

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-06

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

**DEERFIELD ABUTTERS' OBJECTION TO NORTHERN PASS  
TRANSMISSION LLC'S MOTION FOR REHEARING OF DECISION AND ORDER  
DATED MARCH 30, 2018 DENYING APPLICATION**

Now come the Deerfield Abutters to file the following Objection to the April 27, 2018 Motion for Rehearing (Motion) filed by Northern Pass Transmission LLC ("NPT) and Public Service of NH ("PSNH" and together the "Applicants") stating as follows:

1. The Deerfield Abutters ask that the Applicants' Motion for Rehearing be denied and state that the Site Evaluation Committee ("SEC") properly denied the Certificate after finding the Applicants failed to meet their burden of proof on orderly development.
2. During deliberations, the SEC addressed the issue of property value, including the testimony of Dr. James Chalmers (Chalmers), Applicants' real estate witness. Specifically the SEC discussed the Chalmers analysis in its determination. (Deliberation Day 2, am, pg 114-115).
3. Despite the SEC's adherence to the Rules in its thorough approach to the deliberations, the Applicants fault subcommittee members for misconceptions regarding opinions and conclusions of Chalmers regarding property value impacts. (pg. 57, section 129, Motion)
  - a. For example, Applicants state "Dr. Chalmers concluded that over the course of the 192 mile Project, there would be no discernible impact on local or regional real estate markets." (Id. pg. 59, 131.)
  - b. Chalmers however, offered this conclusion without familiarizing himself with the local or regional real estate markets along the project route and he testified that he would not consider himself an expert in the New Hampshire real estate market. (Day 24 am, pg.11-12)
  - c. Therefore, the conclusion of "no evidence of consistent measurable effect on property values" is merely derived from the NH based research initiatives as outlined in the Chalmers testimony.
  - d. The subcommittee discussed shortcomings of the Chalmers testimony. (Deliberation Day 2 am, pg. 114-115).
  - e. The Applicants on pg. 59, section 131 are splitting hairs to form the basis of their argument, which should be rejected. The Chalmers testimony conclusion of "No evidence of consistent measurable effect on property values" was deliberated by the committee even though it was verbalized by a committee member as "there will be no impact to property values".

4. Although Chalmers' testimony contained evidentiary gaps, the Applicants claim that Chalmers provided empirical evidence that supports his conclusion that there likely would be no impact to properties abutting or encumbered by underground HVTL. (Pg. 63, 141. Motion)
  - a. When Chalmers was cross-examined on this topic he stated:
    - Q. Have you in any way addressed other possible impacts of a buried route, in a state road, on property values in the Northern Pass Project?
    - A. Not beyond visibility, no. (Day 26 am, pg. 119:10-13)
  - b. All NH empirical evidence in the Docket record provided by Chalmers was based on above ground HVTL's.
  - c. Concluding that the absence of above ground visibility accounts for no property value impacts of encumbrance and proximity of below ground HVTL is faulty reasoning.
  - d. Several witnesses provided testimony regarding the underground encumbrance effect on their property value. (*i.e.*, Order pg. 187-188)
  - e. Therefore, the Applicants' claim of Chalmers' "empirical evidence" regarding underground HVTL is false and cannot be found in the record. The property value expert's omission of analyzing underground HVTL proximity and encumbrance effects did create a "gap".
  - f. Since the gaps in Chalmers' NH research are real, the SEC should reject the Applicants' argument that "basing a finding of property value effect on these perceived 'gaps' is an error of fact and reasoning" (Pg. 61, 136 Motion).
5. Despite compelling evidence to the contrary, the Applicants claim that the following opinion of Chalmers is "**uncontroverted**": that property values of unencumbered properties are not likely to be affected by the Project. (pg. 58, 129, Motion)
  - a. CFP expert witnesses Dr. Rockler and Mr. Kavet were cited on pg. 178 of the SEC written Decision and Order as arguing that the Chalmers testimony case studies are unreliable because properties that have views of the lines but do not abut or are crossed by the lines are excluded.
  - b. DFLD-ABTR Ex 9 is a case study introduced into the record by a licensed Realtor demonstrating the sale of an unencumbered property located 1000 ft. from the ROW that was negatively impacted by the proposed NPT project as compared to sale prices of other similar sold properties.
  - c. Chalmers did not do any retrospective appraisals on unencumbered properties within the viewshed of the ROW.
  - d. Chalmers' opinion "that unencumbered properties are not likely to be affected by the Project" was in fact disputed by multiple witnesses including local real estate professionals and therefore the argument of the Applicants on this point should be rejected.

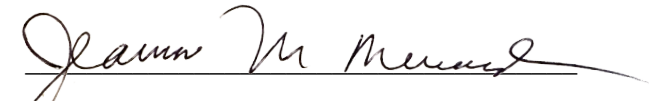
- 6. The Applicants attempt to discredit witnesses who testified regarding property value issues and to trivialize the opinions and conclusions of two real estate professionals.
  - a. The Applicants’ statement in the footnote, pg. 65(Motion) describing cross-examination of Mr. Powell, a Broker/Owner of real estate of 40 + years reads:
 

“It was established that several of them were not qualified sales and should not have been considered”.
  - b. The reading of the transcript **does not** establish Mr. Powell’s agreement during cross-examination. He repeatedly disagrees with the cross-examiner and states that estate sales can be considered fair market value sales. See Day 59 pm pg. 115.
  - c. Similarly, it is wrong to assume that Ms. Menard’s use of an expired listing is the same as Chalmers’ intended use and therefore was taken out of context in the discussion of NPT and project impact on current property value. (pg. 65, footnote)
  - d. The Record has both written and oral testimony of two real estate professionals that controverts Chalmers’ conclusions.

WHEREFORE, the Deerfield Abutters respectfully request that the SEC:

- A. Deny the Applicants’ Motion and refuse to grant any of the relief sought therein; and
- B. Grant such further relief as is equitable and just.


Respectfully submitted,

  
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 Jeanne Menard on behalf of the Deerfield Abutters

Dated: May 7, 2018

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May 2018 that an original of the foregoing pleading will be mailed or hand-delivered to the New Hampshire Site Evaluation Committee on or before May 8, 2018, and an electronic copy was served upon the Distribution List.

  
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 Jeanne Menard on behalf of the Deerfield Abutters