



BARRY NEEDLEMAN
Direct Dial: 603.230.4407
Email: barry.needleman@mclane.com
Admitted in NH, MA and ME
900 Elm Street, P.O. Box 326
Manchester, NH 03105-0326
T 603.625.6464
F 603.625.5650

November 18, 2015

Via Hand Delivery and Electronic Mail

Ms. Pamela Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street
Concord, NH 03301

**Re: Docket No. 2015-05: Joint Application of New England Power Company d/b/a
National Grid and Public Service Company of New Hampshire d/b/a Eversource
Energy for a Certificate of Site and Facility**

Dear Ms. Monroe:

Enclosed for filing in the aforementioned docket please find the Applicants' Objection to Ms. Margaret Huard's Petition to Intervene.

Please call me with any questions or concerns.

Sincerely,


for:
Barry Needleman

BN:slb

Enclosures

cc: Service List
Margaret Huard

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015 – 05

**JOINT APPLICATION OF NEW ENGLAND POWER COMPANY
D/B/A NATIONAL GRID &
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANTS’ OBJECTION TO MS. MARGARET HUARD’S
PETITION TO INTERVENE**

NOW COMES New England Power Company d/b/a National Grid (“NEP”) and Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”) (collectively the “Applicants”) by and through their attorneys, McLane Middleton, Professional Association, and respectfully submit this Objection to Ms. Margaret Huard’s Motion to Intervene in the above-referenced proceeding and state as follows:

I. Introduction

1. On August 5, 2015, the Applicants filed an application with the New Hampshire Site Evaluation Committee (“SEC” or the “Committee”) for a Certificate of Site and Facility to construct and operate the New Hampshire portion of a new 345 kV transmission line from NEP’s Tewksbury 22A Substation in Tewksbury, Massachusetts to PSNH’s Scobie Pond Substation in Londonderry, New Hampshire (the “Project”). The Committee accepted the application on October 5, 2015.

2. On November 5, 2015, Ms. Margaret Huard filed a letter with the SEC requesting “full intervention status” in the proceedings.

3. Ms. Huard is not a direct abutter to the Project and the interests she alleges are indistinguishable from the public at large. Therefore, Ms. Huard has failed to demonstrate the types of specific interests that would entitle her to participate in the proceeding and her petition should be denied.

II. Standard for Intervention

4. Pursuant to RSA 541-A:32, I and Site 202.11, in order to intervene in a SEC proceeding: (1) the petitioner must properly file a petition; (2) the petitioner must establish that their rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. RSA 541-A:32, I; N.H. Code Admin R., Site 202.11(b).

III. Ms. Huard Does Not Have a Substantial Interest Which May be Affected by this Proceeding

5. As depicted on Attachment A, Ms. Huard owns property on David Drive in Londonderry. The Project, as marked by a blue line on Attachment A, will be constructed in a section of the existing National Grid and Eversource easements. Contrary to Ms. Huard's allegation that "[t]wo of these lines, owned by Eversource, abut [her] property at the rear of [her] property," Ms. Huard's property does not abut either company's easement or any existing transmission line. In fact, Ms. Huard's property is three properties removed from where the new transmission line will be built.

A. Ms. Huard Has Not Alleged Sufficient Facts to Establish a Particularized Injury for the Committee to Grant Ms. Huard's Motion to Intervene

6. Ms. Huard must set forth enough facts to demonstrate that she has a legal right to intervene. See RSA 541-A:32, I(b); *Appeal of Stonyfield*, 159 N.H. 227, 231 (2009) (stating that

“a party must demonstrate this his rights may be directly affected by the decision, or in other words, that he has suffered or will suffer an injury in fact”) (internal quotations omitted).

General allegations of harm are not sufficient. *See Blanchard v. Boston & Maine Railroad*, 86 N.H. 263, 264 (1933) (finding that standing does not exist if a party cannot establish that it has an “interest[] in or [is] affected by the proceedings in some manner differently from the public, citizens, and taxpayers generally”).

7. Ms. Huard does not meet these requirements because her alleged interest in these proceedings is no different from the interests of the public in general. *Blanchard*, 86 N.H. at 264; *Bennett v. Tuftonborough*, 72 N.H. 63, 64 (1903). Standing does not exist if a party alleges “nothing distinguishing [its] right and interest from that of other citizens and taxpayers.” *Blanchard*, 86 N.H. at 264. Further, Ms. Huard has not and cannot allege any specific injury that she has suffered or will suffer that would provide a basis for standing. *Id.*; *Appeal of Richards*, 134 N.H. 148, 156 (1991) (where a party is unable to demonstrate an actual or immediate injury, there is no standing).

8. Because Ms. Huard does not own property that abuts the Project—and in fact, is three properties removed from the Project—Ms. Huard has not and cannot allege any fact to distinguish herself from the rest of the general public. The Project will not be constructed on property owned by or abutting Ms. Huard. The Project will not trim, prune, or remove any trees on Ms. Huard’s property. Therefore, there is nothing in particular about Ms. Huard’s property that distinguishes her from other local residents and taxpayers.

9. Ms. Huard only alleges that she will walk and drive on a road that goes under the proposed Project and she might be able to see the top of one structure. However, these facts do not allege any specific injury that Ms. Huard could possibly suffer or will suffer that is different

from the general public. Ms. Huard’s arguments relating to property values and aesthetics are too speculative, particularly because of the distance between her property and where the new transmission line will be built.

10. Ms. Huard’s additional main points of contention—that range from the potential construction of a separate and distinct natural gas pipeline, to tree removal and the environment, including the carbon footprint, to EMF—are far too speculative and removed from a particularized interest to establish standing. Indeed, the geographic scope of Ms. Huard’s allegations belies any suggestion that her particular interests are at stake. *See* Huard Intervention Petition (Nov. 5, 2015) (alleging her interests to be “the public health and a large area of the environment a large distance from the proposed project site of the new line”; “damage to the public health of a large distance from the proposed project site”; “health risks associated with such high voltage transmission lines for such a large area”).

B. Ms. Huard’s Interests Are Sufficiently Represented by Counsel for the Public and the Interest of Justice and the Orderly Conduct of the Proceeding Would Be Disserved by Granting Ms. Huard’s Request

11. Potential interveners must distinguish their interest in a manner that makes clear they will not overlap with, and repeat the efforts of Counsel for the Public, thereby subjecting the Applicants to duplicative discovery requests, duplicative expert opinions and duplicative testimony. Issues such as those raised by Ms. Huard that deal with the environment—including aesthetics and public health—are precisely within the purview of Counsel for the Public. RSA 162-H:9.

12. Where counsel for the public already represents those interests raised in the request to intervene, Ms. Huard has no standing. *See Appeal of Richards*, 134 N.H. at 156 (“[n]o individual or group of individuals has standing to appeal when the alleged injury caused by the

administrative agency's action affects the public in general, particularly when the affected public interest is represented by an authorized official or agent of the state").

13. The Committee has previously denied intervener status to non-abutting property owners like Ms. Huard. *See* Order on Pending Motions, Re: Application of Antrim Wind, LLC, Docket No. 2014-05 at 16 (March 13, 2015); *see also* Order on Pending Motions, Application of Laidlaw Berlin BioPower, LLC, NH DES Docket No. 2009-02 at 5–6 (March 24, 2010) (denying intervention request of individual having no substantial interest in the docket that differs from the interests of the public at large).

14. Both Counsel for the Public and the Committee will explore each issue that Ms. Huard has raised. It is their obligation and responsibility to do so. Thus, the interests Ms. Huard identifies are adequately represented and her participation here would be entirely repetitive. Therefore, the generalized interests alleged by Ms. Huard are insufficient to provide a basis to grant her Petition for Intervention.

15. Ms. Huard also makes many allegations relating to the Northeast Energy Direct (“NED”) natural gas pipeline that have no bearing on these proceedings. NED is a separate and distinct project of unknown scope and timing that is still in the development phase and that has not filed an application before the Site Evaluation Committee. Should Ms. Huard be allowed to intervene on issues related to NED, the focus of the SEC proceedings may be significantly diverted to an entirely different project.

16. In the alternative, to the extent that the Committee finds any basis to grant Ms. Huard's petition, the Applicants request that Ms. Huard's participation in this matter be limited to the concrete interests that the Committee finds that Ms. Huard has clearly demonstrated.

Respectfully submitted,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: November 18, 2015

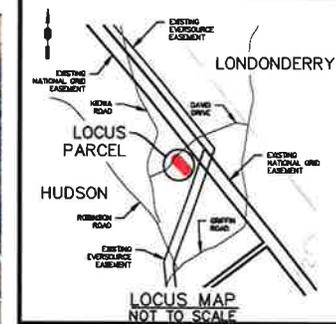
By: Adam Dumville
Barry Needleman, Esq. Bar No. 9446
Adam Dumville, Esq. Bar No. 20715
11 South Main Street, Suite 500
Concord, NH 03301
(603) 226-0400
barry.needleman@mclane.com
adam.dumville@mclane.com

Certificate of Service

I hereby certify that on the 18th of November 2015, an original and one copy of the foregoing objection was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the service list and Ms. Huard.

Adam Dumville For: _____
Barry Needleman

ATTACHMENT A



NOTES:

1. ABUTTING PROPERTY LINES SHOWN HEREON WERE GRAPHICALLY COMPILED FROM ASSESSOR'S MAPS AND EXISTING ROADWAY INFORMATION. THEY DO NOT REPRESENT A PROPERTY LINE RETRACEMENT SURVEY AND ARE NOT TO BE USED AS A BASIS OF LAND TITLES OR MEASUREMENTS.

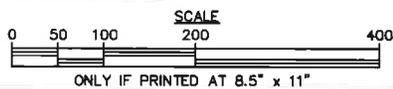
REFERENCE PLANS:

1. HUDSON TAX MAPS

2. LOT LINE RELOCATION PLAN OF LAND BELONGING TO KONIS CORP. 123 CENTRAL STREET - HUDSON, NH GRIFFIN & KEINIA ROADS, HUDSON, NH, DATED OCTOBER 1976, SCALE 1"=100', A. E. MAYNARD, CIVIL ENGINEERS, RECORDED IN HILLSBOROUGH COUNTY REGISTRY OF DEEDS AS PLAN NO. 14017

LEGEND

- EXISTING EVERSOURCE EASEMENT
- EXISTING NATIONAL GRID EASEMENT
- PROPOSED MVRP EASEMENT
- PROPOSED MVRP CENTERLINE
- LOCUS PROPERTY LINE
- PROPERTY LINE



EVERSOURCE ENERGY

TITLE: COMPILATION PLAN SHOWING PROXIMITY OF EVERSOURCE EASEMENT TO HUARD PROPERTY LOCATED AT 13 DAVID DRIVE, HUDSON, NH

BY:	CHKD:	APP:	APP:
DATE:	DATE:	DATE:	DATE: 1/11/15
H-SCALE:	SIZE: 8.5" x 11"	SURVEY JOB #:	
V-SCALE:	V.S.:	EXHIBIT #:	EXHIBIT A
R.E. DRAWING #:		SHEET #:	1/1