

To: New Hampshire Select Boards
New Hampshire City Mayors and Governing Boards
New Hampshire Town Councils
1/10/17

From: Select Board, Town of Sugar Hill

Subject: **It's not just about Northern Pass – Local Control of Municipal Roads**

On December 19, 2016, 18 New Hampshire municipalities and others filed a petition asking the Site Evaluation Committee (SEC) to rule that Northern Pass does not have the legal right to use locally-maintained town roads without municipal permission.

We encourage you to follow up on the letter you recently received from Steve Ellis, Chair of the Pittsburg Select Board, asking New Hampshire municipalities to support this petition at the SEC. The issue affects all New Hampshire towns and cities and is larger than the issue of Northern Pass.

As Steve Ellis stated in his letter, "Towns should not and cannot stand by and allow large out-of-state entities to usurp local control of town roads...**It's not just about Northern Pass**, there's a fundamental public safety issue here that is of importance to all towns and cities".

The petition asks the SEC to establish a separate docket to address the local control issue. According to the petition, "Reading RSA 162-H, RSA 231:160 et seq. and SEC Rule 301.03 together, there is a clear legislative intent that entities wishing to construct an electric transmission line (and its supporting structures) across, over, under, or alongside a locally maintained highway must first obtain the required licenses and permits from the Selectmen of the relevant municipalities before filing for certification from the SEC. The SEC does not have exclusive authority to grant said licenses and permits."

Read the full petition

http://www.nhsec.nh.gov/projects/2016-03/petition/2016-03_2016-12-19_pet_dec_ruling.pdf

We urge you to write a letter of support for this petition to Ms. Pamela Monroe, Administrator, NH Site Evaluation Committee, 21 Fruit Street, Concord, NH 03301. Or email your comments to Pamela.Monroe@sec.nh.gov. Do not delay in sending a letter. The decision by the SEC will be made soon!

Following is a letter sent from the town of Canaan

"The Board of Selectmen of the Town of Canaan has read the Petition for Declaratory Ruling filed by the Towns of Bethlehem, Bristol, Easton, Franconia, Northumberland, Plymouth, Sugar Hill and Whitefield and dated December 19th, 2016. The Town concurs with the analysis submitted in the Petition and specifically rejects the concept that a state agency can arbitrarily usurp the specific authority of towns to manage utility usage of town road rights of way. Please accept this letter in support of the Petition for Declaratory Ruling. This position was adopted on December 27, 2016 at a duly warned meeting of the Canaan Board of Selectmen."

We understand that your municipality may not be directly impacted by the proposed Northern Pass project but as state elected officials we cannot allow a private entity to sidestep local permitting of local road use.

THANK YOU!!