

In July of 2020, I returned home from a golf outing to find heavy construction equipment building an industrial road on our property. We did not receive any notice that this excavation was going to occur. That road was never permitted—either at a state or municipal level.

I have spent 18 months working with multiple entities to identify how work of that magnitude could occur throughout New London without property owners being aware of the project. I learned a number of things, some of which may be beneficial to residents impacted by the proposed 2022 project.

Eversource has an online manual that establishes guidelines and expectations for their Power Line ROW's throughout New Hampshire, Massachusetts and Connecticut. It is accessible by searching for "Eversource Right of Way Guidelines".

One of the things included in that publication is a definition of ROW ownership:

"The majority of the rights-of-way used for our electric system were established through the purchase of easement rights by Eversource from owners of the underlying property. While Eversource has rights to operate and maintain the electric system through these easements, the underlying property is still owned by private parties. Their rights to use the property continue, subject to Eversource's easement rights."

Eversource remains consistent with this delineation between Property Owner and Easement Holder throughout a number of publicly available documents.

This document also talks about construction projects, including property restoration commitments post-construction. It may be helpful for any property owners in this room to explore that document so that you have a good understanding of what Eversource is allowed and not allowed to do, and what property owners are allowed and not allowed to do.

One of the things that the guidelines stress is the importance of good communications between property owners and Eversource to ensure that everyone plays within the boundaries of the contractual easement, industry safety standards, and federal/state mandates.

Good communication is a two-way street. Eversource's 2020 work in New London did not include strong communication.

While I believe that Eversource has committed to doing a better job with outreach for the 2022 work, it is critical that property owners follow up with project personnel to understand the specifics regarding what will occur on their property. Eversource's communications are not at a property level unless asked for. Having Property Owner signatures on required municipal permit applications would ensure that those property-level discussions occur early in the planning process. In 2020, no communications occurred until after the major excavation and construction work was completed. Meaning, Eversource talked to property owners in crisis mode vs planning mode.

Some things that might be useful.

- 1) Trust but verify. Make sure that what they provide in their plans is what is actually constructed. Inform Eversource that you expect to be apprised when and if construction plans change.

- 2) Ask detailed questions. Find out what materials they will be bringing into your property—fill, gravel, etc. Ask about what excavation will be completed on your property. Do they anticipate excavating boulders, drilling ledge, etc.
- 3) Get restoration commitments up front. The Eversource ROW policy guidelines state that construction pads will usually be removed. In 2020, those construction pads were not removed except when legal action was threatened. Focus on results—what is your expectation of what the land will look like after one growing season. If Eversource’s restoration plan does not succeed, it is their responsibility to remedy the failure.
- 4) Make sure that Eversource cleans up after themselves, do not assume that all construction debris will be removed at the conclusion of the project. Again...ask specific questions. If they are digging boulders and rocks out of your property, or clearing vegetation, what is your expectation relative to where those boulders will be permanently housed or where those tree remains will go.

It is your property. Do not assume that Eversource will treat it the way you would treat it. You are fortunate in that your project coordinator—Matt Flanders—has taken over responsibility for the New London work. Matt and I are not friends but I have tremendous respect for his work ethic and his professionalism. I and other property owners remain concerned about uncompleted restoration work, which puts us in a somewhat difficult relationship with Eversource. Matt bears the brunt of our frustrations. He has never lied to us, always responds to communications, and is adept at balancing Eversource and property owner interests. You are in good hands—but only if you understand up front what is going to happen on your property. Trust me...you do

not want to come home to major, unanticipated excavation and construction in your yard.