

**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

Petition of Northern Pass Transmission, LLC to Cross Public Waters

Docket No. DE 15-460

**TOWN OF FRANCONIA'S PETITION TO INTERVENE**

The Town of Franconia, by and through its attorneys, Gardner, Fulton & Waugh, PLLC, petitions the Public Utilities Commission ("Commission") to allow it to intervene in the above-captioned matter in accordance with RSA 541-A:32 and NH Admin. Rule Puc 203.17, stating as follows:

1. On October 19, 2015, Northern Pass Transmission, LLC (the "Applicant") filed a Petition to Cross Public Waters with the Commission (the "Petition"). One of the proposed crossings will be located in the Town of Franconia.
2. The Town of Franconia has an interest in the proposed crossing because it will substantially affect the public rights in public waters within the Town and will harm both the Town and the public to an extent not necessary for the reasonable provision of service to the public by the Applicant. As the project was proposed by the Applicant to the NH Site Evaluation Committee, the Town understood that the crossing was proposed to be placed at the intersection of Routes 18 and 116. However, as proposed to the Public Utilities Commission, the crossing is now located 100 feet south of the intersection. As such, the proposed crossing will involve boring beneath the Gale River to place a trenchless high-voltage transmission cable under the river. Installation and maintenance of this crossing will prevent the public from using the Gale River in that location for an undetermined amount of time. In addition, the Town of Franconia owns land over which Route 18 passes, land that abuts the easterly bank of the river, and Dow Field which is the westerly bank of the river. Residents and visitors would become exposed to

added disruption, construction risks, congestion, vibration and noise, long-term utility maintenance issues in and under the River (as well as over a major road within the Town), highway safety issues, and loss of tourism, as well as loss of use of the Town Offices and two historic buildings (the Abby Greenleaf Library and Dow Academy building, both listed on the National Historic Register), the skating rink, the Franconia Notch Chamber of Commerce, and Lady of the Snows Church. The Town is concerned that the crossing, as proposed, will unduly interfere with orderly economic, social, cultural, school, sports and leisure activities in the Town. Franconia serves as a year-round destination resort for visitors from other states and counties; however, its service economy, sensitive to the vagaries of the business cycle, will face a potentially dire threat from the disruption (both short-term and long-term) the project will create. The Town is also concerned about the impacts that the project will have on its citizens, property values, operations, and environment, on Town operations from disturbances to public roads, and on natural resources from disturbances to shorelines and waterbodies and the effects of buried transmission lines on the surrounding soils, water, flora and fauna. The Town is concerned that this crossing, as proposed, (a) is not necessary to meet the reasonable requirements of service to the public because it will have significant effects on the rights of the public and alternative locations for the project are available, and (b) cannot, as requested, be exercised without substantially affecting the public rights in waters. The Town also believes that the Applicant has failed to explore reasonable alternative locations, including re-routing the project along the I-93 corridor (which runs near to and parallel to the current proposed route through the heart of Franconia), and that this option should be thoroughly considered.

3. On March 29, 2016, the Town's Board of Selectmen voted to file for intervenor status in this matter with the Commission.

4. RSA 541-A:32 and NH Admin. Rule Puc 203.17 provide that the Commission, or its presiding officer, shall grant a petition for intervention if:

(1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's order of notice of the hearing, at least 3 days before the hearing;

(2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

5. As discussed herein, the proposed facility will impact the rights, duties, privileges, immunities and other substantial interests of the Town of Franconia. The interests of justice and orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

WHEREFORE, the Town of Franconia respectfully requests that the Public Utilities Commission:

- A. Grant the Town of Franconia's Petition to Intervene; and
- B. Grant such other and further relief as may be just.

\* \* \*



Respectfully submitted,

TOWN OF FRANCONIA  
By and through its attorneys,  
GARDNER, FULTON & WAUGH

March 29, 2016

By: C. Christine Fillmore  
C. Christine Fillmore, Esq., Bar #13851  
Gardner, Fulton & Waugh, PLLC  
78 Bank Street  
Lebanon, NH 03766-1727  
Tel. (603) 448-2221  
Fax (603) 448-5949  
[cfillmore@townandcitylaw.com](mailto:cfillmore@townandcitylaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of March, 2016, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket pursuant to Puc 203.11(a)(1).

March 29, 2016

By: C. Christine Fillmore  
C. Christine Fillmore