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**VIA E-MAIL**

October 1, 2019

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  
Eversource's Request for Clarification or in the Alternative Request for Minor Modification**

Dear Ms. Monroe:

On April 12, 2016, Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") filed an Application for a Certificate of Site and Facility ("Application") to the New Hampshire Site Evaluation Committee ("SEC") to construct and operate the Seacoast Reliability Project ("SRP" or the "Project"). On January 31, 2019, the SEC issued an Order and Certificate of Site and Facility with Conditions to construct the Project.

Eversource requests that the SEC Administrator clarify that the SEC's condition restricting Eversource from performing work on property adjacent to property owned by Jeffrey and Vivian Miller (a.k.a. the former-Getchell property) during certain hours and days is not applicable to activities related to the Little Bay crossing. Eversource must bring the new transmission cables on-shore following the completion of the cable route clearance and pre-lay grapnel run (PLGR) operations in Little Bay as part of the Project and requires extended work hours to complete the work. If applicable, Eversource requests that the SEC Administrator issue a minor modification or exception to the work hour restrictions to safely and timely complete construction of the Little Bay crossing.

**I. Construction Activities**

Eversource's understanding of the imposed SEC Certificate condition that relates to work hours on the former-Getchell property, does not apply to marine-related activities that are necessary to complete the Little Bay crossing. Eversource must pull three new submarine cables from Little Bay to the riser structure (structure 99) on the former-Getchell property to complete

construction of the submarine portion of the Project. This will require a combination of equipment located in Little Bay and staged onshore. The submarine cable pulling operations onto land are tide, weather and daylight dependent.

Construction activities to bring the submarine cable ashore may occur outside of general construction work hours, identified as, 7:00 a.m. to 6:00 p.m. Monday through Friday and between 9:00 a.m. and 6:00 p.m. on Saturday due to weather and tides and certain submarine cable activities (i.e., cable winching onto land), that require construction activities onshore.

Eversource anticipates that certain terrestrial construction activities related to the Little Bay crossing may need to be performed outside of the standard work hours due to unforeseen events contributing to a delay in the construction. Such delays would be attributed by, but not limited to, mechanical malfunction of any of the winch pulling equipment or equipment on the barge. If construction is delayed by unforeseen circumstances, and a work-stop is required due to work hours, any prolonged stoppage of the submarine cable landing process before it is complete would require positioning the cable in such a fashion that would potentially compromise the cable. If work is required outside of the standard work hours, a generator and construction lights would be required.

The submarine cables will need to be landed during high tide conditions when the barge can be positioned close to shore and the cables can be floated ashore. Wind and rain conditions could hamper small boats and diver operations during shore end landing operations. As a safety precaution, small boat and diver operations will be restricted to daylight hours. Work on the former-Getchell property to accommodate the submarine cable installation and connection to the riser structure will include the use of a cable pulling winch, excavators, quadrants, a generator and work lights to support land based activities after night fall. As the submarine cable pulling operations onto land are both tide and weather dependent, Eversource may also need to perform work on Sundays. If the factors listed above limit work hours and days and Sundays have favorable conditions during day light hours, cable pulling activities would commence and/or finish.

## **II. Jeff and Vivian Miller – 297 Durham Point Road**

Jeff and Vivian Miller, interveners in SEC Docket 2015-04, own property at 297 Durham Point Road, Durham, New Hampshire. Their property abuts the former-Getchell property. The Order and Certificate of Site and Facility with Conditions contains the following condition:

Further Ordered that construction adjacent to the property of Jeffrey and Vivian Miller (297 Durham Point Road, Durham) will be conducted only from 7:00 a.m. to 6:00 p.m. Monday through Friday and between 9:00 a.m. and 6:00 p.m. on Saturday. If weekend work is required, the Millers will be provided with advance notice. The Applicant shall document the pre-existing condition of their driveway and to repair it to the same or better condition following construction; . . . .

Eversource understands that the Certificate condition relating to work hours on the former-Getchell property only applies to construction activities related to the overhead portion of the line and not activities that are related to the submarine cable crossing, which are highly tide and weather dependent.

To support Eversource’s interpretation of this condition, Eversource previously informed the Millers that:

Construction of the Project Facilities near your property will typically be between the hours of 7:00 am and 6:00 pm Monday through Friday, and between 9:00 am and 6:00 pm on Saturday. Construction will not typically be conducted outside of that work window, or on Sundays or holidays absent verbal, email or written permission from the Durham Public Works Director or the Town Engineer. *Exceptions to this schedule may include*, but are not limited to, outage-related construction and *crossing of the bay*. You will be provided with advance notice of any weekend work.

App. Ex. 237 at 3 (emphasis added).

In addition, the Memorandum of Understanding executed between the Town of Durham and Eversource provides the following:

Construction of the Project Facilities shall typically be between the hours of 7:00 am and 6:00 pm Monday through Friday, and between 9:00 am and 6:00 pm on Saturday. Construction will not typically be conducted outside of the work window or on Sundays or holidays absent verbal, email or written permission from the Durham Public Works Director or the Town Engineer, which shall not be unreasonably withheld. *Exceptions to this schedule include*, but are not limited to, outage-related construction, work on the UNH campus, NH DOT requirements, and *crossing of the bay*.

App. Ex. 270 ¶ H.2 (emphasis added).

Based upon Eversource’s prior statements and discussions with the relevant parties, it was contemplated and understood that the limitation of work hours would not apply to activities related to the Little Bay crossing. Due to safety concerns, amount of daylight, tide conditions protection of the new cable and Eversource’s prior discussions with the relevant stakeholders, Eversource understands that the SEC condition relating to work hours at the property adjacent to the Miller’s home does not apply to construction-related activities involving the Little Bay crossing (such as those described above). Therefore, Eversource requests clarification from the SEC Administrator that Eversource may perform construction activities related to the Little Bay crossing, as needed, outside of the typical work window of 7:00 am and 6:00 pm Monday through Friday, and between 9:00 am and 6:00 pm on Saturday. Eversource will provide notice to the Millers of any such Little Bay construction work on the former-Getchell property outside of the normal work hours at least 24-hours in advance.

### **III. Eversource’s Request in the Alternative for a Minor Modification**

To the extent Eversource’s understanding does not comport with your understanding of this condition, Eversource respectfully recommends that the SEC Administrator approve a minor modification of the Certificate so that Eversource and its contractors may complete construction activities related to the Little Bay crossing outside of the typical work window for the reasons stated above. Eversource’s request is made to ensure worker safety, a quality installation, and to complete the construction project in a timely manner. Moreover, Eversource’s request is consistent with prior discussions had with both the Town of Durham and the Millers.

Eversource has provided notice to the Millers of the construction work described herein.

Please contact me directly should you have any questions.

Sincerely,



Adam M. Dumville

AMD:slb

Cc: SEC Distribution List