

THE NEW HAMPSHIRE SITE EVALUATION COMMITTEE RSA 162-H



An Introduction to the Committee and its Process

Updated for the Fitzwilliam Planning Board
June 21, 2019



SITE EVALUATION COMMITTEE STAFF AND WEBSITE

Pamela Monroe, Administrator

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ENERGY FACILITY DEFINED

RSA 162-H:2 and Site 102.19

- **Renewable Energy Facilities >30 MW**
 - Wind
 - Biomass
 - Solar
 - Methane Gas
 - Tidal
 - Geothermal
- **Energy transmission pipelines, oil refineries, gas plants, energy storage facilities**
- **Electric Transmission Lines**
 - **New >100 kV and >10 miles in length, over a route not already occupied by a transmission line**
 - **New >200 kV**
- **Electric Generating Stations >30 MW**

COMMITTEE MEMBERS

RSA 162-H:3

Martin P. Honigberg, Chair

Robert R. Scott, Vice-Chair

Michael S. Giaimo

Kathryn M. Bailey

Victoria F. Sheehan

Taylor Caswell

Sarah L. Stewart

Susan V. Duprey

George I. Kassas

PUC Commissioner Chair

DES Commissioner

PUC Commissioner

PUC Commissioner

DOT Commissioner

DBEA Commissioner

DNCR Commissioner

Public Member

Public Member

Public Members (5 Total)

- **Susan V. Duprey-Full Committee Member**
- **George I. Kassas-Full Committee Member**
- **Robert A. Baines**
- **Thomas R. Eaton**
- **Lisa R. Noe**

Ex Parte Communications

RSA 541-A:36 and RSA 162-H:3, II

- All agency members, their designees, and public members of the Site Evaluation Committee **shall not** communicate directly or indirectly, with any person or party, in connection with any matter pending before the SEC.
- **All inquiries** related to the siting of energy facilities should be directed only to the **Administrator**.

TIMELINE

Event

Timeframe

Pre-Application Public Information Session (in each county where the proposed facility will be located) At least 30 days before filing an application

Administrator forwards to agencies with jurisdiction Expeditiously

Designation of a Subcommittee Expeditiously

Preliminary review by Subcommittee Expeditiously after application is received

Subcommittee determines if the application is complete and accepts, if complete Within 60 days of filing of the application

One Public Information Session (in each county where the proposed facility will be located) Within 45 days after acceptance

One Joint Public Hearing (in each county where the proposed facility will be located) with other agencies (Subcommittee attends) Within 90 days after acceptance

Agency preliminary reports with draft conditions Within 150 days after acceptance

Agency final decisions Within 240 days after acceptance

Adjudicative proceedings After agency final decisions

Decision granting or denying Certificate Within 365 days after acceptance

PUBLIC PARTICIPATION

- **Pre-Filing Public Information Session-No SEC involvement;**
- **Post-Filing Public Information Session-Administrator and Applicant;**
- **Post-Filing Public Hearing-Subcommittee;**
- **Written Public Comments are accepted throughout the proceedings and are reviewed by the Subcommittee and posted on the website;**
- **Additional Public Statement Hearings may be held during the adjudicative phase; and**
- **Petitions to intervene in the adjudicative process.**

ROLE OF MUNICIPALITIES AND REGIONAL PLANNING ORGANIZATIONS

- **The committee is required to give due consideration to the views of municipal and regional planning commissions and municipal governing bodies.**
- **Consider the extent to which the siting, construction, and operation of the proposed facility will affect land use, employment, and the economy of the region.**

Subcommittees

RSA 162-H:4-a

- **7 member subcommittees are comprised of 5 agency members and 2 public members to consider applications for certificates and petitions of jurisdiction; and**
- **3 member subcommittees are comprised of 2 agency members and 1 public member for all other matters (e.g., petitions to transfer ownership interests and requests to modify a certificate).**

Subcommittees

- **Public members are selected for subcommittees by a random draw. RSA 162-H:4-b, IV**
- **Agency members may designate a senior administrative employee or staff attorney to sit in their place. RSA 162-H:4-a, II**
- **The application fees are used to reimburse both the agency and public members for time spent in hearings, meetings, preparation, and travel. RSA 162-H:22**

COUNSEL FOR THE PUBLIC

RSA 162-H:9

- **Assistant Attorney General Appointed by the Attorney General.**
- **Represents the “public” in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy.**
- **All rights, responsibilities and privileges of an attorney representing a party in a formal action.**
- **Can engage consultants and legal counsel and the applicant pays the cost.**

CRITERIA and FINDINGS

RSA 162-H:16, IV

In order to issue a certificate, the committee must find that:

- The applicant has **adequate financial, technical, and managerial capability.**
- The site and facility will not unduly interfere with the **orderly development** of the region;
 - Due consideration given to the views of municipal and regional planning commissions and municipal governing bodies.

CRITERIA and FINDINGS

RSA 162-H:16, IV

- 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.**
- Issuance of a certificate will serve the **public interest.**

CONTACT INFORMATION AND WEBSITE

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