

March 25, 2016

Dear Ms. Monroe and Chairman Honigberg:

Pursuant to Site 202.11(f), I hereby request a Review of the decision on my petition to intervene and the Grouping of Non-Abutters Clarkstown to Bethlehem. Because the proposed grouping denies all of our specific rights to due process, I request that each individual petitioner be treated equally. At the very least, I request that the proposed group be broken into two (2) Groups: 1) Pittsburg, Clarksville and Stewartstown; and 2) Dummer, Stark, Northumberland, Lancaster, Whitefield, Dalton and Bethlehem.

As a property owner in Whitefield directly and materially affected by the proposed transmission lines, I believe I have the right to participate fully in the SEC's adjudicatory proceeding.

However, the intervention order lumps all of us together with a large group of landowners (over 60 persons) stretching the entire upper third of the State from Clarksville to Bethlehem. The proposed intervention order grouping takes away my right and each group member's right to participate directly in key elements of the adjudicatory process, such as cross examination and offering motions.

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

The following points fundamentally explain my position:

1. A grouping of over 60 property owners is 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, disparate and spread over an immense geographical area, there is a failure to reach a group consensus on any 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. And that emerges from the structuring of the group as

proposed, and thus, on its face, imposes a due process violation before a word can be spoken.

2. The likelihood of lack of consensus is heightened by the excessive geographical spread of the group. This makes reasonable communication in person and as a group almost impossible for many in the group.

3. The likelihood of lack of consensus is heightened by 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.

4. The group, as presently constructed, is inherently conflicted. As the history of the Northern Pass project has clearly shown, the Applicant continues to offer "concessions" to individuals and key groups, such as line burial. 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 200 towers in the valley from a viewpoint on Mt. Prospect) may be in a zero-sum game with any other Petitioner or group of Petitioners if the lines may be buried in one place but not the other. These kinds of conflicts, imposed by the current structuring of this group and to which I object, make the group unworkable, unfair and violative of basic due process.

5. Forcing this large, disparate group of property owners to designate a single spokesperson is unworkable and ineffective. Who would take the job as proposed? 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 one group's interests and those of another group? 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 approach denies the rights of landowners to have ANY voice to protect their own, specific interests or common interests.

The violation that I object to comes from the skewed, biased, inherently-contradictory and invidiously discriminatory *grouping* that on its face and at the outset violates basic due process rights.

I assert that the intervention order is unfair, unjust, effectively silences property owners and violates fundamental due process. The SEC's process appears to be grievously unfair to the many property owners from Deerfield to Pittsburg who are affected by this proposal.

I 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 note that while the statutory language allows grouping, the statute does not allow grouping that takes away due process.

Thank you for considering this request.

**Frederic Fitts
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