

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2015-06

**Joint Application of Northern Pass Transmission, LLC
and Public Service Company of New Hampshire
d/b/a Eversource Energy for a Certificate of Site and Facility**

ORDER ACCEPTING APPLICATION

December 18, 2015

I. Introduction

On October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively Applicant), filed an Application for a Certificate of Site and Facility (Application) with the Site Evaluation Committee (Committee). The Applicant seeks the issuance of a Certificate of Site and Facility approving the siting, construction, and operation of a 192-mile transmission line and associated facilities with a capacity rating of up to 1,090 MW from the Canadian border in Pittsburg in Coos County to Deerfield in Rockingham County (Project). *See App.* at 8, 22 and 40¹.

On November 2, 2015, pursuant to RSA 162-H:4-a, the Chairman of the Committee appointed a subcommittee in this docket (Subcommittee).

On December 7, 2015, the Subcommittee reviewed the Application. The Subcommittee determined that the Application contains sufficient information to satisfy the application requirements of each state agency having jurisdiction under state or federal law to regulate any aspect of the construction or operation of the proposed facility. *See RSA 162-H:7, IV.* The

¹ References to the Application shall be cited as “App.” followed by the reference page number.

Subcommittee also made an independent determination that the Application contains sufficient information to carry out the purposes of RSA 162-H. *See* RSA 162-H:7, III.

This Order memorializes that determination.

II. Description of the Project

The Project's transmission corridor will encompass 3,161 acres, including (i) 465.1 acres of new right-of-way that will be used for an overhead transmission corridor; (ii) 2,520 acres of existing right-of-way that will be leased from PSNH and used for the overhead transmission corridor; and (iii) 175.9 acres for an underground transmission corridor. *Id.* at 8.

The Project will consist of the following major components: (i) a single circuit +/-320 kV high-voltage direct current (HVDC) transmission line that will run from the international border to a converter terminal in Franklin; (ii) a converter terminal that will be constructed at 1079 South Main Street in Franklin, NH; (iii) a single circuit 345 kV alternating current (AC) overhead transmission line that will run from the converter terminal in Franklin to an existing substation located at 27 Cate Road in Deerfield; (iv) six HVDC Overhead to Underground Transition Stations that will be located in Pittsburg, two in and Clarksville, Stewartstown, Bethlehem, and Bridgewater; and (v) various access roads. App. at 8, 23-24. The Applicant also seeks to modify the Deerfield and Scobie Pond Substations and to upgrade 10 structures located between them. App. at 24.

The proposed line generally will consist of the following sections:

- Section 1 – From the international border through the Towns of Pittsburg, Clarksville, Stewartstown, Dixville, and Millsfield to Dummer. Appx. 1, Sheet 1-38². That section of the line will be constructed within a new right-of-way. Appx. 1, Sheet 2. Two portions of this line comprising of 8.2 miles in total will be constructed underground: (i) a Route 3

² The Application is made up of multiple volumes containing numerous appendices. References to appendices within the Application will be cited as "Appx." followed by the Appendix's designated number.

crossing between the Towns of Pittsburg and Clarksville (0.7 miles) and (ii) a portion of the line from Clarksville to Stewartstown (7.5 miles). *Id.* at 23; Appx. 1, Sheet 2. The majority of the underground line from Clarksville to Stewartstown will be installed under existing roads, *i.e.* Old County Road, North Hill Road, and Bear Rock Road. Appx. 1, Sheet 5-11.

- Section 2 – From Dummer through Stark, Northumberland, Lancaster, Whitefield, Dalton, back to Whitefield to Bethlehem. Appx. 1, Sheet 38-76. This section of the line will follow the existing right-of-way owned by PSNH. Appx. 1, Sheet 38-76. The right-of-way in Whitefield from Structure DC-609 to Structure DC-611 (area of Whitefield Substation) will be widened by approximately 124 feet. *Id.* at 22; Appx. 1, Sheet 67. In the Town of Stark, the line will cross Nash Stream Forest, the Yankee Forest Tract, the Percy Summer Club conservation easement, the Damian Tract, Percy State Forest, the Kaufmann Tract and the White Mountain National Forest. Appx. 1, Sheet 42-49. In the Town of Northumberland, the line will cross Cape Horn State Forest. Appx. 1, Sheet 51-54. In the Town of Lancaster, the line will cross Lancaster Town Forest, the Campen E & E conservation easement, the Bartow & Baker, J & Baker, L. conservation easements, and the GRP Savage conservation easement. Appx. 1, Sheet 56-58. In the Town of Whitefield, the line will cross the Pondicherry Unit of Silvio O. Conte National Fish and Wildlife Refuge.
- Section 3 – From Bethlehem through Sugar Hill, Franconia, Easton, Woodstock, Thornton, Campton, and Plymouth to Bridgewater. Appx. 1, Sheet 76-124. This portion of the line will be constructed underground and will be 52.2 miles long. *Id.* at 23. Specifically, this section will be constructed under and will follow Routes 302, 18, 116, 112, and 3. Appx. 1, Sheet 76-124.
- Section 4 – From Bridgewater, through Ashland, New Hampton, Bridgewater, Bristol, New Hampton, Hill, Franklin, Northfield, Canterbury, Concord, Pembroke, and Allenstown to Deerfield. Appx. 1, Sheet 124-180. This section of the line will follow the existing right-of-way owned by PSNH. *Id.* at 22. The right-of-way in Pembroke from Structure 3132-178 to Structure 3132-195 (8,014 feet) will be widened by approximately 45 feet. *Id.* at 22; Appx. 1, Sheet 165-166. In addition, the right-of-way at Cate Road in Deerfield (343 feet) will be expanded by approximately 85 feet. *Id.* at 22. Finally, another segment of the right-of-way in Deerfield (343 feet) will be expanded by approximately 285-515 feet. *Id.* at 22. In the Town of New Hampton, the line will cross the Franklin Falls Reservoir and the Conking conservation easement. Appx. 1, Sheet 134-136. In the Town of Bristol, the line will cross the Warner conservation easement and the Pemigewasset River. Appx. 1, Sheet 131, 133, 137. In the Town of Hill, the line will cross the William H. Thomas Forest and the Franklin Falls Reservoir. Appx. 1, Sheet 137-138. In the Town of Franklin, the line will cross the Franklin Falls Reservoir, Webster Lake WMA, and the Great Gains Memorial Forest. Appx. 1, Sheet 140-144. In Concord, the line will cross the Richards Community Forest conservation easement. Appx. 1, Sheet 157. In Allenstown, the line will cross Bear Brook State Park and the Wetlands Reserve Programs conservation easement. Appx. 1, Sheet 169-171, 173. In

Deerfield, the line will cross the Alvah Chase Town Forest, the Levesque Lot, the Wetlands Reserve Programs conservation easement, the Menard conservation easement, and the Geddes Trust Melinda L. conservation easement. Appx. 1, Sheet 175, 179-180.

The line will cross the following existing substations: (i) Lost Nation Substation in Northumberland; (ii) Whitefield Substation; (iii) North Woodstock Substation; (iv) Beebe River Substation in Campton; (v) Ashland Substation; (vi) Pemigewasset Substation in New Hampton; (vii) Webster Substation in Franklin; (viii) Oak Hill Substation in Concord; and (ix) Deerfield Substation. Appx. 1, at 2.

Overhead/Underground transition stations will be installed at each end of the underground segment of the line to allow for the transition of the overhead conductor to the underground equipment. App. at 31. Each transition station will resemble a small switching station and will occupy an area approximately 75 feet by 130 feet. App. at 31. The equipment at each station will include a line terminal structure, surge arresters, instrument transformers, disconnect switches, cable terminators, communications equipment, and a control building. App. at 31, 41.

The converter terminal that will be located in Franklin will include buildings with conversion equipment and controls, an open-air substation with filter banks, and other equipment similar to a conventional substation. App. at 35. The converter terminal will use a Voltage Source Converter (VSC) DC converter technology. App. at 41. The VSC will include a HVDC area that will include disconnect switches, circuit breakers, capacitors, reactors, and instrument transformers. App. at 41. The conversion from HVDC to AC will take place in a valve hall – a building that will be approximately 250 feet by 250 feet. App. at 41. A control room and office space will be located adjacent to the valve hall. App. at 41. The AC portion of the converter terminal will include the converter transformers, reactors, filters, capacitors, instrument

transformers, disconnect switches, and circuit breakers. App. at 41. The converter terminal will occupy 10 acres. App. at 8.

The Deerfield substation will be modified so that it can accommodate the installation of a new 345 kV line. App. at 36. Specifically, it will require a relocation of the existing 345 kV line and installation of equipment necessary for such relocation (terminal structures, 345 kV switches, breakers, bus work, instrument transformers and associated protection and control devices). App. at 36, 42. In addition, the existing 345 kV AC line from Buxton, Maine, to Londonderry, New Hampshire (the 391 line), will be split into two segments and terminated at the Deerfield Substation. App. at 36. The Applicant seeks to construct a Static VAR Compensator and 345 kV capacitor banks adjacent to the existing substation yard. App. at 42. Equipment additions will also include breakers, transformers, switches and bus, instrument transformers and arresters. App. at 42.

At the Scobie Pond Substation, the Applicant seeks to install additional 345 kV banks in an area adjacent to the existing substation yard. App. at 36. The Applicant also seeks to install 345 kV breakers in the existing substation bus. App. at 42.

In addition, the Applicant seeks to upgrade 10 structures in order to maintain ground clearances for the 345 kV AC transmission line from the Deerfield Substation to the Scobie Pond Substation. App. at 37.

The Applicant intends to relocate (i) 51 miles of existing 115 kV lines and 12 miles of 34.5 kV lines for the HVDC portion of the line; and (ii) 16 miles of existing 115 kV lines and 5 miles of 34.5 kV lines for the 345 kV AC portion of the line. App. at 43.

III. State Agency Review

Pursuant to RSA 162-H:7, IV, all State agencies identified as having permitting or other regulatory authority were notified of the filing of the Application and asked to conduct a preliminary review to ascertain if the Application contained sufficient information for the agency's purposes.

A. Department of Resources and Economic Development – Division of Forests and Land – New Hampshire Natural Heritage Bureau.

On November 6, 2015, New Hampshire Natural Heritage Bureau (NHNHB) advised the Committee that it conducted a preliminary review of the Application. NHNHB determined that the Application contains sufficient information to review and consider the issuance of conditions regarding rare, threatened and endangered plants and exemplary natural communities.

B. Department of Environmental Services – Water Division

The Department of Environmental Services (DES) initially responded to the Committee's request for review on November 12, 2015. DES advised the Subcommittee that the Application contained sufficient information required for the Water Quality Certificate application. DES further found that the Applicant filed complete application forms required for DES review. Notwithstanding that finding, DES determined that Applicant's Alteration of Terrain, Wetland, and Shoreland Impact applications were incomplete. DES identified the following deficiencies:

- Alteration of Terrain File – DES acknowledged that the Applicant provided a Parcel Landowner List as Appendix K. DES found, however, that the Applicant failed to submit "proof that the applicant will have a legal right to undertake the project on the property if a permit is issued to the applicant," as required by Alteration of Terrain Administrative Rule Env-Wq 1503.08(I).
- Wetland File – Similar to the Alteration of Terrain file, DES acknowledged that the Applicant provided a Parcel Landowner List as Appendix K. DES found, however, that the Applicant failed to submit signatures of the property owners as required by Wetland Bureau Administrative Rule Env-Wt 101.06 and Env-Wt 501.

- Shoreland File - Similar to the Wetland file, DES acknowledged that the Applicant provided a Parcel Landowner List as Appendix K. DES found, however, that the Applicant failed to submit signatures of the property owners as required by Shoreland Program Administrative Rule Env-Wq 1406.08.

Notwithstanding the identified deficiencies, DES advised the Subcommittee that “the portions of the Application within the Department’s subject matter jurisdiction and supporting materials, as received on October 28, 2015, contain sufficient information to allow the Department to initiate technical review.”

The Subcommittee advised the Applicant of the DES determination on November 16, 2015.

The Applicant responded to the DES determination on November 20, 2015. The Applicant argues that DES mischaracterized applicable regulations. According to the Applicant, none of the cited regulations requires the Applicant to obtain the consent or signatures of the owners of the fee interest in the land where the Project will be located. The Applicant submits that, as a non-owner of the land in question, it is required to provide only the following information/documentation:

- Alteration of Terrain Application– Proof that the Applicant “will have a legal right to undertake the project on the property.” *See* Alteration of Terrain Administrative Rule Env-Wq 1503.08(I).
- Wetland Application – Documentation evidencing that the Applicant is “a person having an interest in the land on which a project is to be located that is sufficient for the person to legally proceed with the project.” *See* Wetland Bureau Administrative Rule Env-Wt 101.06.
- Shoreland Impact Application – Documentation supporting the Applicant’s right to engage in the proposed activity on the property, *e.g.* a long-term lease or purchase-and-sale agreement. *See* Shoreland Program Administrative Rule Env-Wq 1406.07 (a)(4).

The Applicant submits that the Application contains sufficient information to satisfy each

individual DES application. In its response to the DES letter, the Applicant provided a reference to its proposed lease with PSNH of those properties owned in fee by PSNH³. The Applicant also responded to the DES letter stating that the underground portions of the Project will be constructed under public roads in accordance with RSA 231:160, *et. seq.* The Applicant responded further by providing additional information concerning property owned and or leased by Bayroot, LLC, and Renewable Properties, Inc. The Applicant provided copies of lease agreements and options to lease those lands.

On December 2, 2015, the Subcommittee received another letter from DES. DES advised the Subcommittee that, in light of the Applicant's supplemental submission, it determined that the Application contains sufficient information for DES review.

C. Division of Historical Resource

The Subcommittee received a response from the New Hampshire Division of Historical Resources (DHR) on November 12, 2015. At that time, DHR advised the Subcommittee that the Application did not contain sufficient information "given the incomplete status of resource identification within the project area and materials; inconsistency with documents prepared for the project's Section 106 review." DHR initially indicated that the Application was incomplete because Phase IA and IB archeological testing results were not complete and because the Application lacked Phase II archeological recommendations. DHR also determined that the Application was incomplete with respect to above-ground and architectural resources because of an incomplete study methodology and results. In that communication DHR indicated that it would consider the application to be incomplete until such time as the Applicant concluded the identification process or, alternatively, a Section 106 programmatic agreement is executed. By

³ The proposed lease is subject to approval by the Public Utilities Commission.

letter dated November 30, 2015, DHR clarified its position and identified the following areas of concern (i) Phase IA surveys have not been conducted for approximately 100 properties where the Applicant has been denied access; (ii) Phase IB surveys have not been conducted on approximately 100 archeological sensitive areas identified during Section 106 review; (iii) study methodologies and results for above-ground historical properties are incomplete and inconsistent with state and federal guidance; and (iv) there is no programmatic agreement addressing and resolving identified issues.

On December 4, 2015, the Subcommittee received a memorandum of understanding (MOU) between the Applicant and DHR. In the MOU the Applicant and DHR stipulate that a programmatic agreement cannot be executed prior to the Subcommittee's review of the completeness of the Application. The MOU reflects the Applicant's commitment to conduct additional studies and to address DHR's concerns. In light of the Applicant's commitments, DHR agreed to find that the Application contains sufficient information for its purposes.

D. Public Utilities Commission

On November 13, 2015, the New Hampshire Public Utilities Commission (PUC) advised the Subcommittee that it conducted a preliminary review of the Application and determined that it contains sufficient information for the PUC to conduct its review for the issuance of licenses under the jurisdiction of the PUC.

E. Department of Transportation

Also on November 13, the New Hampshire Department of Transportation (DOT) advised the Subcommittee that it has had numerous meetings with Applicant's representatives and anticipates that it will execute a use and occupancy agreement for the Project within state-maintained rights-of-way. DOT further advised the Subcommittee that it will have several

opportunities to review and approve the excavation permits, driveway permits, aerial crossing agreements and licenses. DOT determined that the information in the Application is sufficient to initiate DOT's permitting process.

F. Department of Resources and Economic Development

On December 7, 2015, the Subcommittee received correspondence from the Department of Resources and Economic Development (DRED), stating that the application is sufficient for its purposes. In supporting its conclusion the DRED explained that the Application proposes to cross state properties utilizing existing utility corridors only. DRED also pointed out that if there were any temporary or permanent impacts to state owned property⁴ outside of the existing utility corridor and purchased through the Land Conservation Investment Program (LCIP), then legislative action would be required. DRED noted that Bear Brook State Park is subject to a federal funding program known as the Land and Water Conservation Fund Act of 1965 (LWCF). To the extent that the Project causes impacts outside the existing utility easement, the Applicant will be required to substitute other recreation property of at least equal fair market value in a reasonably equivalent usefulness and location as approved by the Department of the Interior. DRED also noted that any temporary or long-term rights required by the Project outside of the existing utility corridors would require full "state-surplus" process pursuant to RSA 4:40⁵.

In addition to reporting that the Application is complete for its purposes, DRED also indicated that it wishes to participate in this proceeding pursuant to RSA 162-H:7-a (III).

⁴ DRED's letter indicates that the Application proposes development within the existing utility corridors on the following state lands: Nash Stream Forest (LCIP), Percy State Forest (LCIP), Cape Horn State Forest (LCIP), William H. Thomas State Forest, and Bear Brook State Forest.

⁵ The disposition of real estate under the "state surplus" process includes review by the Council on Resources and Development pursuant to RSA 162-C and by the Long Range Capital Planning and Utilization Committee established by RSA 17-M prior to final approval by the Governor and Executive Council. *See* RSA 4:40.

G. Office of Energy and Planning

The Committee received a response from the New Hampshire Office of Energy and Planning on November 12, 2015. The Office of Energy and Planning advised the Subcommittee that the Council on Resources and Development, which is chaired by the Office of Energy and Planning (OEP), is charged under RSA 162-C with management and oversight responsibility of land interests acquired through the Land Conservation Investment Program. Those lands are managed and monitored by OEP's Conservation Land Stewardship Program. OEP further advised the Subcommittee that the Applicant proposed to cross three properties that are protected through LCIP – Nash Stream State Forest, Percy State Forest, and Cape Horn State Forest. OEP stated that the Project's line, as proposed, will be crossing those lands along existing right-of-way and that the Applicant does not intend to propose temporary or permanent impacts to LCIP properties beyond currently allowable activities in the existing right-of-way.

OEP also indicated that it wishes to participate in this docket as an agency that does not have permitting or other regulatory authority, to ensure that the Applicant will not seek to temporarily or permanently impact LCIP properties.

H. Department of Safety, Division of Fire Safety, Office of the State Fire Marshal

The Office of the State Fire Marshal (Fire Marshal) responded to the Committee request on November 10, 2015. The Fire Marshal advised the Subcommittee that it conducted a meeting with the City of Franklin Fire Chief, Town of Deerfield Fire Chief, and Eversource to discuss and address fire protection within, and access to, the structures that the Applicant seeks to construct in Franklin and Deerfield. The Applicant was advised that the codes in effect at the time of the Application are the 2009 ICC International Building Code, NFPA 1 Fire Code, and NFPA 101 Life Safety Code. The Applicant was also advised that local fire departments may

have additional requirements based on a review of the structural plans. The Fire Marshal appears to consider the Application to be complete for its purposes.

IV. Other Comments

The Subcommittee has received a large volume of written public comment in this docket. Some of the comments attempt to persuade the Subcommittee that the Application does not contain sufficient information for the Subcommittee to carry out the purposes of RSA 162-H. The Subcommittee also received written comments addressing the issue of completeness from Counsel for the Public and some environmental issue groups attempting to argue that the Application is incomplete and should be rejected.

It is not the practice of the Committee to allow litigation over its review of an application for acceptance purposes. The statute, RSA 162-H:7, III, assigns acceptance review of an application to the Subcommittee and requires the Subcommittee to act expeditiously. The record for the purpose of our review at this time consists of the Application and any supplements filed by the Applicant, and the responses from state agencies with permitting or other regulatory authority. *See* RSA 162-H:7, IV. Our review is a preliminary review. *See* RSA 162-H:7, III “Nothing in RSA 162-H requires the Committee to entertain litigation over completeness. Neither the statute nor our administrative rules contemplate or require litigation over the completeness determination. In fact all time frames pertaining to the issuance of certificate of site and facility commence only upon the acceptance of an application as complete.” Order Determining Application to be Incomplete, Docket No. 2013-02, Application of Atlantic Wind, LLC (Wild Meadows).

The statute demands that our preliminary review occur within a period of sixty (60) days. *See* RSA 162-H:7, VI. An application may be rejected if it is “administratively incomplete.” *See*

RSA 162-H:7, VI. If an application is rejected by the Committee for being incomplete, there is a statutory process that permits the applicant to cure a deficiency. *See* RSA 162-H:7, VI. The structure of RSA 162-H does not permit others into the process of determining whether an application is complete and should be accepted by the Committee.

The Administrative Procedures Act, RSA 541-A, does not require the Committee to allow litigation at this point in the proceeding. A state administrative agency is only required to commence an adjudicative process once a matter becomes a “contested case.” *See* RSA 541-A:31. A contested case is defined as a “proceeding in which the legal rights, duties or privileges of the party are required by law to be determined by an agency after notice and an opportunity for hearing.” *See* RSA 541-A:1, IV. Review for acceptance purposes of an application for a certificate of site and facility under RSA 162-H:7 is not a proceeding in which the legal rights, duties or privileges of any party other than the Applicant are determined. The determination which is made by the Committee pursuant to RSA 162-H:7 is solely whether the Application is complete. That is, whether the Application contains sufficient information for the Subcommittee to carry out the purposes of RSA 162-H. If an application is accepted by the Subcommittee, the process becomes one in which the legal rights, duty, and privileges of other parties may be implicated. RSA 162-H provides a procedure for consideration of those claims within the “review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities.” *See* RSA 162-H:1.

To the extent that any comments are styled as motions or otherwise seek relief they are denied, without prejudice, as being out of order at this time.

The Subcommittee also received correspondence addressed to the DES and to the Subcommittee from New Hampshire Association of Conservation Commissioners and

Conservation Commissions of Ashland, Bethlehem, Dalton, Deerfield, and Sugar Hill. Each of those letters noted the seriousness of the matter involved and the voluminous nature of the Application. Each letter asked DES to extend the time allotted for submission of the comments on the completeness of the environmental applications submitted with DES. The New Hampshire Association of Conservation Commissioners further specifically requested that the Subcommittee extend the time allotted for the comments on completeness of the Application filed with the Subcommittee. RSA 162-H:7, VI requires the Committee to make an acceptance determination within 60 days of filing. There is no authority to extend that decision date. In addition, the remaining schedule, which allows state agencies a period of 240 days from acceptance of the Application, provides ample time for the conservation commissions to obtain appropriate extensions of time to respond within the DES review.

V. Sufficiency and Acceptance of the Application

In addition to hearing from state agencies, the Subcommittee has an independent obligation to “ascertain if the application contains sufficient information to carry out the purposes” of RSA 162-H. *See* RSA 162-H:7, II. It is worth noting that this determination is not a determination that the Application deserves the issuance of a Certificate. It is merely a determination that the Application contains sufficient information for the Subcommittee to perform the comprehensive review required by RSA 162-H.

RSA 162-H and the Committee’s administrative rules provide guidance on the information that is required in order for the Subcommittee to determine that an application is complete. Our review reveals that the Application and the additional materials filed to supplement the Application contain all of the components that are required to be filed with an Application under RSA 162-H:7 and our administrative rules. *See* New Hampshire Code of

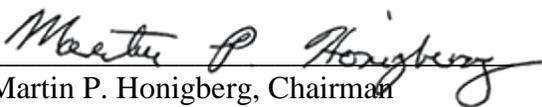
Administrative Rules Site 301. Over the course of time, the Subcommittee, other parties, and the state agencies may require additional information from the Applicant. Nevertheless, the extensive materials filed comport with the Committee's administrative rules and with RSA 162-H:7, V.

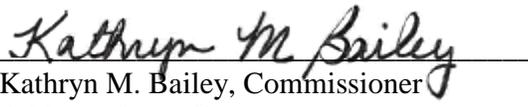
The Application and supplemental information provide detailed descriptions of the route, the type of construction, and the type of equipment to be installed along the route. The Application contains information identifying the Applicant's relationship to each section of the route. It identifies those areas owned in fee, those areas to be leased, and those areas in which the Applicant claims a statutory authority to construct in a public road way pursuant to RSA 231:160. The Application and the supplemental material also contain information about the financial, managerial, and technical capabilities of the Applicant and financial assurances of proper decommissioning. The Application and supplemental materials address the expected impacts and benefits on the orderly development of the region and the economy of the region. The Application identifies the preferred choice of routes and explains other alternatives and why they were not chosen. The Application contains complete applications for each state agency with permitting or other regulatory authority. In addition the Application addresses the impacts and benefits of the Project on aesthetics, historic sites, the environment, air and water quality, wildlife and public health and safety. The Application contains information about how each major part of the Project will impact the environment and addresses issues of avoidance, minimization, and mitigation of the environmental impacts of the Facility. The Application also contains information setting forth factors that the Applicant believes will demonstrate that the Project will serve the public interest.

The Application itself is voluminous and has been provided to the governing body of

each community in which the Project is proposed to be located. Whether it will merit the grant of a Certificate of Site and Facility remains to be determined. There is no question that those merits will be the subject of dispute and litigation in the coming weeks and months. All this Subcommittee can and should determine at this point is that the Application and supplemental materials provide sufficient information for the Subcommittee to carry out the purposes of RSA 162-H. Therefore the Application is accepted pursuant to RSA 162-H:7.

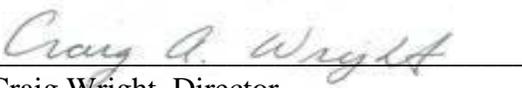
So ordered this 18th day of December, 2015 by the Site Evaluation Committee:

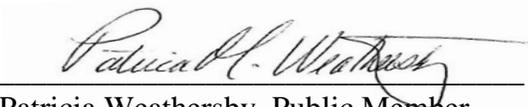

Martin P. Honigberg, Chairman
Public Utilities Commission
Presiding Officer


Kathryn M. Bailey, Commissioner
Public Utilities Commission


Christopher Way, Deputy Director
Division of Economic Development
Department of Resources and Economic
Development


William Oldenburg
Assistant Director of Project Development
Department of Transportation


Craig Wright, Director
Air Resources Division
Dept. of Environmental Services


Patricia Weathersby, Public Member

Roger Hawk, Public Member
Not Present. Did not vote.