

Dear Ms. Monroe:

Below (with a signed version attached) is our letter requesting a change to our intervenor grouping. It has been e-mailed to the SEC Distribution List revised as of 3/28/2016.

Sincerely,

R. Eric and Margaret J. Jones

March 27, 2016
Chairman Martin Honigberg
c/o
Pamela Monroe
Administrator
Site Evaluation Committee

RE: SEC Docket No. 2015-06: Letter to Change Intervenor Grouping in the Order of Motions To Intervene of March 18, 2016

Pursuant to Site 202.11(f), we hereby request a Review of the decision on our petition to intervene and the Grouping of Abutters Dummer to Dalton (Sub-Group-2). Because the proposed grouping denies our specific rights to due process, we request that each individual petitioner be treated equally by granting them full intervener status.

We have attempted to communicate with the individuals you have grouped us with. To date we have had a response from only one individual (Bruce Brekke) and he declines to be the “Spokesperson” as do I. Neither of us can afford a lawyer. Two sub-groups of our sub-group have retained lawyers. To date the SEC has refused to allow these sub-sub groups to be represented by counsel with full intervener status. We are left with no representation and no right to full intervener status which the SEC granted to us at an earlier date.

We are not “Abbutters” Nor “Non-Abbutters”.

We are “Hosts”. The right of way (ROW) in question is 150 feet wide and crosses over our land for a linear distance of 1698 feet. We own the land on both sides, and the land upon which the ROW easement exists. Public Service of New Hampshire does not own any of our land but merely possess the limited rights conveyed by the easement, and no rights beyond the easement boundaries.

Site 102.01 “Abutting property” means any property that is contiguous to or directly across a road, railroad, or stream from property on, under or above which an energy

facility is located or proposed to be located.

Therefore, an abutting property is **separate from**, and immediately **next to**, the property on which an energy facility is proposed to be located. An abutting property is **not** the property **upon which** the proposed facility would be located. Oddly, there appears to be no definition in SEC rules to describe the latter property, known in legal parlance as the “**servient estate**”. The owner of the right of way (ROW) has purchased the right only to perform certain activities on a portion of a parcel, as identified in the deed, and nothing else. All rights of use and ownership, including the privilege of paying taxes, remain with the owner of the servient estate, as long as they don't interfere with the limited activities specified in the ROW deed. For the sake of simplicity, I suggest that the “servient estates” could be referred to as “host properties”, or just “hosts”.

Why is this important? By referring to the owner of a host property as an abutter, the perceived rights of that owner are diminished. It gives the impression that the developer can do anything it wants on its ROW. Communication around this application has already revealed that owners of host properties have several concerns about the rights claimed by the Applicant and the use of these ROWs. These issues clearly set the interests of the hosts apart from those of their neighbors, the abutters, and the non-abutters.

Also, the fact that the terminology is inaccurate can lead to misunderstanding. I suppose that the parties to and decision makers in this process would appreciate the clearest possible language here.

As property owners in Northumberland 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 (over 25 persons) stretching from Dummer to Dalton. The proposed intervention order grouping 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 over 25 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 a large 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.

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 (Dummer) the route is all new right-of-way. 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 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, Northumberland, Lancaster, Whitefield, and Dalton 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 lines 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 make the group unworkable, unfair and violates 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 he or 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 sub-group's interests and those of another sub-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 he or 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.

These are just selected examples of how 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.

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.

Thank you for considering this Request.

R. Eric and Margaret J. Jones

Handwritten signature of R. Eric Jones in cursive script.Handwritten signature of Margaret J. Jones in cursive script.

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