THE STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2021-05

APPLICATION OF NEW HAMPSHIRE TRANSMISSION, LLC FOR A CERTIFICATE OF SITE AND FACILITY FOR THE CAPACITOR BANKS PROJECT IN SEABROOK, NEW HAMPSHIRE

Applicant's Petition for an Exemption, for a Declaratory Ruling that this Project is not a Sizeable Addition, or for Expedited Review

NOW COMES New Hampshire Transmission, LLC ("NHT"), a public utility in New Hampshire and the owner and operator of the Electric Transmission Substation in Seabrook, New Hampshire ("Seabrook Substation"), by and through its undersigned attorneys, and pursuant to N.H. Admin. Rules Site 301.11 and Site 203.01, respectfully requests that the New Hampshire Site Evaluation Committee (the "Committee" or "SEC") either (a) grant an exemption pursuant to RSA 162-H:4, IV for the project described below; (b) issue a declaratory ruling that this project does not constitute a sizeable addition or change to an existing facility within the meaning of RSA 162-H:5, I; or (c) grant expedited review of the Application filed herewith.[1] NHT also hereby respectfully requests that this Petition be heard by a three member subcommittee as authorized by RSA 162-H:4-a, III and N.H. Admin. Rule Site 103.03(d).

[1] NHT has filed an Application for a Certificate of Site and Facility at the same time as it is filing this Petition in order to provide the Committee with comprehensive information about the proposed Facility, to assist in expediting the process to meet ISO-NE timelines, and to meet the requirement in RSA 162-H:4,IV that it provide "sufficient information to enable the committee to determine whether the proposal meets the [exemption] requirements."

In support of this Petition, NHT states as follows:

I. Background

A. The Proposed Facility and Seabrook Substation

NHT was selected by Independent System Operator for New England ("ISO-NE"), to install two 50 MVAR capacitors and three 345 kV circuit breakers near Seabrook Station as part of the preferred solution to the reliability criteria violations identified by ISO-NE in its 2029 New Hampshire Solution Study posted as final on May 27, 2021. The NHT project components include capacitor banks, circuit breakers, busswork, aboveground electric lines, control house, protection, control, communication, and other appurtenant infrastructure (e.g., security fencing, etc.). The capacitor banks will need to be interconnected to the adjacent 345kV Eversource Line 363 electric transmission line via transmission tap conductors (lines) and structures that will be built and owned by Eversource as part of the Project (the "Facility" or the "Project") which is the subject of this docket. The Project is to be located on the grounds of the Seabrook Station power plant ("Seabrook Station"). The construction of Seabrook Substation and Seabrook Station was originally certificated by the SEC in January of 1974 pursuant to the provisions of RSA 162-F (which has been superseded by RSA 162-H). Order No. 11,267 in D-SF6205, 63-64 NH PUC 127 (1974). Although the length of the new transmission tap line is only approximately 150-200 feet, its design rating exceeds 200 kV. It is therefore an "energy facility" within the meaning of RSA 162-H:2, VII (e), and therefore must be certificated unless the Committee grants an exemption under RSA 162-H:4, IV. As discussed in greater detail below, NHT submits that the tap line qualifies for an exemption. While the capacitor banks and circuit breakers do not meet the statutory definition of energy facility, they are being added to a certificated facility. NHT is

therefore seeking a declaratory ruling that they, along with the tap line, do not constitute a sizeable change or addition that must be certificated pursuant to RSA 162-H:5, II.

With this Petition, NHT is filing an Application of Site and Facility ("the Application") with the Committee. On November 19, 2021, NHT submitted to the SEC a copy of the notice of the pre-application public information session which it held on December 1, 2021.[2] This proposed Facility will be located on property that currently serves as a parking lot for Seabrook Station, which is located north of the north access road to the power station (north of Rocks Road), east of Lafayette Road US Route 1. The anticipated cost of the Project is $8.9 million[3], but the Project is still in any early stage of development and the cost could change. It is not anticipated, however, that the costs would increase to such an extent to require NHT to seek additional financing authority from the New Hampshire Public Utilities Commission ("NHPUC" or the "Commission") as further described below. The Project will only disturb about 2.2 acres of the existing parking lot. The Facility is needed to ensure the safety and reliability of the high voltage electric transmission grid and was selected as a project to address a reliability issue identified by the independent, non-profit, regional electric transmission organization in New England, ISO-NE. The Facility is described in more detail in the Application.

NHT's 345kV Electric Transmission Substation in Seabrook interconnects the 1,318 MW Seabrook Station, the largest single generating resource in New England, to the New England electric grid. Seabrook Substation is also a Pool-Transmission Facility under the Tariff of the

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[2] During the public information session which NHT held in Seabrook on December 1, 2021, there were two questions, and no comments from the public. One question was whether there would be adequate parking available to accommodate employees if the facility is built on an existing parking lot as proposed. The response was that there are additional parking lots, even adjacent to the one proposed to be used for this facility, to accommodate the employees. The other question was whether there will be new jobs associated with this Project. The response was that there will be short-term jobs during construction, but the facility will be unmanned. A copy of the transcript of this public information session is included in Appendix 11 to the Application.

[3] New Hampshire (NH) 2029 Solutions Study – Final (CEII), ISO New England (May 2021).

ISO-NE, a part of the New England Bulk Power System, and one of the more critical transmission substations in New England. Seabrook Substation is an integral part of the North-South Interface and the Northern New England – Scobie plus Line 394 Interface. Seabrook Substation serves to connect three major 345kV transmission lines: the Seabrook to Ward Hill 394 Line; the Seabrook to Scobie 363 Line; and the Seabrook to Timber Swamp/Newington 369 Line. An upgrade to equipment at Seabrook Substation, which was estimated to cost $77 million, was the subject of a Petition for Declaratory Ruling seeking a determination that the upgrade was not a sizeable addition or change to an existing facility; it was granted by the Committee in 2018. *See* Order on Petition for Declaratory Ruling, SEC Docket No. 2018-02 (August 2, 2018).

B. The Petitioner

NHT is a public utility in the State of New Hampshire for the limited purpose of owning and operating the Seabrook Substation.[4] In 2004 the Commission granted Florida Power and Light Company ("FPL") the authority to operate as a public utility in connection with the Seabrook Substation. *Re Florida Power and Light Company,* DE 03-186, Order No. 24,321, 89 NH PUC 267 (2004). In 2010 FPL transferred its ownership share in the Seabrook Substation to NHT. *Re Florida Power and Light Company,* DE 10-042, Order No. 25,105, 95 NH PUC 235 (2010).

NHT is also filing a request with the Commission to expand NHT's authority as a public utility in New Hampshire to include the ownership, operation and financing of the proposed Facility.

[4] NHT is an 88.2% owner of Seabrook Substation. The balance of Seabrook Substation is owned by Massachusetts Municipal Wholesale Electric Company, Taunton Municipal Lighting Plant, and Hudson Light & Power Department.

C. Other Regulatory Permits and Compliance

NHT has reviewed the applicability of environmental, land use and energy-related approval and permitting requirements associated with the proposed Facility and discussed these requirements with applicable agency personnel. Although the potential impact of the proposed Facility is minimal as a result of its limited scope, particularly because the construction is within the existing footprint of Seabrook Station, the Project will require an alteration of terrain permit, and a shoreland protection permit from the New Hampshire Department of Environmental Services ("DES"). The applications for these permits are being submitted with the Application. NHT is also working with the Town of Seabrook to obtain any local building or other permits which the Town may require.

As part of the submission to the Commission noted above, NHT is applying for authority to finance the Project out of the proceeds of a previously approved financing. *See* NHPUC Docket DE 18-171.

NHT further emphasizes that the proposed Facility is intended to comport with all federal, state and local standards and best management practices, and NHT has every intention of remaining in full compliance throughout all phases of the Project. There are no dredge and fill impacts to the wetland and waterbodies requiring a filing with the United States Army Corps of Engineers. Thus, full SEC review of environmental and reliability factors would be duplicative and would be unnecessary to protect the public interest.

II. The Committee's Authority to Grant an Exemption

Admin. Rule Site 301.11, echoing RSA 162-H:4, IV, says that within 60 days of acceptance of an application or the filing of a petition for exemption, the Committee must

exempt an applicant from the approval process if the Committee makes the following findings, after conducting an adjudicative proceeding that includes a public hearing:

> (1) Existing state or federal statutes, state or federal agency rules or municipal ordinances provide adequate protection of the objectives of RSA 162-H:1;
> (2) Consideration of the proposal by only selected agencies represented on the committee is required and the objectives of RSA 162-H:1 can be met by those agencies without exercising the provisions of RSA 162-H;
> (3) Response to the application or request for exemption from the general public... indicates that the objectives of RSA 162-H:1 are met through the individual review processes of the participating agencies; and
> (4) All environmental impacts or effects are adequately regulated by other federal, state, or local statutes, rules, or ordinances.

A. Prior Decisions of the Committee on Exemption

The Committee granted a request for an exemption in 2015 in a case where the owner of a propane storage and distribution facility in Newington proposed the construction of five additional rail unloading berths, three 90,000 gallon above-ground storage tanks, a condenser, condenser cooling unit, dryer and heater, a mechanical building, refrigeration equipment and associated pipelines and accessory equipment, where the site consisted of two parcels of real estate of 7.02 acres and 3.92 acres, and where there was a significant amount of public opposition to the project. *See* Final Decision and Order Approving Settlement Agreement and Issuing a Conditional Exemption, SEC Docket No. 2015-01 (December 15, 2015).

Over the years the Committee has also granted a number of other exemptions. *See* Decision and Order Granting Exemption with Conditions, SEC Docket No. 2011-03 (August 5, 2011 (where the Committee exempted Gorham Paper and Tissue, LLC from the application and certificate requirements for a modified version of the blended landfill gas and natural gas project exempted in 2010); Decision and Order Granting Exemption from the Approval and Certificate Requirements of RSA 162-H, SEC Docket No. 2010-02 (December 29, 2010) (where the

Committee granted Androscoggin Valley Regional Refuse Disposal District the original exemption for the landfill project); Decision and Order Granting Exemption from the Approval and Certificate Requirements of RSA 162-H, SEC Docket No. 2007-01 (August 8, 2007) (where the Committee granted to the University of New Hampshire an exemption for a landfill gas energy facility); Decision and Order, SEC Docket No. 2001-01 (June 29, 2001) (where the Committee granted an exemption to Sprague Energy Corp. for a fuel transfer pipeline to supply diesel fuel as a backup source to the Newington 525 MW gas-fired electric generating plant); Decision and Order, SEC Docket No. 00-02 (January 26, 2001) (where the Committee granted an exemption to Pulp and Paper of America, LLC for the replacement of two existing oil fired central steam plant boilers, two turbines, a wood bark fired boiler, the installation of two new fuel oil or natural gas boilers, and a 35 MW steam turbine and generator).

B. Why this Facility Should be Exempt

The standards for granting an exemption, which are spelled out in both RSA 162-H:4, IV and Site 301.11, require first of all an understanding of what the objectives of RSA 162-H are. The Declaration of Purpose in RSA 162-H:1 spells out those objectives. The first and foremost objective is maintaining a balance between significant impacts and benefits in decisions about siting, construction and operation of energy facilities. Another important objective articulated in this section is avoiding undue delay in construction of new energy facilities. A further objective is that full and timely consideration be given to environmental consequences and that they be resolved in an integrated fashion.

Keeping these objectives in mind when analyzing whether this Project should be granted an exemption, it is important to note the absence of "significant" impacts on the environment. This Project will be constructed in what is now a parking lot and will be done in a manner that

will have virtually no environmental impacts. On the other hand, the Project, by enhancing reliability and safety in the electric transmission grid, will benefit the public welfare, as well as the growth of industry and the overall economic growth of the state and the region. Without a reliable and safe transmission grid many of these benefits cannot be realized. It is thus clear that the objectives of RSA 162-H will be furthered by granting an exemption; in so doing the Committee will be avoiding undue delay on a project that has no significant environmental impacts, but which will provide invaluable economic benefits. NHT submits that this is important in analyzing all four parts of the statutory findings required to grant an exemption.

In terms of the first prong of the test, existing state statutes and rules provide more than adequate protection of these objectives. Alteration of terrain and shoreland protection laws, rules and practices all work to protect against unreasonable adverse environmental impacts, regardless of whether the full SEC process is invoked.

In so far as the second prong of the test is concerned, the primary state agency involved with protecting the environment, the New Hampshire Department of Environmental Services ("DES"), is the one that will have before it, alteration of terrain and shoreland permit applications associated with this Project. Irrespective of the SEC involvement, DES can weigh and make an informed decision on any outstanding permits that will be required.

The third prong of the test requires gauging the response of the public. The public information session held on December 1, 2021 in Seabrook was noticed to the public as required by the SEC rules, Admin. Rule Site 201.01, and statutes, RSA 162-H:10, I. The response of the public to this Project was extremely limited. At the December 1, 2021 public information session in Seabrook, there were very few members of the public and only two questions, one about whether there would still be adequate parking and the other about whether new jobs would

be created by the Project. No members of the public provided comments. This lack of a reaction from the public indicates that the third prong of the test for granting an exemption has been met.

Finally, in terms of the fourth prong of the test, NHT submits that there are no gaps in regulation, i.e. that all environmental impacts are adequately regulated by existing state laws and rules which come under the jurisdiction of DES. If the Committee grants the exemption, there will be no SEC-specific regulations which would cover areas that would otherwise be missing, or, in other words, the DES regulations are comprehensive enough to ensure adequate regulation of environmental impacts. Moreover, by submitting a full application with this Petition, NHT has provided the Committee with all of information it needs to make an informed decision on whether to grant an exemption, thus fulfilling the RSA 162-H:4,IV requirement it provide "sufficient information to enable the committee to determine whether the proposal meets the [exemption] requirements."

NHT further emphasizes that the proposed Facility is intended to comport with all federal, state and local standards and best management practices, and NHT has every intention of remaining in full compliance throughout all phases of the Project. There are no dredge and fill impacts to the wetland and waterbodies requiring a filing with the United States Army Corps of Engineers. Thus, full SEC review of environmental and reliability factors would be duplicative and would be unnecessary to protect the public interest.

III. The Committee's Authority to issue a Declaratory Ruling that the Facility is not a Sizeable Addition

The Committee's rules allow any person to submit a petition for declaratory ruling. N.H. Admin. Rule Site 203.01. Under the rules, the Committee has 90 days from the time a petition is submitted to rule on the petition. N.H. Admin. Rule Site 203.02(b).

Under RSA 162-H:5, I, a "sizeable addition" to a facility, like the Seabrook Substation, which was certificated prior to January 1, 1992 (under the provisions of the former site evaluation law, RSA 162-F, which was repealed in 1991), must also obtain a certificate pursuant to the current law, RSA 162-H, not the law that was in effect when the facility was originally certificated. RSA 162-H:5, II.

Because neither RSA 162-H, nor the Committee's rules, N.H. Admin. Rules Site Chapters 100, 200 and 300, provide any further definition of what constitutes "sizeable" changes or additions, NHT must look to other cases that have come before the Committee that have decided whether specific projects are sizeable enough to warrant full review by the Committee. These cases have been presented to the Committee through requests for a declaratory ruling that a proposed facility does not constitute a "sizeable addition or change". *See* Site 203.01. *See also* RSA 541-A:1, V ["'declaratory ruling' means an agency ruling as to the specific applicability of any statutory provision or of any rule or order of the agency."]. *See also* RSA 541-A:16, I(d) [requiring each agency to "[a]dopt rules relating to the filing of petitions for declaratory rulings and their prompt disposition."]

A. Prior Decisions of the Committee on What Constitutes a Sizeable Addition

The Committee has approved other similar requests for a determination that a particular addition is not sizeable within the meaning of this statute. In 2008 and then again in 2018, the Committee issued orders determining that reliability upgrades at the Seabrook Substation did not constitute a sizeable addition. *See* Order Granting Motion For Declaratory Ruling Regarding Seabrook Transmission Substation Reliability Upgrade, SEC Docket No. 2008-05 (December 17, 2008); Order on Petition For Declaratory Ruling, SEC Docket No. 2018-02 (August 2, 2018). In the first of those cases the improvements involved relocating the reserve auxiliary

transformers and the generator step-up transformer connections, installing five new gas insulated substation breakers, and erecting a new substation structure with a higher roofline than the existing structure, all at a cost estimated at $38 to $44 million. The second one involved replacement of four circuit breakers, replacement of existing foundations and busses for the three transmission lines, replacement of relay protection systems, and enhancements to the Air Termination Yard, with an estimated cost of $87 million. Both of these projects, which were determined not to be "sizeable," were larger and far more expensive than the proposed Facility in this case. These cases strongly support a determination that this Project is not a "sizeable addition" within the meaning of the statute.

In 2014, the Committee determined that the replacement of a 0.9 mile section of an 8-inch diameter disbanded pipe, realignment of a portion of the replacement pipeline by co-locating it with an existing 30-inch pipeline, and adjusting the pipeline crossing of the Squamscott River by way of horizontal drilling under the riverbed to parallel an existing natural gas pipeline that rested on the bottom of the river, did not constitute a sizeable addition or change to an existing facility. *See* Order Granting Motion For Declaratory Ruling. SEC Docket No. 2014-01 (August 20, 2014) ("Granite State Transmission Order"). In that Order the Committee enumerated five factors that it considers "in determining whether a change or addition to an existing facility is sizeable: (i) the existing size of the energy facility and the size of the proposed change; (ii) whether the proposed change will require the acquisition of new land; (iii) whether the proposed change will create a change in the capacity of the existing facility; (iv) whether the proposed change is merely a replacement of existing components of the facility as opposed to an expansion or increase in size of those components; and (v) whether the proposed addition or change to a facility will cause disruption in the existing environment." Order at 9-10.

In a 2009 order, the Committee determined that the installation of a $457 million scrubber including a 445-foot-tall emissions smoke stack at Merrimack Station, a coal-fired power plant, did not constitute a sizeable addition. *See* Order Denying Motion For Declaratory Ruling, SEC Docket No. 2009-01 (August 10, 2009).

B. Why this Facility is not a Sizeable Addition

Based on the precedent established through the cases discussed above, as well as the proposed Facility's limited scope and expense, the Committee should determine that the proposed Facility will not be a sizeable addition or change to an existing facility requiring full review under RSA 162-H.

When the criteria listed in the Granite State Gas Transmission Order noted above are applied to the proposed Facility in this case, it is clear, as explained below, that the proposed Facility does not constitute a sizeable addition or change to an existing facility.

(i) While the proposed Facility will add new equipment and facilities, it will not disturb any new area beyond what is already being used for Seabrook Station. The only change in the Seabrook Station footprint is that the Project will use a portion of a current parking lot as the location for this new equipment. Moreover, this Project will not add any structures that are higher than existing structures, and will not change the profile of the existing facilities on the site from any vantage point;

(ii) The proposed Facility will not require the purchase of any new land, it will be constructed on an existing parking lot at the site, and NHT will obtain an easement from NextEra for the use of this parking lot;

(iii) The proposed Facility will not result in any change in the transmission capacity of Seabrook Substation, nor will the Project result in any change whatsoever to the Seabrook Station or its generation capacity;

(iv) While the proposed Facility is more than a replacement of existing components of Seabrook Substation, these components are typical of equipment that already exists at the site, and they are necessary upgrades for the reliability and safety of the electric transmission grid. This Project will not add substantially to the structures and equipment already on the site, nor will it change the nature of the site or be distinguishable in any significant way from the public vantage points near the site; and

(v) The proposed Facility will not cause disruption to the existing environment. The portion of the parking lot that will be utilized for the Facility has been there since the plant was constructed in the 1970s. Moreover, this Facility will not in any way infringe upon or impact any undisturbed area, marshland, or high tide line. The construction itself will be done within previously disturbed areas and will only be minimally visible to nearby businesses.

The proposed Facility thus meets all five of the criteria that the Committee applies in assessing whether a project constitutes a "sizeable change or addition" to a certificated facility. The Project is simply an enhancement and upgrade of existing substation equipment to improve the reliability of a substation that is essential for the New England transmission grid and for the interconnection to Seabrook Station. All construction will occur within the existing footprint, and there will be no significant change to the profile or height of the existing facilities. The Project will not result in any increase in the voltage or capacity of power being transported through the substation. In addition, the proposed Facility will not change how the existing land is being used.

One other important thing to note is that given the limited scope of this Project, when considering it in the context of the findings the Committee would be required to make under RSA 162-H:16, IV in the event that there were a full review, it is clear that a full review is unnecessary. As noted in more detail in the Application, this Project will not create any adverse impacts on aesthetics, historic sites, air and water quality, the natural environment or public health and safety because it is limited to the installation of electrical components similar to those already in place and in a location that has already been disturbed for existing facilities. The Project will not in any way interfere with the orderly development of the region; the Town of Seabrook has been consulted and supports the Project. NHPUC oversight of NHT as a public utility that owns and operates the substation and its review of the financing ensures that NHT has adequate financial, managerial and technical capability. Finally, because this Project will help to ensure a safe, reliable and fully functioning transmission grid in New Hampshire and New England, it is clearly in the public interest. The lack of public interest in the Project as indicated by the very small attendance at the December 1, 2021 public information session and lack of comments on the Project also support not doing a full review.

Given these facts as applied to criteria articulated by the SEC in prior decisions, NHT believes that this Facility is not a sizeable addition or change that the Legislature intended to be subject to a full review by the Committee. NHT submits, based on the precedents discussed above, and the scope of the proposed Project, that it would be entirely consistent with prior decisions of the Committee to determine that it is not a sizeable addition or change to an existing facility and therefore it does not require an RSA 162-H certificate.

Because the construction on this Project must begin in early 2023 so that crucial cutover work can meet the schedule established with ISO-NE and work within certain outage windows

established by ISO-NE, an expeditious determination that the Project would not be a sizeable change or addition will enable NHT to plan for and meet ISO-NE timelines.

IV. The Committee's Authority to Expedite

In the event that the Committee decides not to exempt this Facility, and also decides that it would be a sizeable change or addition, NHT respectfully requests that the Committee review the Application on an expedited basis. Under RSA 162-H:7, a full review process can take up to 14 months from the time an application is submitted to the issuance of an order. However, the Committee has authority under RSA 162-H:14 to suspend the time frames in RSA 162-H:7, and there is precedent for the Committee giving expedited review to a project with a short transmission tap line, much like what is included in this Project, which otherwise met the definition of "energy facility" in RSA 162-H:2, VII(e). In 2014 New England Power Company filed an application for a certificate for construction of a new 230 kV tap line in Littleton, NH. That tap line was approximately 0.2 mile in length. In that case the Committee took approximately seven months from the time the application was submitted until the order granting a certificate was issued. *See* Decision Granting Certificate of Site and Facility with Conditions, SEC Docket No. 2014-02 (August 29, 2014). NHT submits that this Project is similar to that project in that both proposed relatively short tap lines. One difference is that New England Power Company did not request an exemption or a determination that the project was not a sizeable addition to an existing facility. For the reasons described above, NHT submits that the Committee should either grant an exemption or determine this Project is not a sizeable addition. In the event that the Committee determines otherwise, however, NHT believes that the above-cited precedent for an expedited review, the significant reliability and safety impact of this Project, and the concerns of ISO-NE all warrant an expeditious review process.

V. Conclusion

Wherefore, NHT respectfully requests that a three-member subcommittee of the New Hampshire Site Evaluation Committee:

(a) Grant an exemption pursuant to RSA 162-H:4, IV within 60 days;

(b) Issue a declaratory ruling, within the 90 days, sooner if at all possible, that the proposed Facility is not a "sizeable addition[s] or change[s] to an existing facility" within the meaning of RSA 162-H:5, I; or

(c) Grant such other relief as may be just and reasonable, including expediting the review of the Application.

An affidavit of the President of NHT, Richard Allen, affirming the facts contained in this Petition, as required by N.H. Admin. Rule Site 203.01(b)(2), is Attachment A to Mr. Allen's pre-filed testimony, which has been marked as Attachment 1 to this Petition. The pre-filed testimony of Dana Valleau has been marked as Attachment 2 to this Petition. Both testimonies are also in included in the Application.

Respectfully submitted,
New Hampshire Transmission, LLC
By Its Attorneys

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Dated: April 1, 2022

Certificate of Service

A copy of this Petition has been sent by email this 1st day of April 2022 to the Site Evaluation Committee and the Office of the Attorney General.

By:_____
Douglas L. Patch

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THE STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2021-05

NEW HAMPSHIRE TRANSMISSION, LLC
SEABROOK CAPACITOR BANK PROJECT

PREFILED TESTIMONY OF RICHARD ALLEN

APRIL 1, 2022

Qualifications of Richard Allen

Q. Please state your name and business address.

A. My name is Richard Allen and my business address is 700 Universe Blvd., Juno Beach Florida, 33408.

Q. What is your position with New Hampshire Transmission, LLC ("NHT")?

A. I am the President of the Applicant, New Hampshire Transmission, LLC ("NHT"). NHT is a direct, wholly-owned subsidiary of NextEra Energy Transmission, LLC ("NEET"). NEET, which is an indirect, wholly-owned subsidiary of NextEra Energy, Inc. ("NextEra Energy").

Q. What are your responsibilities as President of NHT?

A. My responsibilities include the management of NHT, as well as oversight and responsibility for any additional transmission upgrades, including the new capacity banks, breakers, and short transmission line ("Project") associated with the Petition that this testimony accompanies.

Q. Please summarize your educational background and professional experience.

A. I received a Bachelor's of Science in Electrical Engineering from Clarkson University in 1987, a Master's of Electric Power Engineering from Rensselaer Polytechnic Institute in 1989, and a Master's in Business Administration from Rensselaer Polytechnic Institute in 2004. I was employed by National Grid for 25 years, in increasing levels of responsibility in Engineering, Operations, Project Management, and Business Development. In 2014, I was appointed to serve as Vice President for New York Transco, an affiliate of the New York investor-owned utilities that is used to develop and own new transmission facilities across New York State. In 2015, I joined the New York Power Authority as Vice President of Project and Business Development responsible for the permitting and development of major transmission and generation projects. In 2019, I joined NEET.

Q. Have you testified before the New Hampshire Site Evaluation Committee?

A. No.

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to address the managerial, financial, and technical capabilities of NHT to construct, own, and operate the Project, to provide information about the impact the Project will have on the orderly development of the region, and to support the request for a waiver from the requirement to do a complete economic impact study. Given the minor impacts that will result from this Project, my testimony reinforces NHT's request that the SEC either: (1) grant this Project an exemption; (2) determine that it is not a sizeable addition or change that warrants review; or (3) expedite the review of this Project.

Q. Please provide an overview of the Project.

A. NHT proposed the Project to resolve a reliability issue identified by ISO-NE in its 2029 New Hampshire Solution Study. ISO-NE selected NHT's Project as one element of the Preferred Solution in its 2029 New Hampshire Solution Study. Project components include capacitor banks, circuit breakers, busswork, aboveground electric lines, control house, protection, control, communication, and other appurtenant infrastructure (e.g., security fencing, etc.). The capacitor banks will need to be interconnected to the adjacent 345 kV transmission line via transmission tap conductors (lines) and structures that will be built and owned by Eversource as part of the Project. Construction is currently anticipated to commence after all approvals and permits are received which is anticipated in Spring of 2023. The expected Commercial Operation Date for the Project is October of 2023.

The Project site is located on property that currently serves as a parking lot for Seabrook Station, which is located north of the north access road to the power station (north of Rocks Road), east of Lafayette Road US Route 1. The site to be redeveloped for this Project is approximately 2.1 acres; the total acreage set aside for Seabrook Station, the nuclear generating station, and associated transmission equipment is approximately 889 acres, 109 of which is developed and holds most of the operating facilities. The Project site is bordered to the west by an abandoned railroad right of way, to the south by an Eversource easement for transmission lines, to the north by an existing emergency response structure, and to the east by a Unitil distribution line easement.

Beyond the Until easement to the east are estuarine marshlands. The site is located on the western shore of Hampton Harbor, two miles west of the Atlantic Ocean.

Q. Please provide an overview of NHT's managerial, financial, and technical capabilities.

A. I have included below an overview of the resources available to NHT in each of these areas.

Managerial and Technical

In addition to the Seabrook Substation owned and operated by NHT, subsidiaries of NEET own, operate, and develop significant high-voltage transmission infrastructure across the United States. In particular, NEET is the direct parent company of:

- Lone Star, which owns, operates, and maintains approximately 330 miles of double-circuit 345 kilovolt ("kV") transmission lines and six substations within the Electric Reliability Council of Texas region;
- GridLiance which owns, operates, and maintains transmission assets in Illinois, Kansas, Missouri, Oklahoma, Nevada, and Kentucky;
- Trans Bay Cable, which owns, operates, and maintains an approximately 53-mile, ±200 kV submarine high-voltage direct current transmission system in San Francisco, California area; and
- Horizon West, which owns, operates, and maintains a 230 kV substation in San Diego County, California and is developing another high-voltage substation project in northern California.

NEET's other assets include a 280-mile, 230 kV transmission project under construction in Ontario, Canada and a 20-mile, 345 kV transmission project in construction in New York.

In total, affiliates of NHT own, operate, and maintain approximately 81,500 circuit miles of high-voltage transmission and distribution lines and 1,000 substations as of December 31, 2021. NHT has an experienced transmission facility operation and maintenance ("O&M") team and is supported by the nationally recognized O&M teams of the NextEra Energy family of companies, which includes NEET and Florida Power & Light Company ("FPL").[1] NextEra Energy employs time-tested, robust practices for staffing, operating, and maintaining its facilities using the appropriate mix of local, on-the-ground expertise and affiliate support to ensure safe and reliable operations of its utility facilities. Across the NextEra Energy organization, there are more than 750 power system professionals including engineers, technicians, and other staff with expertise in all aspects of transmission and substation equipment installation, operation, maintenance, and repair. Personnel from FPL's Transmission and Substation team, with the assistance of local contractors, are involved in the O&M of all of NextEra Energy's subsidiaries' high-voltage transmission assets.

NextEra Energy has been recognized by third parties for well over a decade as a highly regarded energy company. Those recognitions are the result of the professional and technically skilled management and employees of NextEra Energy, including those in NHT. More specifically, NextEra has been recognized often by third parties for its

[1] FPL, is one of the nation's most well-respected electric utilities. FPL serves more than 5 million homes and businesses in Florida – more than 10 million people – and is one of the largest rate-regulated electric utilities in the U.S.

efforts in sustainability, corporate responsibility, ethics, compliance, and diversity, and has been ranked No. 1 in the electric and gas utilities industry in Fortune's 2021 list of "World's Most Admired Companies" 14 of the last 15 years. In 2021, NextEra Energy ranked No. 1 for eight of the nine rated attributes, including innovation, people management, use of corporate assets, quality of management, financial soundness, long-term investment value, quality of products/services and global competitiveness.

2020-2021 Awards & Recognitions

Ranked No. 1
in the electric and gas utilities industry on Fortune's list of "Most Admired Companies" for the 14th time in 15 years

The First-Ever
company to be named on the inaugural 2021 TIME100 Most Influential Companies list as disruptor that is shaping a sustainable energy future

Leadership Recognition
received the third annual S&P Global Platts environmental, social and governance

Ranked No. 1
one of the only 13 companies in the world to achieve this honor 14 or more times, and one of the 9 companies in the energy and utilities sector worldwide to receive

America's Best Employers
recognized for the fifth time by Forbes in 2021 as one of its 2021 "America's Best Employers" and fourth time "America's Best Employers for Diversity"

Excellence Award
recognized by the U.S. Department of Labor with the HIRE Vets Platinum Medallion award for its excellence in recruiting, employing, and retaining veterans

Financial

NEET is an industry-leading transmission planning, engineering, procurement, construction, and operations company that has been involved in the electric transmission industry for over 30 years. NEET has in-house transmission planning, development, engineering, environmental, procurement, and regulatory personnel and operates one of the most reliable electric utility networks in the country with 99.98 percent reliability. The company has constructed $66 billion worth of major projects since 2003 corporate-wide. This extensive experience in transmission ownership, construction, operation, and management demonstrates that NEET and its subsidiary NHT have the financial, managerial, and technical capabilities needed for the successful construction and operation of the Project. NEET is a subsidiary of NextEra Energy, Inc. (NEE) one of the leading energy companies in the United States (U.S.), with consolidated revenues of approximately $17 billion as of December 31, 2021. NextEra has planned infrastructure investments in the U.S. of over $28 billion through 2022.

Q. Are you familiar with the most recent financing approval obtained from the New Hampshire Public Utilities Commission by NHT and whether there are sufficient funds available from that financing to fund this Project?

A. Yes. I am familiar with the most recent financing approval the New Hampshire Public Utilities Commission granted to NHT in Order No. 26,204 in DE 18-171 (December 21, 2018) to address aging infrastructure at the Seabrook Transmission Substation, and the extension of the loan agreement that was the subject of that financing for a two-year period beginning on January 1, 2021. Order No. 26,432 in DE 18-171 (December 17, 2020). The total amount of the long-term secured debt instruments approved in those orders were in an aggregate principle amount not to exceed $59

million. The estimated cost of the project is $8.9 million[2], but the project is still in an early stage of development and the cost could change, though we do not anticipate that the costs will increase to any significant extent.

Q. Based on the managerial, financial, and technical experience of NHT and its affiliates you outlined above, do you believe it is in the public interest for NHT to construct, own, and operate the Project and to fund the Project from the previously approved financing?

A. Yes, for all the reasons set forth in my testimony and in the Petition, NHT is managerially, technically and financially qualified to construct, own, and operate the Project, and it would be for the public good for the New Hampshire Site Evaluation Committee to grant a Certificate of Site and Facility for this Project, or, in the alternative, to grant the Project an exemption pursuant to RSA 162-H:4, IV, or to determine that this Project is not a "sizeable addition" within the meaning of RSA 162-H:5 and therefore does not need a Certificate of Site and Facility.

Impact on the Orderly Development of the Region

Q. Can you provide the SEC with information about the impact the Project will have on the orderly development of the Region?

A. Yes. It is my understanding that each SEC application must provide information about the effects that the proposed facility will have on the orderly development of the region, including the views of municipal and regional planning commissions and municipal governing bodies and master plans of the affected communities and an

[2] New Hampshire (NH) 2029 Solutions Study – Final (CEII), ISO New England (May 2021)

estimate of the effects on land use in the region. The Applicant must also provide information about the economic impact of the proposed facility, which is included below.

I believe that the Project will not unduly interfere with the orderly development of the region for a number of reasons. The Project is consistent with and complimentary to existing land uses. It is also consistent with the Seabrook and Hampton Falls Master Plans, which outline the goal of balancing issues of energy conservation, protection of natural resources and economic development in a way that maintains rural character and sustains a viable community. This Project is a low impact, non-residential form of development that requires no additional strain on the municipalities. The Project will be placed on a currently developed energy generation and transmission site in proximity to an existing transmission line and substation.

Q. Are you familiar with the request for a waiver of the economic impact study which NHT filed in this docket on April 1, 2022?

A. Yes, I reviewed and approved of the request for a waiver from the requirements in Admin. Rule Site 301.09(b) and (c). NHT submits that given the size, location and cost of this Project, it would be unduly burdensome and unnecessary for it to do the complete economic and employment study provided for in the rules. Given the nature and size of this Project, it is extremely unlikely that it will have any significant economic or lasting employment effects in the region, even though this is considered by ISO-NE to be a project that is necessary to address a reliability issue. NHT submits that it would be unduly burdensome and unnecessary to assess the six different factors laid out in paragraph (b) of Site 301.09 and the employment impacts specified in Site 301.09(c).

Q. Can you provide some general information about what you anticipate the economic impact of the Project to be?

A. Yes. Given that the estimate of the project is $8.9 million, it is unlikely that it will have any significant impact on the local economy. Because of the nature of the equipment that must be installed, NHT anticipates purchasing that equipment and hiring a specialized contractor from outside of the state to complete this Project. There may be some positive effects on local businesses during construction because of the revenues generated for local businesses. NHT does not believe, however, that there will be substantive economic effect of this new facility on the affected communities or in-state economic activity during construction and operation periods, nor will the Project impact real estate values in Seabrook, tourism and recreation, or community services and infrastructure. In terms of the effect on state tax revenues and the tax revenues of Seabrook, NHT anticipates the annual property tax payments to be approximately $160,000 in Year 1, and likely decline over time as the project depreciates. With regard to the effect on employment, including the number of type of full-time equivalent local jobs expected to be created or affected by the proposed facility, and the number and types of full-time equivalent jobs expected to be created or affected by the operation of the facility, NHT anticipates very little impact, although there may be the need for one or two new full time positions to inspect and maintain the new equipment associated with this Project.

Q. Does this conclude your testimony?

A. Yes, it does.

THE STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2021-05

APPLICATION OF NEW HAMPSHIRE TRANSMISSION, LLC FOR A CERTIFICATE OF SITE AND FACILITY FOR THE CAPACITOR BANKS PROJECT IN SEABROOK, NEW HAMPSHIRE

Affidavit of Richard Allen, President of New Hampshire Transmission, LLC

The undersigned hereby states under penalties of perjury as follows:

1. I am the President of New Hampshire Transmission, LLC ("NHT"), a public utility in New Hampshire which owns and operates the transmission substation at Seabrook, New Hampshire ("Seabrook Substation") and is developing the Capacitor Banks Project in Seabrook that is the subject of this docket. A copy of my biography is attached to my pre-filed testimony which is being submitted with the Application in this this docket.

2. As the President of NHT I have overseen the planning for the Capacitor Banks Project on the site at Seabrook Station that is the subject of the accompanying Petition for an Exemption, a Determination that this Project is not a Sizeable Addition, or for Expedited Review ("the Petition) for Declaratory Ruling. As specified in more detail in the Petition, the Seabrook Substation is an integral part of the transmission grid in New England. NHT and the Independent System Operator for New England believe that the Capacitor Banks Project at Seabrook Station is needed to ensure efficient and reliable operation of the power grid.

3. I have been involved in the preparation of the Petition and have reviewed it in detail and believe that it accurately describes the Project that ISO-NE has found must be completed, and the relief requested of the Site Evaluation Committee.

4. I have reviewed the decisions of the SEC cited in the Petition and the statute at issue. Based on my review of the statute, the SEC decisions and the criteria that the SEC has used to evaluate whether a particular project is a sizeable addition or change, I believe that it is clear that the Project that is being proposed is not a sizeable addition or change within the meaning of the New Hampshire statute.

5. The construction on this Project must begin at the latest by early 2023 so that the crucial cutover from the old configuration and equipment to the new configuration and equipment can meet the schedule established with ISO-NE and work within certain outage windows established by ISO-NE.

6. I am submitting this affidavit in accordance with Admin. Rule Site 203.01(b)(2). I respectfully urge the subcommittee of the SEC to act expeditiously on this request.

Richard Allen

Witness

Sworn before me this 25 day of March, 2022.

Notary Public/Justice of the Peace

My Commission Expires: Nov. 8, 2025

Document2

PAULA A MADIA
Notary Public - State of New York
NO. 01MA6424871
Qualified in Schenectady County
My Commission Expires Nov 8, 2025

THE STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2021-05

NEW HAMPSHIRE TRANSMISSION, LLC
SEABROOK CAPACITOR BANK PROJECT

PREFILED TESTIMONY OF DANA VALLEAU

APRIL 1, 2022

Qualifications of Dana Valleau

Q. Please state your name and business address.

A. My name is Dana Valleau. My business address is TRC, 14 Gabriel Drive, Augusta, Maine 04330.

Q. Who is your current employer and what position do you hold?

A. I am employed by TRC as an Environmental Specialist.

Q. Please describe your responsibilities at TRC, including those that relate to the Seabrook Capacitor Bank Project that is the subject of this docket.

A. My responsibilities include project management, scoping field studies, consultation with agencies, and overseeing field studies. I also conduct fieldwork as a wetland scientist, wildlife biologist, and environmental inspector on construction sites. Additionally, I provide documentation of field study results, prepare permit applications, and perform compliance reporting.

Q. What is your background and what are your qualifications?

A. I have a B.S. Degree in Wildlife Management and Juris Doctorate, both from the University of Maine. I have worked in the environmental science field for over 20 years

in a wide variety of capacities. I was certified as a wildlife biologist in June 2011 through The Wildlife Society, a nationally recognized certification program for professional wildlife biologists. I renewed my certification in June 2019, as certifications must be renewed every 5 years by demonstrating 80 hours of continued education and professional development. I have conducted/coordinated wetland and vernal pool surveys and assessments on electric transmission line projects such as the Central Maine Power Company Maine Power Reliability Project and also on the Kibby and Kibby Expansion Wind Power Projects in Maine. I have also worked on the Chinook and Chariot Solar Projects in New Hampshire, both of which have been or are now pending before the New Hampshire Site Evaluation Committee ("SEC"). Attachment DV-1.

Q. Have you previously testified before this Committee and/or any other state permitting agencies?

A. Yes. I presented testimony on the results of bat field studies, as well as testimony regarding the potential effect of the Antrim Wind Project on the natural environment, particularly wetlands, vernal pools, and wildlife habitat, in connection with Antrim Wind Energy, LLC's application for a Certificate of Site and Facility in Docket 2012-01. I also testified before the SEC with regard to the Chinook Solar Project in SEC Docket No. 2019-02. In addition, I testified before the Maine Board of Environmental Protection, as well as before the Maine Land Use Regulation Commission on behalf of the applicant in the Kibby and Kibby Expansion Wind Power Projects.

Purpose of Testimony

Q. What is the purpose of your testimony?

A. My testimony supports NHT's Application for a Certificate of Site and Facility for the Project, specifically as it pertains to the potential effects of the Project on the natural environment, including wetlands, vernal pools, wildlife and wildlife habitat. My testimony also addresses the visual impact and sound reports that have been prepared on this Project, as well as the effects upon cultural and historic resources. Given the minor impacts that will result from this Project, my testimony also reinforces NHT's request that the SEC either: (1) grant this Project an exemption; (2) determine that it is not a sizeable addition or change that warrants review; or (3) expedite the review of this Project.

Q. Please describe the Seabrook Capacitor Banks Project that is the subject of this docket.

A. NHT proposed the Project to resolve a reliability issue identified by ISO-NE in its 2029 New Hampshire Solution Study. ISO-NE selected NHT's Project as one element of the Preferred Solution in its 2029 New Hampshire Solution Study. Project components include capacitor banks, circuit breakers, busswork, aboveground electric lines, control house, and other appurtenant infrastructure (e.g., security fencing, etc.). The capacitor banks will need to be interconnected to the adjacent 345 kV transmission line via transmission tap conductors (lines) and structures that will be built and owned by Eversource as part of the Project. Construction is currently anticipated to commence after all approvals and permits are received which is anticipated in Spring of 2023. The expected Commercial Operation Date for the Project is October of 2023.

I have reviewed all the surveys and studies for the Project related to natural resources, and I have visited the Project site and participated in the pre-application public

information session. As the result of these activities, I am very familiar with the Project.

Wetlands, Waterbodies, and Tidal Wetlands

Q. Please describe the area that was reviewed for potential effects on wetlands, waterbodies, and tidal wetlands.

A. The Project site is located on property that currently serves as a parking lot for Seabrook Station, which is located north of the north access road to the power station (north of Rocks Road), east of Lafayette Road US Route 1. The site to be redeveloped for this Project is approximately 2.1 acres (89,585 square feet) in size; the total acreage set aside for Seabrook Station, the nuclear generating station, and associated transmission equipment is approximately 889 acres, 109 of which is developed and holds most of the operating facilities. The Project site is bordered to the west by an abandoned railroad right of way, to the south by an Eversource easement for transmission lines, to the north by an existing emergency response structure, and to the east by a Unitil distribution line easement. Beyond the Unitil easement to the east are estuarine marshlands. The site is located on the western shore of Hampton Harbor, two miles west of the Atlantic Ocean.

Q. Please describe the methodology used by TRC to conduct an analysis of the Project's potential effect upon wetlands and tidal areas.

A. TRC surveyed for and delineated any wetlands, waterbodies, vernal pools and tidal wetlands in this area. In accordance with the New Hampshire Code of Administrative Rules for the Delineation and Classification of Wetlands (Env-Wt 301), wetland delineations were conducted according to the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, v2*

(USACE, 2012). Surface waters were identified using the State of New Hampshire Code of Administrative Rules Chapter Env-Wt 101 definitions, and vernal pools were identified using the State of New Hampshire Code of Administrative Rules Chapter Env-Wt 100.108 definitions.

Q. Please describe the wetlands identified in your surveys.

A. TRC identified a total of 9 wetlands within the survey area. Streams and vernal pools were not observed within the survey area. The complete wetland and waterbody, survey report is included as Appendix 1 to the Application.

Q. What are your conclusions regarding the Project's potential effect upon wetlands, water bodies and tidal wetlands?

A. TRC determined there will be no direct impacts to wetlands, waterbodies or tidal wetlands as a result of this Project. The Project was designed to completely avoid direct impacts to wetlands. The layout of the Project avoided all wetlands and water bodies by siting the capacitor banks, circuit breakers and transmission tap line entirely within the boundaries of the existing developed area.

Q. In your opinion, will the Project have an unreasonable adverse effect on wetlands, water bodies or tidal wetlands?

A. No. For the reasons described above and in the wetland and waterbody report, it is our opinion that the Project will not have an unreasonable adverse effect on wetlands, waterbodies or tidal wetlands.

Natural Communities and Rare Plants

Q. Please describe the methodology used by TRC for conducting an analysis of the Project's potential effects on natural communities and rare plants.

A. TRC consulted with the New Hampshire Natural Heritage Bureau ("NHNHB") to identify any known or potential rare plant and/or natural community occurrences for the proposed site. Consultation with the NHNHB concluded that no records of exemplary natural communities or rare plant species are known to occur within the Project site. Correspondence with the NHNHB is provided as Appendix 15A to the Application.

Q. In your opinion, will the Project have an unreasonable adverse effect upon natural communities or rare plants?

A. No. Based on field surveys and consultation with the NHNHB, the proposed Project will not result in any effect upon significant natural communities, rare plants or communities which are likely to support rare plants.

Wildlife and Wildlife Habitat

Q. Please describe the area that was reviewed for effects on wildlife and wildlife habitat.

A. As further described above, the Project site is an existing parking lot. While natural resources in and around the Project site provide opportunities for many of New Hampshire's indigenous wildlife species, a desktop review of known environmental factors indicated that no known critical habitat exists within the Project site. NHT has requested a letter from the United States Army Corps of Engineers ("USACE") confirming no USACE jurisdiction for the proposed Project, included in Appendix 3. Following with no USACE jurisdiction, there is no requirement for consultation with the United States Fish and Wildlife Service ("USFWS"). Based on our review of the site and our desktop review, we believe that the Project will not impact any wildlife species or wildlife habitat.

Q. In your opinion, will this Project have an unreasonable adverse effect on wildlife and wildlife habitat?

A. No. TRC and NHT have consulted with the NHNHB in an effort to design the Project to avoid wildlife impacts to the greatest extent possible. Based on these consultations and our knowledge and review of the Project area, it is our opinion that the Project will not have an unreasonable adverse effect on wildlife or wildlife habitat.

Historic and Cultural Resources

Q. Was a review of historic and cultural resources conducted for this Project?

A. Yes. TRC consulted with the New Hampshire Division of Historical Resources ("NHDHR") to determine compliance with Section 106 requirements of the National Historic Preservation Act. TRC recommended a study area consisting of a 2-mile radius around the Project, with which NHDHR concurred. TRC reviewed all information about previously identified historic properties and completed field studies, in accordance with NHDHR guidelines, to evaluate potential impacts of the Project on historic resources. A copy of correspondence with NHDHR is included in Appendix 13B. NHDHR provided concurrence that the Project will not impact any known archaeological sites, nor will it physically alter any existing historic buildings or structures.

Q. In your opinion, will this Project have an unreasonable adverse effect on historic and cultural resources?

A. No. Based on our review, we believe that this Project will not have an unreasonable adverse effect on historic and cultural resources.

Visual/Aesthetic Impact

Q. Was a visual impact study conducted for this Project?

A. Yes. TRC performed a Visual Impact Assessment ("VIA") for the Project. The VIA concluded that the Project will not result in an unreasonable adverse effect on the aesthetics of the surrounding area. The VIA report is contained in Appendix 10. Prior to conducting the VIA, TRC defined the area of potential visual impact via a desktop review to determine the appropriate geographic area for the computer-based visibility analysis. The VIA determined that the location and design of the Project mitigates any potential visibility of the Project. This is based on the fact that the Project is set back from nearby roads and properties, the array layout and associated equipment incorporate adequate buffers to retain existing mature vegetation that will screen the Project, and the Project is located adjacent to existing electrical transmission infrastructure.

Q. In your opinion, will this Project have an unreasonable adverse effect on aesthetics?

A. No. Based on our review and our knowledge of the Project area, we believe that it will not have an unreasonable adverse effect on aesthetics.

Sound Impact

Q. Was a sound impact study conducted for this Project?

A. Yes. Tech Environmental conducted a comprehensive sound level assessment for the Project. This assessment included baseline sound monitoring and acoustic modeling. The SEC incremental sound limit standard establishes a maximum allowable incremental sound increase of 10 decibel A-weighted above ambient. *See* Admin. Rule Site 301.08(d)(1). The Town of Seabrook does not have any sound standards in the zoning ordinances, building code, or site plan review regulations. To assess compliance with the SEC sound limits, the lowest measured ambient sound levels were used in the acoustic

modeling analysis. Results indicate that the Project will comply with the SEC incremental sound limits.

Q. In your opinion, will this Project have an unreasonable adverse effect on sound?

A. No. Based on the assessment that has been conducted, as well as the location of the Project away from residences and businesses, we do not believe that the Project will have an unreasonable adverse effect on sound.

Public Health and Safety

Q. Has NHT looked at the potential for impacts on public health and safety?

A. Yes. NHT has a proposed decommissioning plan for this Project that includes: providing a decommissioning schedule to Seabrook and the SEC prior to initiating any decommissioning activities; acquiring approvals for transport of oversized/overweight loads from the Project site, if needed; coordinating with the New Hampshire Department of Transportation prior to transport to confirm routes; disconnecting the facility from the utility power grid; disconnecting all aboveground wirings, lines, and electrical interconnections and recycling offsite by an approved recycling facility; removing the perimeter fence and recycling off-site by an approved metal recycler; removing metal structures for recycling off-site by an approved recycler; removing all site inverters, transformers, meters, fans, and other electrical components and recycling off-site by an approved recycler; removing concrete foundations and concrete equipment pads and recycling off-site by a concrete recycler; restoring and stabilizing the site after all equipment is removed; and completing any minor site grading that may be required.

All electrical equipment that will be installed will be inspected under rigorous commissioning procedures, as well as by the utilities for grid connection and protection system safety. During operations qualified personnel will routinely inspect equipment in accordance with preventative maintenance schedules.

Fire safety and response will be handled by Seabrook Station.

The addition of the two tap structures and tap line will have a negligible effect on the electric and magnetic field (EMF) characteristics of the line. Further, given the Project is located within the existing Seabrook Station site, the interconnection, and the proposed tap structures and tap line will be installed in areas not readily accessible by the general public. TRC believes this project will have virtually no impacts on public health and safety from an EMF perspective and that any such impacts will be mitigated by the location of the Project.

NHT also reviewed the risks of collapse of the towers and supporting structures that will be part of the Project and believe the risk of potential adverse effects from collapse of such structures is minimal.

Q. In your opinion, will this Project have an unreasonable adverse effect on public health and safety?

A. Based on our review of all the information noted above, we do not believe the Project will have an unreasonable adverse effect on public health and safety.

Conclusion

Q. Does this conclude your testimony?

A. Yes.

DANA B. VALLEAU, CWB

EDUCATION

J.D., University of Maine School of Law, Portland, Maine, 1994
B.S., Wildlife Management, University of Maine, Orono, 1990

PROFESSIONAL REGISTRATIONS/CERTIFICATIONS

Maine DEP Erosion and Sediment Control Practices Certified (#0129)
Certified Wildlife Biologist

AREAS OF EXPERTISE

Mr. Dana Valleau has project management and technical experience in the following general areas:

- Project Management
- State and Federal Permit Applications
- FERC Pipeline Environmental Studies and Permitting
- Wind Energy Environmental Studies and Permitting
- Hydroelectric Licensing & Compliance
- Database Management
- Agency Consultation
- Water / Soil Sampling
- Radio Telemetry
- Remote Sensing and Photo-interpretation
- Wetland Delineation
- Vernal Pool Identification and Documentation
- Fish / Wildlife Studies, including RTE Species

REPRESENTATIVE EXPERIENCE

Mr. Dana Valleau has over twenty years of experience working in the environmental field in a wide variety of capacities, including reviewing state permit applications, enforcing state land use laws, database management, water, biota, and soil sampling, radio telemetry, wetland delineation, fishway operations, fish and wildlife habitat identification including vernal pools, and fish and wildlife population studies. He has experience in local, state, and federal regulatory processes and permitting, a thorough understanding of environmental construction standards, and erosion control Best Management Practices. He is has provided expert testimony at administrative hearings before the Maine Board of Environmental Protection, Maine Land Use Planning Commission, and the New Hampshire Site Evaluation Committee.

Relevant Projects

Confidential Client, Confidential Solar Project, 2020
Coordinated preparation of a New Hampshire Site Evaluation Committee permit application including a state Alteration of Terrain permit application. Provided expert testimony regarding field studies and natural resource impacts before the New Hampshire Site Evaluation Committee.

Walden Green Energy (formerly Eolian Renewable Energy), LLC, Antrim Wind Energy Project (2010 – 2012; 2014 – Present)
Coordinated and managed all field studies related to preparing a New Hampshire Site Evaluation

Committee permit application including a state Alteration of Terrain and Dredge and Fill permit applications. Consulted with federal and state agencies to scope field studies and assess potential impacts. Consultation with USFWS included developing an Avian and Bat Protection Plan and addressing Bald and Golden Eagle Act issues. Provided expert testimony regarding field studies and natural resource impacts before the New Hampshire Site Evaluation Committee for 2 separate hearings.

Other Relevant Experience

Maine Department of Environmental Protection, Enforcement Unit (1998 – 1999)
Investigated complaints, conducted on-site investigation and inspection, provided technical advice and education to the public to ensure compliance with environmental laws, rules, and standards, reviewed Maine State Natural Resource Protection Act Permit-by-Rule Notifications and drafted, negotiated, and presented notices of violation and consent agreements.

Maine Department of Environmental Protection, Enforcement Unit (1998 – 1999)
Prepared educational presentations of State rules and regulations to construction and forestry professionals and municipal officials.

Maine Department of Environmental Protection, Licensing Unit (1997 – 1998)
Reviewed and evaluated Site Location of Development Permit Applications. Negotiated, drafted permits and performed compliance inspections of Site Projects.

Maine Department of Environmental Protection, Geology Unit (1996 – 1997)
Compiled and confirmed site data of potential groundwater threats and performed QA/QC on state-wide groundwater database (ORACLE) and GIS for the Maine Department of Environmental Protection (MDEP), Augusta, Maine.

Maine Department of Environmental Protection, Biology Unit (1995)
Provided assistance to MDEP biologists and engineers by collecting water, fish, and insect samples, observing field conditions, managing data, and writing reports for waste-load allocation studies, a state-wide toxin study, and a state-wide water quality survey.

SPECIALIZED TRAINING

- 1998 Basic Erosion Control Practices for Contractors
- 1999 Advanced Erosion Control Practices for Contractors
- 1999 Geotechnical and Soil Bioengineering Slope Stabilization
- 2002 Advanced Hydric Soil Identification
- 2002 Delineating Hydric Soils on a Human Disturbed Site