

STATE OF NEW HAMPSHIRE

**SITE EVALUATION COMMITTEE
(Docket No. SEC 96-01)**

DECISION ON MOTION FOR REHEARING

On June 16, 1997, the Site Evaluation Committee issued a decision in this docket which, *inter alia*, granted a Request of Portland Natural Gas Transmission Inc., (PNGTS) for a Certificate of Site and Facility pursuant to RSA 162-H to construct, operate and maintain the PNGTS Project and to Maritime & Northeast Pipeline L.L.C. (M&N) and PNGTS a Certificate of Site and Facility pursuant to RSA 162-H to construct, operate and maintain the Joint Facilities. On August 13th, 1997 the Applicants filed a timely Motion for Reconsideration/Clarification or rehearing under RSA 541:3. On August 15, 1997 Claire Lamm and H. Nile Lamm, Interveners, filed a Motion for Rehearing. PNGT filed an objection to the Motion for Rehearing. Frederick W. Martin filed untimely comments. However, the comments submitted are interpreted as supporting the Lamm Motion, and were considered.

This decision will only address the Motion filed by Claire Lamm and H. Nile Lamm.

The Motion asserts that the Committee failed to consider that the pipeline will be in violation of RSA 483:7-a, or the Silvio Conte Act. RSA 483:7-a is part of the Rivers Management and Protection Act. Specifically, it pertains to "River Classification Criteria; Management". The Committee's reading of the statute is that it sets forth the criteria for determining how to classify rivers to meet the definitions in the statute, vis, Natural Rivers, Rural Rivers, Rural Community Rivers and Community Rivers.

The Committee finds that the natural gas pipeline project does not violate any of the protections afforded by RSA 162:9. All conditions affecting the surface waters affected by the project were examined by the Department of Environmental Services and appropriate mitigation measure were imposed. The Committee notes that it had deferred to the Federal Energy Regulatory Commission the finding for public necessity and convenience. The issue of routing and alternative route was fully examined by the Committee. Its Decision and Order properly addresses same.

Mr. Martin requests that the matter of the dam across the Connecticut River be clarified and asserts the River Management and Protection Act requires the Committee to support a route which avoids damaging impact[s] on the Connecticut River valley, such as the Nash Stream route. The Committee has considered the impacts on the Connecticut River (See page 19 and 20 of SEC Decision) and incorporated in its decision and order many conditions to eliminate or mitigate any environmental impacts. As to the issue of the dam or damming of the Connecticut River, the Committee has no evidence before it of a dam or damming of the river. The applicant and Certificate issued provide for a directional drill method to cross the river. This procedure was

was thoroughly considered by the Committee and the DEIS.

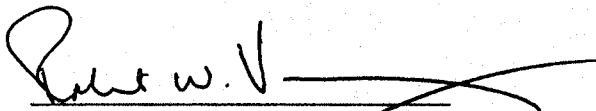
The Committee also finds that the issues addressed in the remainder of the motion for rehearing, vis, impacts on Clean Air; disastrous environmental impacts; and alternative routes; were presented by the Lamms' during the adversarial hearings. The Committee considered that evidence along with other testimony and responded by incorporating over 50 conditions in its decision to eliminate or mitigate any adverse effects on the environment.

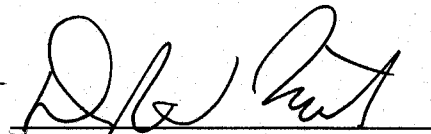
The Committee disagrees with any assertion that the impacts on the environment were not considered and that such finding were not properly made. The Site Evaluation Committee has reviewed and considered the Motion for Rehearing and finds that the motion fails to set forth any reason for granting a rehearing or any grounds by which the Site Committee's Decision and Order could be found to be unlawful or unreasonable. The Motion simply asserts and concludes that the Site Committee erred with respect to their findings and order. The Motion does not present any new evidence or position that the Site Committee did not consider.

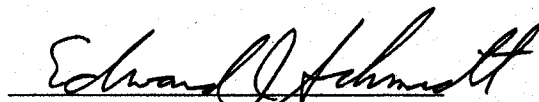
Upon consideration of all the assertions set forth by Claire Lamm and H. Nile Lamm the Site evaluation Committee find that the Motion for Rehearing presents no new evidence or arguments which had not been fully considered in reaching the conclusion that a Certificate of Site and Facility should be issued in this matter.

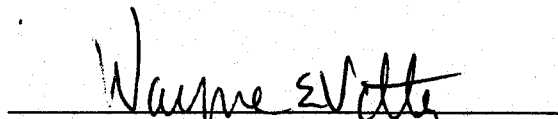
The Motion filed by Claire Lamm and Nile H. Lamm is Denied.

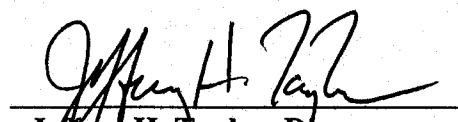
Dated September 26, 1997 at Concord, New Hampshire.

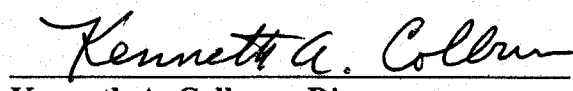

Robert W. Varney, Chairman
Commissioner, Dept. of
Environmental Services

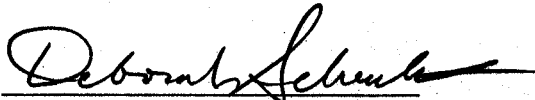

Douglas L. Patch, Chairman
Public Utilities Commission


Dr. Edward Schmidt, Dir.
Water Division, Dept of
Environmental Services


Wayne Vetter, Dir.
Fish and Game Dept.


Jeffrey H. Taylor, Dir.
Office of State Planning

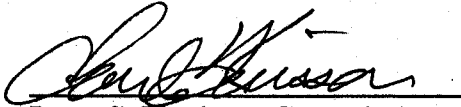

Kenneth A. Colburn, Dir.
Air Resources Division, Dept.
of Environmental Services



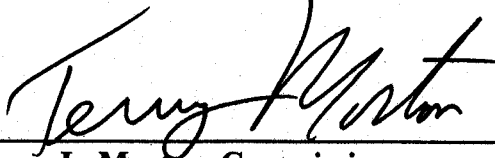
**Deborah Schachter, Dir.
Governor's Office of Energy
& Community Services**



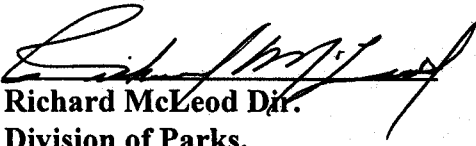
**Philip Bryce, Dir.
Division of Forest & Lands, Dept. of
Resources & Economic Devel.**



**Leon S. Kenison, Commissioner
Dept. of Transportation**



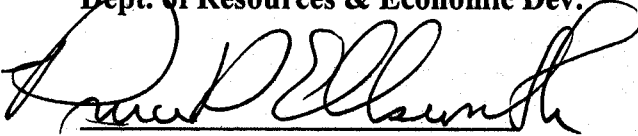
**Terry L. Morton, Commissioner
Dept. of Public Health & Human Services**



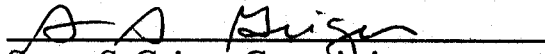
**Richard McLeod Dir.
Division of Parks,
Dept. of Resources & Economic Dev.**



**Robb Thomson, Commissioner
Dept. of Resources & Economic
Development**



**Bruce B. Ellsworth, Commissioner
Public Utilities Commission**



**Susan S. Geiger, Commissioner
Public Utilities Commission**



**Michael D. Cannata Jr., Chief Engineer
Public Utilities Commission**