

**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

**COUNSEL FOR THE PUBLIC'S MOTION FOR
ADDITIONAL SITE INSPECTIONS**

Counsel for the Public, by his attorneys, the Office of the Attorney General and Primmer
Piper Eggleston & Cramer PC, respectfully requests that the Committee schedule additional site
inspections, and in support states as follows:

A. BACKGROUND.

1. On October 19, 2015, Northern Pass Transmission, LLC and Public Service
Company of New Hampshire d/b/a Eversource Energy (collectively, the "Applicants"),
submitted a Joint Application for a Certificate of Site and Facility (the "Application") to the New
Hampshire Site Evaluation Committee (the "Committee" or "SEC") to construct a 192-mile
transmission line to run through New Hampshire from the Canadian border in Pittsburg to
Deerfield (the "Project").

2. On November 2, 2015, pursuant to RSA 162-H:4-a, the Chairman of the
Committee appointed a Subcommittee (the "Subcommittee") to consider the Application.

3. On December 18, 2015, the Subcommittee issued an order accepting the
Application pursuant to RSA 162-H:7.

4. Pursuant to orders dated March 3, March 10 and March 11, 2016, the
Subcommittee conducted the following Site Inspections, which were largely designed and guided
by the Applicants, during which certain of the Applicants' experts were present to address and
answer questions of the Subcommittee members:

- (a) March 7, 2015 – The border crossing at Hall Stream Road in Pittsburg; transition Stations 1-4; and locations in Clarksville and Stewartstown;
- (b) March 8, 2015 – Locations in Stark, Lancaster, Whitefield and Bethlehem;
- (c) March 14, 2015 – Transition Station 6, the Webster substation, the site of the Franklin Converter Station, and road crossings in Bristol and Thornton; and
- (d) March 16, 2015 – Locations in Concord, Pembroke, Allenstown and Deerfield.

5. The above site inspections were conducted during winter conditions, in limited locations, for only the overhead portion of the Project, and prior to any discovery in this proceeding and prior to the retention by Counsel for the Public of expert witnesses on aesthetics, historic sites, local economics, and civil engineering. The Subcommittee's inspections did not include the 60 miles of underground sections of the Project. The Applicants submitted underground design information in late November and December 2016 to enable the identification of some of the impacts of the underground construction.

6. Among other things, the Subcommittee will receive testimony and evidence on whether or not (a) the Project will unduly interfere with the orderly development of the region, and (b) the Project will have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, and the natural environment. See RSA 162-H:16.

7. In addition, the Subcommittee is required to consider numerous factors and to balance the Project's benefits and impacts in order to determine if issuing a certificate will serve the public interest, which necessarily will include consideration of economic impacts on host communities. See RSA 162-H:16.

8. Given the size (\$1.66 billion), geographic scope (192 miles, five (5) counties and 32 towns), and complexity (over 30 days of technical sessions) of the Project, and the significant

public interest and participation in this proceeding (over 160 Petitions to Intervene, over 350 written public comments, and over 1,000 attendees at public information sessions and public hearings), consideration of the Application will require the Subcommittee to undertake significant due diligence. Indeed, the Subcommittee has recognized that “[t]his matter is without precedent in New Hampshire.” Order on Petitions to Intervene, March 18, 2016, p. 47.

9. The evidence that the Subcommittee must consider includes reports and testimony on (a) many key observation points and scenic resources along the route; (b) many historic sites; (c) many culturally significant landscapes and resources; and (d) numerous impacted wetlands, bodies of water and natural resources, many of which were not studied or known prior to the previous site visits. The Subcommittee also will receive evidence and must consider the impact on several communities from both the Project’s two-year construction activities as well as its 60-plus years of operations.

10. Counsel for the Public believes that in order to aid the Subcommittee’s understanding of the evidence during the adjudicative hearings and to complete the Subcommittee’s due diligence in rendering a decision on the Application, the Subcommittee should schedule additional site visits of selected locations along the route. These could include some key observation points/scenic resources, historic and culturally sensitive areas, and areas along the underground route, including locations of extensive drilling that will cause lane/road closures that will impact certain towns and impact regional development. The Applicant only recently produced developed plans on the underground sections and the Subcommittee saw only a very modest part (Plymouth) of the 60 miles of underground in its previous site inspections.

11. The additional site visits can include viewing the general areas along the route when traveling between specific sites where the Subcommittee would make stops to view photo

simulations. This would provide the Subcommittee with overall context of the proposed route and the area in which any specific site is located.

12. Counsel for the Public believes that the Subcommittee should set aside up to four (4) days for additional site inspections. The parties should attempt to agree on the location of those site inspections, and provide the agreed upon list to the Subcommittee within 10 days of the granting of this motion.

13. If the parties are unable to agree upon the locations for additional site inspections, each party should file, within 15 days of the granting of this motion, a list of no more than 15 locations for the Subcommittee's consideration. The Subcommittee can then decide what locations to visit and when to schedule the inspections. The Subcommittee should schedule inspections during fair weather non-winter conditions.

The Spokespersons for the Following Parties Concur in this Motion:

Municipal Group 1-South

Municipal Group 3-North

Abutting Property Owners (overhead portion), Whitefield, Dalton, and Bethlehem

NEPGA

Appalachian Mountain Club, Conservation Law Foundation, Sierra Club Chapter of NH, and Ammonoosuc Conservation Trust

Abutting Property Owners (overhead portion), Dummer, Stark, and Northumberland

Combined Group of Intervenors Clarksville-Stewartstown

Non-Abutting Property Owners (overhead portion), Stark, Lancaster, Whitefield, Dalton, and Bethlehem

Abutting Property Owners (underground portion), Bethlehem to Plymouth

The Applicants' Take the Following Position:

The Applicants are not persuaded that additional site visits are necessary or consistent with the efficient conduct of the proceeding but, in the event that the Subcommittee determines to make such visits, the Applicants ask that any additional dates not interfere with the scheduled adjudicative hearings. The Applicants appreciate the logistical challenges in establishing the current schedule, as well as conducting site visits, and are concerned about the challenges that would be involved in changing or expanding the schedule to accommodate additional site visits. As for the specific proposal made by the Counsel for the Public, the Applicants have concerns with the underlying premise, which seems to be that the site visits would be focused solely on certain key observation points/scenic areas, sensitive areas, or the like. The Applicants believe that, if the Subcommittee determines to add some number of site visits, it should conduct them in consideration of the larger context in which any specific locations may occur. For instance, the Applicants would not oppose a general tour of the underground locations, recognizing that there may be areas of particular interest along the way.

The remaining parties have not responded.

WHEREFORE, Counsel for the Public respectfully requests that the SEC:

- A. Order that the parties confer and file, within 10 days from the granting of this motion, an agreed upon list of locations for the Subcommittee to consider inspecting;
- B. Order that if the parties are unable to agree upon a list of locations for additional site inspections, individual parties and spokespersons shall file, within 15 days from the granting of this motion, a list of up to 15 locations for the Subcommittee to consider inspecting; and

- C. Order that the Subcommittee shall take additional site inspections that the Subcommittee deems appropriate, prior to the close of evidence in the adjudicative hearing; and
- D. Grant such other and further relief as may be just.

Respectfully submitted,

COUNSEL FOR THE PUBLIC,

By his attorneys,



Dated: January 31, 2017

By: Peter C.L. Roth, Senior Assistant Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3679

PRIMMER PIPER EGGLESTON & CRAMER PC,



Dated: January 31, 2017

By: Thomas J. Pappas, Esq. (N.H. Bar No. 4111)
P.O. Box 3600
Manchester, NH 03105-3600
(603) 626-3300
tpappas@primmer.com

-and-

Elijah D. Emerson, Esq. (N.H. Bar No. 19358)
PRIMMER PIPER EGGLESTON & CRAMER PC
P.O. Box 349
Littleton, NH 03561-0349
(603) 444-4008
eemerson@primmer.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION FOR ADDITIONAL SITE INSPECTIONS has this day been forwarded via e-mail to persons named on the Distribution List of this docket.

Dated: January 31, 2017

By: 
Thomas J. Pappas, Esq. (N.H. Bar No. 4111)