

Town of Northumberland

Office of Selectmen

19 Main Street
Groveton, New Hampshire 03582
603-636-1450

RCVD 1/11/17
SEC
FG

NHPUC JAN11 '17 AM 10:47

New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

January 3, 2017

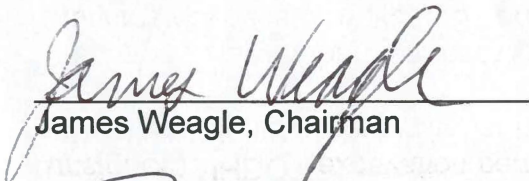
Northumberland is one of eighteen towns that have petitioned the SEC for a declaratory ruling that Northern Pass/ Hydro Quebec do not have the legal right to use locally-maintained town roads without municipal permission. We are writing this letter to drive home the point how this Selectboard feels about a foreign utility commandeering town roads for its exclusive financial benefit.

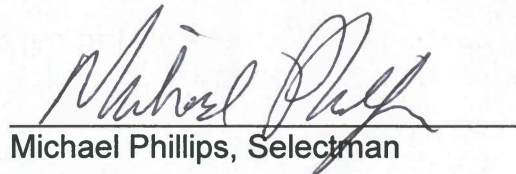
The RSAs contain clear language. 231:161 includes the definitive verb that controls in all statutes: "SHALL secure a permit" and I (a) "SHALL be addressed to the Selectmen". Even 231:160 says the structure "MAY be erected," implying that there is a process in which it may not. 231:160-a specifically says a structure "already been approved ...by the local land use board" further suggests that such construction could otherwise not be approved. The simple fact that there is an appeal process to petition the court means that an applicant must go through the lowest level first, and that is through the selectmen.

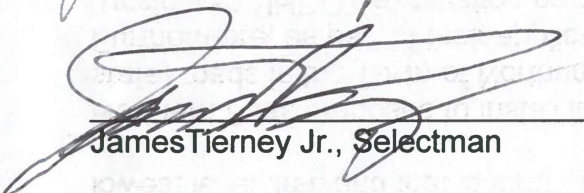
Northern Pass proposes to install its line above and across locally-maintained (as opposed to state) roads in the Town of Northumberland without going through our permitting process. Furthermore, as part of their application to the SEC, project sponsors have submitted blank (unsigned) NHDOT excavation permits for town-maintained roads. NHDOT has said it has no authority to sign these permits for town roads.

This issue is larger than Northern Pass. The issue is whether any utility corporation or other entity may bypass RSA 231:161 and use the SEC to accomplish a back door condemnation—a taking by eminent domain—of a town's roads. The Town of Northumberland will fight this in all ways. The Site Evaluation Committee must adhere to existing state laws regardless of vested interests embedded in the SEC.

Sincerely,


James Weagle, Chairman


Michael Phillips, Selectman


James Tierney Jr., Selectman