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June 20, 2014

Via Electronic and Overnight Mail

Thomas S. Burack, Chairman
Site Evaluation Committee
N.H. Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

Re: Docket 2014-02: Application of New England Power Company d/b/a National Grid, for a Certificate of Site and Facility for an Energy Facility for Construction of a New 230 kV Tap Line in Littleton, New Hampshire

Dear Chairman Burack:

In connection with the above-referenced docket, I attach Stipulated Facts and Requested Findings of New England Power Company d/b/a National Grid and Counsel for the Public.

If you have any questions regarding the enclosed stipulation, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. H. Taylor", written over a horizontal line.

Patrick H. Taylor

Enclosures

cc: Barry Needleman, Esq.
Michael J. Iacopino, Esq.
Lauren J. Noether, Esq.

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2014-02

**Application of New England Power Company d/b/a National Grid
for Certificate of Site and Facility for Construction of a
New 230kv Tap Line in Littleton, New Hampshire**

STIPULATED FACTS AND REQUESTED FINDINGS OF
NEW ENGLAND POWER COMPANY d/b/a NATIONAL GRID AND
COUNSEL FOR THE PUBLIC

New England Power Company d/b/a National Grid ("NEP") and Counsel for the Public agree and stipulate as follows:

STIPULATED FACTS AND REQUESTED FINDINGS

I. The Project

1. NEP proposes to construct a new 230 kV tap line ("Facility", "Tap Line" or "the Project") off of the Company's existing C203 transmission line to the Littleton Substation at 266 Foster Hill Road in Littleton, New Hampshire, and owned by PSNH. The new Tap Line will be approximately 0.2 miles in length and be supported by four new wooden structures.

2. The proposed Tap Line is a reliability project intended to provide power to a second autotransformer in the Littleton Substation that PSNH will install in order to address the regional

reliability needs for the New Hampshire and Vermont areas that were identified by ISO-NE in its NH/VT 2011 Transmission System Needs Assessment and follow-up analysis.

3. Construction of the new Tap Line and addition of the second autotransformer in Littleton Substation is designed to prevent overloading on a 115/13.8 kV transformer at Moore Substation caused by outage of the existing 230/115 kV autotransformer at Littleton Substation.

4. ISO-NE evaluated alternative solutions for resolving the identified need, but determined that the preferred solution is the addition of a new transformer in PSNH's Littleton substation.

II. Consideration of Alternatives

5. The Subcommittee should consider available alternatives in deciding whether the objectives of the statute would be best served by the issuance of the Certificate. RSA 162-H:16, IV. Historically, the Subcommittee considers alternatives presented by the Applicant. *See, e.g., Application of Groton Wind, LLC*, Docket No. 2010-01, Decision Granting Certificate of Site and Facility at 23 (May 6, 2011). RSA 162-H does not require the Subcommittee to consider every possible alternative, including ones unavailable to the Applicant. *Id.* at 27.

6. NEP selected the "western alternative," citing adequate space for the installation of the C203 Tap Line, the ability to align the proposed C203 Tap Line structures with the existing D204 tap line structures in a manner that avoids a staggered visual field and an existing access road on the western side of the ROW that will allow adequate access to the Project during construction and obviate the need for a new access road.

III. Statutory Criteria

7. In deciding whether to issue a Certificate of Site and Facility to an applicant, the Subcommittee must consider the following statutory factors: (1) whether the applicant has adequate financial, managerial, and technical capability to assure construction and operation of the Facility in continuing compliance with the terms and conditions of the Certificate; (2) whether the Facility will unduly interfere with the orderly development of the region having considered the views of municipal and regional planning committees and municipal governing bodies; and (3) whether the Facility will have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety. RSA 162-H:16, IV; *see also Application of Groton Wind, LLC*, Docket No. 2010-01, Decision Granting Certificate of Site and Facility at 31 (May 6, 2011).

a. Financial, Managerial, and Technical Capability

8. NEP anticipates that the Project will cost approximately \$1.56 million to complete.

9. NEP is a wholly-owned subsidiary of National Grid USA. The audited balance sheets attached as Appendix C to NEP's application demonstrate that NEP holds approximately \$2.3 billion in assets and earned a net income of approximately \$84 million for the fiscal year ending March 31, 2013.

10. NEP is a regulated public utility that maintains and operates National Grid USA's electric transmission assets throughout New England, including hundreds of miles of transmission line in New Hampshire.

11. NEP owns the C203 main line from which the proposed Tap Line will extend, and already owns and maintains a comparable tap line from NEP's D204 transmission line in the same right of way. The proposed Tap Line represents a 0.2 mile extension of NEP's existing transmission network and is of the same type and character as transmission assets already owned and operated by NEP.

b. Orderly Development of the Region

12. Prior to filing its Application, NEP sent letters to the Littleton Town Manager, Board of Selectmen, Fire Department, Planning Department, and ZBA, the North Country Council as well as local recreational organizations. These letters, which are included in Appendix I to NEP's Application, described the scope and purpose of the Project and invited comments. Enclosed with the letters was a USGS map of the Project site as well as a map depicting proposed structure locations as well as wetland resources.

13. The recipients of these letters have not intervened in this Docket or submitted concerns about the Project.

14. Shortly after NEP submitted its Application, Outside Counsel for the SEC sent letters to the North Country Council, the Grafton County Commissioners, and the Towns of Littleton, Bethlehem, Dalton, Lisbon, Lyman, Monroe, and Sugar Hill generally describing NEP's Application for Certificate of Site and Facility and inviting them to intervene in this Docket. Neither the North Country Council nor any of the Towns have intervened in this docket or submitted any concerns about the Project.

15. NEP agrees to implement "Best Management Practices" ("BMP") as set forth in its Construction BMP Guidance Manual to prevent non-point sources of pollution in connection with the Project, which is consistent with the Master Plan's objective of promoting BMPs to reduce non-point pollutants from development projects.

16. The Project will not increase the demand for municipal sewer, water, or police services. The Project will be sited entirely within privately held land that is already managed for electrical transmission. Community recreational resources associated with the Fifteen Miles Falls Recreation Area

are at least 0.5 miles from the Project site, the character of which will not be altered by the Project, and separated from the site by the I-93 interstate highway

c. No Unreasonable Adverse Effect

i. Aesthetics

17. Vanasse Hangen Brustlin, Inc. (“VHB”), a consultant retained by NEP in connection with its Application, conducted a visual impact assessment for the proposed Project. VHB’s Visual Impact Report (“VIR”) is attached as Appendix L to NEP’s Application. Assessment of the Project’s potential visual impact included consideration of (1) project visibility and (2) the visual absorption capacity of the surrounding landscape.

18. According to the VIR, the Project will only be visible to the public from a limited segment of the I-93 highway. Motorists traveling north on I-93 will only have a very brief view of the Project. Motorists would not have a direct line of sight to the Project and would have to divert their attention from the road to see it.

19. The viewing distance from I-93 to the Project is approximately 1,300 feet. The Project will be located in an area already developed as a transmission ROW. It will appear in combination with existing tap line structures already viewable within the ROW.

20. The VIR demonstrates that abutters to the Project site do not presently have a view of the existing ROW and transmission structures, and will not have a view of the ROW and transmission structures, including the new C203 Tap Line, after construction of the Project is completed.

ii. Historic Sites

21. VHB conducted a site file review on NEP's behalf at the New Hampshire Division of Historic Resources ("NHDHR") on July 23, 2013 and concluded that there are no known above-ground historical resources present within the Project site. One residential property abutting the Project site is the location of a home that appears to date back to the mid-19th century, though it has not been inventoried or listed in the National or State Registers of Historic Places. A photomontage prepared from the vantage point of this property indicates that there will be no view of the proposed C203 Tap Line or expanded transmission ROW following completion of the Project.

22. The Project involves ground-disturbing activities so NEP commissioned Independent Archeological Consulting, LLC ("IAC") to perform a combined Phase IA-IB sensitivity assessment and intensive archaeological investigation of the Project site. In a report dated October 25, 2013, IAC found no cultural resources present at the Project site and recommended that no further archeological investigation be conducted.

23. NEP submitted a Request for Project Review to the NHDHR on October 30, 2013. On November 12, 2013, NHDHR responded that the Project has "no potential to cause effects" to historic properties.

iii. Air Quality

24. The Project will solely be used to transmit electricity. It will not combust any fuels to generate electricity.

iv. Water Quality

(1) Impact on Surface Water

25. While wetlands will be impacted to some extent, there are no surface water bodies located within the boundaries of the Project site. Surface water bodies near the Project site consist of an intermittent stream and a perennial stream, the latter of which eventually empties into the Connecticut River. There will be a forest buffer zone of at least 50 feet between the Project site and the streams, and much of the Project site drains away from streams

26. NEP agrees to implement measures to mitigate potential water quality impacts, including implementing sedimentation and erosion controls consistent with BMPs prior to commencing construction of the Project. For example, NEP will use wooden swamp mats in saturated soil areas to minimize soil disturbance caused by vehicles and staging during the construction period.

27. NEP agrees to also prepare a Stormwater Pollution Prevention Plan incorporating National Grid's environmental guidance documents as well as Project-specific environmental permit conditions. The Plan will be finalized approximately 14 days prior to Project construction.

28. NEP agrees to hire a qualified environmental monitor to periodically monitor construction activity and inspect the condition and effectiveness of erosion control measures at the Project Site. The monitor will maintain inspection and maintenance logs and provide appropriate feedback to NEP and its contractor.

29. NEP agrees that it shall restore any disturbed soils to a stabilized condition to prevent permanent erosion impacts.

(2) Impact on Wetlands

30. NEP filed a Joint NHDES and United States Army Corps of Engineers ("USACE") Standard Dredge and Fill Permit Application ("Wetlands Permit") on February 6, 2014. NEP filed a Section 401 Water Quality Certification Request with the NHDES concurrently with its Wetlands Permit application.

31. While the Project will permanently impact 64 square feet of wetlands, and a total of 46,805 square feet of temporary wetland impacts will occur as a result of swamp matting and project staging, up to 90,135 square feet of forested wetlands would be indirectly impacted by the clearing of forested wetlands, creating scrub-shrub wetlands.

32. NEP will issue a payment of \$43,916 to the NH Aquatic Resource Mitigation Fund ("ARM Fund") as a compensatory mitigation measure. USACE approved this mitigation package on May 5, 2014.

v. Natural Environment and Resources

33. NEP consulted the New Hampshire Heritage Bureau ("NHNHB") regarding the occurrence of rare plant, animal or natural communities within vicinity of the proposed Project. NHNHB indicated historical records of rare plants, Bald Eagles and an exemplary natural community in the vicinity of the Project Site in a response memo dated February 20, 2013.

34. Based upon the results of field surveys conducted by VHB, NHNHB stated in a letter dated January 27, 2014 its determination that the Project would have no effect on state-listed protected plant species.

35. At the recommendation of NHNHB, NEP consulted with NHF&G in connection with the Bald Eagle referenced in the NHNHB report, which indicated that Bald Eagles have been recorded along the Connecticut River near the Moore Dam. Based on the distance between the Project Site and the Connecticut River and the lack of suitable wintering habitat within the Project Site, NHF&G responded that the proposed Project would not result in a significant adverse impacts to Bald Eagles.

36. The Project has been reviewed for the presence of federally-listed or proposed, threatened or endangered species or critical habitat per the instructions of the U.S. Fish and Wildlife Service's ("USFWS"). In a letter dated January 7, 2014, USFWS wrote that there are "no known occurrences" of

federally listed or proposed, threatened or endangered species or critical habitats within the Project Site.

vi. **Public Health and Safety**

37. NEP agrees to construct the Project in conformance with PUC Administrative Rules *Chapter Puc 300*, specifically *Part Puc 306*, which governs “good utility practice” standards.

38. Prior to the commencement of construction and throughout the operation and maintenance of the 230 kV Tap Line, the Company will develop and implement a health and safety program to educate and protect employees from work-associated hazards.

39. NEP hired a consultant, Gradient Corporation (“Gradient”) to analyze the impact that the Project would have on electric and magnetic fields (“EMF”) levels in the vicinity of the Project. Gradient’s final report, provided as Appendix M to NEP’s Application, found that post-Project EMF levels will either remain the same or decrease from pre-Project levels.

Respectfully submitted,

New England Power Company
d/b/a National Grid

Counsel for the Public

By Its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

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6/20/14

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