

**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**

PREFILED DIRECT TESTIMONY OF Walter A. Palmer and M. Kathryn Ting

December 30, 2016

Please state your names for the record

Walter A. Palmer and M. Kathryn Ting

Are you Intervenor in SEC Docket NO. 2015-06?

Yes, we are both intervenors in this docket

Please summarize your education background and work experience.

Walter Palmer holds a Bachelor of Science degree with a biology/chemistry dual major, and a Masters Degree in Environmental Management from Duke University in Durham, NC. Mr. Palmer has had a 30-year career as an environmental management professional, working in the USA and over 20 other countries. Much of Mr. Palmer's career has focused on the preparation or review of environmental impact assessments of large-scale infrastructure projects, including large reservoir and dam projects and a full range of linear development projects such as power line transmission, pipeline, railroad, and highway projects.

Kathryn Ting holds a Bachelor of Arts degree in Economics from Duke University, and Master of Science degree in Agricultural Economics from the University of Florida in Gainesville, FL. Ms. Ting has had a 35-year career in international agricultural economics, as a Foreign Service Officer in the U.S. Department of Agriculture Foreign Agricultural Service (FAS). She has served as an Agricultural Attaché or as the Agricultural Minister-Counselor at U.S. Embassies in Belgium, The Philippines, Mexico, South Korea, and Canada, and in the U.S. Consulate in Hong Kong, China.

Have you testified previously before the New Hampshire Site Evaluation Committee or other regulatory bodies?

We have attended and spoken at numerous meeting, hearings, and Technical Sessions related to the subject docket. We have testified before the Site Evaluation Committee (SEC) in the Technical Sessions. We have not previously testified before the SEC during the Adjudicative Proceedings stage of any SEC Docket, nor have we testified before other NH regulatory bodies.

What is the purpose of your testimony?

The purpose of our testimony is to bring to the attention of the SEC key issues regarding the subject application (hereafter referred to as the Northern Pass application) that preclude the SEC from issuing a siting permit to the applicant, based on SEC criteria and regulations. The proposed Northern Pass project does not meet SEC siting criteria at Site 301.16 (b); Criteria Relative to Finding of Public Interest. Specifically, the Northern Pass project as proposed would not serve the public interest because it would have unreasonable adverse effects on private property.

A further purpose of our testimony is to point out that the Northern Pass application itself is not valid, based on the SEC application requirement at Site 301.03(c)(6). This provision of the SEC regulations requires the applicant to provide in their application:

“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 [proposed] site...”

New information submitted by the applicant on 12/18/2016 clearly shows that the applicant proposes to conduct construction activity on private property, which the applicant has no right or legal basis to enter upon or use. The applicant therefore has failed to meet the application requirement at Site 301.03(c)(6), rendering the application invalid.

What is the geographic focus of your testimony?

Our testimony focuses on the proposed underground portion of the Northern Pass project extending from Bethlehem to Plymouth.

What are the constraints of your testimony?

Until December 18, 2016, the applicant (hereafter referred to as NPT) provided very little information about the proposed siting of the underground portion of the northern Pass project. We and other abutters to this portion of the proposed project were unable to assess possible impacts of the proposed underground portions of the project because we lacked such basic information as where the applicants propose to locate the buried cable, splice vaults, work zones, HDD slurry pits, lay-out areas, etc.

On 12/18/2016 NPT uploaded to the docket Sharefile site a document entitled: “SHEBS Estate Bypass (SHEB) Underground Alignment Permit Package – NH DOT District 1” (hereafter referred to as SHEB). SHEB provides details of NPT’s proposed siting of the Northern Pass project.

The information provided in SHEB is far more than can be reviewed and assessed in the 12 days available between 12/18/2016 and the deadline for this prefiled testimony (12/30/2016). As we have time to review the voluminous recently disclosed information, we reserve the right to supplement this prefiled testimony.

Preliminary review suggests that much critical information is still either inaccurate or lacking in SHEB. Features such as HDD slurry pits, splice vaults, and others are not shown to scale, but instead are shown smaller than described elsewhere in NPT’s application. Key features such as rivers, other water bodies, and proposed laydown areas, are not shown at all. SHEB does not provide adequate information for an assessment of the potential impacts of the proposed

project. We share the concerns about the incomplete or inaccurate information in SHEB expressed in the prefile testimony submitted by Grafton County, and incorporate that prefile testimony herein by reference.

Due to the above constraints, we limit our prefile testimony at this time to the private property encroachment issue laid out below.

What are your concerns regarding the encroachment by NPT on private property?

Our concerns are as follows:

1. NPT proposes to site the project under State roads, including NH Routes 3, 18, 116, and 112. NPT assumes that they have the right to use the highway easements for construction and siting of the underground transmission line. In many segments of the proposed underground route, NPT assumes (as shown in the diagrams included in SHEB) that the width of the highway easement is 4 rods (66 feet). In many locations, NPT proposes construction work areas that extend to the very edge of the assumed 66 ft. – wide easement.
2. Through independent research, we have determined that the established highway easement width in some of these areas is in fact only 3 rods (49.5 feet), or, in some cases, less.
3. In all locations where NPT proposes construction work areas extending to the limits of an assumed 66-ft easement width, while the easement is actually only 49.5 ft. wide, NPT is proposing to encroach on and conduct construction activities on land that is outside of the established highway easement. NPT is therefore proposing to encroach on private property that is free of encumbrance by any highway easement.
4. NPT does not have permission from the affected abutting landowners, or any other legal right to utilize this private property.

Based on the above, it is clear that the proposed Northern Pass project does not meet SEC siting criteria at Site 301.16 (b); Criteria Relative to Finding of Public Interest. Specifically, the Northern Pass project as proposed would not serve the public interest because it would have unreasonable adverse effects on private property.

Furthermore, it is clear that the Northern Pass application itself is not valid, based on the SEC application requirement at Site 301.03(c)(6). In order for an application to be valid, the applicant must provide evidence in their application that they have the legal right to use the entirety of the proposed project site. NPT fails to provide such evidence. On the contrary, the information provided in SHEB indicates that NPT proposes to use private land upon which NPT has no legal right of entry.

Please provide examples of locations in which NPT is proposing to encroach on private property.

A case in point is illustrated in SHEB page 69, in the diagram labeled "HDD 015 ENTRY AREA WORK SPACE". This diagram shows a crosshatched, proposed work space that extends to the edge of the indicated easement (right-of-way, or ROW). The easement width shown in the diagram is 66 ft. However, our research has determined that the actual easement width in this

location is only 49.5 ft. This means that the proposed work space depicted in this diagram would extend beyond the actual easement width, and would encroach on our private property. Another example in which SHEB indicates that NPT would encroach on private property is described in detail in the prefile testimony submitted by Campbell McLaren, which is incorporated herein by reference.

SHEB indicates that NPT proposes to encroach in the same manner on the private properties of the following additional abutters to the underground portion of the Northern Pass project:

Mike and Beth Kenney (Franconia);
Joel McKenzie (Franconia);
John Farrell (Easton);
Anna and Anthony Darvid (Easton; property under Conservation Easement with SPNHF);
Ruth Fazzari (Easton);
Chris and Joyce Thoma (Easton).

We believe there are more instances where NPT is proposing to encroach on private property without permission. However, time constraints do not permit us to identify all such instances in this document.