

March 11, 2016

SENT VIA U.S. MAIL AND EMAIL

Pamela G. Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: New Hampshire 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 for Construction of a New High Voltage Transmission Line in New
Hampshire

Dear Ms. Monroe:

Enclosed for filing in the above-captioned matter with the New Hampshire Site Evaluation Committee is the Appalachian Mountain Club's Objection to Joint Applicants' Request for Partial Waivers under the Newly Adopted SEC Rules and Joinder in the Objection of Public Counsel to Said Request.

Copies of this letter and its enclosure have this date been forwarded via email to all parties on the Distribution List.

If you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,



Kathy Larkin, Legal Assistant
to William L. Plouffe, Esq.

Enclosure

cc: Distribution List (Rev. 3/11/2016) via email
Client

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-06

Joint Application of Northern Pass Transmission, LLC
and Public Service of New Hampshire
d/b/a Eversource Energy for a certificate of Site and Facility

**APPALACHIAN MOUNTAIN CLUB'S OBJECTION TO JOINT APPLICANTS'
REQUEST FOR PARTIAL WAIVERS UNDER THE NEWLY
ADOPTED SEC RULES AND JOINDER IN THE OBJECTION OF
PUBLIC COUNSEL TO SAID REQUEST**

1. The Public Counsel filed an objection with the Site Evaluation Committee ("SEC") entitled "OBJECTION OF PUBLIC COUNSEL TO JOINT APPLICANTS' REQUEST FOR PARTIAL WAIVERS UNDER THE NEWLY ADOPTED SEC RULES" and dated March 7, 2016.

2. The Appalachian Mountain Club ("AMC") joins in the above-referenced objection and for brevity will not repeat the same history and points made in the Public Counsel's objection.

3. The AMC makes the additional objections:

- a. AMC was deeply engaged, as were representatives of the Joint Applicants, in the recent legislatively-mandated SEC rule revisions that culminated in the approval of new rules on December 15th, 2015. During this rule-making process, the Applicants' representatives tried to modify many of the rules that were in the end adopted by the SEC and approved by the Joint Legislative Committee on Administrative Rules. The Applicants, therefore, were very well aware of the provisions of the new rules, including those elements from which they now seek waivers. The Applicants' waiver request is but another attempt by the Applicants to achieve what they failed to achieve during the rule making process itself. Furthermore, the Applicants have been aware of these filing requirements since mid-December, and it is well within the capability of the Applicants to file these materials as required by rule. Finally, the Applicants provide no real evidence

supporting their claims that those provisions from which they are seeking waivers are “onerous and excessively burdensome.”

- b. AMC is a Consulting Party to the Section 106 process. With respect to historic resources, the Applicants reference the Area of Potential Effect (“APE”) of one mile being used in the Section 106 process as justification for limiting historic resource identification. Unsaid by the Applicants is that the Section 106 process will likely not be completed before the SEC sub-committee makes a determination as to whether the Project will or will not have an unreasonable adverse effect on historic sites. AMC does not concede that one mile is the appropriate limit for assessing potential impacts from the Project to historic sites or other historic and cultural resources and further argues that the SEC should not prematurely waive this requirement and then possibly conclude that the Project will not have an unreasonable adverse effect on historic sites because data that should have been presented and considered was not.
- c. The AMC strongly objects to the waiver request on decommissioning. Though the Joint Applicants argue that this transmission line may never be removed, their argument ignores the fact that an HVDC transmission line is very specialized, with minimal “on and off” ramp capabilities for power to join and or be taken from it. Hydro-Québec is a government-owned public utility. Should the people of the Province of Quebec determine in the future that their domestic power needs require additional power or should Hydro-Quebec power become non-competitive in the NE-ISO market, this line could become outdated. Further, given the current rapid evolution of the energy sector, including transmission and generation, this transmission line could become unnecessary in the future. The Joint Applicants’ assumption that this power will be needed and competitive far into the future is nothing more than unsubstantiated conjecture.

One of the Joint Applicants, Public Service of New Hampshire (PSNH), has a recent history of not removing non-functional transmission poles. In 1985, when a portion of the line from North Woodstock through Lincoln, Easton, and Sugar Hill was upgraded, 215 pentachlorophenol and creosote soaked poles were dumped along the right-of-way, including in wetlands and streams near the Reel Brook Trail in White Mountain National Forest on the upper half of the existing right of way close to Easton's border with Lincoln. The Town of Easton filed numerous complaints with the State about this dumping, but not until this Application came forward were these poles suddenly removed. Many of the poles' stubs, which were similarly chemically treated, are still sitting in standing water.

Finally, the SEC has neither the experience nor staff nor equipment to enforce a non-compliant decommissioning plan that might be developed as late as six months before actual decommissioning, per the Applicants' waiver request; particularly if a LLC like Northern Pass declares bankruptcy. As coal mines close across the country, we are seeing that self-bonding and waiting until closure to develop a decommissioning plan is proving highly problematic, even though many of these mine-owning companies were until recently considered "too big to fail." The Northern Pass LLC is no different. The SEC rules were designed and intended to make these decommissioning promises a reality, and not leave New Hampshire with the Hobson's choice of a permanently-scarred landscape or a tax-payer funded bailout.


4. Counsel for the Joint Applicants agreed that AMC would have until March 11, 2016 to file its objection to the Waiver Requests. The SEC was informed of this agreement.

WHEREFORE, the AMC respectfully requests that the Applicants' waiver requests be denied.

Date: March 11, 2016.

Respectfully Submitted,

APPALACHIAN MOUNTAIN CLUB

By: 
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CERTIFICATE OF SERVICE

I hereby certify that on this day, March 11, 2016, a copy of the foregoing was sent by electronic mail to all persons named on the Service List in this docket.


William L. Plouffe, Esq.