



# CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

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February 4, 2016

Pamela Monroe, Administrator  
NH Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, NH 03301  
[Pamela.monroe@sec.nh.gov](mailto:Pamela.monroe@sec.nh.gov)

**Re: NH Site Evaluation Committee 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 Certificate of Site and Facility**

Dear Ms. Monroe,

Pursuant to RSA 541-A:32 and New Hampshire Administrative Rule Site 202.11, please find for filing with the New Hampshire Site Evaluation Committee the City of Franklin's Petition to Intervene in the above-captioned matter.

Very truly yours,

Elizabeth A. Dragon  
City Manager

Enclosures

Cc: Distribution list for Docket No. 2015-06

**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**

**SEC Docket No. 2015-06**

CITY OF FRANKLIN'S PETITION TO INTERVENE

NOW COMES the City of Franklin and petitions the Site Evaluation Committee ("SEC") to allow it to intervene in the above-captioned matter in accordance with RSA 541-A:32 and New Hampshire Administrative Rule Site 202.11. In support thereof, the City of Franklin says:

1. On October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy filed the above-referenced joint application for a Certificate of Site and Facility with the SEC to construct and operate a 1,090 MW electric transmission line and related facilities from the Canadian border in Pittsburg, New Hampshire to Deerfield, New Hampshire.
2. The City of Franklin has a substantial interest in the proposed application. The City of Franklin is located along the proposed and alternate routes for the Northern Pass transmission ("NPT") line. The transmission line in the city will comprise 9.5 miles of overhead; +/- 320 kV DC (direct current) and 0.5 miles of overhead; 345 kV AC (alternating current).
3. Most notably though, a converter terminal will be located in Franklin, New Hampshire that will contain the necessary equipment to convert the power from direct current to alternating current. While the City of Franklin's 2014 total equalized property value is approximately \$536.3 million, NPT's projected property value in Franklin, (which includes this facility), is estimated to be \$358.1 million, which would substantially increase the city's tax base.

4. As a result of the transformational nature of the projected NPT addition to the tax base, the City of Franklin stands to receive tax benefits in the first year estimated in a range up to \$7 million, which would have a very significant positive fiscal impact on the city.

5. RSA 541-A:32 and Site 202.11 govern petitions to intervene. Pursuant to newly enacted administrative rules governing the SEC, “[p]ersons seeking to intervene in a proceeding shall file petitions with the committee . . . .” Site 202.11(a).

6. Site 202.11(b) further provides that the SEC, or its presiding officer, shall grant a petition to intervene if:

(1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the order of notice of the hearing or prehearing conference, not less than 3 days before the hearing or prehearing conference;

(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 or hearing officer, as applicable, determines that the interests of justice and the orderly and prompt conduct of the proceeding would not be impaired by allowing the intervention.

7. Here, the City of Franklin has met the requirements of Site 202.11(b).

8. First, the City of Franklin has submitted its petition in writing and in a timely manner, and has mailed copies as required by the rules. See Site 202.11(b)(1).

9. Second, the City of Franklin has set forth facts that are sufficient to demonstrate that its “rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding.” See Site 202.11(b)(2). Transmission lines from the proposed project, which is the subject of this proceeding, will run directly through the City of Franklin. Most notably, a converter terminal will be built within the City of Franklin. The City of Franklin is estimated to receive considerable tax revenue as a result of the project, which would have a transformational

effect on the city. Based on the facts detailed herein, the City of Franklin has sufficiently demonstrated its “rights, duties, privileges, immunities or other substantial interests” will be affected by the proceeding. See Site 202.11(b)(2).

10. Third, the “interests of justice and the orderly and prompt conduct of the proceeding would not be impaired” by allowing the City of Franklin to intervene. Indeed, justice would best be served by permitting the City of Franklin to intervene and participate in this proceeding, given the impact this proceeding will have on the City of Franklin.

11. Given the above considerations, the City of Franklin has met the requirements of Site 202.11(b).

12. Moreover, the City of Franklin is a municipality that will be affected by the SEC’s action; as such, the City of Franklin is entitled to preferential statutory treatment. RSA 541-A:39 provides that an affected municipality must be given notice of an administrative proceeding and allowed a “reasonable opportunity to submit data, views, or comments with respect to the issuance of a permit, license or any action within its boundaries that directly affects the municipality. Such actions shall include those which may have an effect on land use, land development, or transportation; those which would result in the operation of a business; or those which would have an immediate fiscal impact on the municipality or require the provision of additional municipal services.” Additionally, RSA 162-H:16, IV(b) provides that due consideration must be given to “the views of municipal and regional planning commissions and municipal governing bodies.”

13. Given the nature of the proposed application, the City of Franklin will be directly affected by the proposed project and should, therefore, be permitted to intervene. Such a determination would be consistent with the SEC’s orders in other projects permitting

municipalities to intervene based on RSA 541-A:39 and RSA 162-H:16, IV(b). See, e.g., Order on Pending Motions and Notice of Prehearing Conference, SEC Docket No. 2015-01, at 5-6 (May 19, 2015) (permitting the City of Portsmouth and City of Dover to intervene in a proceeding due to the impact the project could have on both cities); Order on Late-Filed Motions to Intervene, SEC Docket No. 2015-01, at 5 (June 3, 2015) (permitting the Town of Newington to intervene in a proceeding).

14. For all the reasons set forth above, the City of Franklin respectfully requests that the SEC grant its Petition to Intervene.

WHEREFORE, the City of Franklin respectfully requests that the SEC:

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

Respectfully submitted,  
CITY OF FRANKLIN

By Its City Manager,

Dated: 2-4-16

By: Elizabeth A. Dragon  
Elizabeth A. Dragon  
City Manager  
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citymgr@franklinnh.org

**Certificate of Service**

I hereby certify that on this day, an original and one copy of the foregoing petition was sent to the New Hampshire Site Evaluation Committee, and a copy was sent by electronic mail or U.S. Mail, postage prepaid to persons named on the SEC distribution list.

Dated: 2/5/16

By: Elizabeth A. Dragon  
Elizabeth A. Dragon  
By Paul T. Fitzgerald,  
Duly Authorized