

STATE OF NEW HAMPSHIRE
BEFORE THE
SITE EVALUATION COMMITTEE

Petition Requesting Jurisdiction and Oversight of Eversource’s Proposed X-178
Transmission Line Replacement Project

Docket No. 2024-02

Motion of the Office of the Consumer Advocate to Intervene

NOW COMES the Office of the Consumer Advocate (“OCA”), the state agency tasked with representing the interests of New Hampshire’s residential utility customers, and moves pursuant to RSA 541-A:32, II; RSA 162-H:7-a, VI; and N.H.Code Admin. Rules Site 202.11, for party status as an intervenor in the above captioned proceeding before the Site Evaluation Committee (“SEC”). In support of this request, the OCA states as follows:

I. Introduction

The SEC opened this docket to consider a petition filed on June 3, 2024 by the Towns of Bethlehem and Easton requesting that the SEC assume discretionary jurisdiction over a transmission project planned for construction by the state’s largest electric utility, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”). Specifically, Eversource intends to rebuild and upgrade its X-178 transmission line, which stretches for 49 miles between the utility’s Beebe River substation in Campton and its Whitefield substation in Whitefield. According

to documents publicly circulated via the Planning Advisory Committee administered by the regional bulk power transmission system operator ISO New England, Eversource intends to spend nearly \$400 million on the project, which calls for the complete replacement of the 115-kv conductor along with the nearly 600 poles that support the conductor.¹ Eversource also plans to replace the line's existing shield wire with two runs of "optical ground wire" ("OPGW"), which in addition to its shielding capabilities would also add capability for fiber-optic communication along the line. In brief, Eversource is proposing to make sizeable changes and additions whereby it will entirely remove the existing X-178 line – including all poles, support towers, wires, and associated structures and facilities – and replace it with \$400 million in new facilities through a project that is proposed to be constructed over more than two years.² Should the project move forward, Eversource intends to receive both a return *on* its investment, and a return *of* its investment, from ratepayers throughout New England via transmission rates that are subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC") under the Federal Power Act.

¹ Eversource's presentations to the Planning Advisory Committee regarding the X-178 are available here: https://www.iso-ne.com/static-assets/documents/100008/a05_2024_02_28_pac_line_x178_rebuild_presentation.pdf; and here: https://www.iso-ne.com/static-assets/documents/100012/a04_line_x178_follow_up_presentation.pdf.

² Eversource is already outside the range of its estimates for the beginning of construction on the X-178 line and, therefore, it is likely that its construction timeline may take longer than it initially estimated: <https://www.eversource.com/content/residential/about/transmission-distribution/projects/new-hampshire-projects/beebe-river-to-whitefield-line-rebuild-project>.

When a utility seeks to add new facilities to the region’s bulk power transmission system, there is an extensive planning and oversight process, superintended by ISO New England, to assure that the costs are prudently incurred and that transmission rates continue to meet the “just and reasonable” requirement under the Federal Power Act. But there is no such review process for the replacement and upgrade of existing facilities – known in ISO New England parlance as “asset condition” projects – such as the proposed reconstruction of the X-178 line.

The prospects for meaningful oversight of projects such as the X-178 line are non-existent. On September 28, 2023, the Office of the Ohio Consumers’ Counsel filed a complaint at FERC seeking redress under the Federal Power Act against similar practices occurring in the states served by the regional transmission organization PJM, a counterpart to ISO New England.³ Interventions poured in from around the country inasmuch as the problem is a national one. Transmission owning-utilities in the PJM region swiftly moved to dismiss the action and, to date, nearly a year later, FERC has taken no action and the complaint of the Ohio Consumers’ Counsel languishes. Meanwhile, despite persistent concerns about the X-178 project raised at every level – from grassroots citizen activists to ratepayer advocates to the New England States Committee on Electricity (NESCOE,

³ See Complaint of the Office of the Ohio Consumers Counsel to Protect Ohio Consumers Under the PJM Tariff from the Failures of Multiple Agencies to Regulate Hundreds of Millions of Dollars in Monopoly Electric Transmission Charges for “Supplemental Projects” Planned by AEP, AES, Duke, and FirstEnergy (FERC Docket No. EL-23-105, Sept. 28, 2023).

representing the region’s governors at ISO-New England), Eversource has recently indicated that it has every intention of plowing forward with this project with no modifications or reductions to its proposed scope or cost.⁴

In a communication NESCOE issued to Eversource on August 1, 2024, the organization stated that it

objects to Eversource’s announcement that it will proceed with the project as originally proposed. Eversource’s plan, despite broad state and stakeholder discomfort and outstanding requests for information, illustrates how the lack of sufficient federal oversight on the asset condition project pathway governing billions of dollars of spending per year is not adequately protecting New England consumers. . . . Eversource’s disregard of requests for information that states believe would help assess proposals was troubling; information should not cause fear.”⁵

It is in the face of these issues, and others, that the Towns of Bethlehem and Easton, which are host communities to the X-178, have properly petitioned the SEC to exercise its authority to evaluate the project for its conformance with the purposes set out by the General Court in RSA 162-H:1.

II. The Office of the Consumer Advocate as Intervenor

The Office of the Consumer Advocate is tasked by statute with the “power and duty” to represent the interests of New Hampshire’s residential utility customers “before *any* board, commission, agency, court or regulatory body” when those interests are implicated. RSA 363:28, II (emphasis added). This

⁴ Of note: The X-178 project is one of a number of Eversource’s proposed “asset condition” projects in the same geographic area of New Hampshire, including projects on its B-112, Q-195, and U-199 lines. In total, these projects add another \$260 million in costs not subject to meaningful oversight or review.

⁵ The August 1 NESCOE Memorandum is available at <https://nescoe.com/resource-center/x-178/>.

responsibility is distinct from those assigned to the Counsel for the Public under the relevant provision of the SEC's enabling statute, RSA 162-H:9, which represents "the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy." Our concern is that residential customers of New Hampshire's electric utilities should not be forced to pay for a so-called "asset condition" transmission project whose financial and physical impacts have not been adequately justified before a competent tribunal.

The applicable rule of the SEC requires the presiding officer to grant an intervention petition when such petition "states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding." N.H. Code Admin. Rules Site 202.11(b)(2); *see also* RSA 541-A:32, II (same). Additionally, as a state agency with a "material interest" in the proceeding (but lacking permitting or other regulatory authority) the OCA is entitled to participate in the proceeding pursuant to RSA 162-H:7-a, III. The ratepayer interests which the OCA is required to represent are more than sufficient to meet either or both standards.

III. Conclusion

For the reasons stated above, the Office of the Consumer Advocate is entitled to party status in this proceeding. We intend to file substantive comments, present evidence and argument, and otherwise participate fully in due course.

WHEREFORE, the OCA respectfully request that this honorable tribunal:

- A. Grant the OCA motion to intervene as stated herein, and

B. Grant such further relief as shall be necessary and proper in the circumstances.

Sincerely,



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Certificate of Service

I hereby certify that a copy of this pleading was provided via electronic mail to the individuals included on the Site Evaluation Committee's service list for this docket.



Donald M. Kreis