



BARRY NEEDLEMAN
Direct Dial: 603.230.4407
Email: barry.needleman@mclane.com
Admitted in NH, MA and ME
11 South Main Street, Suite 500
Concord, NH 03301
T 603.226.0400
F 603.230.4448

June 9, 2022

Daniel C. Goldner, Chair, Public Utilities Commission
and SEC Chairman
21 South Fruit Street, Suite 10
Concord, NH 03301
Daniel.C.Goldner@puc.nh.gov

Robert R. Scott, Commissioner, Department of Environmental Services
And SEC Vice Chair
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
robert.scott@des.nh.gov

**Re: SEC Docket 2015-04, Eversource Seacoast Reliability Project – Notification
of Termination of Dispute Resolution Process and Returning of Trust Funds
to Eversource**

Dear Messrs. Goldner and Scott:

On January 31, 2019, the New Hampshire Site Evaluation Committee (“SEC”) issued a Certificate of Site and Facility (the “Certificate”) to Eversource, d/b/a Public Utilities Company of New Hampshire (“Eversource”), to construct and operate the Seacoast Reliability Project, a 115-kV electric transmission line (Line F-107) from Madbury, NH to Portsmouth, NH (the “Project”). The Certificate included provisions for establishing a process (the “Dispute Resolution Process” or “DRP”) to resolve disputes raised by businesses or property owners concerned about the potential or actual impacts of the construction or operation of the Project. *See* Certificate at 14. In the event of any complaints, the Certificate required Eversource to engage with businesses and property owners through a multistep iterative process. *Id.* at 15. Eversource complied with this condition and worked diligently to alleviate any concerns raised by interested parties.

The Certificate also provided that if a business or property owner ultimately remained unsatisfied with Eversource’s efforts, they could present their concerns to an SEC-appointed Dispute Resolution Administrator. *Id. See also Applicant’s and Counsel for the Public’s Joint Proposed Dispute Resolution Process Procedures* (Certificate at Appendix XII). The Certificate further provided that the SEC would appoint a Dispute Resolution Administrator (an attorney or retired judge) to “independently administer [the DRP] for all disputes relating to damage to

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property, loss of business or loss of income, and/or diminution in value of real property, caused by the construction or operation of the Project . . . that have not been resolved through Applicant's mitigation efforts, Executive Review or Mediation." *Id.*

As part of the DRP conditions, the Certificate required Eversource to "deposit One Hundred Thousand (\$100,000) Dollars to establish the Dispute Resolution Fund." *Id.* at 16. The Certificate provided that "the Dispute Resolution Administrator shall accept written requests for dispute resolution until the two-year anniversary date of the date when the transmission line is placed in service" and that after that two-year period "all funds remaining in the Dispute Resolution Fund after the payment of all awards and the payment of the Dispute Resolution Administrator's compensation and expenses shall be returned to Applicant." *Id.* (emphasis added).

The Certificate provides that the Dispute Resolution Process may be initiated by an eligible business or property owner only after they complete the Mitigation Process, which includes discussions with the Project Team, Executive Review, and Mediation. *See* Certificate, Appendix XII, at 1. Upon completion of this three-step Mitigation Process, if a party remains unsatisfied, they may seek review by the Dispute Resolution Administrator. To do so, the Certificate provides that an Application for Dispute Resolution ("Application"), along with supporting evidence, must be filed with the Dispute Resolution Administrator. *See id.*, Appendix XII, Attachment A.

Line F-107 was placed into commercial operation on May 29, 2020.¹ *See* Attachment A (Eversource Letter to SEC: Notification of Commercial Operation, May 14, 2020). The Dispute Resolution Process in the Certificate provides that "[e]ligible Applicants may submit Applications until the 2-year anniversary of the Project in-service date." *See* Certificate, Appendix XII, at 1. As of June 8, 2022 (the two-year anniversary date of the Project being placed into service), there have been no Applications filed. Therefore, by the terms of the Certificate, the two-year window for anyone to file an Application invoking the Dispute Resolution Process has now closed. Accordingly, all remaining funds (\$100,000.00) from the

¹ In the notice of commencement of commercial operation, Eversource indicated that although Line F-107 was placed in operation on May 29, 2020, until a distribution line also went back into service (Line 380) on or about June 8, 2020, the Project was not considered fully complete. However, for purposes of returning all remaining funds in the Dispute Resolution Fund, the Order specifically stated that the two-year period for acceptance of claims commenced upon the "date when the transmission line is placed in service." Order at 16 (emphasis added). Accordingly, for purposes of this notice, Eversource is using the date of May 29, 2020—the date the F-107 line became commercially operational.

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existing Dispute Resolution Fund, currently held in this firm's trust account, will now be returned to Eversource.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry Needleman".

Barry Needleman

BN:amd

cc: SEC Service List, Docket 2015-04