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July 27, 2016

New Hampshire Site Evaluation Committee
Pamela G. Monroe, Administrator
21 South Fruit Street, Suite 10
Concord, NH 03301

**Re: SEC Docket No. 2015-04: Public Service Company of New Hampshire d/b/a
Eversource Energy for a New 115k Transmission Line from Madbury Substation to
Portsmouth Substation Applicant's Objection to Town of Newington's Motion to
Add Stop to Proposed 90-Day Public Information Session Stop Locations**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find the Applicant's Objection to Town of Newington's Motion to Add Stop to Proposed 90-Day Public Information Session Stop Locations.

Please contact me directly should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Adam Dumville".

Adam M. Dumville

AMD:slb
Enclosure

cc: Distribution List

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, MA

McLane.com

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
SEC DOCKET NO. 2015-04

APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY

APPLICANT'S OBJECTION TO TOWN OF NEWINGTON'S MOTION TO ADD STOP
TO PROPOSED 90-DAY PUBLIC INFORMATION SESSION STOP LOCATIONS

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH") (the "Applicant"), by and through its attorneys, McLane Middleton, Professional Association, and objects to the Town of Newington's Motion to Add Stop.

I. Introduction

1. On April 12, 2016, PSNH filed an Application for a Certificate of Site and Facility before the New Hampshire Site Evaluation Committee ("SEC" or the Committee") to construct a new 12.9 mile 115 kV transmission line and associated facilities from the Madbury Substation in Madbury through the Towns of Durham and Newington to the Portsmouth Substation in Portsmouth (the "Project"). The Committee accepted the application on June 13, 2016.

2. Pursuant to Site 202.13, on July 6, 2016, the Applicant submitted a proposed bus tour route for a site visit of the proposed energy facility. The Applicant received input from the Towns of Durham and Newington and from the University of New Hampshire. These entities reached agreement on the entire proposed bus tour except for one stop along Arboretum Drive and the National Wildlife Refuge as requested by the Town of Newington.

3. The Town of Newington's request to add a stop to the site visit should be denied because the requested stop is not on the Applicants' proposed Project route, not part of the Application, and not in an area where the Applicant has any legal right to construct the Project.

II. Standard for Site Inspection

4. Pursuant to Site 202.13(a), "[t]he committee or subcommittee, as applicable, and public counsel shall conduct a site visit of any property which is the subject of a proceeding if requested by a party, or on its own motion, if the committee or subcommittee determines that the site visit will assist the committee or subcommittee in reaching a determination in the proceeding." The presiding officer is charged with specifying the conditions and restrictions applicable to the site visit. Site 202.13(b).

III. Discussion

5. Locations for a site visit during a SEC proceeding are limited only to those locations along the proposed Project route contained in the Application and only to "property which is the subject of [the] proceeding." Site 202.13(a). The Town of Newington's requested stop is not related to property or a location that is the subject of this proceeding.

6. The Application describes in detail the site of the proposed energy facility and other alternatives that the Applicant considered available. RSA 162-H:7, V(b); Site 301.03(c); 301.03(h)(2). The Application thoroughly explains the route selection process, the specific reasons the Applicant has chosen its selected route, and the reasons why the Applicant did not consider other alternatives available. *See* Application at pages 48–53.

7. The Town of Newington's proposed bus stop location is not located on "property which is the subject of [the] proceeding." As described in the Application, the Applicant does not have the necessary property rights to construct the Project through the Great Bay National

Wildlife Refuge and along Arboretum Drive as previously suggested by the Town of Newington. Accordingly, it would be improper for the Committee to consider this location or any other alternative route not considered available by the Applicant.

8. Further, the Town of Newington's Motion merely states that the Arboretum Drive stop would allow the "Committee to observe a portion of the land over which some say an alternate route for the transmission line project through Newington could have taken." Newington Motion at ¶ 4. However, the Application explicitly discusses this alleged alternate route and explains with specificity the reasons why this route is not available. *See Application* at pages 52–53.

9. RSA 162-H does not authorize the Committee to consider other possible alternatives that have not been presented as an available option within the Application. RSA 162-H:16, IV only allows the Committee to consider those routes which the Applicant considers available and those that have been submitted in the Application and fully described.

10. Moreover, the Application does not contain sufficient facts about other alternative routes and the potential impacts to aesthetics, historic sites, the environmental, and public health and safety. The SEC does not have a full record to consider other alternatives not considered available. Therefore, even if the SEC were to visit the Great Bay National Wildlife Refuge and Arboretum Drive, the SEC could not consider this location as an alternative route because the Committee does not have the necessary information to make the required findings to issue a Certificate of Site and Facility for such an alternative.

11. The Applicant further objects to this request as the Town of Newington seeks to elicit information not relevant to the proceeding. RSA 162-H:7, V(b) only requires the Applicant to "identify both the applicant's preferred choice and other alternatives it considers available for

the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice." The Applicant has done that. See Application Section 301.03(h)(2). Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. *See also Decision Granting Certificate of Site and Facility with Conditions, Application of Laidlaw Berlin BioPower, LLC*, NH SEC Docket 2009-02 (Nov.8, 2010) at 36-40 (finding that RSA 162-H does not require the subcommittee to review all "available alternatives" and does not require consideration of every possible alternative).

WHEREFORE, the Applicant respectfully asks that the Committee:

- A. Deny the Town of Newington's Motion to Add Stop; and
- B. Grant such other further relief as is deemed just and appropriate.

Respectfully Submitted,

Public Service Company of New Hampshire d/b/a
Eversource Energy

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: July 27, 2016

By: Adam Dumville

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Certificate of Service

I hereby certify that on the 27th of July, 2016, an electronic copy of this objection was filed with the Site Evaluation Committee and an electronic copy was sent to the Distribution List.



Adam Dumville