

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY

Petition for Approval of Lease Agreement Between Public Service Company of New Hampshire
d/b/a Eversource Energy and Northern Pass Transmission LLC

Docket No. DE 15-464

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY'S OBJECTION TO LATE-FILED PETITION TO
INTERVENE OF REBECCA HUTCHINSON AND PARTIAL OBJECTION
TO THE LATE-FILED PETITIONS TO INTERVENE OF JO ANNE BRADBURY,
JEANNE M. MENARD AND ERICK BERGLUND JR. and KATHLEEN BERGLUND**

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and RSA chapter 541-A, Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH" or the "Company") hereby objects to the late-filed petition to intervene of Rebecca Hutchinson and partially objects to the late-filed petitions to intervene filed by Jo Anne Bradbury, Jeanne M. Menard, Erick Berglund Jr. and Kathleen Berglund in the above-captioned docket. In support of its objections, PSNH states the following:

1. On October 19, 2015, PSNH filed a petition for approval of a lease transaction between it and Northern Pass Transmission LLC ("NPT") whereby PSNH would lease to NPT certain real estate rights owned by PSNH. Pursuant to the Commission's January 29, 2016 order of notice in the docket, requests to intervene were due no later than February 17, 2016. Despite this limitation, on May 9, 2016 and May 12, 2016 numerous petitions to intervene, all originating in Deerfield, were filed in the docket.
2. On May 9, 2016, Jo Anne Bradbury submitted a late-filed petition to intervene in the docket arguing that her intervention was justified because she owns property that is

covered by one or more of the easements contained in the proposed lease. Also on May 9, 2016 Jeanne M. Menard on behalf of herself in her capacity as the general partner of the Menard Forest Family Trust, as well as on behalf of her family members, sought to intervene. Ms. Menard's petition was premised upon the same argument as that of Ms. Bradbury – the proposed lease includes easements crossing property she owns or controls. On May 9, 2016, Rebecca Hutchinson filed a petition to intervene that was essentially the same in form and substance to that of the other May 9 intervention requests. Lastly, on May 12, 2016, Erick Berglund Jr. and Kathleen Berglund filed a petition to intervene that was also essentially the same as the petitions mentioned above.

3. PSNH objects to the petition to intervene of Ms. Hutchinson on the ground that her property is not included in the property that is the subject of the proposed lease in the docket. Ms. Hutchinson identifies her property as being at 30 Lang Road in Deerfield, and describes it as abutting the proposed route. While the NPT route is near Ms. Hutchinson's property, it is not on her property and her property is not included in the property that is the subject of the proposed lease in this docket.¹ Accordingly, in that Ms. Hutchinson does not have property that is covered by the lease that is under review in the instant docket, her intervention is not justified.
4. As to the petitions of Ms. Bradbury, Ms. Menard, and the Berglunds, though untimely, PSNH does not object to those interventions as they relate to landowners with property covered by the proposed lease. PSNH does, however, partially object to state its position

¹ In Ms. Hutchinson's February 1, 2016 petition to intervene at the Site Evaluation Committee she identified her property as being at Tax Lot 9668 in Deerfield. See http://www.nhsec.nh.gov/projects/2015-06/motions-waivers/2015-06_2016-02-01_r_hutchinson_petition_intervention.pdf. Upon reviewing the NPT route through Deerfield, and in particular that on "sheet 177" it shows that the proposed route for NPT is on the adjacent property, Tax Lot 9669, but is not on or through, Tax Lot 9668. See http://www.northernpass.us/assets/mile-maps/sheet_177.pdf.

relative to the scope of the potential interventions. As with similar intervention petitions filed in this docket, Ms. Bradbury and the Berglunds base their interventions on their status as landowners who have land that might be affected by the NPT project. Similarly, Ms. Menard justifies her intervention on her status as a landowner, and also that she “is very concerned that this proposal may substantially affect her family’s property.”

Menard Petition at 1. To the extent that any of these intervenors may seek to use this docket or the Commission’s process to for discussions or decisions on the legal rights relating to the underlying property, PSNH objects to such discussions or decisions. In Order No. 25,882 (April 15, 2016), the Commission set out the scope of its review regarding land rights, and it noted that it “cannot and do[es] not intend to adjudicate” the land rights of the various parties to the docket. Order No. 25,882 at 6. The Commission reaffirmed that position in Order No. 25,898 (May 9, 2016). Accordingly, to the extent these intervenors seek to intervene to discuss or debate the underlying property rights, intervention would be improper.

5. Pursuant to RSA 541-A:32, III, and Puc 203.17, the Commission may limit an intervention to, among other things, “designated issues in which the intervenor has a particular interest.” In light of the above, PSNH hereby requests that if the Commission grants any or all of the partially objected-to intervention petitions, it limit intervention to the issues in which those persons may have a particular interest and over which the Commission has jurisdiction, which would exclude any considerations relating to properties not included in the lease, any rulings upon the scope of the underlying land rights, or any ruling on the legal ability of PSNH to transfer the rights it owns.

6. PSNH also requests that for the sake of administrative efficiency, the Commission consider combining intervenors pursuant to RSA 541-A:32, III. There are other landowners already participating in the docket that have based their interventions on arguments substantially similar to that of these newest petitioners. Additionally, PSNH also notes its concern that continuing to allow untimely filed requests to intervene may affect the prompt and orderly conduct of the proceedings. This docket has already been pending before the Commission for nearly seven months and adding additional parties would be likely to further extend the timeframe for review.

WHEREFORE, PSNH respectfully requests that the Commission:

- (1) Deny Ms. Hutchinson's petition to intervene;
- (2) Limit the interventions of Ms. Bradbury, Ms. Menard, and the Berglunds as described, if their petitions to intervene are granted; and
- (3) Order such further relief as may be just and equitable.

Respectfully submitted,

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

May 13, 2016
Date


By: 

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

May 13, 2016
Date



Matthew J. Fossum