SEC Agency Representation

Regarding State Agency representation on the SEC, should the SEC (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	30%	18%	0%	33%	3%	17%	14%
Require Subcommittees	14%	18%	61%	19%	19%	26%	22%
Smaller SEC	36%	42%	13%	38%	32%	32%	33%
Independent Commission	20%	21%	26%	10%	45%	24%	31%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	70	33	31	21	117	N/A	272

Table 4-6: Citizen Workshops – Hearing Officer

Regarding the use of a hearing officer (HO), my preference is (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	59%	65%	69%	86%	46%	65%	57%
HO Hears w/o Recommendations	17%	24%	10%	10%	19%	16%	17%
HO Hears with Recommendations	24%	12%	17%	5%	29%	17%	23%
HO Hears/Decides	0%	0%	3%	0%	6%	2%	3%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	34	29	21	117	N/A	271

4.1.7 SEC Staffing

Focus Groups

A majority in all seven focus groups and 82% of all focus group participants support hiring permanent and dedicated staff to support the SEC in administrative tasks. A majority of five focus groups (Environmental/Natural Resources, Business/Industry/Labor/Labor, Generation (non-wind), Citizen Groups/Local Government, State Agencies) and 71% of all focus group participants support hiring dedicated staff that provides substantive assistance (potentially including recommendations).

Citizen Workshops

Staffing was not formally discussed or polled; however, many participants offered support for the SEC having adequate staffing in their comments.

Table 4-7: Focus Groups – SEC Staffing

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	No dedicated staff to assist the SEC; Legal Counsel, DES administrative assistant, and stenographer costs are reimbursed by the applicant, hired/funded on a ad hoc, case by case basis	0%	14%	100%	57%	33%	7%	0%	30%	23%
OPTION 2	Hire dedicated, permanent staff to support/administer SEC (counsel, clerk)	83%	86%	60%	86%	83%	93%	60%	79%	82%
OPTION 3	Hire dedicated, permanent staff to support and provide substantive assistance to the SEC (potentially including recommendations)	100%	71%	40%	71%	33%	64%	100%	69%	71%
OPTION 4	Hire dedicated, permanent staff to monitor and enforce permits and conditions	83%	0%	20%	0%	17%	79%	40%	34%	45%

4.1.8 SEC Funding

Focus Groups

Eighty-six percent (86%) of all focus group participants and over 70% in six of seven focus groups (all but State Agencies) find acceptable instituting a standardized application fee to cover some of all of SEC-related costs. Additionally, 70% of all focus group participants and over two-thirds in six of seven focus groups (all but State Agencies) find acceptable state appropriation cover some or all of the SEC costs.

Citizen Workshops

Funding was not formally discussed or polled; however, many participants offered support for the SEC having adequate funding in their comments.

Table 4-8: Focus Groups - Source/Level of Funding

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The SEC has no dedicated budget; applicants pay for studies and counsel and experts for NH; and each Agency covers its own SEC member and staff time	25%	0%	100%	86%	57%	21%	0%	41%	37%
OPTION 2	Expand current applicant invoicing to cover SEC Member agency staff and Counsel for the Public time not currently reimbursed	83%	29%	20%	14%	0%	57%	100%	43%	47%
OPTION 3	Levy a standardized application fee (tailored to type and size of facility) to cover some or all SEC costs	100%	100%	80%	71%	71%	100%	40%	80%	86%
OPTION 4	Charge operating energy facilities an assessment fee to cover some or all SEC costs	33%	29%	40%	0%	14%	43%	60%	31%	32%
OPTION 5	State appropriation to cover some or all SEC costs	67%	71%	80%	100%	71%	79%	0%	67%	70%

4.1.9 Covered Facilities and Opt-ins

Focus Groups

A majority in six of the seven focus groups (all but State Agencies) and 64% of all focus group participants support the status quo as an acceptable option. A majority in six of seven focus groups (all but Transmission/Pipelines) and 73% of all focus group participants support developing clearer, consistent criteria for the SEC to accept opt-ins.

Citizen Workshops

This was not directly discussed or polled (but see energy policy and need section).

Table 4-9: Focus Groups - Covered Facilities and Opt-ins

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Generation >30 MW (Renewables between 5 - 30 MW SEC - review on own motion), >10 miles of pipeline, >100kV transmission lines; storage and loading facilities; SEC may grant exemptions if finds that existing permits adequately cover possible impacts. Non-Covered Facilities can opt in by petition of 1) applicant; 2) local govt +/-or registered voter petition; or 3) SEC on its own motion; if SEC accepts the request, the final decision preempts the local jurisdiction.	73%	57%	100%	71%	86%	54%	0%	63%	64%
OPTION 2	Increase one or more of the thresholds to reduce number of cases requiring SEC review (e.g., 100 MW in MA)	18%	0%	67%	43%	29%	31%	80%	38%	34%
OPTION 3	Do not allow for opt-ins	0%	0%	0%	0%	14%	54%	80%	21%	21%
OPTION 4	Do not allow for opt-ins but reduce size thresholds for Covered Facilities (some states renewables reviewed for greater than 1 MW)	64%	29%	0%	0%	14%	8%	20%	19%	21%
OPTION 5	Develop clearer, consistent criteria for SEC to accept opt Ins	91%	86%	0%	100%	71%	69%	80%	71%	73%

4.1.10 Participation in SEC Proceedings

Focus Groups

The focus groups were not asked if and how they participated with the SEC.

Citizen Workshops

52% percent of the citizen workshop participants had not participated directly in a SEC processing, be that a county informational meeting sponsored by the SEC or a formal SEC Hearing. 48% percent had participated in one or more SEC proceedings as an interested citizen, formal intervenor, and/or on the behalf of an applicant.

Table 4-10: Citizen Workshops – Participation in SEC

Indicate below whether you have attended any of the following (choose as many as apply to you):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
SEC informational meeting in county where a facility is proposed	18%	30%	11%	7%	25%	18%	21%
SEC adjudicatory proceeding as an intervenor	3%	7%	23%	4%	4%	8%	6%
SEC adjudicatory proceeding as an applicant or on behalf of an applicant	1%	7%	5%	4%	5%	4%	4%
SEC adjudicatory proceeding as an observer	15%	16%	16%	19%	18%	17%	17%
None of the above	64%	41%	45%	67%	49%	53%	52%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	80	61	44	27	177	N/A	389

4.1.11 SEC Public Engagement Effectiveness

Focus Groups

The focus groups were not asked about SEC effectiveness in engaging and considering public input.

Citizen Workshops

67% of workshop participants concluded that the current SEC process ranged from very ineffective to somewhat ineffective in soliciting meaningful public input (1 to 3). 30% found it somewhat to very effective (4 to 6). 18% polled that they did not know.

57% of workshop participants concluded that the current SEC process is very ineffective to somewhat ineffective (1 to 3) in considering and weighing public input into its decision-making process. 21% found it somewhat to very effective (4 to 6), and 23% did not know.

Table 4-11: Citizen Workshops – Public Engagement Effectiveness

How effective is current SEC process in soliciting meaningful public input in review of an application?	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
1 - Very Ineffective	48%	40%	12%	8%	47%	31%	40%
2	6%	19%	21%	17%	23%	17%	18%
3	11%	10%	18%	13%	4%	11%	9%
4	5%	2%	3%	4%	4%	4%	4%
5	5%	7%	6%	8%	4%	6%	5%
6 - Very effective	5%	7%	3%	21%	6%	8%	7%
7 - I don't know	21%	14%	36%	29%	11%	22%	18%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	66	42	33	24	140	N/A	305
Mean	2.0	2.3	2.7	3.7	2.0	2.5	2.2

Table 4-12: Citizen Workshops: Public Input in Decision-making

How well does SEC currently do in considering and weighing public input into its decision-making process?	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
1 - Very ineffective	36%	37%	3%	9%	45%	26%	35%
2	10%	15%	22%	13%	15%	15%	14%
3	3%	12%	16%	9%	8%	9%	8%
4	10%	7%	13%	9%	4%	8%	7%
5	10%	2%	0%	9%	1%	4%	4%
6 - Very effective	11%	12%	6%	22%	7%	12%	10%
7 - I don't know	22%	15%	41%	30%	20%	26%	23%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	73	41	32	23	142	N/A	311
Mean	2.8	2.5	3.1	3.9	2.0	2.9	2.5

4.1.12 Public Engagement Options

Focus Groups

The status quo was the only option that received the majority support from four or more of the seven focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), and Wind Developers). It was also supported by 55% of all focus group participants. A more “meaningful” pre-application process was the only other option that was supported by over 50% of focus group participants (but it was only a majority in two focus groups (Environmental/Natural Resources and Generation (non-wind))).

Citizen Workshops

Only 6% of the responses included the status quo as one of the three top choices in all workshops. The three top choice options were:

- “Requiring a meaningful pre-application process” with 21% of all responses (polled the highest in all five workshops).
- “Requiring at least two public meetings (one by the applicant prior to filing and another by the SEC after filing)” with 19% of all responses.
- Public membership on the SEC with 15% of all responses.

Table 4-13: Focus Groups – Public Engagement

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Minimum of one informational session in county where proposed facility located; public input is through in-person and in-writing comment during meetings or adjudicatory hearings and can file as a formal intervenor	42%	86%	100%	71%	71%	22%	40%	62%	55%
OPTION 2	Adopt a "meaningful" pre-application process that engages the affected communities (e.g., New York)	100%	43%	0%	100%	43%	43%	40%	53%	57%
OPTION 3	Require at least two community meetings, one with the developer during the pre-filing phase and another with SEC representatives post-filing (e.g., Maine)	58%	43%	0%	43%	57%	36%	60%	42%	43%
OPTION 4	Applicants provide intervenor funding for participating in adjudicatory proceedings (e.g., New York)	75%	14%	0%	0%	14%	94%	40%	34%	45%
OPTION 5	Add statutory requirement that applicant has duly considered local, regional, and public comment	42%	29%	0%	43%	29%	86%	40%	38%	45%
OPTION 6	Create an SEC position for public engagement coordination (e.g., New York)	42%	14%	0%	43%	71%	36%	80%	41%	40%

Table 4-14: Citizen Workshops – Public Engagement

Of the following potential changes or supplements to the current SEC related public engagement process, which three options would do the MOST to improve public engagement (choose bottom THREE):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status quo	6%	7%	1%	16%	5%	7%	6%
Pre-Application Process	19%	24%	22%	26%	20%	22%	21%
Required Meetings	17%	20%	18%	19%	19%	19%	19%
Intervenor Funding	13%	8%	18%	14%	13%	13%	13%
Public Engagement Coordinator	16%	8%	18%	14%	13%	14%	13%
SEC Membership	13%	23%	9%	5%	17%	13%	15%
Counsel for the Public	15%	10%	11%	7%	13%	11%	13%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	201	122	89	58	392	N/A	862

4.1.13 Role of the Counsel for the Public

Focus Groups

The majority in all focus groups and 81% of all focus group participants supported developing clear principles or criteria to clarify the role of the Counsel for the Public. Providing additional resources to Counsel for the Public for adequate participation in the SEC process was supported by 53% of all workshop participants, but only a majority in three focus groups (Environmental/Natural Resources, Business/Industry/Labor, and Citizen Groups/Local Government). Eliminating the Counsel for the Public and establishing a public engagement coordinator received a majority in four focus groups (Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agencies) as an acceptable alternative (although this option was only supported by 35% of all focus group participants).

Citizen Workshops

Strengthening the role of the Counsel for the Public was not one of the three top public engagement improvements supported by citizens, but it was tied with “intervenor funding” and “creating a public engagement position” at the SEC. (See Table 4-14.)

Table 4-15: Focus Groups - Counsel for the Public

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The Counsel represents the public to ensure a balance between protecting the quality of the environment and maintaining an adequate supply of energy. The Counsel has full intervenor status. The Counsel is housed in the Attorney General's office.	33%	57%	50%	57%	14%	20%	20%	36%	34%
OPTION 2	Develop clear principles or criteria to clarify the role	67%	100%	100%	100%	57%	80%	80%	83%	81%
OPTION 3	Broaden the role to allow consideration of more than need and Enviro/NR impact	67%	43%	17%	29%	0%	53%	20%	33%	39%
OPTION 4	Provide additional resources for adequate participation	92%	57%	17%	43%	0%	73%	20%	43%	53%
OPTION 5	Create a separate, and independent office for the Public Counsel	33%	0%	0%	0%	71%	27%	40%	24%	25%
OPTION 6	Eliminate the Public Counsel and establish a public engagement coordinator	33%	NR	67%	100%	57%	0%	80%	56%	35%

4.2 SEC Decision-making Criteria

4.2.1 Required Findings

Focus Groups

A majority in five of the seven focus groups (Business/Industry/Labor, Generation (non-wind), Wind Developers, Citizen Groups/Local Government, and State Agencies) and 72% of all the focus group participants support defining and detailing the existing three findings more clearly. Creating additional and more specific criteria for all energy facilities and additional and more specific criteria for certain facilities received majority support from four focus groups (Environmental/Natural Resources, Business/Industry/Labor, Citizen Groups/Local Government, and State Agencies) and 62% of all focus group participants.

Citizen Workshops

The facilitators presented three findings as background but did not poll directly on this topic.

Table 4-16: Focus Groups – Required Findings

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Three findings outlined in legislation guide decision-making (see current findings above); No specific detailed criteria.	0%	57%	83%	100%	57%	7%	20%	46%	38%
OPTION 2	Define and detail existing 3 findings more clearly	42%	86%	33%	71%	100%	86%	100%	74%	72%
OPTION 3	Create more specific criteria that applies to all energy facilities	92%	43%	17%	0%	29%	71%	40%	42%	50%
OPTION 4	Create more specific criteria for each type of facility	75%	29%	17%	0%	14%	64%	40%	34%	41%
OPTION 5	Create additional and more specific criteria for all facilities and additional and more specific criteria for certain types of Facilities	100%	57%	17%	29%	14%	93%	60%	53%	62%

4.2.2 State Energy Policy

Focus Groups

The status quo was an acceptable choice with a majority of five of the seven focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agencies) and 46% of all focus group participants. “Requiring a finding that the project is aligned with state energy policy” received 51% support of all focus group participants, but a majority in only two focus groups (Environmental/Natural Resources, Citizen Groups/Local Government).

Citizen Workshops

62% of all participants preferred “requiring the SEC to find that a proposed energy facility is consistent with a formal, state energy strategy.” Consistency with existing state energy policies was the selection preferred by 27% of all workshop participants, while 11% preferred the status quo. Many participants who commented about this topic stated that projects should be consistent with a formal state energy strategy or plan—and some advocated for a moratorium on new projects until such a strategy/plan was in place.

4.2.3 Need Determinations²²

Focus Groups

The option “SEC should continue to not be required to make a need finding” received strongest overall support as acceptable, with more than 60% in four focus groups (Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agencies), 50% in the other two groups (Environmental/Natural Resources, Citizen Groups/Local Government), and 63% of all focus group participants overall.

Citizen Workshops

“Need” was not polled or formally discussed, but was often mentioned in participant comments— with many citizens stating that a NH-based need determination should be made, and that projects not “needed” in NH should either be rejected or subject to greater local jurisdiction.

²² Some states reviewed in the Multi-State Report include a finding of need as part of their required findings (see pgs. 35-39). For instance, Connecticut requires that the Siting Council balance the public need or public benefit for a facility with the need to protect the environment. Other states, like Rhode Island, New York and Massachusetts, do not refer to a finding of need as necessary for siting approval.

Table 4-17: Focus Groups – Energy Policy

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	In practice, the SEC has referred to state policies such as the RPS and 25x25 goals to support a finding of need, but not instructed to tie to state energy policy.	8%	57%	83%	100%	71%	0%	80%	57%	46%
OPTION 2	Require finding that the project is aligned with state energy policy	83%	29%	17%	29%	0%	92%	40%	41%	51%
OPTION 3	Specify in findings and purposes what need means.	83%	43%	33%	14%	14%	92%	0%	40%	51%
OPTION 4	Require finding that the project is aligned with both state energy and natural resource protection policies.	75%	14%	17%	0%	43%	77%	0%	32%	42%
OPTION 5	Add filing requirement on relationship between project and state energy policy; No consistency with energy policy finding by SEC required	NP	86%	67%	100%	0%	8%	20%	47%	42%
OPTION 6	SEC should not be required to make a need finding	50%	NR	100%	100%	100%	50%	60%	77%	63%

Table 4-18: Citizen Workshops – Energy Policy

Choose your top choice from the following (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	13%	8%	13%	43%	4%	16%	11%
Consistency with State Energy Policies	30%	32%	26%	24%	24%	27%	27%
Consistency with State Energy Strategy	58%	59%	61%	33%	72%	57%	62%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	71	37	31	21	120	N/A	280

4.2.4 Environment and Natural Resources

Focus Groups

The status quo received majority support as acceptable from five of seven focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agencies) and 58% of all focus group participants. The status quo is that individual agencies exercise their permitting authority for such resources as wetlands, water, and air. Wildlife must be taken under consideration in the SEC review though there is very limited permitting by wildlife agencies. Developing more specific criteria for the finding that a project will have no unreasonable adverse effect on environment and natural resources was acceptable to 54% of all focus group participants, but a majority in only three focus groups (Environmental/Natural Resources, Citizen Groups/Local Government, and State Agencies). Requiring the SEC to honor permit conditions (and not amend) when they exist or are granted from another agency had majority support in four focus groups (Environmental/Natural Resources, Transmission/Pipelines, Generation (non-wind), and Wind Developers), but only 44% of all focus group participants.

Citizen Workshops

This issue was not discussed in detail at the citizen workshops or polled directly.

Table 4-19: Focus Groups – Environmental/Natural Resource

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	Individual agencies exercise their permitting authority for such media as wetlands, water, and air. Wildlife must be taken under consideration in the SEC review though there is very limited permitting authority by wildlife agencies.	17%	86%	100%	100%	71%	27%	80%	69%	58%
OPTION 2	By reference, incorporate USFWS Wind and Wildlife guidelines and other appropriate guidelines for other facility types.	50%	43%	33%	0%	29%	54%	0%	30%	36%
OPTION 3	Require full environmental impact assessment for facilities over certain size.	58%	14%	17%	14%	0%	87%	60%	36%	44%
OPTION 4	Develop more specific criteria for the finding that project should have no unreasonable adverse effect on environment or natural resources.	92%	29%	17%	29%	14%	74%	80%	48%	54%
OPTION 5	Where permitting exists or is granted by another Agency, the SEC should honor the permit conditions (and not amend).	63%	NR	100%	100%	86%	13%	0%	60%	44%

4.2.5 Potential Environmental and Natural Resource Impacts

Focus Groups. This was not discussed or polled with the focus groups.

Citizen Workshops

The potential impacts from energy facilities of *most* concern for workshop participants were visual impacts (26%), greenhouse gas/climate impacts (17%), air quality impacts (16%), water (14%), noise (12%), and wildlife (11%). The potential impacts from energy facilities of *least* concern in order were “Other” (20%), greenhouse gas/climate impacts (18%), noise (16%), visual (15%), air quality (14%), and wildlife (9%).

Table 4-20: Citizen Workshops – Impacts of Most Concern

Which of these energy facilities-related potential impacts concern you the most (choose two):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Water impacts	12%	14%	11%	5%	18%	12%	14%
Wildlife impacts	11%	11%	11%	9%	11%	11%	11%
Noise impacts	11%	11%	19%	7%	12%	12%	12%
Visual impacts	25%	31%	20%	12%	28%	23%	26%
Greenhouse Gas/Climate impacts	21%	14%	23%	40%	12%	22%	17%
Air Quality impacts (SO ₂ , NO _x , particulates)	18%	15%	14%	26%	15%	17%	16%
Other	3%	4%	2%	2%	3%	3%	3%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	141	80	64	43	266	N/A	594

Table 4-21: Citizen Workshops – Impacts of Least Concern

Which of these energy facilities-related potential impacts concern you the least (choose two):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Water impacts	9%	14%	7%	7%	5%	8%	8%
Wildlife impacts	9%	11%	4%	9%	10%	9%	9%
Noise impacts	17%	11%	18%	36%	12%	19%	16%
Visual impacts	20%	11%	16%	31%	11%	18%	15%
Greenhouse Gas/Climate impacts	17%	20%	18%	4%	21%	16%	18%
Air Quality impacts (SO ₂ , NO _x , particulates)	14%	11%	19%	2%	16%	12%	14%
Other	14%	21%	19%	11%	25%	18%	20%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	132	71	57	45	241	N/A	546

4.2.6 Visual Impacts

Focus Groups

The status quo (SEC review case-by-case, but no formal filing requirements or evaluation criteria) had majority support in four focus groups (Business/Industry/Labor, Transmission/Pipelines, Wind Developers, and State Agencies), but only the support of 39% of all focus group participants. The majority of six of the seven focus groups (all but Business/Industry/Labor) and 75% of all focus group participants support adopting visual impacts-specific filing requirements. The majority of six focus groups (all but Wind Developers) and 74% of all focus groups participants also support developing criteria on how visual impacts should be evaluated by the SEC.

Citizen Workshops

(64% gave “visual impacts related filing requirements” a rating of 5 or 6 (from effective to very effective) while 14% of responders gave this option a 1 (very ineffective). 70% gave “visual impacts related criteria” a rating of 5 or 6 while 15% of respondents gave this option a 1. Bar charts are included below for the workshops rather than data tables to reflect the results of polling this topic due to the fact that we polled each option separately.

Table 4-22: Focus Groups – Visual Impacts

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC addresses visual impacts on case by case basis. However, no consistent, formalized visual impacts standards for energy facilities exist.	8%	57%	83%	43%	57%	20%	60%	47%	39%
OPTION 2	Adopt visual impacts-specific filings requirements such as visualization studies, viewshed studies, etc.	92%	43%	50%	86%	86%	73%	80%	73%	75%
OPTION 3	Adopt guidelines to mitigate adverse visual disruption (color, signage, screening, ridgelines/elevation, set backs, etc.)	67%	71%	17%	0%	57%	53%	40%	44%	47%
OPTION 4	Adopt standards to prohibit adverse visual disruption (set backs, heights restrictions, catalog of protected resources/sites.)	50%	0%	0%	0%	0%	53%	20%	18%	25%
OPTION 5	Develop criteria on how visual impacts should be evaluated by SEC	86%	NR	83%	71%	29%	93%	60%	70%	74%

Figure 4-1: Visual Status Quo

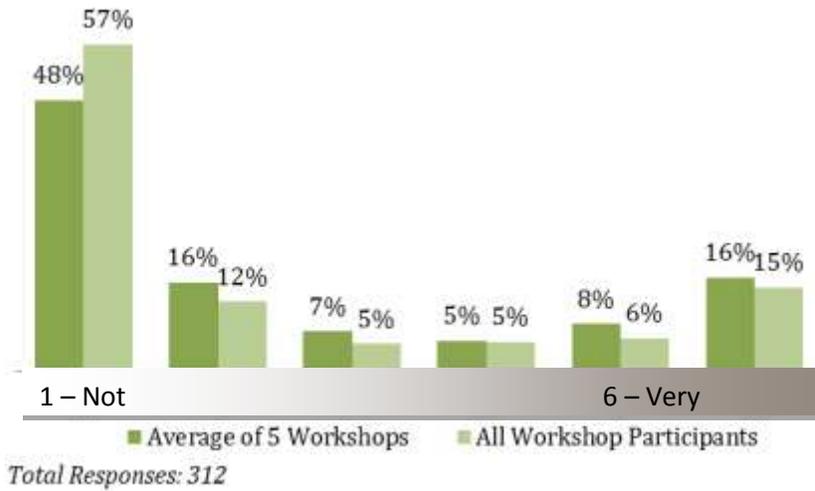


Figure 4-2: Visual Filing Requirements

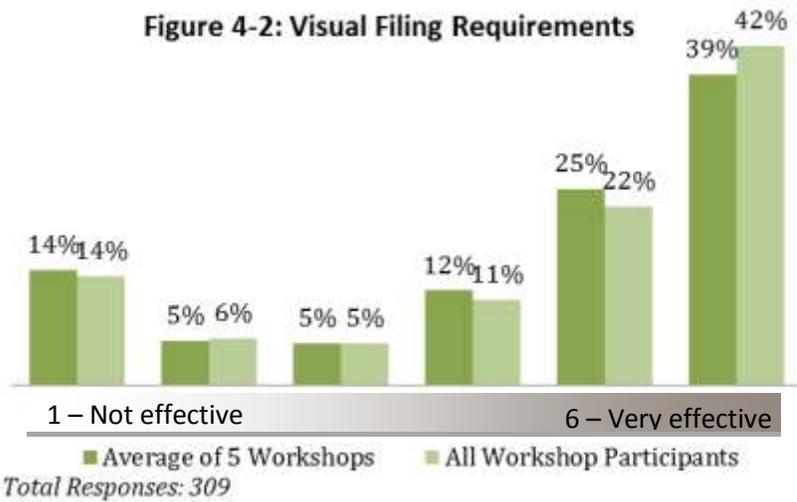
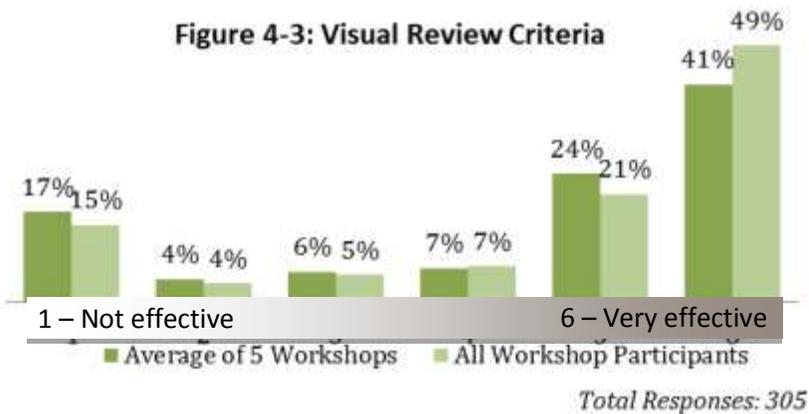


Figure 4-3: Visual Review Criteria



4.2.7 Noise Impacts

Focus Groups

The status quo (SEC review case-by-case, but no formal filing requirement or evaluation criteria) had majority support in four focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Citizen Groups/Local Government) with 50% of all focus group participants supporting it. 72% of all the participants and a majority in five focus groups (Environmental/Natural Resources, Business/Industry/Labor, Generation (non-wind), Citizen Groups/Local Government, State Agencies) supported a statewide relative noise standard. Adopting an absolute standard for noise or deferring to local noise standards received support from less than 50% of all focus group participants.

Citizen Workshops

21% of respondents gave “noise filing requirement” a rating of 6 (very effective), but 17% of respondents gave this option a 1 (not effective). 31% of all respondents rated “statewide noise standard” as a 6 (very effective), while almost the same amount (29%) ranked this option as a 1 (not effective). 42% of all respondents rated “local preference” as a 6 (very effective), but the next most common selection was 1 (not effective) at 21%. If a statewide noise standard were adopted, 77% of all respondents chose a “relative standard” with only 15% favoring an “absolute” noise standard. Comments on this topic included the options of having different absolute standards for different areas (urban vs. rural), or having both a relative standard with some absolute cap. Bar charts are included below rather than data tables to reflect the results of polling this topic due to the fact that we polled each option separately.

Table 4-23: Focus Groups – Noise Impacts

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC addresses noise on case by case basis. SEC does not have a formalized and consistent noise standard. Some municipalities are developing them.	18%	71%	83%	100%	29%	50%	20%	53%	50%
OPTION 2	Adopt a statewide absolute standard (e.g. 55 dB as model ordinance in NY)	82%	0%	17%	17%	86%	50%	40%	42%	46%
OPTION 3	Adopt a statewide relative standard (e.g., no more than 10 dB above local background noise as in MA)	82%	57%	33%	100%	43%	83%	100%	71%	72%
OPTION 4	No statewide standard, but SEC incorporates local government set noise standard if exists	18%	57%	17%	0%	0%	75%	0%	24%	30%

Figure 4-4: SEC Filing Requirements for Noise

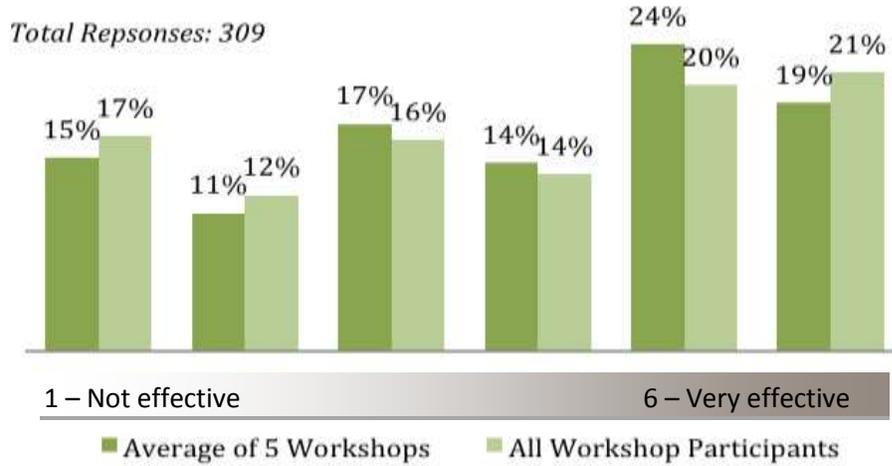


Figure 4-5: Statewide Noise Standard

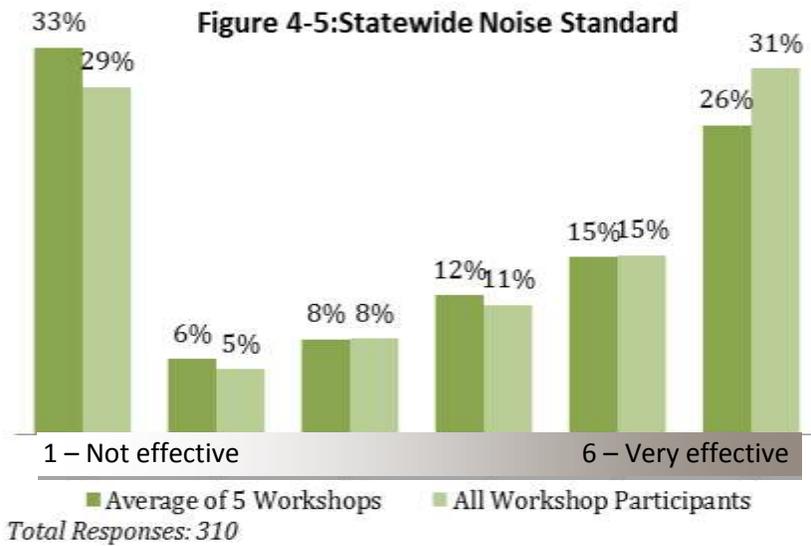
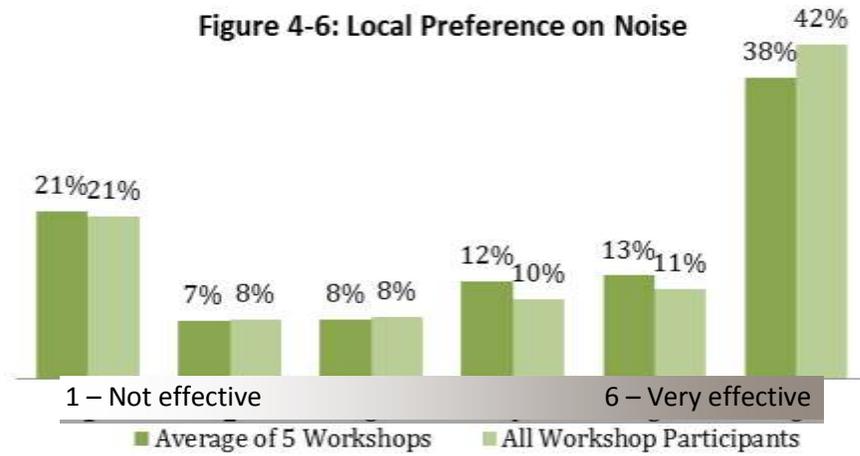
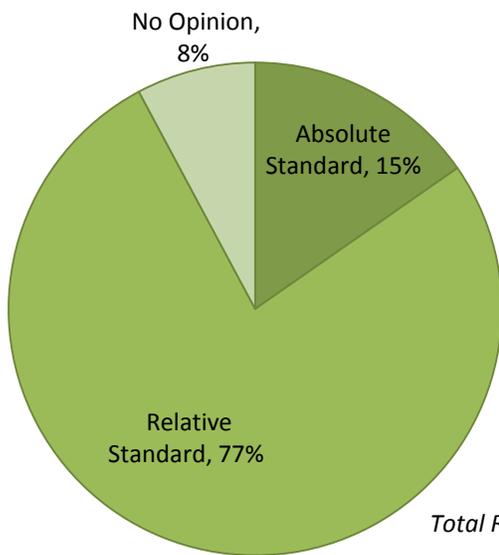


Figure 4-6: Local Preference on Noise



Total Responses: 306

Figure 4-7: State Noise Standard



Total Responses: 307

4.2.8 Orderly Development

Focus Groups

The status quo (SEC considers undue interference with orderly development of the region and applicants submit economic impact predictions) received a majority support in five focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Wind Developers, State Agencies) and with 51% of all focus group participants. 71% of all focus group participants and a majority in five focus groups (Environmental/Natural Resources, Transmission/Pipelines, Generation (non-wind), Citizen Groups/Local Government, State Agencies) think adopting more specific criteria for evaluating undue interference with orderly development is an acceptable choice. Adopting criteria for evaluating regional cumulative impacts within or across regions had majority support in four focus groups (Environmental/Natural Resources, Business/Industry/Labor, Citizen Groups/Local Government, and State Agencies) and was supported by 56% of all focus group participants.

Citizen Workshops

Although not formally discussed or polled, some workshop participants commented that the impact of energy projects on local and regional economies, tourism, and neighboring property values should be considered in siting decision-making. Many citizens also commented that the SEC should consider the cumulative impacts to an area or region, not just the impacts of a particular project.

Table 4-24: Focus Groups – Orderly Development

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	The SEC must consider undue interference with orderly development of the region. Applicants submit and the SEC reviews economic impacts predictions.	17%	63%	100%	57%	86%	29%	60%	59%	51%
OPTION 2	Provide resources for RPCs to conduct impact studies to ensure consistency with regional land use and economic development plans (RSA 36)	58%	38%	0%	71%	0%	86%	40%	42%	49%
OPTION 3	Adopt more specific criteria for evaluating undue interference with orderly development	83%	38%	50%	86%	29%	100%	80%	66%	71%
OPTION 4	Adopt criteria for evaluating regional cumulative impacts within or across regions	75%	50%	33%	43%	0%	86%	60%	50%	56%

4.2.9 Alternative Routes

Focus Groups

A majority of four focus groups (Transmission/Pipelines, Generation (non-wind), Wind Developers, State Agencies), but fewer than 50% of all focus group participants support the status quo (SEC reviewing the “available alternatives” filed by the applicant but no requirement to file the alternatives). Requiring analysis of alternative routes and undergrounding as part of a filing received a majority support in four focus groups (Environmental/Natural Resources, Generation (non-wind), Citizen Groups/Local Government, and State Agencies) and 65% of all focus group participants. Requiring analysis of alternative routes as part of a filing but undergrounding at the applicant’s discretion received a majority support in three focus groups (Environmental/Natural Resources, Business/Industry/Labor, and Transmission/Pipelines) and 52% of all focus group participants.

Citizen Workshops

66% of all participants selected “require analysis of alternative routes and undergrounding” as their preferred option. 17% selected “require use of existing Transmission/Pipelines corridors,” 11% chose the status quo, and 5% of respondents selected “require analysis of alternative routes as part of filing (but undergrounding analysis at applicant’s discretion).”

Table 4-25: Focus Groups - Alternative Routes

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Average of 7 Focus Groups (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1 / Status Quo	SEC considers "available alternative," however, no comprehensive analyses of alternative routes or use of existing right-of-way are required; applicant may include alternatives it considered in its application.	0%	57%	67%	71%	86%	21%	60%	52%	44%
OPTION 2	Require analysis of alternative routes and undergrounding as part of filing	100%	14%	33%	71%	14%	100%	60%	56%	65%
OPTION 3	Require state to designate acceptable Trans/Pipe corridors and then give preference for location in those corridors	45%	14%	33%	29%	0%	64%	40%	32%	37%
OPTION 4	Require use of existing Trans/Pipe corridors /developed rights-of-way as first option	45%	14%	17%	57%	0%	57%	20%	30%	35%
OPTION 5	Require analysis of alternative routes as part of filing (may include undergrounding at applicant’s discretion)	83%	100%	50%	43%	29%	36%	40%	54%	52%

Table 4-27: Citizen Workshops – Alternative Routes

Choose your top choice from the following (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	14%	11%	0%	43%	8%	15%	12%
Required Alternative Routes and Undergrounding Analysis	59%	79%	61%	33%	73%	61%	66%
Required Alternative Routes Analysis Only	7%	3%	13%	10%	2%	7%	5%
Required Existing Rights of Way Use	20%	8%	26%	14%	17%	17%	17%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	38	31	21	126	N/A	286

4.2.10 Alternative Sites

Focus Groups

A majority of five focus groups (Business/Industry/Labor, Transmission/Pipelines, Generation (non-wind), Wind Developers, and State Agencies) and 57% of all focus group participants supported the status quo (SEC reviewing the “available alternatives” filed by the applicant but no requirement to file the alternatives). A majority in three focus groups (Environmental/Natural Resources, Business/Industry/Labor, and Citizen Groups/Local Government) and 41% of all focus group participants supported requiring alternate site analysis as part of filing. Allowing SEC to request that alternative sites be presented during a proceeding without triggering a new application was supported by a majority in only two focus groups (Environmental/Natural Resources, Citizen Groups/Local Government), but by 52% of all focus group participants.

Citizen Workshops

56% of all participants selected “require alternative site analysis” as the preferred option. 22% selected “require applicant to consider alternative sites and delineate the reasons why it selected the proposed site” with 13% preferring the status quo and 9% selecting “require analysis of alternative configurations and placements on the proposed site.”

Table 4-28: Focus Groups – Alternative Sites

		Enviro/ NR	Biz/ Labor	Trans/ Pipe	Gen	Wind	Local	State	Avg. of 7 Focus Grps. (Equally Weighted)	Avg. of All Participants (Equally Weighted)
OPTION 1/ Status Quo	SEC considers "available alternatives", however, no comprehensive analyses of alternative sites are required; applicant may include alternatives considered in its application.	0%	57%	100%	100%	100%	29%	100%	69%	57%
OPTION 2	Require analysis of alternative sites as part of filing	67%	57%	0%	14%	0%	64%	40%	35%	41%
OPTION 3	Allow SEC to request alternative sites to be presented during the proceeding without triggering new application.	92%	43%	17%	14%	0%	93%	20%	40%	52%
OPTION 4	Require state to designate areas not acceptable for energy facility sites.	42%	14%	17%	14%	0%	57%	80%	32%	34%

Table 4-29: Citizen Workshops – Alternative Sites

Choose your top choice from the following (choose one):	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Status Quo	17%	16%	0%	48%	6%	17%	13%
Alternative Site Configuration Analysis	9%	5%	0%	14%	11%	8%	9%
Alternative Site Consideration	27%	24%	32%	5%	20%	22%	22%
Alternative Site Analysis Required	47%	55%	68%	33%	63%	53%	56%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	38	31	21	126	N/A	286

Appendix A: Reports Referenced

The Multi-State Energy Facility Siting Review provides a review of the siting process in seven states—New Hampshire, Connecticut, Maine, Massachusetts, Rhode Island, Vermont, and New York. It covers three topics: 1) structure and authority of each states' siting agency or body; 2) process for engaging the public and affected communities, and the process for making decisions, and 3) criteria used for decisionmaking. A copy of the report can be accessed at

http://www.nh.gov/oep/energy/programs/documents/sb99other_states_process.pdf

The New Hampshire Siting Process reviews the current process in New Hampshire following review of written materials, cases and materials from the SEC website, and interviews with a wide variety of stakeholders with expertise in New Hampshire's processes. This report can be accessed at

https://www.nh.gov/oep/energy/programs/documents/sb99nh_siting_process.pdf

A compilation of abstracts of the studies consulted regarding best practices in energy facilities siting can be accessed at

http://www.nh.gov/oep/energy/programs/documents/sb99national_studies_list.pdf

Appendix B: Focus Group Attendance

Environmental/Natural Resources	
Nov. 6, 2013 Morning – 15 Participants	
Organization	Name
CLF	Christophe Courchesne
AMC	Susan Arnold, Ken Kimball, Dave Publicover
SPNHF	Will Abbott, Chris Wells
TNC	Jim O'Brien
NH Sustainable Energy Association	Kate Epsen
Sierra Club	Cathy Corkery
Audubon	Carol Foss
Monadnock Conservancy	Ken Stewart
UCS	Roger Stephenson
Plymouth State U. Ctr. for the Environment	Joe Boyer
NH Land Law	Amy Manzelli
ENV-NE	Dan Sosland

Business/Industry/Labor	
Nov. 6, 2013 Afternoon – 8 Participants	
Organization	Name
IBEW/AFL-CIO	Joe Casey, Hack Montgomery
NE Clean Energy Council	Janet Besser
Real Estate Representative	Andy Smith
Timberland Landowner Assoc.	Jasen Stock
GDS Associates	Scott Albert
Nashua Chamber of Commerce	Chris Williams
3 Phase Line Construction	Steve Autenreith

Transmission/Pipeline Developers	
Nov. 7, 2013 Morning - 7 Participants	
Organization	Name
Northeast Utilities	Barry Needleman
National Grid	Mark Rielly
NextEra/NH Transmission	Steven Garwood
Anbaric	Stephen Conant
ISO-NE	Eric Johnson, Michael Giamo
PNGTS	Cynthia Armstrong

Energy Facilities (Generators)	
Nov. 7, 2013 Afternoon – 8 Participants	
Organization	Name
PSNH/NU	Lynn Tillotson, Christopher Allwarden
NE Power Generation Association (NEPGA)	Sandi Hennequin
IPR-GDF SUEZ North America	Joe Dalton
TransCanada	Cleve Kapala
Granite Ridge Energy/Orr & Reno	Howard Moffett
Independent Attorney for NH Wood Plants	Bob Olson
Triland Partnership LP (Large Solar)	Thomas Garden

Wind Energy Developers	
Nov. 12, 2013 Morning – 7 Participants	
Organization	Name
Iberdola	Ed Cherian
EDP Renewable	Derek Rieman
Eolian	Jack Kenworthy
Wagner Forest Management	Mike Novello
GRP/Brookfield	Dan Whyte
Orr & Reno	Doug Patch
RENEW	Francis Pullaro

State Agencies	
Nov. 12, 2013 Afternoon– 8 Participants	
Organization	Name
DES and Coordinating Committee	Harry Stewart, Michael Fitzgerald
Div. of Historical Resources	Beth Muzzey
HHS	Brook Dupee
OEP	Meredith Hatfield, Chris Northrop
PUC and Coordinating Committee	Kate Bailey, David Shulock

Local Government/Citizen Organizations	
Nov. 12, 2013 Afternoon– 15 Participants	
NH Wind Watch	Lori Lerner
NH Municipal Association	Cordell Johnston
NH Land Law	Jason Reimers
Lakes Region Planning Commission	Kimon Koulet
Local Energy Committees (statewide)	Theresa Swanick
NE Grassroots Environmental Fund	Julia Dundorf
Office of Consumer Advocate	Susan Chamberlin
Author of Bury the Northern Pass	Susan Schibanoff
NH Assoc. of Conservation Commissions	Carol Andrews
NH Trails Bureau	Chris Gamache
Squam Lakes Conservation	Roger LaRochelle
NH Senate	Senator Jeanie Forrester
NH House of Representatives	Representative Suzanne Smith
Newfound Lake Region Association	Boyd Smith
City of Berlin Community Development	Pamela Laflamme

Appendix C: Additional Questions Polled in Citizen Workshops

Table C-1 - Demographics: Age

AGE - I am:	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
<20 years	0%	0%	0%	4%	0%	1%	0%
20- 30	9%	9%	6%	13%	1%	8%	5%
31-40	3%	7%	3%	13%	4%	6%	5%
41-50	20%	14%	3%	25%	15%	15%	15%
51-60	29%	26%	29%	29%	33%	29%	30%
61-70	31%	35%	35%	8%	35%	29%	32%
Over 70	9%	9%	24%	8%	12%	12%	12%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	70	43	34	24	139	N/A	310

Table C-2 - Demographics: Gender

GENDER - I am:	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Male	54%	76%	63%	75%	56%	65%	60%
Female	46%	24%	38%	25%	44%	35%	40%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	70	42	32	24	140	N/A	308

TableC-3 - Demographics: NH Residency

RESIDENCY - I am currently a:	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
Full-time resident of NH	87%	98%	88%	96%	97%	93%	94%
Part-time resident of NH	10%	2%	9%	4%	3%	6%	5%
Not a full- or part-time resident of NH	3%	0%	3%	0%	0%	1%	1%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	71	43	34	23	142	N/A	313

Table C-4 - Demographics: Length of NH Residency

I have lived in NH (part- or full-time) for:	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
< 5 years	3%	5%	15%	8%	6%	7%	6%
5 - 10 years	4%	7%	0%	13%	13%	7%	9%
11 - 15 years	10%	7%	9%	8%	11%	9%	10%
16 - 20 years	7%	7%	18%	0%	8%	8%	8%
21 - 25 years	14%	7%	12%	8%	8%	10%	10%
> 25 years	60%	68%	42%	63%	55%	58%	57%
Not a full- or part-time resident of NH	1%	0%	3%	0%	0%	1%	1%
Total	100%	100%	100%	100%	100%	100%	100%
Responses	70	44	33	24	141	N/A	312

Table C-5 – Evaluation: Presentations

A. Short presentations on each topic	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
1 - Not Valuable	1%	0%	4%	5%	3%	3%	3%
2	4%	6%	7%	5%	2%	5%	4%
3	9%	3%	7%	14%	13%	9%	10%
4	19%	29%	21%	19%	15%	21%	18%
5	33%	29%	25%	19%	30%	27%	29%
6- Very Valuable	34%	32%	36%	38%	37%	35%	36%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	34	28	21	123	N/A	276
Mean	4.8	4.8	4.6	4.6	4.8	4.7	4.7

Table C-6 – Evaluation: Discussions

B. Small group discussions	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
1 - Not Valuable	1%	3%	0%	14%	3%	4%	3%
2	3%	3%	11%	0%	6%	4%	5%
3	7%	3%	4%	5%	5%	5%	5%
4	9%	21%	14%	19%	8%	14%	11%
5	23%	29%	25%	19%	21%	23%	23%
6- Very Valuable	57%	41%	46%	43%	57%	49%	53%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	34	28	21	123	N/A	276
Mean	5.2	4.9	4.9	4.6	5.1	4.9	5.0

Table C-7 – Evaluation: Polling

C. Keypad polling sessions	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
1 - Not Valuable	3%	3%	4%	10%	3%	4%	4%
2	4%	0%	0%	5%	2%	2%	2%
3	1%	6%	11%	5%	8%	6%	6%
4	6%	9%	32%	14%	8%	14%	11%
5	26%	29%	21%	33%	18%	26%	23%
6- Very Valuable	60%	53%	32%	33%	60%	48%	54%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	70	34	28	21	120	N/A	273
Mean	5.3	5.2	4.6	4.6	5.2	5.0	5.1

Table C-8 – Evaluation: Overall

On a scale of 1 (not valuable) to 6 (very valuable), how valuable did you find the workshop as a whole?	Manchester	Groveton	Keene	Newington	Plymouth	Average of 5 Workshops	All Workshop Participants
1 - Not Valuable	3%	6%	4%	10%	7%	6%	5%
2	4%	0%	4%	0%	2%	2%	2%
3	6%	6%	29%	10%	8%	12%	9%
4	21%	24%	11%	29%	18%	20%	20%
5	31%	38%	39%	43%	34%	37%	35%
6- Very Valuable	35%	26%	14%	10%	31%	23%	28%
Totals	100%	100%	100%	100%	100%	100%	100%
Responses	71	34	28	21	121	N/A	275
Mean	4.8	4.7	4.2	4.2	4.7	4.5	4.6

Appendix D: Public Comments

The following document lists the public comments the SEC received at the Citizen Workshops as categorized by topic area and town.

The comments are organized into the following topic areas:

1. SEC Membership/Structure/Process
2. Public Engagement
3. Noise & Visual Impacts
4. Alternative Sites/Routes
5. State Energy Policy/Determination of Project Need
6. Consideration of Local Views/Resources for Municipalities
7. Other
8. Cumulative Impacts

Public Comments Received at Workshops

Topic Area	Location	Comment	#
1 - SEC Membership/ Structure/ Process	Groveton	There should be a meeting/hearing where interveners are allowed to cross-examine the applicant	262
1 - SEC Membership/ Structure/ Process	Groveton	Let SEC members consult with their staff experts to come up with their position	246
1 - SEC Membership/ Structure/ Process	Groveton	Independent commission may have been better understood with expanded discussions/explanation; focused members, staff dedicated to its work, accessing agencies for expertise as well as other sources for analysis & evaluation	249
1 - SEC Membership/ Structure/ Process	Groveton	Pre-application meetings—Publish specifics of project before meeting, e.g. designs and intended locations.	261
1 - SEC Membership/ Structure/ Process	Groveton	SEC make up should include a person from DRED to determine “Is it economically viable? What is the economic impact?” Should also include an ‘adverse effects’ person and 2 public members chosen through transparent process. 5000	302
1 - SEC Membership/ Structure/ Process	Groveton	SEC needs to have funding for their own staffing needs and SEC members need to be able to consult with the experts in their own agencies!! They are NOT often the expert	257
1 - SEC Membership/ Structure/ Process	Groveton	SEC should have ability to gather info from staff.	303
1 - SEC Membership/ Structure/ Process	Keene	The SEC membership should maybe be different for different types of energy facilities.	322
1 - SEC Membership/ Structure/ Process	Keene	SEC should be an independent commission with the option of having some agency representation or consolidation... does not have to be either/or.	365
1 - SEC Membership/ Structure/ Process	Keene	Potentially, limit the number of applicants and projects heard before the SEC each year, or maybe limit how many are heard at one time.	325
1 - SEC Membership/ Structure/ Process	Keene	SEC should be an independent commission with staff support, with 3-4 permanent members plus 3-4 public members chosen from region being impacted. Chosen by town selectmen or planning board.	358
1 - SEC Membership/ Structure/ Process	Keene	Whatever SEC structure is ultimately in place, they need a paid staff	324
1 - SEC Membership/ Structure/ Process	Keene	We spent dozens upon dozens of hours in front of the SEC; I learned a lot. I thought the SEC was extremely receptive to us as interveners and listened well, better than I expected. I would hate to see that get lost in any process change.	314
1 - SEC Membership/ Structure/ Process	Keene	Should the SEC consider a limit on the number of applications they can handle in a year?	337

Public Comments Received at Workshops

Topic Area	Location	Comment	#
1 - SEC Membership/ Structure/ Process	Keene	The SEC needs more staff	336
1 - SEC Membership/ Structure/ Process	Keene	State needs to pay for at least one new staff person to support the work of the SEC	356
1 - SEC Membership/ Structure/ Process	Manchester	The 'goldrush' of energy projects is a term often heard these days regarding NH and energy policy. With our state currently being targeted by the energy industry as a potential corridor, this discussion around the SEC and its role/functionality is especially important. I feel that now, more than ever, the SEC should be fully funded, staffed, and specifically focused on the task of reviewing and deciding on the viability of the various project before it now and in the future. Most importantly, I feel that members of the public -- particularly those who can demonstrate standing-- must have a place on the SEC, perhaps specific to each project based on locality and impact.	21
1 - SEC Membership/ Structure/ Process	Manchester	When an application is submitted, what kind of "scientific studies" are done? Who develops/evaluates the effectiveness of those studies? i.e., impact on wildlife, impact on quality of life to resident & abutters, economic projections, etc.	18
1 - SEC Membership/ Structure/ Process	Manchester	Regarding SEC Structure, Membership, & Process; You should ask the SEC members if they think they should have smaller numbers. I think they should be smaller in number, but it would be interesting to hear what they think. Public input would be helpful, but I don't think it should supersede those w/ the expertise applicable to what's being discussed.	5
1 - SEC Membership/ Structure/ Process	Manchester	On process: Does the AG's office, as counsel to the public, lean toward state/governor priorities, rather than those of the general public?	8
1 - SEC Membership/ Structure/ Process	Manchester	An objective SEC is key.	16
1 - SEC Membership/ Structure/ Process	Manchester	There should be fees for application; this is a big stumbling block for SEC. MA, NY, CT all have hefty fees	7
1 - SEC Membership/ Structure/ Process	Manchester	The SEC should have a formal office with 1 to 2 staff	4
1 - SEC Membership/ Structure/ Process	Manchester	Require specific disciplines to be on SEC—geologist, environmentalist, etc.	49
1 - SEC Membership/ Structure/ Process	Manchester	SEC needs adequate staffing & funding for that staff	55
1 - SEC Membership/ Structure/ Process	Manchester	SEC Committee members should be paid separately from their regular duties.	59

Public Comments Received at Workshops

Topic Area	Location	Comment	#
1 - SEC Membership/ Structure/ Process	Manchester	Money must be available to the SEC for experts, etc.	60
1 - SEC Membership/ Structure/ Process	Manchester	Conflicts of interest need to be accounted for when assembling the SEC committee.	35
1 - SEC Membership/ Structure/ Process	Manchester	Staff and money: The time availability and assignment of technical staff to support SEC needs to be better defined, as well as how these resources are assigned. A well-defined fee structure could help support the financing of this effort.	61
1 - SEC Membership/ Structure/ Process	Manchester	SEC membership: Consider having regional planner and possibly even municipal planners sit as non-voting members on SEC.	62
1 - SEC Membership/ Structure/ Process	Manchester	Provide a “stepped” application process that recognizes ‘different’ --Rural, Suburban, city-- locations and should have control cost for all parties.	45
1 - SEC Membership/ Structure/ Process	Newington	As a former counsel for the public, I’m not sure how to answer the question about how it could be made more effective. It is already effective, and works well even if some do not like it.	382
1 - SEC Membership/ Structure/ Process	Newington	Clarify whether SEC members can communicate with agency staff regarding the state permits before the Committee	380

Public Comments Received at Workshops

Topic Area	Location	Comment	#
1 - SEC Membership/ Structure/ Process	Newington	One of the key dates that is missed in almost every project is the Completeness determination. The project's barely understood, yet it's accepted as complete, we get right into the Discovery phase and people are asking questions—it's impossible to get the committee together to get people to make decisions because there are so many of them with demanding schedules. They say all politics is local, but so are all impacts. Towns generally know what those are, and when you look at what happens on the back end when there's problems, I think the reason that it happens is that it's expensive for towns to participate, and I think that some of the powers that Counsels for the Public has could be addressed very effectively if towns could also request those studies be done during the application acceptance process. For example, on Portland, it was going right through the town's location for a new library. Town had to come in and present testimony. Also the issue of safety and capability of local responders. Tourism and economic impacts. If you allowed towns a greater role in the acceptance process, those issues would get flagged earlier and the whole process would go more smoothly. State officials, often, have no reason to be aware of these types of issues, but that is what the towns are for. 162:h-1 talks about balancing the needs for facilities and the impact; should come back in the form of a benefits test. Not necessarily a high impact, but the committee needs to be able to look at what does this project bring to the state and what is the benchmark for measuring impacts	367
1 - SEC Membership/ Structure/ Process	Plymouth	SEC – Accountability for enforcing conditions of application. Collect fines for non-compliance.	91
1 - SEC Membership/ Structure/ Process	Plymouth	The SEC timeline should be longer, it's almost impossible for a community to react to the thousands of pages in the application in 3-4 months.	73
1 - SEC Membership/ Structure/ Process	Plymouth	SEC – More transparent.	90
1 - SEC Membership/ Structure/ Process	Plymouth	On SEC Membership: Independent commission should have the statewide and local representation or at least local rep.	85
1 - SEC Membership/ Structure/ Process	Plymouth	Many tables did not understand what SEC filing requirements - Adopt visual impacts – specific filings, etc. meant. It was not clear.	235
1 - SEC Membership/ Structure/ Process	Plymouth	One of the things that wasn't addressed in this evening's choices is the possibility of the applicant paying a fee that would cover the costs to towns for being an intervener. That fee could also help to fund a paid staff for the SEC—they are currently very overwhelmed.	285

Public Comments Received at Workshops

Topic Area	Location	Comment	#
1 - SEC Membership/ Structure/ Process	Plymouth	SEC should have citizen representation consisting of at least 2 residents from the region in which project is to be sited.	186
1 - SEC Membership/ Structure/ Process	Plymouth	I personally do not think the PUC represents the people in the state, it represents industry, its credibility is nill, and it should have one 1 rep on SEC, not 3.	290
1 - SEC Membership/ Structure/ Process	Plymouth	Structure: have designated staff/legal counsel for consistent analysis of applications.	232
1 - SEC Membership/ Structure/ Process	Plymouth	The SEC has to be more responsible for compliance. A facility comes in, they get their certificate, and they're free to go. The public watchdogs can't be expected to keep an eye on a major corporation. The SEC must have a compliance arm.	69
1 - SEC Membership/ Structure/ Process	Plymouth	Either all 15 members should vote, or selective voting should be random. If the members can pre-decide who gets to vote, there could be collusion.	293
1 - SEC Membership/ Structure/ Process	Plymouth	I think it is important to fund the SEC—or whatever approval process we choose—giving it adequate funds for support staff, and not stealing resources from the agencies.	287
1 - SEC Membership/ Structure/ Process	Plymouth	SEC membership – no elected officials or members of public. Why is NH need for power not evaluated?	204
1 - SEC Membership/ Structure/ Process	Plymouth	SEC needs to be more active in compliance aspect.	155
1 - SEC Membership/ Structure/ Process	Plymouth	SEC members should be hired.	157
1 - SEC Membership/ Structure/ Process	Plymouth	The permitting process requires regulatory agencies approval anyway so get them off the SEC where their hands/tongues are tied from working with their staffs.	163
1 - SEC Membership/ Structure/ Process	Plymouth	Applicant answers questions from the public on the record transparency.	147
1 - SEC Membership/ Structure/ Process	Plymouth	Independent Commissions should be staffed by professionals in each of the impact areas – econ, environ, water, transpo, housing, jobs	144
1 - SEC Membership/ Structure/ Process	Plymouth	Comments. Pre Application Process: May have advantage to organize for small group. May have advantage for applicant with \$ to sway opinion.	174
1 - SEC Membership/ Structure/ Process	Plymouth	SEC members should be hired, not appointed. It should be a standing committee.	185
1 - SEC Membership/ Structure/ Process	Plymouth	Public member from community affected.	142

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Topic Area	Location	Comment	#
1 - SEC Membership/ Structure/ Process	Plymouth	Not enough details – BAD question. If there was an Independent Commission as a replacement for the SEC, how can we make sure unbiased, & with citizens part of it?	234
1 - SEC Membership/ Structure/ Process	Plymouth	Subject – SEC Structure, Membership & Process: Proposal – select public members by allowing each RPC involved to have a member.	128
1 - SEC Membership/ Structure/ Process	Plymouth	What is an independent commission? What does independent mean?	233
1 - SEC Membership/ Structure/ Process	Plymouth	The SEC needs more transparency, a seat @ the table for public in areas directly involved, a general pause for projects.	112
1 - SEC Membership/ Structure/ Process	Plymouth	For the independent commission the appointments should not be political.	105
1 - SEC Membership/ Structure/ Process	Plymouth	Covered Facilities – Do not opt-in petitions by applicant.	211
1 - SEC Membership/ Structure/ Process	Plymouth	SEC Membership – local member of public for application review – locally selected such as in NY as mentioned in overview.	212
1 - SEC Membership/ Structure/ Process	Plymouth	Require multiple pre-filing meetings.	215
1 - SEC Membership/ Structure/ Process	Plymouth	Require Local Representation as a part of the independent commission, possibly local selectboard chairs.	222
1 - SEC Membership/ Structure/ Process	Plymouth	SEC Structure & Membership: Preventing SEC pre-emption of local zoning would let the people have powerful input without paying \$.	231
1 - SEC Membership/ Structure/ Process	Plymouth	SEC should have a safety/fire official to protect the public.	154
1 - SEC Membership/ Structure/ Process	Plymouth	In favor of an independent commission with chairs of local selectboards appointed to subcommittee on a case-by-case basis.	131
1 - SEC Membership/ Structure/ Process	Plymouth	Members of the SEC are both too many and not enough. Too many from state agencies, none from the general public. The SEC should have it's own funding and not rely on the state agencies their members represent.	388
1 - SEC Membership/ Structure/ Process	Plymouth	The committee members should attend all major hearings about a proposed project. If the guidelines are well-written, there will be less of a need for hearings - any contractor will be able to determine if they can meet the criteria and are willing to do so.	389
2 - Public Engagement	Groveton	Land-owner protection: Developers may not approach more than 10% of the land owners until after a certain step in the process – e.g. after pre-application meeting.	260

Public Comments Received at Workshops

Topic Area	Location	Comment	#
2 - Public Engagement	Groveton	Additional option to consider regarding public engagement: Require SEC to respond, in a public forum, in writing, to every public comment received, and to demonstrate how each comment was taken into consideration in its decision-making	294
2 - Public Engagement	Groveton	The public receives no feedback on its input other than final decision, especially written input—were we even heard?	266
2 - Public Engagement	Groveton	A public engagement coordinator should also disseminate info/existence of projects	263
2 - Public Engagement	Keene	Pre-application as a part of the process is one of the best options we considered in this exercise. Requiring the applicant to conduct an open dialogue with the host communities allows for the flow & exchange of information about what’s important to the community, what areas should be avoided, etc. The applicant could also share the realities they face, and this helps promote the ability to build a partnership and avoid/limit an us vs them mentality from developing.	351
2 - Public Engagement	Keene	Variation on public engagement coordinator—make them county-based, not state-based to reduce the appearance of political/bureaucratic pressure and increase regional representation.	347
2 - Public Engagement	Keene	Consider having a member of the community or county where the project is going to be built as a member of the SEC for that project.	355
2 - Public Engagement	Keene	Suggest new option for SEC public membership—at least one regional county rep and a local rep.	364
2 - Public Engagement	Manchester	Require applicants to pay for informing the public using a multi-media approach	51
2 - Public Engagement	Manchester	Public engagement: Provide sufficient funding from the state budget to strengthen the process	47
2 - Public Engagement	Manchester	“Meaningful” Public engagement Means education & having a comprehensive energy plan for the state; Information about a project should not come in the form of a developer advertisement & propaganda. The proposed project should be considered in light of our energy plan for NH.	19

Public Comments Received at Workshops

Topic Area	Location	Comment	#
2 - Public Engagement	Manchester	Another question that I also think deserves a little more attention is the one regarding the Public Advocate for the SEC. I've seen the SEC in action and was really unimpressed with that person—not because that person wasn't doing the best they could, but because of the constraints placed on them. It seems to be a conflict of interest for the PA to have to balance public interest and power needs.	278
2 - Public Engagement	Manchester	Structure/membership: Should be discussing how the public members might be selected; what criteria should be used to choose that private person?	44
2 - Public Engagement	Manchester	Use technology to inform & gain feedback from the people.	48
2 - Public Engagement	Manchester	Abutter notification needs to be improved. Landowners should be notified by certified letter from project owner BEFORE filing @ SEC.	53
2 - Public Engagement	Manchester	Reduce need for public engagement by improving siting process to better represent the majority's interests	52
2 - Public Engagement	Manchester	On public engagement, need quantitative criteria written into statute/rules that gives weight to public opinion in affected towns. Applicant must notify affected towns of planned project before—or at least at time of—contacting affected property owners. SEC should defer to municipal preferences. Applicant must find independent study/assessment of projects effect on property values.	28
2 - Public Engagement	Manchester	Public engagement MUST include vote of IMPACTED townspeople with vote being significant criteria of SEC decision	22
2 - Public Engagement	Manchester	For the question about how the SEC can balance local concerns, they should inundate local newspaper with large informative articles	3
2 - Public Engagement	Newington	I've been selectman, chair of ZBA, chair of planning board, and I've seen the expectation of the ordinary person in being able to participate in decisions that affect them directly. This whole process exists because sense that there isn't enough public involvement now. We need to look for meaningful ways for public to have more direct impact into what is a very complex and difficult process that ends up favoring applicants.	369
2 - Public Engagement	Plymouth	Counsel of Public should be independent and not appointed by AG.	93
2 - Public Engagement	Plymouth	Pre-Application Process should include town select boards & county reps.	220

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Topic Area	Location	Comment	#
2 - Public Engagement	Plymouth	Public Engagement: Allow towns to veto projects. Deny ability of SEC to pre-empt local zoning.	214
2 - Public Engagement	Plymouth	SEC Structure: Public member from affected community elected by the town.	113
2 - Public Engagement	Plymouth	Most people don't find the current process transparent; on each case, the SEC should issue a report which itemizes the various categories of pro and con arguments it has considered, and how it has dealt with each of those.	288
2 - Public Engagement	Plymouth	Publicize time and place of final voting so public can intend.	96
2 - Public Engagement	Plymouth	Would it work to have two public counsels – one who would represent public in favor of project and one who would represent public against the project? These counsels could bundle concerns of public & represent their interests in adjudicatory process.	99
2 - Public Engagement	Plymouth	Towns w/in 10 mi VIA area need to be invited to community meetings and have role in process.	100
2 - Public Engagement	Plymouth	Public input – Why so late in process?	203
2 - Public Engagement	Plymouth	Public Engagement: Feel there are significant barriers to citizens not familiar with the SEC process, or don't have ability to attend	129
2 - Public Engagement	Plymouth	How do citizens get notified of public hearings, pending applications, etc.	191
2 - Public Engagement	Plymouth	Perhaps it would be useful to have two advocates for the public—one for projects supporters and one for opponents.	289
2 - Public Engagement	Plymouth	The idea of increasing public engagement is great but worthless if it provides no input in decision making that permits siting, or sets the rules, regulations, or guidance to the SEC.	101
2 - Public Engagement	Plymouth	Publicly address each concern of public so public knows listened and reasoning.	97
2 - Public Engagement	Plymouth	Public Engagement: Applicant pays for commercials newspaper/radio to inform the public about meeting.	146
2 - Public Engagement	Plymouth	More Media to encourage EMAIL/Electronic input FACEBOOK Feedback/input.	175
2 - Public Engagement	Plymouth	It's important that there is funding available for the public to engage experts.	74
2 - Public Engagement	Plymouth	Engagement: Add statutory requirement that applicant has duty consider local, regional & public comment.	148
2 - Public Engagement	Plymouth	Community Surveys were felt to be underutilized.	176
2 - Public Engagement	Plymouth	Topic 4: Local rep. – voted by town for particular project.	181

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Topic Area	Location	Comment	#
2 - Public Engagement	Plymouth	Public engagement HAS to include polling of the effected towns – more advertising needed. Need vs. greed & the pro v. con issues need to be made public.	160
2 - Public Engagement	Plymouth	Public Engagement: It needs to be clear that the Public Engagement Coordinator position has a vote to be meaningful.	132
3 - Noise & Visual Impacts	Groveton	Options for addressing visual impacts: Mitigation guidance is not effective because it is not strong enough. The option of having SEC attach mitigation conditionality to every certificate issued should be included.	269
3 - Noise & Visual Impacts	Groveton	Variances should be listed in the standards—e.g., distance from people or impact would change allowable noise. So a noise requirement could be relaxed for a remote plant, but more restrictive in an area that would impact people/wildlife.	297
3 - Noise & Visual Impacts	Groveton	Noise standards should be relative to ambient background, and there should be a comprehensive list relating to all energy projects. Applicant should be required to file anticipate noise expectations and address paying the fine as a cost of doing business. However, state should also take local ordinances into accounts if a local area wants to invite industry.	300
3 - Noise & Visual Impacts	Groveton	Health necessary consideration	243
3 - Noise & Visual Impacts	Groveton	If local standards exist for noise and visual, the SEC should use and abide by them. The SEC should not override or overrule local control.	296
3 - Noise & Visual Impacts	Groveton	Visual or noise impacts question: The statement “If not statewide noise standard, should the SEC defer to local noise standards” should be reversed to “The statewide noise standard should be minimal and then should defer to the local standards if they are higher.”	295
3 - Noise & Visual Impacts	Groveton	Noise: If the state standard were relative to background, then over time background decibel would always increase so standard is always increasing decibels. Thought a standard would be constant. A moving # isn’t really a standard	267
3 - Noise & Visual Impacts	Groveton	Aesthetics necessary consideration	242
3 - Noise & Visual Impacts	Groveton	SEC should establish requirements to mitigate potential adverse visual disruptions	298
3 - Noise & Visual Impacts	Keene	In terms of noise, the word health also wasn’t mentioned at all tonight or in SEC proceedings. That should be an important consideration.	318

Public Comments Received at Workshops

Topic Area	Location	Comment	#
3 - Noise & Visual Impacts	Keene	Noise & visual impacts should have guidelines so that SEC doesn't have to reinvent the wheel each time, but shouldn't be hard and fast standards. Should have regional forums to discuss & decide these guidelines	348
3 - Noise & Visual Impacts	Keene	The bottom line—this is an aesthetics issue. Hard to define, but in a state like NH where a major part of our economy is based on tourism, aesthetics --including wildlife, natural spaces, etc.-- should be the NUMBER ONE issue that the SEC is mandated to deal with.	320
3 - Noise & Visual Impacts	Keene	Jean Vissering, working with the Clean Energy States Alliance, has developed a process for evaluating visual impacts, "A Visual Impact Assessment Process for Wind Energy Projects." SEC should be using it.	323
3 - Noise & Visual Impacts	Keene	I'd like to see either statewide noise guidelines—to give towns an idea where to start—or state standards that have an option to modify them on a case by case basis if given good cause. Should not be one hard and fast rule for all. At a minimum, the guidelines are needed so that towns don't set the standards so high that there would be no place in NH to put a new project.	352
3 - Noise & Visual Impacts	Keene	There should be a state standard for noise based on region. Standard should include measurement of infrasound	344
3 - Noise & Visual Impacts	Keene	Intervener funding is a greater idea; there is currently a huge burden on interveners	329
3 - Noise & Visual Impacts	Keene	There is a need for funding for public engagement coordinator to provide info & resources at meetings, to towns, etc.	328
3 - Noise & Visual Impacts	Keene	Visual should be done on a case by case basis	345
3 - Noise & Visual Impacts	Keene	Good idea to have two meetings—one with developer and another w/ SEC—but requirements need to be put in place—should have SEC representatives present to explain questions & offer clarifications	330
3 - Noise & Visual Impacts	Keene	I like the idea of statewide noise "guidelines" --e.g. best management practices-- rather than absolute standards. The problem with having local noise standards is that communities may tend to adopt restrictive noise standards that essentially eliminate themselves from consideration for energy facilities, in which case the state could end up with a limited number of options for siting any facilities.	350
3 - Noise & Visual Impacts	Keene	Caution: Having public seat on SEC might be controversial or contentious	331
3 - Noise & Visual Impacts	Keene	Sound guidelines are badly needed	338

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Topic Area	Location	Comment	#
3 - Noise & Visual Impacts	Keene	1974 EPA study known as the Levels document quantified community noise reaction. The model has been applied to the wind farms in Maine, and it correctly predicted the citizen response to the wind farms there. FAA uses that model, it is a definitive work in the field that has never been challenged, and NH should incorporate it in decisions.	310
3 - Noise & Visual Impacts	Keene	I'm a member of a planning board that spent 7 months developing a comprehensive ordinance for wind farms; the experience in front of the SEC was frustrating and maddening. While I am not an expert on any of the topics, I'm well acquainted with many of them and I felt like we never had an opportunity to talk about what we knew and understood. I think that one of the least understood issues on wind is noise. I couldn't even poll on the noise questions, because there was no answer that I think is the right way to handle it. There is so much misinformation about the unique characteristics of noise generated by windfarms that you don't want to leave it to individual towns, necessarily, because they may not have the requisite knowledge. However, at the moment, NEITHER DOES THE SEC. I believe there is a lot of study that needs to be done, and a state standard may be appropriate if it were an INFORMED standard.	308
3 - Noise & Visual Impacts	Keene	Type of noise—e.g. impulse vs modulation -- should be considered.	362
3 - Noise & Visual Impacts	Keene	Need to allow noise standards to change as we become more knowledgeable	357
3 - Noise & Visual Impacts	Keene	SEC should use town LWES ordinance standards for visual impact. Affected towns' ordinances should be applied as well as the host town. If affected towns do not have LWES, the SEC should use the EPA "Levels" document.	359
3 - Noise & Visual Impacts	Keene	Public notice needs to be expanded beyond legal notice of hearing in paper and in terms understandable for lay person.	327
3 - Noise & Visual Impacts	Keene	Aesthetics must be important in a state that depends on tourism, even though it is very hard to regulate aesthetics & dictate how to judge them. Noise needs more research.	334
3 - Noise & Visual Impacts	Manchester	Regarding noise, the decibels are often much higher than the applicants' experts quote, and violations occur. We need enforcement and oversight.	36
3 - Noise & Visual Impacts	Manchester	A statewide standard for noise needs to address distance from homes as well as decibel level. For wind towers, it relates to the height and output of the towers.	40
3 - Noise & Visual Impacts	Manchester	On noise & visual impacts, SEC should evaluate impact on property values and the economy	1

Public Comments Received at Workshops

Topic Area	Location	Comment	#
3 - Noise & Visual Impacts	Manchester	Visual impact studies need to be independent, not provided by the applicant but by a separate agency within the state.	38
3 - Noise & Visual Impacts	Manchester	One issue that our table did get hung up on was the noise question—it was really hard to come to an answer because noise is so subjective.	277
3 - Noise & Visual Impacts	Manchester	I'm a developer and engineer, firmly believe that smaller is better. You don't need to have a statewide plan, we need to recognize that what is needed in the city is much different than a rural area. You can have a set of standards that is different in each area. This would also keep the cost down for applicants.	276
3 - Noise & Visual Impacts	Newington	There should be consideration of local standards for visual impacts as well as noise standards.	385
3 - Noise & Visual Impacts	Newington	Noise ordinance –permitted	384
3 - Noise & Visual Impacts	Plymouth	Noise: regional local preference.	172
3 - Noise & Visual Impacts	Plymouth	Noise needs to be defined beyond decibel level!	168
3 - Noise & Visual Impacts	Plymouth	Visual Impacts: Allow the State to establish guidelines e.g. ME WEA.	217
3 - Noise & Visual Impacts	Plymouth	Noise & Visual Impact: Allow local governments to set their own visual impact standards that the SEC defers to.	216
3 - Noise & Visual Impacts	Plymouth	Visual Impacts: Develop standards to prohibit visual disruption --height restrictions, Ridgelines/Elevation-- that impacts miles from the site of an Instillation.	213
3 - Noise & Visual Impacts	Plymouth	Add "vibration" to noise and visual impacts for various projects, especially wind farms.	119
3 - Noise & Visual Impacts	Plymouth	Addressing Visual Impacts: local gov. preference on visual.	169
3 - Noise & Visual Impacts	Plymouth	Infrastructure noise should be included in the SEC Guidelines.	208
3 - Noise & Visual Impacts	Plymouth	SEC Guidelines should include nighttime noise limits of no greater than 40 db outside and 30 db inside resident homes, or a limit of 5 db above ambient noise.	207
3 - Noise & Visual Impacts	Plymouth	Sub frequency noise not addressed from windmills.	121
3 - Noise & Visual Impacts	Plymouth	Visual and project should include how they effect local & regional economy.	123
3 - Noise & Visual Impacts	Plymouth	If impact studies are needed, the project proposers should pay. The studies should be done by an impartial firm.	390
3 - Noise & Visual Impacts	Plymouth	There should be a local preference on visual impacts.	102
3 - Noise & Visual Impacts	Plymouth	If go with a State standard, allow local option and then go with the more stringent of the two.	108

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Topic Area	Location	Comment	#
3 - Noise & Visual Impacts	Plymouth	Noise Impacts: Local communities set all criteria for noise & visual. Not over ruled by SEC.	145
3 - Noise & Visual Impacts	Plymouth	When considering site issues, remember to address the visual impact of the resulting transmission line; e.g. Route 25 in Rumney.	84
3 - Noise & Visual Impacts	Plymouth	In 2007, wind siting guidelines were made but never enacted. The SEC should just follow these guidelines—streamline process, cut down on anxiety.	68
3 - Noise & Visual Impacts	Plymouth	For noise levels. Absolute vs. relative should NOT have statewide, because difference of rural vs. non rural environments.	194
3 - Noise & Visual Impacts	Plymouth	For noise, rural environments are different than larger cities such as Manchester, Concord.	193
3 - Noise & Visual Impacts	Plymouth	State Noise Standard: Absolute as a ceiling, AND relative as described	82
3 - Noise & Visual Impacts	Plymouth	Noise & Visual: Filing requirements should include studies conducted by impartial, unbiased consultants somehow removed from the applicants' influence on the study outcomes. Applicants should not be able to pay for the study results they want. The results should be objective.	130
3 - Noise & Visual Impacts	Plymouth	SEC should develop a visual impact study to include revenue associated with tourism as an analysis point.	221
3 - Noise & Visual Impacts	Plymouth	Noise: more in winter.	178
3 - Noise & Visual Impacts	Plymouth	Local preference for addressing visual impacts.	137
3 - Noise & Visual Impacts	Plymouth	Visual: just bury it.	171
3 - Noise & Visual Impacts	Plymouth	Local noise standards as a regional standard.	230
3 - Noise & Visual Impacts	Plymouth	Height restrictions.	150
3 - Noise & Visual Impacts	Plymouth	Absolute standard --kind of like requirements for future plants-- determined by review process.	224
3 - Noise & Visual Impacts	Plymouth	SEC develop specific requirement state-wide.	225
3 - Noise & Visual Impacts	Plymouth	Since the visual impact is obviously high priority whether discussing wind farm or Northern Pass projects and this fact is clear from the response from these meetings that visual impact is at the top of the list, how is the SEC going to use this information to analyze projects that will be in the works before you reformulate the SEC process? Will there be consideration to what you are hearing at these meetings? Will you delay unnecessary projects to protect the residents of NH?	236
3 - Noise & Visual Impacts	Plymouth	Visual & noise impacts should be considered as a regional issue rather than simply as a community issue.	104

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Topic Area	Location	Comment	#
3 - Noise & Visual Impacts	Plymouth	What about individual homeowners affected by higher wind noise.	227
3 - Noise & Visual Impacts	Plymouth	Noise: Noise standards should be set for winter. It's a lot quieter in the winter in the woods & on the lake.	114
3 - Noise & Visual Impacts	Plymouth	There should be consideration of accumulative effect of noise from energy projects	103
4 - Alternative Sites/ Routes	Groveton	On alternative routes, both #2 & #4 should be required	256
4 - Alternative Sites/ Routes	Groveton	Should consider use of existing facilities & route	254
4 - Alternative Sites/ Routes	Groveton	The questions on requiring use of existing rights of way should include state-owned ROWs	299
4 - Alternative Sites/ Routes	Keene	It would be helpful to create incentives for applicants to provide alternatives—e.g., provide a greater likelihood of approval because there are options to consider. The chances for achieving balance and for mitigating impacts will be greater if alternatives/options are available.	349
4 - Alternative Sites/ Routes	Keene	For alternative routes/sites, we should consider environmental impacts—wetlands, water table etc. Wildlife, pollution of air/water/land from building & operating the facility	353
4 - Alternative Sites/ Routes	Manchester	Alternatives analysis: SEC applications should include a NEPA or least adverse impact criterium!	12
4 - Alternative Sites/ Routes	Manchester	Alternatives routes: Consideration of advancements & progress in technology must be considered—archaic technologies like overhead transmission lines should be disfavored.	29
4 - Alternative Sites/ Routes	Manchester	Project developers should have an independent analysis of project. This would make sure the project is credible and offer options for alternatives, for example, there are many wind consulting companies that could help make sure project is quality.	6
4 - Alternative Sites/ Routes	Manchester	Suggestion for alternative routes/sites: Combine the use of an existing right of way and require burial within it—consider together, rather than having those options be mutually exclusive.	270
4 - Alternative Sites/ Routes	Manchester	For the alternative routes question, a different option should be to Require burial option within an existing right of way , combining options 2 and 4	20
4 - Alternative Sites/ Routes	Plymouth	“Alternate Site Options to Consider” B&C are not mutually exclusive, thus the choices could be expressed as A, B, C, B&C, D, B&D.	127
4 - Alternative Sites/ Routes	Plymouth	I believe there is legislation in ME & CT regarding undergrounding.	98

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Topic Area	Location	Comment	#
4 - Alternative Sites/ Routes	Plymouth	The SEC needs to be required to consider alternatives to any proposal and the alternatives must include conservation/efficiency measures. These measures create local jobs and save people money while reducing consumption, dependence, pollution and environmental degradation. This in stark contrast to projects like Northern Pass and so-called renewable wind which make corporations money, increase consumption, dependence, pollution and environmental degradation. When will we learn the true costs of cheap energy--increased consumption, global warming, pollution, inefficiency, dependence (do you require electricity to flush your toilet?) and a country full of people who have lost their jobs to machines. Renewables are a pipe-dream that we can consume energy at the same heedless level as before but new sources will be green and therefore OK. The utilities want us on the train they're driving. There's still time to get off.	393
5 - State Energy Policy/ Determination of Project Need	Groveton	Alternative route options should include "it's not needed, don't even do it"	301
5 - State Energy Policy/ Determination of Project Need	Groveton	Independent need assessment	252
5 - State Energy Policy/ Determination of Project Need	Groveton	Must include reinstatement of need in application and as criteria and it should have been a part of the workshop & the discussion – see other states	247
5 - State Energy Policy/ Determination of Project Need	Groveton	Energy Policy must affirm NH's rural pristine wilderness in balance with preferred methods of energy generation	264
5 - State Energy Policy/ Determination of Project Need	Groveton	Very important issues you have left out: WHO should be able to use the SEC process and thus bypass local jurisdictions? Status quo: Currently, eligibility for SEC decision making is based mainly on project characteristics. Option to consider: SEC process eligibility should be based on project NEED—private projects that are not meeting any proven need should NOT be eligible for the SEC process and should have to meet local requirements just like any other for-profit proposal in those local communities	268
5 - State Energy Policy/ Determination of Project Need	Groveton	Need should be considered	265
5 - State Energy Policy/ Determination of Project Need	Groveton	Put "Need" back into SEC	237
5 - State Energy Policy/ Determination of Project Need	Groveton	Energy policy—a smart policy is necessary	239

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Topic Area	Location	Comment	#
5 - State Energy Policy/ Determination of Project Need	Keene	The applicant should be required to demonstrate need for the project before being allowed to proceed on the other criteria. "Need" would have to be defined to include only NH needs.	343
5 - State Energy Policy/ Determination of Project Need	Keene	Recommendations for 2007 study committee should be reviewed & most of it adopted as a state strategy	339
5 - State Energy Policy/ Determination of Project Need	Keene	On energy policy, there has been no build-out analysis on the RPS; how many miles of ridgeline is that goal equal to? I was proud when we signed onto 25x25, but now I've looked into it and there are a lot of unintended consequences	307
5 - State Energy Policy/ Determination of Project Need	Keene	Energy policy should require that the energy be needed in the state of NH.	332
5 - State Energy Policy/ Determination of Project Need	Keene	Tonight there were some things that were not addressed or glossed over in terms of things the SEC should be required to consider—when we talk about energy policy, I don't feel there was an emphasis on the idea of need for power. In Antrim, I didn't feel that they fact that the buyers were in RI affected SEC decision at all.	315
5 - State Energy Policy/ Determination of Project Need	Keene	Energy projects should be based only on NH "Need"	346
5 - State Energy Policy/ Determination of Project Need	Manchester	Today the NH SEC hears all energy projects if they are of a certain size. There is no requirement that each project provide a public benefit. This should be a requirement. The SEC should not hear energy projects that are "not needed" and do not qualify as having a public benefit.	26
5 - State Energy Policy/ Determination of Project Need	Manchester	Need for the energy—how the energy will benefit NH and outweigh the costs	24
5 - State Energy Policy/ Determination of Project Need	Manchester	Projects not needed to keep the lights on should not be regulated by the SEC	58
5 - State Energy Policy/ Determination of Project Need	Manchester	It is inaccurate to say that NH does not have an energy plan, it is simply outdated.	63
5 - State Energy Policy/ Determination of Project Need	Manchester	Must show NEED	27
5 - State Energy Policy/ Determination of Project Need	Manchester	Public benefit vs state benefit: CT requires an analysis and determination of "Public Need". NH does not NEED more power as a net exporter; NH Needs LOWER ENERGY COSTS – applications should include & be evaluated on this benefit!! Does SEC consider the relative value of a technology? For example, wind contributes little power compared to its visual/noise impacts; to achieve 24x24, will wind get us there?	11
5 - State Energy Policy/ Determination of Project Need	Manchester	State energy policy: the arguments against status quo were related to the lack of an energy strategy	43

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Topic Area	Location	Comment	#
5 - State Energy Policy/ Determination of Project Need	Manchester	“need” for energy needs to be accounted for; see the ISO-NE studies. Demand is decreasing.	39
5 - State Energy Policy/ Determination of Project Need	Manchester	I think it’s very important that we develop an overall state energy strategy, and that it be done on a rolling basis, rather than a static 10-year plan. Need to adapt to change and make sure that we always have something in place. Look to business strategies as a guide.	280
5 - State Energy Policy/ Determination of Project Need	Manchester	Rushing ahead to make decisions without a strategy is like saying we need to hurry up and go somewhere without knowing where we’re going. I don’t know if it’s possible to instate a moratorium during the development of the strategy, but I worry that without a roadmap, how do you know where you’re going?	281
5 - State Energy Policy/ Determination of Project Need	Manchester	It is very important for any state energy policy/strategy to be truly realistic, not the result of the influence of energy industry lobbying.	17
5 - State Energy Policy/ Determination of Project Need	Manchester	RPS can’t be met when we sell all the power out of state.	33
5 - State Energy Policy/ Determination of Project Need	Manchester	RPS requirements sound nice but an inherently unreasonable. In the case of wind, for example, 25% would translate to hundreds of miles of towers.	32
5 - State Energy Policy/ Determination of Project Need	Newington	Key questions need to be asked regarding how the SEC evaluates net public impact/benefit – the costs to people/environment vs amount of energy being generated & going into the local energy supply, not southern New England.	371
5 - State Energy Policy/ Determination of Project Need	Newington	Need to define “adequate supply of energy”—consider that conservation is a “source”!	376
5 - State Energy Policy/ Determination of Project Need	Newington	It’s a little disappointing that there wasn’t more discussion about determination of public need as part of this process. What that level should be and how it should happen is up for discussion, but it should have been discussed	368
5 - State Energy Policy/ Determination of Project Need	Newington	Take into account the “need” for a proposed project	377
5 - State Energy Policy/ Determination of Project Need	Plymouth	Do not approve any new energy projects until an updated energy policy is in place for NH.	118
5 - State Energy Policy/ Determination of Project Need	Plymouth	Should evaluate need if other applicants proposing projects with the most updated technology – should consider all & choose the project that has the least impact.	107
5 - State Energy Policy/ Determination of Project Need	Plymouth	REC’s must stay in NH.	153
5 - State Energy Policy/ Determination of Project Need	Plymouth	Restore a “need” for new energy facility.	152

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Topic Area	Location	Comment	#
5 - State Energy Policy/ Determination of Project Need	Plymouth	Size of project should not matter, but should definitely be essential for NH and non profit.	94
5 - State Energy Policy/ Determination of Project Need	Plymouth	NH must have an energy policy that applies to NH's needs, not the wants of for-profit companies.	392
5 - State Energy Policy/ Determination of Project Need	Plymouth	One worrisome issue, as I am sure you are aware, was the lobbying effort by the utilities to remove the notion of “need” from the legislation.	124
5 - State Energy Policy/ Determination of Project Need	Plymouth	Energy Policy: NH resident needs should be in policy w/no regard for the need from other states.	117
5 - State Energy Policy/ Determination of Project Need	Plymouth	RECs should be credited to state where it’s produced.	140
5 - State Energy Policy/ Determination of Project Need	Plymouth	SEC – Only hear NH essential, non profit applications.	89
5 - State Energy Policy/ Determination of Project Need	Plymouth	In order to restore fairness to the process, unneeded utility projects should be significantly penalized. Allowing utilities to site unneeded projects on public land or in public view is a form of stealing from the public.	126
5 - State Energy Policy/ Determination of Project Need	Plymouth	I think the wind projects, or any other renewable projects in NH ought to be required to sell all their power in NH, not to other states. If we’re going to live with the disruption, we should get the benefits.	66
5 - State Energy Policy/ Determination of Project Need	Plymouth	One important criteria was never addressed – public need.	83
5 - State Energy Policy/ Determination of Project Need	Plymouth	SEC – Must have energy policy – include possibilities of tracking nuclear waste, etc.	92
5 - State Energy Policy/ Determination of Project Need	Plymouth	Energy policy is a must.	173
5 - State Energy Policy/ Determination of Project Need	Plymouth	Is there pressure that the SEC has to approve projects that will help 25% in 2025.	196
5 - State Energy Policy/ Determination of Project Need	Plymouth	Is 25% produced in NH or Sold in NH?	205
5 - State Energy Policy/ Determination of Project Need	Plymouth	State energy policy needs to be put in place before SEC can consider any new elective projects.	162
5 - State Energy Policy/ Determination of Project Need	Plymouth	Topic 3: Re-establish NEED.	180
5 - State Energy Policy/ Determination of Project Need	Plymouth	Need for new energy in NH should be main priority.	166
5 - State Energy Policy/ Determination of Project Need	Plymouth	I’m embarrassed to live in a state that doesn’t have a state energy policy; there should be no SEC review or approval of facilities unless and until the state adopts a formal policy.	284

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Topic Area	Location	Comment	#
5 - State Energy Policy/ Determination of Project Need	Plymouth	I was very disappointed that tonight we didn't discuss the fact that the SEC doesn't have any requirement that the NEED for the power is evaluated. We've made it really easy for anyone who wants to build or sell power to do it in NH, but maybe we don't need all that power, and why should we have to look at wind turbines so that people in other states don't have to?	286
5 - State Energy Policy/ Determination of Project Need	Plymouth	REC's should remain in NH, not sold out of state.	183
5 - State Energy Policy/ Determination of Project Need	Plymouth	Wind projects should sell 100% of power generated to be used in NH, not MA & CT as in the recently proposed Wild Meadows.	189
5 - State Energy Policy/ Determination of Project Need	Plymouth	While a state energy policy is a great idea, we shouldn't allow it to be overtaken by project opponents and let them drag this whole process on further.	291
6 - Consideration of Local Views/ Resources for Municipalities	Groveton	Should respond to local input	253
6 - Consideration of Local Views/ Resources for Municipalities	Groveton	Local permitting vs local input should also be part of the discussion--see Colorado. Everything else has to go before local boards. Should include non-needed energy projects	248
6 - Consideration of Local Views/ Resources for Municipalities	Groveton	Send/Require reports on local voting to SEC from every municipality involved and those affected by the project. SEC must meet specific criteria to overrule any local veto. Any over-ride must be upheld or overturned by Governor and council. Five checks = 100%	259
6 - Consideration of Local Views/ Resources for Municipalities	Groveton	Projects must meet local OK to continue	238
6 - Consideration of Local Views/ Resources for Municipalities	Groveton	In projects not for reliability but for private gain, whose 'vote' is more important, the industry pushing the project or the citizens of the area impacted?	244
6 - Consideration of Local Views/ Resources for Municipalities	Keene	Intervener funding—Town selectmen and planning board should always be able to hire experts and legal counsel at applicants	361
6 - Consideration of Local Views/ Resources for Municipalities	Keene	Town standards should be respected by SEC	363
6 - Consideration of Local Views/ Resources for Municipalities	Keene	We did what we were supposed to and allowed to, developed our own ordinance, and then that ordinance was put on trial. The procedure should have provided the experts we needed to defend our ordinance.	312
6 - Consideration of Local Views/ Resources for Municipalities	Keene	If an applicant appears before a local planning board, the applicant pays for all experts required by Board. It should work the same way if a municipality is an intervener. This should also include legal fees.	321

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Topic Area	Location	Comment	#
6 - Consideration of Local Views/ Resources for Municipalities	Keene	If in fact renewable alternative energy sources are important to NH and if the impacts of these types of facilities often effect the wildlife, local environment, etc. of our communities, and if 'home-grown' energy is important, is there a way to create a clear nexus for energy produced within our communities to stay in those communities?	313
6 - Consideration of Local Views/ Resources for Municipalities	Keene	The SEC should be required to pay attention to local zoning—towns spend years developing theirs and continually improve it. Not fair for SEC to ignore it.	317
6 - Consideration of Local Views/ Resources for Municipalities	Keene	If an applicant came in front of a planning board, the board could require the applicant to pay any fees incurred. But at the SEC, town has to foot the bill; in our case, it was FIVE times the total annual planning board budget.	309
6 - Consideration of Local Views/ Resources for Municipalities	Manchester	SEC exemptions: If exemption based on adequacy of local regulations, then it's irrelevant, if municipality is over-riden or municipality does not enforce adequately. If exemption is based on agency permits, what factors are weighed & regulated through that permit process? Is agency review as comprehensive as SEC review?	14
6 - Consideration of Local Views/ Resources for Municipalities	Manchester	Municipal influence: The SEC can overrule any municipal regulations. Does this mean statewide energy needs are seen as more important than local quality of life, economy, etc.? WHY?? NH is a NET EXPORTER OF POWER! The main provision for protection of public benefit is the definition of "UNDULY interfering". Needs to be crystal clear, or a process designed to promote balanced evaluation of it.	10
6 - Consideration of Local Views/ Resources for Municipalities	Manchester	We should also revisit the idea of local control. The SEC shouldn't be involved in certain private projects at all—you don't have them involved in Walmart, etc.	279
6 - Consideration of Local Views/ Resources for Municipalities	Manchester	My overarching concern is that communities need to have a voice and a vote in the decision making process.	275
6 - Consideration of Local Views/ Resources for Municipalities	Newington	RSA 162-H:10 should be amended to allow the Committee to require that an applicant, upon approval by the Committee, be required to pay for studies reasonably necessary for municipal planning or governing bodies to evaluate local impacts of particular projects. E.g. noise, proximity to public library, transportation	381

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Topic Area	Location	Comment	#
6 - Consideration of Local Views/ Resources for Municipalities	Newington	Thinking a lot about the issue of local control and what that means in a place like NH, why it's important. There's a lot rolling around in my head about what projects get looked at by the SEC in the first place. Shouldn't there be a threshold for projects that go to the SEC in the first place? As someone who has a house directly in the pathway of a major transmission line, I'm feeling powerless like I'm going up against this utility with very deep pockets who is extremely determined to have this project here, it doesn't seem like a fair fight. No matter what happens at the SEC or DOE approvals, ultimately the large companies with deep pockets have a level of access to decision makers that the average citizen does not have. As a citizen, where are the checks and balances to make it fair, so that there's justice and integrity to the process? For me, that's what towns do, they provide that to the citizens. We volunteer our time and come together and develop the ordinances and look at where we should have development and where should stay pristine, and where historical considerations have to be made. The towns are the center of NH. There should be a burden of proof on developers to establish that their project has some level of need in order to make it to the SEC. Otherwise, decisions should be made by local towns under their ordinances. The threshold for trumping local ordinances should be a very serious one. When you weigh a town government vs a state, it's easy to say the state should win, but towns are how we organize as people, and if 90% of towns are speaking out about something, that should not be overlooked. Local ordinances must be given full weight—otherwise I simply don't have any hope that the process will be fair.	366
6 - Consideration of Local Views/ Resources for Municipalities	Newington	Role of local control over siting issues needs great attention—energy developer should not be allowed to trump local ordinances, especially for merchant projects.	372
6 - Consideration of Local Views/ Resources for Municipalities	Newington	Intervener funding for municipal officials so they can bring on expertise & counsel	383
6 - Consideration of Local Views/ Resources for Municipalities	Newington	Key questions need to be asked regarding which projects get reviewed at the state level/SEC vs remaining at the local level of decision-making, thru land use ordinances, referenda, etc.	370
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	SEC must have at forefront taking care of affected citizens NOT business or special interests.	88
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Each town affected should have a town officer sitting on SEC with voting rights with a minimum of equal public affected citizens as other voting block.	87

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Topic Area	Location	Comment	#
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	For each category of application analysis --i.e. historic sites, safety, visual, etc-- an applicant often brings in an "expert" with credentials. The SEC & Council for the public should never allow a one sided expert testimony to stand without an "expert" rebuttal. In Groton wind, Iberdola had a visual aesthetic "expert." NH didn't have an expert, so Iberdola's testimony by definition carried today. The SEC said no impact because there was no expert to the contrary. It was but one example of slanted analysis. NH is being out gunned by experts paid by developers!	111
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	If a major project affected several dozen communities in NH and the majority of them voted against the project, I cannot see how any common sense procedure would ever allow the SEC to approve such a project.	80
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Grafton – Rights based ordinance passed. Alexandria Groton?	229
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Multi-town coordination.	228
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Visual Impacts: Should SEC be able to override town zoning ordinances? NO!	81
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	How many meetings, votes, etc. take place before citizens' votes count.	192
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Give more weight to citizens & less to lobbyists/developers. Local opinion/control should ALWAYS be most important.	161
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	The SEC should not have authority to preempt municipal jurisdiction.	164
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	SEC should not have the right to over ride local gov.	170
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Topic a: Add statutory requirement that applicant has duly considered local, regional & public comment.	177
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	The towns and the residents of those towns affected by a proposed project must share in the process.	391
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Treat energy projects as regional impact w/all affected towns.	138
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Any facility proposed should have substantial support from the local community, such as 60% or more of residents in host and abutting towns.	182
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Stakeholders – why no impacted residents?	202

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Topic Area	Location	Comment	#
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Any facility that's proposed should have substantial support from the local communities—e.g. 60% in town vote that needs to happen BEFORE anything else. Siting has to be a local thing.	71
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	SEC should not be able to pre-empt local zoning ordinances. It's not outlandish for localities to expect way more control over what happens to us. Look at example of Colorado.	79
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	The definition of 'affected communities' ought to be examined. It's not just the host community.	75
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Any town that will see a project needs to have veto power over that project.	394
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	What weight is giving to noise – visual – public input municipal input.	122
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	The government is supposed to be of the people, by the people, for the people. It seems that in the legislature, the primary focus is on attracting businesses at the sacrifice of citizens and towns. The SEC needs to pay more attention to the people being affected. Each town needs a rep on projects affecting them.	77
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	I would like to ask the SEC to find ways to level the playing field. Companies have years in secret to develop their plans, and communities should be given at least a year or two to research the project, with the process paused. Maybe with funding provided by the applicant. We're competing against companies with billions of dollars in profits.	78
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Don't allow SEC to pre-empt local ordinances concerning height zoning of structures.	218
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Deny SEC pre-emption of local zoning.	219
6 - Consideration of Local Views/ Resources for Municipalities	Plymouth	Industrial wind projects should not be built in any watershed. Industrial wind projects should not go in tourist based economies. There should be a study on the sound that these wind towers make besides desimals. These sounds are making people sick. This why in Europe they have to be built 6 miles from where people live. The surrounding towns around these wind projects should be able to vote for or against if it effects their view.	133
7 - Other	Groveton	Does size of project call for different criteria	241
7 - Other	Groveton	More emphasis on changing technologies that may argue against obsolete/soon to be obsolete methods of generation and transmission, and also impact of conservation on need and new technologies that can meet it	251

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Topic Area	Location	Comment	#
7 - Other	Groveton	Conservation of energy must be part of consideration	240
7 - Other	Groveton	Restructuring Option not considered	245
7 - Other	Groveton	Not enough discussion/emphasis on economic impacts, full spectrum for local impact, regional & state—Some of this should be picked up as develop energy policies and strategies, but should be emphasized as part of this discussion	250
7 - Other	Groveton	Criteria SEC is required to consider: NEED, environmental impact, local economic impact	258
7 - Other	Groveton	No money in conservation -- is it even needed? No build alternative	255
7 - Other	Keene	We need to keep in mind the env impacts of new projects, and count those toward the total cost of the project—whether that means mitigation to prevent groundwater contamination, etc. Those costs should be covered by the applicant and not be deflected to local or county taxpayers	304
7 - Other	Keene	Local property values must be considered	333
7 - Other	Keene	I would like to say that I found some of these scores tonight surprising—I think it would be interesting to correlate the question on experience with SEC with other responses. Having been through the process, I don't think anyone who's actually been through it could have chosen some of the answers they did	305
7 - Other	Keene	A large concern I have is addressing as quickly as possible the changes necessary to actually reduce the speed climate change is having on our planet.	326
7 - Other	Keene	Wind seems to be pretty unique, and maybe the same SEC shouldn't be overseeing all types of projects. There are a lot of subtle considerations that are unique to wind.	306
7 - Other	Keene	The SEC should look at the effect of projects on NH electric rates. We should not be bound by a 25x25 standard if that is going to drive up electric rates. Jobs and affordable living is dependent on energy prices, this is one of those effects, like destruction of the ridgeline, or the deforestation of Southern NH for biomass, that is not desirable to achieve an arbitrary 25% number. I don't think that number even had much discussion before it was chosen, it's a 'feel-good' number. What does it actually mean?	311
7 - Other	Keene	SEC should consider total "cost" including changes to the environment—don't let a company externalize costs.	354

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Topic Area	Location	Comment	#
7 - Other	Keene	There was no mention of requiring conservation of ridgeline as mitigation for inevitable negative impacts of industrial development on a ridgeline—in cases where NH Wildlife Action Plan has designated the area as significant wildlife resource it should be automatic.	340
7 - Other	Keene	I haven't heard the term property values mentioned at all tonight. How local property values are affected should be a priority.	316
7 - Other	Keene	Taxation—towns don't understand the potential tax impact or penalty for a large project, especially for towns in multi-town school districts. How should this be handled? Involve DRA?	335
7 - Other	Keene	There has been no build-out analysis done for the RPS to determine how many miles of ridgeline would be developed—that's a major drawback. Good intentions, but no realization what it means—visually, wildlife, forest fragmentation	341
7 - Other	Keene	Not enough focus on environmental issues—wildlife, etc. was mentioned almost in passing.	319
7 - Other	Keene	SEC should evaluate the effect on NH electric rates and reject any project which increases the rates	360
7 - Other	Manchester	Enforcement & oversight during construction and post-construction to ensure compliance.	23
7 - Other	Manchester	Health issues other than noise should be discussed	57
7 - Other	Manchester	Subsidized power should be factored in when considering cost effectiveness as well as effect on rates	31
7 - Other	Manchester	Health was not mentioned as a reason to oppose energy projects; i.e. transmission lines cause cancer, wind projects numerous illnesses	50
7 - Other	Manchester	While all of this is being decided, we need a moratorium on new projects.	34
7 - Other	Manchester	Wind & solar can both be mitigated by being in a distributed network	56
7 - Other	Manchester	A similar hearing should be held to apply standards to pipelines. These questions related to wind & transmission lines. And what about offshore?	54
7 - Other	Manchester	Efficiency and reducing demand needs to be accounted for.	30
7 - Other	Manchester	Is the power dispatchable, dependable?	272
7 - Other	Manchester	We have to start replacing our carbon-based generation facilities with hydro, solar, and wind. Our population will be 500 million by 2055. The sooner we get started, the better for all concerned.	46

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Topic Area	Location	Comment	#
7 - Other	Manchester	It seems like we go through the siting process (where it goes, and the impact of it) in great detail, but we totally ignore how good the power plant itself is. E.g., if we had a miracle perfect power source, it has to go through the same process as a dirty, remote coal plant.	271
7 - Other	Manchester	Renewables should be prioritized, including wind; climate change & the environment should be a factor.	15
7 - Other	Manchester	Decommissioning capacity should be analyzed by SEC	13
7 - Other	Manchester	Criteria for project approval: RI explicitly includes “public health, safety, and welfare, “ NH is not explicit about protecting these community welfare elements	9
7 - Other	Manchester	The influence by lobbyists needs to be considered and reduced. They should not be able to weigh in and sway decisions as they do now.	37
7 - Other	Manchester	NH needs to discuss alternative types of renewables	2
7 - Other	Manchester	Cost of transmission lines needed to connect to grid?	273
7 - Other	Manchester	Emissions when connected to the grid (e.g., intermittent sources require fossil fuel back up.)	274
7 - Other	Manchester	Any new proposals to SEC should be subject to the new rules	42
7 - Other	Manchester	We need to address mitigation of impacts during & post construction.	282
7 - Other	Newington	SEC should consider net benefits of project when it evaluates it under RSA 162-H:16, IV	374
7 - Other	Newington	The statute should be amended to make clear that agency permit decision shall be available before public adversarial hearings. RSA 162-H:7 and 10 are ambiguous on this point	379
7 - Other	Newington	Why not SEC guidelines/standards for generation sites? What sites are “off-limits” to wind development, hydro? Or what sites are appropriate?	386
7 - Other	Newington	The state fire marshal should be represented on the SEC because safety issues are present in every project	378
7 - Other	Newington	NOT all renewable energy technologies are created equal—need to distinguish between hydro vs wind vs solar vs tidal vs biomass	375
7 - Other	Newington	How is the decision making for these issues different from the “home rule” decision made to defeat the Onassis refinery project in Durham back in the 70s?	373
7 - Other	Plymouth	What about supervision of applicant to hold them accountable.	198

Public Comments Received at Workshops

Topic Area	Location	Comment	#
7 - Other	Plymouth	With the overwhelmingly negative public opinion of the SEC, how can they justify approving any projects until we resolve this?	64
7 - Other	Plymouth	Developers should provide a Property Value Guarantee.	158
7 - Other	Plymouth	Why does CT have moratorium on wind turbines and NH does not.	197
7 - Other	Plymouth	SEC guidelines should include omission of facility locations of areas of recognized high scenic value	159
7 - Other	Plymouth	Currently most of the “expert” testimonies are hired by the developer. There needs to be balance. We’ve all done research projects in school – skewing data to prove your point is done all the time. Reading through SEC filings & then doing more searching on your own can leave your head spinning.	165
7 - Other	Plymouth	Guidelines in place should be followed.	167
7 - Other	Plymouth	Topic 2: Property values economic source for NH – tourism #2.	179
7 - Other	Plymouth	Developers should pay cost of transmission lines, rather than taxpayers, especially if power produced in NH continues to be shipped out of state.	184
7 - Other	Plymouth	Developers should provide a Property Value Guarantee for a radius of 3 miles from project.	187
7 - Other	Plymouth	Use the 2007 wind power siting guidelines.	151
7 - Other	Plymouth	With public opinion so negative about the effectiveness of the SEC process, how can the SEC evaluate & approve any projects over the next year.	195
7 - Other	Plymouth	Developers should pay cost of transmission line.	156
7 - Other	Plymouth	What about decommission of wind turbine. \$, timeframe, etc.	199
7 - Other	Plymouth	What about negative impact on tourism, development of region.	200
7 - Other	Plymouth	What about impact of decrease in real estate values on areas where there are wind turbine.	201
7 - Other	Plymouth	Unintended consequences of facilities must be considered. Example – roads constructed for the turbines have allowed increased access for timber harvesting at the Groton wind project. The activity has compromised the clarity and quality of the Clark Brook in Rumney. Example – veterans living near the wind turbines in Falmouth, MA have experienced increased symptoms from PTSS.	209

Public Comments Received at Workshops

Topic Area	Location	Comment	#
7 - Other	Plymouth	PILOT programs place a burden on towns to negotiate with wind companies. The towns should receive support through a standing committee separate of the SEC, in which both engineering and fiscal concerns are addressed, on navigating any contract with these companies.	210
7 - Other	Plymouth	Fish and Wildlife Standards: existing commercial infrastructure.	223
7 - Other	Plymouth	Need conservation and protected species laws to bolster decisions.	226
7 - Other	Plymouth	There's a gaping hole that we need to address in the tax policy associated with these projects. Right now, statute allows for PILOTs, but something like NP doesn't fall within the category, and DRA is not following the PILOTs when they set equalization rates. We're seeing the utility companies using the state's DRA report against the towns for the tax abatement appeals. One arm of the state is being used against the other. Don't forget about the taxes when we're being sold these projects. PILOT should be for life	292
7 - Other	Plymouth	The SEC is a mish-mash of well-intentioned but ill-constructed guidelines. These guidelines are too subjective. One of the attendees likened our attempts at discussion to "writing on jello." The first question the SEC asks should be "Is this proposed energy project needed for system reliability?" The second is "How is this need determined?" The third is "Who gets to decide?"	387
7 - Other	Plymouth	Any power project should be required to post a bond that would guarantee that the land and environment be returned to the state it was before the project after the plant is decommissioned regardless of the cost.	190
7 - Other	Plymouth	Should bonds be set aside at the expense of the constructor to cover such a cost and return the land to its original status?	110
7 - Other	Plymouth	I've met lots of residents & tourists and most knew that there were wind turbines in the area but over 50% did not know that more were proposed. Everyone wanted to know who was profiting, and how they can be allowed, and what they could do to fight it. Concern ranged from aesthetics to environmental protection; many were tourists who felt that having turbines in the area would destroy what's special about Newfound—it's a pristine area. I was originally for wind power, but it has to be sited where it makes sense-- sustainable wind that doesn't destroy our ridgelines in newfound.	65

Public Comments Received at Workshops

Topic Area	Location	Comment	#
7 - Other	Plymouth	Decommissioning; all projects should be required to post a bond to guarantee that land gets returned to the state it was in. The amount should not be pre-set, because it could be artificially low.	67
7 - Other	Plymouth	SEC guidelines should include the omission of facilities in areas of recognized scenic value. If we take away our scenic value, we take away the essence of NH	72
7 - Other	Plymouth	The biomass plant that's existing right now is only 3 miles from the wind farms that are going to go up. Newfound lake shouldn't be a dumping ground. These decisions need to be about more than the 25% RPS number, nobody should have to live with ALL of these things in their area	76
7 - Other	Plymouth	Energy Policy has to include tax impact. Law should require PILOTS with all municipalities on all projects before SEC, not just renewable ones. Additionally, DRA should be required to follow PILOTS in setting equalization rates, and the use of DRA 83-F reports against municipalities in any tax abatement appeal should be prohibited.	86
7 - Other	Plymouth	Commitment for decommissioning & costs.	95
7 - Other	Plymouth	State should use most updated technology.	106
7 - Other	Plymouth	What consideration is being made to remove these structures once they reach the end of their useful life?	109
7 - Other	Plymouth	Impacts: Local, regional economic impact.	149
7 - Other	Plymouth	Visual: Regional economic impact/tourist industry.	115
7 - Other	Plymouth	Must require accurate models of exact development proposal – size.	135
7 - Other	Plymouth	Dartmouth Analysis – adopt conclusions.	143
7 - Other	Plymouth	Look @ Cape Cod Commission DRI review process & structure.	141
7 - Other	Plymouth	Abandon wind in NH & put solar panels on every commercial roof in the country.	136
7 - Other	Plymouth	Should include serious evaluation and assessment of all other impacts – transpo, econ, wildlife, plants, vernal pools, taxes, property values.	134
7 - Other	Plymouth	Who funded the lobbyists for the people? That's a joke!	125
7 - Other	Plymouth	Noise & Visual: All of the options very important to me. Difficult to choose between big picture climate change – air quality vs. wildlife, noise, visual which address more specific projects & can vary depending on type of project.	120
7 - Other	Plymouth	Purchase Option: Must offer buy-out for any homes impacted by sound.	116

Public Comments Received at Workshops

Topic Area	Location	Comment	#
7 - Other	Plymouth	Must require true and valid accurate resource assessments by professional independent contractor, not applicant, who will change data in thier favor.	139
8 - Cumulative Impacts	Keene	Case by case is a weakness. There should be a cumulative impact considered for 2nd, 3rd facilities in a region. Cumulative impacts on wildlife, noise, aesthetics should all be considered.	342
8 - Cumulative Impacts	Manchester	Cumulative impact consideration	25
8 - Cumulative Impacts	Manchester	There needs to be consideration of the cumulative impact of multiple projects in one area	41
8 - Cumulative Impacts	Manchester	There is nothing in the statute that allows for cumulative impact of multiple projects, each project is evaluated in a vacuum.	283
8 - Cumulative Impacts	Plymouth	SEC Guidelines must include cumulative impact of energy facility siting.	206
8 - Cumulative Impacts	Plymouth	SEC should be required to analize and compare the potential benefits to NH versus the potential costs to NH prior to considering any wind power project weighing issues like: 1. Visual Impact of the project; 2. Impact to the environment i.e. noise, flicker, water run off; 3. Life safety issues; versus short and long term benefits to NH.	188
8 - Cumulative Impacts	Plymouth	The most concerning thing is the cumulative impact of facilities—there isn't anything addressing cumulative impacts right now. Developers are working independently of each other and don't seem to understand the overall impact on our area.	70

Appendix E. Listening Sessions

In addition to the five Citizen Workshops, OEP hosted three Listening Sessions for those who were unable to participate in a Workshop or wished to provide more general public input on the siting process.

The following pages are OEP's notes from these sessions.

Listening Session Notes

SB99 Listening Session- Colebrook

December 2, 2013

Meredith Hatfield did a brief presentation about the state's Site Evaluation Committee (SEC) and the SB99 project.

Comments:

- Recommend that you look at the Public Counsel's memo in the Antrim wind case that addressing role of municipalities and the issue of whether they continue to have jurisdiction over land use issues. Consider giving regional planning commissions and/or planning boards a given seat on SEC.
- Aesthetics might be measured by considering the change in property values for properties that will be impacted by a particular process. For example, one fellow had a substantial change in value based on the possibility of a transmission line going through his property, so that could be one way of actually measuring aesthetic impacts.
- There is a perception that the SEC has never said no to any project.
- SEC should have 2 or 3 public reps on the Committee.
- NH doesn't need energy because we're a net exporter, but a lot of transmission lines might go through this area on their way to the NY metropolitan area or southern New England. Why do we have to site projects if other states won't? What happens to the excess energy?
- There are concerns about the timeline for an applicant to let the public know about a project. In the Northern Pass project, the people in the southern part of the state didn't find out about the project as early as those in the north, and missed opportunities to weigh in with the US DOE. The whole state should be notified at once about a project that large.
- Energy facilities are private corporations, no longer public utilities, we're giving them a special process that doesn't go to other entities. Why do we do that?
- After divestiture and restructuring of the energy industry, why should we have a special energy siting process?
- The Antrim was denied based on aesthetics, so shouldn't there be a strong assumption that the public is against this?
- SEC process is very frustrating for citizens, and many feel like they are wasting their time engaging in the process. They also don't feel heard by the SEC.
- Municipal views should carry more weight. When 29 of 32 towns vote against a project, that should be enough to stop it, the state should not even consider it. Citizens do not feel heard.
- These issues are affecting all of Northern New England, and small towns are fighting large corporations who we feel are stealing our resources and ripping us off. We need the SEC to consider what people want and help us. There will be major public backlash if SEC decisions go against clear public opinion.

Listening Session Notes

- Transmission should be buried whenever possible, including in railroad and road rights-of-way in the state. This would also provide some revenue to the state. There would be very little environmental impacts (such as to wetlands) using railroad beds.
- There is currently pending legislation that would direct projects toward rights-of-way.
- If CT votes to bury their own lines and they vote against their own wind farms, why do we have to be punished and be made to build new energy projects for them?
- Ridge tops seem like the most efficiency places to build wind farms, on our mountains. Why can't they be built in other places, like open plains, in the oceans, etc. even if they have longer payback periods before they turn their big profits? There is a lot of open land out other than mountaintops where they can still produce energy for the region.
- We all need to do more to conserve energy.
- The SEC should consider the past performance of applicants, including how they have handled storms and problems in other places or in other projects.
- The large wind farm up north is too large for the location, and the process happened so fast that people didn't have time to get organized to participate.
- Decommissioning funds need to be big enough when facilities are no longer useful. SEC should require actually funding and not accept letters of credit that won't be worth anything if an entity goes out of business. Do transmission projects have a decommissioning fund? If not, should there be one?
- Can the SEC mandate that projects incorporate most modern technology? There are legislative discussions about trying to drive projects toward better technology and undergrounding.

Listening Session Notes

SB99 Listening Session- Plymouth

December 17, 2013

Introductory Comments and introductions provided by Meredith Hatfield. She noted comments could also be submitted through email.

Public Comments:

- SEC should have to make a finding of need for projects; SEC website talks about consideration of environment and need but SEC does not make a need finding.
- Need a link between siting decision making process and state energy policy; state needs to develop a stronger energy policy.
- State needs a new siting committee that does not have use of state department head
- Concerned about committee composition, longevity of terms, continuity, who will decide who will serve on committee, is private citizen educated enough to be on committee?
- SEC needs more funding; private citizens who want to participate also need funding from state for studies and compensation; department heads on SEC also need more funding.
- Legislators appear afraid to develop a state energy policy for fear of scaring off businesses.
- NH needs to be better positioned to interact with MA and CT to establish energy equity.
- SB99 Workshop polling was too prescriptive.
- Members of the general public should have been considered stakeholders during the SB99 process.
- The SEC should put property values, personal values, and public first.
- If public need is determined for a particular project then it can be weighed in the SEC decision.
- Public citizens should get better notice of made aware of proposed energy projects.
- Town votes and warrant article decisions should take precedence over an SEC decision.
- Energy policy should require all that high voltage transmission lines must be buried underground on public land (rights of way). Royalties should be paid for access to rights of way.
- Current SEC process is weighted in favor of developer, and public has little meaningful involvement. Public citizens are volunteers and the expectation is they will learn everything about the proposed project in a short amount of time (9 months).
- SEC is too large, too cumbersome.
- State has no comprehensive energy policy – policy is needed to establish project merits.
- In reliability projects, towns affected should have greater say.
- State should develop “energy corridors.”

Listening Session Notes

- RPS goal of 25% by 2025 must be thoughtfully implemented without impacting integrity or beauty of NH.
- Legislature should restore a “need” based determination and the “need” must be in NH.
- NH RECs should be sold in NH and must stay in NH to meet our 2025 goals.
- The state should establish a mandatory time lapse between serving on the SEC committee and being hired by an energy company who appears before the SEC.
- If a wind developer believes that there will be no impact to neighbors and that property values will not change, the developer should provide a property guarantee.
- SEC should develop a process for oversight of construction and post construction periods to address problems.
- SEC originally formed as a process to facilitate energy development, but needs to change to address new technology and new siting tactics. Process must be more flexible.
- Companies that can pay \$150 million for a facility can certainly pay a filing fee to the SEC to cover its costs and to help cover costs for citizens to participate.
- SEC should only allow applications to be filed every other year; not first come, first served. This will give the committee more time and more room on agenda.
- Concerned about 2014 – between now and when new laws or rules are put in place.
- Tom Burack said SEC is not sustainable. What happens when Northern Pass and Wild Meadows apply? The SEC should put a hold on all new applications.
- For interveners the SEC process is a long and difficult process (can be as long as 4 years). It is broken and must be fixed.
- SEC projects impact everybody. When it is in your back yard, others will feel differently.
- After application approval, where is the level of enforcement? Enforcement is too slow to happen. Developers must do what they promised or severe and quick ramifications needed.
- Wind farms impact views, and causing lighting impacts that can ruin viewsheds. They affect health and property values. They can ruin a home.
- Wild meadows project will impact 6000 acres, with turbines 450 feet tall
- SEC process is slow; maybe SEC is in sympathy with energy projects.
- The “MET” Tower Law trumps local participation. Once you have a MET tower the project is basically a done deal.
- The Groton project is a mess – fire marshal has intervened due to safety issues.
- There is a big rush to get federal tax credits that will drive more projects in NH, so the SEC should put a moratorium in place.
- Once developers have 5% of its investment project (business), then project is considered a done deal.

Listening Session Notes

- SEC membership – state department heads don't have time to serve on committee and also have conflicts of interest.
- DRED – 3 people on SEC and DRED also has legal responsibility to defend conservation easements. How can DRED do both?
- Encourage OEP to think outside the box – create a new structure for SEC. State agencies play a role but should not sit as judge and jury. Take public members. Have well informed members to make well informed decisions.
- Municipal role in process – SEC overrides local zoning. Local communities should have appointed members to committee.
- Needs analysis should be required – is energy needed?
- Is the trade-off worth making? (Benefits of power vs. all other costs – environmental, view, health, etc.). SEC should be empowered to make this judgment.
- Need different process for private project vs. public need project (reliability).
- Appropriate alternatives – technologies and routes; undergrounding should be considered by the SEC.
- Projects should not be viewed in isolation – look at cumulative impacts, property values, tourism, views
- Already have Hydro Quebec line in NH that is not being used to its full capacity. Why should a new transmission line be built before existing line is fully utilized?
- Northern Pass, according to Northern Utilities, needs to meet 3 criteria: environmentally sound, profitable and acceptable to community. It fails the latter and should be rejected.
- NH small businesses (largest employers in the state) are hurt by energy development, as are local property values. Properties around Newfound Lake have already been impacted. Potential buyers ask if wind turbines can be seen from the property.
- Lights on the turbines are intrusive.
- Northern Pass says that it will create 1200 jobs, but once the wire is strung the jobs go away. Most jobs are imported for other states. Jobs are not for locals.
- Tourism is critical to small business growth and generates important revenue for NH.
- SEC needs a clear mandate; SEC needs mission and goals.
- SEC is too large, too many state agencies involved.
- Regional economic impact of project is not considered and should be. SEC should have an economist.
- Citizen quality of life – should be first priority; need should be last.
- Counsel for public cannot help individuals and therefore can't represent the public.
- Utilities whine & complain about rule changes because the current process works for them.

Listening Session Notes

- Same is true for property owners (they do not like change) – expect views to stay the same; when view changes, life changes.
- Need – if we don't need project then it should not be built.
- CT has moratorium on wind; CT is buying RECs from NH. If CT has a moratorium, then so should NH.
- Citizens must stay vigilant – very few citizens participate.
- Government will not protect you; only citizens can protect themselves but must be vigilant and be out there. Be involved.
- Agency rules and regulations – thousands of pages, yet we do not have a comprehensive energy plan (U.S. probably doesn't have one either).
- Tax dollars pay subsidies to support wind developers (money goes to foreign companies).
- Government let us down too many times; do not trust them.
- Small scale hydro does not qualify for RECs; this cuts out a viable small-scale source in NH.
- Energy consumption increasing, coal/oil is evil, gas attacked, nuclear – no, therefore, left with solar and wind – hard to be against these technologies (green).
- NIMBY – doesn't hold a lot of weight in energy decisions – built airports, dams, etc. in the past for the public good.
- How does SEC make decision? There is always collateral damage.
- Energy facilities are not appropriate in every location.
- Old NH industries are not here anymore – NH is a tourist state; therefore should not build wind farms near scenic overlooks or lakes or other areas.
- Look at tax revenue – what do wind farm companies bring in, balance with “view” issues.
- Job creation – not real.
- MA is actually taking down wind farms but they need energy.
- NH cannot be collateral damage for the common good of the region.
- We need a “before and after” rendition of a project before it is developed.
- This is not just NIMBYism – NH has a heritage landscape legacy that must be protected.
- Our views are the essence of NH; therefore we should recognize the value of our land.
- Once view is gone, it is gone forever.
- Need specific criteria and findings based on the fact that it is in the best interest of public to preserve iconic landscape.
- Local control process – right now in place only for oil refinery – recognizes that host communities should have a say.

Listening Session Notes

- SEC siting process should take into account new technology (place lines underground – not visible and more secure).
- Even those who live 20 miles away from a wind farm still have negative impacts on property values – projects affect large group of people.
- SEC needs better public notice process – people did not know projects were happening.
- Information is not being given and not being posted on websites (by wind companies).
- The 5% necessary for a viable project is spent before people even know about project.
- SEC must consider proximity to other power plants.
- Taxes – Groton promised tax revenue; property valuation actually went up .
- Can't replace residence taxes with business taxes.
- Expenses go up; therefore taxes same the same.
- Need to force transparency (5% rule can be met with phantom companies in Delaware).
- SEC must be in more of a watch dog position, needs to bring in AG's office on enforcement issues.
- OEP and the SEC should review the ISO New England 2030 Power System Study; it shows NH is becoming the power resource for southern New England.

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SB99 Lebanon Listening Session

12/11/13

- The 30MW threshold seems like a bit of a loophole were a wind developer could come in just under 30 and intimidate a small community.
- NH needs to work on a process to get us through the transition to renewable energy and elimination of fossil fuels. Because they are not continuous, there will be storage requirements. To minimize the overall system cost, NH may want to get an engineering estimate of the mix of energy types that would minimize the need for storage, because storage will likely be the most expensive part of the system, and it has high losses.
- Why haven't we been seeing more small scale types of windmills? NH needs more distributed generation.
- There is increasing increase in repurposing old mills for small hydro, most projects are under the SEC jurisdiction threshold of 30MW.
- We need to include electricity required for electric vehicles, which is going to increase the need.
- Siting criteria must consider the nexus between the impacts on the areas where energy facilities are being sited and the end users; it's a lot to ask for NH to change our landscapes in order to do something for the rest of the region that to us appears unnecessary.
- Regional issues are complex but we need to do a better job explaining them.
- As a citizen concerned about the environment & climate change, support the siting of certain types of energy, but it's clear that these things carry significant impacts. Need much more linkage with an overall energy plan, and not just let utilities be making the decisions in order to make money.
- NH needs to be more deliberate and do better planning, and looking out to the future to see what the mix is going to be and how it will change. Also need to increase our in-state resources, geothermal, wood. The energy plan needs to look holistically at all types of energy and consider what it's going to look like in the future. There will still be a need to site some controversial things, but the public may have an easier time with things that appear necessary.
- Need better linkage between the local need for energy and siting. Locals need to see and understand benefits if we have to site facilities.
- Climate change is the most important thing we're facing right now, so we need to move to less fossil fuel, and that means developing local and renewable energy.
- Some SEC criteria for decision making, such as unreasonable impact on aesthetics, etc. are very mushy terms, as is aesthetics. I don't know how you could review a project on that criteria.
- Even though we're an net exporter of electricity, we spend more dollars out of state on energy. We need to develop local sources, reduce waste.
- When we flip a switch, we get electricity because other people had their homes destroyed and mountaintops destroyed for the coal. We benefit from other people's sacrifices, and we need to carry some of the burden so that we don't want to let somebody else carry the burden for us.
- The SEC feels like a rubber stamp. The feeling is that someone is coming in and making decisions for our town and we're not really getting a say. We voted against a project and got a town

Listening Session Notes

ordinance passed, but it didn't seem to matter. Money hungry companies are coming in, they get subsidies, the state has 25x25, they're preying on towns that don't have the money to fight projects.

- I think towns should get to vote on projects, it should be a democratic process. SEC stacked with former developers, conflicts of interest.
- There's work that could be done on alternatives—alternatives now might be efficiency & distributed generation, not just another route. Especially for transmission, there could be more of a role for evaluating alternatives in a broader sense prior to the SEC process.
- SEC needs more resources. Part of this is the political problem of NH trying to do things on the cheap.
- State should focus on small scale solar to increase energy independence.
- Wind is generally the least-cost energy form if you take away all subsidies, because all of the investment is up-front, there's no on-going fuel costs.
- Europe has a lot of solar and wind. Turbines are accepted and actually look beautiful. Some people think that ski areas are uglier than wind turbines. Turbines can be beautiful.
- These issues are really about competing interests; it would be really great if we could move the SEC to seeing its role as not just evaluating things that come in, but as part of the implementation of a state Energy Plan.
- The SEC could be a tool for incentivizing the development of adequate energy production & storage and ensure that the sites are being located where communities are interested in having them.
- The SECs process could include some hierarchy of interests and some hierarchy of stakeholders. If there's too much deference given to towns, e.g. veto power, we could end up not being able to site things that serve a crucial state need. There must be a balance between towns having a say and an overall state need.
- Notification of projects should be broad, and the role of municipalities should be improved and increased. SEC should take into consideration things that have happened at the community level - there has to be a way for municipalities to have a greater role without giving them a position that would allow them to stand in the way and be completely obstructionist.
- A Certificate of Need should require projects to meet criteria in state energy plan and criteria for appropriate sites. In the absence of clear criteria, leaves the SEC open to criticism and accusations of dishonesty.
- Current language, as was pointed out, is very ambiguous. Rulemaking process will be very important.
- An application fee would be very important to help fund some staff. We need to be able to help good projects get through.
- We need to improve the process—if people feel good about the process, they are less likely to fight the outcome, even if they disagree with it. Needs to be fair.

Listening Session Notes

- The OCA might be able to play a Consumer Information role—explain how to intervene, how to get on the service list. Help people who want to be involved figure out the process, without representing them.
- In NH municipal law, communities can require conceptual review of all projects. A lot of expense and angst could be avoided and better solutions developed if these types of reviews were required by the SEC. Notices could happen similar to the way Notice of Regional Impacts do (again, that's a statutory requirement.)
- NH does a lot of good planning work, and we need to take into consideration the Wildlife Action Plan. The Northern Forest is a globally important resource. We have to weigh the importance of encouraging a local economy (biomass).
- We need to consider the issues of habitat fragmentation, take that into account when siting. These issues should be in a hierarchy of criteria.
- Visit the Lempster wind farm, you will see that the majority of people didn't like it at first, but when they started to see the positive economic impact and got educated about what it was, the local people supported it. There really wasn't a lot of noise, it was a very mind-opening experience. People need to get out there and see for themselves. People's natural reaction to the unknown is fear and panic.
- FAA lighting requirements—there is ongoing changes surrounding the requirements, new strategy is to only require the outermost turbines to have them to reduce lighting impacts.
- Siting rules need to be extremely clear. Developers need to engage local government early & often, and maybe that needs to be a stated criteria. A pre-application process could be useful.

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.]

Email Comments and Letters from Individuals

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

Email Comments and Letters from Individuals

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

Email Comments and Letters from Individuals

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

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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)

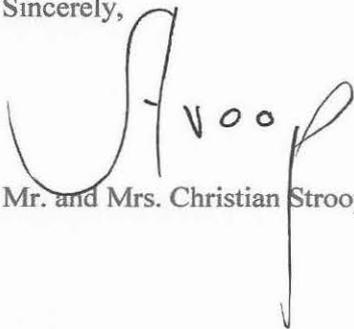
To Whom It May Concern:

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 style with a large, stylized "R" and "ielly" ending.

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.