

Bill as  
Introduced

HB 569 – AS INTRODUCED

2013 SESSION

13-0103  
06/03

HOUSE BILL

**569**

AN ACT relative to the placement of all new electric transmission lines in New Hampshire.

SPONSORS: Rep. Rappaport, Coos 1; Rep. Ladd, Graf 4; Rep. Theberge, Coos 3; Rep. Pastor, Graf 12; Rep. Lovett, Graf 8; Rep. Enman, Coos 1; Rep. Suzanne Smith, Graf 8; Rep. Reilly, Graf 9; Sen. Woodburn, Dist 1

COMMITTEE: Science, Technology and Energy

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ANALYSIS

This bill requires that all electric transmission lines in the state of New Hampshire be placed within state transportation rights-of-way to the extent possible.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to the placement of all new electric transmission lines in New Hampshire.

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

- 1       1. New Section; Use of Transportation Rights-of-Way for New Transmission Lines. Amend
- 2       RSA 162-H by inserting after section 5 the following new section:
- 3       162-H:5-a Use of Transportation Rights-of-Way. To the extent possible, all electric transmission
- 4       lines placed in the state after the effective date of this section shall be within state transportation
- 5       rights-of-way.
- 6       2 Effective Date. This act shall take effect 60 days after its passage.

HB 569 - AS AMENDED BY THE HOUSE

22Jan2014... 2377h

2013 SESSION

13-0103  
06/03

HOUSE BILL

**569**

AN ACT relative to the placement of all new electric transmission lines in New Hampshire.

SPONSORS: Rep. Rappaport, Coos 1; Rep. Ladd, Graf 4; Rep. Theberge, Coos 3; Rep. Pastor, Graf 12; Rep. Lovett, Graf 8; Rep. Enman, Coos 1; Rep. Suzanne Smith, Graf 8; Rep. Reilly, Graf 9; Sen. Woodburn, Dist 1

COMMITTEE: Science, Technology and Energy

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AMENDED ANALYSIS

This bill makes recommendations for the siting of certain transmission lines.

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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.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to the placement of all new electric transmission lines in New Hampshire.

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

1 1 New Section; Criteria for Approving Transmission Lines for Certificates. Amend RSA 162-H  
2 by inserting after section 2 the following new section:

3 162-H:2-a Criteria for Approving Transmission Lines for Certificates. In determining that a  
4 transmission line as described in RSA 162-H:2, VII(d) and (e) meets the criteria for a certificate  
5 under this chapter, the committee shall take into consideration the following:

6 I. Use of existing public rights of way, or, when unavailable, of private rights of way shall be  
7 the preferred, but not required, option for locating all new electric transmission lines.

8 II. Burial of electric transmission lines shall be the preferred, but not required, option for all  
9 elective electric transmission lines with supports over 50 feet.

10 III. The committee may presume that any line not required for system reliability and not  
11 proposed to be substantially buried will have an unreasonably adverse effect on aesthetics. The  
12 applicant may, by a preponderance of the evidence, demonstrate that an above-ground line should be  
13 approved due to particular circumstances, including but not limited to, engineering feasibility,  
14 adverse environmental impact, substantially disproportionate cost factors, and lack of negative  
15 impact for the route involved.

16 2 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Rep. Murotake, Hills.32  
Rep. Pastor, Graf. 12  
November 8, 2013  
2013-2377h  
06/03

Amendment to HB 569

Amend the bill by replacing section 1 with the following:

1 New Section; Criteria for Approving Transmission Lines for Certificates. Amend RSA 162-H by inserting after section 2 the following new section:

162-H:2-a Criteria for Approving Transmission Lines for Certificates. In determining that a transmission line as described in RSA 162-H:2, VII(d) and (e) meets the criteria for a certificate under this chapter, the committee shall take into consideration the following:

I. Use of existing public rights of way, or, when unavailable, of private rights of way shall be the preferred, but not required, option for locating all new electric transmission lines.

II. Burial of electric transmission lines shall be the preferred, but not required, option for all elective electric transmission lines with supports over 50 feet.

III. The committee may presume that any line not required for system reliability and not proposed to be substantially buried will have an unreasonably adverse effect on aesthetics. The applicant may, by a preponderance of the evidence, demonstrate that an above-ground line should be approved due to particular circumstances, including but not limited to, engineering feasibility, adverse environmental impact, substantially disproportionate cost factors, and lack of negative impact for the route involved.

2013-2377h

AMENDED ANALYSIS

This bill makes recommendations for the siting of certain transmission lines.



Energy and Natural Resources

May 7, 2014

2014-1761s

06/01

Amendment to HB 569

Amend RSA 162-H:2-a as inserted by section 1 of the bill by replacing it with the following:

162-H:2-a Criteria for Approving Transmission Lines for Certificates. In determining that a transmission line as described in RSA 162-H:2, VII(d) and (e) meets the criteria for a certificate under this chapter, the committee may take into consideration the following:

I. Use of existing public rights of way, or, when unavailable, of private rights of way may be an option for locating all new electric transmission lines.

II. Burial of electric transmission lines may be an option for all elective electric transmission lines with supports over 50 feet.

III. The committee may presume that any line not required for system reliability and not proposed to be substantially buried will have an unreasonably adverse effect on aesthetics. The applicant may, by a preponderance of the evidence, demonstrate that an above-ground line should be approved due to particular circumstances, including but not limited to, engineering feasibility, adverse environmental impact, substantially disproportionate cost factors, and lack of negative impact for the route involved.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Section; State-Owned Rights of Way. Amend RSA 162-H by inserting after section 5 the following new section:

162-H:5-a State-Owned Rights of Way.

I. The department of transportation shall facilitate the option to bury electric transmission

lines in state-owned rights of way.

II. Any revenue generated through the use of state-owned rights of way shall be deposited in

the highway fund.

# Committee Minutes

**AMENDED**  
**SENATE CALENDAR NOTICE**  
**ENERGY AND NATURAL RESOURCES**

Printed: 03/13/2014 at 2:25 pm

Senator Russell Prescott Chairman  
Senator Bob Odell V Chairman  
Senator Jeb Bradley  
Senator Martha Fuller Clark  
Senator Jeff Woodburn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

**Date: March 13, 2014**

**HEARINGS**

**Wednesday**

**3/19/2014**

**ENERGY AND NATURAL RESOURCES**

**LOB 306-308**

**9:15 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** Executive session on pending legislation at 9AM

9:15 AM	HB256-FN	(New Title) relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, extending a commission on sustainability of the fish and game department, and establishing a committee to study funding of the fish and game search and rescue fund.
9:30 AM	HB1579-FN	(New Title) relative to penalties for the injury or death of a domestic animal caused by trapping which is in violation of law or rules, and establishing a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.
9:45 AM	HB569	relative to the placement of all new electric transmission lines in New Hampshire.

**Sponsors:**

**HB256-FN**

Rep. Gene Chandler  
Sen. Lou D'Allesandro

Sen. Jeb Bradley  
Sen. David Watters

Rep. Jeffrey Goley  
Rep. Lawrence Kappler

Rep. Dennis Reed

**HB1579-FN**

Rep. Steve Vaillancourt  
Rep. Dorothea Hooper  
Sen. Sharon Carson

Rep. Gene Charron  
Rep. Katherine Rogers  
Rep. Clyde Carson

Rep. Mary Gile  
Sen. John Reagan

Rep. Melanie Levesque  
Rep. Barbara Shaw

**HB569**

Rep. Laurence Rappaport  
Rep. Sid Lovett  
Sen. Jeff Woodburn

Rep. Rick Ladd  
Rep. Larry Enman

Rep. Robert Theberge  
Rep. Suzanne Smith

Rep. Beatriz Pastor  
Rep. Harold Reilly

Chris Cote 271-3067

Sen. Russell Prescott

Chairman

# SENATE ENERGY COMMITTEE

*Chris Cote, Legislative Aide*

## **HB 569, AN ACT relative to the placement of all new electric transmission lines in New Hampshire.**

**Hearing Date:** March 19, 2014

**Time Opened:** 11:00 AM

**Time Closed:** 12:40 PM

### **Members of the Committee Present:**

Senator Odell, Senator Prescott, Senator Bradley, Senator Fuller Clark, Senator Woodburn

### **Members of the Committee absent:** None

**Bill Analysis:** This bill makes recommendations for the siting of certain transmission lines.

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**Sponsors:** Rep. Rappaport, Coos 1; Rep. Ladd, Graf 4; Rep. Theberge, Coos 3; Rep. Pastor, Graf 12; Rep. Lovett, Graf 8; Rep. Enman, Coos 1; Rep. Suzanne Smith, Graf 8; Rep. Reilly, Graf 9; Sen. Woodburn, Dist 1

**Who supports the bill:** Joanne Devlin, Nancy Martland, Jamie White, Dolly McPhaul, Diane King, Kris Pastriza, Robert Tuveson, Rep. Rappaport, Lee Ann Moulder, Commissioner Rick Samson, John Amey, Susan Arnold AMC, Stephen Rhodes, Sherry Holmes, Scott Piper, Geoffry Smith, Bill Schomberg, Mark McCerrock, Rep. Suzanne Smith, Scott Gahan, Rep. Leon Rideout, Susan Schibanoff, Aubrey Davis, Ruth Davis, Will Abbott SPNHF, Tom Malloy, Peter Martin, Barbara Marcus, Joanna Tucson, Stacey Darlington, George Wright, Sen. Forrester, Denise Turcotte, Paulina Maurice, Carolyn Daigle, Dennis Daigle, Joseph Drinon, Anne Drinon, Grafton County Commissioner Linda Lauer, Mitchell Cain, Ted O'Brien, Tracey Menard, Lindsey Coombs, Nancy Watson, Lisa Cutler, Roger Stephenson, Mark Watson, Theresa Swanick, Martin Chandler, Rep. Maureen Mann, Walter Palmer, Peter Lor, Nick Jenkins, Derreck Dobbins, Mark Worthen, Marie Straton, Janet Ward, Jeau Weld, Amy Heiser, Rep. Marcia Hammon, Rep. Linda Massimilla, Robert Johnson NH Farm Bureau, Arielle Wolfe, Stephen Froling, Laura Bank,

### **Who opposes the bill:**

Mark Brown NE Ratepayers Association, Rep. Leigh Webb, Don Pfundstein, Stuart Trachy, Tiler Eaton, Rep. Bob Buckus, Joe Howard, Scott Lament, Sean Marshall, Joseph Casey IBEW, Huck Montgomery IBEW, Jason Bentley, Michael Licata BIA,

**Neutral:** None

### **Summary of testimony presented in support:**

Rep. Rappaport introduced his bill. This is the result of many people studying transmission issues over many years. This bill represents suggestions and not a mandate, trying to guide policy and not target an individual project. At no time does the bill mention revenue, and this bill would raise significant revenue to repair infrastructure. There is new technology allowing the burial of lines along roadways, passing this bill would help to preserve NH's beauty, this bill still allows power transmission to southern states. NH generates more power than it uses and we should be mindful that our citizens should not be asked to suffer because other states failed to plan. Larger population states dominate smaller states, this is a compromise between our citizens and other states. Q: Sen. Odell, this includes preferable language, and is a broad policy statement? A: the original bill was a mandate and this compromise is broad. Q: Sen. Clark, will someone testify regarding the new technologies available? A: one way is that there is a machine that will lay cable and immediately bury the cable 42 inches deep, and cover it with a media to

avoid accidents, another way is putting concrete conduit in the ground and run cable through it, ABB is a Swiss company and they are building a plant in the US to provide this cable.

Rep. Theberge from Berlin then testified in support of this bill. He is the Coos County Chair of House Committee State and Federal Relations. Coos County delegation is in united support of this bill, Coos County covers 20% of the state. The scarring of the North Country between Canada and the southern part of the state would be awful. If these lines are not properly addressed then it would have a negative impact on the North Country.

Kevin Michel then testified representing Senator Forrester in support of this bill. We should use the most advanced tech available, and this bill would harm the beauty of the North Country. Please support this bill.

County Commissioner Rick Sampson from Stewartstown NH, HE testified in favor of the bill. In the handout there is information on revenue opportunities for the lines. There is modern technology that is available to bury these lines, applicant should be required to bury the lines and there would be revenue to the state. The proposed Northern Pass project would still go through, please give equal weight to the people this project would impact as you give to lobbyists. Please look what might happen if ownership changes.

Commissioner Lower and Representative Suzanne Smith testified in support of the bill. The AMC comes through Grafton County, and preservation is very important and important to the citizens of NH. Rest and relaxation is important but it also supports the economy of the North Country. Power transmission would turn the area into a through-way. This bill does not impact most projects but it does impact larger projects. Northern Pass has inspired considerable concern in the North Country. This bill would provide a way for the SEC to get numbers and look at the feasibility of burial, and this bill provides a layer of protection for the entire state. This bill also opens up the possibility for increased state revenue, and buried lines would not be susceptible to ice storms and wind. Line burial will lead to jobs, increased state revenue, and still delivers power to southern NE.

Nancy Martlen testified in support of the bill and explained that the packet has information on technologies to bury the lines. Burial can happen and the attached packet explains this process. Northern NE is similar and underground projects are happening in Maine and VT. Trenches along roadsides are ideal for underground transmission, and extensive underground projects are happening in NE and NY. Projects often have areas with varied approaches both aboveground and along rights of way. There is a project that is running from the Canadian border to under Lake Champlain to Queens NY, and developers can make this happen in NH if they are making it happen in NY. The public prefers minimally invasive technology; advanced technology designed for low impact is what is used underground. HVDC Light has a large presence in the US and can do this project well. ABB is another company that works on these projects and can do this at comparable costs to overhead installation. States on either side of NH can bury their lines and so should NH. Q: Sen. Odell, Seabrook produces 1200 megawatts of power, Northern Pass would carry 1200 megawatts of power, would burying the lines be able to carry the amount of power as overhead cables? A: currently the technology can carry 1000 megawatts, and now it is approaching higher levels, technology is advancing daily. Q: Sen. Woodburn, the current existing proposed line includes some burial? A: yes, and there is a varying of costs to do this, HVDC Light was designed to carry a heavy power load.

Jamie White testified in support of the bill. This and other legislation was prompted by Northern Pass and the contentious and destructive design. Landowners do not want these towers; people

do not want these on their land. The 5<sup>th</sup> migration is people moving to areas of scenic beauty to live and preserving natural beauty, people do not enjoy living in economic industrialized areas, people want beauty. Building this industrial corridor through our natural treasures is wrong, and 33 towns have voted against this project. Citizens feel powerless to address these challenges.

Dorothy McFall testified in support of the bill. Storms cause significant problems for overhead lines due to ice and winds, and there are ways to get over and under waterways. The North Country is very frustrated with the lines, and local industry is completely against the Northern Pass project. The Governor and Federal Delegation are requesting clarification.

Denise Turcotté testified in support this bill, for scientific and local reasons.

Tom Mullen, testified in support of this bill. Aesthetics are an important aspect of this discussion and businesses understand. The mission statement of the SEC speaks to aesthetics, and clearly the SEC understands the importance of this issue. Beauty is the eye of the beholder but if you show people a picture of a powerline, people will likely not enjoy that picture, and large towers certainly tend to harm landscapes, keep the reference to aesthetics.

Will Abbott, testified in support from the Forest Society, AMC, Conservation law Club, and The Nature Conservancy, There were issues with the mandate, but please support this language. The majority decision is important and this language is not harmful, and this gives the SEC the ability to take into account aesthetics.

Robert Tubison testified in support of the bill. The amount of megawatts that can go through those lines is sufficient. The project underneath Champlain would carry two cables and a total of 2000 megawatts. The national grid line running to the west of Northern Pass only carries 1400 megawatts but can carry 600 more megawatts. Q: Sen. Odell, DC in national grid, A: Yes, Q: Sen. Odell, Champlain project how far along? A: further along than ours especially since Northern Pass is very delayed, burial and overhead lines have drastically different levels of opposition. Q: Sen. Clark, the Champlain project would use only one line now? A: they stated they do not need the power in CT now and are only using one line, Q: Sen. Fuller Clark, is the technology here? A: state right-a-ways can carry underground power, Q: Sen. Fuller Clark, we continue to get testimony that is confusing, A: understandable.

John Amy from Pittsburgh testified in support. NH and NE should have adequate energy, and towns are voting against Northern Pass. People feel that big business is running over local people. We doubt that NH needs this power since we produce more than needed. Come up with the numbers and look at where it is feasible, and do not insult us with 8 miles out of hundreds of miles proposed. There is reason to believe that if Northern Pass is built than it will operate inappropriately with respect to operations.

A woman named Gail testified that these towers will dig 35 feet down to anchor the towers, if they can do that they can bury the lines.

Becky Bennett, testified in support of this bill and expressed concern that digging so deep will interrupt the drinking water and springs in the North Country.

Amy Heiser, from Pembroke, testified in support of this bill and explained that this project impacts the North Country and other areas. She is the chair of Conservation Commission in her town. The warrant article to bury the lines expresses the town's opinion to bury the lines. Q: Bradley, number of the vote? A: do not have those numbers.

Peter Martin from Plymouth NH testified in support of the bill. He delivered folders to Senate offices regarding this bill. Northern Pass has touted the benefits to communities, but is working with PSNH to harm communities. Burying the lines in rights of way would allow for greater funding to infrastructure, and Northern Pass is just the first step in one of many lines to cross the state, along with many wind projects on our mountains, there are numerous lines planned to be running through out state at various points. ABB has perfected technology for these lines, ice storms are damaging and the last one cost twice what burying the lines would cost, Q: Sen. Bradley, the remainder of these lines on this map are proposed to be put in in the next decade? A: yes this could occur, Q: Sen. Fuller Clark, could every Senator have one of your folders? A: they do.

**Summary of testimony presented in opposition:**

Rep. Backus testified in opposition to this bill. This proposed language creates a preference for burying the bill. Tom Goetz believes this will be difficult to implement. There is a process underway preparing an energy strategy for the state underway and it should be completed. Q: Sen. Clark, with regard to the language on lines 10-11, if the removal of this language would you support it? A: it would be an improvement, Q: Sen. Woodburn, where is the harm in this bill? A: this is better than the previous proposal, this may operate as a mandate, and that customers will have to pay a higher cost due to operation and construction costs.

Marc Brown, executive direction of NH ratepayers, testified in opposition to this bill. This would force burial of the lines. NH ratepayers will see higher rates without this project. NH has high electricity cost, we need to see specific examples of large underground projects and what they have cost. How can we pass legislation on a bill with nothing that it could be compared to? There are geological challenges in NH.

Don Fundstein testified in opposition representing Northern Pass. They support the option of burial, but this is redesigning a regulatory environment. Due to the rise of Nat Gas prices, electricity rates went up significantly, this is an energy crisis, the law in NH has accommodated above and below ground lines for utilities. There is considerable concern about this bill, in practice this will be a mandate, the bill marries preference with presumption. We support optional use of rights of way. 1200 megawatts cannot be covered underground; projects in other states are not an example yet. Q: Sen. Fuller Clark, Feasibility and laying two lines? A: not an engineer, but there are other projects with two cables, but it does not mean it will function economically, there are problems. Q: Senator Bradley, you just testified that optional use of state rights of way but so many of the people have testified that they do not have any option when a project is coming to diminish their property value, what option do you mean? A: mitigation occurs in the process itself, it is not fair to say that the company has not taken steps to mitigate, they have redesigned the line in a number of areas, and looked at different pole configurations and designs, there is a great deal is that happening already. Q: Sen. Bradley, you said a few weeks ago that there are studies that show there would be no impacts on property values, A: I do not remember the quote, but there are studies on both sides of the issue, tracked the sale of real-estate along the right of way and on the right away. Q: Senator Bradley, the gentleman from Smith Peabody who listed a number of properties where owners are not able to get their value back, is he lying? A: we will get you the numbers, Q: Sen. Odell, your study was on the existing, not the proposed line? A: will get you the numbers.

Tyler Eaton testified from the Electrical workers, in opposition to this bill. This creates a new mandate disguised as a preference. This is bad public policy, and HB 569 will discourage development and cost jobs. This would make the SEC favor burying lines, and underground lines are ill suited for NH. Burying transmission lines would increase the time substantially and this



bill is designed to target line projects. Q: Sen. Odell, in the proposed construction there is a segment that is buried, would your workers be working on that? A: possibly, but it depends on if their companies get the bid.

Michael Licata from BIA testified in opposition to this bill, because in his opinion it creates uncertainty.

Stewart Tracy testified in opposition to this bill representing the city of Franklin. The city is looking at the economic development of this project and HB 569 will negatively impact the city's chances. Q: Sen. Fuller Clark, this legislation is asking for a preference, and it is a way to move the project forward, this would facilitate Franklin, why the opposition, how would it need to be changed to get Franklin's support? A: the nuances within the bill would have an impact on the SEC and creates problems and would taint the decision making process.

**Neutral testimony:**

**Fiscal Note:**

See bill

**Future Action:** Pending

# Speakers

# SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date: 3-19-14

Time: 9:45AM Public Hearing on HB 569

**HB 569 - relative to the placement of all new electric transmission lines in New Hampshire.**

Please check box(es) that apply:

SPEAKING FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Joanne Devlin	Durfield
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Nancy Martland	Sugar Hill
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Jamie White	Sugar Hill
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Dolly McPaul	Sugar Hill
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Diane King	Sugar Hill
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marc Brown	New England Ratepayers Assoc.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Kris Pastizza	Easton
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Robert Tuveson	Holderness
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	L. M. Rappaport	Coos Dist )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lee Ann Moulder	Holderness
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>COMMISSIONER</b> Rick Samson	Coos County Commissioner Dist 3
<input type="checkbox"/>	<input checked="" type="checkbox"/>	John Amey	Pittsburg
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Susan Arnold	AMC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Robert THEBERGE	COOS/3
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stephen Rhodes	Plymouth NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	St Holmes STERRY HOLMES	PLYMOUTH NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Scott Piper	Rumney, N.H.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Geoffrey Smith	London, NH

# SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

2

Date: 3-19-14

Time: 9:45AM Public Hearing on HB 569

HB 569 - relative to the placement of all new electric transmission lines in New Hampshire.

Please check box(es) that apply:

SPEAKING FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Bill Schomburg	LAND OWNER
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> MARK McCulloch	LAND OWNER
<i>Maybe</i> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Rep Suzanne Smith	Grafton 8
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> SCOTT GAHAN	Landowner
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Rep Leon H. Ridenout	COOS 7
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Susan Schibanoff	Responsible Energy Action
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Aubrey Davis	Landowner-Abutter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Ruth Davis	Landowner-Abutter
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Rep. Leigh Webb	MERR. 3
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Will Abbott	SPN HF
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Neal Kurek	State Rep.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Rose Marie Regbie	Vice Chair Fish + G. Committee
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Dean H. Judd	Bethlehem SANDRANTON-TILTON
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Don Pfundstein	NU/PSNH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Stuart Trachy	City of Franklin
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Tom Muelley	Campton
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> PETER MARTIN	PLYMOUTH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Barbara Noyens	Land Owner Deerfield

# SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date: 3-19-14

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HB 569 - relative to the placement of all new electric transmission lines in New Hampshire.

Please check box(es) that apply:

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Janna R Tuveson	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stacy DARLINGTON	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	George Wright	
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sen Jeanie Forrester	SD #2
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Denise Turcotte	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pauline Maurice	
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tiler Eaton	BEW
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Bob Buckus	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Carolyn Daigle	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DENIS J. DAIGLE	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Joseph M Drinon	BOW
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ANNE DRINON	BOW
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Grafton Co. Commissioner Linda Lauer	
-	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Mitchell N. Calk	SHAWK SEW
-	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TIED O'BRIEN	STANON SELF
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Franco Menard	Deerfield NH self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ludsey Coombs	Deerfield self
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JOE HOWARD	CONCORD NH.

# SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

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HB 569 - relative to the placement of all new electric transmission lines in New Hampshire.

Please check box(es) that apply:

SPEAKING FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Nancy Watson	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Lisa Cutler	Eastern, NH
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Scott Lamont	Harlan Electric
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Roger Stephenson	Citizen
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> MARK H. WATSON	SELF
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Theresa Swartzick	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Sean Marshall	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Myrtle W. Chandler	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Susanne Kibler-Hacker	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Representative Maureen Mann - Rockingham 32	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Walter A. Palmer	Franconia, NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Peter Lion	Deerfield, NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Nick Jenkins	Bristol NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> David C. Dobbin	Gilford, NH
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Joseph Casey	IBEW 490
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Mary Worthen	Bristol NH.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Marcie Stratton	Pembroke NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Janet Ward	Contoosook NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Jean Weld	Hopkinton NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Anne Marie "Ammy" Hesser	Pembroke, NH
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Herb Montgomery	IBEW OVER →

#13 569-

FAVOR

X

MARCIA HAMMOND

Coos Dist 5

4 towns

Linda Massimilla

Dist 1

Grafton

Susan Ford

Grafton - Dist 3

Senate Energy and Natural Resources Committee: Sign-In Sheet

Date March 19, 2014

Time 9:45 a.m.

Public Hearing on HB 569

HB 569 relative to the placement of all new electric transmission lines in New Hampshire.

Name

Representing

Name	Representing	Support	Oppose	Speaking?: Yes	No
Robert Johnson, II	NH Farm Bureau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Arielle Wolfe		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAZE		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEPHEN FLO. LINDG		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JASON BENTLEY	VIEWMARKET	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JASON LAUZE	Farmington	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Laura Bonk	Citizen of New Hampshire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MICHAEL LICATA	IRA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dennis Turcotte	? if time before Noon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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# Testimony



Greater Nashua  
**Chamber of  
Commerce**  
DARE TO SUCCEED

March 25, 2014

142 Main Street, Fifth Floor  
Nashua, NH 03060

Phone: 603-881-8333  
Fax: 603-881-7323

[www.nashuachamber.com](http://www.nashuachamber.com)

Senator Russell E. Prescott, Chair  
Senate Energy & Natural Resources Committee  
Legislative Office Building - Room 101  
33 North State Street  
Concord, NH 03301

**RE: HB 569 (Transmission Lines)**

Dear Senator Prescott:

As President of the Greater Nashua Chamber of Commerce, and on behalf of the more than 600 members of the Chamber, I am writing to register the Chamber's opposition to **HB 569**.

The Chamber has consistently opposed plans that are designed to deter the Northern Pass project through the manipulation of the generally applicable laws that govern review by the Site Evaluation Committee. While the Chamber supports the Northern Pass project as an important piece of New Hampshire's energy future, our concern about bills like **HB 569** goes beyond the Northern Pass issue. **HB 569** and its related bills are problematic because they impact not just the Northern Pass, but other potential future projects that no one has thought of yet. This is a shortsighted approach.

We agree with the statements that were made by Representative Bob Backus at the public hearing on this bill. There are three main problems with **HB 569**:

Firstly, because the bill creates a preference for the burial of transmission lines, it is clear that the Site Evaluation Committee will always operate within the scope of that preference. Even in cases where the aesthetic situation might not call for it, the SEC will be limited by the statement of general applicability that is being made in **HB 569**.

Secondly, as this Committee is aware, the State of New Hampshire is now in the process of trying to develop a state energy plan. As we understand it, one of the things being considered as part of that plan development is the issue of how the Site Evaluation Committee should approach these types of questions. The Legislature should let that planning process play out.

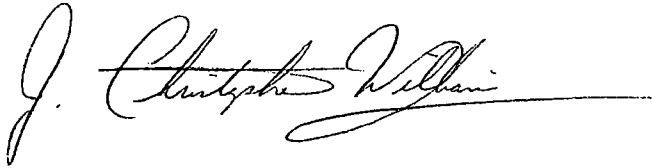
Finally, it needs to be recognized that, if there is a presumption in favor of the burial of lines, then burial of lines is what New Hampshire will get. This will come with a significant cost as far as future projects are concerned. It is worth noting that, in a recent statewide survey that was

done by our Chamber in February, 51% of the respondents either opposed outright the burial of the Northern Pass lines or favor burial but are unwilling to pay higher rates for the burial of the lines. Only 19% of the respondents said that they favored the burial of lines and were willing to pay higher rates as a result.

Accordingly, we urge the Committee to recommend inexpedient to legislate on **HB 569**.

Thank you. Please let me know if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Christopher Williams". The signature is written in a cursive style with a long horizontal line extending to the right.

J. Christopher Williams  
President & CEO

cc: Members of the Committee



**March 19th, 2014**

**Tiler Eaton  
IBEW Local 104**

**Testimony in Opposition to HB 569**

Thank you for hearing my testimony today. My name is Tiler Eaton, and I am a Representative of the International Brotherhood of Electrical Workers. I live in Nottingham, NH and I spent nearly 30 years as a lineman for IBEW Local Union 104. I am here in opposition to HB 569.

I testified before this committee last month in opposition to SB200, which has since been tabled. Like SB200, HB569 creates a new mandate for how the Site Evaluation Committee considers transmission lines. Only this time, the mandate is disguised as a "preference." The Senate rejected a substantially similar approach by tabling SB200, and should do the same by rejecting HB569.

This bill has been presented as being more reasonable than SB200, but make no mistake: HB569 is bad public policy. It will make it harder to build new energy projects in New Hampshire, and it will kill jobs in the process.

The workers of IBEW Local 104 build and maintain our state's electrical infrastructure. Our members' jobs depend on new energy projects being built in New Hampshire. HB569 would discourage development by erecting barriers to siting new transmission lines. That will hurt economic development, make it harder to meet our state's renewable energy targets, and cost jobs in the electrical industry.

HB569 would require the Site Evaluation Committee to favor buried transmission lines, but this preference is not based on any technological, environmental, or economic advantage. In fact, numerous experts have already testified before this committee during the debate on SB200 that underground lines are much more difficult and expensive to construct than overhead lines.

The basic premise of HB569 – that underground transmission lines are widely feasible, and indeed “preferable” – is false. Due to New Hampshire’s rocky and mountainous terrain, we are particularly ill-suited for underground transmission projects. In fact, underground transmission projects in places like New Hampshire are rare precisely because of the engineering challenges they present. Depending on the terrain, burying transmission lines can multiply the cost of a transmission project by anywhere from 3 to 30 times.

What’s more, HB569 would require the SEC to deem virtually all overhead transmission lines to have an adverse aesthetic impact. This requirement takes away the SEC’s ability to review projects based on their merits, replacing that independent authority with a legislative decree.

The truth is, this bill is not intended to encourage the responsible development of New Hampshire’s energy resources. Instead, it is designed to target particular projects that the bill’s sponsors oppose. That’s a bad way to craft public policy.

Please reject this mandate-in-disguise. Our economy, electric ratepayers, and workers in the electrical industry will be much better off without this major barrier to building new energy projects.

Thank you for your work and your consideration.

To the Members of the New Hampshire Senate Energy and Natural Resources Committee:

I am writing in support of HB569 as amended by the House (Amendment 2013-2377h). I was recently appointed to serve out Ray Burton's remaining term as a Grafton County Commissioner. Grafton County has an area of about 1750 square miles and covers almost one-fifth of the state. Over half of the White Mountain National Forest is in Grafton County, as is Franconia Notch State Park and Cardigan State Park. The Appalachian Trail runs through at least 10 towns in the county. About 90% of the landscape is timberland. The service industries, primarily tourism, are the largest employers.

I mention all of these facts because you need to know why preservation of our state's natural beauty is so important to me. The beauty of our state provides rest and relaxation to the tourists from all around the world, but it also provides food on the table for many of us who live in Grafton County. The majority of my constituents do not want to see our county become a throughway for tall power lines between Canada and southern New England. HB569 simply asks the Site Evaluation Committee to take the importance of our natural resources and tourism-based economy into account as it evaluates power transmission projects, and give preference to the burial of elective transmission lines so that our state's economy will not be impacted.

HB569 does not ask for a lot. It does not impact projects that are required for reliability. It does not affect shorter towers- those less than 50 feet tall- whose height does not exceed that of the region's trees. It does not require burial of elective transmission lines- it allows for the use of higher transmission lines if the developer can show that burial is not a smart choice from the perspective of engineering feasibility or substantial cost differences.

So what does HB569 accomplish? It provides a layer of protection for the tourism industry and the state by making the burial of lines the preferred option where it is feasible. It opens up the possibility of increased state revenue through the lease of state-owned rights-of-way for elective power lines. It encourages the use of buried transmission lines so that we don't have a repeat of the extended power outages that accompanied the 1998 ice storm in Montreal, or the December 2008 ice storm in New Hampshire, or the February 2014 ice storm in Georgia, or the storm that cut power to 1.5 million people in Pennsylvania in February, or.....you get the idea. Ice storms happen. They happen in New Hampshire. Why not bury elective transmission lines where it is feasible? It's just common sense.

In summary, HB569 is needed not because it forces the burial of transmission lines- it doesn't- but because it will result in line burial being a preferred option. Burying elective transmission lines preserves our natural resources, safeguards Grafton County's tourism-related economy and jobs, protects the transmission lines from ice and wind damage, offers the possibility of increased state revenue through the lease of state-owned rights of way, and gets power to southern New England. For these reasons, I encourage you to recommend "Ought to Pass" to the full Senate on HB 569 as amended.

Respectfully,



Linda D. Lauer, Ph.D.

County Commissioner, Grafton District 2

**Testimony given by Marc Brown of the New England Ratepayers Association to the NH Senate Energy and Natural Resources Committee on March 19, 2014 on HB 569**

Thank you members of the committee. My name is Marc Brown and I am the Executive Director of the New England Ratepayers Association, a non-profit that represents hundreds of residential and small business ratepayers in New Hampshire. On behalf of the NH ratepayers that we represent, we oppose this bill.

HB 569 is asking the SEC to essentially force the burial of transmission projects—specifically the Northern Pass Transmission Project, which would provide New England’s base load starved electricity grid with 1200 MW of reliable and affordable electricity. ISO-NE recently held Forward Capacity Auction 8 and because of a minor capacity shortage as a result of the pending closure of Brayton Point Power Plant in Somerset, Massachusetts, New Hampshire ratepayers will be saddled with an additional \$162 million in capacity payments—in one year. The pain would have been worse if not for ISO’s request for an administrative price from FERC that likely kept the cost from doubling.

The future might not be so kind. Environmental and market pressures have prompted discussions that Pilgrim Nuclear Power Plant and its 685 megawatts may follow in the same footsteps as Vermont Yankee—which has the same owner as Pilgrim (Entergy). Who knows how high capacity payments will climb should Pilgrim close its doors? We all know about New Hampshire’s high electricity costs and its impact on residents and businesses--so why would we enact legislation whose intent is to kill a project that would lower these high rates?

Furthermore, I think it would be incumbent on the bill’s sponsors to provide the committee and the public with specific examples of underground burial of high-voltage/high-capacity transmission projects covering 100 miles or more that have been **completed** in the United States or anywhere else in the world and the costs associated with those projects. I have heard and read on numerous occasions about examples of such projects, but have been unable to identify any of the scope and magnitude of the Northern Pass Project.

Not one of the proposed projects that have been frequently compared to Northern Pass has broken ground—not the Tres Amigas Project in New Mexico,

which is seeking Federal loan guarantees because the project is otherwise financially unfeasible; not the Champlain-Hudson Power Express, New England Clean Power Link, or any of the other proposed projects in the region. How can we pass legislation on a bill when we have no existing projects with which to make comparisons—especially completed costs comparisons?

The prudent path for this bill would be for it to be referred to a study committee so that the legislature can better understand the costs and challenges associated with burying transmission lines—especially in a state with the geological and topographical challenges of New Hampshire.

Thank you.





DONALD J. PFUNDSTEIN

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Concord, NH 03301

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Direct Line: (603) 545-3600  
Fax: (603) 228-6204  
pfundstein@gcglaw.com

March 19, 2014

Senator Russell Prescott, Chairman  
Senate Energy and Natural Resources  
State House, Room 302  
107 North Main Street  
Concord, NH 03301

**Re: House Bill 569: Relative to the placement of all new electric transmission lines in New Hampshire**

Dear Senator Prescott:

I write on behalf of Northern Pass Transmission ("Northern Pass") with respect to your committee's hearing on HB 569. We remain opposed to such a mandate whether expressly stated or nuanced in the form of a preference or presumption. We continue to support the optional siting of energy infrastructure in public rights of way.

New Hampshire has a long history of the DOT and municipalities "accommodating" energy infrastructure in the public rights of way (roads). The utility is permitted "licensed" to use the right of way until such time as it conflicts with the general public's needs. For instance, if the energy infrastructure needs to be moved to accommodate highway improvements, the utility bears the cost, not the tax payers. For highway projects, this is not a small matter because utility relocation is costly under the best of circumstances. Mandating a preference raises the issue of shifting responsibility for these relocation costs onto the tax payer.

When HB 569 was heard on the House Floor, a motion to table the bill failed by a tie vote of 160-160, which tie was created by the Chair's no vote. Clearly, there is much concern over the public policy proposed in the bill. As Representative Robert Backus, an attorney, explained prior to that vote:

“...I have extensive experience before the site evaluation committee. Every proceeding I have been involved in, I have represented citizen groups who oppose a proposed energy project. One of those groups was called the Power Line Education Fund, a north country group, that opposed the northern portion of the first Canadian hydro import project known as the Phase Two Pipeline, that was a transmission project.” (transcribed from House Session audio dated January 22, 2014).

Representative Backus also stated:

“...Now this bill makes a very significant change to the SEC authority. It establishes a preference that new electric transmission lines both utilize state existing right of ways and be buried, a preference and it mandates that site evaluation committee and I quote presume that any line... not required for system reliability, not proposed to be substantially buried, will have an unreasonably adverse effect on aesthetics. I suggest this is not for this legislature to mandate what presumptions the site evaluation committee should use. We all know the aesthetic impact is very particular to a particular site...” (transcribed from House Session audio dated January 22, 2014).

Taken together, the bill represents a de facto mandate. If a non-reliability electric transmission project is not buried, it is presumed to have an unreasonable adverse effect on aesthetics. Unless it is able to overcome that presumption, its application for siting approval must be denied under current law.

The feasibility, practicality and cost of undergrounding transmission line facilities is a complex, fact-specific, project and site-focused question. There is no one size fits all or single solution to siting energy infrastructure. Geography, terrain, hydrology, and geology are a few of the site and project specific factors which determine the feasibility, practicality, and affordability of undergrounding transmission line facilities.

Northern Pass agrees that underground technology is an important tool. Its route employs underground transmission for approximately 7.5 miles in Stewartstown and Clarksville in addition to a 2300 foot section proposed for the Route 3 crossing in Pittsburg. However, it should not be mandated, as there is no one size fits all or single solution for siting energy infrastructure.

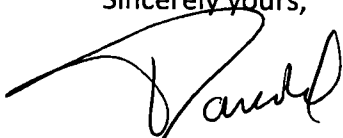
Senator Russell Prescott, Chairman

March 19, 2014

Page | 3

We continue to support the truly optional siting of energy infrastructure in public rights of way.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Pfundstein", written over a horizontal line.

Donald J. Pfundstein

cc: Bob Odell, Vice Chairman  
Jeb Bradley  
Martha Fuller Clark  
Jeff Woodburn

# **Testimony of Laurence Rappaport to the Senate Committee on Energy and Natural Resources, March 19, 2014 on HB 569**

Ladies and gentlemen, my name is Larry Rappaport and I represent the people of Coos District One which ranges from North Stratford to Pittsburg and from the Connecticut River east to the State of Maine. I am here to present House Bill 569 which is the result of many people studying transmission issues over several years. I would like to think this work encompasses the best thinking of the House Science, Technology, and Energy Committee, the Senate 361 Commission, and the House Transmission Subcommittee.

Please note that this bill represents suggestions to the Site Evaluation Commission, not a mandate. If the transmission company has a valid reason for preferring aerial transmission, it will be noted. We are trying to guide policy, (as I believe we should) not targeting an individual project. We are not trying to mandate outcomes, only to provide guidance. In other words, we are not trying to micromanage a decision which belongs to others, just to give them another tool which assures fairness for all.

While at no time does the bill mention revenue, it is clear that should the site evaluation commission require burial in State Transportation rights-of-way, it would raise significant revenue for the State. That is money the State does not now have and which could be used to repair our crumbling infrastructure.

You may hear from others that burial is a very expensive proposition. We have heard testimony that this simply is not so. New technology has dramatically reduced the cost of burial, particularly when the ground used is "softened" as are most of State Transportation rights-of-way. And, since the land has already appropriated, there is no need for transmission subsidies or the taking of any additional land. Burial is already in use in New York, Vermont, Maine and Connecticut. There is a current

project in Massachusetts and Hydro Quebec in Canada has agreed to bury the feed to the Champlain-Hudson project.

Passing this bill would help to preserve NH's natural beauty upon which our tourism industry is based and a solid reason for people to move to our state.

HB 569 still allows power transmission to the lower states who need it, but without uncompensated sacrifice.

In 2012, the Independent System Operator of New England told us that New Hampshire generated over 4000 Mw of power while using only 1250 Mw. This is a testament to the proper planning of the power generation industry in New Hampshire along with the wisdom of our government. Even with the potential closing of several large facilities, New Hampshire will persevere. This is not true of our neighbors, but I would argue that our citizens should not be asked to suffer because others failed to plan, particularly when there is such a viable alternative. Unfortunately it is in the nature of the ISO that larger population states dominate those who have fewer citizens.

I believe this bill represents the best compromise between the needs of our neighbors with the wishes of our citizens. We mean to provide the same clarification we provide other boards and commissions. We are bringing this forward now because there is such a rush of legislation concerning energy siting and management. You may want to take SB200 off the table and combine the best parts of it.

That concludes my testimony. I will try to answer questions.

**MAJORITY  
COMMITTEE REPORT**

<b>Committee:</b>	<b>SCIENCE, TECHNOLOGY AND ENERGY</b>
<b>Bill Number:</b>	<b>HB569</b>
<b>Title:</b>	<b>relative to the placement of all new electric transmission lines in New Hampshire.</b>
<b>Date:</b>	<b>November 22, 2013</b>
<b>Consent Calendar:</b>	<b>NO</b>
<b>Recommendation:</b>	<b>OUGHT TO PASS WITH AMENDMENT</b>

**STATEMENT OF INTENT**

The committee believes that the Site Evaluation Committee should give preference in its permitting process to the burial of elective transmission lines and locating them and all other new transmission lines along existing state transportation rights of way, where available, or private rights of way otherwise. Since the electrical output of large projects often primarily benefits the populous states to our south, this amended bill is designed to lessen the likelihood that New Hampshire residents will have to suffer the visual impact to the landscape of such projects as a result of allowing elective, above ground transmission lines to pass through our state. The amended bill may also provide much needed revenue to the State through the lease of state rights of way. While New Hampshire has done an admirable job of planning for its energy needs in the future, other states have not. The committee believes that New Hampshire residents should not suffer because of this. The amended bill will not apply to the transmission lines associated with small renewable energy projects which the State may need to achieve its goal of 25% renewable energy by 2025. There was a subcommittee formed from members of the Science, Technology and Energy Committee which met over the summer to consider this issue. The result was this bill as amended.

Vote 12-7

Rep. Laurence M Rappaport  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

« Ripples in Space Are Evidence of Universe's Early Growth Spurt  
Oldest Case of Cancer Discovered in Ancient Skeleton »

# Animals Avoid Power Lines Because of Frightening UV Sparks

By Carl Engelking | March 17, 2014 4:09 pm



Researchers know that high-voltage power lines have some strange influence on animals. Creatures from reindeer to elephants to birds tend to avoid the areas around power lines. This was mysterious because the structures seem passive and simple to walk or fly past.

However, scientists now say this may be because power lines emit ultraviolet light, invisible to human eyes, that appears as frightening flashes to animals that can perceive ultraviolet light.

This paper is the first to offer a simple explanation for the power line-avoidance behavior. If true, the theory could explain fragmentation of wild habitats.

## Seeing the Light

Humans, in the scheme of things, only see a very small percentage of what's happening in the environment. Of the entire electromagnetic spectrum, only about 0.0035 percent of it is visible to humans. Many mammals, on the other hand, can perceive ultraviolet (UV) light—including cattle, cats, dogs, rats, red pandas and hedgehogs. In fact, humans and monkeys are among a

small minority of mammals that can't see UV.

We also know that high-voltage power cables cause a build-up of ionized gases around the outside of the cable, which causes random flashes of UV light as the gases, or corona, dissipate. Power companies do what they can to prevent corona emissions because it wastes energy, but they can't insulate the wires enough to prevent every emission.

## Wild Reindeer

Both these facts are known, but the new paper from a team of researchers in Norway tied the two pieces together to explain habitat fragmentation. They focused on wild reindeer in southern Norway, where there are now 23 distinct populations of the species as a result of habitat fragmentation.

Reindeer have reflective surfaces in the back of their eyes that help them see UV light, which is an adaptation especially important in long and dark Norwegian winters. Drawing on this and other anatomical evidence, scientists deduced that reindeer likely strongly perceive power lines and become conditioned by this fear to avoid them, even during the daytime. The findings were published last week in the journal *Conservation Biology*.

Study co-author Glen Jeffery told *The Independent*:

“Reindeer see deep into the UV range because the Arctic is especially rich in UV light. Insulators on power lines give off flashes of UV light...The animals potentially see not just a few flashes but a line of flashes extending right across the horizon. This is the first bit of evidence that explains why we think they are avoiding power lines.”

The scientists' findings cast new light on the impact of human development, and could explain why habitats are fragmenting for many other species around the world.





## Coös County Commissioners' Office

P.O. Box 10  
West Stewartstown, N.H. 03597  
603-246-3321  
fax: 603-246-8117

HB 569 -AS AMENDED BYTHE HOUSE

Good Morning Mr. Chairman and members of the Energy and Natural Resources Committee,

For the record my name is Rick Samson Coos County commissioner District Three. The largest district in area in our state. I am a former 1<sup>st</sup> class lineman for PSNH, a former member of the IBEW union and foreman for Seawood Construction Co working on power line construction. I have installed, maintained and repaired both overhead and underground transmission and distribution electric power lines and worked on 100' tall structures.

Because of my pass and current experiences and position I rise in support of HB 569 for the following reasons:

Modern technology has made overhead line construction a thing of the past. The burial of lines today is the preferred method of construction eliminating the dangers of ice storms, hurricanes and other natural disasters. The health risks are minimized with underground burial as well. Overhead alternating and direct current create magnetic fields that are detrimental to both humans and wildlife.

An applicant should be required to hire an independent engineering firm approved by the state to complete a competitive analyst of both overhead and underground construction for any future transmission project.

The applicant should be required to bury the proposed line or lines on state ROWs. These ROWs are already referred to as soften ROWs and require little if any blasting, taking of land or widening of existing ROWs.

In return our state would recognize the revenues from the projects have authority over construction, protect our aesthetics and protect our tourism and our economy.

The proposed Northern Pass project will enter our state in District Three which I represent and zig zag thru six towns and two unincorporated places. All of the towns have voted against Northern Pass. The wish of the people should be considered and followed.

I respectfully request that this committee recommend passage of HB 569 to our full Senate.

Respectfully Submitted,   
Rick Samson Coos County Commissioner District Three

COMMISSIONERS

## **NH Revenue Opportunity: Lease State-Owned ROWs for Transmission Lines**

- State-owned highways and rail beds (ROWs) offer key siting advantages for buried lines
- Technically and financially feasible (SB361 Commission)
- State government gets: revenues, avoided damages/problems/costs
- Developer gets: less risk, more certainty, easier process
- Regional innovators already pushing ahead: New York, Maine

**How big is the state's potential revenue opportunity? Highlights from an indicative<sup>1</sup> analysis...**

- Assumptions
  - 200 mile north/south route, from Canadian border to southern NH
  - 1200MW line used exclusively by Hydro-Quebec
- Approach #1: use value benchmark from Northern Pass's land buys in Coos County
  - \$400-\$1,000<sup>2</sup> per linear foot of ROW, or \$2 million to \$5 million per mile
  - Capital value of \$400 million to \$1 billion for 200 miles of state-owned ROW
  - Model annual rent at 5% of capital value
  - Annual rent to state: **\$20 million to \$50 million**
- Approach #2: apply 10%-20% land rights "royalty" to HQ's revenues from the line
  - Royalty rate from shale gas precedents
  - 1200MW = 10.5TWh/year, or \$430 million/year at HQ's 2012 export pricing<sup>3</sup>
  - Annual rent to state: **\$40 million to \$90 million**
- Approach #3: use New Jersey's new state ROW rental guidelines
  - Rentals calculated per square foot used (assume 30' width for line area)
  - Range from \$0.15 to \$1.40 per square foot<sup>4</sup>, or \$25,000 to \$220,000 per mile
  - Annual rent to state: **\$5 million to \$45 million**
- Approach #4: make state-to-state contact with New York, Maine to get their estimates
- Approach #5 (most reliable): NH runs an open "tender" for use of state ROWs
  - Open to HQ directly as well as full range of transmission developers

***Prepared by members of Responsible Energy Action LLC (REAL)***

**[www.responsibleenergyaction.com](http://www.responsibleenergyaction.com)**

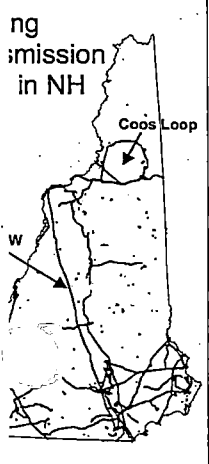
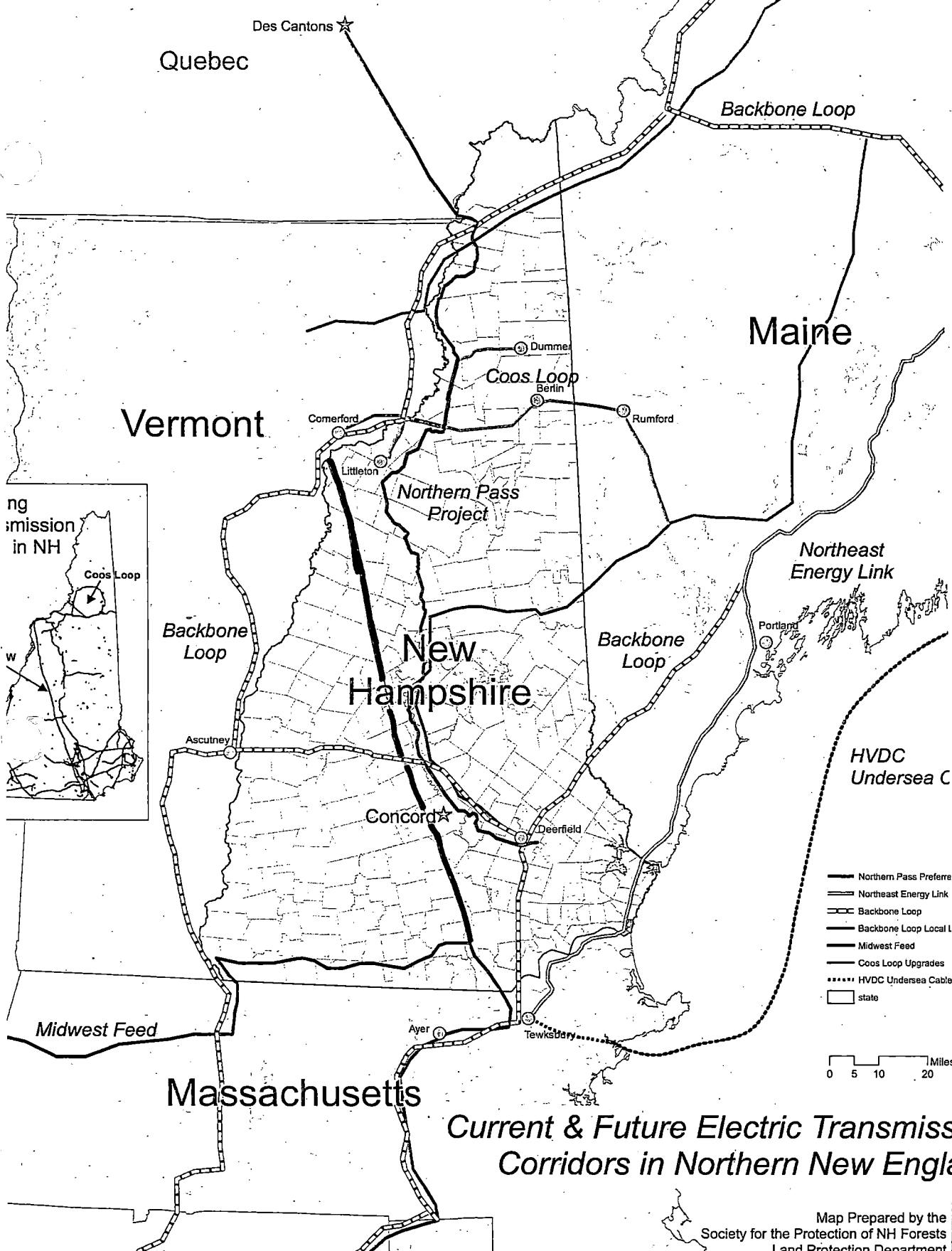
June 9, 2013

<sup>1</sup> Contact REAL for more detail on the analysis.

<sup>2</sup> Some land buys were priced at up to \$4,000/ROW foot, but we exclude these to be conservative.

<sup>3</sup> HQ's 2012 exports produced net revenues of 4.1 cents/kWh (2012 Form 18-K).

<sup>4</sup> Low end of range is an "outlier" because it is only for small, low-value projects. New Jersey is working on updates that will likely raise the recommended rental ranges. Contact REAL for a summary of New Jersey's guidelines.



**Current & Future Electric Transmission Corridors in Northern New England**

Map Prepared by the  
 Society for the Protection of NH Forests  
 Land Protection Department

To the Members of the New Hampshire Senate Energy and Natural Resources Committee:

I am writing in support of HB569 as amended by the House (Amendment 2013-2377h). I was recently appointed to serve out Ray Burton's remaining term as a Grafton County Commissioner. Grafton County has an area of about 1750 square miles and covers almost one-fifth of the state. Over half of the White Mountain National Forest is in Grafton County, as is Franconia Notch State Park and Cardigan State Park. The Appalachian Trail runs through at least 10 towns in the county. About 90% of the landscape is timberland. The service industries, primarily tourism, are the largest employers.

I mention all of these facts because you need to know why preservation of our state's natural beauty is so important to me. The beauty of our state provides rest and relaxation to the tourists from all around the world, but it also provides food on the table for many of us who live in Grafton County. The majority of my constituents do not want to see our county become a throughway for tall power lines between Canada and southern New England. HB569 simply asks the Site Evaluation Committee to take the importance of our natural resources and tourism-based economy into account as it evaluates power transmission projects, and give preference to the burial of elective transmission lines so that our state's economy will not be impacted.

HB569 does not ask for a lot. It does not impact projects that are required for reliability. It does not affect shorter towers- those less than 50 feet tall- whose height does not exceed that of the region's trees. It does not require burial of elective transmission lines- it allows for the use of higher transmission lines if the developer can show that burial is not a smart choice from the perspective of engineering feasibility or substantial cost differences.

So what does HB569 accomplish? It provides a layer of protection for the tourism industry and the state by making the burial of lines the preferred option where it is feasible. It opens up the possibility of increased state revenue through the lease of state-owned rights-of-way for elective power lines. It encourages the use of buried transmission lines so that we don't have a repeat of the extended power outages that accompanied the 1998 ice storm in Montreal, or the December 2008 ice storm in New Hampshire, or the February 2014 ice storm in Georgia, or the storm that cut power to 1.5 million people in Pennsylvania in February, or.....you get the idea. Ice storms happen. They happen in New Hampshire. Why not bury elective transmission lines where it is feasible? It's just common sense.

In summary, HB569 is needed not because it forces the burial of transmission lines- it doesn't- but because it will result in line burial being a preferred option. Burying elective transmission lines preserves our natural resources, safeguards Grafton County's tourism-related economy and jobs, protects the transmission lines from ice and wind damage, offers the possibility of increased state revenue through the lease of state-owned rights of way, and gets power to southern New England. For these reasons, I encourage you to recommend "Ought to Pass" to the full Senate on HB 569 as amended.

Respectfully,



Linda D. Lauer, Ph.D.

County Commissioner, Grafton District 2

March 19, 2014

Senator Russell Prescott, Chair  
Energy and Natural Resources Committee  
NH State Senate

Dear Senator Prescott and Members of the Committee:

I write today to express my support for HB569, which states that burial of HVDC transmission lines and use of state owned rights of way are the **preferred option** when the SEC reviews applications for elective electric transmission lines with supports over 50 feet.

In rural Grafton County, when I drive or walk, I often pass under 60-foot high steel transmission lines that carry energy over long distances from our neighbors to the north to our neighbors in the south. When these towers were built in the 1980s, they were state of the art and burying of lines was thought to be the optimum method for transmitting DC (direct current) power over long distances.

As a member of the House, I have had the opportunity to educate myself both by attending the energy related meetings of the SB361 Commission and participating in the recent SB99 Commission workshops and focus groups.

Here are just a few of the things I have learned about burial technology:

1. National Grid's Northeast Link will carry power **underground** from Bangor Maine through New Hampshire to Massachusetts.
2. ABB (Power Systems Division, Raleigh, NC) which manufactures the equipment that allows EHV (extra high voltage) transmission cables to be buried safely and cost-effectively has recently opened a manufacturing facility in this country. They are a Dutch company, but due to demand on this continent they have opened a facility here.
3. It is within the purview of state government to use the Interstate medians as a location to bury transmission lines. (Power companies would lease the rights to use this land and increase state revenue.)
4. When lines are buried in an area that has previously been disturbed, the cost of burying the lines drops tremendously making it feasible for developers.

This is 2014. Times have changed and burial technology has advanced. **HB569 is not a mandate.** Additionally, jobs will be created whether the lines are strung across our landscape or buried in our rights of way. I urge you to support HB569 and thank you.

Sincerely,



Suzanne Smith  
NH House of Representatives  
Resources, Recreation & Development Committee, Vice-chair  
20 Brookside Lane  
Lebron, NH 03241  
603-744-9064

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: 5.7.2014

THE COMMITTEE ON Energy and Natural Resources

to which was referred House Bill 569

AN ACT                      relative to the placement of all new electric transmission  
lines in New Hampshire.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS WITH AMENDMENT**

BY A VOTE OF:    3-2

AMENDMENT # 1761s

Senator Jeff Woodburn  
For the Committee

Chris Cote 271-3067

## New Hampshire General Court - Bill Status System

**Docket of HB569**

Docket Abbreviations

**Bill Title:** relative to the placement of all new electric transmission lines in New Hampshire.**Official Docket of HB569:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/3/2013	H	<b>Introduced</b> 1/3/2013 and Referred to Science, Technology and Energy; <b>HJ 12</b> , PG.200
1/30/2013	H	Public Hearing: 2/12/2013 11:00 AM Representatives Hall
2/13/2013	H	Full Committee Work Session: 2/21/2013 2:00 PM LOB 304
2/14/2013	H	Executive Session: 2/26/2013 1:00 PM LOB 304 ==RECESSED==
2/27/2013	H	Continued Executive Session: 3/5/2013 1:00 PM LOB 304
3/5/2013	H	Retained in Committee
6/14/2013	H	Retained Bill - Full Committee Briefing on Electric Transmission and Work Session: 6/25/2013 10:00 AM LOB 304
6/25/2013	H	Retained Bill - Subcommittee Work Session: 8/6/2013 10:00 AM LOB 304
8/7/2013	H	Retained Bill - Subcommittee Work Session: 8/20/2013 10:00 AM LOB 304
8/20/2013	H	Retained Bill - Subcommittee Work Session: 9/24/2013 10:00 AM LOB 304
9/24/2013	H	Retained Bill - Subcommittee Work Session: 10/15/2013 10:00 AM LOB 304
10/16/2013	H	Retained Bill - Subcommittee Work Session: 10/22/2013 10:00 AM LOB 304
10/22/2013	H	Retained Bill - Subcommittee Work Session: 10/29/2013 10:00 AM LOB 304
10/22/2013	H	Retained Bill-Executive Session: 11/12/2013 10:00 AM LOB 304
11/25/2013	H	Majority Committee Report: Ought to Pass with Amendment <b>#2013-2377h</b> for Jan 8 (Vote 12-7; RC); <b>HC 1</b>
11/25/2013	H	Minority Committee Report: Inexpedient to Legislate
1/22/2014	H	Adopt Amendment #2377h AA VV
1/22/2014	H	Lay on Table (Rep. Cali-Pitts) MF DV 160-160
1/22/2014	H	Lay on Table (Rep. Vaillancourt) MF <b>RC</b> 151-168
1/22/2014	H	<b>Ought to Pass with Amendment</b> #2377h MA <b>RC</b> 171-139
1/22/2014	H	Referred to Ways and Means
1/23/2014	H	Referral declined by Chair of Ways & Means per House Rule 46 (f)
2/6/2014	H	Third Reading and Passage
2/19/2014	S	Introduced and Referred to Energy and Natural Resources
3/13/2014	S	Hearing: 3/19/14, Rooms 306-308, LOB, 9:45 a.m.; <b>SC10</b>
5/7/2014	S	Committee Report: Ought to Pass with Amendment <b>#2014-1761s</b> , 5/15/14; <b>SC18</b>
5/15/2014	S	Committee Amendment 1761s, AF, <b>RC</b> 8Y-16N



5/15/2014	S	Sen. Bradley Moved Laid on Table, MA, VV; <b>SJ 13</b>
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NH House	NH Senate
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# Other Referrals

HB 569

# COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

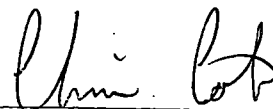
- AMENDMENT # 1761s       - AMENDMENT # \_\_\_\_\_
- AMENDMENT # 2377h       - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

- AS INTRODUCED       AS AMENDED BY THE HOUSE
- FINAL VERSION       AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): \_\_\_\_\_

DATE DELIVERED TO SENATE CLERK 7.3.14



BY COMMITTEE AIDE