

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

DOCKET NO. 2024-02

**PETITION REQUESTING JURISDICTION AND OVERSIGHT OF
EVERSOURCE PROPOSED X-178 TRANSMISSION LINE
REPLACEMENT PROJECT**

OBJECTION TO MAINE OFFICE OF THE PUBLIC ADVOCATE’S INTERVENTION

The Towns of Easton and Bethlehem, New Hampshire (“Towns”) filed a petition on June 3, 2024, asking the New Hampshire Site Evaluation Committee (“SEC” or “Committee”) to assume jurisdiction over replacement work planned by Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) on its X-178 electric transmission line between Campton and Whitefield, New Hampshire. On July 29, 2024, the SEC issued an Order and Notice of Public Hearing and Meeting (“Notice”) that, among other things, set a deadline of September 3, 2024, for the filing of petitions for intervention. For the reasons set forth below, Eversource objects to the Petition to Intervene of the Maine Office of the Public Advocate (“MOPA”) filed on August 29, 2024.

I. MOPA PETITION

MOPA identifies itself as the statutorily authorized representative of Maine consumers of utility services and asserts that a portion of the total costs of Eversource’s replacement work on the X-178 transmission line (“X-178 Project”) will be borne by Maine ratepayers. In addition, MOPA says that neither the ISO New England Inc. (“ISO-NE”) nor the Federal Energy Regulatory Commission (“FERC”) undertakes any review of the need for asset condition projects, and it says that no other regulatory agency will review the prudence of Eversource’s

decision to pursue the X-178 Project if the SEC declines jurisdiction.¹ Finally, MOPA contends that the interests of justice and the orderly and prompt conduct of the proceeding will not be impaired by allowing its intervention.

II. EVERSOURCE OBJECTION

MOPA does not have a right, duty, privilege, immunity or other substantial interest that may be affected by this proceeding nor does it qualify as an intervenor under any provision of New Hampshire law.

To begin, MOPA fundamentally misapprehends the role of the SEC. The SEC does not review the need for energy facilities, nor does it review the prudence of investments in such facilities. Subsequent to the restructuring of the electric utility industry in New Hampshire, the Legislature repealed RSA 162-H:16, V, which had previously required a finding that a facility must meet the present and future need for electricity. 2009 Laws of NH 65. Moreover, as clearly set forth in the SEC’s Notice, the scope of this proceeding is limited to determining “whether the construction and operation of the transmission line replacement constitutes a sizable change or addition to an existing energy facility requiring a certificate of site and facility under RSA 162-H:5, II” or, alternatively, “whether the project should be exempt under RSA 162-H:4, IV.”

As for the merits of MOPA’s Petition, the SEC must grant intervention under subsection I of RSA 541-A:32 when a party demonstrates that its, rights, duties, etc. may be affected by a proceeding, or the petitioner qualifies under a provision of law. The SEC may grant intervention under subsection II when it would be in the interests of justice and would not impair the conduct of the proceeding.

¹ In an August 16, 2024 letter to Eversource from the Consumer Advocates of New England (“CANE”), signed by MOPA, CANE expressed a contrary opinion, i.e., that recourse was available in the form of a challenge at FERC to the prudence of Eversource’s expenditures on the X-178 transmission line. See Attachment.

541-A:32 Intervention. –

I. The presiding officer *shall grant* one or more petitions for intervention if:

(a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing;

(b) The petition *states facts demonstrating that the petitioner's 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

(c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

II. The presiding officer *may grant* one or more petitions for intervention at any time, upon determining that such intervention *would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings*. (Emphasis supplied.)

With respect to subsection I, MOPA does not identify a right, duty, privilege, immunity or other substantial interest that may be affected by the SEC's determination concerning its jurisdiction over the siting of the X-178 Project. Instead, consistent with its statutory duties, MOPA focuses on ratemaking issues in an approach similar to that followed by the New Hampshire Office of Consumer Advocate ("OCA"). Interestingly, MOPA's statutory duties, pursuant to 35-A M.P.S. § 1702, parallel those of the OCA, in that MOPA may review and make recommendations to the Maine Public Utilities Commission with respect to the reasonableness of rates, the adequacy of service, any proposal by a public utility to abandon service, the issuance of certificates of public convenience and necessity, terms and conditions, mergers and consolidations, contracts with affiliates, and the issuance of securities; in other words, traditional public utility ratemaking issues that are not the subject matter of this proceeding.

As for subsection II of RSA 541-A:32, which MOPA appears to invoke, it contends that the "interests of justice and the orderly and prompt conduct of the proceedings will not be impaired" by allowing its intervention. Among other things, MOPA argues that the interests of Maine consumers will not be represented, but MOPA fails to explain how the SEC's

determination of its jurisdiction over the siting of the X-178 Project affects Maine consumers of utility services or how it would be in the interests of justice to grant intervention to MOPA.

III. CONCLUSION

MOPA is in the wrong forum to pursue its aims. The SEC lacks jurisdiction over the need for the X-178 Project or the prudence of Eversource's investment in it. Likewise, the SEC is only required to grant intervention to a party when such party demonstrates an interest affected by the proceeding and MOPA has no cognizable interest in this siting proceeding.

WHEREFORE, Eversource respectfully asks that the Committee:

- A. Deny the Maine Office of the Public Advocate's intervention; and
- B. Grant such additional relief as the Committee deems just and appropriate.

Respectfully submitted,

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

By Its Attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: September 10, 2024

By:  _____

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August 16, 2024
Via electronic mail

Eversource Energy
56 Prospect St.
Hartford, CT 06103

Re: Eversource Energy's X-178 Asset Condition Project

Consumer Advocates of New England (CANE) – the informal organization representing the statutorily designated ratepayer advocates of Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island – joins with NESCOE in strongly encouraging Eversource to reconsider its plan to move forward with a full rebuild of the X-178 line in New Hampshire. As NESCOE eloquently stated in its August 1 memo,¹ the evidence that Eversource has offered to stakeholders in its two presentations on this project² at the ISO-NE Planning Advisory Committee (“PAC”) does not demonstrate that this project is a “reasonable use of consumer dollars.”³ CANE echoes that sentiment. Eversource has fallen well short of showing that this massive expenditure of ratepayer money to pursue these supposed improvements to the X-178 line will result in reasonable pool transmission costs.

As voting members of the NEPOOL Participants’ Committee, CANE’s representatives have participated in the PAC meetings, have reviewed Eversource’s presentations and response to stakeholder feedback,⁴ and

¹ See NESCOE Memo to Eversource Regarding New Hampshire Line X-178 Rebuild (August 1, 2024) (“NESCOE Memo”), https://www.iso-ne.com/static-assets/documents/100014/2024_08_02_nescoe_memo_x178_asset_condition_project.pdf.

² See Eversource, New Hampshire Line X-178 Rebuild (February 28, 2024), https://www.iso-ne.com/static-assets/documents/100008/a05_2024_02_28_pac_line_x178_rebuild_presentation.pdf; Eversource, New Hampshire Line X-178 Rebuild Follow-Up (June 20, 2024) (“Eversource Follow-Up Presentation”), https://www.iso-ne.com/static-assets/documents/100012/a04_line_x178_follow_up_presentation.pdf.

³ See NESCOE Memo, at 2.

⁴ Eversource Memo Regarding Stakeholder Feedback on Eversource’s Proposed X-178 Rebuild Project (June 12, 2024) (“Eversource Stakeholder Feedback Memo”), https://www.iso-ne.com/static-assets/documents/100012/eversource_x178_stakeholder_feedback_memo.pdf.

have raised both oral and written concerns with the scope, cost, and necessity of the project.⁵ Although Eversource has “answered” some questions we have posed, the company has largely ignored us and other stakeholders by failing to revise, in any substantive manner, the magnitude or cost of the X-178 project. Instead of providing requested information,⁶ or scaling back or significantly altering the project, Eversource used its second presentation on the X-178 project to offer new justifications for the scope of the project as it was initially presented in February. Eversource’s disregard for the legitimate concerns raised by many stakeholders in the PAC process – including from consumer advocates who represent the individuals and companies who will ultimately pay for the X-178 project – lays bare the problems with the way that asset condition projects appear before ISO-NE and the lack of meaningful oversight over improvements to the privately owned facilities that make up the regional electric system.

We hope that our objections, coupled with those from NESCOE and others, will make clear how seriously we take the significant issues that Eversource’s X-178 project raises. In our view, the X-178 project and Eversource’s handling of the valid criticisms that stakeholders raised to it perfectly exemplifies the inadequacy of the asset condition oversight process in New England. If Eversource decides to move forward with the project as currently formulated, CANE’s members – the undersigned consumer advocates in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, who represent roughly 96 percent of New England’s ratepayers – stand ready to use our collective and individual resources to challenge this project through necessary avenues.

We remain open to discussing with you what we hope to see in amendments to the X-178 project that might

⁵ Eversource’s preferred solution would remove 583 existing structures and install 580 new steel structures, replace 49 miles of existing conductor, and replace existing shield wire with Optical Ground Wire, for an estimated cost of \$360.8 million (-25%/+50%, in current dollars, without escalation). Eversource Follow-Up Presentation, at 15.

⁶ CANE underscores NESCOE’s call for Eversource to respond to outstanding information requests regarding the project.

forestall the need for challenges to the prudence of these expenditures before the Federal Energy Regulatory Commission.

Sincerely,



Claire Coleman
Consumer Counsel, State of Connecticut



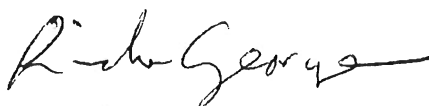
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