

LAW OFFICES
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September 30, 2017

20 OCT '17 PM 12:53

Debra A. Howland
Executive Director and Secretary,
Public Utilities Commission
21 South Fruit Street
Concord, NH 03301-2429

Re: DE 15-464

Dear Director Howland:

I represent Kevin Spencer and Mark Lagasse dba Lagaspence Realty, LLC in the captioned docket. Mr. Spencer and Mr. Lagasse were granted intervention because they own property that Eversource Energy proposes to lease to Northern Pass Transmission LLC for the construction of the Northern Pass.

Yesterday, September 29, 2017, I was advised by Suzanne Amidon, Staff Counsel, that Eversource, staff and the OCA were entering confidential settlement discussions regarding the lease and lease rental.

My clients, notwithstanding that they are interveners and have vital property rights at stake in this docket, were not invited to the settlement discussions.

The Commission, in Order 25,882, found that the matter of property rights must be adjudicated by the courts, that the Commission cannot make such a determination.

Pursuant to the Commission Order, my clients are pursuing judicial relief regarding their property rights and will continue to pursue those rights until a final judicial determination is made on the merits including any appeals.

Because the property rights matter is not finally adjudicated, I object to the settlement discussions going forward.

In addition, should the discussions proceed over this objection, my clients should be participants in the discussions.

One, the settlement discussions will directly involve their property and property rights and the lease and lease rental is a matter of significant concern to them.

Two, should the lease be approved and lease rental be paid to Eversource by Northern Pass Transmission, LLC, the rental must be held in trust until such time as the courts adjudicate the respective property rights between my clients and Eversource. I would further note that the Commission has the responsibility to ensure that the rentals are held in such trust in view of Order 25,882.

I respect the necessity of confidentiality in settlement agreements subject, however, to the caveat that the matter of settlement will be a material issue in the property rights litigation.

Respectfully submitted,

/s/ Arthur B. Cunningham

Arthur B. Cunningham

Cc: Service list