

**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 29, 2016

**ORDER ON APPLICANT'S MOTION FOR CLARIFICATION AND AMENDED
ORDER OF CERTIFICATE OF SITE AND FACILITY**

I. BACKGROUND AND DESCRIPTION OF THE PROJECT

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 sought 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 new transmission line was proposed to 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 November 30, 2015, Margaret Huard's motion to intervene was granted.

The adjudicative hearing in this docket was held on June 13 and 14, 2016. During the adjudicative hearing, the Applicant presented testimony of its witnesses who were cross-examined by Counsel for the Public and Ms. Huard. Ms. Huard also presented testimony and was cross-examined. The Subcommittee also posed questions to several of the witnesses.

The Subcommittee deliberated on June 14 and July 11, 2016.

A Decision and Order Granting a Certificate of Site and Facility (Decision) was issued on October 4, 2016. An Order and Certificate of Site and Facility (Order and Certificate) issued on the same day.

On October 19, 2016, the Applicant filed a Motion for Clarification (Motion). Ms. Huard objected to the Applicant's Motion on October 26, 2016.

On October 31, the Subcommittee held a deliberative hearing. At the hearing, the Subcommittee unanimously voted to grant, in part, the Applicant's Motion for Clarification and adopted language amending a portion of the Order and Certificate pertaining to the measurement and modeling of electric and magnetic fields in the vicinity of the Project.

This Order memorializes that decision.

II. The Decision and Order

After careful consideration of the record during deliberations regarding the impacts of the Project on the public health and safety, the Subcommittee found that the electric and magnetic fields generated by the Project would not have an unreasonable effect on public health.

Transcript, July 11, 2016, p. 51 - 69. Nevertheless the Subcommittee, as a condition of the Certificate, required the Applicant to measure the "actual electro-magnetic fields before and after construction during peak load along each section listed in Tables 12 and 13 in the Application, in consultation with the Public Utilities Commission's Safety Division" Decision at p. 87.

The specific condition that is included in the Order and Certificate states that: "the Applicant, in consultation with the PUC's Safety Division, shall measure actual electro-magnetic fields associated with operation of the Project both before and after construction of the Project during peak-load, along each section number listed in Tables 12 and 13 of the Application." Order and

Certificate, p. 4. The condition also required the Applicant to file the results of the measurements with the Committee. If the resulting measurements exceeded the guidelines of the International Committee on Electromagnetic Safety or the International Commission on Non-Ionizing Radiation Protection, the Applicant was required to file a mitigation plan designed to reduce the levels so that they are lower than the standards. Order and Certificate, p. 5.

III. POSITION OF THE PARTIES

A. Applicant's Motion

In the Motion, the Applicant argues that it cannot reasonably comply with the condition as written in the Order and Certificate. First it is impossible for the Applicant to measure the electric and magnetic fields “associated with the operation of the Project” before the new transmission line is placed into service¹. Second, the Applicant states that peak load will not occur until the late spring or summer of 2017 and that it did not believe it was the intent of the Subcommittee to cause such an extensive delay before construction can begin. Finally the Applicant asserts that it is required to first re-locate the existing Y-151 line. That relocation work was scheduled to commence in October 2016, and the next peak load will not occur until late spring or summer of 2017. Therefore the Applicant argues that the order requires clarification. In the Motion, the Applicant suggests that the Order and Certificate be modified to state:

that the Applicant, in consultation with the PUC's Safety Division, shall measure actual electric and magnetic field levels along the Project ROW both before and after the Project is placed into service. If peak or near-peak conditions do not occur before elements of the Project are placed into service, pre-Project measurements should be presented in both raw form and adjusted to reflect a peak loading condition, at each measurement location. Post-construction measurements will be taken during the summer

¹ The Applicant acknowledges that the Subcommittee's reference to the Project in the Order and Certificate was meant to be a reference to the right of way as it currently exists.

peak loading season and a similar procedure will be used, if necessary, in acknowledgement that the Applicant cannot know in advance when peak loading will occur and that the days planned for measurements may occur when line loadings are below the forecasted peak loading.

The Applicant asserts that the proposed modification will adequately address the Subcommittee's concerns and original intent in formulating the condition.

B. Margaret Huard's Objection

Margaret Huard filed a partial objection to the Motion. Similar to the Applicant, she notes that it is impossible to measure electric and magnetic fields associated with the operation of the Project before the new transmission line is built. However in reliance upon the July 11, 2016, transcript of the Subcommittee's deliberations she notes that the discussion at that time referenced specific locations along the right of way for the Project. She claims that measurements could have been obtained at those locations. Ms. Huard argues that the Certificate was granted subject to the measurement condition and therefore construction should not commence until the condition has been met. She also claims that there is a winter peak load and that the Applicant had sufficient time to conduct the pre-construction measurements after the Certificate was granted.

IV. Analysis

The condition contained in the Order and Certificate is ambiguous and confusing. All parties recognize that it was not the intent of the Subcommittee to require pre-construction measurement of electric and magnetic fields associated with the operation of the Project because the Project is not yet built. The Subcommittee intended to require pre-construction measurements of the electric and magnetic fields as they exist in the right of way before construction. It was also not the intent of the Subcommittee to issue a condition that would delay construction of the

project until the summer of 2017.

The purpose of the condition is to require the Applicant to obtain actual measurements of the electric and magnetic fields so that the measurements can be compared to the predictions contained within the Applicant's modeling set out in the tables contained at Appendix AG of the Application and to compare the post-construction measurements to prevailing health and safety standards published by the International Committee on Electromagnetic Safety or the International Commission on Non-Ionizing Radiation Protection.

In order to achieve this purpose, the Subcommittee requires the Applicant to consult with the Safety Division of the Public Utilities Commission and to undertake measurements along the Project right of way at locations and at distances as near as possible to those identified in Tables A-1 and A-2 in the Application, Appendix AG, Attachment A, both for existing conditions, before the Project is built, and after the Project is placed into service. If peak or near-peak conditions do not occur before elements of the Project are placed into service, pre-project measurements should be presented in both raw form and adjusted to reflect a peak loading condition and other conditions represented in Table A-1 and A-2, at each measurement location. Pre-project measurements shall be taken before any existing lines are moved and under conditions as near as possible to conditions assumed in the original modeling shown in the Tables A-1 and A-2. Post construction measurements will be taken during the summer peak loading season and a similar procedure will be used, if necessary, in acknowledgement that the Applicant cannot know in advance when peak loading will occur and that the days planned for measurements may occur when line loadings are below the actual peak load.

V. Conclusion and Order

The Applicant's Motion for Clarification is granted, in part, and the Order and Certificate shall be amended. The existing language contained at Page 4 of the Order and Certificate that currently reads as follows:

Further Ordered that the Applicant, in consultation with the PUC's Safety Division, shall measure actual electro-magnetic fields associated with operation of the Project both before and after construction of the Project during peak-load, along each section number listed in Tables 12 and 13 of the Application; and it is,

shall be replaced, in total, with the following language to read as follows:

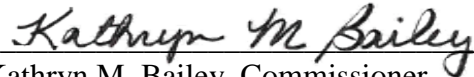
That the Applicant, in consultation with the PUC's Safety Division, shall measure actual electric and magnetic field levels along the Project ROW in the locations and at the distances as near as possible to those identified in Tables A-1 and A-2 in the Application, Appendix AG, Attachment A, both before and after the Project is placed into service. If peak or near-peak conditions do not occur before elements of the Project are placed into service, Pre-Project measurements should be presented in both raw form and adjusted to reflect a peak loading condition and other conditions represented in Table A-1 and A-2 at each measurement location. Pre-project measurements shall be taken before any existing lines are moved and under conditions as near as possible to conditions assumed in the original modeling shown in the Tables A-1 and A-2. Post construction measurements will be taken during the summer peak loading season and a similar procedure will be used, if necessary, in acknowledgement that the Applicant cannot know in advance when peak loading will occur and that the days planned for measurements may occur when line loadings are below the forecasted peak loading; and it is...

The amendment is effective immediately.

So ordered this twenty-ninth day of November by the Subcommittee:



F. Anne Ross, General Counsel, Designee
Public Utilities Commission



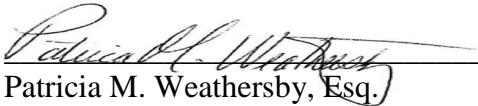
Kathryn M. Bailey, Commissioner
Public Utilities Commission



Richard A. Boisvert, Designee
Dept. of Cultural Resources
Division of Historical Resources



Michele Roberge, Designee
SIP Planning Manager
Department of Environmental Services



Patricia M. Weathersby, Esq.
Public Member