

Dear Ms. Monroe and Chairman Honigsberg:

Pursuant to Site 202.11(f), we hereby request a review of the decision on our petition to intervene.

As property owners in Dalton directly and materially affected by the proposed transmission lines, we believe we have the right to participate fully in the SEC's adjudicatory proceeding.

However, the intervention order lumps us together with a large group of landowners stretching from Clarksville to Bethlehem. The intervention order takes away our right to participate directly in key elements of the adjudicatory process, such as cross examination and offering motions.

The order forces us into an unfair, conflicted and unworkable joint arrangement that will in substance effectively silence our voices. The intervention order deprives us of the most basic due process rights.

We would highlight the following:

1. A grouping of 17 property owners (or is it 61 -- see Dixville Notch/Harvey Swell group) is way too large to be workable in practice. This means the group's ability to participate is neutered from the start. If, as is likely with a group this large and disparate, there is a failure to reach a group consensus on a given point -- whether to hire a lawyer, whether to retain expert witnesses, whether to cross examine the applicant or its experts or indeed, whether to designate a single representative -- the result will be inaction by the group. No consensus = no group action = no ability for direct participation by any group member = free pass for applicant.
2. The likelihood of lack of consensus is heightened by the excessive geographical spread of the group and differences in situations and impacts. At the northern end (Clarksville) the route is all new right-of-way; some of the route is buried; some of the route is above-ground. From Stark south, the route is on existing right-of-way and is all above-ground. Land uses, property values and project impacts differ markedly across the many communities. There is a fundamental lack of commonality.
3. The group is inherently conflicted. As the history of the Northern Pass project has clearly shown, the "game" is all about offering incremental additions to line burial or other concessions. A central issue before the SEC in the adjudicatory process will be to assess the potential for additional line burial and identify what locations are most suitable for burial. Maybe a proposal will emerge to bury the lines in the most northern area of the state where there is no existing right of way. Or maybe a proposal will emerge to "save" Stark, Groveton, Lancaster, Whitefield, Dalton and Bethlehem, or some subset of them. In any of these cases, the landowners in one area will have sharply different interests than those in other areas. Indeed, the Weeks family (looking at the proposed lines in the valley from a viewpoint on Mt. Prospect) may be in a zero-sum game with the Dannis family (looking at the proposed lines in the valley from a viewpoint on Dalton Mountain) if the lines may be buried in one place but

not the other. These kinds of conflicts make the group unworkable, unfair and violative of basic due process.

4. Forcing this large, disparate group of property owners to designate a single spokesperson is a fool's errand. Who would take the job? Will the person be entitled to immunity from civil actions and full indemnities, or will she be subject to lawsuits by disgruntled group members who believe their interests weren't pursued? And how would a single person effectively speak for such a group? Or, to be specific, how would a single spokesperson handle the black-and-white conflict between the Weeks family and the Dannis family in the above example? Or between the northern landowners and the southern landowners if a compromise emerges at the SEC to bury more of the lines either north or south, but not both? What if Northern Pass, taking a cue from history, buys off some group members but not all of them? How will the group be represented? It simply doesn't work. And if there might theoretically be a single spokesperson, how will she be appointed? By one property, one vote? By acreage? By land value? By arm-wrestling? By loudest voice? And what if there is no consensus to appoint any group spokesperson? Do we just disappear? The SEC has offered no structure and no safeguards. This is a recipe for taking away the rights of landowners to have ANY voice to protect their own, specific interests.

These are just selected examples of how the intervention order is unfair, unjust, effectively silences property owners and violates fundamental due process.

Once again, the SEC's process appears to be rushed, slipshod, clearly biased toward the applicant and grievously unfair to the property owners who are affected by this proposal.

We respectfully request that as property owners materially impacted by Northern Pass, the SEC grant us full party rights in this proceeding. Due process requires no less in these circumstances. And please don't hide behind the statutory language allowing grouping. The statute does not allow grouping that takes away due process. Constitutional due process is the trump card here.

Thank you for considering this.

Sandy and Jim Dannis