

October 4, 2016

VIA E-MAIL

Adam Dumville, Esq.  
McLane Middleton  
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Re: Application of Public Service Company of New Hampshire D/B/A  
Eversource Energy for a Certificate of Site and Facility  
Docket No. 2015-04

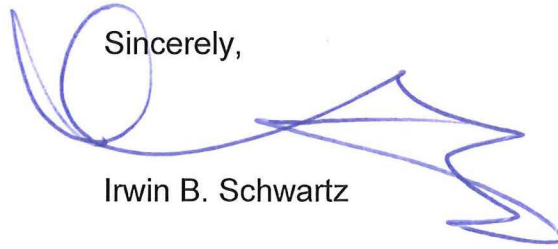
Dear. Mr. Dumville,

On behalf of Thomas A. DeCapo and Yael D. DeCapo (the "DeCapo Family"), I write to you regarding Eversource's motion to partially waive the mapping requirements set forth in Site 301.03(c)(3)-(5) submitted to the Site Evaluation Committee on April 12, 2016 (the "Request"). During the September 7 pre-hearing conference, Eversource represented that it awaits a ruling on the Request, and we understand that the SEC will shortly set forth a briefing schedule on the Request. Please be advised that the DeCapo Family will oppose the Request.

Moreover, to the extent that Eversource has not taken steps to comply with the SEC's mapping rules during the pendency of the Request, any delay to the project occasioned by the SEC's denying relief to Eversource would be Eversource's own fault and not grounds for any relief to Eversource. See, e.g., United States v. Arkwright, Inc., 690 F. Supp. 1133, 1141 (D. N.H. 1988) (an applicant "is subject to existing requirements until such time as he obtains a variance, and variances are not available . . . until they have been approved") (quoting Train v. NRDC, 421 U.S. 60, 92 (1975)); United States v. Metro. Dist. Comm'n, No. CIV.A. 83-1614-MA, 1985 WL 9071, at \*9 (D. Mass. Sept. 5, 1985) ("it is well established as a general principal of environmental law that waiver requests and appeals from decisions on those requests are 'on the polluter's time'") (quoting Train, 421 U.S. at 92). Accordingly, Eversource should be taking all steps necessary to comply with the SEC's mapping obligations unless and until Eversource receives relief from the SEC. The DeCapo Family will vigorously oppose any argument that Eversource should be excused from the mapping

requirement on the grounds that Eversource's compliance with its mapping obligations would delay the project.

Sincerely,

A handwritten signature in blue ink, consisting of a large loop on the left and several sharp, angular strokes extending to the right.

Irwin B. Schwartz