

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

DE 15-464

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

Petition for Approval of Lease Agreement with Northern Pass Transmission LLC

ORDER OF NOTICE

On October 19, 2015, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition for approval of a lease agreement (Lease) between Eversource and Northern Pass Transmission LLC (NPT) pertaining to certain real estate interests of Eversource. Eversource filed supporting testimony and related exhibits with the petition. On December 4, 2015, Eversource filed a letter providing a legal opinion that Eversource has the right to lease easements it obtained from private property owners. At the direction of the Commission, Eversource supplemented its filing on December 7, 2015. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2015/15-464.html>.

Eversource is a public utility operating under the laws of the State of New Hampshire. NPT is a limited liability company organized under the laws of the State of New Hampshire engaged in the business of developing, designing, constructing, owning and maintaining a high voltage electric transmission line and related facilities in New Hampshire (the NPT line). NPT and Eversource are both subsidiaries of Eversource Energy, a utility holding company with headquarters in Boston, Massachusetts, and Hartford, Connecticut.

NPT plans to construct the NPT Line for the purpose of transmitting hydroelectric power produced in Canada to customers in New Hampshire and in the New England energy market. The NPT Line will run approximately 192 miles from the New Hampshire border with Canada, and ultimately end at the Eversource substation in Deerfield, New Hampshire. As part of its business of transmitting and distributing electrical energy, Eversource has acquired certain interests in real property located throughout New Hampshire on which its facilities have been constructed. The Lease is the agreement between Eversource and NPT whereby portions of Eversource's rights-of-way would be leased to NPT for construction of the NPT line. The Eversource rights-of-way that are the subject of the Lease are located in 19 municipalities and are principally comprised of Eversource easements from private property owners and land owned by Eversource. The Lease provides that NPT would have exclusive use of 781 acres of the easement rights, while approximately 472 acres would be designed for shared use between Eversource and NPT. There are approximately 74 acres of remaining land also included in the Lease that have not been designated for a specific use.

Eversource asserts that it has taken a number of steps to ensure that construction of the NPT Line would be consistent with its engineering standards and that the construction of the NPT Line will not impair future reliability of Eversource's system. According to the petition, nearly all of the revenues resulting from Lease payments would benefit Eversource's customers. Eversource asserts that the proposed Lease serves the public good as required by RSA 374:30 because it is not contrary to law.

The filing raises, *inter alia*, issues related to whether Eversource's has the legal right to lease or sublease to NPT the various easements that it obtained from private property owners; whether the proposed use of the easements for purposes of constructing transmission facilities is

within the scope of such easements; what form of notice should be provided to the affected private property owners; whether the Lease serves the public good as required by RSA 374:30; whether the valuation of the interests represented in the Lease is market-based and reasonable; whether the affiliate transaction between Eversource and NPT is consistent with RSA 366 and New Hampshire Code Admin. Rules Puc 2100; and whether the arrangement proposed by the Lease adequately considers future need for distribution or transmission infrastructure.

Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on February 19, 2016 at 1:30 p.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

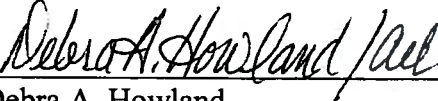
FURTHER ORDERED, that, immediately following the Prehearing Conference, Eversource, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and allow Eversource to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, Eversource shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than February 5, 2016, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before February 17, 2016; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Eversource and the Office of the Consumer Advocate on or before February 17, 2016, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before February 19, 2016.

By order of the Public Utilities Commission of New Hampshire this twenty-ninth day of January, 2016.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.