

CHAPTER 134
SB 99 – FINAL VERSION

03/28/13 1165s
5June2013... 1941h

2013 SESSION

13-0905
09/04

SENATE BILL 99

AN ACT requiring a study of the site evaluation committee and process, and developing regulatory criteria for the siting of energy facilities.

SPONSORS: Sen. Forrester, Dist 2; Sen. Sanborn, Dist 9; Sen. Reagan, Dist 17; Sen. Woodburn, Dist 1; Rep. Reilly, Graf 9; Rep. Rappaport, Coos 1; Rep. Suzanne Smith, Graf 8; Rep. Ford, Graf 3; Rep. Ladd, Graf 4

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill requires the office of energy and planning to contract with an outside vendor for a study of the site evaluation committee and its processes. The bill requires the site evaluation committee to adopt rules by January 1, 2015. The bill funds the study and the rulemaking process from funding sources under the jurisdiction of the public utilities commission.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT requiring a study of the site evaluation committee and process, and developing
 regulatory criteria for the siting of energy facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 134:1 Study and Report. The office of energy and planning (OEP) shall, in consultation with the
2 senate energy and natural resources committee and the house science, technology and energy
3 committee, contract with an outside vendor to perform a study of the site evaluation committee's
4 organization, structure, and process to better ensure that the review of energy facility applications
5 serves the public good and provides clarity to potential energy project developers. The study shall
6 identify deficits and needs, including but not limited to, potential funding, technology expertise,
7 committee membership, staffing, the roles of participating municipalities and the public, the role of
8 the counsel to the public, whether RSA 162-H allows the site evaluation committee to require
9 applicants to present alternatives, including but not limited to the burial of energy facilities in
10 publicly-owned transportation rights of way, and other issues that may be identified. The study
11 shall also include review and consideration of relevant studies and plans, including but not limited to
12 those developed by the independent system operator of New England (ISO-NE), the public utilities
13 commission, the energy efficiency and sustainable energy board, legislative study committees and
14 commissions, and other state and regional organizations as appropriate. The study shall engage all
15 interested members of the public in a process where meetings are duly noticed and minutes are
16 maintained for all public meetings and posted on the OEP website within 7 days of the meeting. The
17 OEP shall make a report to the speaker of the house of representatives, the senate president, the
18 governor, the senate clerk, the house clerk, and the state library on or before December 31, 2013.

19 134:2 New Paragraph; Energy Facility Site Evaluation. Amend RSA 162-H:10 by inserting after
20 paragraph VI the following new paragraph.

21 VII. No later than January 1, 2015, the committee shall adopt rules, pursuant to RSA 541-A,
22 relative to criteria for the siting of energy facilities, including specific criteria to be applied in
23 determining if the requirements of RSA 162-H:16, IV(b) and (c) have been met by the applicant for a
24 certificate of site and facility. Prior to the adoption of such rules, the office of energy and planning
25 shall hire and manage one or more consultants to conduct a public stakeholder process to develop
26 recommended regulatory criteria, which may include consideration of issues identified in attachment
27 C of the 2008 final report of the state energy policy commission, as well as others that may be

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1 identified during the stakeholder process. The office of energy and planning shall submit a report
2 based on the findings of the public stakeholder process to the committee by January 1, 2014.

3 134:3 Funding. Up to a combined total of \$200,000 shall be made available by the public
4 utilities commission to the office and energy and planning to fulfill its responsibilities under sections
5 1 and 2 of this act and to the site evaluation committee for rulemaking under section 2 of this act
6 from the energy efficiency portion of the system benefits charge, the renewable energy fund
7 established under RSA 362-F:10, the energy efficiency fund established under RSA 125-O:23, or
8 other funding sources under the jurisdiction of the public utilities commission. The office and the
9 committee may utilize any other funding sources that are available to them for these purposes.

10 134:4 Effective Date. This act shall take effect upon its passage.

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12 Approved: June 26, 2013

13 Effective Date: June 26, 2013