

Request for Emergency Suspension of Eversource's SRP Certificate for Site and Facility Due to Lack of Sufficient Property Rights

Dear Ms. Monroe,

I am writing to request an emergency suspension of Eversource's Certificate for Site and Facility for the Seacoast Reliability Project per NH RSA 162-H:12 (II) due to recently discovered information regarding Eversource's loss of easement rights across my property.

Eversource Attorney Adam Dumville supplied me with a complete copy of the original and last easement pertaining to my property on Wednesday August 14, 2019 while discussing another matter. Within this document (copy attached for reference) on page 2, first paragraph, is the following agreement:

"It is understood and agreed that in the event that the lines, equipment or appurtenances, or any replacements or additions thereto, shall be abandoned by the said grantee, or its successors or assigns, that the land over which the easements exist shall revert to the then owner or owners of the premises."

Please note that the agreement written within the easement regarding abandonment of the "lines, equipment or appurtenances" does not specify any period of time.

As I have previously conveyed in the proceeding, the lines within the corridor on my property were abandoned as early as 1995 (24 years ago) when they were taken out of service.

Please reference Eversource's "Existing Cable Removal Plan", Page 1, 3rd Bullet Point:

https://www.nhsec.nh.gov/projects/2015-04/application/2015-04_2017-06-30_des_add_info_cable_removal.pdf

"PSNH records indicated that this single 3-core cable was installed in 1948 as a replacement to the original cables (which were left in place) and was operated at a voltage of 34.5kV. A fault in this cable was discovered in 1995 near the east shore of Little Bay and the cable was taken out of service. Attempts to remove the cable 1996 from the shore using a winch were unsuccessful."

This fact is further confirmed in Exponent's January 28, 2016 report "Electric and Magnetic Fields Summary" (https://www.nhsec.nh.gov/projects/2015-04/application/2015-04_2016-04-12_app41_emf_summary.pdf) on pages A-2 through A-4 where pre-construction readings of "0.00" for EMF and ELF are registered for the section from Durham Point Road to the Little Bay Launch – this section traverses my property.

Further confirmation can be found in Exponent's most recent report dated August 6, 2019 titled "Pre-Construction Measurements of Electric- and Magnetic-Field Levels"

(https://www.nhsec.nh.gov/projects/2015-04/post-certificate%20filings/2015-04_2019-08-06_preconstruction_measurements_emf.PDF) on page B-15 with the following footnote regarding measurements taken at Site 7 (which is near, but not on my property):

"Electric-field levels are higher than calculated in the Application because the 3-phase distribution line in this portion of the route is de-energized and only a single phase (19.9 kV L-N) conductor below the 3-phase distribution line (not included in the Application modeling) is energized."

Please note that the "19.9 kV" conductor referenced in the footnote runs from Durham Point Road, down the shared driveway and branches off onto the ROW at the Moore property heading east toward the Eversource property and Miller residence. It does not traverse my property.

Please also note that the amended Exponent report listed as "Appendix 41a" of the application *does not show* the pre-construction measurements for the derelict and abandoned section *east* of Durham Point Road to the Little Bay Launch but only shows measurements taken on the *west* side of Durham Point Road. This amended report could be easily misconstrued.

The abandonment of the lines and equipment in this area is also evidenced by the mature vegetation growth within the corridor as there has been no need to maintain a non-functional electric line. Please see page 1 of the attached Durham Residents photos, "Distribution Line 1", that is part of the SRP record. Note the extensive vegetation growth that fills the corridor and partially obscures the pole even in leaf-off conditions.

I have also attached current photos taken today, August 15, 2019 at approximately 7:10am. Please note the growth surrounding the lines, equipment and pole on my property. Consider how many 4 year cycles of line maintenance trimming must be missed to allow for growth of this magnitude.

A site visit can be arranged if necessary.

PSNH and Eversource showed clear intent of abandonment of these lines and equipment by not maintaining this section of the corridor for the past 24 years. With lines taken out of service and left de-energized and abandoned, the original purpose for the easement ceased to exist.

Per the agreement written into the easement for my property, when these lines were taken out of service and abandoned "*the land over which the easements exist shall revert to the then owner or owners of the premises.*"

I have supplied ample evidence that is publicly available and/or extant in the SRP record in support of this request.

It is my contention that Eversource does not hold an easement over my property and therefore does not, and has not, had any rights to maintain or construct utility structures or lines on my property. Eversource made a material misrepresentation in the application and proceeding before the SEC that the company does have easement rights over my property.

Due to the severity and expediency of this issue, I also request a cease and desist or stay of construction for any activities on my property (291 Durham Point Road, Durham, NH) by Eversource.

Sincerely,

Matthew Fitch
291 Durham Point Road
Durham, NH 03824