



MARGARET WOOD HASSAN  
GOVERNOR

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FIS 14 0656



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March 31, 2014

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

*[Signature]*  
Approved by Fiscal Committee 4/25/14  
Date

Her Excellency, Governor Margaret Wood Hassan  
And the Honorable Council  
State House  
Concord, NH 03301

**REQUESTED ACTION**

Pursuant to RSA 14:30-a, VI, the Office of Energy and Planning (OEP) respectfully requests authorization to **RETROACTIVELY** amend Fiscal Item #13-192 approved by the Legislative Fiscal Committee on September 13, 2013 and Governor and Executive Council on September 18, 2013, Item #7, by extending the SB99 (of 2013) site evaluation process performance period end date from March 31, 2014 to October 31, 2014, upon Joint Fiscal Committee and Governor and Executive Council approval. No additional funding is involved in this time extension request. 100% Other Funds (PUC – Renewable Energy Fund).

**EXPLANATION**

This request is **RETROACTIVE** due to an administrative oversight; the request to extend the performance period was inadvertently overlooked. The work required to develop draft siting criteria for the Site Evaluation Committee (SEC) has taken longer than originally anticipated. This extension will allow OEP to complete the public stakeholder process required by Senate Bill 99 of 2013 to seek input in the development of regulatory criteria for the siting of energy facilities. Senate Bill 99 (Chapter 134) requires the site evaluation committee to adopt rules by January 1, 2015, and OEP is conducting a public process prior to start of the SEC's rulemaking proceeding to help inform the development of siting rules. The SEC does not have staff or a budget to undertake this important public outreach phase.

In the event that Other Funds are no longer available, General Funds will not be requested to support this request.

Respectfully submitted,

*[Signature]*

Meredith A. Hatfield  
Director

MAH/BS





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August 21, 2013

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

Approval by the Governor  
and Council on 09-18-13  
Agenda Item 7

Her Excellency, Governor Margaret Wood Hassan  
and the Honorable Council  
State House  
Concord, NH 03301

**REQUESTED ACTION**

Pursuant to RSA 14:30-a, VI, the Office of Energy and Planning (OEP) respectfully requests authorization to accept and expend funds in the amount of \$200,000.00 from the Public Utilities Commission to contract to perform a study of the site evaluation committee's organization, structure, and process. Effective upon Joint Fiscal Committee and Governor and Council approvals through March 31, 2014. 100% Other (PUC Renewable Energy Fund)

01-02-02-024010-65100000 FY 2014 State Energy Programs				
Source of Funds				
Class	Description	Current Appropriation w/FY13 Balance Forward	Increase (Decrease)	Modified Budget
000-404590	Federal Funds	383,263.78	0.00	383,263.78
001-403543	Transfers from Other Agencies	0.00	200,000.00	200,000.00
009-404060	Agency Income	2,231.37	0.00	2,231.37
Totals		385,495.15	200,000.00	585,495.15

Class	Description	Current Appropriation w/FY13 Balance Forward	Increase (Decrease)	Modified Budget
016-500141	Personal Services Non Class	47,500.00	0.00	47,500.00
020-500200	Current Expenses	800.00	0.00	800.00
026-500251	Organizational Dues	8,000.00	0.00	8,000.00
030-500310	Equipment New Replacement	1.00	0.00	1.00
039-500188	Telecommunications	750.00	0.00	750.00
041-500801	Audit Fund Set Aside	137.00	0.00	137.00
042-500620	Additional Fringe Benefits	4,988.00	0.00	4,988.00

049-500420	Transfer to Other State Agency	15,300.55	0.00	15,300.55
060-500601	Benefits	34,964.00	0.00	34,964.00
070-500704	In-State Travel Reimbursement	500.00	0.00	500.00
080-500719	Out-of-State Travel Reimbursement	3,500.00	0.00	3,500.00
102-500731	Contracts for Program Services	269,054.60	0.00	269,054.60
103-502664	Contracts for Operational Services	0.00	200,000.00	200,000.00
Totals		385,495.15	200,000.00	585,495.15

### EXPLANATION

Pursuant to Senate Bill 99 (Chapter 134) enacted on June 26, 2013, OEP is responsible for the study of the site evaluation committee's organization, structure, and process to better ensure that the review of energy facility applications serves the public good and provides clarity to potential energy project developers. As part of this study, OEP is responsible for the development of recommended regulatory criteria. In order to fulfill its responsibilities OEP will consult with the state energy committee, the house science, technology and energy committee, and contract with outside vendor(s). The funding authorized under Chapter 134:3 will be used to contract outside vendors and/or consultant(s) to conduct the study and the development of recommended regulatory criteria.

OEP did not anticipate at the time the FY14/15 budget was developed that it would receive these funds, and is therefore requesting that these funds be added to its budget now.

Funds are requested for the following purposes:

Class 103 - Contracts for Operational Services

To contract with an outside vendor to perform a study of the site evaluation committee's organization, structure, and process.

In the event that Other Funds become no longer available, General Funds will not be requested to support these programs.

Respectfully submitted,

*Jonna McFarland for:*

Meredith A. Hatfield  
Director

MH/DM

Enclosure

Fiscal 09/13/13

G&C 09/18/13

FISCAL SITUATION  
 State Energy Programs  
 010-002-6510-0000  
 FY 2014

<u>Funding Information</u>	<u>Grant Award</u>	<u>Grant Period</u>	<u>Fed Award Amount</u>	<u>Expended Thru FY13</u>	<u>Funding Authorization Remaining</u>	<u>Date of Notification</u>
SEP PY 13	R130472	07/01/12 - 06/30/13	254,000.00	221,436.18	32,563.82	06/29/12
SEP PY 14	DE-EE0006204	07/01/13 - 06/30/14	310,200.00	0.00	310,200.00	06/27/13
Competitive SEP -EERS	DE-EE0005463	09/30/11 - 03/31/14	379,330.00	128,947.99	250,382.01	12/07/12
SHOPP 12	DE-EI0000930	09/15/12 - 09/14/13	13,500.00	11,592.86	1,907.14	08/30/12
<b>SB 99 Chapter 134</b>			<b>200,000.00</b>	<b>0.00</b>	<b>200,000.00</b>	<b>06/26/13</b>
<b>Total</b>			<b>957,030.00</b>	<b>361,977.03</b>	<b>795,052.97</b>	
Less: FY14 Budget Authorization					136,140.00	
Less: FY14 Balance Forward					249,355.15	
Less: SEP Grant in Org 6400					132,369.29	
Less: SEP Grant in Org 6570					4,609.26	
Less: SEP Grant in Org 7705					11,111.56	
Less: SHOPP Grant in Org 6400					3,717.16	
Available for Budgeting					257,750.55	
<b>Requested Action</b>					<b>200,000.00</b>	
Balance to be Budgeted at a later time					57,750.55	

CHAPTER 134  
SB 99 - FINAL VERSION

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

13-0905  
09/04

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

CHAPTER 134  
SB 99 - FINAL VERSION  
- Page 2 -

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.

11

12 Approved: June 26, 2013

13 Effective Date: June 26, 2013

