

## **APPENDIX 13**

### **NORTHERN PASS TRANSMISSION LLC PETITION TO CROSS LAND OWNED BY THE STATE**

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

**NORTHERN PASS TRANSMISSION LLC**

**DOCKET NO. DE 15- \_\_\_\_\_**

**PETITION TO CROSS LAND OWNED BY THE STATE**

Northern Pass Transmission LLC (NPT) requests, pursuant to RSA 371:17, that the New Hampshire Public Utilities Commission (Commission) grant licenses to construct and maintain electric lines at fourteen locations over and across lands owned by the State of New Hampshire in Stark, Northumberland, Lancaster, Dalton, Bethlehem, New Hampton, Hill, Franklin, Canterbury, Pembroke, and Allenstown, New Hampshire. Eight crossings are over land owned by the Department of Transportation (DOT), five crossings are over land owned by the Department of Resources and Economic Development (DRED), and one crossing is over land owned by the Adjutant General (AG).

1. NPT files this petition, pursuant to RSA 162-H:7, VII, with its application to the New Hampshire Site Evaluation Committee (SEC) for a Certificate of Site and Facility to construct and operate a 192-mile high voltage electric transmission line comprising a +/- 320 kV direct current line from the Canadian border at Pittsburg to the City of Franklin (DC Line) and a 345 kV alternating current line from the City of Franklin to the Town of Deerfield (AC Line), with related infrastructure (collectively, the Project). NPT understands that that the petition will be forwarded to the Commission pursuant to RSA 162-H:7, IV, and that the Commission will then docket the petition for its own administrative purposes.

2. The DC Line will cross over the Nash Stream State Forest, the Percy State Forest, the Cape Horn State Forest, the Groveton Branch of state-owned railroad at three locations, a

State Police firing range on DOT land, the William H. Thomas State Forest, and a DOT rail trail. The AC Line will cross over vacant land owned by DOT, the Concord-Lincoln Line of state-owned railroad at two locations, land owned by the Adjutant General, and Bear Brook State Park. The locations of the crossings are shown on the maps provided as Attachment A. Also provided as Attachment B is a master index of the crossings, which includes NPT and Public Service Company of New Hampshire d/b/a Eversource (PSNH) facilities. PSNH is contemporaneously filing a petition to cross land owned by the state for its facilities identified in Attachment B. In addition, fourteen appendices are included that provide a detailed description of each crossing, along with relevant construction details, material specifications, and design drawings.

3. RSA 371:17 requires any utility, corporation or individual seeking to construct and maintain cable, conduit or poles and associated wires and fixtures over, under or across land owned by the state to petition the Commission for approval of such crossing. Pursuant to RSA 371:20, the Commission shall grant such a petition following its review and determination that the license “may be exercised without substantially affecting the public rights in said... lands.”

4. NPT has also contemporaneously filed a Petition to Commence Business as a Public Utility.

5. In Dockets No. DG 00-145 and DG 00-207, the Commission considered a petition by EnergyNorth Natural Gas, Inc. (ENGI) to construct and maintain a natural gas pipeline under Little Cohas Brook and across land owned by the State in Londonderry, i.e., an abandoned railroad bed owned by the Department of Transportation. In that case, the Town of Londonderry argued that ENGI was required to show that the crossing was necessary in order to meet the reasonable requirements of service to the public. The Commission rejected that argument. It held that “the proper standard for reviewing petitions for licenses pursuant to RSA 371:17 is set

forth in RSA 371:20: whether the license petitioned for may be exercised without substantially affecting the public rights in said waters or lands.” The Commission also pointed out that “even private corporations and individuals may petition the Commission under RSA 371:17 for private purposes” and that the Commission had previously determined that “service by a public utility to even a single customer constitutes ‘service to the public.’” See Order No. 23, 657 (March 22, 2001) at p. 21.

6. NPT proposes to construct and maintain the Project in order to bring 1,090 megawatts of low-cost, renewable energy from Hydro-Québec to the New England power grid. The DC Line will run approximately 158 miles, terminating at a converter station to be built in Franklin, and the AC Line will run approximately 34 miles, terminating at a PSNH substation in Deerfield. While not required in order for the Commission to grant this petition, it is nevertheless the case that at the time NPT is authorized to engage in business in New Hampshire as a utility (by virtue of owning, operating and managing plant and equipment used in the transmission of electricity ultimately sold to the public) and it is granted a Certificate of Site and Facility by the SEC, it will be necessary, in order to meet the reasonable requirements of providing transmission service to the public, consistent with federal and state law, to cross the land owned by the state described above.

7. As explained below, NPT has the necessary rights to utilize the lands on either side of each crossing location. For background purposes, it is noted that the roughly 40-mile portion of the DC Line located between Pittsburg and Dummer, except for two segments totaling approximately eight miles that will be constructed under highways, will be located in new right-of-way (New ROW). NPT has option agreements for a leasehold interest in the approximately

32 miles of the New ROW. NPT does not seek to cross land owned by the State for this portion of the DC Line.

8. The DC Line intersects with PSNH right-of-way at the Dummer Substation. The overhead portions of the DC Line located between Dummer and Bethlehem, and between Bridgewater and Franklin, as well as the entirety of the AC Line, will be located within PSNH right-of-way (Existing ROW). NPT's use of the right-of-way for the Project pursuant to a lease agreement between NPT and PSNH is the subject of another petition that has been contemporaneously filed with the Commission. All fourteen crossings are located within the Existing ROW.

9. NPT has contemporaneously filed a petition with the DOT Bureau of Rails and Trails for permission to cross over the five state-owned railroad and one rail trail locations.

10. The proposed crossings will be constructed, maintained and operated by NPT in accordance with the 2012 National Electrical Safety Code (NESC) C2-2012, consistent with Puc 306.01(b)(1). Furthermore, those standards, as applied to railroads, are more stringent than the minimum clearance requirement set forth in RSA 373:39. Accordingly, the rights granted by the license sought in this Petition can be exercised by without substantially affecting the rights of the public to use the lands at the proposed crossings, and the use and enjoyment by the public will not be diminished as a result of NPT's plan to construct and maintain the Project as proposed.

WHEREFORE, NPT respectfully requests that the Commission:

- A. Find that the licenses petitioned for may be exercised without substantially affecting the public rights in the lands owned by the state that are the subject of this petition;
- B. Grant NPT licenses to construct and maintain electric lines over, under, or across the lands owned by the state identified in the petition;
- C. Issue an Order *Nisi* granting such licenses, consistent with Commission practice;
- D. Cause due notice to be given, pursuant to RSA 371:19, to the Attorney General and to such abutting owners of land as the Commission may designate; and
- E. Grant such other and further relief as may be just and equitable.

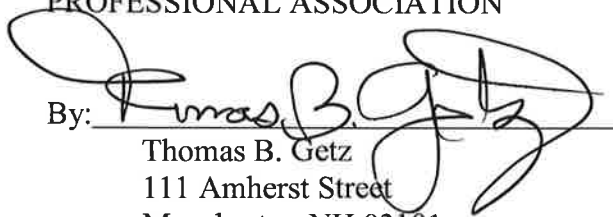
Respectfully submitted,

NORTHERN PASS TRANSMISSION LLC

By its Attorneys,  
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PROFESSIONAL ASSOCIATION

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By:

  
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