

From the Non-Abutting Property Owners: Stark, Lancaster, Whitefield, Dalton and Bethlehem, NH

August 14, 2016

By E-MAIL and US Mail

Pamela Monroe, Administrator (pamela.monroe@sec.nh.gov)
The New Hampshire Site Evaluation Committee (SEC)
Public Utilities Commission, Martin Honigberg, Chairman
21 South Fruit Street, Suite 10, Concord, NH 03301-2429

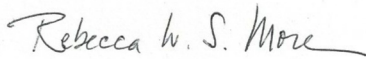
**RE: State of New Hampshire Site Evaluation Committee - Docket No. 2015-06
Joint Application of Northern Pass Transmission, LLC and Public Service Company
of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility**

Dear Ms. Munroe and Chairman Honigberg,

Enclosed please find our Motion to Compel Discovery regarding the Applicant's Response to the First Data Requests of the Non-Abutting Property Owners: Stark, Northumberland, Lancaster, Whitefield, Dalton and Bethlehem, NH (NAPO-SB) in the above-captioned proceeding. This Intervener group was confirmed by the New Hampshire Site Evaluation Committee by its Order of May 20, 2016, p. 34.

Copies of the enclosure have been forwarded via e-mail to all parties on the enclosed distribution list.

Sincerely,



Rebecca W. S. More, Ph.D.
Secretary

On behalf of the Non-Abutting Property Owners: Stark, Northumberland, Lancaster, Whitefield, Dalton and Bethlehem, NH: Alexandra M. Dannis and James G. Dannis, John W. Davidge for Prospect Farm-Lancaster, LLC, Andrew D. Dodge, Wendy Doran, Frederic P. Fitts, Joseph Keenan MD, Frank and Kate Lombardi, Marsha J. Lombardi, Richard M. McGinnis, Rebecca Weeks Sherrill More, PhD for the Weeks Lancaster Trust, Mark W. Orzeck and Susan Orzeck; Edward A. Piatek, Gerald and Vivian Roy, Linda Upham-Bornstein PhD.

cc: Barry Needleman, Esq., McLane, Middleton, Professional Assoc., 11 South Main St., suite 500, Concord, NH 03301
Peter C. L. Roth, Esq., Counsel for the Public
Intervener Spokesperson List via E-mail

STATE OF 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

MOTION TO COMPEL DISCOVERY RELEVANT TO THE FIRST DATA REQUESTS by the Non-Abutting Property Owner Interveners: Stark, Northumberland, Lancaster, Whitefield, Dalton & Bethlehem (NAPO-SB)

As per the May 20 2016 Order by the SEC "Review of Intervention" (p. 34), the Non-Abutting Property Owners: Stark, Northumberland, Lancaster, Whitefield, Dalton and Bethlehem, as a group [NAPO-SB] submitted thirty-six (36) carefully considered First Data Requests on Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively, the "Applicants") pursuant to N.H. Admin. R. Site 202.12 and the Temporary Procedural Schedule ordered April 22, 2016.

Fundamentally, the NAPO-SB Interveners are disappointed with the quality and extent of the Responses by the Applicant to our careful considered 1st Data Requests. In our estimation, the Responses are Formulaic and do not provide serious, substantive answers to our concerns for more information about the impact of this proposed project on our communities and property.

The result is that we, like many in the North Country, are left with the impression that the Applicant has no serious interest in the impact of this project and believes that it can proceed with impunity. We believe that the vast scale of this Proposed Project requires that it should be held to the highest standard. Applicant responses that do not comply with the specified Instructions or provide inadequate/ dismissive answers (see examples below) suggest that the Applicant does not take seriously the genuine concerns of the public with regard to the potential Impact of this massive project. Our 1st Data Requests were intended to help us, and the general public, understand more precisely what the results of this proposal might be in our area. The unwillingness of the Applicant to respond appropriately suggests that they are not willing to undertake a project worthy of the State of New Hampshire's unique landscape.

As humble interveners without access to legal representation, we request that the SEC review the Nature of the Responses provided to All Interveners and Compel the Applicant to Provide Substantive and detailed information for each and every local within a 20-mile ZVI. It should be noted that in our area, viewsheds extend far beyond 20 miles.

SPECIFIC EXAMPLES OF INADEQUATE APPLICANT RESPONSE

I. Under INSTRUCTION #4, we asked for the following: " Please organize the responses to each data request so that *Your answer self-contained*. With respect to each data request, please do not refer to or incorporate by reference any documents or information that are not set forth completely in your answer. Rather, please include in each answer all information that is responsive to each such data request that it is clear which specific Documents, Information, and Communications are being furnished in response to each data request. In addition, describe with specificity precisely which portion or portions of a Document, Information, and/or Communication are responsive to a particular data request. If a Document, Information, and/or Communication is responsive to more than one data request, it is not necessary to supply duplicate copies. Instead, simply state that the Document, Information, and/or Communication has already been provided, state which data request the Document, Information, and Communication has already been provided under and state specifically which portion or portions of the Document, Information, and/or Communication are responsive to each portion of each of the data requests to which the Document, Information, and Communication applies."

#5 instructed the Applicant to: "If there is an objection to any data request, please State the Basis of the objection."

A) *Typical Inadequate, Non-compliant Response*: To NA2 1-33 (p. 40): "Please explain why the proposed Project is buried between the Bethlehem substation and Plymouth and not within the Subject Towns.
Response: Please see the Applicants' Response to Conservation Law Foundation, Appalachian Mountain Club, New Hampshire Sierra Club, and Ammonoosuc Conservation Trust's Data Request NGO 1-1."

Twenty-two out of thirty-six (22/36) Responses are similar to NA2 1-33 [NA2 1-4; NA2 1-5; NA2 1-6; NA2 1-10; NA2 1-12; NA2 1-13; NA2 1-14; NA2 1-15; NA2 1-16; NA2 1-17; NA2 1-18; NA2 1-19; NA2 1-20; NA2 1-21; NA2 1-22; NA2 1-24; NA2 1-28; NA2 1-31; NA2 1-32; NA2 1-34; NA2 1-35]. They neither complies with Instructions # 4 or #5, nor answer the Question we raised with regard to our specific area.

II. Examples (4) of Inadequate Responses to NAPO-SB Data Requests:

A) NA2 1-3: "Please provide and document all specific data with regard to the Project Maps 40 - 77 regarding *the In-ground Footings required to support all of the five-hundred and fifty four (554) new structures to be installed within the Subject Towns*. Detailed request for information was designed to elicit helpful information concerning the Impact of blasting, landscape destruction, etc. in our fragile and beautiful Region.

Responses: (a) - (e) For a general description of the foundations and structures, including materials and construction methods used, please refer to the Application at Pages 28 and 42. Specific details of the foundation design will be determined prior to commencing construction. The Project will conduct geotechnical investigations and utility and ground survey, which will help refine the overall project design including determining the depth and size of structure foundations and whether or not blasting is required. *It is expected that this work will be completed in the summer of 2017.* In general, a lattice structure will sit on four separate piers and a monopole structure will sit on one large pad. The size and depth of each foundation or pier is dependent on the soils type, depth to rock and the size of the structure among other things.

(f) Drilling operations typically occur for two to five days at each structure location for drilled piers. Installation of grillage foundation will typically take two to three days at each structure location. The schedule for detailed construction activities including specific foundation installations has not been developed at this time. It will be developed over the next year and will be complete in the summer of 2017.

(g) As is outlined in the response to (a) - (e) above, the Project will be performing geotechnical work to determine the depth and size of structure foundations and whether or not blasting is required at certain locations. Where applicable, pre- and post-blast studies will be conducted as in outlined in the Pre-Filed Testimony of John Kayser on Pages 10 and 11..."

This response (and that to others such as NA2 1-11) is inadequate because it excuses its non-answer based on lack of preparatory studies. A project of this magnitude should leave NOTHING to chance. We believe that the Proposed Project should not be permitted to commence UNTIL and AFTER all the relevant studies have been undertaken, completed and submitted for Review by the SEC and other relevant State and Federal agencies. If the project were issued a permit and Post-Permit studies resulted in widespread environmental damage and impact in the Subject Towns, there would be NO mitigation possible to reverse the negative impact. Since the SEC process will not be completed until at least the fall of 2017, then we believe it is in the best interests of the State that careful assessment of any proposed construction impact be done well in advance and made fully public. Such studies should require many further months or years of review.

B) NA2 1-9: " Please produce Documents and Information that evidence, discuss or relate to the HVTL constructions within the Subject Towns discussed or referenced in the Chalmers Report, including without limitation identification of the date of such construction."

The response does not provide the requested information and merely identifies in a general way three (3) areas NOT within the Subject Towns rather than "produce Documents and Information that evidence, discuss or relate to the HVTL constructions within the Subject Towns discussed or referenced in the Chalmers Report."

See also the Response to NA2 1-18 & NA2 1-19. The Chalmers Report deals with an issue of extreme importance to ALL property owners and township governments within the Subject Towns - property values and the impact of the proposed project on property within the area. The lack of specificity in the Chalmers Report is of deep concern to property owners in the Subject Towns. Furthermore, property owners in the Subject Towns have been unable for the past six (6) years to hire qualified MAI real estate appraisers to confirm or deny the validity of the Chalmers Report. We request that the SEC and/or the CFP investigate whether or not actions by the Applicant or its owners have resulted in *Restraint of Trade* and, therefore, denied Property Owners in the Impact area their civil rights.

C) NA2 1-34 Please provide Visual Photo-simulations that correlate to cross-section diagrams of each and every proposed structure within the Subject Towns, so that the Visual Impact is accurately depicted within the 10-mile ZVI along the proposed Project route.

Response: The Applicants object to this request to the extent it requires the Applicants to create new photosimulations, provide additional photosimulations, or develop additional data that is not already contained in the Application or that is not in the care, custody, or control of the Applicants.

Notwithstanding the objection, the Applicants answer as follows:

As part of its Visual Impact Assessment, Appendix 17, the Applicants have developed numerous photosimulations to illustrate how the Project will look from Key Observation Points and the surrounding landscape. Also, as part of its Additional Information to Address Revised SEC Rules Effective as of December 16, 2015 submittal, the Applicants submitted photosimulations from representative private properties along the Project's route. See Attachment 8 to the Applicants' supplement submitted on February 26, 2016 and available on the SEC's website.

It is our belief that the Applicant can, and should, provide better Visual Photo-simulations and other Visual Impact data, regardless of the shoddy work done to date. Response NA2 1-21 with regard to the Mountain Road (the name is NOT "the Mount Prospect Road Scenic Byway"), the first Scenic Byway established in the State of New Hampshire, is a case in point. With regard to Weeks State Park, a significant touristic, historic and cultural resource for the State and the North Country, our local Analysis of the Visual Photo-simulations and other Visual Impact data submitted to both the SEC and the DOE (as well as the methodology which produced them) concludes that the results are inaccurate, inadequate and, therefore, misleading to the public. If these Visual Impact Analyses need to be augmented or redone, that would be the responsibility of the Applicant - without excuses.

D) NA2 1-35 "Please describe the standards and criteria you used to identify all historical and cultural sites/structures, including but not limited to National Register sites such as Weeks State Park (including the Lodge, Tower, Servants lodging, and garage), National Register-eligible sites, historic locations such as LeGro Hill, and cemeteries, within ten (10) miles of the proposed Project within the Subject Towns.

Response: The methodology for above ground historic sites that would potentially be impacted (directly or indirectly) by construction of the Project is described in the Application: Appendix 18 - *Northern Pass Transmission Project Assessment of Historic Properties*, specifically at Pages 6-18 and 29-32. The criteria for assessing eligibility and potential effects is set forth on Pages 4-5 of the Assessment. Please note that the Area of Potential effect for the historical resources assessment for this project is generally 1 mile on both sides of the centerline, not 10 miles."

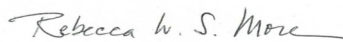
It is our understanding that the SEC specifies a ZVI of 10 miles and that a ZVI of 20 miles has been accepted. Regardless of what is "general", we requested Data within the limits of the SEC's stated ZVI, not the APE - and are entitled to a substantive answer regarding the specified properties.

The NAPO-SB group hopes that the SEC will require the Applicant to provide this information, not just to the NAPO-SB Interveners, but also to all Intervener groups. We note that while our Data Requests are specific to our area of northern Grafton and southern Coös counties, they represent the concerns of not only MANY interveners, but the general public as well.

Dated: August 14, 2016

Respectfully submitted,
Non-Abutting Property Owners: Stark, Northumberland, Lancaster,
Whitefield, Dalton, Bethlehem NH Interveners, as a group

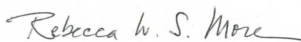
By



Rebecca W. S. More, Ph.D., Secretary for the group

CERTIFICATE OF SERVICE

I hereby certify on this 14th day of August 2016, that a copy of the foregoing was sent to the parties listed on the electronic Spokesperson Distribution List for this docket.



Rebecca W. S. More, Ph.D.