



## PRESS RELEASE

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### **PUC Could Intercept Northern Pass on Eminent Domain Grab**

#### ***Does Eversource have the right to lease its transmission corridors to Northern Pass?***

CONCORD, NH – Another day, another problem for Northern Pass – this time the question of whether Eversource can lease its transmission corridors to Northern Pass, which is an issue pending in an open PUC docket. Below is Judy Reardon's blog post from earlier today on the topic.

**By: Judy Reardon**

March 31, 2017

*The next shoe to drop on Northern Pass' struggling proposal to build a system of massive transmission towers and line across New Hampshire could be a Public Utilities Commission decision that PSNH cannot lease its transmission corridors to Northern Pass.*

*Most of the 192-mile route Northern Pass has proposed relies on leasing rights of way PSNH obtained over many decades through eminent domain takings and easements it purchased from private property owners. The problem for Northern Pass Transmission LLC is it may have no legal right to use this property, and that **issue is now pending in an open PUC docket.***

*New Hampshire's restrictive eminent domain law is not on Northern Pass's side.*

*In 2012 the legislature, in response to concerns that Northern Pass might try to take property by eminent domain, passed legislation to make it clear property could not be taken for a private merchant energy project like Northern Pass. Just a few years earlier the people of New Hampshire voted to include in the state constitution very strong language to protect people from having their property "taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property." It's hard to argue that PSNH leasing its rights of way to Northern Pass is not an indirect taking of private property for private development in clear violation of N.H. Constitution Part I, Article 12-a and RSA 371:1.*

*As for PSNH leasing to Northern Pass rights of way it purchased from private property owners, let's simply consider the fact that PSNH itself took the position a few years ago that these rights couldn't be leased to a third party when a telecommunications company merely wanted to lease space on PSNH utility poles for fiber optic cables. PSNH argued then to the PUC that adding cables from a third party to existing PSNH poles would be an impermissible burden on the underlying owners of the property.*

*How times have changed. Now PSNH argues to the PUC that it would be no burden at all for a third-party – Northern Pass – to construct massive transmission towers and lines on these rights of way. Certainly the underlying property owners consider it an unacceptable burden, given how many of them have intervened in the PUC proceeding to object to the leases.*

*The PUC hasn't set a date for when it will rule on the legality of these leases, but when it does I expect it will send Northern Pass back to the drawing board to design a whole new transmission route.*

## And In Case You Missed It...

Its been a really rough month of March for Northern Pass:

- **Hydro-Quebec Won't Pay:** [Its Canadian partner Hydro-Quebec stated emphatically that it would not pay "a penny" for any portion of the transmission line on the U.S. side – this despite years of Eversource's assurances to the contrary;](#)
- **State Rejects Key Piece of Northern Pass Proposal:** [State regulators rejected Eversource Energy's request to buy power off the planned Northern Pass transmission line, dealing a blow to the utility's position that its New Hampshire electric customers will get direct benefits from the controversial project](#)
- **Public Support Dropping:** [A UNH survey indicating public support for Northern Pass has dropped a net 16 points in just over one year;](#)
- **Opposition Mounting:** [Northern Pass Foes Plan to Circle the State House on April 23](#)
- **No Large Transmission Projects Needed:** [A study by the UNH Carsey School of Public Policy concluding that large scale transmission projects such as Northern Pass are not needed to address New Hampshire's energy issues;](#)
- **Public Counsel Inquiry:** [A Public Counsel inquiry into Eversource concerning who will pay for Northern Pass;](#)
- **More Competition:** [More Competition: Yet another transmission line has entered the field this week, making the approval process for Northern Pass more crowded, more contentious and perhaps, more expensive;](#)
- **Canadian Campaign Launched to Save Sensitive Areas:** [A 'national campaign to save the Hereford Mountain Protected Area, 'threatened' by Hydro-Quebec's Northern Pass project will be launched in Montreal on Wednesday. Nature Quebec, the Estrie Regional Environmental Council, the Appalachian Corridor and the Protected Natural Environment Network are joining forces for this campaign](#)
- **Major Setbacks for Eversource and Northern Pass:** [The month of March hasn't been good to Northern Pass and its parent company, Eversource...](#)

### **About Protect the Granite State**

Protect the Granite State is a Concord-based non-profit, non-partisan, grassroots organization established to provide New Hampshire residents with information about the Northern Pass Project, the 192-mile long transmission line that is slated to be built from Canada through New England. Its mission is to give greater voice to the thousands of Granite Staters who have grave concerns about the significant negative impact the project would have on New Hampshire's landscape and tourism economy while delivering no benefits to ratepayers. Protect the Granite State is committed to working with NH leaders and members of the community to make sure their concerns and voices in opposition to Northern Pass are heard in the weeks and months ahead.

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