

Via Email

April 7, 2016

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

NHPUC APR08'16 AM10:56

Dear Ms Monroe:

RE: SEC Docket No. 2015-06, Joint Application of Northern Pass Transmission, LLC and PSNH d/b/a Eversource

Please find enclosed the Objections of Abutting Property Owners: Ashland – Deerfield to 1) Applicant's Proposed Schedule 2) Applicant's Request for a Protective Order and Confidential Treatment and 3) Applicant's Request for Partial Waivers under the Newly Adopted SEC Rules.

Group members were polled for their positions regarding the above. Our group comprises 16 intervenors, nine of whom responded. All responders support the positions below with one exception. Taras and Marta Kucman support the schedule proposed by the Counsel for the Public. They support the other two positions below.

Electronic copies are being sent to the Docket Service List of April 7, 2016. A hard copy will be mailed today.

Sincerely,

Erick Berglund Jr
Temporary Spokesperson for the Abutting Property Owners: Ashland - Deerfield

CC: SEC email distribution list for Docket No. 2015-06 as of April 7, 2016

POSITIONS ADOPTED BY - Abutting Property Owners: Ashland - Deerfield

1. SUPPORT - Procedural Schedule proposed by the Forest Society which calls for Deliberations and Decision by November 2017
2. OPPOSE - Applicant's Unassented-To Motion for Protective Order and Confidential Treatment
3. DENY - Applicant's Request for Partial Waivers under the Newly Adopted SEC Rules (See below for specifics and reasons)

New Rules – Dec 16, 2015

A. Compliance with Site 301.03(c)(3) – (5) for Any Alternative Location the Applicant Considers Available.

- **RULE** – This requires NPT to provide certain map information for an alternate route of 47 miles of overhead lines in the original application. This was originally considered technically feasible and is now unavailable as NPT is using a different routing that makes the 47 mile route unavailable. NPT asks for a waiver of the requirement to provide information per this rule for the 47 mile line.
- **POSITION** – Permit waiver if NPT formally and officially removes this alternate 47 mile pathway from the project. Deny waiver if this condition is not met. Granting this waiver request without condition would not serve the public interest.

B. Location, Shown on a Map, of Property Lines, Residences, Industrial Buildings, and Other Structures and Improvements – Site 301.03(c)(3)

- **RULE** - This requires NPT to provide additional map information “on abutting property with respect to the site, and within 100 feet of the site if such distance extends beyond the boundary of any abutting property”. NPT asks for a waiver of the requirement to provide this additional map information.
- **POSITION** – Deny waiver. The Legislature was careful to require that all the information to assure understanding of the full impact of a project be provided in the Application. Granting this waiver request would not serve the public interest.

C. Identification of Wetlands and Surface Waters – Site 301.03(c)(4)

- **RULE** - This requires NPT to provide additional information regarding wetlands and surface waters. Specifically, to identify such wetlands and surface waters “within the site, on abutting property with respect to the site, and within 100 feet of the site if such distance extends beyond the boundary of any abutting property, except if and to the extent such identification is not possible due to lack of access to the relevant property, and lack of other sources of the information to be identified.” NPT has amended the original maps to include estimated and approximate wetland and stream boundaries as an alternative. NPT asks for a waiver of the requirement to provide additional information as detailed in the RULE and requests a waiver.
- **POSITION** – Deny waiver. Wetland, surface water and streams are among New Hampshire's most valuable natural resources and deserve rigorous attention and care. NPT is a project of enormous dimension and will impact NH and its residents far more

than we can expect. Therefore full detailed and accurate information about wetlands and water resources in and adjacent to the project area is a justified requirement. Granting this waiver request would not serve the public interest.

D. Identification of Natural, Historic, Cultural, and Other Resources – Site 301.03(c)(5)

- **RULE** - This requires NPT to provide information for abutting properties or at least out to 100 ft from the project. NPT is requesting a waiver or the requirement to provide this information needed for historical resources.
- **POSITION – Deny Waiver**. New Hampshire cherishes its place in the history of our country and its historic properties and sites. This additional information is necessary to enable a full assessment of the impact of NPT on historical resources. Granting this waiver request would not serve the public interest.

E. Waiver Request for Site 301.08(c)(2) – DECOMMISSIONING

RULE – Directs applicants for all energy facilities to submit:

A facility decommissioning plan prepared by an independent qualified person with demonstrated knowledge and experience in similar energy facility projects and cost estimates. The plan shall include each of the following:

- A description of sufficient and secure funding to implement the plan, which shall not account for the anticipated salvage value of facility components or materials
- The provision of financial assurances in the form of an irrevocable letter of credit, performance bond, surety bond, or unconditional payment guaranty executed by a parent company of the facility owner maintaining at all times an investment grade credit rating
- All transformers shall be transported off-site, and
- All underground infrastructure at depths less than four feet below grade shall be removed from the site and all underground infrastructure at depths greater than four feet below finished grade shall be abandoned in place

NPT is requesting a waiver for the following reasons:

- The decommissioning plan filed with the Federal Energy Regulatory Commission (FERC) satisfies this need.
- An independent third party for preparation of the plan is unnecessary as NPT has satisfied this by using an alternative method, their own highly trained and experienced personnel.
- The decommissioning rule is inapplicable given the fundamental difference between an electric transmission facility and generation facilities like wind energy projects.
- The purpose of the additional funding description and requirement that certain types of funding be employed is satisfied by an alternative method. Specifically, the Transmission Service Agreement (TSA) provides a satisfactory mechanism for funding the decommissioning of the NPT transmission line, if it were to occur.
- The requirement that infrastructure at depths less than four feet below grade be removed is in applicable. The project will be built on an existing utility ROW that is owned in fee by the companies or is controlled by them through perpetual easements.

POSITION – Deny Waiver. The decommissioning plan filed with FERC does not satisfy this requirement. It must be prepared by an independent and qualified professional with specific knowledge and experience in similar energy facility projects. The Legislature exercised thoughtful due diligence in requiring upfront financial assurances and guarantees to avoid any possibility of the state of NH, its citizens and its ROW owners incurring any cost of decommissioning. Granting this waiver request would not serve the public interest.

Respectfully Submitted,

Carol Currier

Taras and Marta Kucman

Erick B and Kathleen A Berglund

Rebecca Hutchinson

Torin and Brian Judd

Jo Anne Bradbury

Jeanne M Menard

Kevin and Lisa Cini

Bruce A Adami and Robert J Cote