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NHPUC 9MAY16PM1:02

Via Electronic Mail and Hand Delivery

May 3rd, 2016

Ms. Debra A Howland, Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Re: Docket DE 15-460: Northern Pass Transmission LLC – Petition to Cross Public Waters

Dear Ms. Howland:

Enclosed for filing in New Hampshire Public Utilities Commission Docket No. DE-15-460, please find my Comment. Pursuant to Puc 203.02, enclosed are an original and six paper copies. Pursuant to Puc 203.03 electronic copies have also been provided to persons on the service list and to the Office of Consumer Advocate. Pursuant to Puc 203.04, my submission was typed or printed on 8 ½" x 11" paper, double-sided with no less than one inch margins, sequentially numbered, double-spaced with a cover letter, reading across the top "Before the New Hampshire Public Utilities Commission", identifying Applicant, nature of my documents and docket number. Pursuant to Puc 205.05 my Comment includes a cover letter, a clear and concise statement of relief sought, my name, my e-mail address, a concise and explicit statement of the facts upon which the commission should rely in granting authorization or relief, and other data I considered relevant. I was unable to supply legal precedent since my requests appear to be unprecedented.

Please contact me directly should you have any questions.

Very truly yours,



Kris Pastoriza

BEFORE THE STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

Northern Pass Transmission LLC

DE 15-460

KRIS PASTORIZA'S REQUEST THAT THE APPLICANT'S DIAGRAMS SUBMITTED FOR THE "CROSSINGS" OF THE HAM BRANCH IN EASTON BE RE-SUBMITTED WITH THE ROAD WIDTHS MARKED IN ACCORDANCE WITH THE ATTACHED MAP, AND WITH SCALE PROVIDED.

SECOND REQUEST; THAT THE APPLICANT PROVIDE THE LIST OF PUBLIC WATERS THEY USED AS REFERENCE FOR THEIR PETITION.

THIRD REQUEST; THAT THE PUC USE THEIR CONSIDERABLE POWER TO RESPECTFULLY INCLUDE RATHER THAN EXCLUDE THE PUBLIC IN THIS DOCKET ABOUT "PUBLIC USE OF PUBLIC WATERS."

FOURTH REQUEST; THAT THE PUC INCLUDE SCENIC USE IN THE DEFINITION OF PUBLIC USE.

1. On October 19, 2015, Northern Pass Transmission, LLC filed a petition to construct and maintain electric lines across and under public waters; three of the crossings are located in Easton.
2. The diagrams provided by the applicant for the crossings in Easton have no scale. Each of the three diagrams is a different size. Of the underground diagrams for all towns, only the diagram for the Connecticut River crossing provides a depth scale. This information needs to be provided for the PUC to properly assess the effect a crossing would have on public use of public waters. The

diagrams as they are submitted constitute an attempt at taking, because they show private land as within the easement of the road.

3. In support of the attached easement width map which shows a 40' easement at the second proposed "crossing" are the following road deeds. Complete deeds are available at State Archives, Fruit St. Concord, NH.

1804: "Beginning at Franconia Line at a Rock with stones on it thence to a hemlock tree marked thence to a spruce tree marked, thence to a spruce marked, thence to a hemlock stub..." (Book 1 p. 2 Lincoln Town Records) (Part of Easton used to be Lincoln.)

1811: "Description of the road laid out from the road in Lincoln Leading to Franconia to Landaff Line on a direct to Stephen Kinsman Saw Mill beginning at a heap of stones south side of Joshua Kendall's Brook and running southerly on the ridge between the mowing and wood land to the river thence crossing said river following then on or near the spotted line in the best place for a road to Landaff line. Said road to be considered Forty Feet wide." (Book 1, p. 108 Lincoln Town Records) (Part of Easton used to be Landaff.) Second proposed NPT crossing is just south of former Saw Mill.

1833: "... the northerly line of Landaff (Easton)... thence on said highway to George Maxwell's house 88 rods, which in our opinion need no alterations, thence leaving said highway at said Maxwell's house and running ... 74 rods...thence... 40 rods, thence ...24 rods, thence....45 rods, thence... 120 rods to intersect the present highway 14 rods northerly of Wid. Rice's house, thence ...14 rods on the present travelled road to Wid. Rice's house, no alterations was deemed necessary, thence... 30 rods, thence...74 rods to intersect the present travelled highway, thence to Joseph Spooner's house 710 rods the highway as now travelled, need, at present in our opinion, no alteration, thence commencing at said Spooner's house and running..." (Sessions Papers Nov. Term 1833)

Location of Widow Rice is consistent with Nancy Roys to Samuel Roys, deed 173/450 1843: “Also forty five acres of the northerly part of Lot No. Three, Range first Willard's Survey in Lincoln Gore.”

1856: 3 rod road laid out “at or near the top of the hill between the Henry Hall road (Gibson Rd.) and Sargent Moody's house and near the Judd house, so called (Farrell's) and ending in the old road some 40 rods above said Moody's house at or near a small spruce tree marked.”

“We therefore lay out...commencing at a stake on the west side of the County Road at the top of the hill south of the junction of the Henry Hall road (Gibson Rd.) ...55 rods through swamp land... at the bend of the road westerly of William Shattucks house. (Book 6, pg. 68 Landaff Town Records)

4. In support of Motion #2, the PUC has an obligation to provide documents referenced in its dockets. Neither the applicant, DES nor the PUC has provided the list of “Public Waters” a term referenced repeatedly in this docket.

5. In support of Motion #3, the rules for submissions of even comments to the PUC discourage public engagement, yet the public is most likely to know, and want known, on-the-ground information pertinent to the decisions the PUC is charged with. The requirement for a cover letter increases the time and expense of submissions without increasing their substance and usefulness. It is a discriminatory practice.

6. In support of Motion #4; see below Asher Brown Durand (1796-1886), White Mountain Scenery, Franconia Notch, New Hampshire, 1857. Looking at a river is a public use. Your vision of this reproduction is an extension of Durand's gaze; his public use of the river. If there had been powerlines crossing the river, Durand would probably not have painted it, and you would be denied the

beauty of the painting and preservation of that former beauty. So use moves beyond the crossing locations, in space and time. The boater below and Durand each used the river in his own way.



Wherefore, I respectfully request that the Public Utilities Commission:

- A. Grant my requests.
- B. Grant such other and further relief as may be just.

Respectfully submitted,

Kris Pastoriza

May 3rd, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this day, May 6th, a copy of the foregoing petition was sent by electronic mail or U.S. Mail to persons named on the Service List of this docket.

By:

Kris Pastoriza