

State of New Hampshire  
**Site Evaluation Committee**

Robert R. Scott  
Vice-Chair

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September 5, 2019

VIA E-MAIL AND FIRST-CLASS MAIL

Matthew Fitch  
291 Durham Point Road  
Durham, NH 03824

**Re: Response to Request for Emergency Suspension**

Dear Mr. Fitch:

I have reviewed your correspondence and the attachments received on August 15, 2019. I have also reviewed Eversource's response dated August 20, 2019. At the core of your request, you claim that Eversource abandoned the easement on your property and that this is new information proving that Eversource made a material misrepresentation during the Site Evaluation Committee proceedings in Docket No. 2015-04. Eversource denies your claims and argues that as both a factual and legal matter that the easement has not been abandoned.

As a general matter, the Site Evaluation Committee does not have jurisdiction to adjudicate property rights between private parties. Since the Committee does not have such authority, I cannot recommend that the Committee open a docket to investigate your claims or to pursue an emergency suspension action. Your concerns may be better addressed in a court with jurisdiction to consider such claims of title to real estate.

If you disagree with this determination, you may file a petition for declaratory ruling consistent with RSA 541-A:1, V, RSA 162-H: 8-a, II (d)(2), and Site 203. If you do file a petition for declaratory ruling with the Committee, please be sure to include the filing fee and indicate whether you are requesting a 3-member subcommittee. It may also be helpful for you to review the most recent declaratory ruling docket decided by the Committee in Docket No. 2018-01, at the following link: <https://www.nhsec.nh.gov/projects/2018-01/2018-01.html>.

If you have further questions please contact me at [pamela.monroe@sec.nh.gov](mailto:pamela.monroe@sec.nh.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "P. Monroe", written over a horizontal line.

Pamela G. Monroe  
Administrator