

**THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

**TOWN OF FRANCONIA'S PETITION TO INTERVENE**

The Town of Franconia, by and through its attorneys, Gardner, Fulton & Waugh, PLLC, petitions the Site Evaluation Committee to allow it to intervene in the above-captioned matter in accordance with RSA 541-A:32 and NH Admin. Rule Site 202.11, stating as follows:

1. On October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (the "Applicants") filed an application for a Certificate of Site and Facility with the Site Evaluation Committee. A portion of the proposed facility will be located in the Town of Franconia.
2. The Town of Franconia has an interest in the proposed facility because 5.0 miles of it is projected to cross through the Town, in close proximity to residences, through the center of the Town's Main Street (Route 18), underneath the Gale River, and down Route 116 through the heart of the Town. The high voltage underground transmission line will be buried only approximately 3-6 feet below grade along public roads, creating significant danger, difficulty and expense every time the Town needs to access the underground pipes and other municipal equipment next to or below the transmission line for maintenance, repair or construction. Franconia and the surrounding area has few alternative routes for traffic; however, the project as proposed would restrict the free flow of emergency, safety, industrial, commercial, local, and visitor traffic on Route 116, Route 18, and Route 117, a problem that may be exacerbated by inclement weather and other conditions. Access to and from I-93 at Exit 38 to Franconia and the

neighboring towns of Easton, Benton, Bath, Sugar Hill, Lisbon and Bethlehem would be restricted during and possibly after the construction period, perhaps years into the future. 27,348 square feet of wetland impacts are planned, including directionally drilling beneath the Gale River to run the high voltage transmission line under the river. Although the application states that no trees will be cleared along existing rights of way, it is our understanding that agents associated with the Applicant are clearing and cutting trees abutting Route 116. The Town is concerned that the project, as proposed, will unduly interfere with orderly economic, social, cultural, school, sports and leisure activities in the Town. Franconia serves as a year-round destination resort for visitors from other states and counties; however, its service economy, sensitive to the vagaries of the business cycle, will face a potentially dire threat from the disruption (both short-term and long-term) the project will create. The Town is also concerned about the impacts that the project will have on its citizens, property values, operations, and environment, on Town operations from disturbances to public roads, and on natural resources from disturbances to shorelines and waterbodies and the effects of buried transmission lines on the surrounding soils, water, flora and fauna. The Town is concerned that this project, as proposed, (a) will interfere with the orderly development of the region, (b) is in conflict with the Town's zoning, planning, Master Plan and other land use policies, (c) will have an adverse effect on aesthetics, historic site, air and water quality, the natural environment, and/or public health and safety, and (d) will not be in the public interest. The Town also believes that the Applicant has failed to explore other reasonable alternatives, including re-routing the project along the I-93 corridor (which runs near to and parallel to the current proposed route through the heart of Franconia), and that this option should be thoroughly considered.

3. On February 1, 2016, the Town's Board of Selectmen voted to file for intervenor status with the Site Evaluation Committee. *See* attached letter of Board of Selectmen, dated February 1, 2016.

4. RSA 541-A:32 and NH Admin. Rule Site 202.11 provide that the Site Evaluation Committee, or its presiding officer, shall grant a petition for intervention if:

(1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's order of notice of the hearing, at least 3 days before the hearing;

(2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

5. As discussed herein, the proposed facility will impact the rights, duties, privileges, immunities and other substantial interests of the Town of Franconia. The interests of justice and orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

WHEREFORE, the Town of Franconia respectfully requests that the Site Evaluation Committee:

- A. Grant the Town of Franconia's Petition to Intervene; and
- B. Grant such other and further relief as may be just.

\* \* \*

Respectfully submitted,

TOWN OF FRANCONIA  
By and through its attorneys,  
GARDNER, FULTON & WAUGH

February 2, 2016

By: C. Christine Fillmore  
C. Christine Fillmore, Esq., Bar #13851  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of February, 2016, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket.

February 2, 2016

By: C. Christine Fillmore  
C. Christine Fillmore



OFFICE OF SELECTMEN  
(603) 823-7752

OFFICE OF TOWN CLERK  
(603) 823-5237

OFFICE OF TAX COLLECTOR  
(603) 823-5237

## TOWN OF FRANCONIA

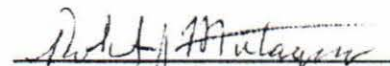
P.O. Box 900  
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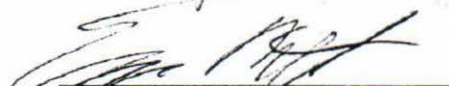


February 1, 2016

On February 1, 2016, the Board of Selectmen reviewed the Town of Franconia's Petition to Intervene on the Site Evaluation Committee's Docket No. 2015-06, Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificates of Site and Facility for the Constructions of a New High Voltage Transmission Line in New Hampshire that was prepared by Attorney Christine Fillmore.

After reviewing the document, Bob Montagno made a motion to approve it, the motion was seconded by Eric Meth and the motion was passed.

  
Robert Montagno, Chairman

  
Eric Meth

**THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

Joint Application of Northern Pass Transmission, LLC and Public Service Company of New  
Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of  
a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

**APPEARANCE OF C. CHRISTINE FILLMORE**

Pursuant to NH Admin Rule Site 202.04, please enter the appearance of C. Christine  
Fillmore as counsel for the Town of Franconia in the above-captioned matter.

The matter involves an application by Northern Pass Transmission, LLC and Public  
Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and  
Facility. The undersigned, C. Christine Fillmore, is an attorney admitted to practice in the State  
of New Hampshire.

Respectfully submitted,

TOWN OF FRANCONIA

Dated: February 2, 2016

By: C. Christine Fillmore  
C. Christine Fillmore, Esq., Bar #13851  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of February, 2016, a copy of the foregoing was sent by  
electronic mail to persons named as of today on the Service List of this docket.

Dated: February 2, 2016

By: C. Christine Fillmore  
C. Christine Fillmore

**INTERVENTION PLATFORM****Platform Objective #1**

*The fundamental platform of the coalition is to promote underground construction of the newly, revised proposal for the Northern Pass HVDC transmission line ("Proposed Line"). The underground construction should be from the Canadian border to Franklin, NH in either PSNH/Eversource ("Utility") claimed rights-of-ways or the Interstate I-93 right-of-way corridor. This proposal is anticipated to be part of the SEC intervention.*

**Platform Objective #2**

The second platform is intended to address the current proposal to construct the line above ground and underground in Utility owned rights-of-ways, land, and in municipal and state roadways in various towns. The objective is to present a streamlined group of municipal concerns and issues, and **common municipal interests** shared by all the towns along the Proposed Line. These concerns and interests generally include the following, which are anticipated to be part of the SEC Intervention:

1. Hazards on highway shoulders and paved surfaces caused by unique heating/cooling dynamics as well as related frost heaves.
2. Safety concerns expressed by municipal fire, police, highway, & EMT departments.
3. Construction issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
4. Maintenance issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
5. Addressing the remediation of any reluctance by developers to construct new residential, commercial, or industrial property adjacent to the underground HVDC line and the attendant extra cost of that construction.
6. Addressing the remediation for the existing residential, commercial, and industrial properties regarding the additional costs and interferences with the use and operation of their existing properties.
7. Addressing utility reimbursement for cost on municipal budgets related to both the construction and operation of the Proposed Line for:
  - a. Management & administration
  - b. Law enforcement
  - c. Safety services
  - d. Traffic Congestion
  - e. Timely emergency & accident response



8. Require a pre-construction ground survey and inventory of natural and man-made structures among the Proposed Line including streets, intersections, highways, bicycle lanes, traffic control devices, signs, bridges prospective staging & parking areas for Utility's construction vehicles, gravel pits, parks, playgrounds, open spaces driveways, cross country ski and hiking trails, horseback riding including access and parking areas as well as the natural landscape used by or impacted by the construction of the Proposed Line.
9. Require a pre-construction video taping of all the impacted areas and abutting land and buildings to the Proposed Line.
10. Require a Municipal Infrastructure Reimbursement Fund, indexed for inflation and contributed to annually, for the reimbursement of costs incurred by the municipalities to construct, operate, and maintain municipal infrastructure in and around the Proposed Line. This fund will include additional impacts of the HVDC line construction in and around any other municipal land, and or easements and rights-of-way in addition to highway rights of way. This fund shall be intact for as long as the line is in the ground.
11. Provide for and fund an inflation indexed Damages Mitigation Fund to reimburse the municipalities', their citizens', and their property owners' costs for:
  - a. Unforeseen events and/or unintended circumstances, including highway accidents, related to the construction and operation of the line;
  - b. From earthquakes, floods, fires, overloads, short circuits, explosions, or other catastrophic events that impact the line and the abutters' property; and
  - c. To include the costs of post construction restorative landscaping for both sides of the proposed line.
12. Provide for and fund an inflation index Decommissioning Trust Fund to be held in escrow and used to remove the line, all of its appurtenances, and restore the right-of-way to a green field state.
13. Require Utility to annually report all ad valorem property tax information including annual historic original costs by FERC account. As part of this item, require Utility to agree to valuation methodology of replacement cost new less depreciation over an economic life of 100 years with a 20% to the good floor.

### Platform Objective #3

The third platform objective relates to potential ***concerns & issues unique to each town*** that will be part of the SEC intervention. Some examples are listed below:

1. Bethlehem will require relocation of Utility's Proposed Line and/or transition station around wetlands and an area that abuts a prospective hotel development project.
2. Franconia will require special attention to local utility infrastructure that abuts both the Gale River and the Proposed Line.



3. Local planning board & master plans will need to be considered and consulted, as would safety services departments, schools, cemetery trustees, churches, eleemosynary institutions, and recreation & sports committees.
4. The SEC order that Utility negotiate with each community for which has buried lines in municipal rights of way both state and local, a Construction and Maintenance Agreement, that protects towns and cities by paying for movement of all interferences realignments and future maintenances as required by the towns and cities so as to keep the town and city financial whole as if the line had not been constructed.
5. Mitigation and payment for the construction impact on lost business for local businesses, contractors, inns, motels, B&Bs, farm stands, campgrounds & related visitor facilities impacted by the construction of the Proposed Line, maintenance of the Proposed Line, and any unforeseen emergency on the Proposed Line.
6. Address local conservation commissions, which have concerns about wetlands, beaver ponds, wild life & aquatic habitats, stream, brook, and river crossings, and any other impacts created by the Proposed Line.
7. Provide mitigation for access and parking for recreation and sports including but not limited to:
  - a. Swimming, bicycle races, hiking, cross-country skiing, mountain biking, horseback riding, and road-side walking
  - b. Hunting, fishing, snowmobiling, and ATV activity
  - c. Scenic views and picnic grounds
8. Address and mitigate any other environmental or operational impacts unique to each of the towns not yet identified.