

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

Docket No. 2015-06

**MOTION FOR EXPEDITED ORDER RELATIVE TO
LOCAL PERMITS, LICENSES AND ORDINANCES**

The City of Concord and the Towns of Bethlehem, Bristol, Easton, Franconia, Northumberland, Plymouth, Sugar Hill, Whitefield, Bridgewater, New Hampton, Littleton, Deerfield, Pembroke and Ashland Water & Service District (collectively “the Parties”) submit this motion seeking an expedited order relative to requirements for the applicant to obtain local permits and licenses and to comply with ordinances, stating as follows:

I. INTRODUCTION

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. The Project is currently proposed to travel through the boundaries of thirty-one municipalities. The municipalities that could be required to host the proposed Project are Allenstown, Ashland, Bethlehem, Bridgewater, Bristol, Campton, Canterbury, Clarksville, Concord, Dalton, Deerfield, Dixville, Dummer, Easton, Franconia, Franklin, Hill, Lancaster, Millsfield, New Hampton, Northfield, Northumberland, Pembroke, Pittsburg, Plymouth, Stark,

Stewartstown, Sugar Hill, Thornton, Whitefield, and Woodstock. All of the municipalities (or their various boards and commissions) have intervened except Allenstown, Campton, Dixville, Dummer, Hill, Lancaster, Millsfield, Northfield, Stark, and Thornton.¹

3. The undersigned municipalities now file this motion seeking an order from this Committee to confirm that the Applicants are required to receive local permits and licenses in the event that the Project is approved by the Committee. By raising the issues in this motion, the municipalities are not suggesting that the Project should be approved as it is currently proposed. However, in the event that the Committee approves the proposed Project, which is disputed, the municipalities recognize that they will need to work with the Applicants and their contractors to ensure that local regulations are followed. Similar to any other project that occurs in a municipality, such compliance is monitored through the issuance of permits and licenses, which the Applicants are required to obtain. This is discussed further as follows.

II. LOCAL PERMITS AND LICENSES REQUIRED

A. Poles and Wires Licenses or Permits under RSA 231:161

4. One of the licenses that is required to be received by the Applicants is a permit or license agreement to use and occupy the public right-of-way in accordance with RSA 231:161, I(a) and (b). Under New Hampshire law, a permit or license agreement is required by any person, copartnership or corporation to erect or install poles, structures, conduits, cables or wires in, under or across all public state and local highways.

5. For this proposed Project, the Applicants propose to install conduit, cable, wires, poles, structures, and devices across, over, alongside, and under both state and local highways.

¹ There are various reasons why the municipalities may not have intervened, including the cost, time, and/or expertise required to navigate through the SEC process. The fact that a municipality has not intervened does not indicate that it supports this proposed Project. For example, the towns of Campton, Lancaster, and Thornton passed warrant articles at their town meetings indicating their disapproval of the proposed Project.

With respect to state highways, the Applicants have submitted a petition to the Department of Transportation for state maintained crossings in accordance with RSA 231:161, I(c). This petition is currently pending. Application at Appendix 9, [Available Here](#).

6. With respect to locally maintained road crossings, the Applicants have identified that there will be crossings on public highways maintained by the Towns of Allenstown, Bristol, Canterbury, Clarksville, Dalton, Deerfield, Dummer, Lancaster, Northfield, Northumberland, Pembroke, Pittsburg, Stark, and Stewartstown and the cities of Concord and Franklin.

Application at Appendix 10, [Available Here](#). More specifically, with respect to local public highways, there are proposed to be at least 71 aerial crossings and four underground roadway installation sections.

7. The Applicants have asserted that they are not required to receive a permit or license from municipalities for the installation across, over, under and alongside locally maintained highways.² The Applicants have also asserted that municipalities do not have any permitting or licensing role regarding the utilization of municipally maintained highways. As discussed below, the Applicants' position that the Committee has exclusive authority is inaccurate and would result in the violation of clear statutory procedures.

8. RSA 231:160 sets forth the specific procedures for utilization of the public right-of-way. It provides that:

Telegraph, television, telephone, electric light and electric power poles and structures and underground conduits and cables, with their respective attachments and appurtenances may be erected, installed and maintained in any public highways and the necessary and proper wires and cables may be supported on

² This issue of licenses and permits under RSA 231:160 was recently briefed and argued in a petition for declaratory judgment action filed by the Society for Protection of New Hampshire Forests and a number of municipalities in Docket No. 2016-03, [Available Here](#). The SEC dismissed the case, and during the public hearing, notified the petitioners that the issue of licenses and permits is more appropriately raised in this docket. A number of municipalities sent public comment letters to the Committee in that docket asserting that permits to cross a locally-maintained road needs to be received even when a project is approved by the Committee. Those letters are incorporated by reference, and are [Available Here](#).

such poles and structures or carried across or placed under any such highway by any person, copartnership or corporation *as provided in this subdivision and not otherwise*.

RSA 231:160 (emphasis added). RSA chapter 231 contains a comprehensive set of laws that governs the installation of poles and wires through public rights-of-way. The term “not otherwise” means that the authority set forth in that subdivision is not subordinate to any other state statute or rule governing the same subject matter.

9. The purpose of the licensing scheme is to ensure that the poles do not interfere with the safe, free and convenient use for public travel over the highway, as well as that the ultimate responsibility is placed on a utility company for injuries resulting either from an unlicensed pole or from a licensed pole if negligently located or maintained. *See Gorman v. New England Telephone & Telegraph Co.*, 103 N.H. 337 (1961) (discussing predecessor statutes governing poles and licenses in the right-of-way). The statute provides that no utility line or structure may be placed within a public right-of-way without a license from the state or local municipality. The *only* exception to this rule is set forth in RSA 231:160-a, which states that the location of the poles, structures, cables or wires shall be deemed legally permitted only when approved by the “local land use board” as part of a subdivision, site plan or other development approval. In such instances, records of the easements, work plans or other data showing the location of all structures must be submitted to the municipality for recording purposes. RSA 231:160-a.

10. The process for obtaining a permit or license for town or city maintained highways is currently set forth under RSA 231:161, I(a) and (b). With respect to both town and city maintained highways, a petition is required to be submitted to the local governing body, the selectmen (for towns) or the board of mayor and alderman or city council (for cities). RSA

231:161, I(a) and (b). The authority to regulate locally-maintained highways may be delegated by the governing body to an agent.³ *Id.*

11. The remaining subsections of RSA 231:161 through 182 govern the specifics of the permits and licenses, including their effect, effective life, required specifications, and the conditions for granting them. RSA 231:161, II-VI. A utility is only permitted to use and occupy a local right-of-way in accordance with the issuance of license agreements. RSA 231:161. Under the statutory scheme, a utility that has been issued a license will be required to pay damages in the event a person or property is injured by utility infrastructure within the highway limits. RSA 231:176. The requirement for all utilities to obtain a permit or license under RSA Chapter 231 is important because it ensures that municipalities will have oversight and knowledge of all infrastructure using and occupying the public right-of-way.

12. By way of example, in the City of Concord, the City's Poles and Wires Committee reviews and grants license agreements for entities to use and occupy the City's right-of-way. A sample license agreement is attached as Exhibit A. The license is used as the method for the City to keep track of poles and wires for taxation purposes under RSA 72:23, I(b), which is the statute that requires municipalities to tax utilities for the use and occupancy of the public right-of-way. When the City of Concord's Department of Real Estate Assessments receives information through a license agreement that an entity is using and occupying the City's right-of-way, the Assessing Office then conducts an inquiry to assess the appropriate tax. The license includes language that specifically requires the utility to pay taxes under RSA 72:23, I(b). The license also includes language that requires utilities to provide annual reports of progress, which

³ For example, in the City of Concord, a Poles and Wires Committee has been established to oversee the issuance of license agreements for city-maintained highways. City of Concord Code of Ordinances, Article 30-3-22, [Available Here](#). The Poles and Wires Committee consists of the Director of Public Works, City Engineer, and Planning Director. *Id.* at Article 5-4-1, [Available Here](#).

is used to determine the status of construction as of April 1st to ensure that all utilities are added to the City's inventory for taxation. During the review process, depending on the nature of the project and the infrastructure proposed, the Poles and Wires Committee works with the utility to identify all proposed access roads (temporary and permanent) and ensure appropriate use of the public right-of-way.

13. It should be noted that the issuance of a poles and wires permit or license is predominantly a ministerial process that is regularly conducted in municipalities, and it is not intended to be a cumbersome process for utilities. Moreover, the Parties acknowledge and recognize that in the event that the Project is approved, the municipalities may not deny a permit or license merely because they disagree with the Project. *See, e.g., Parker-Young Co. v. State of New Hampshire*, 83 N.H. 551, 555-57 (1929) (holding that municipality could not deny license on grounds that it disagreed with the Public Utility Commission's (formerly known as the Public Service Commission) determination that the project was in the public good). Indeed, any suggestion that the municipalities would withhold permits or licenses on such grounds is entirely unfounded, and should not be used as a basis for eliminating the requirement of receiving a local permit.

14. In short, the SEC's authority to issue or not issue a Certificate of Site and Facility for this Project does not extend so far as to supplant the authority of a municipality to issue or not issue a permit or license for the utilization of municipally maintained highways in accordance with RSA 231:159 *et seq.* This is unlike the roles that state agencies play regarding this Project, because RSA 162-H:7-a explicitly limits and defines those roles. RSA 162-H places no such limit on the authority RSA 231:159 *et seq* gives to municipalities.

15. It should also be noted that the New Hampshire Supreme Court's decision in *Public Service Company of N.H. v. Hampton*, 120 N.H. 68 (1980) does not support the argument that the SEC process preempts the municipal review of local highway crossings. In *Hampton*, the utility sought an order declaring void, as applied to it, the votes of towns taken *five years after* the SEC approved the energy project at issue to adopt certain ordinances requiring all electric transmission lines over 69,000 volts to be buried underground. *Id.* at 69-70. The trial court held that RSA chapter 162-F preempted a municipality's ordinance that would require transmission lines to be buried. This narrow holding is inapposite to whether a utility is required by *explicit state law* to obtain a permit or license under RSA 231:161.

16. Finally, it should be noted that the SEC rules anticipate the interplay between RSA 162-H and RSA 231:159 *et seq.* New Hampshire Administrative Rule Site 301.03(c)(6) requires an application for site certification to contain:

Evidence that the applicant has a *current* right, an option, or other legal basis to acquire the right, to construct, operate, and maintain the facility on, over, or under the site, in the form of:

- a. Ownership, ground lease, easement, or other contractual right or interest;
- b. A license, permit, easement, or other permission from a federal, state, or *local government* agency, or an application for such a license, permit, easement, or other permission from a state governmental agency that is included with the application; or ...

(emphasis added). This rule explicitly mentions licenses or permits issued by local government agencies.

17. For all of the foregoing reasons, the undersigned municipalities seek an order that will require the Applicants to obtain a permit or license for the construction of poles or wires in, under or across all public state and local highways, as is required by RSA 231:161.

B. Other Permits and Local Requirements

18. There are a number of other local ordinances and regulations, some of which require obtaining permits, all of which must be followed. Although the municipalities may have different permit requirements and ordinances, similar to any other construction project, the Applicants are required to comply with the requirements of each of the municipalities and to obtain any necessary permits. These local ordinances and regulations include blasting permits, encumbrance permits, temporary and permanent access permits (including driveway permits where applicable), noise ordinances, and seasonal weight limits on certain local roads for trucks. It is anticipated that the Applicants will argue that the SEC process preempts local authority to enforce its regulations and require these permits. However, there is nothing in the SEC statute or rules that support a determination, and such argument contradicts the statements contained in the Application and information provided during technical sessions.

19. Moreover, despite their argument that local requirements are preempted, the Applicants stated in the Application that they would comply with local requirements. By way of example, the following representations were made in the pre-filed testimony submitted by the Applicants:

- John Kayser's prefiled testimony at page 10 states as follows:

Q. Please describe the blasting procedures associated with construction.

A. It is anticipated that blasting will be required for overhead, underground and substation construction of the Project. The Project specifications will require that only experienced, licensed blasting contractors will be allowed to perform work on the Project and will comply with all applicable federal, state *and municipal regulations*, the Certificate, permits, Project engineering specifications and OSHA requirements.

- John Kayer’s prefiled testimony at pages 15-16 states as follows:

Q. Please describe the construction laydown areas and temporary storage areas in detail.

A. . . . The development, use, and restoration of any staging sites will conform to conditions of the Project’s permits and any other applicable federal, state, *and local requirements.*

- John Kayer’s prefiled testimony at pages 33-34 states as follows:

Q. Please explain how traffic control will be handled during construction.

A. . . . In addition, prior to construction, *driveway access permits will be applied for as needed based on the means and methods adopted by the construction contractor.*

- Douglas Bell’s prefiled testimony at pages 7-8 states as follows:

Q. Have you considered construction noise in your evaluation?

A. . . . The majority of the potentially noisy construction work will be performed during daytime hours, *and as permitted by applicable requirements.*

Pre-Filed Testimony of John Kayser and Douglas Bell, [Available Here](#) (Emphasis added).

20. The Application also stated that ordinances relative to blasting would be followed. On Page 84, the Applicants stated that “[a]ll laws, *ordinances* and regulations, including the NHDOT Standard Specifications for Road and Bridge Construction, will be followed in the use, handling, loading, transportation, and storage of explosives and blasting agents.” Application at Page 84, [Available Here](#).

21. These documents demonstrate that the Applicants represented that they would comply with all local requirements. It is inappropriate for the Applicants to now argue that they do not need to follow local regulations and ordinances based on the doctrine of preemption.⁴

22. There are a number of local ordinances and permits that must be followed. While the municipalities may have different requirements, in order to provide an overview, a discussion of some of the necessary permits are set forth below:

23. **Blasting Permits:** By way of example, in Concord, a blasting permit must be obtained from the Concord Fire Department. This permit is required to ensure that all inspections and blasting requirements are followed. In Concord, an explosive or blasting permit (per site) is valid for up to five days and costs \$148 plus a \$20 application fee. Once the permit has been issued, Concord's Fire Department performs an onsite visit to verify: (1) that the person(s) performing the blasting has a valid certificate which is required by NH Administrative Rule Saf-C 1604.01; (2) that a safety plan is in place for the blasting; (3) that the required equipment such as fire extinguishers and blasting mats are onsite; and (4) that a Pre-Blast Inspection has been completed in accordance with NH Administrative Rule Saf-C 1607.05. This process is specifically required by NFPA 1, Edition 2009, Section 65.9.2.1 and 65.9.2.2 and Saf-C 1607.04, Section (c) and (d). It should be noted that the City of Concord is a highly populated region, and the suggestion that the Applicant's contractor does not need to obtain a blasting permit from Concord's Fire Department is troubling. The Concord Fire Department is required to oversee blasting activities in the municipality, and a contractor must obtain pay the fee and obtain a permit to ensure that inspections and other coordination activities are conducted.

⁴ During the technical session of the construction panel on September 14, 2016 a member of the construction panel stated that the contractor would be required to obtain local permits such as blasting and load limit permits (to the extent applicable in a municipality). During the technical session on February 21, 2017, a member of the construction panel stated that the contractor would *not* be applying for such permits. These inconsistent responses are concerning.

24. **Encumbrance Permit:** Concord also has a process to permit the temporary use or occupation of public highway rights-of-way that will have the effect of closing, narrowing, or obstructing a city street. See Code of Ordinances, Article 5-1-5, [Available Here](#). The types of encumbrances contemplated by the ordinance include, but are not limited to dumpsters, motorized lifts, staging, cranes and construction equipment. An encumbrance permit is valid for up to thirty days and includes a fee in the current amount of \$75, and multiple street locations can be included in the same permit application. A copy of the encumbrance permit is available on the City's website, [Available Here](#). The permit is issued within three days of submission of the application. As part of the permitting process, the Engineering Department will review the proposed location of the encumbrance to determine whether a police detail is necessary.

25. Other municipalities that have requirements for the encumbrance of roads include Pembroke, New Hampton and Deerfield.

26. **Noise Ordinances:** The City of Concord also has specific requirements relative to noise. Article 13-6 of the City of Concord's Ordinance governs noise. With respect to construction noise that is clearly audible at a dwelling, it is prohibited except between 7:00 a.m. and 7:00 p.m. on weekdays; between 9:00 a.m. and 7:00 p.m. on Saturdays; or between 9:00 a.m. and 7:00 p.m. on Sundays and certain holidays. Concord Code of Ordinances, Section 13-6-9, [Available Here](#). These requirements must be followed except in the case of certain emergencies or the issuance of a special permit issued by the Code Administrator. Concord Code of Ordinances, Section 13-6-6, [Available Here](#).

27. Other municipalities that have local noise ordinances include Pembroke, Bristol, Plymouth and Sugar Hill.

28. **Seasonal Weight Restrictions:** The City also places seasonal restrictions on the use of its streets by all vehicles with a gross weight of 18,000 pounds or more. RSA 231:191; Code of Ordinances, 17-6-10, [Available Here](#). This restriction applies to all trucks using streets which have seasonal weight limitations, regardless of whether the truck is servicing a location on the street. *Id.* An annual list of streets with seasonal weight restrictions is issued by the City. A truck which exceeds the seasonal weight restriction is permitted to use the restricted streets only if it receives permission due to “practical difficulty or unnecessary hardship” because a business is served by the street. RSA 231:191, III and V. A truck is not permitted to make deliveries to a destination on a street with seasonal weight restrictions unless prior approval is first obtained from the City. The City of Concord’s General Services Department generally imposes conditions of its approval such as limiting the amount of truck activity, the gross weight of the vehicles, and/or the times of day that the streets can be used for deliveries. Depending on the nature and extent of the proposed truck activity, the City will also require a bond and/or restoration of the road. There is no basis for the Applicants’ argument that they do not need to comply with these requirements.

29. Other municipalities that have seasonal weight restrictions include Pembroke, New Hampton, Deerfield, Whitefield, Northumberland, and Sugar Hill.

30. Finally, the fact that the Department of Transportation is working on a traffic control plan for work conducted on public highways maintained by the State of New Hampshire has no relevance to the use of local roads. The Department of Transportation does not have jurisdiction over the use and occupation of locally maintained roads, and the Department of Transportation’s traffic control plan does not apply to locally maintained roads.

C. Request for Expedited Ruling

31. The Parties respectfully request that the Committee issue an order on this motion in an expedited manner. This issues raised in this motion are important for purposes of municipal planning and coordination. Although the Applicants are seeking to obtain “stipulations” with some of the municipalities, there is no guarantee that the Applicants will be able to obtain a stipulation with all of the municipalities. A ruling on this order will not only impact the specific requirements of the proposed stipulations, but in the event a stipulation cannot be reached, it will also impact the evidence needed to be presented to the Site Evaluation Committee relative to local requirements.

32. The Applicant was contacted and does not assent to the within motion. The following parties were contacted and assent: (1) Grafton County Commissioners; (2) Abutters and Non-Abutters, Group I North Pittsburg, Clarksville, Stewartstown; (3) Abutting Landowners, Bethlehem to Plymouth Intervenor Group; (4) Deerfield Abutters; (5) Pemigewasset River Local Advisory Committee; (6) Non-Abutting Property Owners (overhead portion), Stark, Lancaster, Whitefield, Dalton, and Bethlehem; (7) New England Power Generators Association.; (8) Nongovernmental Intervenors comprised of Appalachian Mountain Club, Conservation Law Foundation and Ammonoosuc Conservation Trust; and (9) Society for the Protection of New Hampshire Forests. All other parties did not respond prior to filing.

WHEREFORE, it is respectfully requested that the Site Evaluation Committee:

- A. Grant this motion;
- B. Issue an order confirming that Applicants are required to obtain a permit or license agreement to use and occupy the town-maintained and city-maintained right-of-way in accordance with RSA 231:161, I(a) and (b)

C. Issue the order confirming that the Applicants are required to comply with local ordinances and regulations relative to construction projects including but not limited to blasting permits, encumbrance permits, temporary and permanent access permits (including driveway permits where applicable), noise ordinances, and seasonal weight limits on certain local roads for trucks; and

D. Grant such other and further relief as may be just.

Respectfully submitted,

TOWNS OF BRIDGEWATER, NEW HAMPTON,
LITTLETON, DEERFIELD, PEMBROKE, and
ASHLAND WATER & SEWER DISTRICT

By and through its attorneys,

MITCHELL MUNICIPAL GROUP, P.A.

Dated: March 13, 2017

By: /s/ Steven Whitley
Steven M. Whitley, Esq., Bar #17833
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TOWNS OF BETHLEHEM, BRISTOL, EASTON,
FRANCONIA, NORTHUMBERLAND,
PLYMOUTH, SUGAR HILL and WHITEFIELD

By and through their attorneys,

GARDNER, FULTON & WAUGH, PLLC

Dated: March 13, 2017

By: /s/ C. Christine Fillmore
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CITY OF CONCORD

Dated: March 13, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on this date, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket.

Dated: March 13, 2017

By: /s/ Danielle L. Pacik
Danielle Pacik, Esq.

EXHIBIT A

POLES AND WIRES PETITION AND LICENSE

PETITION

Concord, New Hampshire

Dated: September 19, 2014

To the City Council and the Poles and Wires Committee of the City of Concord, New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE desires a license to erect and maintain poles and structures, with wires, cables, conduits, and devices thereon, together with sustaining, strengthening, and protecting fixtures along, across, or under the following City maintained highways in said municipality:

City Maintained Highways To Be Crossed by Public Service Company of New Hampshire's 317 Electric Transmission Line Replacement Project:

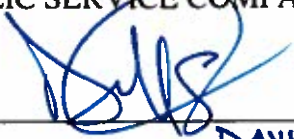
1. Village Street (See Drawing No. D-6181-700).
2. Borough Road (See Drawing No. D-6181-701).
3. Primrose Lane (See Drawing No. D-6181-702).
4. River Road (See Drawing No. D-6181-703).
5. Island Road (See Drawing No. D-6181-704).
6. Elm Street (See Drawing No. D-6181-705).
7. Weir Road (See Drawing No. D-6181-706).
8. Blackwater Road (See Drawing No. D-6181-707).

The city maintained highway crossings are more particularly described and shown on the plan attachments entitled:

1. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Village Street, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-700.
2. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Borough Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-701.
3. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Primrose Lane, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-702.
4. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, River Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-703.

5. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Island Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-704.
6. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Elm Street, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-705.
7. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Weir Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-706.
8. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Blackwater Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-707.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

By  _____
Name: DAVID STILL
Title: PROJECT MANAGER

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LICENSE

Concord, New Hampshire

Dated: September 19, 2014

Upon petition of the PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, it appearing that the public good so requires, it is hereby

ORDERED

That the PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, be and hereby is granted a license to erect and maintain poles and structures, with wires, cables, conduits, and devices thereon, together with sustaining, strengthening, and protecting fixtures, along, across, or under the highways listed in said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Safety Code in effect at the time said petition and license are granted.

The approximate location of the poles and structures across said city maintained highways are more particularly described and shown on the plans attached to and made a part thereof:

1. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Village Street, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-700.
2. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Borough Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-701.
3. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Primrose Lane, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-702.
4. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, River Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-703.
5. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Island Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-704.
6. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Elm Street, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-705.
7. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Weir Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-706.
8. Public Service of New Hampshire Transmission Business, Line 317 34.5 KV Line Crossing, Blackwater Road, Concord, New Hampshire, Date 07/22/14, Drawing No. D-6181-707.

In accordance with the requirements of RSA 72:23, I(b), this license is granted to the licensee subject to the condition that the licensee and any other entity using or occupying property of the state or of a city, town, school district, or village district pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due

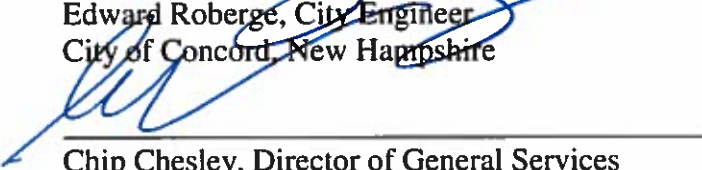
date. Failure of the licensee to pay duly assessed real and personal taxes when due shall be cause to terminate this license.

In accordance with the requirements of RSA 72:23, I(b), the licensee hereunder and any other entity using or occupying property of the state or of a city, town, school district, or village district pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I(b), the licensee and any other entity using or occupying property of the state or of a city, town, school district, or village district pursuant to this license shall be obligated to pay real and personal property taxes on structures or improvements added by the licensee or any other entity using or occupying property of the state or of a city, town, school district, or village district pursuant to this license.

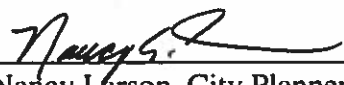
The preceding two paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.



Edward Roberge, City Engineer
City of Concord, New Hampshire



Chip Chesley, Director of General Services
City of Concord, New Hampshire



Nancy Larson, City Planner
City of Concord, New Hampshire

The Poles and Wires Committee has approved this license subject to the following conditions:

- That PSNH shall make an annual report to the Poles and Wires Committee informing it of the progress of its infrastructure as of April 1, 2015, and every April thereafter until the infrastructure subject to this petition is completed, at which time PSNH, shall notify the Committee of its completion of the project.
- That PSNH shall notify all property owners over which their easement passes, and all abutters, prior to tree removal and subsequent construction.
- All vehicles and equipment while in use or during transport, utilized for vegetation management, infrastructure construction, or other work on the project shall comply with posted load limits and weight regulations for City maintained roads.
- That a pre-construction coordination meeting shall take place between PSNH and the Engineering Services Division.
- That a Notice of Intent to Cut Wood or Timber shall be filed with the City's Assessing Department.

Acknowledged and accepted:

Public Service of New Hampshire

By: 


Duly Authorized

Date: 10/2/14

Received and entered in the records of the City of Concord, New Hampshire

Book 30, Page 5

10/6/2014
Date



Paul E. Gendron
Deputy City Clerk



CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Engineering Services Division

City Hall • 41 Green Street • Concord, NH 03301 • tel. (603) 225-8520 • fax (603) 230-3630

Edward L. Roberge, PE
City Engineer

October 6, 2014

David M. Still
Public Service of New Hampshire
PO Box 330
Manchester, NH 03105-0330

**Re: City of Concord Poles and Wires Committee
PSNH 317 Electric Transmission Line Replacement Project
Concord, NH**

Dear Mr. Still:

Enclosed for your records is the executed and recorded license for the above referenced project. The document has been recorded in the Poles and Wires records of the City at Book 30, Page 5.

If you have any questions don't hesitate to call.

Sincerely,

Paul E. Gendron, LLS
City Surveyor

/peg

Attachment

Cc Edward L. Roberge, PE, City Engineer
psnh317_20141006.doc