

TROMBLEY & KFOURY

Attorneys at Law with Offices in Manchester and Barrington New Hampshire

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October 3, 2019

J. KIRK TROMBLEY
kirk.trombley@trombleykfoury.com
p: 603.868.6155 | f: 603.868.6156

P.O. Box 860
Barrington, NH 03825

New Hampshire Site Evaluation Committee
Pamela G. Monroe, Administrator
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: SEC Docket No. 2015-04: Public Service Company of New Hampshire d/b/a Eversource Energy for a New 115k Transmission Line from Madbury Substation to Portsmouth Substation

Opposition to Eversource's Purported Request for Clarification or in the Alternative Request for Minor Modification

Dear Ms. Monroe:

This firm represents Jeffrey and Vivian Miller, who are the present owners of property located at 297 Durham Point Road and intervenors in the matter pending before the New Hampshire Site Evaluation Committee ("SEC").

On October 1, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") submitted a purported request for clarification of the SEC's January 31, 2019 Order in this case. Rather than a "clarification" Eversource's request is a wholesale revision of the Certificate condition relating to work hours on the former Getchell properties and which has a substantial impact on my client's quiet enjoyment of their home. The purported "clarification" seeks to extend the present work hours in the SEC January 31, 2019 Order to anticipated, unstated and speculative work hours outside the standard work hours due to "... unforeseen events contributing to a delay in the construction." Eversource October 1, 2019 Letter, page 2.

The Millers object to this request by Eversource and request a hearing on Eversource's request for the following reasons:

1. Eversource has failed to state any sufficient factual basis for the SEC to reconsider its January 31, 2019 Order so far as the condition relating to work hours is concerned;

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2. Eversource's request is premature in that it merely "anticipates" certain terrestrial construction activities that may need to be performed outside the standard work hours;
3. Eversource's assertion that the Millers and others knew that despite the clarity of the SEC language relating to the work hours condition in the January 31, 2019 Order, Eversource would have to conduct work outside the hours stated in that condition is disingenuous at best. The Order's language could not be more precise in terms of the work hours condition.
4. Extending the work hours condition to the point of requiring the use of "a generator and construction lights..." is an unreasonable burden on Mr. and Mrs. Miller. They have already had to endure the invasion of the construction process, for example, by being awakened on Saturday, September 21, 2019, at before 5:00AM by sweeping spotlights in their windows.

The October 2, 2019 Request for Clarification by Eversource is a transparent request to add time to the work hours condition to reduce Eversource's construction days in an effort to save money and all at the inconvenience of the Millers. Because Eversource has not stated a factual basis to support its reconsideration and modification of the SEC January 31, 2019 Order, a hearing should be convened by the SEC to inquire into this present request of Eversource.

Respectfully submitted,

Vivian and Jeffrey Miller, Intervenors

By their attorneys

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J Kirk Trombley

/jkt

cc: Vivian and Jeffrey Miller