

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-05

**Re: Joint Application of New England Power Company
d/b/a National Grid and Public Service Company of New Hampshire
d/b/a Eversource Energy for a Certificate of Site and Facility**

November 30, 2015

ORDER ON MOTION TO INTERVENE

I. Background

On August 5, 2015, New England Power Company d/b/a National Grid (NEP) and Public Service Company of New Hampshire (PSNH) d/b/a Eversource Energy (collectively Applicant) filed a joint application for a certificate of site and facility (Application) with the Site Evaluation Committee (Committee). The Application seeks the issuance of a Certificate of Site and Facility (Certificate) approving the siting, construction and operation for a new 345 kV electric transmission line (Project). The proposed transmission line will be constructed in an existing developed transmission line corridor between NEP's Tewksbury 22A Substation in Tewksbury, Massachusetts and PSNH's Scobie Pond 345 kV Substation in Londonderry, New Hampshire. The pre-existing transmission line corridor traverses the towns of Pelham and Hudson in Hillsborough County, and Windham and Londonderry, in Rockingham County.

On August 12, 2015, the Committee designated a Subcommittee to review and address the Application in this docket. On September 1, 2015, Attorney Christopher Aslin was designated to serve as Counsel for the Public in this docket.

On October 5, 2015, the Subcommittee issued an Order finding that the Application contained sufficient information to carry out the purposes of RSA 162-H and accepted it. On

October 8, 2015, a Procedural Order was issued that required the Applicant to conduct Public Information Sessions in Rockingham and Hillsborough Counties on October 29 and November 4, 2015, respectively. The Procedural Order scheduled a Prehearing Conference for December 3, 2015 and ordered potential intervenors to file motions to intervene by November 13, 2015. Lastly, the Procedural Order required that objections to motions to intervene shall be filed by November 23, 2015.

On October 29 and November 4, 2015, pursuant to the Subcommittee's Procedural Order, the Applicant conducted Public Information Sessions in Rockingham and Hillsborough Counties.

Furthermore, pursuant to the Procedural Order, the Subcommittee received one Motion to Intervene that was filed by Margaret Huard on November 5, 2015. The Applicant filed an objection to Ms. Huard's Motion on November 19, 2015.

II. Intervention

A. Standard for Intervention

The New Hampshire Administrative Procedure Act provides that an administrative agency must allow intervention when:

- (a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing;
- (b) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and
- (c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

See RSA 541-A:32, I.

The statute also permits the presiding officer to grant a petition for intervention “at any time upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.” RSA 541-A:32, II. See also NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 202.11.

The Administrative Procedure Act and the Committee’s procedural rules provide that intervention is mandatory in those cases where a party can establish that it has a right, duty, privilege, immunity or other substantial interest that may be affected by the determination of the issues in the proceeding. The statute and the rule also provide for permissive intervention in those cases where the presiding officer determines that intervention is in the interest of justice and does not interfere with the prompt and orderly conduct of the proceeding.

Pursuant to RSA 162-H:4, V, disputed petitions for intervention shall be decided by the presiding officer.

The Administrative Procedure Act and our procedural rules also allow the presiding officer to place limits on an intervenor’s participation. See RSA 541-A:32, III; N.H. Code of Administrative Rules, Site 202.11(d). The presiding officer may limit the issues pertaining to a particular intervenor, limit the procedures in which a particular intervenor may participate, or combine intervenors and other parties for the purposes of the proceeding so long as the limitations placed on intervenors do not prevent the intervenor from protecting an interest that formed the basis of intervention.

B. The Motion to Intervene

Ms. Huard asserts that her rights, duties, privileges, immunities or other substantial interests will be affected by these proceedings because she resides on a road near where one of the additional lines associated with the Project will be installed. Specifically, Ms. Huard asserts

that the Applicant already owns transmission lines and towers on this road an additional line will further affect her rights, privileges and duties because she will have to walk and drive under it on a daily basis. Ms. Huard further asserts that at least one of the new transmission towers will be visible from her property. Ms. Huard also asserts that the aesthetics of her neighborhood, the value of her home, and the public health would be affected by the Project. She has filed one photograph depicting how the existing transmission tower and line can be seen from her driveway. She also asserts that the Project itself will have an adverse effect on aesthetics and public health and safety because it will entail the cutting of a significant number of trees. Ms. Huard believes that the removal of trees in the right of way will allow additional electromagnetic fields in the area of her home.

The Applicant asserts that Ms. Huard is not a direct abutter to the Project and the interests she alleges are indistinguishable from the public at large. In Attachment A to its objection, the Applicant demonstrates that Ms. Huard is not an actual abutter to the right of way in which the project was constructed. The Applicant further asserts that traveling under the Project's lines and the view of one of the Project's towers do not constitute an injury in fact. As to other alleged injury, the Applicant asserts that Ms. Huard expressed generalized concerns regarding electromagnetic fields and aesthetics that can adequately be addressed by Counsel for the Public.

III. Orders

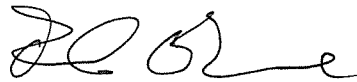
Ms. Huard has expressed a combination of interests that may be affected by the outcome of this proceeding. Ms. Huard's residence, while not directly abutting the right of way is located close to the Project. It is likely that her home and her general neighborhood will be affected by construction activity and the operation of the Project. Ms. Huard's photograph and Attachment A to the Applicant's objection both demonstrate proximity to the proposed transmission line and

the right of way. This proximity supports Ms. Huard's contention that she has a direct interest that will be affected by the Project.

In addition, intervention by Ms. Huard will not impair the prompt and orderly conduct of the proceedings, and would be in the interest of justice. Ms. Huard has participated in this docket already through written comments and her public comments at the public information sessions. She has demonstrated that her participation will respect the process and will not impair the orderly conduct of the proceedings in this docket. Therefore, it is in the interest of justice to permit Ms. Huard to intervene in this docket.

It is hereby ordered that the motions to intervene filed by Margaret Huard is granted.

So ordered this 30th day of November 2015:



for

F. Anne Ross
Site Evaluation Committee
Presiding Officer

