

JBR  
84A

State of New Hampshire  
Site Evaluation Committee

[www.nhsec.nh.gov](http://www.nhsec.nh.gov)  
21 South Fruit St., Suite 10  
Concord, New Hampshire  
03301-2429  
Telephone (603) 271-2435  
Fax (603) 271-4033



FIS 20 049

Dianne Martin  
Chairwoman

Robert R. Scott  
Vice-Chair

February 24, 2020

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, New Hampshire 03301

Fiscal Approved

His Excellency, Governor Christopher T. Sununu  
And the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

Pursuant to Chapter 345, Laws of N.H. 2019, organization footnote in accounting unit 3074, and RSA 162-H:21, II, authorize the Site Evaluation Committee (SEC) to accept General Funds, not to exceed \$216,002, from funds not otherwise appropriated, for the purpose of funding the administrative costs of the Site Evaluation Committee and reimbursing the Department of Justice for costs associated with representation by Counsel for the Public upon Fiscal Committee and Governor and Council approval, through June 30, 2020. 100% General Funds.

General Funds are to be allocated to supplant Other Funds in 02-81-81-813510-30740000 Site Evaluation Committee for FY2020 as follows:

Class	Description	FY20 Authorized	FY 20 Projected General Fund Spend	FY20 Projected SEC Fund Spend	FY20 Projected Total Spend	FY20 Unspent Appropriation
11	Personal Services Uncl	109,048	109,048	0	109,048	0
18	Overtime	6,000	0	0	0	6,000
20	Current Exp (Supplies)	9,675	1,000	0	1,000	8,675
27	DoIT (Shared Services)	17,358	17,358	0	17,358	0
28	Trans to General Services (rent)	8,429	8,429	0	8,429	0
39	Telecomm	900	900	0	900	0
40	Indirect	2,430	2,430	0	2,430	0
46	Consultants	75,000	5,000	0	5,000	70,000
49	Transfer to Other State Agencies	5,012	5,012	0	5,012	0
50	Pers Temp Svcs	5,000	0	0	0	5,000
60	Benefits	41,013	41,013	0	41,013	0
65	Board Expenses	42,000	5,010	0	5,010	36,990
68	Remuneration	175,255	18,020	63,600	81,620	93,635
70	In-State Travel	9,050	608	0	608	8,442
80	Out-of-State Travel	2,800	1,500	0	1,500	1,300
89	Transfer to DAS Maint Fund	674	674	0	674	0
	SEC Funds	509,644	0	63,600	63,600	230,042
	General Funds Requested	0	216,002	0	216,002	0
	Total	509,644	216,002	63,600	279,602	230,042

418

## EXPLANATION

Pursuant to RSA 162-H, the Site Evaluation Committee ("Committee") is funded, in part, by the application and filing fees related to projects brought before the Committee. The 2020-2021 biennium budget did not include a separate appropriation of General Funds to support administration costs of the Committee. Instead, the following organization footnote was included for the Site Evaluation Committee accounting unit 30740000: **"In the event the expenditures in either fiscal year in this accounting unit are greater than application fees and other filing fees (RSA 162-H:8-a) held in the SEC Fund (RSA 162-H:21), the Chairman of the SEC may request, with prior approval of the Fiscal Committee, that the Governor and Council authorize additional funding from General Funds not otherwise appropriated."**

The costs of carrying out the stated purposes of RSA Chapter 162-H, entitled "Energy Facility Evaluation, Siting, Construction and Operation" can be characterized as either fixed or variable. Costs associated with an application or other type of proceeding, such as salary and expenses for the public members, state agency members, and the Department of Justice in its role as Counsel for the Public before the Committee, are variable and dependent on the number and type of applications received. Historically, the application and filing fees have, for the most part, covered the variable costs.

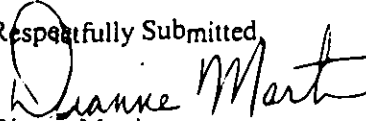
The fixed costs of the Committee are the operating costs associated primarily with salary, benefits and overhead for the Administrator position established by RSA 162-H:3-a in Chapter 217, Laws of N.H. 2014. During the last biennium, these fixed costs were covered by a transfer of funds from the Renewable Energy Fund in the amount of \$480,000 authorized by Chapter 219, Laws of N.H. 2015, but that statutory authorization did not extend beyond fiscal year 2019. No other source of funds was appropriated for the fixed costs during this biennium. The SEC anticipates revenue from application and filing fees for non-administration costs to be an estimated \$63,600 in FY2020.

Chapter 217, Laws of N.H. 2014, directed the SEC to submit a permanent funding plan to the governor, speaker of the house, and senate president for long term operations of the SEC. The funding plan developed by the SEC estimated that the expenses for the baseline operations of the SEC, including the administrator, rent, equipment, support staff (allocated from the PUC), consulting and/or legal support for rulemaking, and per diem payments to public members for work on budget matters and rules would be approximately \$250,000 annually.

In preparing this request, I asked the Department of Justice ("DOJ") to review RSA 162-H:21, entitled "Fund Established; Funding Plan" and RSA 162-H:22, entitled "Compensation and Reimbursement" to determine whether the application and filing fees can be used for the fixed costs of the Committee. The DOJ determined that the application and filing fees deposited in the special fund known as the SEC Fund established pursuant to RSA 162-H:21, I, can only be used to pay compensation and reimbursements to the public members, state agency members, and the for Counsel for the Public as specified in RSA 162-H:22. All other costs, including, the costs of the administrator and other committee support costs and public member reimbursements that are not paid from the SEC Fund, are to be funded through an appropriation from the General Fund, as specified in RSA 162-H:21, II. As a result, as authorized pursuant to the footnote in the 2020-2021 biennium budget, this request is necessary to fund the fixed operating costs of the Committee for the biennium. Please note that we conducted an in-depth review of the fixed costs of administering the program and have requested the minimum amount of funding that is necessary.

Please let me know if you have any questions related to this request. Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in black ink that reads "Dianne Martin". The signature is written in a cursive style with a large, looped initial "D".

Dianne Martin  
Chairwoman, Site Evaluation Committee and  
Public Utilities Commission