

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 PARTIAL OBJECTION
TO PETITION TO INTERVENE OF
THE CITY OF CONCORD

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 submits a partial objection to the petition to intervene filed by the City of Concord ("Concord") in the above-captioned docket. In support of its partial objection, 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. On September 22, 2016, Concord filed a petition to intervene in the docket noting that it owned property that would be affected by the construction of the NPT project. It also noted that it had been granted intervenor status in the on-going proceeding at the Site Evaluation Committee ("SEC") relating to the NPT project.
2. Though it was filed nearly a year after the commencement of the case, PSNH does not object to the intervention of Concord as landowner with property covered by the

proposed lease. Having now seen the substance of Concord's petition, PSNH does, however, object to the scope of the potential intervention as described in the petition.

3. In its petition, Concord states that "The City of Concord petitions to intervene in this matter because the proposed facility has significant and unique impacts on Concord." Concord Petition at 1. It further states that "Concord also owns and manages conservation easements on lots that are located immediately adjacent to the proposed route." Concord Petition at 1. Concord's petition appears to be based upon alleged impacts, or assumed potential impacts, from the NPT facility. Such impacts, however, are not the subject of this docket. This docket is for the purpose of reviewing the proposed lease transaction between PSNH and NPT. Further, because the docket relates only to the properties subject to the proposed lease, the existence of conservation easements or other property rights in lands near or adjacent to the proposed route are likewise not in issue.
4. Moreover, in its petition Concord states that it "has previously expressed its concerns about the visual and audio impacts that the project will have on the City's character and property values as a result of the overhead lines and supporting structures, and it seeks to have the project buried in Concord." Concord Petition at 2. While Concord may have expressed the concerns identified in its petition, such concerns are well outside the scope of the present matter and are entirely irrelevant to the issues under consideration by the Commission in this case. Accordingly, to the extent that Concord seeks to intervene to discuss or debate any underlying property rights, the impacts of the NPT project, or other related matters, intervention before the Commission 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 Concord’s intervention petition, it limit intervention to the issues in which Concord 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 decisions relating to the alleged impacts on Concord from the NPT project, 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.

WHEREFORE, PSNH respectfully requests that the Commission:


- (1) Limit Concord's participation as described if its petition to intervene is granted; and
- (2) Order such further relief as may be just and equitable.

Respectfully submitted,

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

September 26, 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.

September 26, 2016
Date


Matthew J. Fossum