

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-04

**Application of Public Service Company of New Hampshire
d/b/a Eversource Energy for Certificate of Site and Facility**

November 8, 2016

**ORDER ON COUNSEL FOR THE PUBLIC'S
PENDING MOTIONS TO RETAIN CONSULTANTS**

I. Background

On April 12, 2016, Public Service Company of New Hampshire d/b/a Eversource Energy filed an Application for a Certificate of Site and Facility (Application) with the Site Evaluation Committee (Committee). The Application seeks the issuance of a Certificate of Site and Facility approving the siting, construction, and operation of a new 115kV electric transmission line between existing substations in Madbury and Portsmouth (Project.) The new transmission line will be approximately 12.9 miles in length. The project is comprised of a combination of above ground, underground, and underwater segments. The Project will be located in the Towns of Madbury and Durham in Strafford County and the Town of Newington and the City of Portsmouth in Rockingham County.

On October 20 and 28, 2016, the Subcommittee received the following Motions from Counsel for the Public:

- Assented-To Motion for Leave to Retain Michael Lawrence Associates, PLC (Lawrence) and for an Order Directing Eversource to Bear the Costs Thereof;
- Assented-To Motion for Leave to Retain Heritage Landscapes, LLC (Heritage) and for an Order Directing Eversource to Bear the Costs Thereof; and
- Assented-To Motion for Leave to Retain ESS Group (ESS) and for an Order Directing Eversource to Bear the Costs Thereof.

II. Standard

Pursuant to RSA 162-H-9, I, the Counsel for the Public “shall represent the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy.” RSA 162-H:10, V, provides that the Site Evaluation Committee and Counsel for the Public “shall conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter...” The costs of such studies and investigations are “borne by the Applicant in such amount as may be approved by the Committee.” RSA 162-H:10, V.

What is reasonable, necessary or appropriate must be considered within the scope of the purpose of the siting statute. The statute recognizes that “it is in the public interest to maintain a balance among those potential significant impacts and benefits” that energy facilities may have. RSA 162-H:1. In achieving this goal, the statute requires the Committee to “ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic, and technical issues are resolved in an integrated fashion.” *Id.*

III. Position of the Parties

Counsel for the Public seeks to retain Lawrence to provide expert analysis and opinion concerning the Project’s effect on aesthetics. Specifically, Counsel for the Public asserts that Lawrence will review the Visual Assessment Report and all other related documentation and testimony provided by the Applicant’s visual assessment experts, and will provide an expert opinion on the effect of the Project on aesthetic and scenic resources in order to inform the Subcommittee as to whether the Project the Project would create an unreasonable adverse effect on aesthetics. Counsel for the Public estimates that the total cost of services and expenses to be provided by Lawrence will be approximately \$40,000.

Counsel for the Public also seeks to retain Heritage to assist with assessing the effect of the Project on historic and cultural resources. Counsel for the Public argues that it is necessary to retain an independent expert to evaluate the Project's impact on historic and cultural resources because the Project will cross through or near numerous cultural and historic resources, and the resulting changes in character and increased visibility may have an effect on historic and cultural resources. This assessment will inform the Subcommittee as to whether the Project would create an unreasonable adverse effect on historic sites. Counsel for the Public estimates that the total cost of services and expenses to be provided by Heritage will be approximately \$32,149.

Finally, Counsel for the Public seeks to retain ESS to analyze and provide an unbiased, independent technical review on the impacts to marine resources associated with the Project's proposed underwater cable installation in Little Bay, including a review of the sediment dispersion modeling submitted by the Applicant. Counsel for the Public asserts that by retaining ESS, it will test the analysis and conclusions contained in the Application, and inform the Subcommittee whether the Project will create an unreasonable adverse effect on the environment. Counsel for the Public estimates that the total cost of services and expenses to be provided by ESS will be approximately \$82,000.

In each of its Motions, Counsel for the Public reserved the right to request that the Subcommittee order the Applicant to pay more than requested amounts, if the need arises.

The Applicant assented to the relief requested by Counsel for the Public.

IV. Analysis and Findings

ESS will assist Counsel for the Public in representing the public in seeking to protect the quality of the environment and will inform the Subcommittee in determining the impact of the Project on marine and environmental resources. Lawrence and Heritage will assist the Subcommittee by informing it of the Project's impacts on aesthetics, and historic and cultural

resources. Furthermore, the scope of the work identified by Lawrence, Heritage, and ESS is reasonable, taking into consideration the statutory requirement of the Subcommittee to ascertain the impact of the Project on the historic sites, air and water quality, the natural environment, and aesthetics. *See* RSA 162-H:16.

Based upon the scope of services submitted with the pending motions, the proposed costs for the consulting services is reasonable. Therefore, Counsel for the Public's: (i) motion to employ Lawrence is granted to the extent that the cost to the Applicant shall not exceed \$40,000; (ii) motion to employ Heritage is granted to the extent that the cost to the Applicant shall not exceed \$32,149; and (iii) motion to employ ESS is granted to the extent that the cost to the Applicant shall not exceed \$82,000. The costs and fees, up to the identified amounts, shall be paid by the Applicant directly to the applicable consultant with payments made within 30 days of receipt of invoices by the Applicant. If further expenses are to be incurred, Counsel for the Public shall file a motion with the Subcommittee with a justification for the expenses.

The Assented-To Motions for Leave to Retain Michael Lawrence Associates, PLC, Heritage Landscapes, LLC, and ESS Group and for an Order Directing Eversource to Bear the Costs Thereof are granted, subject to conditions set forth in this Order.

SO ORDERED this eighth day of November, 2016.



Robert R. Scott, Presiding Officer
NH Site Evaluation Committee