



January 10, 2017

The Honorable James Belanger, Chairman
House Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

54 Portsmouth Street
Concord, NH 03301

Tel. 603.224.9945

Fax 603.228.0423

info@forestsociety.org

www.forestsociety.org

Dear Mr. Chairman:

HB 145 is important because it highlights the central role municipalities should play in the siting of large energy facilities. The Forest Society understands the need of the State to oversee the siting of these facilities. However, we would ask the Committee consider the changes that have occurred in the wholesale electricity markets; specifically that this power is no longer generated and distributed exclusively by regulated utilities. Therefore, the laws governing the siting of energy facilities should reflect and adapt to the changes in the system through which all of us purchase electricity.

Some may contend that one of the original purposes of the statute establishing the site evaluation committee was to provide the state a means to supersede the existing statutory authority for municipalities to govern land use. Given New Hampshire's recent experience with several large scale energy projects, and the near- certainty we will see more proposed energy facilities in the future, a timely review of this policy is required right now. As utilities, businesses and policy leaders look to address the energy demands of the state and region, the Legislature should not allow the interests and needs of individual municipalities to be ignored or marginalized by decisions made at the state level to properly site infrastructure.

Among the questions we hope your committee will ask is whether the New Hampshire Site Evaluation Committee has the authority to unilaterally decide if municipalities' interest in protecting their unique local character must give way to out of state and out of country utilities that wish to build new systems that the municipalities largely oppose. Just as importantly, we hope you will also consider if communities retain their current statutory authority under RSA 231:161 to license utility use of municipal transportation rights of way or whether the SEC has the authority to trump such statutory authority granted to municipal governing bodies.

The complexities involved in the siting of these large energy facilities projects underscore why towns and cities must have a greater say in whether, where and how they are constructed. HB 145 will provide local communities this ability. Thank you for your consideration of the Forest Society's testimony on this important issue.

Sincerely,

Matt Leahy, Public Policy Manager
Society for the Protection of New Hampshire Forests