

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2015-04

Application of Public Service Company of New Hampshire
d/b/a Eversource Energy for Certificate of Site and Facility

ORDER AND CERTIFICATE OF SITE AND FACILITY WITH CONDITIONS

January 31, 2019

WHEREAS, Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant) filed an application for a Certificate of Site and Facility (Application) with the Site Evaluation Committee (Committee) to site, construct, and operate of a new 115kV electric transmission line (Project) in the Towns of Madbury and Durham in Strafford County and the Town of Newington and the City of Portsmouth in Rockingham County;

WHEREAS, the Project will be approximately 12.9 miles in length and will be comprised of a combination of aboveground, underground, and underwater segments: (i) section 1 (approximately .5 miles) - aboveground section of the Project from Madbury Substation to NH Route 4; (ii) section 2 (approximately 0.9 miles) – aboveground section of the Project from Route 4 to the University of New Hampshire (UNH) parking lot A; (iii) section 3 – underground section of the Project from structure 23 to UNH Waterworks Road; (iv) section 4 (approximately 0.7 miles) – aboveground section of the Project from UNH Waterworks to the Durham Substation; (v) section 5 (approximately 5.1 miles) – aboveground section of the Project from the Durham Substation to Little Bay Crossing; (vi) section 6 (approximately 1.1 miles underwater and 0.3 miles of underground) from Little Bay Crossing to Little Bay Road; (vii) segment 7 (approximately 2.9 miles) - aboveground section of the Project from Little Bay Road to Spaulding Turnpike Crossing; (viii) segment 8 (approximately 0.3 miles) – aboveground section of the Project from Spaulding Turnpike Crossing to the Existing E194 transmission line; and (ix) segment 9 (approximately 0.8 miles) – aboveground section of the Project from the E194 transmission line to the Portsmouth Substation;

WHEREAS, the Project will also include upgrading the Madbury and Portsmouth substations, the establishment of marshalling yards and laydown areas, and construction of access roads. A former gravel pit located off of Route 125/Calef Highway in the Town of Lee will be used as a marshalling yard. A laydown area will be located either at Parking Lot A, north of Main Street, or at a gravel parking lot near the intersection of Waterworks Road and South Drive at UNH;

WHEREAS, the Subcommittee held public meetings and hearings regarding the Application, including: Public Information Sessions, pursuant to RSA 162-H:10, I-a on July 14, 2016, and July 21, 2016; Public Hearings pursuant to RSA 162-H:10, I-c on August 31, 2016, and September 1, 2016; a public statement hearing on October 11, 2018; and adjudicative

proceedings to hear evidence on the Application on August 29 and 30, September 17, 18, 20, 21, 24, and October 11, 15, 16, 17, 22, 23, 25, and 26, 2018;

WHEREAS, the Subcommittee has received and considered both oral and written comments from the public concerning the Application;

WHEREAS, the Subcommittee finds that, subject to the conditions herein, the Applicant has adequate financial, technical, and managerial capability to assure construction and operation of the Project in continuing compliance with the terms and conditions of this Certificate;

WHEREAS, the Subcommittee finds that, subject to the conditions herein, that the Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies;

WHEREAS, the Subcommittee finds that, subject to the conditions herein, the Project will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety;

WHEREAS, the Subcommittee finds that, subject to the conditions herein, issuance of a certificate will serve the public interest; and,

WHEREAS, the Subcommittee has issued a Decision and Order Granting a Certificate of Site and Facility (Decision) contemporaneously with this Order and Certificate of Site and Facility with Conditions.

NOW THEREFORE, it is hereby ORDERED that the Application of Public Service Company of New Hampshire d/b/a Eversource Energy, as amended, is approved subject to the conditions set forth herein and this Order shall be deemed to be a Certificate of Site and Facility pursuant to RSA 162-H:4; and it is,

Further Ordered that the Decision and any conditions contained therein, are hereby made a part of this Order; and it is,

Further Ordered that the Applicant may site, construct, and operate the Project as outlined in the Application, as amended, and subject to the terms and conditions of the Decision and this Order and Certificate; and it is,

Further Ordered that all permits and/or certificates recommended by the New Hampshire Department of Environmental Services (NHDES), including the Wetlands Permit, the Alteration of Terrain Permit, and the Shoreland Protection Permits, shall issue and this Certificate is conditioned upon compliance with all conditions of said permits and/or certificates which are appended hereto as Appendix I (Comm. 12c); and it is,

Further Ordered that NHDES is authorized to monitor the construction and operation of the Project to ensure that the terms and conditions of the Wetlands Permit, the Alteration of Terrain

Permit, the Shoreland Protection Permit, and the Certificate are met. NHDES may enforce the terms of its permits, however; any action to enforce the provisions of the Certificate must be brought before the Committee; and it is,

Further Ordered that NHDES is authorized to specify the use of any appropriate technique, methodology, practice or procedure approved by the Subcommittee within the Certificate, as may be necessary, to effectuate conditions of the Certificate, the Wetlands Permit, the Alteration of Terrain Permit, and the Shoreland Protection Permit; and it is,

Further Ordered that pursuant to Condition 8 of the Alteration of Terrain Permit, the Applicant shall complete and comply with the requirements of a Stormwater Pollution Prevention Plan (SWPPP) and the United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit prior to and during construction; and it is,

Further Ordered that the Applicant shall implement measures to avoid and minimize, to the extent possible, any potential water quality impacts, including implementing sedimentation and erosion controls, and the Applicant shall implement all applicable Best Management Practices (BMPs) prior to and during construction of the Project; and it is,

Further Ordered that the Applicant shall restore any disturbed soils (wetland and upland) to a stabilized condition to prevent permanent erosion impacts; and it is,

Further Ordered that the Applicant shall obtain NHDES approval of a Revised Soil and Groundwater Management Plan for the Town of Newington, to manage groundwater during construction within the vicinity of the former Pease Air Force Base that is potentially impacted by perfluorinated compounds (PFCs) and/or other contaminants, a draft of which was provided to the Committee on July 27, 2018. The Applicant shall comply with all conditions of the Final Soil and Groundwater Management Plan for the Town of Newington; and it is,

Further Ordered that the Applicant shall use the State's Aquatic Resource Mitigation (ARM) Calculator to determine the final amount of mitigation funds necessary to comply with the in-lieu fee program and shall make the required payment to the ARM Fund prior to the commencement of construction; and it is,

Further Ordered that the Applicant shall file with the Administrator, for posting on the Committee's website, any plans and reports filed with NHDES; and it is,

Further Ordered that the Applicant shall post on its own website any plans and reports filed or that will be filed with NHDES; and it is,

Further Ordered that this Certificate is conditioned upon compliance with the Section 404 General Permit (the New Hampshire Programmatic General Permit) and the 401 Water Quality Certification; and it is,

Further Ordered that NHDES is authorized to monitor the construction and operation of the Project to ensure that terms and conditions of the Section 404 General Permit (the New

Hampshire Programmatic General Permit) and the 401 Water Quality Certification are met, however; any actions to enforce the provisions of the Certificate must be brought before the Committee; and it is,

Further Ordered that NHDES is authorized to specify the use of any appropriate technique, methodology, practice or procedure approved by the Subcommittee within the Certificate, as may be necessary, to effectuate conditions of the Section 404 General Permit (the New Hampshire Programmatic General Permit) and the 401 Water Quality Certification (WQC # 2012-404P-002); and it is,

Further Ordered that at least ninety (90) days prior to the jet plow trial run, the Applicant shall submit a Jet Plow Trial Plan (JPTP) to NHDES for approval; and it is,

Further Ordered that the JPTP shall describe in detail how and when the trial run and monitoring will be conducted and the results reported; and it is,

Further Ordered that the Applicant shall conduct one jet plow trial run in accordance with the JPTP as approved by NHDES; and it is,

Further Ordered that at least 14-days prior to the scheduled start of the submarine cable installation in Little Bay, the Applicant shall submit a jet plow trial run summary report to NHDES and the Administrator to be posted on the Committee's website; and it is,

Further Ordered that the jet plow trial run summary report shall address the following: (i) how well the model predicts the sediment plume; (ii) how well the water quality monitoring plan works (including communication between the monitors and jet plow operators) and what if, any, modifications to the plan are necessary; (iii) water quality monitoring results within the mixing zone and at the boundary; (iv) how measures taken to reduce sediment suspension due to jet plowing (including, but not limited to jet plow speed and pressure reductions) impact water quality; (v) if results suggest that cable installation by jet plowing is likely to meet NH surface water quality standards; and (vi) if any additional sediment suspension reduction measures are needed to help ensure surface water quality standards will be met; and it is,

Further Ordered that NHDES is authorized to permit installation of the Project by jet plow under Little Bay; and it is,

Further Ordered that installation of the submarine cable in Little Bay shall not proceed until authorized by NHDES; and it is,

Further Ordered that DHR is authorized to specify to specify the use of any appropriate technique, methodology, practice, or procedure associated with architectural, historical, or other cultural resources affected by the Project, however; any action to enforce the provisions of the Certificate must be brought before the Committee; and it is

Further Ordered that this Certificate is conditioned upon compliance with conditions of the Memorandum of Understanding executed by the New Hampshire Department of Natural and

Cultural Resources, Division of Historic Resources (DHR) and the Applicant, which is appended hereto as Appendix II (App. 200); and it is,

Further Ordered that this Certificate is conditioned upon compliance with conditions in the Memorandum of Agreement executed by the DHR, the United States Army Corps of Engineers, and the Applicant, which is appended hereto as Appendix II (App. 200); and it is,

Further Ordered that the Memorandum of Understanding executed by DHR and the Applicant and the Memorandum of Agreement executed by DHR, the United States Army Corps of Engineers, and the Applicant shall remain in effect for purposes of this Decision and Order regardless of whether they are terminated by the parties; and it is,

Further Ordered that if the Applicant changes plans for the Project and such changes may lead to newly-discovered effects on historic properties, the Applicant shall consult with DHR/State Historic Preservation Office (SHPO) to resolve any adverse effects to such properties; and it is,

Further Ordered that if any unanticipated archaeological resources, historic properties, or other cultural resources are discovered as a result of Project planning or construction, the Applicant shall consult with DHR/SHPO to determine the need for appropriate evaluative studies, determinations of National Register eligibility, and/or mitigation measures, if needed, to resolve adverse effects; and it is,

Further Ordered that DHR is authorized to specify the use of any appropriate technique, methodology, practice, or procedure associated with architectural, historical or other cultural resources affected by the Project, however; any action to enforce the provisions of the Certificate must be brought before the Committee; and it is,

Further Ordered that the Applicant shall continue consultations with DHR and the U.S. Army Corps of Engineers; and it is,

Further Ordered that all permits, licenses, and approvals in accordance with existing New Hampshire Department of Transportation (DOT) policies, rules, and recommendations made by DOT shall issue and this Certificate is conditioned upon compliance with all conditions of said permits, licenses, and approvals in accordance with existing DOT policies, rules and recommendations; and it is,

Further Ordered that DOT is authorized to monitor the construction and operation of the Project to ensure that the terms and conditions of the Certificate, permits, licenses, and/or approvals that will be issued by DOT are met, however; any actions to enforce the provisions of the Certificate must be brought before the Committee; and it is,

Further Ordered that the DOT is authorized to specify the use of any appropriate technique, methodology, practice or procedure approved by the Subcommittee within the Certificate, as may be necessary, to effectuate conditions of the Certificate and any permits, licenses, or approvals issued by DOT; and it is,

Further Ordered that all licenses recommended by the New Hampshire Public Utilities Commission (PUC) shall issue and this Certificate is conditioned upon compliance with all conditions of said licenses which are appended hereto as Appendix III (App. 154, 158); and it is,

Further Ordered that the PUC is authorized to monitor the construction and operation of the Project to ensure that the terms and conditions of the licenses issued by the PUC and the Certificate are met, however; any actions to enforce the provisions of the Certificate must be brought before the Committee; and it is,

Further Ordered that the PUC is authorized to specify the use of any appropriate technique, methodology, practice or procedure approved in the Orders *Nisi* issued by the PUC or in the Certificate, as may be necessary, to effectuate conditions of the Certificate and licenses issued by the PUC; and it is,

Further Ordered that prior to any construction activity, the Applicant shall file with the New Hampshire Site Evaluation Committee ("SEC") and all relevant state agencies a copy of all BMPs to be utilized for the Project for all construction activity, to the extent they have not already been provided to the Committee, including, without limitation BMPs for entering and exiting the ROW or any construction site; sweeping paved roads at access points; BMPs relating to the Storm Water Pollution Prevention Plan; BMPs for specific locations such as steep slopes near water bodies; BMPs for submarine and shoreland cable installation; and BMPs for work near archaeological and historic sites; and it is,

Further Ordered that during construction, the Applicant shall adhere to the BMPs consistent with all state and federal permit requirements; and it is,

Further Ordered that this Certificate is not transferable to any other person or entity without the prior written approval of the Committee; and it is,

Further Ordered that the Applicant shall immediately notify the Committee of any change in ownership or ownership structure of the Applicant or its affiliated entities and shall seek approval of the Committee of such change; and it is,

Further Ordered that the Applicant shall immediately notify the Committee in the event that the Applicant or any of its parent companies file a bankruptcy or insolvency petition in any jurisdiction, foreign or domestic, or be forced into involuntary bankruptcy or any other proceeding pertaining to debt restructuring or the liquidation of assets; and it is,

Further Ordered that within 45 days of an ISO-NE filing, the Applicant shall notify the Committee if the Applicant's forecasted actual expenditures for the entire Project, between Madbury and Portsmouth, as filed by the Applicant with its ISO-NE Regional System Planning forecast updates, exceed the projected costs for the entire Project by an amount equal to or greater than 25 percent; and it is,

Further Ordered that within 30 days of the date of commercial operation, the Applicant shall submit to the Committee its forecasted and actual expenditures for the entire Project; and it is,

Further Ordered that the Applicant shall develop vegetation planting plans for the 13 locations identified by Counsel for the Public's expert Michael Lawrence, to mitigate potential visual effects from the Project. These locations are: Fox Point Road Crossing, Durham Point Road Crossing, Sandy Brook Drive (east), Sandy Brook Drive (west), Frost Drive Crossing, Cutts Road Crossing, NH Route 108 Crossing, Mill Road Crossing, UNH-Gregg Hall Vicinity, UNH-Main Street Overpass, UNH-Gable Apartment Complex, UNH-Gables North parking, NH Route 4 Crossing. The Subcommittee also identified four (4) locations where the effect of the Project on aesthetics should be mitigated. Those locations are: Newington side of Little Bay, Durham side of Little Bay, Frink Farm, and Nimble Hill Road at the locations depicted at the photosimulations prepared by the Applicant's expert. The Applicant shall work in good faith with the underlying landowners at each of these 17 locations to reach agreement on the vegetation planting plans that do not interfere with the safe operation and maintenance of the new line. The Applicant shall provide the planting plans to Michael Lawrence for review and comment prior to finalizing the planting plans at each location. The Applicant and the property owners shall give due consideration to Mr. Lawrence's comments. To the extent vegetation planting plans are needed or developed for historic resources, the Applicant shall submit such plans to the SHPO for review and comments. The underlying property owners shall have final approval authority for any plantings proposed on their property; and it is,

Further Ordered that the Applicant shall work with all landowners along the Project route that will be affected by tree trimming, tree clearing, or from the construction of taller structures in the right-of-way to develop vegetation planting plans that do not interfere with the safe operation and maintenance of the new transmission line. The Applicant shall work in good faith with all affected landowners to reach agreement on vegetation planting plans. In the event a dispute arises as to the Applicant's compliance with this Condition, the Applicant and/or the landowner may submit a claim for resolution as part of the Mitigation and Dispute Resolution Process; and it is,

Further Ordered that, in recognition of the Project's adverse effects on the Alfred Pickering Farm, the Applicant shall pay to the Town of Newington twenty-thousand dollars (\$20,000.00) to be used by the Town to mitigate the Project's impacts to historic sites in Newington; and it is,

Further Ordered that the Town of Newington, through its Board of Selectpersons, shall consult with DHR when selecting project(s) for these funds and shall spend the twenty-thousand dollars (\$20,000.00) provided by the Applicant within five (5) years of receipt; and it is,

Further Ordered that the Town of Newington shall notify the Administrator of the date and subject of all expenditures made from the funds provided by the Applicant; and it is,

Further ordered that prior to construction of the Project, the Applicant shall develop a protocol, subject to review and approval by DHR, identifying measures that will be implemented to preserve historic stone features located within the Project site during construction, operation, and maintenance of the Project. Said protocol shall remain in effect until the decommissioning of the Project; and it is,

Further ordered that, the Applicant shall use independent environmental monitors to oversee the construction of the Project and to work with contractors to implement appropriate BMPs to avoid or minimize environmental impact; and it is,

Further ordered that once construction begins, the Applicant shall weekly file with the NHDES, with a copy to the SEC, a copy of all Weekly Compliance Monitoring Reports by all construction and environmental monitors. The Committee shall post said reports on its website and the Applicant shall also post said reports on its website. The Committee, or any state agency to which the Committee delegates authority, shall have continuing jurisdiction to address any violations of these conditions, all BMPs or all Time of Year (TOY) restrictions for the Project. Following remediation of any such violation, the Applicant shall file with NHDES, with a copy to the Committee, a report of the remediation, and the Committee shall post said reports on its website; and it is,

Further Ordered that the Applicant shall comply with vegetation management BMPs and TOY restrictions established by the New Hampshire Natural Heritage Bureau, and as described in Best Management Practices and Construction Plan for Protected Wildlife and Plants, dated September 15, 2017, which is appended hereto as Appendix IV (App. 124); and it is,

Further Ordered that the Applicant shall comply with BMPs and TOY restrictions approved by the New Hampshire Fish and Game Department (NHFG) to avoid and minimize potential impacts to rare, threatened, and endangered wildlife species and rare plants, as described in Best Management Practices and Construction Plan for Protected Wildlife and Plants, dated September 15, 2017; and it is,

Further ordered that the Applicant shall also use independent environmental monitors approved by NHDES to oversee work in Little Bay; and it is,

Further Ordered that this Certificate is conditioned upon compliance with the letter from New Hampshire Fish and Game Department dated October 16, 2018, which is appended hereto as Appendix V (App. 203); and it is,

Further Ordered that the Applicant shall coordinate with the New Hampshire Fish and Game Department prior to and during construction of the Project to minimize the potential impact to sensitive species and habitats; and it is,

Further Ordered that the Applicant shall conduct: (i) ground surveys in the right-of-way to determine the presence of raptors that nest within the tree canopy; and (ii) pre-construction aerial surveys for active raptor and bald eagle nests, which may not be visible from within the right of way corridor; and it is,

Further Ordered that if the Applicant decides not to use a multi-beam system to obtain bathymetric data, it shall advise NHDES of the system it intends to use and shall obtain permission from NHDES; and it is,

Further Ordered that NHDES is authorized to determine the scanning system that shall be used for obtaining bathymetric data and authorize use of the approved system; and it is,

Further Ordered that if the Applicant intends to rely on previously completed surveys to satisfy Condition 34 of the Wetlands Permit, the Applicant shall consult with NHDES to determine whether such surveys are sufficient and whether additional pre-construction surveys should be conducted; and it is,

Further Ordered that NHDES is authorized to determine whether updated surveys for rare, threatened, and endangered species shall be completed prior to construction of the Project; and it is,

Further Ordered that the Applicant, in consultation with the PUC Safety Division, shall measure actual electromagnetic fields associated with operation of the Project both before and after construction of the Project during projected peak-load, and shall file with the Administrator the results of the measurements; and it is,

Further Ordered that if the results of the electro-magnetic field measurements exceed the guidelines of the International Committee on Electromagnetic Safety (ICES) or the International Commission on Non-Ionizing Radiation Protection (ICNIRP), the Applicant shall file with the Administrator a mitigation plan designed to reduce the levels so that they are lower than the ICES or ICNIRP guidelines; and it is,

Further Ordered that the Applicant shall measure the level of the electro-magnetic field at Mr. Fitch's property before and after construction of the Project; and it is,

Further Ordered that if the Project causes radio or television interference, the Applicant shall locate the source of that interference and remedy it in a timely manner; and it is,

Further Ordered that in the event that the Project ceases to be used and useful, the Applicant shall be obligated to decommission the Project in accordance with then applicable rules of the Committee or a successor regulatory body; and it is,

Further Ordered that the Applicant shall: (i) submit a report to the Committee every 10-years indicating any change in the need for the Project to ensure the continued reliability of the regional bulk transmission system; (ii) promptly notify the Committee of any retirement obligation that arises; and (iii) submit to the Committee a decommissioning plan, that shall address decommissioning of the Project, including concrete mattresses, in accordance with then-applicable rules, upon any imposition of a decommissioning obligation, or prior to the retirement of any part of the Project; and it is,

Further Ordered that prior to placing cables in Little Bay, the Applicant shall coordinate with the New Hampshire Division of Ports and Harbors and/or the NH Department of Safety Marine Patrol, to determine if the placement of the cables creates a navigational hazard which will require navigational marker(s). If navigational markers are required, then the Applicant shall

comply with any request to install such markers that the New Hampshire Division of Ports and Harbors or the NH Department of Safety Marine Patrol require; and it is,

Further Ordered that the Applicant shall re-submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Federal Aviation Administration at least 45-days before commencing construction to address any changes that have been made to the original design; and it is,

Further Ordered that this Certificate is conditioned upon compliance with the Memorandum of Understanding executed by the Applicant and the Town of Durham dated October 26, 2018, which is appended hereto as Appendix VI (App. 270); and it is,

Further Ordered that this Certificate is conditioned upon compliance with the Memorandum of Understanding executed by the Applicant and the Town of Newington dated February 5, 2018, which is appended hereto as Appendix VII (App. 168); and it is,

Further Ordered that this Certificate is conditioned upon compliance with the “Addendum to Memorandum Understanding Executed on February 5, 2018,” which is appended hereto as Appendix VIII (NEW 2-2); and it is,

Further Ordered that this Certificate is conditioned upon compliance with the Memorandum of Understanding executed by the Applicant and UNH dated October 25, 2018, which is appended hereto as Appendix IX (App. 267); and it is,

Further Ordered that the Applicant shall obtain permits from agencies with permitting and other regulatory authority for establishing marshalling yards and laydown areas that were not identified in the Application, as amended. All permits obtained shall be filed with the Administrator and posted on the Committee’s website. This condition supersedes the following terms of Section IV, C, 1 of the Memorandum of Understanding between the Applicant and the Town of Newington: “The use of such properties, if not previously disclosed and expressly permitted by the terms of the Certificate, shall be submitted for the approval of the SEC Administrator, with contemporaneous notice to the Town. The SEC Administrator may consider input by the Town and the public;” and it is,

Further Ordered that the Applicant shall construct the Project in accordance with good utility practice, in such a manner to best accommodate the public, and to avoid interference with existing utility facilities, as required by the New Hampshire Public Utilities Commission, Puc 306.01(a); and it is,

Further Ordered that the Project shall be constructed in accordance with all Eversource Policies, the National Electric Safety Code (NESC) requirements for transmission lines, and national and regional reliability standards; and it is,

Further Ordered that the Applicant shall implement safety measures, including traffic officers and flaggers, to mitigate any temporary traffic impacts due to construction of the Project; and it is,

Further Ordered that the Applicant shall construct the Project in accordance with the DOT Utility Accommodation Manual (UAM); and it is,

Further Ordered that the Applicant shall implement traffic controls to ensure that materials are delivered safely to the site, and such traffic controls shall be conducted in accordance with DOT policies including the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD); and it is,

Further Ordered that to the extent the Applicant requires the use of local roads for deliveries of heavy equipment and/or materials that exceed the weight limits of locally maintained roads, the Applicant shall comply with specific terms and conditions of any Memorandum of Understanding with the host municipality. To the extent the applicable Memorandum of Understanding does not cover oversize and overweight equipment and deliveries, the Applicant shall work with the local Town or City to reach an agreement on the use of local roads. If an agreement cannot be reached, the Applicant and the Town or City shall resolve any such issues with the Administrator; and it is,

Further Ordered that to the extent not already addressed by a Memorandum of Understanding, the Applicant shall coordinate with the municipal engineer, road agent or other authorized municipal officer for any municipality through which the Project will traverse in order for the Applicant to comply to the extent possible with existing municipal construction rules and regulations. Such coordination shall include providing any information necessary for the municipality to assess compliance, but shall not require the Applicant to apply for or obtain local permits. If it is not practicable for the Applicant to comply with such municipal rules, the Applicant shall work with the municipal officials to reach an agreement. In the event a dispute arises as to the Applicant's compliance with any rule or regulation that the Applicant is unable to resolve directly with the municipal officials, the Applicant and/or the municipality may refer the matter in writing to the Administrator for resolution; and it is,

Further Ordered that to the extent not already addressed by a Memorandum of Understanding, the Applicant shall coordinate with all host municipalities to restore all municipal roads that are damaged by construction of the Project to the same or better condition, subject to the review of the municipal engineer, road agent or other authorized municipal officer. In the event a dispute arises as to the Applicant's compliance with this condition, the municipality may refer the matter in writing to the Administrator for resolution; and it is,

Further Ordered that the Administrator of the Committee is authorized to retain consultants to assist her with conducting the duties assigned to her by: (i) the Memorandum of Understanding between the Applicant and the Town of Durham; (ii) the Applicant and the Town of Newington; (iii) the Applicant and UNH; and (iv) conditions of the Certificate. The Administrator, at her discretion, is authorized to retain any consultants that may assist her with satisfying the duties assigned to her under the Memorandums of Understanding. The Applicant shall bear the costs associated with retention of consultants by the Administrator; and it is,

Further Ordered that the Applicant shall be responsible for all costs associated with retention of the consultants by the Administrator; and it is,

Further Ordered that the Applicant shall utilize a detail and/or flagger, meet with the manager of the Crossings at Fox Run, cease work on weekends and accelerate work to reduce the duration of impacts on the Crossings at Fox Run; and it is

Further Ordered that the Applicant shall reduce, to the extent practicable, the number of oversized loads such as drilling rigs and cranes on New Hampshire roads during the heaviest morning and afternoon commuting times; and it is,

Further Ordered that when the overhead right-of-way is being accessed by construction vehicles from municipal roads, a police detail or flagger with MUTCD compliant signing should be stationed at the active access points; and it is,

Further Ordered that the Applicant shall cease construction activities on the UNH campus during graduation weekend, ensure MUTCD compliant pedestrian detour signage as applicable, and continue coordination with UNH for other activities on the UNH campus; and it is,

Further Ordered that if a roadway work area must remain while crews and traffic control are not present in an area, steel plating should be placed in town roads, private roads, and parking lots, to allow for the safe passage of vehicular, bicycle, and pedestrian traffic over all travelway lanes; and it is,

Further Ordered that construction adjacent to the property of Jeffrey and Vivian Miller (297 Durham Point Road, Durham) will be conducted only from 7:00 a.m. to 6:00 p.m. Monday through Friday and between 9:00 a.m. and 6:00 p.m. on Saturday. If weekend work is required, the Millers will be provided with advance notice. The Applicant shall document the pre-existing condition of their driveway and to repair it to the same or better condition following construction; and it is,

Further Ordered that the Applicant continue its outreach with businesses and ensure there is consistent communication with businesses during construction; and it is,

Further Ordered that the Applicant shall provide each host town and the Administrator with copies of the Applicant's proposed construction plans, blasting plans, schedule and other public information (Ref. RSA 91-A:5) to be made available to the public; and it is,

Further Ordered that the Applicant shall require construction contractors and field personnel to be trained in Safety/Occupational Safety and Health Administration (OSHA), basic first aid/cardio-pulmonary resuscitation (CPR), environmental compliance and other relevant topics. In addition, the Applicant shall provide Project specific training; and it is,

Further Ordered that in the event of significant unanticipated changes or events during construction that may impact the public, the environment, compliance with the terms and conditions of the Certificate, public transportation or public safety, the Applicant shall notify the

Board of Selectmen or Town Council of all affected host towns or their respective designee, appropriate first responders, and the Administrator in writing as soon as possible, but no later than seven (7) days after the occurrence; and it is,

Further Ordered that in the event of emergency conditions which may impact public safety, the Applicant shall notify the host towns' appropriate officials, appropriate first responders, appropriate state agencies with the jurisdiction over the issue involved, and the Administrator of the Committee immediately; and it is,

Further Ordered that this Certificate is conditioned upon compliance with the Option Agreement dated July 26, 2016, which is appended hereto as Appendix X (App. 251); and it is,

Further Ordered that this Certificate is conditioned upon compliance with the Memorandum of Understanding executed by the Applicant and the Rockingham County Conservation District dated January 24, 2018, which is appended hereto as Appendix XI (App. 219); and it is,

Further Ordered that the construction plans, schedule and other information provided to each host town and Administrator shall be updated at least monthly, or sooner if necessary, to reflect changes in the Project schedule or other changes during construction; and it is,

Further Ordered that the Applicant shall promptly notify the Administrator of any proposed or actual material change in the location, configuration, design, specifications, construction, operation, or equipment component of the Project and shall request approval of the Committee of such change; and it is,

Further Ordered that the Applicant shall construct the Project within five-years of the date of the Certificate and shall file as-built drawings of the Project with the Committee no later than the date of commercial operation of the Project; and it is,

Further Ordered that that the Administrator is authorized to review as-built drawings of the Project and confirm their conformity with the proposed Project; and it is,

Further Ordered that that the Administrator is authorized to retain experts to assist her with the review of as-built drawings; and it is,

Further Ordered that the Applicant shall be responsible for paying all costs associated with the review of as-built drawings by the Administrator; and it is,

Further Ordered that the Applicant shall advise the Administrator of the date of commencement of construction of the Project at least two-weeks prior to the start of construction; and it is,

Further Ordered that the Applicant shall notify the Administrator of the date of commencement of commercial operation of the Project at least two-weeks prior to the commencement of commercial operation; and it is,

Further Ordered that the Applicant shall publicize, on its website and through its Project outreach communications, a summary of the process for resolving disputes and the contact information for business and property owners concerned about the potential or actual impacts of construction or operation of the Project on their business or property to communicate their concerns. Within 10 calendar days of contact by such business or property owner, the Applicant shall initiate direct discussions with said business or property owners to identify and implement appropriate strategies to avoid, mitigate, or compensate for potential or actual Project impacts on a case by case basis; and it is,

Further Ordered that if a business or property owner remains unsatisfied with the proposed avoidance, mitigation or compensation measures and/or measures that were implemented by the Applicant in response to the contact initiated by a business or property owner, such party may request an executive review, including an investigation and determination through the Eversource customer resolution process, independent of the Project team (Executive Review). Such Executive Review shall be initiated within 10 calendar days of a request and shall be completed no later than 30 calendar days thereafter; and it is,

Further Ordered that if a business or property owner remains unsatisfied with the proposed avoidance, mitigation or compensation measures and/or measures that were implemented or proposed by the Applicant as a result of an Executive Review, a business or property owner may elect to participate in non-binding mediation (Mediation) with the Applicant. The Applicant shall participate in such mediation. An independent mediator shall be selected from among the list of NH Superior Court Neutrals; and it is,

Further Ordered that if a business or property owner's concerns remain unresolved following Mediation and a business owner or property owner suffers damage to property, loss of business or loss of income, and/or diminution in value of real property, as a result of construction or operation of the Project, a business or property owner may elect to have the dispute resolved through the Dispute Resolution Process described below. The Dispute Resolution Process is not mandatory, but if a party elects to utilize the Dispute Resolution Process, that party waives the right to file suit on the disputed issues in court and request trial by jury, and the Dispute Resolution Process becomes the exclusive forum for deciding all disputed issues; and it is,

Further Ordered that the Committee shall appoint an attorney or retired judge (the Dispute Resolution Administrator) who shall independently administer a dispute resolution process for all disputes relating to damage to property, loss of business or loss of income, and/or diminution in value of real property, caused by the construction or operation of the Project (the Dispute Resolution Process) that have not been resolved through Applicant's mitigation efforts, Executive Review or Mediation. Counsel for the Public and the Applicant shall jointly or separately file with the Administrator proposed procedures for filing and deciding said disputes, including criteria for eligibility, a procedure for filing claims, required proof of the damage, loss, or diminution, the presentation and consideration of claims, the basis for recovery and the manner of deciding claims. The Applicant shall establish a fund for the payment of claims (Dispute Resolution Fund) which fund shall be solely administered by the Dispute Resolution Administrator, who shall provide to the Administrator a quarterly report of the Dispute Resolution Fund, including all disbursements with a copy to the Applicant. The Dispute

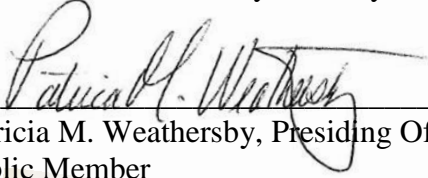
Resolution Administrator shall be paid an hourly rate to be determined by the Administrator, and said compensation and all expenses of the Dispute Resolution Administrator shall be paid from the Dispute Resolution Fund, subject to approval by the Administrator. Upon issuance of a certificate, the Applicant shall deposit One Hundred Thousand (\$100,000) Dollars to establish the Dispute Resolution Fund and shall thereafter deposit any additional funds necessary to pay all awards made by the Dispute Resolution Administrator and to pay the Dispute Resolution Administrator's compensation and expenses. The Dispute Resolution Administrator shall accept written requests for dispute resolution until the two-year anniversary date of the date when the transmission line is placed in service. The Dispute Resolution Administrator shall process and provide to the requesting party, the Applicant and the Administrator a confidential written decision (Decision) on all written requests for dispute resolution filed with the Dispute Resolution Administrator prior to said deadline. The Decision and any reconsideration thereof shall be final, non-appealable and non-precedential. All funds remaining in the Dispute Resolution Fund after the payment of all awards and the payment of the Dispute Resolution Administrator's compensation and expenses shall be returned to Applicant; and it is,

Further Ordered that this Certificate is conditioned upon compliance with the "Applicant's and Counsel for the Public's Joint Proposed Dispute Resolution Process Procedures," which is appended hereto as Appendix XII (App. 268); and it is,

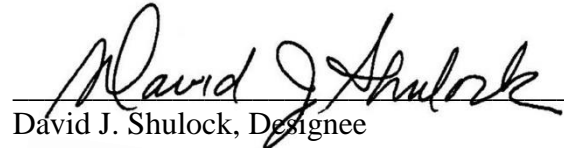
Further Ordered that either party participating in the Dispute Resolution Procedure may request that the Dispute Resolution Administrator conduct a site visit and the Dispute Resolution Administrator, at his/her own discretion, based on the arguments presented, may decide whether to conduct the site visit; and it is,

Further Ordered that all Conditions contained in this Certificate and in the Decision shall remain in full force and effect unless otherwise ordered by the Committee.

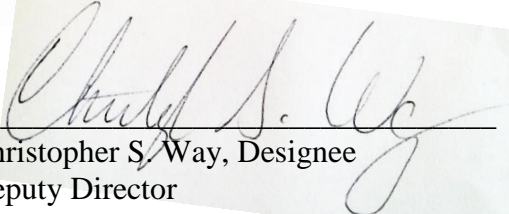
SO ORDERED this thirty-first day of January, 2019.



Patricia M. Weathersby, Presiding Officer
Public Member



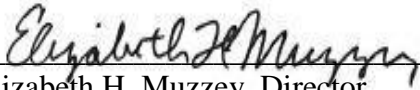
David J. Shulock, Designee
General Counsel
Public Utilities Commission



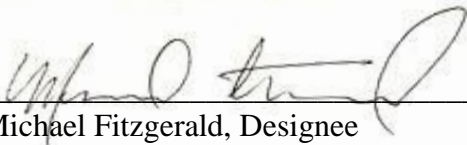
Christopher S. Way, Designee
Deputy Director
Division of Economic Development
Department of Business and Economic
Affairs



Charles Schmidt, Designee
Administrator
Bureau of Right of Way
Department of Transportation



Elizabeth H. Muzzey, Director
Division of Historical Resources
Department of Natural and Cultural
Resources



Michael Fitzgerald, Designee
Assistant Director
Air Resources Division
Department of Environmental Services