

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-06

JOINT APPLICATION OF NORTHERN PASS TRANSMISSION LLC &
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY

MOTION FOR NEW PUBLIC HEARINGS AND
MOTION TO REQUIRE A NEW APPLICATION

An Alternative Route has been presented to the SEC without a public hearing

Now come the Grafton County Commissioners and move for an order from the Site Evaluation Committee for New Public Hearings and a New Application, stating as follows:

I. After Public Hearings Have Been Held, the Applicant Wants to Dramatically Change the Plans for the 52 mile Underground Route in Such a Manner that the Impacts, Including, But Not Limited to, the Impacts on Private Property Owners, is Significantly More Severe.

1. Pursuant to New Hampshire law, after an application is filed with the Site Evaluation Committee, public hearings are required. See NH RSA 162-H:10. More specifically, “[a]t least 30 days prior to filing an application for a certificate, an applicant shall hold at least one public information session in each county where the proposed facility is to be located and shall, at a minimum, publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the session is to be held, *describing the nature and location of the proposed facility.*” NH RSA 162-H:10(I)(emphasis added); see also Site 201 (Public Information Sessions and Hearings). Municipalities must be notified as well. *Id.*

2. At these public hearings, the applicant “shall present information regarding the project and provide an opportunity for comments and questions from the public to be addressed by the applicant.” NH RSA 162-H:10(I-a). These hearings are important. Indeed, NH law further requires the applicant “to arrange for a transcript of such session to be prepared and must include the transcript in its application for a certificate.” *Id.*

3. Implicit in this process is that the information regarding the project that is presented shall be accurate.

4. Then, “within 45 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the applicant shall hold at least one public information

session as described in paragraph I in each county in which the proposed facility is to be located.” *Id.* Again, the purpose of this public hearing is significant. Among other things, by law, “[t]he session shall be for public information on the proposed facility with the applicant presenting the information to the public.” *Id.* The process continues: “within 90 days after acceptance of an application for a certificate, pursuant to NH RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located.” Again, notice is required. NH RSA 162-H:7(l-c); see also NH RSA 162-H:5 III. (“The applications shall be governed by the applicable laws, rules and regulations of the agencies and shall be subject to the provisions of RSA 162-F or RSA 162-H in effect on the date of filing.”)

5. Regarding the Northern Pass project in Grafton County¹, public hearings were held at the following places and times:

- a. September 8, 2015 (Loon Mountain)
- b. January 21, 2016 (Loon Mountain)²

In addition, these public hearings were supplemented with hearings in towns, including the following:

- a. November 9, 2015 Easton Selectboard Meeting
- b. February 11, 2016 Easton Conservation Commission Meeting.³

6. The underground route was discussed in these hearings. The public was informed what was reflected in the application: that the transmission lines would be buried under the existing roadways and not in front yards.

- a. An example of just one representation: Samuel Johnson, the NPT expert in charge of NPT project engineering design and project management, informed the public: “Yeah, I would say for over 99.9 percent of the Project we have no plans to trim any trees, that we will try to stay in the shoulder and travel lane of the road itself.” Transcript, SEC Northern Pass Hearings at Loon Mountain, page 60, Line 3.

II. During the Public Hearings, the Public Was Told By Northern Pass/Eversource That The Transmission Lines Would Be Buried Under The Roadway and Not in the Yards of Private Landowners.

7. The public was told that the underground route would be buried under the existing (asphalt) roadway⁴, not in front yards; on the contrary, the opposite was

¹ Additional public hearings occurred in the following counties, on the following dates
Merrimack County 9-2-15
Rockingham County 9-3-15
Coos County 9-9-15
Belknap County 9-10-15

² This Public Information Session was organized and presented by the NH Site Evaluation Committee (SEC) and was held at the Mountain Club at Loon Resort, Lincoln, New Hampshire, starting at 6:05 p.m.

³ This public meeting with the Easton Conservation Commission was recorded in 3 segments. The original video was made by Bob Thibault. Representing Eversource was Dana Bisbee, Attorney, Brian Bosse, Project Manager, and Kevin McCune, Enviro Permitting

represented. Representations made by Northern Pass/Eversource at these hearings include:

a. September 8, 2015 SEC Public Hearing at Loon Mountain

Mr. Johnson represents "...[Northern Pass] will be excavating, putting in the conduit and then covering it back up and finishing with the asphalt back to a level." Loon Transcript of SEC public hearing, page 35, line 1.

Mr. Johnson notes the minimal impact on abutters: "Yeah, I would say for over 99.9 percent of the Project we have no plans to trim any trees, that we will try to stay in the shoulder and travel lane of the road itself." See page 60, Line 3. A few lines down, at line 11, Mr. Johnson states "Yeah, the width that we're planning on constructing is about 4 feet wide and about 4 ½ feet deep overall. So the impact will sawcut the road or the shoulder, and we will trench it 4-feet wide and then restore it back to its capabilities once we're completed."

Mr. Quinlan joins in leading the public to believe the construction is under the existing roadway. On page 70, line 20, Mr. Quinlan says they will not bury through residential driveways, implying that the cable would be under the roadway pavement.

b. November 9, 2015 video – Easton Selectboard Meeting with Eversource

Two months after the public hearing, Northern Pass met with the Easton Selectboard, as well as members of the public. This event was video recorded. At this meeting, Mr. Kayser represented the following:

- The cable will be in the developed roadway in the travel lane or shoulder (6:40)(approximately 6 minutes 40 seconds into the video)
- Construction will be in the roadway (8:18)
- Vaults will be 2 or 3 to a mile (9:05)
- Vaults will be placed again beneath the roadway (9:16)
- They will asphalt over the trench they cut. They will repave that entire travel lane. (9:30)
- When the selectman noted that it sounded like the majority of the work is going to be in the paved section, correct? (25:41). Mr. Kayser responds: That's the assumption right now but until detailed design work with the DOT, there's some...it could be off in shoulder area. (25:50)
- There was a discussion of who owns land, and the width of the easement (51:00 – 57:00), during which Attorney Hodgdon said they will stay in public easement (51:50). When Deb Stever stated that in some places on 116, the ROW is undefined. Mark Hodgdon

⁴ As will be noted below, discussion also reflected that, in some limited circumstances such as vault locations, the possibility for minimal intrusion into shoulders or already disturbed areas next to the asphalt existed. But the discussions reflected this would be minimal.

replies that "ROW has been researched." But again now Attorney Hodgdon joined in with earlier comments made by Mr. Johnson and Quinlan, noted above, and says they will stay within the disturbed area, ie. the "roadway" (53:50).

- Deb Stever says that abutters own the land under the road. (57:00)
- Again, Mr. Kayser reiterated the plan was not to be along the road, noting the plan is to be in the disturbed area and not to go into yards but to be under pavement (1:29:50). Mr Kayser was challenged on this representation. Paraphrasing the ensuing discussion:
 - Citizen: That's your plan. How about the part that's not your plan? ... Those of us whose homes are 25 feet from the road. What happens to our front yard?
 - Hodgdon: It gets re-seeded.
 - Kayser: It would be restored.
 - Brenda: So some of us may have our yards impacted. Yes?
 - Kayser: There's a possibility, but right now I don't plan that, but I can't say unequivocally.
 - Brenda: So, yes.
- Dolly McPhaul (1:40:32) asks if they plan on compensating property value loss or business losses. The Company says that will be handled through the SEC process.⁵
- Deb Stever concludes by noting that Easton has been asking Eversource to come talk to the Selectboard since 2013. And this is the first time they've set foot in the town hall. (1:48:46)

c. January 21, 2016 public hearing at Loon Mountain⁶

Two months later, another public hearing occurred in Lincoln. The representations that the construction will be in the roadway, and not people's yards, continued:

Mr. Johnson: "...while construction will be happening in front of your driveway, you will always have access to your driveway... we'll work with you individually to get you in and out, either by putting a steel plate over the trench, if it happens to be open, so that you will always have access to your property.... we will work with businesses to try to provide access to driveways and to maintain business operations at all times." Transcript at page 70-72.

Mr. Johnson further elaborated: "As we go forward, we're going to refine our design to get a more specific route, which side of the road it's going to be on,

⁵ The process Northern Pass wants the SEC to approve is that everyone has to go through Northern Pass to file claims.

⁶ This Public Information Session was organized and presented by the NH Site Evaluation Committee (SEC) and was held at the Mountain Club at Loon Resort, Lincoln, New Hampshire, starting at 6:05 p.m.

which properties it will be near. As we go through the construction planning phases, we will then work out our schedules on when we expect to be in towns. We expect a trenching operation to be in front of somebody's house for somewhere between one to two weeks. That will depend on soil conditions, the amount of rock that's encountered underground. And, all of those things still need to be determined and finalized. Once they are, we will basically start an end-to-end outreach program, to meet with every single abutter on the Project, and to discuss in detail how the construction will then be propagated. Also, we'll meet with towns to do the same thing." Transcript at page 79-80.

Later in the event, Mr Bowes stated that installation of the underground cable will entail "digging through the road," clearly implying that the cable will be installed under the road. Transcript at page 88.

Then Northern Pass made incorrect representations about the use of chemicals in this process, noting that just sand will be around the transmission lines to dissipate the heat (now chemicals are involved). When asked by Attorney Iacopino how the public will know "the chemicals will not leach into towns and people's older water pipes?" Mr. Johnson represented: "Right. So, the answer again is there are no chemicals that will surround the cables themselves." The following line of question then occurred, again confirming the use of no chemicals:

Attorney Iacopino: "What is the maximum temperature that the cable itself can reach once fully operational?"

Mr. Johnson: "The maximum temperature is somewhere in the 45 to 55 degree Celsius range. It is surrounded by insulating material, not only in the cable itself, but also with thermal sand that helps to dissipate the heat underground."

Attorney Iacopino: "What chemicals are in the heat-dispersing under-the-road fill?"

Mr. Johnson: "It's sand. That's it. Just sand."

Attorney Iacopino: "Did you say 'sand'?"

Mr. Johnson: "Yes."

Attorney Iacopino: "So, basically, the question is about: how do you know it won't leach -- the chemicals will not leach into towns and people's older water pipes?"

Mr. Johnson: "Right. So, the answer again is there are no chemicals that will surround the cables themselves."

Transcript 90 - 92

Then, in response to the question: "will you pay for lead testing [in drinking water] before construction, after, and once the power is running?" Mr. Johnson replied: "As far as lead testing, traditionally, we do not do lead testing. However, we will work with people, individuals, on a case-by-case basis, to ascertain whether or not that's required." Transcript page 92 - 93.

d. February 11, 2016 Easton Conservation Commission Meeting⁷

A few weeks later, on February 11, 2016, Northern Pass/Eversource continued to represent that the project would be under the road at a meeting with the Easton Conservation Commission.

Ten minutes and thirty seconds (10:30) into the meeting, after discussions of the archeological survey, Attorney Bisbee said the roadway is where we're going to be in Easton. We're going through the DOT process for the roadways. It's DOT regulated.

Project Manager Bosse confirmed the project is going down the roadway. Specifically, 15:30 minutes into segment 2, Project Manager Bosse stated that most trench locations for the conduits will be coming down the road and the splice vaults more into the shoulder. At 18:46 minutes into segment 2, Carl Lakes noted that "[w]e wouldn't plant something on top of this because it's in the road" and Project Manager Bosse responded, "correct."

Then Kevin McCune, the third person representing Northern Pass/Eversource, confirmed that it is their intent to install and do all work within the roadway layer. This can be found at recorded segment 2, 38:39 minutes in.

This again is discussed at Segment 2, 56 minutes into the meeting. At that time, Barbara Meyer described the company's online drawings of the Project with the line shown down roughly the center of the road, and noted but now you're talking about the shoulder. Project Manager Bosse noted that well, that was 30% design. He further noted it was meant to be shown in the center of one travel lane. Barbara Meyer noted that you are showing us it's under the roadway, which is a big difference from using the shoulder, especially when it comes to the vaults. Project Manager Bosse remarked it will be within the roadway area as close to the shoulder as possible. Barbara Meyer asked, "But under what's currently pavement?" Brian stated yes, then hedges again about ability to use the shoulder.

Finally at Segment 3, there is a detailed discussion in which Northern Pass/Eversource is clear that the transmission lines are going under the pavement, but some vaults may go into the shoulder.⁸

⁷ This public meeting with the Easton Conservation Commission was recorded in 3 segments. The original video available from Bob Thibault. Representing Eversource was Dana Bisbee, Attorney, Brian Bosse, Project Manager, and Kevin McCune, Enviro Permitting

⁸ Segment 3's discussion of going under the pavement starts at 1:09. Eric Meyer says if you were going to stay under the pavement, most people in this room would leave. The shoulder around here is 18" and it can drop down into a culvert several feet deep. You're talking about major impact on trees. If you stay in the road, you wouldn't have these problems. If there was a consensus at the company that if you stay in the road, you're not going to get people with shotguns and people with lawsuits and bad press. If you stayed in the asphalt, you'd lose a lot of enemies.

Barbara Meyer confirms this point to Eversource and Northern Pass and says the point is about the representation that Eversource has made from the beginning. If you're a homeowner and you want to

At this meeting Northern Pass representatives also noted no chemicals would be used in the sand. Specifically, 25 minutes into segment 2 they note that they will use a special sand, with no chemicals in it, to dissipate heat.

13:06 minutes into the meeting (first segment), Roy Stever asks if Eversource has discussed the use of I-93 with DOT. Attorney Bisbee responds that they came prepared to discuss the proposed route and no other options. This is significant because Northern Pass has seemed to blame the public for not reaching out to them to discuss the project, but Northern Pass does not want to discuss options that will mitigate impacts, they just want to discuss their own route, with no flexibility in where the trenches, vaults and other construction will occur. This discussion is recorded segment 1, at 13:06 through 15:00.

8. The representations that the project would be under pavement, and not in yards, were consistent with the information contained in the Application itself, which including maps showing the route would go under the roadway.

9. Northern Pass sent a generic letter to landowners, offering to meet with them. Northern Pass has testified that, when it met with landowners along the underground route, they specifically represented that the lines would be buried under the roadway. Northern Pass has further stated that it had not yet corrected this now incorrect information. Northern Pass did not plan on correcting this information until after approval. SEC hearing, Day 9, afternoon session, May 5th, 2017 104:12 – 112:18.

see, "What are they doing in front of my house?" And you look online, it shows the line going under the pavement.

(at 4:30) Barb Meyer says 10' wide vaults going off the road seems meaningfully different than what the Company represented the project to be. Brian says construction is intended to be in the roadway. Bisbee says DOT has the final say and we have to have approval from DOT.

(at 7:49) Carl Lakes asks, what if DOT says no, you can't put it in the road? Bisbee says they sought permission from SEC, DOT, PUC, ... we need permission from everybody.

(at 8:40) Susan Schibanoff asks if by roadway they mean blacktop or the 50 foot ROW. Project Manager Bosse says under the blacktop.

(at 10:00) An audience member made the point that Northern Pass was stating this is what we'd like to do, but you don't know what you are really going to do until you do it. The Eversource panel did not respond.

(at 13:22) Bob Thibault: How much of the vault would be under the hardtop? It would make a big difference if you could tell us all of the cable and vaults would all be under the hardtop. Project Manager Bosse answers that for sure the cable will be under the hardtop; but because of the size of the vaults, some may extend, the exact dimensions, I can't tell you.

Finally, at 14:29, Project Manager Bosse notes: The plan calls for one lane to be repaved. Bob Thibault states: So you'll switch back and forth? The answer was a shrug.

10. Northern Pass recently met with a business owner. Northern Pass could not provide any information about the project, even basic information such as where Northern Pass claimed the right of way was on this person's land or where the trench would be constructed. See Grafton Track 2 Exhibit 51, Letter from Private Business Owner attached to this motion for convenience purposes. Northern Pass was unaware that both a septic system and water line would be impacted. *Id.*

III. The Construction Plans Appear to be Incomplete for Significant Structures, Such As Traversing the Gale River and the Location of a Transition Station.

11. More examples of the Application potentially representing a major facility in an inaccurate location exists. This in turn means the information provided at the public hearing was inaccurate in baseline details. This in turn means the impacts the SEC is required to consider cannot be evaluated.

12. The Grafton County Commissioners have long since, and constantly, sought reasonable, basic information regarding the nature of the project, so the commissioners could properly evaluate the project's impacts. In their data requests the Grafton County Commissioners sought information about the path of the proposed lines to enable them to assess the impact of the project on the environmental, historical, recreational, and economic health of particular areas, as well as homes, farms, businesses and other structures. See Grafton Track 2 Exhibit 41.

13. The Applicant responded to the Commissioner's data requests by noting that "geotechnical investigation and utility and ground surveys were underway," and that a final design was expected by "late 2016 or early 2017." Now, after finally receiving plans in December of 2016, the Commissioners have learned that it is Northern Pass' position that they can dramatically change this "final design" at any time, moving the project for example from under pavement into the abutters' yards. Yet, post day 50 of this hearing, Northern Pass still has not stated which, and how, abutters' yards will be impacted. They have not even obtained a survey to identify septic systems, water lines, stone walls, and anything else in the trench's path.

14. The Grafton County Commissioners have long since asserted that fundamental fairness requires providing valid construction plans within a time frame that does not undercut the spirit of the statute and disenfranchise the Intervenor from meaningful participation. Providing plans after approval is not fundamentally fair.

15. Moreover, the law requires public hearings. The law required the location to be identified. In both instances, implicit in the law is that the information provided is accurate.

17. In the Town of Bethlehem questions have arisen as to the location of Transition Station #5. Up until now the Applicant has represented that TS#5 will be

located on Rt. 302 across from Baker Brook/Miller Pond. TS#5, therefore, would be abutting a proposed Homewood Suites by Hilton project⁹.

18. It appeared that a land swap between the developer of the hotel (Yizchok Rudich of Presidential Mountain Resort LLC) and Northern Pass was being contemplated to relocate TS#5. Accordingly, during this SEC proceeding, on May 4, 2017 the Grafton County Commissioners' representative asked Mr. Bowes about a potential land swap for the location of TS#5. Mr. Bowes stated that he was aware of the potential land swap, but noted "[w]e have no plans to change at this point." When asked if they told the hotel owner that, he replied: "We're still in private discussions with the hotel owner." Day 9, afternoon (5-04-17) 177:16 through 178. He then noted that "[w]e have a permanent location as identified in the SEC Application." *Id.* 178:16-17.¹⁰

19. On October 30, 2017, a notice of option between the hotel's developer and Renewable Properties, Inc. was submitted to the town's planning board, along with the hotel plans. Notably, this Notice of Option was signed before Mr. Bowes made the representations to the SEC. Specifically, it was executed by the hotel's developer on March 23, 2017 and by Renewable Properties on April 6th.

20. If this structure is going to be moved, both the SEC and the public need to know. Under NH law, one of the purposes of the public hearings is to discuss the location of proposed utilities. NH RSA 162-H. It is absolutely nonsensical to state that, under NH law, an entity can move a structure the size of a transition station after approval, without a new Application and without a public hearing. Moving a transition station to a new location is an alternative that must be reflected in the application and public hearings.

21. As another example, Northern Pass has admitted that it is unclear as to how they are planning to go under the Gale River in Franconia. At first it was a HDD design, then a microtunnel. Now Northern Pass appears to be reconsidering an HDD design. The bottom line is we do not know so we cannot assess the project.

22. As another example, the underground route plan was modified so it appears now "flowable thermal backfill" will be placed above the transmission lines and around the conduits of the cables in the splice vaults. As noted above, Northern Pass specifically said in the second public hearing at Loon Mountain that it was not using chemicals around the buried lines, "just sand." Specifically, when asked by Attorney Iacopino how the public will know "the chemicals will not leach into towns and people's older water pipes?" Mr. Johnson responded "Right. So, the answer again is there are

⁹ The hotel is significant in the Town of Bethlehem. The hotel developer has stated the hotel will bring in \$385,060 annually in tax revenue.

¹⁰ After making that statement, the Grafton County Commissioners stated "[b]ut it might change" to which, Bowes responded "As other things might change in the Project." This statement by Mr. Bowes, that they can simply change the application as to major issues such as the location of a transmission station, is simply not the law, which requires the location to be identified, especially for public hearings. The location of a transmission station is not a construction detail.

no chemicals that will surround the cables themselves." The following line of question then occurred, again confirming the use of no chemicals:

Attorney Iacopino: "What is the maximum temperature that the cable itself can reach once fully operational?"

Mr. Johnson: "The maximum temperature is somewhere in the 45 to 55 degree Celsius range. It is surrounded by insulating material, not only in the cable itself, but also with thermal sand that helps to dissipate the heat underground."

Attorney Iacopino: "What chemicals are in the heat-dispersing under-the-road fill?"

Mr. Johnson: "It's sand. That's it. Just sand."

Attorney Iacopino: "Did you say 'sand'?"

Mr. Johnson: "Yes."

Attorney Iacopino: "So, basically, the question is about: how do you know it won't leach -- the chemicals will not leach into towns and people's older water pipes?"

Mr. Johnson: "Right. So, the answer again is there are no chemicals that will surround the cables themselves."

Transcript, Second Public Hearing at Loon, at pages 90 - 92

23. Yet now it appears that they will not be using "just sand" but "flowable thermal backfill" or "fluidized thermal backfill" above the transmission lines and around the cables and conduits of the cables. See e.g. Testimony of Mr. Scott before the SEC, May 3, afternoon, day 3, p. 34; Suppl. PFT of Adam Zysk starting on line 21, page 1. Mr. Bowes has described this "fluidized thermal backfill" as "a dense material, denser than the normal native materials in the ground, and it holds moisture and allows heat to be, a cross-section of the duct banks or the cable conduits to effectively expand to the cross-section of the entire solid fluid-backfilled area." Transcript, Day 10, May 31, afternoon, p. 20. Mr. Scott described this substance as "a mixture of concrete, aggregates, and fly ash in varying capacities and quantities" *Id.* and noted that "it's certainly permeable." SEC Transcript, Day 10, May 31 afternoon p. 22. Whether or not there is an impact of this backfill around the conduits in the splice vaults is something that needs to be addressed, and is yet another issue people are scrambling to understand because it was not included in the initial application or the public hearings.

24. The bottom line is the underground plan does not resemble, in any way shape or form, the plan set forth in the application, and the plan discussed at the public hearings. Northern Pass' underground route is so preliminary it does not have a survey or defined rights of ways, and does not intend to include private landowners input in developing either a survey or a position on rights of way. Stone walls have not even been inventoried yet, never mind identifying impacts. The so called "final plans" provided in December of 2016 and then revised in August of 2017 are still so preliminary Northern Pass has not committed to which side of the road, which abutters yards, they plan on impacting. Because this is an alternative design, the process has to begin again.

25. The Applicant continues to point to NH RSA 162-H:4(III) and (III-a) noting that the SEC can delegate all construction to the DOT. This overly broad interpretation of the statute completely subverts the entire SEC process. That law was not designed to avoid providing surveys and accurate, reliable construction/design plans. It was designed to allow minor reasonable modifications in construction, not entirely new designs because a plan was never presented. Indeed, NH RSA 162-H specifically notes that a design of the proposed facility is required, as well as locations, for public hearings.

26. The Applicants object to this motion.

27. Council for the Public takes no position.

28. The following entities concur: Whitefield-Bethlehem Abutters, Municipal Group 2 and the Towns of Bristol, Easton, Franconia, Northumberland, Plymouth, Sugar Hill and Whitefield; The Southern (Ashland to Deerfield) Nonabutters; Municipal Group 1 South and 3 North; The Abutting Property Owners, Bethlehem to Plymouth Intervenor Group (APOBP); The Non-Abutting Property Owners Stark to Bethlehem (NAPO-SB); CS Group I North, Pittsburg, Clarksville, Stewartstown; Dummer, Stark and Northumberland and Pemigewasset River Local Advisory Committee; The Town of Bethlehem, Ashland to Deerfield Nonabutters, the Forest Society and the Deerfield Abutters.

WHEREFORE, the Intervenor seeks the following relief:

- A. Require a new application be filed with plans depicting the actual location of, and nature of, the structures; and/or
- B. Hold new public hearings; and
- C. Delay making any decisions until this can occur; and
- D. Grant such other relief as the SEC deems appropriate.

Dated: __ Nov 6th _____

Lara Saffo /s/_____
Lara J. Saffo, Esquire
Grafton County Attorney
On behalf of Grafton County Commissioners
3785 Dartmouth College Highway
North Haverhill, NH 03774
(603) 787-6968

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion has been forwarded to all parties on the service list.

____Lara Saffo /s/_____
Lara J Saffo



One Main Street
Franconia, NH 03580

October 19, 2017

Mr. Jerry P. Fortier
Project Director – Transmission
Northern Pass Project
P.O. Box 330
780 North Commercial Street
Manchester, NH 03305

To Mr. Fortier:

Thank you for responding to my request to your letter of October 2, 2017. Mr. Jim Wagner contacted me and coordinated a visit with project representatives Catalina Celentano of Eversource and Ovide Redsham of Northern Pass. I enjoyed a very pleasant thirty-minute visit with these representatives, but was more amazed at what they didn't know versus what they did know about the Northern Pass project.

Of the questions that I posed to them about the scope of the work, impact and management of traffic patterns, compensation to businesses and property owners for damages and lost revenue, and management and drainage of water from the trench during construction; the only concrete fact that they were able to offer to me was that the trench would be between five and seven feet deep and would be 2'9" wide at the bottom with a width of approximately 4' at the surface.

They were unable to answer questions about Right of Way access on my property. Being close to the Gale River Motel, they were unable to answer how water flooding into the construction trench would be discharged. They had no information as to the management of traffic patterns during construction. They had no information as to how commercial or residential property owners would be compensated for lost revenue or damages to property (my neighbor has a tree within feet of the roadway that may be killed due to root damage resulting from the excavation and a stone foundation of an early 1800's home that is also within feet of the planned excavation) other than to promise to send me a copy of the "Claim Form". The representatives were unable to answer questions with regards to the source of the aggregate that would be used to re-fill the trench and were unable to provide any details about the "fluid thermal backfill" that would be poured into the trench.

In fact, I provided more detailed information about the project to your representatives pointing out a sewer line that runs under the roadway to the septic tank located eight-feet from the roadway which services my residence and the water line crossing under the roadway servicing my neighbor. None of these details were noted on your plans.

Your representatives were very nice, but essentially impotent in regard to answering my questions; promising to get back to me with answers in a follow up letter that I am anticipating will be equally vague and uninformative. Either these representatives were new to the process, poorly trained and unprepared to answer questions on behalf of Eversource/Northern Pass, or public relations people who can document the "success" of their public outreach in having met with a representative of a commercial lodging property and a Sugar Hill resident. The complete lack of knowledge and the inability to answer even the most basic questions about this project left me with even greater concerns about this project. It appears that Northern Pass and Eversource are trying to give the impression of reaching out to communities with no real substance behind the effort, I am as much in the dark about the impact of the project and the impact it will have on my business, livelihood, and community-at-large as I was prior to my visit with the representatives.

As project director, I will present my questions directly to you in the hopes an honest and direct answer can be offered.

1. Please provide me with a detailed description of the site plan as it impacts my property at 1 Main Street, Franconia.
2. Please explain how water infiltrating the construction trench due to the high water table next to the Gale River Motel will be removed and disposed of during construction
3. Please describe the plan for the management of traffic during the construction to insure that business customers and property owners have access to their properties.
4. Please describe the process for determining, calculating, submitting, approving, and providing reparations for claims of damages or losses to personal property or commercial endeavors.
5. Please describe the chemical composition of the "fluid thermal barrier", the source of the aggregate used to back fill the trenches and whether there are any potentially harmful, toxic, or hazardous materials in the materials that will be filling the trenches posing a possible threat to the health and well-being of the community from leachate.

It is my hope that you will be more successful in answering these questions with direct and honest answers. I would hope that these simple questions of a humble innkeeper can be answered by the myriad of engineers, hydrologists, geologists, and construction experts that have been planning this project for years.

Sincerely,

Kevin Johnson
Gale River Motel
One Main Street
Franconia, NH 03580

Exhibit A

Notice of Option

Notice is hereby given that Renewable Properties, Inc., with an address of 780 North Commercial Street, Manchester, NH 03101-1134 ("Option Holder") has an option to acquire an electric transmission transition station easement associated with an electric transmission development project commonly known as the Northern Pass ("Project") on property of Presidential Mountain Resort LLC located in Bethlehem, Grafton County, New Hampshire, identified by the Bethlehem tax assessor as Map 201, Lot 27 and acquired by Presidential Mountain Resort LLC from J Four Realty, LLC under deed recorded at the Grafton County Registry of Deeds on May 6, 2016 in Book 4203, Page 661 ("Property"). The option to acquire the easement may be exercised at any time within 120 days following Option Holder's, or its affiliate, receipt of all permits and approvals for the Project, including but not limited to a Certificate of Site and Facility from the New Hampshire Site Evaluation Committee and Presidential permit from the United States Department of Energy. Any conveyance of the Property prior to expiration of the option without Option Holder's prior written consent shall be null and void.

Option Holder: Renewable Properties, Inc.

[Signature]
By: Jerry P. Fortier

STATE OF New Hampshire
COUNTY OF Hillsborough

This instrument was executed on April 6, 2017, by Jerry Fortier as Agent of Renewable Properties, Inc.

[Signature]
Notary Public
My Commission Expires MELISSA L. PRICE
Notary Public, State of New Hampshire
My Commission Expires May 4, 2021

Presidential Mountain Resort LLC

[Signature]
By: Yizchok Rubish

STATE OF New York
COUNTY OF Kings

This instrument was executed on March 23, 2017, by Yizchok Rubish as President of Presidential Mountain Resort LLC.



[Signature]
Notary Public
My Commission Expires: 08/01/2020