



# CITY OF CONCORD

New Hampshire's Main Street™  
City Solicitor's Office

NHPUC 29NOV17AM10:47

James W. Kennedy  
City Solicitor

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Deputy City Solicitor

November 29, 2017

## **HAND DELIVERY**

Ms. Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301

Re: PSNH/Petition to Lease Rights-of-Way to Northern Pass  
Transmission, LLC, Docket No. DE 15-464

Dear Ms. Howland:

Please accept for filing the City of Concord's Notice of Position relative to the Petition to Lease Rights-of-Way to Northern Pass Transmission, LLC.

Please be advised that the City will not be taking a position on the terms of the proposed settlement agreement relative to the schedule of annual lease payments and/or the schedule of payments into the Public Utilities Commission fund. For that reason, the City of Concord does not intend to attend the upcoming hearings.

Although the City of Concord is not taking a position on the terms of the proposed settlement agreement, this notice should not be construed as a waiver to seek appellate review of the Public Utilities Commission's Order dated April 6, 2017, Order No. 26,001, which addressed whether Eversource made a *prima facie* showing that it has legal authority to lease and divide the rights of certain easements it holds to Northern Pass Transmission, LLC. The City of Concord respectfully maintains that the proposed lease of easement rights by Eversource to Northern Pass Transmission is unlawful because Eversource does not have the requisite property rights to lease the easement. For that reason, the City of Concord disagrees that approval of the lease agreement is just and reasonable, or serves the public interest, and the City of Concord is not waiving its right to seek appellate review on the issues addressed in its legal memorandum filed on October 28, 2017 and/or its motion for rehearing.

A copy of this Notice has been sent by electronic mail to those parties listed on the current Service List for this Docket.

Very truly yours,

A handwritten signature in black ink, appearing to read 'DLP', with a large, sweeping initial 'D' and a horizontal line extending to the right.

Danielle L. Pacik  
Deputy City Solicitor

DLP/vd

cc: Service List (E-Mail)