

**FAX COVER HEET**

**To:** NH SEC  
Pam Monroe  
603-271-3878

**From** Margaret Huard/Other Effected Parties  
603-578-9346

**Date:** October 19, 2016

**RE:** NH SEC 2015-05  
MERRIMACK VALLEY RELIABILITY PROJECT  
MOTION FOR REHEARING

Please find a MOTION FOR REHEARING the decision made by the NH SEC on the Merrimack Valley Reliability Project.

Please note, there are 3 signature pages (pg 17 A-C). There are 21 pages all together, including the cover page.

Peggy Huard  
603-578-9346  
Hudson\_liberty@yahoo.com

New Hampshire Site Evaluation Committee

21 South Fruit Street

Suite 10

Concord, MA 03305

Merrimack Valley Reliability Project

SEC Docket # 2015-05

**MOTION FOR REHEARING**

On this 19<sup>th</sup> day of October, 2016, pursuant to **NH SEC Rule 202.29** and **NH RSA 541:3**, we the undersigned **motion for a rehearing** on the decision made by the New Hampshire Site Evaluation subcommittee, to issue the applicants for the Merrimack Valley Reliability Project, a CERTIFICATE OF SITE AND FACILITY.

**NH RSA 541:3** specifically list those having a right to request a rehearing as follows.

- Any party to the action or proceeding
- Any person directly affected

The undersigned each meet the requirements indicated in **NH RSA 541:3**.

In order for the NH SEC subcommittee to issue a CERTIFICATE OF SITE AND FACILITY to an applicant, they are required by **NH RSA 162 H:16**, to find that the applicant meets the following requirements.

- Applicant has adequate financial, technical and managerial capability to assure construction and operation of the facility in continuing compliance with terms and conditions of the certificate.
- Site and facility will not interfere with the orderly development of the region, with due consideration having been given to the views of the municipal and regional planning commissions and municipal bodies.
- Site and facility will not have an **UNREASONABLE, ADVERSE EFFECT** on the following.
  - Aesthetics
  - Historical Sites
  - Air/Water Quality
  - Natural Environment
  - Public Health and Safety
- Issuance of CERTIFICATE will serve the **public interest**.

In determining whether a proposed facility will serve **public interest**, **NH SEC Rule 301:16** requires the NH SEC subcommittee to consider the following.

- 1) Welfare of population
- 2) **Private Property**
- 3) Location and Growth of Industry
- 4) Overall Economic Growth of State
- 5) Environment of the State
- 6) Historic Sites
- 7) Aesthetics
- 8) Air/Water Quality
- 9) Use of Natural Resources
- 10) Public Health and Safety

The NH SEC subcommittee negligently and wrongfully made a determination that the project is in the **public interest**. They made this determination with little to no deliberation on the above areas required to be considered in accordance with **NH RSA 162H:16** and **NH SEC Rule 301:16**.

In their decision and throughout their deliberations, the NH SEC subcommittee members have shown an overall negligence, incompetence, a complete disregard for applicable laws, the truth, safety and the health and general well-being of **human life**.

In many instances, the NH SEC subcommittee negligently and wrongfully found the applicant in compliance with the requirements of **NH RSA 162H:16** with little to no deliberations in the area even though there was competent and reliable evidence to the contrary.

Deliberations among the subcommittee members show a general lack of expertise in many areas and an over reliance on their attorney and the applicants' expert witnesses.

The NH SEC subcommittee negligently disregarded much of Intervener Huard's testimony and exhibits, referring to her testimony as a lay testimony. Yet, Ms. Huard provided her resume to the applicants' attorney during discovery and answered many questions during discovery and under cross examination before the subcommittee, showing the level of competence and expertise in the areas she disputed. Ms. Huard is a licensed Certified Public Accountant with experience in researching multiple industries and weighing resources for quality, credibility and accuracy. Ms. Huard provided quality, credible and accurate resources to support her testimony. Ms. Huard is also trained in the areas of forensics and fraud detection. With this education, Ms. Huard is trained to determine the likelihood that a statement or resource is questionable or false. Ms. Huard has also participated in compliance audits evaluating an entity's or group of

people's adherence to a set of rules and/or laws. **(See Exhibit App 30/Adjudicative Hearing-D2-PM pages 117-120)**

Subcommittee members are mistaken that because people didn't intervene or make statements or register a complaint, they are approving or have no opposition to the project. Rarely is silence a legal form of acceptance in the business world. Nor should it in anyway be considered a legal means of acceptance in this project.

The following reasons clarify the subcommittee members' erroneous assumption and conclusion.

- Many of us are not able to obtain the needed time to read the voluminous docket materials, write complaints, comment or appear at any of the meetings or hearings, including the final adjudicative hearing.
- While many of the public hearings were held in the evening hours, the adjudicative hearing and related meetings and technical sessions, were held at inconvenient times during hours that most people would have had to take extensive time off from work to attend.
- Many of us do not have the specific training needed to read and understand the rules, laws and the application material.
- Many of us do not have the finances for an attorney needed to counteract the negligent proposal made by the applicant containing numerous false statements.
- We mistakenly felt that the **NH SEC** would act impartially and see the detriment of this project.
- We mistakenly felt that the **counsel for the public** would act impartially and see the detriment of this project.

#### **PRIVATE PROPERTY** **PROPERTY RIGHTS**

While deliberating regarding whether granting a Certificate of Site and Facility would be in public interest, **NH SEC rule 301.16** requires the NH SEC subcommittee consider **private property** as one of ten conditions.

**Private property** is considered by the NH SEC subcommittee in deliberations on aesthetics (**Deliberations, Day 1, pgs 43-59**), motion for site visit (**Deliberations, Day 2, pgs 5-29**) and a final consideration on **Deliberations, Day 2 (Pgs 70-74)** as an overall deliberation and consideration as to whether issuing a certificate would be in the **public interest**.

The subcommittee negligently fails to deliberate either day, on the effects that the project would have on the **market value of private property** before making a decision to issue a Certificate of Site and Facility to the applicant. **Ms. Ross** mentions the market

value expert witness, James Chalmers in introducing the panel (**Deliberations Day 1, pg 36**), yet the subcommittee does not discuss this matter.

During this deliberation, very little consideration was given by the NH SEC subcommittee to **private property**, including whether the applicants actually have the legal right to construct the project on the **private property** it proposes to construct on.

Subcommittee members negligently disregarded and misapplied applicable laws and negligently disregarded competent, persuasive, relevant evidence concerning **property rights** in their wrongful determination that issuing a certificate would be in the public interest.

On **Day 2, page 72, lines 16-19**, Ms. Bailey states that ***"The Applicants don't have to acquire any private property to construct this project because it is on an existing right-of-way."***

Existing rights of way are supported by a written easement that has legal parameters and limitations. The fact that there are high voltage transmission lines already in an existing right of way does not **alone** provide a legal basis to legally construct additional high voltage transmission lines along side those already existing.

On **Day 2, page 71:9-12**, **Ms. Ross** indicates that **private property** has been deliberated "**SOMEWHAT**" earlier. Even though **Ms. Ross** admits that these earlier deliberations may not have been specific to **private property**, very little additional deliberation regarding this matter takes place before a motion is made and accepted regarding public interest, which was to include a consideration of **private property**.

The NH SEC subcommittee negligently relied heavily on the stipulation made between the legal counsel for the applicant and the counsel for the public, ***"The Applicants do not have to acquire any private property to construct and operate Project."*** This stipulation has no legal credible basis.

- There is nothing in the application or appendices submitted with the application to provide a legal factual basis for this stipulation.
- During cross examination of technical and managerial panel
  - Mr. Plante had indicated that he had not actually seen all of the evidence to support this statement and stipulation. (**Adjudicative hearing, Day 1, pg 64-66**)
  - Mr. Plante had indicated that the real estate department for Eversource has CERTIFIED to them that they have all property rights needed. (**Adjudicative hearing, Day 1, pg 64**) Yet, this CERTIFICATION was not a formal part of the application or related appendices.
  - This CERTIFICATION was not provided to Ms. Huard in response to her discovery questions.



- This CERTIFICATION was not awarded any special status or protection at any time during the proceeding.
- The person or people making this CERTIFICATION were not made available by the applicant for cross examination.
- Mr. Plante further admitted that he only looks at a sample of easements. **(Adjudicative hearing, Day 1, pg 65)**
- Mr. Plante was not able to clearly identify the property or boundaries to the PSNH easement presented as HUARD exhibit 7 **(Adjudicative hearing, Day 1, pg 66-71)** further indicating there was room for uncertainty and an inaccurate measurement of the actual boundaries to the existing easement.

The NH SEC subcommittee negligently disregarded the standard language in the pertinent clauses for the PSNH easement presented as evidence by Intervener Huard **(Huard Exhibit 7 and 8; Adjudicative hearing, Day 1, pg 66-71)**, limiting the scope of the easement and boundaries

The applicant clearly does not **automatically** have the rights they claim to have regarding property rights.

The clause defining the boundaries of the easement was unclear as worded **(Huard Exhibit 7 and 8; Adjudicative hearing, Day 1, pg 68-71)**. To determine the exact intended boundaries of the easement, a formal survey would need to be performed. The applicant has not provided any such survey as a part of the related appendices in the application for any of the affected properties nor to any response to my discovery request regarding easements on specific property.

According to a credible legal resource, **Findlaw**, the validity and use of an easement is generally governed by common law. Common law defines the land affected or burdened by an easement as the servient estate. As a general rule, common law allows an easement holder to do whatever is **REASONABLY** convenient or necessary in order to enjoy fully the purposes for which the easement was granted, so long as the holder **DOES NOT** place an **UNREASONABLE BURDEN** on the **SERVIENT LAND**.

Even if the construction were to take place in the legal boundaries of the existing easement, the NH SEC subcommittee disregarded that this project poses an undue burden to what would then be considered the servient land, further prohibiting the holder of the easement to performing such actions.

The following would be considered an **UNDUE BURDEN** on the **SERVIENT LAND** of many effected property owners.

- The applicants' witness admitted that the tree clearing affected the visibility and visual image the most. **(AH, D1, PM Pg 55-56)**

- The applicants' witness admitted to the drastic change in **aesthetics** to a selection of servient private properties. (AH, D1, PM Pg 55-56)
- The applicants' witness admitted to the change in **natural environment** due to tree removal (AH, D2, AM Pgs 56/61-62), thus altering the abutting servient private property.
- This tree removal would greatly change the **climate** of the servient private property.
- The applicants' witness admitted that the tree removal could possibly alter a potential buyer's view of the property (AH, D2, PM, Pg 13), thus altering the ability to sell some of the private servient properties in an open market.
- The applicants' witness, Dr. Bailey referred Intervener to a booklet from Bonneville Power Administration on Living and Working Safely around HVTLS. which discusses and warns of risks of electric shock associated with high voltage transmission lines. (response to Discovery question H-3) (HUARD Exhibit 50) (Adjudicative Hearing, D2, PM Pg 78)
- To place the project in such close proximity to the servient private property places an UNDUE risk /burden to the public health of the residents of the servient private property. (HUARD Exhibit 50)

**NH Rule 202.19** shows the **burden of proof** lies with the applicant for a certificate of site and facility to **PROVE** facts sufficient for the committee or subcommittee to make the findings required by **RSA 162 H:16**.

The NH SEC Committee ignored the fact that this legal burden of proof was not met by the applicant to demonstrate whether they do in fact have these property rights.

### **PROPERTY VALUES**

The effects of the project on the **market value** of **private property** should have been deliberated during deliberations on orderly development, yet was not. Ms. Ross mentions the market value expert witness, James Chalmers in introducing the panel on Orderly Development for deliberation (Deliberations Day 1, pg 36), yet the subcommittee negligently fails to deliberate on this matter before making a decision to issue a Certificate of Site and Facility to the applicant.

In cross examination, Mr. Chalmers admitted that despite his overall conclusion that there would be no DISCERNABLE, MEASURABLE EFFECT on property value or marketing times in local or regional real estate markets there would in fact be some private property that would be affected. (Day 2 AM, pg, 105 and PM pg 13)

The NH SEC subcommittee negligently disregarded this testimony as well as additional testimony from Mr. Chalmers and evidence presented by intervenor Huard, showing that the amount of private properties that have the potential to have their value affected despite the market remained unchanged, was great. **(HUARD Exhibits 34-49)**

The NH SEC subcommittee disregarded that the effect for these homes would be attributable to the extreme change in view as a result of the significant tree removal in certain areas. **(AHD2PM, Pg 13, L 2-19)**

The NH SEC disregarded that for the small number that will be affected; that these effects could be extreme.

The NH SEC disregarded the fact that Mr. Chalmers did not actually do this study himself, but hired the subcontractor and reviewed his work. **(AHD2AM, Pg 106, 3-14)**

The NH SEC disregarded, evidence presented by intervenor HUARD showing that Mr. Chalmers estimate of effected homes is disputably low. **(HUARD Exhibits 34-49)**

- Mr. Chalmers estimate only included direct abutters with a new or drastically changed view of the right of way. **(AHD2PM, Pg 9, L10-13)**
- Mr. Chalmers failed to consider those homes on the respective roads that would have new views because of tree removal.
- Mr. Chalmers failed to consider those homes placed on the market and were unsuccessfully sold. **(AHD2PM, Pg 10, L 10-13)**
- The study performed by Mr. Chalmers missed a large part of the right of way proposed for the project as the right of way breaks off at Wiley Hill Road and travels to Scobie Pond Substation. **(AH, S2, PM Pg 11)**

The NH SEC subcommittee disregarded Mr. Chalmers negative response to Ms. Bailey's questions regarding homes placed on the market and were taken off because they were never sold. **(AH, D2, PM, Pgs 26-28)**

The NH SEC subcommittee made a negligent decision to issue a Certificate of Site and Facility without a legally sufficient regard to the facts and evidence at hand pertaining to the effects this project will have on the value of a great number of houses which will pose an undue burden for these private property owners. **(HUARD Exhibits 34-49)**

**NH Rule 202.19** shows the **burden of proof** lies with the applicant for a certificate of site and facility to **PROVE** facts sufficient for the committee or subcommittee to make the findings required by **RSA 162 H:16**.

The NH SEC Committee ignored the fact that this legal burden of proof was not met by the applicant to demonstrate whether there would be a discernable measurable effect on property value or marketing times in local or regional real estate markets. The NH SEC subcommittee further ignored the legal burden of proof when considering the



effects on market value as a negative effect on private property and therefore public interest.

### **AESTHETICS**

**NH RSA 162-H-16 IV (c )** requires the NH Site Evaluation committee find that the site and facility will not have an unreasonable effect on aesthetics.

**NH RSA 162-H** is non specific regarding just what unreasonable effect on aesthetics means.

**NH SEC rule 301.05** requires the applicant to include a VISUAL IMPACT STATEMENT in their application.

- This VIA is to have been prepared in a manner consistent with generally accepted professional standards.
- This VIA is to include the effects a proposed facility will have on aesthetics as well as any plan for avoiding, minimizing or mitigating adverse effects.

**NH SEC rule 301.14** requires the committee to consider the following in determining whether a proposed energy facility will have an unreasonable adverse effect on aesthetics.

- Existing character of the area of potential impact
- Significance of affected SCENIC RESOURCES and their distance from the proposed facility
- Extent, nature and duration of public uses of affected scenic resources
- Scope and scale of the change in landscape visible from affected scenic resources
- Evaluation of the overall daytime and nighttime visual impacts
- Extent to which the proposed facility would be a dominant and prominent feature within a natural or cultural landscape of high scenic quality or as viewed from scenic resource of high value or sensitivity
- The effectiveness of the measures proposed by the applicant to avoid, minimize or mitigate unreasonable adverse effects on aesthetics and the extent to which such measures represent best practical measures.

**NH SEC rule 301.16 (g)** requires the NH SEC subcommittee to consider aesthetics as one of ten categories in determining whether the proposed energy facility will serve the public interest.

NH SEC rules and subcommittee deliberation considers effects on scenic resources and negligently disregards the effects on **private property** despite the fact they should

also consider aesthetics under **NH SEC rule 301.16 (b)** as the change in aesthetics relates to **private property**.

The NH SEC subcommittee shows a complete unjust disregard for a change in aesthetics for **private property** owners as follows.

**Ms. Bailey** specifically acknowledges interveners concern that there will in fact be an UNREASONABLE ADVERSE EFFECT on the existing character of the intervener's area of residence. Yet negligently disregards these concerns stating that the committee is charged with finding a balance between the NEED for the facility and ALL other possible adverse effects. (**DD1, Pg 50, L 6-15**)

**Ms. Ross** echoes **Ms. Bailey's** response to interveners concerns, stating the following.

"A FEW homes that were not going to have a view of a LOT MORE powerlines and no more screening, because just BY ACCIDENT of their location relative to the ROW and the fact that there is a 90 ft. tree buffer, that they had for many years and NOW were going to lose." (**DD1, Pg 52, L 3-12**)

**Ms. Ross** wrongfully claims that the STATUTE clearly focuses on more of a community based view of what a scenic resource is and that they DO NOT have to test the effects on the residences. (**DD1, Pg 52, L 12-16**)

The NH SEC rules focus on the scenic resources YET the **NH RSA 162 H** is not specific. It would be unjust, unreasonable and illegal to ignore the SIGNIFICANT change in aesthetics for so many **private property** owners.

While the applicant claimed to have been working with many property owners to mitigate the aesthetic change with cosmetic landscaping, this is in numerous cases, falsely stated or simply not feasible to mitigate the aesthetic change from the removal of 90-100 ft. of trees.

Additionally, the mitigation with cosmetic landscaping is haphazard and only if you know enough to or have the opportunity to file a complaint. This opportunity has not been communicated to all of the abutters. (**AHD1PM/Pg 100-109**)

This opportunity is NOT being made to the NUMEROUS homes that are not direct abutters, yet will have significant new views of the right of way and high voltage transmission lines because of the tree removal.

The subcommittee ignored the fact that the applicants' maps used in intervener's **exhibits 34 to 49** showed that entire sections of roads would now have new views with no mitigation solutions offered.

**NH SEC Rule 202.19** shows the **burden of proof** lies with the applicant for a certificate of site and facility to **PROVE** facts sufficient for the committee or subcommittee to make the findings required by **RSA 162 H:16 IV (c)**

The NH SEC subcommittee ignored the fact that this legal burden of proof was not met by the applicant to demonstrate whether or not there would be an unreasonable adverse effect on aesthetics.

### **PUBLIC HEALTH AND SAFETY**

While deliberating regarding the effects that the project will have on **public health and safety**, the subcommittee is required to consider the requirements in **NH SEC Rule 301.14 (f)** as follows.

- The **potential** adverse effects that the construction and operation of the proposed facility will have on public health and safety.
- Mitigation plans to avoid adverse effects on public health and safety and to what extent these represent the best practical measures.
- The proximity that the proposed facility/project will have to buildings, property lines and public roads.
- The risk that the towers, poles or other supporting structures will collapse.
- The potential impacts that the electric and magnetic fields that will be generated by this facility/project will have on public health and safety.
- Mitigation plans to avoid adverse effects from EMFs on public health and safety and to what extent these represent the best practical measures.

The NH SEC subcommittee negligently failed to consider all of these areas before making an unjust and wrongful conclusion that the project would NOT have an unreasonable adverse effect on public health and safety.

The deliberations showed a level of incompetence and lack of understanding of the risks associated with electric shock or other health effects. For an area that can result in the **unlawful death** of a member of the general public, the deliberations were quick, weak, negligent and incomplete.

**Ms. Bailey** begins the deliberation by wrongfully and negligently denying that there would not be any impact during construction, because nothing is energized. (**DD2, Pg 51, lines 2-6**)

While the actual MVRP line under construction will not be formally energized during construction, the MVRP will be placed next to multiple other lines (2-5 in different areas) that will remain LIVE during construction. (**AHD1AM, Pg 89, lines 5-10**) The vehicles and workers will be moving about next to and underneath these LIVE lines. The general public will be required to often stop close to or under the existing LIVE lines while waiting for the new MVRP line to be pulled from pole to pole. (**AHD1AM, Pgs 80/81/89**)

Both **Ms. Bailey** and **Ms. Boisvert** briefly refer to Intervener Huard's experience with the electric shock calling the experience a "sensation" and "ill effects" respectively.

**(DD2, Pg 51/53)** Both wrongfully and negligently dismiss Ms. Huard's experience as a concern or indication that there is a strong potential for unreasonable adverse effects on public health and safety involved with the MVRP. **Ms. Boisvert** wrongfully concludes that Ms. Huard's reaction did not appear to be caused by the high voltage transmission lines. **(DD2, Pg 54, L 6-7)** **Ms. Boisvert** wrongly feels that there was not enough literature on the subject, despite a significant amount of literature available on the subject, including **Huard Exhibits 50 and 21** presented and accepted into the record. **Ms. Boisvert** negligently admits that she did not delve into the literature deeply. **(DD2, Pg 54, L 13-15)** None of the other subcommittee members deliberated or discussed this experience that Ms. Huard had relayed to them.

The subcommittee has disregarded competent evidence presented by intervenor Huard and admitted into the record along with statements made by applicants' own expert witnesses. This evidence and these statements demonstrate the strong, potential for dangers associated with working, living and being forced to stop under and among the existing LIVE lines during construction. This evidence also supports that the experience Ms. Huard encountered with the existing high voltage transmission lines in the proposed right of way is in fact a typical and known reaction to the high voltage transmission lines and the electric and magnetic fields associated with them.

Intervenor Huard provided **Exhibit 50**, a booklet from Bonneville Power Administration on Living and Working Safely around HVTLs. Ms. Huard was referred to this booklet by Applicants' expert witness, William Bailey in response to discovery question H-3 where she asked, Dr. Bailey if there were any activities that he would consider dangerous or prohibited in close proximity to HVTLs.

This booklet outlines activities that could be potentially dangerous for HVTLs from 69 Kv to 500 Kv. The MVRP is proposed to be 345 kV.

**This exhibit was entered as an exhibit without restrictions or objections, yet the subcommittee failed to consider the credible information that the applicants' own expert witness had referred intervenor Huard to.**

Page 2 of this booklet states that, "electrical contact between an object on the ground and an engineered wire can occur even though the two do not actually touch" and that "electricity can arc across an air gap".

Page 4 of this booklet states that, "possible electrical shock hazards that can occur when touching transmission towers OR metallic objects near the power line but away from the high voltage wires." Additionally, page 4 of this booklet states that, "these types of shocks are caused by a voltage INDUCED from the power line INTO the nearby metal objects."

The risks associated with these above concepts are important to consider while working on an uncharged line next to 2-5 other LIVE lines. It is also important to consider that a car parked too close to or under the LIVE lines for too long could become energized



without even touching the LIVE wires. These concepts also demonstrate that the experience Ms. Huard had with the electric shock is in fact a known phenomenon and highly probable that the reaction was in fact an electric shock from the high voltage transmission lines that Ms. Huard was parked under at the time she took a picture.

Page 7 of this booklet states that, "under some high voltage lines, vehicles can collect an induced voltage." This further demonstrates the probability that it was electric shock that Ms. Huard experienced while taking a picture while parked under the power lines.

Quite ironically, page 11 of this booklet requests the reader to call BPA if they plan on detonating explosives near a BPA power line demonstrating that there are risks associated with blasting near high voltage lines.

This is a credible exhibit demonstrating that the risk of electric shock associated with the construction and operation of the MVRP is in fact potential and great.

Dr. Bailey states in his prefiled testimony (page 8, lines 13-16) that *"AC electric fields outside the body are perturbed (disturbed) by the presence of a conducting body. And that these induce oscillating charges on the surface of the exposed body, which induce currents inside the body."*

Dr. Bailey further states in his prefiled testimony (lines 18-20) that *"AC magnetic fields are not perturbed by the presence of a person's body. Therefore, the field in the inside of the body is the same as the outside. And that the presence of alternating magnetic fields causes weak electric fields and currents to flow in the body by induction."*

Dr. Johnson acknowledges in his prefiled testimony (page 2, lines 2-4) that current and voltage can couple (transfer) into vehicles near power lines.

Despite this information and warnings of risks of electric shock associated with the high voltage transmission lines themselves as well as their related electric and magnetic fields, NONE of this was discussed or considered during deliberations.

Despite the fact that there was strong, competent evidence presented to the subcommittee that such a potential for risk exists, the subcommittee negligently, unanimously concluded that the project would NOT have an unreasonable adverse effect on public health and safety.

To ignore the competent evidence presented demonstrating that there is in fact an great potential for an unreasonable adverse effect on public health and safety is unjust and unlawful. To allow the opportunity for the project to injure and kill even one person from the general public is unjust and unlawful.

The NH SEC subcommittee negligently and wrongfully disregarded the fact that there are gross potential adverse effects that the construction and operation of the proposed facility will have on public health and safety.

While they proposed a condition to test EMFs in the right of way before and after construction of the MVRP, they have negligently left the opportunity for unreasonable adverse effect on public health and safety to occur during construction, before these tests are performed.

The NH SEC subcommittee has allowed the applicant to remove an important barrier to dangerous electric fields in many areas, mature trees, without restrictions or conditions requiring the applicants to propose mitigation to block the electric fields that these trees once blocked.

The plans to mitigate unreasonable adverse effects on public health and safety to occur during construction are weak to non existent because the applicant and the NH SEC subcommittee wrongfully and negligently deny any risk.

The NH SEC subcommittee has negligently ignored and denied the close proximity the MVRP will be placed to the abutters' homes and the livable land associated with it. Many of the dangerous activities listed in Huard Exhibit 50, Bonneville Power Administration Booklet on Living and Working Safely around HVTLs, will now pose a greater risk to the residents of these homes. Yet, since the applicant and NH SEC subcommittee denies any risk, these risks will not be properly communicated to those with the potential risk to be effected.

Commuters and walkers also face a risk of an unreasonable adverse effect, thus posing an unjust risk on public health and safety.

The risk that the towers, poles or other supporting structures will collapse, are not even deliberated at great lengths. Ms. Weathersby acknowledges that this has not been discussed (DD2, Pg 59, L 22-24) yet negligently offers a wrongful conclusion. She THINKS that she remembers that the height of the towers are less than the distance from the homes, particularly on David Drive. (DD2, Pg 60, L 1-7)

This is a gross error in fact. According to exhibit CFP-1, the height of pole 201 proposed to be placed in the utility right of way on 24 David Drive is 100 ft. According to the scale in HUARD exhibit 35, the pole would be less than 100 ft from the home on 24 David Drive. The height of pole 200 is not listed on exhibit CFP-1.

Additionally, Ms. Weasthesby and the rest of the subcommittee, negligently disregarded other effects associated with the collapse of a tower, pole or other structure besides the potential to land on the abutting home.

A charged collapsed structure and its related energized conductors would send an electric charge across the ground for miles.

There was no further deliberation by any other subcommittee member on the matter of risk of collapse.

Ms. Huard also testified about her neighbor on David Drive that had died in 2011 at the age of 40. This woman drove a school bus. At night she parked the school bus under the power lines. Before the day of her death she had a single car accident that could have originated from school bus becoming coupled with electricity while parked under the high voltage transmission lines. According to the fire log for the day of her death, she suffered that day from cardiac arrest. Yet, the subcommittee disregarded the possibility.

**NH Rule 202.19** shows the **burden of proof** lies with the applicant for a certificate of site and facility to **PROVE** facts sufficient for the committee or subcommittee to make the findings required by **RSA 162 H:16**.

The NH SEC subcommittee ignored the fact that this legal burden of proof was not met by the applicant in demonstrating whether the project would have an unreasonable adverse effect on public health and safety.

### **SITE VISITS**

The decision of the NH SEC subcommittee not to conduct a site visit to the entire proposed right of way for the MVRP, before making a decision to issue a certificate, is unjust and unreasonably negligent.

**NH SEC rule 202.13** allows the committee or subcommittee and counsel for the public to conduct a site visit of any property which is subject of a proceeding if requested by a party or on its own motion, if the committee or subcommittee determines that the site visit will assist the committee or subcommittee in reaching a determination in this proceeding.

At the public hearing held on 11/4/15, Counsel for the NH SEC, Attorney Iacapino, states the following.

***"It is common for the SEC to do a site visit in all of our cases where there's a proposed new transmission line or a new energy facility. It is likely that this will happen in this case."*** (Pg 96, lines 5-9)

Neither the NH SEC subcommittee nor the Counsel for the Public motioned for a site visit. The NH SEC subcommittee denied Intervener Huard's motion dated 7/7/16 requesting a site visit.

Despite the detailed concerns of Intervener Huard in comments and testimony, over a span of a year or so, **although it is a common procedure**, both the NH SEC subcommittee and the Counsel for the Public disregarded these concerns and negligently failed to pursue their right to make any site visit to understand and address them further.

If the subcommittee had made the customary site visit, then they would have seen first hand the many concerns and dangerous effects this project proposes to cause, not limited to but including the following.

- The proposed close proximity of the MVRP to abutting property, unjustifiably and negligently placing many in danger of coming in contact with the dangerous electric and magnetic fields and increased potentials for electric shock.
- The barrier of trees proposed to be removed, that would unjustifiably and negligently leave numerous abutters and many others exposed to dangerous electric fields currently shielded by these trees, the **unjust** potential for a drastic change in aesthetics and decrease in the ability to sell ones home on the regular market.
- At least one subcommittee member may have experienced first hand the sensation of electric shock or other negative health effects while performing this site visit, confirming the dangers communicated to them regarding public health and safety.
- The current natural environment in many areas, the absurdities and audacity of the applicant to unjustifiably and negligently make the drastic changes that they propose to make to this environment along with the likelihood that the proposed mitigation procedures are not feasible nor would they likely properly mitigate damages to this environment.
- The subcommittee could have actually spoken directly to the residents along the proposed right of way.
- The subcommittee could have looked at human beings and their living space instead of false statements printed on paper.
- The residents would have had the opportunity to approach the NH SEC subcommittee in their own environment.
- The subcommittee could have seen how negligent and irresponsible the applicants have already been with the existing high voltage transmission lines placed in this utility right of way.
- The subcommittee would have seen the false statements that the applicant made regarding the compatibility of the brown self weathering poles with the existing structures and environment.



- Most importantly, the subcommittee would have seen that the applicant and the MVRP could not in any way be considered in full compliance with the requirements of **NH RSA 162H:16** or **NH SEC Rule 301:16**, therefore requiring the NH SEC to deny the applicants' request for a Certificate of Site and Facility.

The NH SEC subcommittee negligently failed to utilize a site visit to clarify or confirm the numerous disputed statements made by the applicant.

In compliance with **NH SEC rule 202.29**, we have identified many errors in judgment and reasoning made by the subcommittee as well as errors in applying the applicable laws and facts presented. These gross errors in judgment have caused the subcommittee's order to be unjust, unlawful and unreasonable.

We, the undersigned, respectfully request that the NH SEC subcommittee reconsider these specific areas and reevaluate, reconsider and reverse your decision to issue a CERTIFICATE OF SITE AND FACILITY for the Merrimack Valley Reliability Project.

Margaret Huard  
Margaret Huard

13 David Drive, Hudson, NH  
intervener / party

Debora Covino  
Debora Covino

15 Lenny Lane / Abutter  
Hudson NH

Deborah Savio  
DEBORAH SAVIO

24 DAVID DRIVE

Hudson  
NH  
03051

for葆思

14 DAVID DR.

Deuse Barrett

14 DAVID DR. Hudson

Margaret Demer

35 DAVID DR. Hudson NH 0305

Andy Rengallo

2 C Hopkins (Landlord) Hudson NH  
03051

Lavinia Hull

50 Griffin Rd Hudson Abutter

presented. These gross errors in judgment have caused the subcommittee's order to be unjust, unlawful and unreasonable.

We, the undersigned, respectfully request that the NH SEC subcommittee reconsider these specific areas and reevaluate, reconsider and reverse your decision to issue a CERTIFICATE OF SITE AND FACILITY for the Merrimack Valley Reliability Project.

Keen J. J. J. ABBOTTER

2 A Lenny Ln - HUDSON NH

Terence N. Martin  
15 A Lenny Ln, HUDSON NH ABBOTTER

Ben Rine ABBOTTER  
24 Lenny Lane Hudson NH

Susan Valleri 136 Lenny Lane Hudson,

Nicole Hall 110 Lenny Lane ABBOTTER

John Hall 66A Kienia road

Melissa Labrecque 29 Breakneck Rd

Dorothy G. Hall 113 Lenny Lane Hudson

**Certificate of Service**

I hereby certify that on the 19th day of October, copies have been served upon the SEC Distribution List.

*Margaret Huard*

Margaret Huard

Intervener



We, the undersigned, respectfully request that the NH SEC subcommittee reconsider these specific areas and reevaluate, reconsider and reverse your decision to issue a CERTIFICATE OF SITE AND FACILITY for the Merrimack Valley Reliability Project.

SITE AND FACILITY for the Merrimack Valley Reliability Project.

Jodi Hardcastle 26 Davis Drive (Hudson)

Pho-G Henderson 24 Davis Drive (Hudson)

MVRP  
MFR  
17 of 18

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