

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

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

DE 15-462

**PETITION TO INTERVENE OF THE
SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS**

The Society for the Protection of New Hampshire Forests (the “Forest Society”), by and through its attorneys, BCM Environmental & Land Law, PLLC, respectfully petitions the New Hampshire Public Utilities Commission (“PUC”) for late intervention in the above-captioned proceedings pursuant to RSA 541-A:32 and PUC Rule 202.17 because the proposed facility will impact the rights, duties, privileges, immunities, and other substantial interests of the Forest Society and the interests of justice and orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention. In support of its request, the Forest Society states as follows:

1. On or about October 19, 2015, Public Service Company of New Hampshire (“PSNH”) d/b/a Eversource Energy filed a petition to construct and maintain electric lines across public waters, with crossings over lands that may border lands the Forest Society owns in fee and/or holds conservation easements over and lands underneath the Connecticut River which the Forest Society owns.

2. On March 10, 2016, the Commission issued an Order of Notice requiring service of “all owners of land within 100 feet of the crossing of the affected state waters” to receive a copy of the Order of Notice by United States Certified Mail.

Presumably, the Forest Society should have received such Notice because the Northern

Pass project proposes to cross the Connecticut River and the Forest Society owns land “within 100 feet.”

3. The Forest Society did not receive the Order of Notice. The date for filing a Petition to intervene was March 29, 2016.

4. The following properties are some of those in which the Forest Society owns the fee interest and are directly affected by the proposed Northern Pass Project route:

From Northern Pass Application:			
Sheet Number	Property Owner Identification Number	Property Name	Town
2 of 180	401.01, 400.01	Washburn Forest	Clarksville
43 of 180	12519, 12527	Kauffmann Forest	Stark
44 of 180	12528, 12541		
45 of 180	12547, 12548		
77 of 180	3215	The Rocks Estate	Bethlehem
78 of 180	3159, 3220		

5. The following properties are some of those in which the Forest Society owns a Conservation Easement interest and are directly affected by the proposed Northern Pass Project route:

From Northern Pass Application:			
Sheet Number	Property Owner Identification Number	Fee Owner Name	Town
9 of 180	10649	McAllaster	Stewartstown
7 of 180	10644	Green Acre Woodlands	Stewartstown
11 of 180	10673	Lynne Placey	Stewartstown
11 of 180	10676	Brad & Daryl Thompson	Stewartstown
44 of 180	12535	Percy Summer Club	Stark
56 of 180	2293	Bartow & Baker, J. & Baker, L.	Lancaster
78 of 180	3160.01, 3221	Russell	Bethlehem
56 of 180	2294	Campen, E. & E.	Lancaster
79 of 180	3416	Hannah	Sugar Hill
88 of 180	3825, 3828	Daarvid	Easton
157 of 180	7995	Spear	Concord
179 of 180	9712	Menard	Deerfield
179 of 180	9714	Geddes Trust, Melinda L.	Deerfield

6. The Forest Society petitions to intervene in this matter because the proposed facility is projected to cross through/over a section of the Connecticut River, in which one-half of the riverbed is owned by and abuts additional lands owned by the Forest Society, including the Washburn Family Forest in the Town of Clarksville. The Forest Society 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.

7. The Forest Society petitions to intervene because it is both a bordering landowner and owner of a portion of the riverbed over which the waters of the Connecticut River flow as noted above. It is unclear from PSNH's petition exactly which crossings and abutting lands are implicated but due to the Forest Society's extensive property interests, the potential is great, as in PUC docket number 15-460, that some portion of the Forest Society's property will be affected.

8. 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 Forest Society 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.

Site 202.11(a) provides that "[p]ersons seeking to intervene in a proceeding shall file petitions with the committee"

Site 202.11(b) provides as follows:

The presiding officer shall grant a petition to intervene if:

(1) The petition is submitted in writing to the presiding officer ...;

(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.

See also RSA 541-A:32 (imposing identical standard by statute).

9. The Forest Society filed to intervene, and was granted full intervenor status, at the Site Evaluation Committee based on its concerns about the various impacts that the proposed project will have on the Forest Society's properties.

10. The Petition to Cross Public Waters has been submitted as part of PSNH application to the New Hampshire Site Evaluation Committee, and, therefore, it is appropriate for the Forest Society to similarly be allowed to intervene in this matter.

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

12. The City of Concord concurs in this request. The applicant objects to this request.

WHEREFORE, the Forest Society respectfully requests that the Public Utilities Commission:

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

Respectfully Submitted,

**SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS**

By its Attorneys,

April 12, 2016

BCM Environmental & Land Law, PLLC
3 Maple Street
Concord, NH 03301
(603) 225-2585

By: 

Amy Manzelli, Esq. (17128)
manzelli@nhlandlaw.com

By: 

Elizabeth A. Boepple, Esq. (20218)
boepple@nhlandlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this day, April 12, 2016, a copy of the foregoing petition was sent by electronic mail or U.S. Mail, postage prepaid, to persons named on the Service List of this docket.

By: 

Amy Manzelli, Esq.