

NHPUC 14PR16PM3:21

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

Public Service Company of New Hampshire d/b/a/ Eversource Energy

DE 15-462

CITY OF CONCORD'S PETITION TO INTERVENE

The City of Concord, by and through its attorneys, the Office of the City Solicitor, petitions the Public Utilities Commission ("Commission") to allow it to intervene in the above-captioned matter in accordance with RSA 541-A:32 and Puc Rule 202.17, stating as follows:

1. On October 19, 2015, Public Service Company of New Hampshire d/b/a/ Eversource Energy ("PSNH") filed a petition to construct and maintain electric lines across public waters, and two of the crossings are located in Concord. On March 10, 2016, the Commission issued an Order of Notice requiring service of all towns to receive a copy of the Order of Notice by United States Certified Mail.
2. The City of Concord received a certified letter enclosing the Order of Notice on March 21, 2016. However, the undersigned counsel did not receive notice about the Order until April 1, 2016. The deadline for moving to intervene was March 30, 2016.
3. The City of Concord petitions to intervene in this matter because the proposed facility is projected to cross through Turtle Pond and the Soucook River, both of which are located in Concord. The City of Concord is concerned that the proposed crossings (a) are not necessary to meet the reasonable requirements of service to the public; and (b) cannot be exercised without substantially affecting the public rights in the public waters. Turtle Pond is an area with important scenic and recreational value in the City of Concord. The Department of Energy has stated in its Draft Environmental Impact Statement that the proposed structures in this area will have an aesthetic/visual impact that increases current conditions at Turtle Pond

from “moderate” to “strong.” The City of Concord has an interest in the proposed crossings because they will substantially affect the public rights in its public waters.

4. The City of Concord also petitions to intervene because it is a bordering landowner. The City of Concord owns two parcels of land that immediately border Turtle Pond. Those parcels are identified on the City of Concord’s records as (1) Map 118, Block F2, Lot 17; and (2) Map 119, Block 1, Lot 15. Concord also owns and manages a conservation easement that borders Turtle Pond, which is identified on the City of Concord’s records at Map 118, Block 2, Lot 39. The City of Concord also owns land that immediately borders the Soucook River. That parcel is part of the City of Concord’s Municipal Airport, and it is identified on the City of Concord’s records as Map 110, Block 1 and Lot 6. That particular parcel is governed by a Conservation Management Agreement between the City of Concord and a number of federal and New Hampshire state agencies. RSA 371:21 requires the Commission to determine the amount of compensation, if any, to be paid to owners of land bordering public waters for any damage occasioned by the continuation and maintenance of the proposed structures. The City of Concord will also need to ensure that the construction of the proposed crossing results in the least amount of impact to the public waters and its bordering property.

5. The City of Concord has previously expressed its concerns about the visual and audio impacts that the project will have on the City’s character and property values as a result of the overhead lines and supporting structures, and it seeks to have the project buried in Concord. Based on those concerns, on October 13, 2015, the City Council directed the Office of the City Solicitor to file for intervenor status with the Site Evaluation Committee in order to seek burial of the lines. The City of Concord has been allowed to intervene at the Site Evaluation Committee.

6. The Petition to Cross Public Waters has been submitted as part of Northern Pass, LLC application to the New Hampshire Site Evaluation Committee, and, therefore, it is appropriate for the City of Concord to similarly be allowed to intervene in this matter.

7. In short, the proposed facility will impact the rights, duties, privileges, immunities and other substantial interests of the City of Concord. The interests of justice and orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

8. The City has contacted Counsel for Northern Pass, LLC to determine whether it will object to the late filing of this petition to intervene, and is currently awaiting a response.

WHEREFORE, the City of Concord respectfully requests that the Public Utilities Commission:

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

Respectfully submitted,

CITY OF CONCORD

April 1, 2016

By:



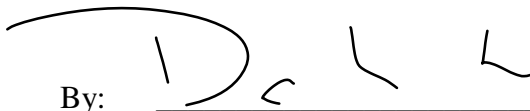
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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2016, an original and seven copies of the foregoing were hand delivered to the Commission, as well as electronic copies to the Service List.

April 1, 2016

By:



Danielle L. Pacik, Deputy City Solicitor