

VIA EMAIL

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

Dear Ms. Monroe:

Re: SEC Docket No. 2015-06
Joint Application of Northern Pass Transmission, LLC and Eversource

Please find enclosed the Objection of the Nonabutting Property Owners: Ashland-Deerfield to the Applicants Request for Partial Waivers under the Newly Adopted SEC Rules

I am submitting this filing on behalf of Thomas Foulkes, who will serve as the Temporary Spokesman for our group of intervenors at the April 12 meeting.

Electronic copies are being sent by email (in a separate email because of the problems I understand some individuals to be having in sending to so large a group) to the Docket Service List.

Respectfully,

Charlotte Crane of the Webster Family Group
On behalf of Thomas Foulkes
Temporary Spokesperson for the Nonabutting Property Owners: Ashland-Deerfield

OBJECTION OF NON ABUTTING PROPERTY OWNERS: ASHLAND - DEERFIELD TO APPLICANTS' REQUEST FOR PARTIAL WAIVERS UNDER THE NEWLY ADOPTED SEC RULES

We, Non-Abutting Property Owners: Ashland - Deerfield object to the Applicants' partial waiver requests because we, the Subcommittee and other impacted individuals and entities are entitled to the information that the law requires the Applicants to provide for purposes of assessing the adverse impacts of the proposed project.

Northern Pass has filed a request for Partial Waivers from several legal requirements under the newly adopted SEC Rules:

- a. For information regarding alternative project locations as required under 301.03(c);
- b. For information regarding the entirety of all abutting properties, no matter what distance from the project corridor they extend, as required under Site 301.03(c):
- c. For the decommissioning plan required under Site 301.08(e):

The Applicants have not explained why they should not comply with the requirements of the rules from which they now seek waiver despite their prior knowledge of those rules. The Applicants admit that the Applicants anticipated the adoption of new rules and closely followed their development.

The Applicants went so far as to assert that the additional information with which they would supplement their Application to comply with the new rules would "not identify any new, increased, or different impacts" even though they knew that the new rules required them to do exactly that-to identify additional improvements, property lines, water and historic resources.

The waiver requests fly in the face of one of the important purposes of the statute and rules governing the siting process: to provide potentially impacted individuals and entities, such as ourselves, with sufficient information to understand whether and how a proposed development might impact them.

Northern Pass justifies not providing the required information the statutorily prescribed area with respect to historic and water resources, but providing the required information with respect to plants and wildlife "given the nature of plants and wildlife. (Request for Partial Waiver, p. 7) " This wrongfully assumes that the "nature" of water and historic resources is that they are somehow not as important or as sensitive as plants and wildlife. Applicants' disparate treatment of such resources, each of which have its own inherent and distinct value, is entirely unjustified. Indeed, one can imagine situations in which the nature of historic resources justify inclusion of an even broader area of study before determinations regarding site suitability can be made.

Northern Pass suggests that the fact that the fact that the agreement between it and a subsidiary of Hydro Quebec (the Transmission Service Agreement, also called the TSA) contains covenants between the parties regarding decommissioning should satisfy the requirements of Site 301.08(c)(2), and that therefore compliance with this rule should also be waived. We disagree, and urge the SEC to require compliance with its rule in all

respects. The fact that FERC may have found these covenants adequate does not preclude the Committee from requiring more.

The clear import of Site 301.08(c)(2) is to obtain an assessment, at the time of the application and not 35 years after the project is finished, of what it would take to decommission the transmission lines and restore the ROW to its earlier condition, and to ensure that the affected parties will have a direct remedy for the enforcement of the obligation at all times the the project is operating, rather than gradually accumulating over the last 5 years of the project.

Northern Pass asks that the physical specifications for decommissioning included in Site 301.08(c), including removal of underground components, also be waived. We strongly object. The appropriate time for consideration of such a waiver would be at some time in the future, when damage from such actions can be properly assessed. Northern Pass should not be allowed to exclude the costs of such compliance from amounts required to be estimated under Site 301.08(c)(2)(a) and assured under Site 301.08(c)(2)(b).

Requiring Northern Pass to comply with the letter of the law does not amount to the inappropriate "strict" compliance of which Northern Pass complains. Instead, requiring Northern Pass to comply with the rules appropriately meets the important purpose of the law in providing the public and the Subcommittee with adequate information to assess impacts of the project.

Since Northern Pass deems the requirement to follow the new SEC rules burdensome, we propose that they not object to petitions to extend the schedule to conclude December 19, 2017, as such schedule would give them additional time to comply with the rules.

We join the Society for the Protection of New Hampshire Forests and Counsel for the Public in requesting that the Subcommittee deny the Applicants' Request For Partial Waivers Under The Newly Adopted SEC Rules.

Date: April 7, 2016

Respectfully Submitted,

Joanna and Robert Tuveson

Nina and Elisha Gray

Rodney Felgate and Laura Felgate

Webster Family Group

Lawrence Phillips and Maxine Phillips

Lisa Wolford and Pamela Hanglin

F. Maureen Quinn

Madelyn and Thomas Foulkes

Jeanne M. Menard

NON ABUTTING PROPERTY OWNERS: ASHLAND - DEERFIELD

