

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

TOWN OF LITTLETON'S MOTION TO INTERVENE

NOW COMES the Town of Littleton ("town"), by and through its attorneys, Mitchell Municipal Group, P.A., and petitions the Site Evaluation Committee ("SEC") to allow it to intervene in the above-captioned matter pursuant to RSA 541-A:32 and NH Site 202.11, stating as follows:

1. On October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy ("Applicants") filed an application for a Certificate of Site and Facility with the SEC ("Application"). By December 18, 2015 Order Accepting Application, the SEC determined that the Application contains sufficient information to satisfy the requirements of each state agency having jurisdiction to regulate any aspect of the construction or operation of the proposed facility, as well as that the Application contains sufficient information to carry out the purposes of RSA 162-H, *et seq.* By December 22, 2015 Procedural Order, the SEC set a deadline of February 5, 2016 for interested parties to seek intervention.

2. For the reasons set forth below, the Town of Littleton seeks to intervene in the above captioned matter.

3. RSA 541-A:32 and NH Site 202.11 provide that the SEC, or its presiding officer, shall grant a petition for intervention if:

(1) The petition is submitted in writing to the presiding officer, with copies mailed

to all parties named in the order of notice of the hearing or prehearing conference, not less than 3 days before the hearing or prehearing conference;

(2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law, including a state agency pursuant to RSA 162-H:7-a, VI; and

(3) The presiding officer or hearing officer, as applicable, determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

4. As currently proposed, the project does not go through the Town of Littleton.

Regardless, the Town of Littleton has an interest in the proposed facility because of the project's proximity when running through the Town of Bethlehem adjacent to significant portions of the town. In Bethlehem, there are 4.9 miles of the proposed project that passes overhead through existing rights of way and approximately 45 new structures to support said line, both of which are visible from the Town of Littleton and impact upon Littleton.

5. The town is very concerned about the impact the project will have on the town's rural character, land use, employment, tourist driven economy, and property values as a result of the lines. The topography and slope of residential and commercial areas in and around downtown Littleton exacerbates the visual impact as the project will be clearly visible from those areas. As currently proposed and viewed from the town, the project could severely blight the landscape and thereby reduce the number of tourists and those seeking to enjoy the vast opportunities for outdoor recreation.

Visitors travel to Littleton for access to the White Mountains and for other area attractions that would be negatively impacted due to the visual impact of the project. Tourism is critical to Littleton's economy and future economic development as the Littleton business/commercial area is home to approximately 42 restaurants, hundreds of hotel rooms for visitors to the area, and Littleton's Main Street has been recognized as one of "America's Best main Streets" by the Huffington Post. For these reasons the town is supportive of the objectives in the attached Intervention document prepared by a broad coalition of interested communities, and incorporates by reference those objectives herein. See attached.

6. The proposed facility will impact the rights, duties, privileges, immunities and other substantial interests of the town. In addition, the interests of justice and orderly and prompt conduct of the proceedings will not be impaired by allowing this intervention, as the town's concerns are identical or similar to numerous communities hosting the project whose input is essential to the SEC's review of the Application for compliance with RSA 162-H.

WHEREFORE, the Town of Littleton respectfully requests that the SEC:

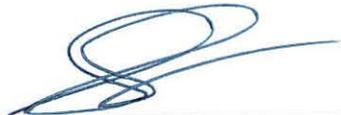
- A. Grant the town's Motion to Intervene; and
- B. Grant such other and further relief as the SEC deems just and necessary.

Respectfully submitted,

TOWN OF LITTLETON

By Its Attorneys
MITCHELL MUNICIPAL GROUP, P.A.

Date: Feb 4, 2016

By: 
Steven M. Whitley, Bar No. 17833
25 Beacon Street East
Laconia, New Hampshire 03246
(603) 524-3885

CERTIFICATION

I hereby certify that a copy of this motion has been emailed to persons named on the Service List of this docket.

Feb 4, 2016
Date


Steven Whitley

INTERVENTION PLATFORM

Platform Objective #1

The fundamental platform of the coalition is to promote underground construction of the newly, revised proposal for the Northern Pass HVDC transmission line ("Proposed Line"). The underground construction should be from the Canadian border to Franklin, NH in either PSNH/Eversource ("Utility") claimed rights-of-ways or the Interstate I-93 right-of-way corridor. This proposal is anticipated to be part of the SEC intervention.

Platform Objective #2

The second platform is intended to address the current proposal to construct the line above ground and underground in Utility owned rights-of-ways, land, and in municipal and state roadways in various towns. The objective is to present a streamlined group of municipal concerns and issues, and ***common municipal interests*** shared by all the towns along the Proposed Line. These concerns and interests generally include the following, which are anticipated to be part of the SEC Intervention:

1. Hazards on highway shoulders and paved surfaces caused by unique heating/cooling dynamics as well as related frost heaves.
2. Safety concerns expressed by municipal fire, police, highway, & EMT departments.
3. Construction issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
4. Maintenance issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
5. Addressing the remediation of any reluctance by developers to construct new residential, commercial, or industrial property adjacent to the underground HVDC line and the attendant extra cost of that construction.
6. Addressing the remediation for the existing residential, commercial, and industrial properties regarding the additional costs and interferences with the use and operation of their existing properties.
7. Addressing utility reimbursement for cost on municipal budgets related to both the construction and operation of the Proposed Line for:
 - a. Management & administration
 - b. Law enforcement
 - c. Safety services
 - d. Traffic Congestion
 - e. Timely emergency & accident response

8. Require a pre-construction ground survey and inventory of natural and man-made structures among the Proposed Line including streets, intersections, highways, bicycle lanes, traffic control devices, signs, bridges prospective staging & parking areas for Utility's construction vehicles, gravel pits, parks, playgrounds, open spaces driveways, cross country ski and hiking trails, horseback riding including access and parking areas as well as the natural landscape used by or impacted by the construction of the Proposed Line.
9. Require a pre-construction video taping of all the impacted areas and abutting land and buildings to the Proposed Line.
10. Require a Municipal Infrastructure Reimbursement Fund, indexed for inflation and contributed to annually, for the reimbursement of costs incurred by the municipalities to construct, operate, and maintain municipal infrastructure in and around the Proposed Line. This fund will include additional impacts of the HVDC line construction in and around any other municipal land, and or easements and rights-of-way in addition to highway rights of way. This fund shall be intact for as long as the line is in the ground.
11. Provide for and fund an inflation indexed Damages Mitigation Fund to reimburse the municipalities', their citizens', and their property owners' costs for:
 - a. Unforeseen events and/or unintended circumstances, including highway accidents, related to the construction and operation of the line;
 - b. From earthquakes, floods, fires, overloads, short circuits, explosions, or other catastrophic events that impact the line and the abutters' property; and
 - c. To include the costs of post construction restorative landscaping for both sides of the proposed line.
12. Provide for and fund an inflation index Decommissioning Trust Fund to be held in escrow and used to remove the line, all of its appurtenances, and restore the right-of-way to a green field state.
13. Require Utility to annually report all ad valorem property tax information including annual historic original costs by FERC account. As part of this item, require Utility to agree to valuation methodology of replacement cost new less depreciation over an economic life of 100 years with a 20% to the good floor.

Platform Objective #3

The third platform objective relates to potential *concerns & issues unique to each town* that will be part of the SEC intervention. Some examples are listed below:

1. Bethlehem will require relocation of Utility's Proposed Line and/or transition station around wetlands and an area that abuts a prospective hotel development project.
2. Franconia will require special attention to local utility infrastructure that abuts both the Gale River and the Proposed Line.

3. Local planning board & master plans will need to be considered and consulted, as would safety services departments, schools, cemetery trustees, churches, eleemosynary institutions, and recreation & sports committees.
4. The SEC order that Utility negotiate with each community for which has buried lines in municipal rights of way both state and local, a Construction and Maintenance Agreement, that protects towns and cities by paying for movement of all interferences realignments and future maintenances as required by the towns and cities so as to keep the town and city financial whole as if the line had not been constructed.
5. Mitigation and payment for the construction impact on lost business for local businesses, contractors, inns, motels, B&Bs, farm stands, campgrounds & related visitor facilities impacted by the construction of the Proposed Line, maintenance of the Proposed Line, and any unforeseen emergency on the Proposed Line.
6. Address local conservation commissions, which have concerns about wetlands, beaver ponds, wild life & aquatic habitats, stream, brook, and river crossings, and any other impacts created by the Proposed Line.
7. Provide mitigation for access and parking for recreation and sports including but not limited to:
 - a. Swimming, bicycle races, hiking, cross-country skiing, mountain biking, horseback riding, and road-side walking
 - b. Hunting, fishing, snowmobiling, and ATV activity
 - c. Scenic views and picnic grounds
8. Address and mitigate any other environmental or operational impacts unique to each of the towns not yet identified.

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APPEARANCE

Please enter our appearance as counsel for the Town of Littleton.

I hereby certify that a copy of this notice has been mailed, postage prepaid to:
persons named on the Service List of this docket.

Respectfully submitted,

MITCHELL MUNICIPAL GROUP, P.A.

Date: Feb 4, 2016

By: 

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