

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 Site and Facility for the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

**THE ABUTTERS OF PITTSBURG, CLARKSVILLE,
STEWARTSTOWN CONTESTED MOTION TO COMPEL
FURTHER RESPONSES**

TO FIRST SET OF DATA REQUESTS

The Abutting Property Owners of Pittsburg, Clarksville, Stewartstown, as a group, hereby move pursuant to Site 202.12(k) for an Order compelling the Applicants to further respond to their data requests detailed below:

1. By Procedural Order dated June 23, 2016, the New Hampshire Site Evaluation Committee (“SEC”) directed the Applicants to file responses to individual intervenor group Data Requests by July 15, 2016.
2. On July 15, 2016, Applicants filed responses and objections to the Data Requests filed by the Abutters of Pittsburg, Clarksville, Stewartstown. One of the objections raised by the Applicants to several of the Group Data Requests was that the documents requested contained information that the Applicants deemed to be confidential. The Applicants further represented in their responses that they would produce certain (but not necessarily all) claimed and withheld confidential materials, if the parties entered into a confidentiality agreement.
3. On July 30, 2016, the spokesperson for the Abutters of Pittsburg,

Clarksville, Stewartstown entered into an agreed form of confidentiality agreement prepared by the Applicants and forwarded it to Applicants' counsel via email and mail. Today, August 15, 2016, we received the list of confidential materials, taken from the cover letter that accompanies the information when it is delivered; a hard copy as well as thumb drives were promised. These materials will not be received in time for us to review and make the deadline, which is today, August 15, 2016.

The Spokesperson of the Abutters of Pittsburg, Clarksville, Stewartstown respectfully requests that the SEC Order the Applicants to forthwith provide full and complete responses to our selected questions from our first set of data requests, listed below.

Dated: August 15, 2016

Respectfully submitted,

Abutters of Pittsburg, Clarksville, Stewartstown, as a group

Bradley J Thompson, Spokesperson

Abutters of Pittsburg, Clarksville, Stewartstown

By **CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of August, 2016, a copy of the foregoing was sent to the parties listed on the electronic Distribution List for this docket.

Bradley J Thompson

ABUTTERS OF PITTSBURG, CLARKSVILLE, STEWARTSTOWN’S MOTION TO COMPEL RESPONSES TO FIRST SET OF DATA REQUESTS

Data Request A1 1-1

This question relates to comments made in the pre-filed testimony of Kenneth Bowes that appears at Appendix 4 of the February 26, 2016 “Additional Information to Address Revised SEC Rules Effective as of December 16, 2015.” On Page 4 of this testimony, lines 10 and 11, Mr. Bowes stated: “the overhead portions of the HVDC line will consist of a 32-mile section where new rights have been secured to locate the line.” This 32-mile section does not include the 7.5-mile segment to be buried on town owned rights of way in the towns of Clarksville and Stewartstown. Please make available to us the evidence that “rights have been secured to locate the line” on County Road, North Hill Road and Bear Rock Road including the name of the legally authorized entity that agreed to the use of these roads for the project. **We represent a group of landowners along this section who have definitely not given said rights.**

Response: Object. The applicant is making the assumption that the authority of the Town of Pittsburg, Clarksville, and Stewartstown’s Board of Selectmen can be over-ridden (see RSA:231:161.) The Society for the Protection of New Hampshire Forests V. Northern Pass Transmission LLC, Coos County court decision does nothing more than send the decision-making back to the NH Department of Transportation.

Data Request A1 1-3

NPT has committed to a, “transmission maintenance program,” (TMPM). This maintenance program is a yearly aerial and foot-patrol of the transmission line. This would necessitate accessing all manholes—splice pits, for visual inspection on a yearly basis. Therefore, please confirm that in order to access these manholes, a

manhole cover and access chimney is necessary at each manhole. The Applicant's application does not show access to manholes. Please confirm that they will exist, and provide details of how they will be constructed.

Response: How is it that the "Transmission Maintenance Program" does not include inspecting the interior of Splice Pits? The actual splices would seem to be the most vulnerable points of failure. The statement, "require a specific design that will limit the impact at or near grade," is incredibly vague. We need to know what the Applicant is planning: Are the manholes exposed? Will the Applicant dig up the road every time they need to enter a Splice Pit? Please provide a copy of Eversource's Energy Company Policies and Procedures. What good is a "Foot Patrol" if you don't enter Splice Pits to inspect?

Data Request A1 1-4

Concerning direct burial, shouldn't the two 8" scheduled 40-conduit and the 3- 2.5" scheduled 40-conduit be totally encased in concrete due to safety concerns?

Response: We're not so much interested in the cable system operating in a safe manner, as we are with the potential catastrophe if someone excavating nearby should hit the conduit and cable. That is deeply concerning. Concrete encasement would be much safer. Wouldn't the 8-inch concrete from the concrete slab offer more protection if it were used to encase the conduit?

Can you better define what "thermally approved backfill" is? Does the use of this backfill have anything to do with heat given off by the cable, as it lays on the conduit? Also, please better define, "thermally approved backfill that are concrete in nature." Is the backfill really concrete, delivered from a Reddi-Mix truck?

Data Request A1 1-11

Concerning direct burial, what is the purpose of the three-2.5" scheduled 40-conduit?

Response: Does this answer mean that NPT is anticipating entering into a contract with a tele-communications/fiber-optics entity? Is it true that these same fiber-optic cables will be strung on all overhead towers and travel the complete 188 miles?

Data Request A1 1-12

There will be three types of burial on the Roads of Clarksville and Stewartstown (both dirt and paved). We are concerned about the final restoration of our roads. The three types of construction are: a.) total demolition of the road to place the 21 manholes—splice pits, b.) a 4' 6" +/- ditch at direct burials c.) no road damage at the 7 pipe jack locations, except for excavation of each pipe jacking pit (large excavation at each end of a pipe jack). Please state in detail how you intend for the final outcome to be a consistent restoration of the roads themselves and please produce all documents that evidence discuss or relate to your plans for restoration of the Roads of Clarksville and Stewartstown.

Response: "Restored to meet existing conditions prior to construction" and "Roadways will be restored in accordance with NH DOT requirements," are two very contradictory answers. Which one is it?

Data Request A1 1-13

Will the NH DOT maintained section of Bear Rock Road disturbed by the project be completely re-paved as final restoration?

Response: Object. The applicant is not answering the question. At A1 1-12, the Applicant says they will restore the roads to existing prior conditions. We need specific details now, and not prior to construction.

Data Request A1 1-14

Has the Applicant performed any studies on how stationary manholes will perform in dirt roads, relative to frost and mud conditions?

Response: Object. The Applicant has not answered the question. If the answer to A1 1-14 is “NO,” then the Applicant needs to present a detailed plan on how they intend to “restore the roads to existing prior conditions.” Has the Applicant even buried a precast concrete Splice Pit in a dirt road? Do they have any experience with this type of design and this construction?

Data Request A1 1-15

Stewartstown Road Agent Robert Brooks has great concern over snow removal on dirt roads with manholes, in particular, causing damage to his equipment. Road agents will have to live with these manholes for decades. Please identify any other situations in NH where burying manholes—Splice Pits in a dirt road condition has worked successfully.

Response: Object. The Applicant’s answer to this question really begs the question of how the Applicant will handle maintenance and inspection of the Splice Pits. Please see questions A1 1-3.

Concerning the issue of snow removal at Splice Pits and conduit burial, is enough heat released from the cable to keep the ground above the pits and cables free from freezing?

Data Request A1 1-16

Please describe in detail the exact locations, ownership and dimensions of all property where the Applicant plans to locate staging areas during construction of underground lines in Coos County.

Response: Object. This answer is vague at best. The laydown and staging areas need to be identified now. Potential wetlands, endangered species, oil contamination and restoration are huge concerns. Transition Stations #3 and #4, plus one laydown area in Clarksville, do not seem to be anywhere near enough for work areas. And, Transition Station #4 is built in

to a steep, sloped area. It would appear useless for use as a staging area.

Data Request A1 1-18

The landowners owning the Clarksville and Stewartstown Roads where NP proposes to bury its 7.5 miles in Clarksville and Stewartstown contend the Applicants have no legal right to trespass under these roads, on private land. Some landowners on both sides of these roads have conveyed conservation easements that prohibit overhead or underground transmission lines on their land. All residents along the 7.5-mile direct burial, are supplied electricity by NH Electric Co-op. How do the Applicants justify their assertion that they can bury the Project in these privately owned lands? Please produce all documents that evidence, discuss or relate to the Applicant's claims to be entitled to use each of the Clarksville and Stewartstown Roads for burial of its Project.

Response: Object. Is this the best you can do in answering this question? Your argument that refers to the 1980 Superior Court Decision of Public Service of New Hampshire V. Town of Hampton, does not hold water. This court decision does not, in any way, give the SEC the authority to override the Towns of Clarksville's and Stewartstown's Board of Selectmen, to permit or not permit, the installation of a transmission line.

GENERAL OVERALL RESPONSE: The answers to many of our questions might be easily answered by direct phone communication with the Applicant's construction engineers. I would look forward to that conversation.