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February 17, 2009

VIA HAND DELIVERY

Ms. Luly Massaro, Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

**Re: In Re The Narragansett Electric Company d/b/a National Grid
(requesting an Order permitting the exercise of the right of eminent
domain - Cottrell**

Dear Luly:

I am enclosing an original and 10 copies of a Petition for filing in the above-reference matter. National Grid is requesting an order permitting the exercise of the right of eminent domain. The easement that National Grid is seeking to condemn contains the G-185S and L-190 transmission lines. The purpose of the condemnation is to resolve a dispute with a property owner as to National Grid's rights in the easement.

Please file stamp the provided copy of this letter and Petition and return with our courier.

Sincerely,


Peter V. Lacouture

PVL/lgo
Enclosures

cc: Patricia S. Lucarelli, Esq.
Cynthia Wilson-Frias, Esq.
John Spirito, Jr., Esq.
Leo J. Wold, Esq.
Archibald B. Kenyon, Jr., Esq.

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE THE NARRAGANSETT ELECTRIC	:	
COMPANY d/b/a NATIONAL GRID (requesting an	:	Docket No.
Order permitting the exercise of the right of eminent	:	
domain – Cottrell)	:	

PETITION

Introduction

1. The Narragansett Electric Company d/b/a National Grid (hereinafter "National Grid"), brings this Petition under R.I. Gen. Laws §39-1-31 and Rule 1.10 of the Public Utilities Commission's ("PUC") Rules of Practice and Procedure seeking authority to exercise the right of eminent domain for the purpose of confirming title to an easement which National Grid has held since the 1950's.

2. National Grid is a Rhode Island chartered public utility under the supervision of the PUC.

3. National Grid serves approximately 475,000 electric customers in 38 towns and cities and approximately 245,000 natural gas customers in 33 towns and cities in Rhode Island.

The Right of Way

4. National Grid currently owns a transmission line right-of-way ("ROW") between its Kent County Substation on Cowesett Road in Warwick and the West Kingston Substation on Great Neck Road in South Kingstown. The width of the ROW varies from 200 to 300 feet.

5. The ROW was acquired by National Grid in the late 1950's and early 1960's.

6. The ROW is occupied by two 115,000 volt (115 kV) transmission lines, the L-190 and G-185S lines.¹

7. The G-185S line was constructed between the Kent County Substation and the West Kingston Substation in the mid-1960's.

8. The L-190 line was constructed between the Kent County Substation and the Old Baptist Road Tap Point, a distance of 5.3 miles, in the mid-1990's.

9. In 2007 and 2008 National Grid extended the L-190 line from the Old Baptist Road Tap Point south a distance of 12.3 miles to the West Kingston Substation within the ROW (the "L-190 extension.")

10. The L-190 extension is part of National Grid's Southern Rhode Island Transmission Project ("Project") which was the subject of a proceeding before the Energy Facility Siting Board ("EFSB").

11. On March 13, 2007, the EFSB issued its order approving the Project including, inter alia, the L-190 extension. In Re The Narragansett Electric Company Southern Rhode Island Transmission Project, Docket No. SB-2005-01, Decision and Order (Order No. 59, March 13, 2007) ["EFSB Order"].

12. As part of the EFSB proceeding, the PUC was asked for and provided an advisory opinion finding that the Project was needed to serve National Grid's customers in southern Rhode Island. In re Issuance of Advisory Opinion to the Energy Facility Siting Board regarding Narragansett Electric Company d/b/a/ National Grid's Application to Construct and Alter Major Energy Facilities, Advisory Opinion to the EFSB (PUC Order No. 18698, August 23, 2006),

¹ Part of the ROW north of the area that is the subject of this petition is also occupied by a 34.5 kV line.

["PUC Advisory Opinion."] Copies of the EFSB Order and the PUC Advisory Opinion are attached hereto as Exhibits A and B, respectively and incorporated herein by reference.

The Easement

13. Between August 1, 1958 and February 25, 1963, National Grid was granted easement rights by Nathaniel P. Knowles, et al., across property located to the north and south of Kingston Road (Route 138) in South Kingstown and shown on Plan L-7645, a copy of which is attached as Exhibit C. The easement deeds, copies of which are attached as Exhibit D, are as follows:

GRANTOR	INTEREST	DEED EXECUTED	DEED RECORDED	RECORDING INFORMATION
Nathaniel Knowles et al. (Nathaniel P. Knowles and Edna C. Knowles)	1/6	8/14/58	9/26/58	Book 83, page 112
Nathaniel Knowles et al. (Corrective/confirming easement deed)	1/6	10/15/59	11/6/59	Book 85, page 356
Paul Gardner et al. (Paul Gardner, Julia F. Gardner, Eugene L. Gagner, Maude L. Gagner, Evelyn A. Gardner, Rufus P. Gardner, Jr., John H. Lasell, Anna P. Lasell) ("Paul Gardner et al.")	1/6	8/1/58	10/20/58	Book 83, page 233
Paul Gardner et al. (Corrective/confirming easement deed)	1/6	8/1/59	8/10/59	Book 85, page 61
Nathaniel Peckham et al.	1/6	2/25/63	2/28/63	Book 91, page 146
Arthur Peckham et al.	1/2	8/5/58	10/27/58	Book 83, page 253
Arthur Peckham et al. (Corrective/confirming easement deed)	1/2	8/1/59	8/10/59	Book 85, page 66

14. In 2005, counsel representing Oliver C. Cottrell (“Cottrell”) notified National Grid that a portion of said easement located south of Kingstown Road “crosses [Cottrell’s] property and that they and their predecessors in title have not given an easement for the right-of-way.”

15. National Grid and Cottrell have had numerous discussions since 2005 but have not reached agreement as to National Grid’s ownership of said easement rights.

16. This Petition is brought for the purpose of obtaining an order allowing National Grid to exercise the right of eminent domain for the purpose of confirming title to and/or acquiring rights in that portion of said easement located between Kingstown Road and the southern boundary of the Cottrell property (the “Easement.”)

National Grid Charter and §39-1-31

17. This Petition is presented in accordance with the provisions of an act passed at the January, 1964, Session of the Rhode Island General Assembly, as amended by Chapter 240 of the Public Laws of 1969 (including Section 39-1-31 of the Rhode Island General Laws, 1956, as amended) and by an act passed at the January, 1976, Session of the Rhode Island General Assembly under which National Grid is authorized and empowered to take by right of eminent domain certain lands, estates, interests, easements or rights in or to lands to the extent and for the purposes set forth therein.

18. Section 39-1-31 of the Rhode Island General Laws, 1956, as amended, requires National Grid to obtain an Order from the PUC which will permit National Grid to file a petition in the Superior Court to exercise the right of eminent domain.

19. The taking of the Easement hereinabove described is in the public interest and is necessary and desirable in connection with the conduct of National Grid's business in order to

enable it reasonably to continue to render adequate electric service to its customers as permitted by its charter and as required by law and to insure reliability of service to its customers. In particular, if National Grid is not able to confirm the title to the Easement, it may not be able to continue to operate the G-185S and L-190 lines.

20. The construction and operation of the L-190 extension and the continued operation of the G-185S line are critical to enable National Grid to provide service to its customers in southern Rhode Island.

21. The need for the Project including the L-190 extension was addressed by the EFSB in the EFSB Order. The EFSB noted that it had requested an advisory opinion on the need for the Project from the PUC which conducted hearings on July 17, 2006.

22. In determining that the Project was needed, the EFSB stated

In its findings of fact, the Commission characterized the record before it as “complete and persuasive” and determined that the Project “is necessary to meet the energy needs of Rhode Island.” In its conclusions of law it found “there is a need to construct the Project which as discussed above consists of constructing new 115kV transmission lines and 115kV tap lines, reconductoring existing 115kV transmission lines, constructing a new 115kV – 12.47kV substation and expanding and modifying existing substations.” PUC Advisory Opinion, pp. 13-14.

In the proceedings before the Board, the need for the Project was addressed only by counsel and in a few public comments. In all cases the speakers agreed that the Project was needed. Based on the PUC’s unequivocal advisory opinion on the issue of need, the Board concludes that the Project is needed to meet the needs of the Southern Rhode Island area for energy.

EFSB Order, p. 12. [Footnote omitted.]

23. The construction of the L-190 extension on the existing right-of-way has avoided undue interference with the orderly and scenic development of the region.

24. The EFSB considered the environmental impact of the Project and concluded that “the Project will not cause unacceptable harm to the environment.” EFSB Order, p. 29.

25. The rights and easements to be taken by eminent domain are described in Exhibit E and the parcel or strip of land affected thereby is shown in the plan entitled “Electric Easement Survey Plan; situated on Kingstown Road; South Kingstown, RI” by Garafalo & Associates, Inc. and dated January 20, 2009 (Exhibit F hereto.) A legal description of said easement area is contained in Exhibit G hereto.

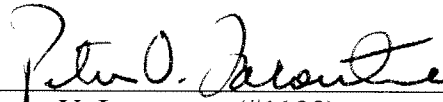
26. National Grid has listed in Exhibit H the owners of the lands and those having an interest therein shown in Exhibit F and described in Exhibit G, so far as National Grid has been able to determine the same.

WHEREFORE, National Grid prays that this Commission find that National Grid has established and the Commission has determined that the proposed taking is for the benefit of the people of the State and is in the public interest, that it is necessary in order that National Grid may carry on its business and render adequate service to the public and that the use to which the property taken will be put will not unduly interfere with the orderly and scenic development of the region.

National Grid further prays that the Commission issue a certificate authorizing National Grid to proceed with condemnation.

THE NARRAGANSETT ELECTRIC COMPANY
d/b/a NATIONAL GRID

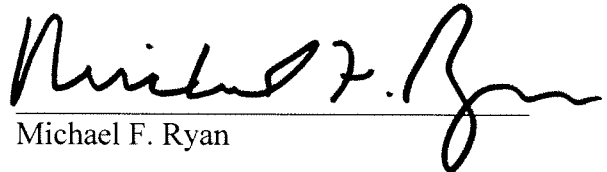
By its attorneys,
Nixon Peabody LLP



Peter V. Lacouture (#1188)
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February 17, 2009

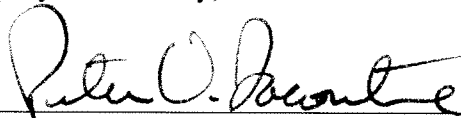
I, Michael F. Ryan, President of The Narragansett Electric Company d/b/a National Grid,
on oath, make affidavit and say that I have read the foregoing Petition and Exhibits and that the
statements contained therein are true to the best of my knowledge and belief.



Michael F. Ryan

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to before me this 17th day of February, 2009.



Notary Public

My commission expires: _____

PETER V. LACOUTURE, NOTARY PUBLIC
MY COMMISSION EXPIRES 6/27/2009

EXHIBITS TO PETITION

- A. In Re The Narragansett Electric Company Southern Rhode Island Transmission Project, Docket No. SB-2005-01, Decision and Order (Order No. 59, March 13, 2007) [“EFSB Order”]
- B. In re Issuance of Advisory Opinion to the Energy Facility Siting Board regarding Narragansett Electric Company d/b/a/ National Grid’s Application to Construct and Alter Major Energy Facilities, Advisory Opinion to the EFSB (PUC Order No. 18698, August 23, 2006), [“PUC Advisory Opinion”]
- C. Plan L-7645
- D. Easement Deeds
- E. Rights and easements to be taken by eminent domain
- F. “Electric Easement Survey Plan; situated on Kingstown Road; South Kingstown, RI” prepared by Garafalo & Associates, Inc. and dated January 20, 2009
- G. Description of parcel or strip of land
- H. Owners of the lands and those having an interest therein

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

In re The Narragansett Electric :
Company (Southern Rhode Island : Docket No. SB-2005-01
Transmission Project) :

DECISION AND ORDER

I. INTRODUCTION

On November 18, 2005, The Narragansett Electric Company d/b/a National Grid, a Rhode Island corporation and franchised public utility ("National Grid" or the "Company"), filed with the Energy Facility Siting Board ("EFSB" or the "Board") an application for a license to construct and alter major energy facilities. National Grid proposes to construct a new 115 kilovolt (kV) transmission line and 115 kV tap lines, reconductor existing 115 kV transmission lines, construct a new 115-12.47 kV substation and expand and modify an existing substation (collectively the "Project.") The application was docketed on December 14, 2005. After public notice, the Board held a preliminary hearing on February 2, 2006 and issued its preliminary decision and order on March 3, 2006. In re The Narragansett Electric Company (Southern Rhode Island Transmission Project, Docket No. SB-2005-01, Preliminary Decision and Order (Order No. 57, March 3, 2006) [hereinafter "Preliminary Order."]

The purpose of the preliminary hearing was to determine the issues to be considered by the Board in evaluating the application and to designate state and local agencies to act at the direction of the Board for the purpose of rendering advisory opinions on such issues. In the Preliminary Order, the Board designated nineteen state and local agencies to review the Project and provide advisory opinions by September 5, 2006. Preliminary Order, pp. 13-20.

Following proceedings before the designated agencies, the Board convened local public hearings pursuant to §42-98-9.1(b) in East Greenwich (September 13, 2006), South Kingstown (September 14, 2006), Warwick (September 19, 2006), Exeter (September 21, 2006), Charlestown (September 26, 2006) and North Kingstown (September 27, 2006). Final hearings commenced on October 18, continued on November 20 and November 29 and concluded on January 12, 2007.¹

The following counsel entered appearances during the final hearings:

For National Grid:	Peter V. Lacouture, Esq. Nixon Peabody LLP Paige Graening, Esq. National Grid
For Attorney General Patrick C. Lynch:	William K. Lueker, Esq. Special Assistant Attorney General Office of Rhode Island Attorney General Patrick C. Lynch
For the Division:	Leo Wold, Esq. Special Assistant Attorney General Office of Rhode Island Attorney General Patrick C. Lynch
For the Town of North Kingstown:	W. Mark Russo, Esq. Christopher Mulhearn, Esq. Ferrucci Russo P.C.
For the Town of South Kingstown:	Nancy E. Letendre, Esq. Ursillo Teitz & Ritch, Ltd.
For the Board:	Steven Frias, Esq. Executive Counsel

¹ Under §49-98-11(a) of the Act, the Board is required to conclude the final hearings within 60 days after the commencement. On January 12, 2007, the parties consented to an extension of this deadline. Tr. 1/12/07, p. 8.

II. THE ENERGY FACILITY SITING ACT

The Energy Facility Siting Act (R.I. Gen. Laws §42-98-1 et seq.) [the “Act”] consolidates in the Board, with two exceptions,² state and local governmental regulatory authority for the siting, construction or alteration of major energy facilities, including transmission lines of 69 kV or over as set forth in § 42-98-7. Thus, the Board is the “licensing and permitting authority for all licenses, permits, assents or variances which, under any statute of the state or ordinance of any political subdivision of the state, would be required for siting, construction or alteration of a major energy facility in the state.” § 42-98-7(a)(1). A Board decision in favor of an application to site a major energy facility in Rhode Island “shall constitute a granting of all permits, licenses, variances or assents which under any law, rule, regulation, or ordinance of the state or of a political subdivision thereof would, absent [the Act], be required for the proposed facility.” R.I.Gen.Laws § 47-98-11(c).

Although the Board does consider and act upon each of such permits, licenses, variances and assents, the Board does so in a comprehensive manner which is distinct in nature from the review that would be performed by the several agencies absent the Act. Whereas each such agency reviews its respective permitting, licensing, variance or assent issues according to its own particular mandates and concerns, the Board evaluates all of such issues in a single and comprehensive decision that considers “the need for [the] facilities in relation to the overall impact of the facilities upon public health and safety, the environment and the economy of the state.” R.I.Gen.Laws § 42-98-1(a). Thus, the role of the Board is substantially distinct from, and

² Certain licenses and permits issued by the Department of Environmental Management (“DEM”) and the Coastal Resources Management Council (“CRMC”) are exempt from Board authority. R.I. Gen. Laws § 42-98-7(a)(3).

more expansive than, a mere aggregation of the various agency processes that would occur absent the Act.

While the Act makes the Board the final licensing authority, an applicant for a Board license must still apply to all state and local governmental bodies for permits and licenses that would, absent the Act, be required. Instead of issuing a permit or license, however, the state or local agency must act at the direction of the Board and issue an advisory opinion to the Board regarding such permit or license. The Board has authority to designate “those agencies of state government and political subdivisions of the state which shall act at the direction of the board for the purpose of rendering advisory opinions on these issues. . . .” R.I.Gen.Laws § 42-98-9(a). Each such agency must follow “the procedures established by statute, ordinance, and/or regulation provided for determining the permit, license, assent, or variance . . . [and] shall forward its findings from the proceeding, together with the record supporting the findings and a recommendation for final action, to the siting board.” R.I.Gen.Laws § 42-98-7(a)(2).

A state or local governmental body which renders an advisory opinion to the Board as a designated agency may also intervene as a matter of right and participate in Board hearings. EFSB Rules of Practice and Procedure (“EFSB Rule”) 1.10(a)(1). In addition to those advisory opinions specifically authorized under R.I. Gen. Laws § 42-98-9 from agencies that, in the absence of the Act, would have permit, license, assent or variance authority, the Board may require further advice from state and local agencies in order to assist the Board in assessing the overall impact of a facility. In particular, §§ 42-98-9(d) and (e) provide for advisory opinions from the Public Utilities Commission (“PUC” or “Commission”) and the statewide planning

program.³ Due to the comprehensive nature of the ultimate issue facing the Board, the Board often requires expertise beyond the scope of those issues raised in the particular permit and license reviews at the agency level.

III. THE PROJECT

National Grid proposes to construct and alter 115 kV transmission lines which, under § 42-98-3(d) of the Energy Facility Siting Act, constitute major energy facilities. In the past, we have interpreted the definition of “major energy facility” in a case involving a power plant “to include not only actual generating facilities but also ancillary facilities integral and dedicated to the energy generating process.” In re The Narragansett Electric Company and New England Power Company (Manchester Street Station Repowering Project), Docket No. SB-89-1, Final Report and Order, p. 14 (Order No. 12, December 17, 1990) [“Manchester Street Station Order.”]

In this case the proposed Tower Hill Substation and the upgrade to the existing West Kingston Substation constitute “ancillary facilities integral and dedicated” to the transmission of electricity at 115 kV. As a result, the entire project is subject to the Board’s jurisdiction under § 42-98-4. The components of the Project are summarized below and are described in more detail in Section 4 of Volume 1 of National Grid’s Environmental Report⁴ for the Project.

³ R.I.Gen.Laws §42-98-9(d) refers to the division of planning and the governor’s office of energy assistance which are now the statewide planning program and the state energy office, respectively. The latter names will be used in this Order.

⁴ Volumes 1 and 2 of the Environmental Report were admitted as Exhibits National Grid-2 and 3, respectively [collectively the “ER.”]

1. Reconductor 5.3 miles of the existing L-190 115 kV transmission line.

National Grid proposes to reconductor ⁵ the 5.3 miles of the existing L-190 115kV transmission line (the "L-190 Line") between the Kent County Substation and the Old Baptist Road Tap Point, in Warwick, East Greenwich and North Kingstown. National Grid will also replace some existing pole structures as part of reconductoring. Two miles of this line consist of single-circuit, primarily wood pole, structures. The existing single-circuit wood structures will be replaced as part of the reconductoring to provide the required strength and clearances for the new, larger conductors. The rest of the L-190 line (3.3 miles) consists of double-circuit steel structures which are adequate to support the new conductors and therefore will not be replaced. ER, Vol. 1, §4.3.1; Vol. 2, Figure 4-1.

2. Construct a new 12.3 mile extension of the L-190 115 kV transmission line.

National Grid proposes to build a 12.3 mile extension of the L-190 Line from its existing southern terminus at the Old Baptist Road Tap Point in East Greenwich to the existing West Kingston Substation in South Kingstown. The new line will be located in the towns of East Greenwich, North Kingstown, Exeter and South Kingstown.

This new line will be constructed within the existing right-of-way ("ROW"), west of and adjacent to the existing lines on the ROW, primarily with single-shaft steel pole davit arm structures. ER, Vol. 2, Figure 4-5. A total of approximately 148 structures will be required for this new line extension. Depending on the width and cleared area of the ROW, it will be necessary to clear between 34 and 65 feet, leaving an uncleared area ranging from 55 to 127 feet wide at the west edge of the ROW. ER, Vol. 1, §4.3.2; Vol. 2, Figures 4-2, 4-3 and 4-4.

⁵ Reconductoring is the replacement of the existing conductors or wires with larger conductors which can carry more power. ER, Vol. 1, §4.1. The voltage of the transmission line does not change.

3. Reconductor 4.3 miles of the existing 1870N 115 kV transmission line.

National Grid proposes to reconductor its 1870N 115 kV transmission line between the West Kingston Substation and the Kenyon Substation, in South Kingstown and Charlestown, respectively. This line was constructed of wood pole structures, primarily H-frame structures, approximately 40 years ago. As a result, National Grid will replace most of the existing structures to provide both the required strength and ground clearances for the new conductors. ER, Vol. 1, §4.3.3; Vol. 2, Figure 4-6.

4. Reconductor 3.9 miles of the existing 1870 115 kV transmission line.

The fourth component of the Project is the reconductoring of the existing 1870 115 kV transmission line between the Kenyon Substation and the Wood River Substation, in Charlestown. This line is constructed primarily of wood pole H-frame structures, and National Grid estimates that 45 of the 49 structures will be replaced as part of the Project. ER, Vol. 1, §4.3.4; Vol. 2, Figure 4-7.

5. Expansion and modifications at West Kingston Substation.

As part of the Project, the West Kingston Substation will become the new southern terminus of the L-190 transmission line. In order to accommodate this new line, National Grid proposes to upgrade and expand the existing substation. The site currently consists of two separate fenced areas which will be combined. New equipment including circuit breakers and disconnect switches will be installed in the upgraded substation. ER, Vol. 1, §4.3.5; Vol. 2, Figure 4-8.

6. New Tower Hill Substation and 115 kV Transmission Tap Lines.

National Grid proposes to construct a new 115-12.47 kV low profile metal clad substation on property owned by it west of Tower Hill Road in North Kingstown. The substation equipment will be contained within a fenced area of approximately 150 feet by 255 feet. The 12.47 kV distribution feeders will be installed underground along the substation driveway to Tower Hill Road.

The proposed substation will be connected to the existing 115 kV transmission line with two new 115 kV transmission tap lines, each approximately 0.5 miles in length. These lines will be constructed along an existing ROW which contains a 34.5 kV subtransmission line. National Grid proposes to construct each of the tap lines on single shaft steel pole davit arm structures and estimates that seven structures will be required to support each of the new tap lines. ER, Vol. 1, §4.3.6; Vol. 2, Figures 4-8 and 4-9.

IV. ADVISORY OPINIONS

The Board requested advisory opinions from nineteen state and local agencies and officials. Preliminary Order, p. 19. Fourteen agencies submitted advisory opinions which we admitted into evidence as Exhibits EFSB-1 through -14. Four building inspectors and the North Kingstown Department of Water Supply did not respond to our request for advisory opinions. With the exception of the North Kingstown Town Council (the "Town Council") and North Kingstown Zoning Board, the advisory opinions from state agencies and the other local agencies were generally positive. Two agencies, the Statewide Planning Council and the North Kingstown Planning Commission, offered a number of recommendations which were the subject

of extensive testimony during the final hearings and which we will address below. The substance of the advisory opinions will be discussed in the Board's discussion of the legal issues.

V. FINAL HEARING

The purpose of the final hearing is not to rehear evidence presented in hearings before designated agencies providing advisory opinions, but rather to provide the parties and the public the opportunity to address in a single forum, and from a consolidated, statewide perspective, the issues reviewed and the recommendations made by such agencies. The Board at this hearing may allow the presentation of new evidence by any party as to the issues considered by the agencies designated under § 42-98-9 and may limit the presentation of repetitive or cumulative evidence. The Act requires that the final hearing be concluded not more than sixty (60) days after its initiation, and that the Board issue its final decision within sixty (60) days after the conclusion of such final hearing. A final decision approving the application constitutes a granting of all required and jurisdictional permits, licenses, variances and assents, and such final decision may be issued on any condition the Board deems warranted by the record. R.I. Gen. Laws §§ 42-98-11(b) and (c).

VI. WITNESSES

National Grid offered prefiled and live testimony from 9 witnesses and the Town presented one. David J. Beron, P.E., Project Manager for the Project, addressed issues raised in the advisory opinions and commented on recommendations contained in the visual impact assessments ("VIA") prepared for National Grid by Environmental Design & Research, P.C. ("EDR.") Mr. Beron and the other witnesses also responded to questions that had been posed at

the EFSB's public hearings in the six municipalities during September, 2006. Exhibits National Grid-8 and 8A.

Daniel McIntyre, P.E., Principal Engineer in National Grid's substation engineering group, is responsible for the civil engineering design of the Tower Hill Substation. Mr. McIntyre presented an update as to design changes to the proposed Tower Hill Substation, commented on the recommendations of the Planning Commission, explained in detail the evaluation of alternative substation sites and responded to questions from the public hearings. Exhibits National Grid-9 and 9A.

Susan Moberg, P.W.S., Manager of the Environmental Sciences Department at Vanasse Hangen Brustlin's ("VHB") Providence office, explained the environmental conditions in the area of the Project and the anticipated impacts. In her supplemental prefiled testimony, Ms. Moberg commented on the DEM advisory opinion. Exhibits National Grid-10 and 10A. Alan T. LaBarre, P.E., Manager of Network Planning and Reliability for National Grid, reviewed the distribution planning study that had determined the need for the Tower Hill Substation, explained how the proposed substation would provide relief to the distribution system in North Kingstown and, after summarizing the planning process, explained why the Lafayette Upgrade option is an inferior electrical alternative to the proposed substation. Exhibit National Grid-12. David Campilli, P.E., a Consulting Engineer in National Grid's Underground Engineering and Operations Department, responded to a question about the cost of underground tap lines which was asked at the EFSB's public hearing in North Kingstown. Exhibit National Grid-13.

John Hecklau, Kellie Connelly and Gordon Perkins, from EDR, testified as to the visual impact of the Project. They summarized the visual impact assessments which they had prepared

for the Project (Exhibit National Grid-4) and responded to questions raised by the Rhode Island Historical Preservation and Heritage Commission ("RIHPHC") in its advisory opinion. Exhibits National Grid-11 and 11A.

National Grid's final witness was William H. Bailey, Ph.D., who had prepared the report on current scientific research on the health effects of electric and magnetic fields (Appendix C to the ER.) Dr. Bailey presented a report entitled "Assessment of Time-Weighted Average Magnetic Field Exposures: Southern Rhode Island 115kV Transmission Project" in response to comments in the advisory opinion from the Rhode Island Department of Health. Exhibit National Grid-14; Tr. 11/29/06, pp. 25-34.

The only other party to offer a witness was the Town of North Kingstown who presented Jonathan Reiner, North Kingstown Director of Planning. In his testimony, Mr. Reiner provided an overview of land use planning in North Kingstown and Rhode Island. He suggested that the Lafayette upgrade and two alternative sites, "Tower Hill East – Site A" and Lot #8, were viable alternatives to the site proposed by National Grid for the Tower Hill Substation. Finally he repeated the recommendations which the North Kingstown Planning Commission had suggested in its advisory opinion. Exhibit North Kingstown-1.

VII. ISSUES BEFORE EFSB

An applicant for a license from the EFSB is required by §42-98-11(b) to demonstrate that:

- (i) the facility is needed,
- (ii) the proposed facility is cost justified and will [transmit] electricity at the lowest reasonable cost consistent with applicable statutes, and
- (iii) the facility will not cause unacceptable harm to the environment and will enhance the socioeconomic fabric of the state.

The Board will review the evidence before it using the same framework that the Board used to analyze the issues in the Preliminary Order. Preliminary Order, pp. 9-13.

ISSUE 1: Is the proposed Alteration necessary to meet the needs of the state and/or region for energy? R.I. Gen. Laws § 42-98-11(b)(1).

In the Preliminary Order, the Board requested that the PUC render an advisory opinion as to the need for the Project⁶.

The PUC conducted a hearing on July 17, 2006, at which it heard from five witnesses from National Grid, two representatives of ISO-New England ("ISO"), Frank Mezzanotte, Supervisor of Transmission Planning Studies, and Richard V. Kowalski, Manager of Transmission Planning, and Gregory Booth, a consultant to the Division of Public Utilities and Carriers ("DPUC") who had been retained by the DPUC to review the need for and cost of the Project. In re Issuance of Advisory Opinion to the Energy Facility Siting Board regarding Narragansett Electric Company d/b/a/ National Grid's Application to Construct and Alter Major Energy Facilities, Advisory Opinion to the EFSB, pp. 3-9 (PUC Order No. 18698, August 23, 2006), Exhibit EFSB-10 [hereinafter "PUC Advisory Opinion."] The PUC summarized Mr. Booth's testimony as follows:

Absent the Tower Hill Substation, distribution reliability would fall very short in Southern Rhode Island so that the need for the substation is clear and it is the most cost effective alternative. He testified he also reviewed the overhead and underground line options and his analysis is that the proposed Project will serve the need for reliability to serve existing and future loads and it is cost justified. Booth testified that his cost estimates were slightly

⁶ The need for the Project had been addressed by National Grid in Section 3.0 of the ER and in Appendices A (Southwest Rhode Island Transmission Supply Study; National Grid USA Service Company Inc., October 2003) and B (South County East Area Supply and Distribution Study; Narragansett Electric Company, October 2004.)

higher than the Company's as he conducted his study at a later date than the Company. [Citation omitted.]
PUC Advisory Opinion, pp. 9-10.

In its findings of fact, the Commission characterized the record before it as "complete and persuasive" and determined that the Project "is necessary to meet the energy needs of Rhode Island." In its conclusions of law it found "there is a need to construct the Project which as discussed above consists of constructing new 115kV transmission lines and 115kV tap lines, reconductoring existing 115kV transmission lines, constructing a new 115kV – 12.47kV substation and expanding and modifying existing substations." PUC Advisory Opinion, pp. 13-14.

In the proceedings before the Board, the need for the Project was addressed only by counsel and in a few public comments. Generally, speakers agreed that the Project was needed.⁷ Based on the PUC's unequivocal advisory opinion on the issue of need, the Board concludes that the Project is needed to meet the needs of the Southern Rhode Island area for energy.

ISSUE 2: Is the proposed Project cost-justified, and can it be expected to produce energy at the lowest reasonable cost to the consumer consistent with the objective of ensuring that the construction and operation of the proposed facility will be accomplished in compliance with all the requirements of the laws, rules, regulations, and ordinances, under which, absent this Chapter, a permit, license, variance, or assent will be required, or that consideration of the public health, safety, welfare, security and need for the proposed Project justifies a waiver of some requirements when compliance therewith cannot be assured? R.I.Gen.Laws § 42-98-11(b)(2).

As the Board noted in the Preliminary Order, this issue is broad and far-reaching focused more on generation than transmission. It can, however, be adapted to transmission lines and

⁷ See, e.g. statement of counsel to the Town of North Kingstown (Tr. 10/18/06, pp. 10, 13) and the Attorney General (*Id.*, pp. 15-16.) The attorney for CONTACT, a neighborhood group that did not intervene, made a similar statement. *Id.*, p. 27.

ancillary facilities and will, for the Board's analysis, be broken down into subsidiary issues regarding cost-justification, compliance with law and waiver of certain requirements.

ISSUE 2A: Is the Project cost-justified?

The PUC addressed both the need for and the cost of the Project in its advisory opinion as directed by the Board. After reviewing the evidence on the cost of the Project and alternatives, the PUC found "the Project and its costs to be the most reasonable and cost justified approach to meet the growing load demand and reliability standards for the geographic area at issue." In its conclusions of law, the PUC found "that the estimated cost of effectuating the Project is reasonable and justified under the circumstances." PUC Advisory Opinion, pp. 13-14.

Based on the PUC's advisory opinion, the Board concluded that the Project, as proposed by National Grid, is cost-justified.

ISSUE 2B: Will the Project comply with laws applicable absent the Act? R.I. Gen. Laws § 42-98-11(b)(2).

The EFSB requested advisory opinions on this issue from eleven agencies and officials: the North Kingstown, Exeter and Charlestown Zoning Boards of Review, the Building Inspectors of Warwick, East Greenwich, North Kingstown, Exeter, South Kingstown and Charlestown, the RIHPHC and the Rhode Island Department of Transportation ("RIDOT").

The Charlestown Zoning Board of Review included in its advisory opinion approving the Project standard language to the effect that variances and special use permits expire six months after approval unless the applicant has commenced construction and thereafter completes it within a year of commencement. Exhibit EFSB-1. The Exeter Zoning Board of Review did not explicitly address time limits in its advisory opinion approving the Project, although, according to National Grid, Section 1.3-3.H of the Exeter Zoning Ordinance suggests a similar six-month

deadline with a twelve-month limit from the date of approval for substantial completion of the Project. These advisory opinions were issued in May and August of 2006, respectively, so it is unlikely that National Grid will be able to comply with these deadlines. National Grid has requested a waiver of these conditions.

National Grid applied to the North Kingstown Zoning Board of Review for a special use permit for the Tower Hill Substation and a special use permit and use variance for the new L-190 Line and tap lines in North Kingstown. Beron Supplemental, p. 2.⁸ The Zoning Board of Review voted 4 to 1 against granting the requested relief, based in large part on the statements of abutting property owners before the Zoning Board as it stated in its advisory opinion: “in support of its decision the Zoning Board of Review cites the testimony of the abutting property owners who offered comment at the August 22, 2006 meeting . . .” Exhibit EFSB-9, p. 2. This evidence included the statement “that a number of abutters indicated an interest to move from the area should the Project be constructed.” Id. A member of the Zoning Board explained his vote to deny the requested relief in the following terms:

I think the only people that can really honestly judge the character of a neighborhood are the residents who live there. Anybody from the outside can't really tell anything, other than very superfluous characteristics of the neighborhood. Residents moving, putting their houses up for sale, or maybe having to put their houses up for sale and feelings changing about the neighborhood based on whatever is left of the neighborhood, those seem, to me, pretty intense ways of altering the character of a surrounding area.

Beron Supplemental, p. 3, citing Transcript of August 22, 2006 Zoning Board Hearing, pp. 51-52, Attachment DJB-2 to Mr. Beron's Supplemental Testimony.

⁸ Prefiled testimony is cited by witness name and page number. Supplemental testimony is cited as above.

This is contrary to the Rhode Island Supreme Court's ruling that

The lay judgments of neighboring property owners on the issue of the effect of the proposed use on neighborhood property values and traffic conditions had no probative force in respect of an application to the zoning board of review for a special exception. Smith v. Zoning Board of Review of Warwick, 103 R.I. 328, 334, 237 A2d 551, 54 (1968).

Toohey v. Kilday, 415 A.2d 732, 737 (R.I. 1980); see also Salve Regina College v. Zoning Board of Review, 594 A.2d 878, 881 (R.I. 1991) in which the Supreme Court rejected testimony from a neighboring property owner "who was altogether vehemently opposed to any further student habitation in his own neighborhood" but had been recognized by the Newport Zoning Board as an expert on traffic matters. Although National Grid had applied for a use variance for the new transmission lines in North Kingstown, the Zoning Board of Review identified factors related to the substation (e.g., "the proposed storage of large quantities of flammable fluid in the substation transformers") in rejecting the use variance. The North Kingstown Zoning Board of Review's advisory opinion appears not to have addressed the specific facts presented to it in support of the relief which the Company has requested, and instead incorrectly based its decision on the testimony of the abutting property owners.

The RIHPHC provided an advisory opinion which concluded that the Project will not have any "direct effect on above-ground properties listed or considered eligible for listing on the National Register of Historic Places." Exhibit EFSB-6. It stated that it was unable to assess potential impact on archeological resources until it received the Phase I archeological survey which was being prepared for the Project. Mr. Beron testified that the Public Archeological Laboratory, Inc. ("PAL") had been engaged to perform the survey and that the survey would be

filed with RIHPHC. National Grid has committed to continuing to work with RIHPHC to address any outstanding issues.

RIHPHC did question the indirect effects of the Project on two properties: the Six Principle Baptist Church on Old Baptist Road in North Kingstown and the Cottrell Farm on Waites Corner Road, South Kingstown. It stated that it would need “more detailed evidence such as photosimulations” to determine whether there was any impact. Id. In their prefiled testimony, the EDR witnesses presented and explained the line-of-sight drawing for and site photographs of the Six Principle Baptist Church which they had prepared. Joint testimony of EDR witnesses, Attachment EDR-4, Exhibit National Grid-11. They concluded that the Project

will be well screened from the Six Principle Baptist Church by an approximately 500 foot wide buffer of existing forest vegetation. Any glimpse of the proposed structures through the trees would not significantly impact the visual/aesthetic character of the historic resource.

Exhibit National Grid-11, p. 15.

In supplemental testimony EDR presented a visual simulation of the view of the proposed transmission line from the Cottrell Farm (Attachments EDR-5 and -6 to Exhibit National Grid-11A.) EDR noted that the new poles would be visible from the farm but that

There is not a significant visual impact due to the proposed line’s distance from the house and proximity to the existing transmission line. At this distance, the conductors are almost invisible, and the poles are comparable with the existing wood pole structures in height and location. The new line does not suggest a change in land use due to the proximity of the existing transmission line corridor.

Exhibit National Grid-11A, p. 2.

EDR concluded that “the visual simulation indicates that the proposed transmission line poles will be visible from the Cottrell Farm, but the visual impact is very limited, as described above.” Id.

Finally, although the RIDOT was asked for an advisory opinion on the applicability of utility permits and physical alteration permits to the Project, it only addressed the applicability of these permits to the use of one of the alternative substation sites identified in the ER. See RIDOT Advisory Opinion, Exhibit EFSB-13. National Grid has, in its brief, proposed to treat these permits as post-licensing permits under Rule 1.14 of the EFSB Rules.

Based on the above, the Board approved of the treatment of the RIDOT permits as post-licensing permits under the EFSB Rules. The Board expects National Grid to continue to work with RIHPHC on any outstanding issues. It is apparent that waivers from the requirements of certain zoning ordinances are required if the Project is to proceed. The Board will address this as Issue 2C.

ISSUE 2C: Would a waiver from certain laws be justified? R.I. Gen. Laws § 42-98-11(b)(2).

In the Preliminary Order the Board stated that if it decides that “the construction and operation of the Project could not be accomplished in compliance with the laws, rules, regulations, and ordinances under which, absent the Act, a permit, license, variance or assent would be required, [the Board] will decide whether the overall benefits of the Project justify a waiver from any such requirements subject to the Board’s jurisdiction.” Preliminary Order, p. 11.

As noted above National Grid requested a waiver of the time limits contained in the Charlestown Zoning Board of Review Advisory Opinion and in the Exeter Zoning Ordinance.

National Grid also requested that the Board examine the overall benefits of the Project to the State as discussed in Issue 1, above, and that the Board determines that the need for the facility justifies a waiver of the requirements of the North Kingstown Zoning Ordinance. The North Kingstown Planning Commission recommended a number of conditions to the Zoning Board and to the EFSB which will be addressed in Section VIII below.

The Board has specific, on-point precedent for granting National Grid's waiver requests. In our 1994 proceeding in the Kent County to Old Baptist Road 115kV Transmission Line proceeding, the East Greenwich Zoning Board had provided a negative advisory opinion. The Board noted in its decision that the East Greenwich Zoning Board had expressed

concerns about adverse health effects from EMF exposure, negative impacts on property values and quality of life, potential danger from unauthorized access to the right-of-way, negative noise impact due to additional clearing, visual pollution, incompatibility relative to the existing residential community and school, and concerns regarding erosion and sedimentation.

In re The Narragansett Electric Company (Kent County to Old Baptist Road Transmission Line), Docket No. SB-93-1, Decision and Order, p. 24 (Order No. 25, September 23, 1994) ["KC-OBR Final Order."]

We ruled that given our finding as to need for the line, a waiver from the provisions of the East Greenwich zoning ordinance was justified. Id., pp. 24-25.

In the present case, the Board has determined that the Project is needed to provide energy to the Southern Rhode Island area. The time restrictions contained in the Charlestown Zoning Board's advisory opinion and in the Exeter Zoning Ordinance may be reasonable for a typical zoning case but are not reasonable as applied to a proposal of the magnitude of the Southern Rhode Island Transmission Project. Thus the Board will grant a waiver of the time limits.

In reviewing the North Kingstown Zoning Board's advisory opinion, it is apparent to us that, as in the East Greenwich case, the Zoning Board was responding to the public. The Zoning Board appears to have ignored the relief which National Grid requested for the transmission lines and focused its attention solely on the proposed substation. Based on the need for the Project as discussed above, the Board finds that a waiver of the requirements of the North Kingstown Zoning Ordinance is justified and should be granted.

ISSUE 3: Will the proposed Project cause unacceptable harm to the environment?
R.I. Gen. Laws § 42-98-11(b)(3).

a. Introduction.

In the Preliminary Order the Board characterized this issue as the heart of the Board's analysis of the overall impact of the Project, which involves many specific and subsidiary environmental issues. In re The Narragansett Electric Company (Kent County to Old Baptist Road Transmission Line), Docket No. SB-93-1, Preliminary Decision and Order, p. 14 (Order No. 22, December 6, 1993) ["KC-OBR Preliminary Order."]

The Board interprets the phrase "harm to the environment" broadly, to include individual and cumulative environmental impacts including, but not limited to, impacts upon air quality, water quality, aquatic life, groundwater quality, wetlands, noise impacts, visual and cultural impacts, solid waste disposal impacts, and wastewater disposal caused by the construction and operation of the Project, including land and water transportation, traffic, and fuel and materials handling. Id. The Board will address all of these concerns within Issue 3.

As was the case for Issue 2A concerning cost justification, the Board will consider all reasonable alternatives to the various components of the Project, including those proposed by National Grid, in evaluating whether the Project would cause unacceptable harm to the

environment. R.I.Gen.Laws §§ 42-98-11(b)(3) and 42-98-8(a)(7). The Board has reviewed the rationale of National Grid in selecting the particular facility type and location. Although the Board has in the past held that “in contrast to a planning body, the Board would consider applications and approve or disapprove licenses for specific energy facilities” (Ocean State Power, EFSB 87-1, Final Order, p. 9), the Board’s statutory duty to determine that the Project will not cause unacceptable harm to the environment includes analysis of the reasonable alternatives. See, AES Order, p. 19.

b. The Evidence.

National Grid provided an extensive analysis of the environmental impact of the Project in its ER, including a description of the natural and social environments (Section 6.0 and 7.0), an analysis of the impacts of the Project on these environments (Section 8.0) and a description of design, construction and post-construction mitigation measures (Section 9.0). National Grid’s environmental expert, Susan Moberg of VHB, summarized the environmental conditions of the Project area and the potential environmental impacts that would result from the construction and operation of the Project. She noted in her testimony that the visual impact of the Project has been assessed by EDR and the impact on cultural resources has been addressed by PAL and in Mr. Beron’s testimony. Moberg, pp. 2-8. Ms. Moberg testified that VHB has prepared an erosion and sediment control plan as part of the DEM wetlands application and in compliance with municipal ordinances. Id. pp. 8-9. Finally, Ms. Moberg expressed the opinion that the Project “will not cause unacceptable harm to the environment.” She explained:

Narragansett has proposed responsive mitigation measures to control short-term construction impacts. The Project will not cause long-term impacts to natural and human resources given the location of the line in an existing utility ROW. The tap lines will

convert forested wetland to shrub wetland which is seen as a benefit. The use of the substation site has little or no potential to impact sensitive environmental receptors, and Narragansett has prepared an appropriate mitigation strategy and response protocol.

Moberg, p. 9.

i. Alternatives to the Proposed Tower Hill Substation.

The sole issue raised by the intervenor, Town of North Kingstown, was the impact of the proposed Tower Hill Substation and whether there was a reasonable alternative to the proposed site that would cause fewer impacts. National Grid examined eight alternative sites for the substation.⁹ In addition, National Grid examined the no-build alternative to the substation and the alternative of converting and upgrading existing substation facilities. ER, Vol. 1, §§5.7.1 and 5.7.2.

The Company concluded that the no-build alternative “would result in near-term equipment overloads at two substations and on several overhead supply and distribution lines” and, as a result, was not an acceptable alternative. ER, p. 5-28. The alternative of conversion and upgrade of existing facilities (the Lafayette upgrade) was identified in the October 2004 Distribution Study. ER, Vol. 1, Appendix B. Mr. LaBarre addressed the Lafayette upgrade in his prefiled testimony where he characterized it as “an inferior electrical alternative to a substation in the vicinity of Tower Hill Road.” LaBarre, p. 2. After an extensive review of the October 2004 Distribution Study, Mr. LaBarre explained that “during the summers of 2005 and 2006, actual area peak circuit loads generally exceeded the predictions made in the study.” LaBarre, p. 7. At the summer peak in 2005, three circuits were loaded at or above peak

⁹ The eight sites are the six listed in Table 5-6 of the ER: Tower Hill East, Oak Hill Road Town Well Site, Route 4 Town Well Site, RIDOT property, Indian Corner Road and Transmission Line Tap Point plus the Mike's Garage variation on Tower Hill East and the Lot #8 variation on the Route 4 Town Well Site.

capability and in the summer of 2006, six circuits reached this level. Mr. LaBarre testified that during the summer of 2006, one of these circuit overloads resulted in numerous outages to more than 3,000 customers in North Kingstown and Exeter. He noted that these outages would not have occurred if the Tower Hill Substation had been in service in the summer of 2006. Tr. 11/20/06, p. 144. Mr. LaBarre disagreed with Mr. Reiner's characterization of the Lafayette upgrade as a reasonable alternative to the Tower Hill Substation "that would have allowed for the use of existing infrastructure." LaBarre, p. 10; Reiner, pp. 6-7. Mr. LaBarre explained that the Lafayette upgrade would have required work at four existing substations and that "the nature of the work at Lafayette and Peacedale substations is more appropriately characterized as total substation rebuilds." LaBarre, p. 11.

The final alternative considered was the construction of a new substation at or in the vicinity of Tower Hill Road. This alternative was identified as the preferred plan in the October 2004 Distribution Study and described in §4.3.6 of the ER. In its review of alternatives in the ER, National Grid concluded that the alternative of constructing a new substation at Tower Hill Road "provides more capacity and greater flexibility to serve future loads that can be expected beyond the study period." It also noted that the recommended plan is less expensive than the alternative of converting and upgrading existing facilities. *Id.*, pp. 5-29.

ii. Alternative Substation Sites.

National Grid's October 2004 Distribution Study identified the construction of a new substation in the vicinity of Tower Hill Road as the preferred plan to resolve the identified need for additional power. Alternative sites for the Tower Hill Substation were the subject of extensive analysis in the ER and in testimony before the Board. The Company examined six

alternative sites for the substation in the ER, including several that had been identified by the former North Kingstown Town Manager, and two additional sites during the EFSB process. Tr. 11/20/06, p. 11.

Of the eight sites, National Grid eliminated six from consideration for the reasons described below, which the Company considered to be fatal flaws:

- Route 4 Town Well Site – within Zone 1 Groundwater Protection Overlay District and parcel was subject to deed restriction prohibiting any development.
- Oak Hill Well Site – within Zone 1 Groundwater Protection Overlay District and directly upgradient of three town drinking water wells.
- Indian Corner Road – property zoned Open Space and new uses prohibited; within Zone 1 Groundwater Protection Overlay District.
- RIDOT property – land reserved by RIDOT for reconstruction of intersection of Route 4 and West Allenton Road.
- Tap Point Site – majority of site and potential access driveway is freshwater wetlands.
- Mike's Garage – use of site would require displacement of existing business.

See Matrix of Substation Site Alternatives, Attachment to Response to EFSB Record Requests No. 4 (Exhibit National Grid-15) and McIntyre Supplemental, pp. 16-17.

The two remaining alternatives that were analyzed were Lot #8 and Tower Hill East.

Lot #8.

Lot #8 is located on the west side of Route 4, adjacent to the existing ROW and to the Route 4 Town Well Site. ER, §5.7.3.6 and Fig. 5-5. Mr. McIntyre testified that at the time the ER was prepared, the Company believed that the constraints on the use of the Route 4 Town

Well Site were serious enough to eliminate the adjacent Lot #8 from further consideration. However, at the North Kingstown Town Council advisory opinion hearing on August 29, 2006, the Council requested that National Grid conduct additional evaluation of Lot #8 and the Tower Hill East alternatives, which National Grid did. McIntyre Supplemental, p. 10.

Mr. McIntyre reviewed a number of factors that, in his opinion, eliminated Lot #8 from consideration as a viable substation site. These factors include the following:

- Access from Route 4 – Because RIDOT will not permit another access road (curb cut) from Route 4, it would be necessary to share either a new or an existing driveway with the town water department. Acceleration and deceleration lanes along Route 4 would impact wetlands as would a new access driveway. The topography of Lot #8 is such that a driveway between the substation site and the town well site would have a 12% grade which, Mr. McIntyre testified, was greater than National Grid would permit for its trucks for safety reasons.
- Wetlands impacts and floodplain compensation – In addition to the wetlands impacts associated with the construction or improvement of the access from Route 4, the northeast corner of a substation on Lot #8 would be constructed on fill in an existing floodplain and National Grid would be required to provide compensation at the same contour on the property. Mr. McIntyre testified that VHB had determined that floodplain compensation is not possible on Lot #8.
- Well site issues – A substation on Lot #8 would be partially in the Zone 1 Groundwater Overlay District, approximately 600 feet from the existing town drinking water well.
- Distribution issues – The use of Lot #8 for a substation would require extensive underground construction of a distribution system from the site, south on Route 4 and east on West Allenton Road to the corner of West Allenton Road and Tower Hill Road.

Mr. McIntyre concluded:

because of the serious access issues, the wetlands impacts, the necessity to compensate for floodplain filling, the proximity to the

town well and the significant distribution issues, Lot #8 is not a feasible or practical alternative to the Tower Hill Substation site.

McIntyre Supplemental, pp. 9-12; Tr. 11/20/06, pp. 27-50; see also Moberg Supplemental, pp. 2-3.

Tower Hill East.

The final alternative site, Tower Hill East, is located east of Tower Hill Road and, according to Mr. McIntyre, is comparable to the preferred site in some respects. McIntyre Supplemental, p. 6. However, its location on the east side of Tower Hill Road would require the extension of the proposed tap lines from the preferred site across the entire thirteen acre property and across Tower Hill Road to the Tower Hill East site. (See plan attached to Exhibit National Grid-16; Tr. 11/20/06, pp. 56-57; Tr. 11/29/06, p. 64.) In addition, the extension of the tap lines to the east would, according to Mr. McIntyre, require clearing of an area of approximately 150 feet in width on both sides of Tower Hill Road to accommodate the tap lines. Because much of the preferred site is an open field, it would not be possible to screen the tap lines to Tower Hill East from the residents on Girard Lane. Mr. McIntyre testified that, because of the longer tap lines, additional earthwork, wetlands protection and tree clearing, the cost of the substation would increase by approximately \$1.8 million over the preferred alternative. McIntyre Supplemental, pp. 5-6. He summarized the impacts of using the Tower Hill East site as follows:

When we go to the Tower Hill East alternative we're basically expanding the project to get those tap lines to the east. So when we do that we do bring in more neighbors to the tap lines and these neighbors would be the two homes at the end of Girard Lane, the homes . . . on Tower Hill Road, and unlike behind the Pinecrest subdivision where we're proposing to keep a wooded buffer of at least 90 feet, due to the existing clearing in this area and the additional clearing we have to do for the tap lines, we can't leave up any buffer for the homes on Girard Lane or the homes on Tower Hill Road so they'll have a clear view of the tap lines So that's

the real difference is the homes that we include in the expanded project that run from Tower Hill East would have no wooded buffer.

Tr. 11/29/06, pp. 72-73.

Modifications to Preferred Site.

In his supplemental prefiled testimony, Mr. McIntyre summarized the advantages of the proposed site:

The proposed Tower Hill Substation site does not have wetlands impacts, has an easy access from a local road, is close to the existing electric distribution network and has the least earthwork, least tree clearing requirements and least cost. In addition the substation can be set well off the public way and can be effectively screened from abutters.

McIntyre Supplemental, pp. 13-14.

Mr. McIntyre also described some modifications that the Company was willing to make if it could reach a settlement with the neighbors and the Town. McIntyre Supplemental, pp. 14-15. Subsequently Mr. McIntyre testified that the Company was proposing to make several modifications without a settlement. Tr. 1/12/07, p. 16. These modifications include relocating the substation towards the west end of the site as shown on Exhibit National Grid-18, which, according to Mr. McIntyre, moves it eighty feet farther from the abutters on Girard Lane, and building a sixteen foot high wooden barrier wall on two sides of the substation in addition to the proposed landscaped berms. Mr. McIntyre explained that the Company had committed to no expansion of the substation beyond the fence as shown on the site plan. Mr. McIntyre had previously testified that the Company had gone from an open-air substation design to a metal-clad design which would enclose the distribution feeders in the buildings. McIntyre, p. 3; Attachments DM-1 and DM-2 to McIntyre Supplemental.

Mr. McIntyre explained the benefits of these modifications to the abutters: “relocating the substation towards the western edge of the site would move it away from the Girard Lane neighbors. The wooden barrier wall and landscaping would further reduce any visual impact and mitigate any noise impact from the substation.” McIntyre Supplemental, p. 15.

At the January 12 hearing, Mr. McIntyre testified that as the result of a change in standard Company design, the switch gear components would be installed in factory fabricated buildings – one for each of the two transformers. Tr. 1/12/07, pp. 12-14.

Conclusion.

National Grid examined two alternatives (no build and the Lafayette upgrade) to constructing a new substation and, after rejecting them, conducted an extensive investigation of eight possible substation sites. Several of the alternative substation sites were suggested by the North Kingstown Town Manager (Tr. 1/12/07, p. 124) and these alternatives were addressed in the ER and in testimony of several witnesses. Most of the alternative sites were rejected because of fatal flaws while two (Lot #8 and Tower Hill East) required more investigation. The results of the examination of the sites by National Grid have led it to conclude that the preferred site remains the best site for the new substation. While the North Kingstown Town Planner had appeared to favor Lot #8 in his prefiled testimony in early October, by the time he testified on January 12, he did not express a preference for any site over the proposed Tower Hill Road site: “honestly I don’t know what the most feasible site is.” Tr. 1/12/07, p. 140.

The Board finds that National Grid has performed an examination of alternatives to the construction of a new substation on its proposed site on the west side of Tower Hill Road. The Board accepts National Grid’s determinations that (i) the no-build alternative would cause

serious problems in serving its customers in Southern Rhode Island, and (ii) the Lafayette upgrade is an inferior electrical alternative. National Grid has been responsive to suggestions from the Town and has examined other candidate sites identified by the Town. The Board agrees with the Company's rejection of the six sites identified above for "fatal flaws." The Lot #8 and Tower Hill East sites were the subject of extensive testimony before us and the Board finds, based on the testimony of Mr. McIntyre, that the preferred site, with the modifications described by Mr. McIntyre, is the best site for the substation. In fact, Mr. Reiner, on behalf of North Kingstown, did not express a preference for any site. Tr. 1/12/07, p.155. The modifications should mitigate the impact of the substation on abutting properties. The Board also finds, based on Ms. Moberg's testimony, that the Project will not cause unacceptable harm to the environment.

ISSUE 4: Will the proposed facility enhance the socio-economic fabric of the state?
R.I.Gen.Laws § 42-98-11(b)(3).

The Board requested that the Statewide Planning Program and the State Planning Council conduct an investigation and render an opinion as to the impact of the construction and operation of the Project upon the socio-economic fabric of the State. R.I.Gen.Laws §§ 42-98-9(e) and 42-98-11(b)(3). The Board defined this issue as including economic and reliability benefits to the local population and economy, employment benefits, and tax benefits to the towns and the State.

The term "socio-economic" also includes land use and incorporates the study of alternatives, including alternative sites pursuant to R.I. Gen. Laws § 42-98-8(a)(7). As a result, we asked Designated Agencies to consider all reasonable alternatives to the various components of the Project, including those proposed by National Grid.

In its advisory opinion to the Board, Statewide Planning presented an exhaustive review and analysis of socioeconomic data for the six communities where the Project will be located.

Statewide Planning made the following findings:

Narragansett Electric's proposal appears on balance to be beneficial to the socioeconomic fabric of the State of Rhode Island, based on the following:

1. Energy

. . . Upgrading and expanding the existing line is necessary, especially when businesses in the area are relying increasingly on computers and other sophisticated electronic equipment that should not be subjected to occasional power failures. The upgraded line, by providing a reliable power supply to the area, will support the state's effort to stimulate economic activity in Southern Rhode Island.

Statewide Planning Advisory Opinion, Exhibit EFSB-12, p. 2.31.

Statewide Planning also made findings on employment (negligible gains from the Project itself although "more significant [impacts] may result from the business community's increased attraction to the area as a result of the improved electric supply and distribution network") and revenues and costs ("although impacts on the local economy will probably be modest, the expansion of the line will generate revenue to the state, even under the most conservative estimates.") Id., pp. 2.31 and 2.32. Finally, Statewide Planning reviewed the social impacts of the Project and made the following findings, among others:

Residences, as well as commercial establishments and industries, may significantly benefit from the increased reliability the expanded line will provide. Negative impact on property values adjoining the ROW from the visual impact of the expanded and upgraded power line are not anticipated but would be hard to quantify, especially in such a robust real estate market.

Id. p. 2.33.

Statewide Planning concluded:

In sum, this Project should be beneficial to the state's economy by the business it should generate, modestly as it is being constructed, and perhaps significantly over the long term as it will enable Narragansett to continue to provide reliable electric services to homes, businesses and industry in the Southern Rhode Island area, keeping it an attractive Rhode Island location.

Id.

The North Kingstown Town Council also addressed the impact of the Project on the socioeconomic fabric of the state in its advisory opinion. Exhibit EFSB-8. The Town Council issued a negative advisory opinion concluding that

National Grid has failed to satisfy its burden in demonstrating that the proposed Tower Hill Substation does not cause unacceptable socioeconomic harm and furthermore, National Grid has failed to satisfy its burden of setting forth and fully disclosing a study of reasonable alternatives to the proposed Tower Hill Substation as required by law.

North Kingstown Town Council Advisory Opinion, p. 2.

In its advisory opinion, the Town Council focused on the electrical alternative of the Lafayette upgrade which was subsequently addressed in detail in Mr. LaBarre's testimony before the Board (Exhibit National Grid-12), and on the alternative sites of Tower Hill East "Site A" and Lot #8.

Both the Town Council and Mr. Reiner criticized National Grid for not identifying Tower Hill East "Site A" in its application to the Board (Exhibit EFSB-8, pp. 4-5; Reiner, p. 8.) However Mr. McIntyre explained that this site is the Mike's Garage site which had been presented to the Town Council on July 25, 2005. McIntyre, p. 16. The Town Council's own minutes of that meeting (McIntyre, Attachment DM-6) contain a brief reference to Mr. Beron's

discussion of the alternative and do not suggest that any Council member objected to National Grid's desire to refrain from displacing an existing business. Mr. Reiner subsequently agreed that this site is Mike's Garage and acknowledged that the Town Council did not want to displace an existing business. Tr. 1/12/07, pp. 117, 118.

It appears from the testimony of National Grid witnesses that National Grid worked with North Kingstown officials after issuance of the Town Council's advisory opinion to undertake additional evaluations of alternative sites for the substation. Mr. Reiner has conceded that National Grid and the Town have been unable to identify a site that is superior to the proposed Tower Hill site. Based on the testimony of Messrs. McIntyre and Reiner and the comprehensive analysis contained in Statewide Planning's advisory opinion, the Board finds, as did Statewide Planning, that the Project "appears on balance to be beneficial to the socioeconomic fabric of the State of Rhode Island."

ISSUE 5: Is the construction and operation of the Project consistent with the State Guide Plan? R.I. Gen. Laws § 42-98-9(e).

The Board also asked Statewide Planning to render an advisory opinion on the consistency of the Project with the State Guide Plan. Preliminary Order, p. 13. After a comprehensive review of seventeen elements of the State Guide Plan, Statewide Planning concluded that "the proposed Southern Rhode Island 115kV Transmission Project conforms to the relevant goals, policies and objectives of the State Guide Plan." Statewide Planning Advisory Opinion, Exhibit EFSB-12, p. 3.12.

Statewide Planning also included eight recommendations which it suggested would "assure the fullest consistency and support for various policies of the Guide Plan." *Id.*, p. 3.13. These recommendations were addressed by Mr. Beron in his prefiled testimony. Exhibit

National Grid-8, pp. 10-12. National Grid agrees with the second and third recommendations relating to mitigation measures and states that it believes it has met the spirit of the sixth recommendation (advising the FAA of the new construction) and the seventh recommendation (disposing of wooden poles in an environmentally responsible fashion in accordance to application regulations). In his testimony, Mr. Beron noted that the first and fifth recommendations relate to demand side management and distributed generation ("DSM/DG") which are issues before the PUC.

The fourth recommendation suggested an investigation of allowing some recreational activities (hiking, mountain biking or motorized trail use) along suitable sections of the ROW. Mr. Beron testified that the Company has worked over many years with property owners and abutters "along many ROWs in Rhode Island and elsewhere to reduce the use of the ROW by unauthorized persons." Beron, p. 11.¹⁰ This effort will continue along the Project ROW and National Grid has committed to installing gates and other barriers at entrances from public roads to restrict trespassing on the ROW. Id.; ER §4.6. Mr. Beron also explained that along much of the ROW, National Grid owns only easement rights so any use of the ROW by third parties would require the consent of the owner of the underlying property.

In Statewide Planning's eighth recommendation, it suggested that "the Board should consider life-cycle costs and benefits in assessing the steel shaft, double circuit davit arm alternative." Statewide Planning Advisory Opinion, p. 3.14. Mr. Beron testified that this assessment had been made in Section 5.3.2 of the ER and "rejected for a number of reasons including visual and environmental impacts as well as costs." Beron, p. 12. The double circuit

¹⁰ Dr. Sullivan noted the potential damage to ROWs and other vegetated areas by ATVs, motorcycles and four wheelers and urged the Company to restrict unauthorized access to the ROW. Tr. 1/12/07, p. 84.

alternative would increase the \$6.2 million cost of the new L-190 115kV transmission line to \$14.4 million, an increase of 137%. Id.; ER pp. 4-17 and 5-6.

The Board finds, based on the advisory opinion from Statewide Planning, that the construction and operation of the Project is consistent with the State Guide Plan. The Board agrees with National Grid that two of the recommendations (Recommendations 1 and 5) are within the province of the PUC and that National Grid has met the spirit of Recommendations 6 and 7. The Board also agrees that National Grid has provided the information sought in Recommendation 8 in its ER.

The Board will adopt Recommendations 2 and 3 but agree with National Grid that Recommendation 4 is beyond its legal authority in areas where it only has easements and, in any case, would be a major change in its current practice. Any such change should be preceded by discussions among all of the interested parties rather than as an ad hoc decision in an EFSB order on a transmission project.

VIII. RECOMMENDATIONS OF NORTH KINGSTOWN PLANNING COMMISSION.

In addition to the recommendations from Statewide Planning, the Planning Commission made a number of recommendations which were the subject of extensive testimony and debate before the Board. Although National Grid initially resisted many of the recommendations, its position has evolved to where it has accepted the concept, if not all of the details, of most of them. The Board will quote each recommendation and then provide our analysis. After considering the testimony of Messrs. Beron, McIntyre and Reiner, the Town's cross-examination

of Mr. McIntyre¹¹ and the submissions of National Grid (Exhibit National Grid-19 and the attachment to National Grid's February 5, 2007 Brief), the Board makes the following findings.

Recommendation No. 1 - Appraiser.

In accord with the development plan review sections of the Zoning Ordinance, the Planning Commission, at the expense of the applicant, may require a report of findings and recommendations from outside expertise. In this regard, it is a condition that the Town, at National Grid's expense, engage an independent MAI appraiser to provide an opinion as to impact on fair market value as to the abutting residential lots (particularly abutting the proposed Tower Hill Substation and the areas where the transmission line goes through residential backyards), so that the Town and RIEFSB can consider further mitigation to safeguard against any potential losses in the fair market value.¹²

According to Mr. McIntyre, National Grid hired a real estate appraiser in order to prepare testimony for the North Kingstown Zoning Board. Tr. 1/12/07, p. 73. National Grid argues and the Board agrees that there is no basis in the Siting Act or elsewhere for compensating abutters for any claimed loss in value resulting from development on abutting property. The Board declines to adopt this recommendation.

Recommendation No. 2 – Mitigation Plan.

National Grid testified to a mitigation budget to help ease the impact on abutting landowners who are burdened by transmission easements. As a condition, National Grid shall be required to confer with abutters within a certain amount time to formulate a mitigation plan, so that there is a formal procedure in which neighbors can recoup expenses for the fact that there will be construction proceeding in their backyards.

National Grid has repeatedly stated its commitment to working with the abutters as part of its outreach program to provide mitigation for direct abutters to the Project. It was clear from Mr. McIntyre's testimony on January 12 that the Company prefers to negotiate these agreements

¹¹ The Town waived its right to cross-examine National Grid witnesses other than Mr. McIntyre. Tr. 1/12/07, p. 96.

¹² We note that the recommendations included in the Planning Commission's advisory opinion differ slightly from the recommendations as presented in Mr. Reiner's prefiled testimony. North Kingstown Exhibit-1. We will use the former in our analysis.

on a case-by-case basis since the mitigation is site-specific. Thus National Grid has objected to the suggestion in Recommendation No. 2 that it formulate “a mitigation plan” and also objects to the implication of the Recommendation that abutters incur “expenses” as a result of construction within the ROW. National Grid’s ROW restoration work is described in §4.4.5 of the ER.

The Board finds that National Grid’s commitment to continuing meeting with individual abutters to discuss mitigation efforts meets the spirit of Recommendation No. 2. The Board declines to impose any further obligations on National Grid.

Recommendation No. 3 – Construction Schedule.

National Grid is required to mail or e-mail abutting neighbors two-week, “look ahead” construction schedules during the entire duration of construction, so that abutting neighbors know exactly what is proceeding on a “real time,” 2 week schedule.

National Grid has agreed with this Recommendation which the Board adopts.

Recommendation No. 4 – Environmental Monitor.

National Grid testified that there will be an “environmental monitor” engaged to make sure that environmental safeguards are being met and Best Management Practices are being employed. At the hearings, National Grid was questioned and National Grid was amenable to having the environmental monitor not only serve to oversee environmental issues, but act more as a “Independent Engineer”. Accordingly, National Grid is required to involve the Town in selecting an Independent Engineer, so that said person or entity act as a true independent to oversee all environmental protection, mitigation factors, and be someone that abutting owners can contact if they have questions as to whether mitigating steps are being undertaken.

National Grid committed to retaining an environmental monitor in the ER (§ 4.4.7) and has repeated that commitment during these proceedings. See e.g., Beron, p. 6; Tr. 11/20/06, pp. 119-120, 135. As explained in the ER, “the primary responsibility of the monitor will be to enforce compliance with all federal, state and local permit requirements and National Grid

policies.” In Recommendation No. 4, the Planning Commission seeks to expand the role of the environmental monitor and to involve the Town in the selection of this person. McIntyre subsequently testified that it would designate an employee as an ombudsman to serve as a contact person for abutting property owners and others during the construction of the Project. Tr.11/20/06, pp. 135-136; Tr. 1/12/07, pp. 17-18, 26. Furthermore, National Grid has already selected its environmental monitor. Thus, Town involvement in the selection process has been rendered moot. The Board finds that National Grid’s proposal to address this recommendation is acceptable and declines to adopt Recommendation No. 4.

Recommendation No. 5 – Town Fire Marshal.

National Grid testified that the MODF utilized in the transformers is a flammable material that will be used and stored on site at the proposed Tower Hill Substation. Accordingly, those facilities have to be approved by the Town Fire Marshall with regard to fire and explosive hazards.

As Mr. McIntyre testified and noted in Exhibit National Grid-19, the transformers use MODF as a coolant and insulating fluid but the transformers are not storage tanks. As a result, the Company does not believe that the fire marshal has jurisdiction over the MODF in the transformers at the substation site. Tr. 1/12/07, pp. 20-21. National Grid noted that similar transformers are in use elsewhere in North Kingstown and through the state and region. The Town has offered no evidence to refute Mr. McIntyre’s testimony so the Board does not adopt Recommendation No. 5.

Recommendation No. 6 – Groundwater Monitoring Wells.

National Grid agreed to install groundwater monitoring wells. In accordance with the Zoning Ordinance, the installation shall include a provision for Town access, including dedicated easements so that the Town can undertake their own sampling and testing. Furthermore, the cost of all monitoring and sampling analysis is to be born by National Grid in accordance with the Zoning Ordinance.

National Grid has committed to install three groundwater monitoring wells and has specified protocols for the installation and sampling of the groundwater wells. It has also agreed to provide a sample to the Town for analysis at the Town's request. Further, the company has agreed to allow the Town to conduct their own tests under the company's escort. Finally, the wells will not be removed or abandoned following the proposed sampling but will remain available for sampling at a later date, should that be necessary. The Board finds that National Grid has met the spirit of Recommendation No. 6 but will not require National Grid to grant an easement to the Town for groundwater sampling.

Recommendation No. 7 – Drinking Water Wells.

There may possibly be construction within the groundwater for the proposed Tower Hill Substation. This shall require independent analysis and approval of dewatering methods. Furthermore, this shall include testing of drinking water wells within the area to ensure that there is no adverse impact. The cost of monitoring and approving dewatering methods and well testing shall be borne by National Grid.

National Grid has committed to following the sampling protocol provided in response to Recommendation No. 6 and will, subject to the approval of the owners of the wells, test for the constituents identified in the protocol for drinking water wells. It will have the wells tested prior to commencement of construction of the Tower Hill Substation and within six (6) months after completion of construction. Results of the analysis shall be provided to the owner of the well and to the Town. National Grid has met the spirit of Recommendation No. 7.

Recommendation No. 8 – SPCC Plan.

There was a great deal of testimony with regard to the MODF in the transformers at the proposed Tower Hill Substation. National Grid is supposed to develop a spill prevention plan and contingency plan. National Grid testified that they have done this with regard to many other substations. National Grid shall be required

to provide such a plan for full comment and review by the Town of North Kingstown in advance of any final licensure. In addition, outside geohydrological expertise shall be consulted, at National Grid's expense, to determine if there are any other groundwater safeguards that should be employed, such as a catch basins with oil/water separators. Furthermore, in this regard, National Grid shall be responsible for training North Kingstown fire personnel and rescue personnel, so that they can act in accord with any contingency plans.

National Grid has agreed to provide a draft of the SPCC Plan to the Town for review and comment. By "review and comment," the Board does not intend to grant the Town a veto. However, the Board requires National Grid to consider any comments received from the Town within thirty (30) days of its receipt of National Grid's draft of the SPCC Plan. National Grid has also agreed to provide periodic supplemental training to North Kingstown Fire Department personnel. The Board finds that National Grid has met the spirit of Recommendation No. 8.

Recommendation No. 9 – Prohibition of MODF.

National Grid was asked about MODF in the regulators and breakers. National Grid testified under oath that the regulators and breakers will not contain MODF in the type of system being designed. National Grid's testimony is adopted as an absolute prohibition, because the regulators and breakers were originally designed to contain MODF and there was no containment other than crushed stone. Such a pervious containment design, as originally proposed in the application, for the MODF in the regulators and breakers is strictly prohibited in a Groundwater Overlay District by the Zoning Ordinance.

In Recommendation No. 9, the Planning Commission sought to prohibit the use of MODF in regulators and breakers while larger quantities are used in the transformers at the Tower Hill Substation. However, National Grid testified that MODF is used in transformers and electrical equipment in other substations and along the public streets in North Kingstown and elsewhere throughout the state and region. Therefore the Board finds that Recommendation No. 9 is not reasonable and declines to adopt it.

Recommendation No. 10 – Landscape Architect

National Grid, working with a certified landscape architect, shall plan for and landscape as much as possible the areas surrounding the proposed substation and all transmission line areas that abut residentially developed property. It is recommended that thorny plant species be utilized in the areas surrounding the substation to prevent access to this potentially “attractive nuisance.” In addition, the fence surrounding the substation shall be a color that blends into the landscaped buffer.

National Grid has provided a revised landscaping plan for the area of the Tower Hill Substation and proposes to construct a sixteen (16) foot high wooden barrier wall on two (2) sides of the substation. It will also provide landscaped berms. The Board finds that National Grid has substantially conformed to Recommendation No. 10 and has met it in spirit.

Recommendation No. 11 – “De-vegetation.”

There was a great deal of testimony about vegetation removal. The testimony was that approximately 38 acres were going to be de-vegetated due to transmission line expansion and the construction of the substation. National Grid’s Application is more specific and states that 23 acres will be de-vegetated in environmentally sensitive areas. As a mitigation step National Grid is required to commission an independent study to determine whether this type of de-vegetation in environmentally sensitive areas will have a potentially adverse impact on the groundwater overlay areas, any critical habitat, and landscaped buffers. In turn, the study shall determine if there are options to de-vegetation and what is an appropriate re-vegetation plan that will maximize aquifer and re-charge protection. The implementation of this re-vegetation plan shall be a required condition of the approval.

The Board finds that “de-vegetation” is an overstatement of the type of clearing which National Grid proposes in order to construct the new transmission lines. In fact it will cut tall-growing woody species and allow low-growing shrub-type vegetation to remain and colonize the ROW. ER, §4.4.1; Beron, pp. 6-7. National Grid has agreed to provide to the Town a study or report related to the benefits to wildlife of creating and maintaining open areas that are free from

high-growing woody species as will be created for the additional cleared right-of-way.

National Grid stated that the report related to wildlife, habitat and rights-of-way which it has offered to the Town is a report that was prepared by a third party following the study of a right-of-way in Massachusetts. Based on Mr. Reiner's explanation of the groundwater impact report the Town is seeking (Tr. 1/12/07, p. 145), National Grid has directed VHB to prepare an analysis of the impacts on run off and drainage that may be anticipated following the removal of tall-growing, woody vegetation on a transmission line ROW. The Board finds that National Grid has met the spirit of Recommendation No. 11.

Recommendation No. 12 - Herbicides.

There were several questions by the Planning Commission regarding vegetation control. National Grid's Environmental Report at Section 4.5, states that herbicides are not to be used in environmentally sensitive areas. Therefore, the use of herbicides is prohibited in the Groundwater Overlay District or in the alternative, National Grid is required to commission an independent review of a protocol to limit herbicides that would include testing of wells for herbicides at appropriate intervals. This objective is a top priority of the Planning Commission. National Grid also testified that there would be no broadcast spraying of herbicides. The Planning Commission requested that mechanical cutting and vegetation control be used where possible, and be required in all groundwater protection areas. National Grid shall coordinate with the North Kingstown Water Department to review the right of way maintenance documents located within the Groundwater Overlay Districts.

National Grid testified that its use of herbicides is strictly regulated by state and federal authorities and will comply with those regulations. National Grid will not use herbicides in well-head protection areas, buffer areas associated with surface waters or in areas of standing water. However, a general prohibition on the use of herbicides "in all groundwater protection areas" would be impractical because the majority of the Town of North Kingstown is a groundwater overlay district. Tr. 11/20/06, p.140. The Board declines to adopt Recommendation No. 12.

Recommendation No. 13 - Noise.

In regard to noise, National Grid testified that their modeling indicated a certain decibel increase at sensitive receptors over ambient conditions. National Grid agreed to have that modeling become a performance guaranty, such that if the Town were to find an exceedance of that performance milestone, then the National Grid, at its expense would take immediate steps to mitigate and ensure that the performance milestones are being met.

National Grid has agreed with Recommendation No. 13.

Recommendation No. 14 – Light and Glare.

In regard to light and glare, those issues were largely discussed in relation to a buffer plan proposed by National Grid in which abutting neighbors supposedly had some input. As a condition, National Grid shall engage a certified landscape architect to review the proposed buffering plans and the re-vegetation plan along the proposed transmission alignment to determine if the proposed plans are adequate or if they can be enhanced by the number of plants, the species of plant, etc.

The light and glare issues were discussed in relation to the proposed substation and, as indicated previously, National Grid has agreed to provide berms, landscaping and the wooden barrier wall and will also control the lights in the substation manually. The lights will be turned on only in rare circumstances when National Grid employees are working in the substation at night. National Grid is in the process of discussing mitigation measures with abutters to the transmission line. The Board finds that National Grid has met the spirit of Recommendation No.

14.

Recommendation No. 15 – Traffic Control Plan.

National Grid's Application indicates that there will be considerable construction traffic during the duration of the Project. National Grid states in its Application that it will work with Rhode Island Department of Transportation to come up with a traffic mitigation plan during that time. As a condition, National Grid is required to notify and include the Town in approving the traffic mitigation plan.

Furthermore, there will be Town input and public hearing in advance of finalizing the plan, so that abutting neighbors can have meaningful input.

National Grid has testified that it will provide a draft of its RIDOT Physical Alteration Permit application to the Town and will consider any comments from the Town. The Board finds that National Grid has met the spirit of Recommendation No. 15.

Recommendation No. 16 - Planning.

The Planning Commission also recommended that for future needs in the area, that National Grid should further research expanding the existing substations. Furthermore, National Grid should coordinate with the Town of North Kingstown to determine future growth areas in the Town in accordance with the North Kingstown Comprehensive Plan to better plan for the future electricity needs of the Town.

National Grid has reiterated its willingness to meet, at the request of the Town, to discuss future electrical needs of the Town. National Grid has also committed to providing a copy of the Master Construction Plan which it files annually with the EFSB to each of the cities and towns affected by projects listed in the Master Construction Plan. Tr. 1/12/07, p. 94. The Board finds that National Grid has met the spirit of Recommendation No. 16.

IX. OTHER MATTERS.

In its brief, North Kingstown requested that the Board enter an order (i) ordering National Grid “to advance the necessary funding to allow North Kingstown to engage a professional engineer with requisite electric distribution and transmission expertise,” (ii) remanding the case to the advisory opinion process for further consideration by the North Kingstown Town Council and (iii) ordering National Grid “to reimburse North Kingstown for costs incurred to date.” North Kingstown Brief, pp. 2-3, 17.

By approving the application of The Narragansett Electric Company d/b/a National Grid for a license to construct the Southern Rhode Island Transmission Project, the motions made by the Town in its brief were essentially denied and rendered moot. The Town's arguments were not persuasive.

In May 2006, the Town filed a motion seeking prepayment of the Town's expenses including \$25,000 in legal fees and \$5,000 each for geohydrological and professional engineering fees. National Grid objected to the prepayment of any fees or expenses and also objected to payment of the Town's legal fees. However, it did state that it was willing to reimburse the Town for geohydrological and professional engineering fees up to \$5,000 each. The Town chose not to hire any experts in this docket. By order dated August 3, 2006, the Board denied the motion for payment of legal fees and for the prepayment of the other fees. In re The Narragansett Electric Company (Southern Rhode Island Transmission Project), Docket No. SB-2005-01, Decision and Order (North Kingstown Fees) (Order No. 58, August 3, 2006.) Thus the issues raised under (i) and (iii) above, have been decided in this case and the Town has offered no reason for us to reexamine our decision.

With respect to the request that the case be remanded to the Town Council for further proceedings, it should be apparent from the exhaustive discussion of alternatives in this order that National Grid, with input from the Town, has conducted an extensive review of alternatives to a new substation and alternative sites for the proposed substation. The Board does not believe that such a remand would accomplish anything other than to delay these proceedings and cause a violation of Section 42-98-11(c) which requires us to issue our final decision within sixty days of the conclusion of the final hearings. The Town had ample opportunity to litigate, present

evidence, and raise issues before the Board. The Town simply failed to present much of a case. It does not deserve a further bite at the apple.

X. CONCLUSION

The Board has conducted an exhaustive review of National Grid's proposal with the able assistance of the numerous designated state and local agencies. The Board heard extensive testimony from many witnesses who addressed all aspects of the Project.

Based on our review of the record and our findings of fact discussed above, we make the following conclusions of law:

- National Grid's Southern Rhode Island Transmission Project is necessary to meet the needs of the State, and particularly Southern Rhode Island, for electricity;
- The Project is cost-justified and can be expected to transmit energy at the lowest reasonable cost to the consumer consistent with the objection of ensuring that the construction and operation of the line will be accomplished in compliance with all applicable requirements, except as noted below;
- That considerations of the public health, safety, welfare, security and need for the Project justify a waiver of the time limits provided in the Charlestown Zoning Board's advisory opinion and in the Exeter Zoning Ordinance and of the requirements of the North Kingstown Zoning Ordinance;
- That the Project will not cause unacceptable harm to the environment; and
- That the Project will enhance the socio-economic fabric of the State.

Accordingly, it is hereby

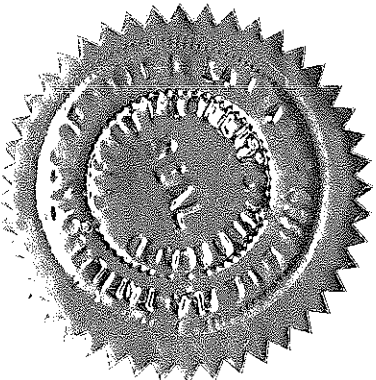
(Order No 59) ORDERED:

(1) That the application of The Narragansett Electric Company d/b/a National Grid for a license to construct the Southern Rhode Island Transmission Project as described herein is hereby granted, and the license so granted shall constitute a granting of all permits, licenses, variances or assents subject to the jurisdiction of the Board, which under any law, rule, regulation or ordinance of the State or of a political subdivision thereof would, absent the Energy Facility Siting Act, be required for the construction of the Project; provided, however, that the license granted hereby shall be subject and comply with all the conditions and requirements as described in this Order.

(2) The motions contained in the Brief of the Town of North Kingstown are denied.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON MARCH 13, 2007
PURSUANT TO AN OPEN MEETING DECISION ON FEBRUARY 23, 2007.

ENERGY FACILITY SITING BOARD


Elia Germani
Elia Germani, Esq.
Chairman

Kevin M. Flynn
Kevin M. Flynn, Member

W. Michael Sullivan
W. Michael Sullivan, Ph.D., Member

NOTICE OF RIGHT OF APPEAL PURSUANT TO R.I.G.L. SECTION 42-98-12, ANY PERSON AGGRIEVED BY A DECISION OF THE BOARD MAY, WITHIN TEN (10) DAYS OF THE ISSUANCE OF THIS ORDER PETITION THE SUPREME COURT FOR A WRIT OF CERTIORARI TO REVIEW THE LEGALITY AND REASONABLENESS OF THIS ORDER.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: ISSUANCE OF ADVISORY OPINION TO THE : DOCKET NO. 3732
ENERGY FACILITY SITING BOARD REGARDING :
NARRAGANSETT ELECTRIC CO. D/B/A NATIONAL :
GRID'S APPLICATION TO CONSTRUCT AND :
ALTER MAJOR ENERGY FACILITIES :

**ADVISORY OPINION ISSUED TO THE ENERGY FACILITY SITING
BOARD PURSUANT R.I. GEN. LAWS § 42-98-9 (D)**

I. INTRODUCTION, JURISDICTION, AND ISSUES

On November 18, 2005, the Narragansett Electric Company d/b/a National Grid, a Rhode Island corporation and franchised public utility ("Narragansett" or the "Company"), filed with the Energy Facility Siting Board ("EFSB" or "Board") an application to construct and alter major energy facilities. Narragansett proposes to construct a new 115 kilovolt ("kV") transmission line and 115 kV tap lines, reconductor existing 115 kV transmission lines, construct a new 115–12.47 kV substation, and expand and modify existing substations (collectively the "Project.") The application was docketed with the Board on December 14, 2005 and, after public notice, a preliminary hearing was held on February 2, 2006.

On March 3, 2006, the Board issued its preliminary Order in which it designated, pursuant to R.I. Gen. Laws § 42-98-9, the Public Utilities Commission ("Commission" or "PUC") as an agency to act at the direction of the Board for the purpose of rendering an advisory opinion. More specifically, the Board directed the Commission to make a recommendation as follows:

ISSUE 1: Is the proposed Alteration necessary to meet the needs of the state and/or region for energy? R.I. Gen. Laws § 42-98-11(b)(1).

The PUC, with participation of the Division of Public Utilities and Carriers, the State Energy Office and the Statewide Planning Program, shall render a single advisory opinion as to the need for the Project, as required by § 42-98 9(d). Such opinion shall specifically consider the need for the Project based upon the projected cost of the Project, as also discussed in Issue 2A, below. The PUC shall also expressly consider the reliability of the transmission system in the area and region to be served in determining the need for the Project.

ISSUE 2A: Is the Project cost-justified?

The issue of whether the Project will allow the transmission of energy at the lowest reasonable cost to the consumer is one which shall be included within the advisory opinion of the PUC referenced above in Issue 1. The evaluation of the need for the Project will expressly include a determination of the reasonableness of the cost of the Project.

Such opinion of the PUC shall specifically analyze the cost impact of the Project and shall examine the economics of reasonable alternatives to the various components of the Project, including those proposed by Narragansett.

In response to the above EFSB mandate, the Commission conducted a duly noticed public hearing on July 17, 2006. A display advertisement was published in the *Providence Journal* on July 7, 2006 which provided local notice of the Company's application and the scheduled public hearing. No member of the public appeared for the hearing.

The following counsel entered appearances:

Narragansett:

Peter V. LaCouture, Esquire
Paige Graening, Esquire

Division of Public Utilities and
Carriers:

Leo Wold, Special Assistant
Attorney General

Department of the Attorney General:

William Lueker, Special Assistant
Attorney General

ISO-New England:

Eric J. Krathwohl, Esquire
Michael McElroy, Esquire

II. TESTIMONY AND MATERIAL FACTS

Narragansett presented three (3) witnesses as a panel to provide an overview of the Project and to address the need for the Project. These three (3) witnesses were David J. Beron ("Beron"), project manager for National Grid USA Service Company, Melissa Scott ("Scott"), National Grid USA Service Company, and Alan LaBarre ("LaBarre"), National Grid USA Service Company. See Transcript of hearing held before PUC on July 17, 2006, page 17. (hereinafter "Tr.").

Beron testified that starting at the northern end of the Project, Narragansett proposes to reconductor the G185S transmission line which exits the Kent County substation from the south for about 5.3 miles to the Old Baptist Road tap point. He testified that when the Company reconductors a transmission line, it replaces the existing wire or power conductors with new, slightly larger conductors that are capable of transmitting more power. He testified that proceeding south from Old Baptist Road tap point for 12.5 miles to the West Kingston substation, the Company proposes to construct a new 115kV transmission line which the Company refers to as the L190 extension. He further testified that midway along the L190 extension, the Company proposes to construct a new substation on land owned by the Company and to construct a new half mile 115 kV tap line proceeding from the main corridor easterly to the new proposed substation. He further testified that the Company proposes to reconductor 4.3 miles of lines from West Kingston to the Kenyon substation and to reconductor approximately 3.2 miles of line from the Kenyon substation to the Wood River substation. See Tr. at 20-23. See also NEC Exhibit One (1), Table 2-1 and NEC Exhibit 3A (Beron's prefiled testimony).

Beron further testified that the Company estimated the cost of the Project to be \$25.1 million. The total amount consists of approximately \$7 million for the construction of the new substation, \$6.2 million for the new L190 extension, and the remaining amount for the reconductoring and equipment modifications. The accuracy of the estimates are plus/minus 25%. See NEC Exhibit 3A (Beron's prefiled testimony). Beron testified that the Company expects the construction time for the Project to take nine (9) to twelve (12) months. He testified that the Company anticipates beginning construction in early Spring of 2007. Tr. at 24.

Scott testified that she conducted a transmission study and determined the need for transmission reinforcements. She testified that transmission planning studies are performed for an area "looking out to ten or more years." Tr. at 26. She testified that computer simulations are performed regarding the existing system and elements of the system are taken out and they "look at how the system performs with each element out." Tr. at 65. She testified that when an existing system does not meet reliability standards, alternative solutions are evaluated to meet the reliability standards and a solution is selected based on cost, technical performance, reliability, operability, and constructability. Tr. at 26-27, 65.

Scott testified that since her initial 2003 study, the entire G185S line from Old Baptist Road tap point to South Kingstown is now above its capability. See NEC Exhibit 1, Appendix A (the transmission study) and NEC Exhibit 3F (an updated map of the overload on the system). Scott further testified that the transmission study demonstrated a concern with reliability if "you lose" either the Connecticut end or the Warwick end of the 115 kV path beginning in Kent County substation in Warwick and going into Connecticut. She testified such a loss would result in substation voltages dropping to

unacceptable values so that lines could be damaged or sag which could cause the line to come out of service. She also testified that unacceptable low voltages cause customers' lights to dim, motor loads such as air conditioners or refrigerators to slow down or to stall and if the loads are very high that could cause a possible voltage collapse resulting in a blackout. She testified that Southern Rhode Island is one of the fastest growing areas in the Company's service territory which is causing significant load growth. She testified that the various line extensions and reconductoring were recommended to meet reliability standards for the system. She testified that the Project would meet the needs of Southern Rhode Island for ten (10) years "from today." Scott testified that demand side management and distributed generation were considered as alternative solutions but it was determined that neither would provide enough capacity. Tr. at 28-31, 56-58. See also NEC Exhibit 3B (Scott's prefiled testimony) and NEC Exhibit 1 (section 5 – alternatives to proposed action).

LaBarre testified regarding the distribution planning study process which studies the distribution system from substations to end-users and cover ten (10) years. He testified the Company conducted a distribution study for "South County east area." Tr. at 33. See NEC Exhibit 1, Appendix B (the distribution study). He testified that there is a concern with the number of circuits that are at capability or near capability and numerous circuits were identified that would in the reach capacity or near capacity. He testified that when the equipment is loaded close to capability, it hinders the Company's ability to rearrange the system when there is an isolated incident like a tree falling on a power line so that it is more difficult to isolate the problem and restore service to customers so that as a result outages typically will be longer. He testified that the study was completed in 2004 and that in 2005 the summer loads exceeded those loads predicted in the study. He

testified that as a result of this study, the Company recommended the construction of a new substation at Tower Hill which is an area where the load is growing the fastest. He also testified that if the substation is not built, it will be more difficult and costly to meet the increasing demand as the Company would have to try to extend lines from other sources. See Tr. at 31-38, 58. See also NEC's Exhibit 3C (LaBarre's prefiled testimony) and NEC Exhibit 1 (section 5 – alternatives to proposed action).

Narragansett offered a second panel of witnesses comprised of Beron, David M. Campilii ("Campilii"), National Grid Service Company, and Daniel M. McIntyre ("McIntyre"), a civil engineer in the substation engineering group for National Grid Service Company. Tr. at 72-73. The second panel addressed the various alternatives to the Project that were considered and the proposed new substation.

McIntyre testified regarding the substation design and the alternative sites that were considered by the Company. He testified that the proposed new substation will be located in the Town of North Kingstown off of Tower Hill Road on property owned by Narragansett. He testified that the Company proposes to connect the substation to the main transmission lines by constructing a tap line on property on an existing right-of-way owned by the Company. He testified that the feeder lines will come out of the substation by underground and rise up at the intersection of West Allenton and Tower Hill where they will connect to the existing overhead distribution line and can serve customers in all four (4) geographic regions. Tr. at 73-75.

McIntyre testified that the Company proposes to build a metal clad substation as it is more aesthetically pleasing. He testified that the proposed substation site is a level open field which is ideal for substation construction and that the site design complies with the National Electric Safety Code with respect to public safety and with the

Environmental Protection Agency spill control and counter measure regulations. He testified that the Company has developed an extensive landscaping plan to screen the site from abutters with earthen berms and plantings. Tr. at 75-76.

McIntyre also testified that the substation is being built on a thirteen (13) acre parcel of land but will only occupy one (1) acre toward the center of the parcel. He testified there are approximately five (5) abutters or homes nearby and will be screened by landscaping. Tr. at 88, 90-91. He testified that the fencing will be on a one (1) acre plot but the metal building itself is only "38 by 48" [The prefiled testimony refers to it as 40 feet by 50 feet. See NEC Exhibit 3D] so most of the fenced off parcel is open air. Tr. at 98. He testified that the substation could be built out if it is needed in the future to have two (2) transformers and eight (8) distribution lines but that it would be built with one (1) transformer and three (3) distribution lines. He testified that if it was built out in the future, there would be no need for additional site work. Tr. at 100.

McIntyre testified that the Company considered alternative sites identified by the Company as well as sites identified by the Town of North Kingstown during the Company's outreach program. He testified that none of the alternative sites matched the site criteria which includes access to the supply, being near the load center (customers' needs), sufficient shape and size in order to build a fenced in substation as well as impact on environment and abutters. Tr. at 77. See also NEC Exhibit 3D (McIntyre's prefiled testimony) and NEC Exhibit 1 (section 5 – alternatives to proposed action).

Campilii testified to the alternatives sites considered for the new L190 overhead line from Old Baptist tapline to the West Kingston substation. He testified that the Company considered using the existing right-of-ways with an underground transmission cable but that the existing right-of-ways were often on wetlands or swamp lands which is

good for building overhead transmission lines but not underground lines. Therefore, the construction requirements and environmental impact “added up against an underground line.” Tr. at 79. He testified that the Company considered the Amtrak corridor but that with the already existing lines there, there wasn’t much room for new lines and that Amtrak would only allow access to build and to operate the lines between 12 a.m. and 4 a.m. which made the line almost unbuildable and unoperable as the Company would need to have round the clock access to operate lines once they were built. Tr. at 77-81.

Campilli also testified regarding the alternative of putting the lines underground alongside existing roadways. He testified that an overhead line can typically be repaired within 24-48 hours while an underground line typically takes 100-300 hours to repair which causes the system to be out for a longer period of time. He also testified that such an underground transmission system would cost approximately \$72 million instead of the \$6 million for “the equivalent overhead segment.” Tr. at 80-85. See also NEC Exhibit 3E (Campilli’s prefiled testimony) and NEC Exhibit 1 (section 5 – alternatives to proposed action).

ISO-New England (“ISO”) is responsible for managing and operating New England’s bulk electric system, operating the wholesale electricity market, and conducting centralized system planning. ISO presented a position statement in support of the transmission portion of the Project on the basis that it is necessary to address the shortcomings facing the Rhode Island system and as necessary for continued reliable service in Rhode Island. ISO did not take a position on the proposed new substation. ISO found that the transmission costs should be regionalized. See ISO-NE Exhibit 1 (ISO position statement).

At hearing, ISO presented a panel of two (2) witnesses consisting of Frank Mezzanotte ("Mezzanotte"), supervisor of transmission planning studies responsible for Southern New England at ISO, and Richard V. Kowalski ("Kowalski"), manager of transmission planning at ISO.

Kowalski testified that ISO's review process was two (2) fold, approval and scope of the project and then approval of the amount of money that could be charged regionally. Kowalski testified that ISO reviews such issues as regional benefit of a project, good utility practice, and whether a project is consistent with current engineering design. He testified that once a project has gone through detailed design then cost allocation is considered. He testified that while ISO has to approve the final costs of the Project, given the current scenario it is likely that the costs will be regionalized except for the proposed new substation and proposed tap line to the new substation. Tr. 107-108, 116-117. See ISO-NE Exhibit One (1) (position statement).

Gregory Booth ("Booth") testified on behalf of the Division of Public Utilities and Carriers ("DPUC"). Booth testified that he is president of Booth, PLLC, an engineering firm and president of PowerServices, Inc., a management services firm. See DPUC Exhibit 1. (Booth's prefiled testimony). Booth testified that he was retained by the DPUC to review the proposed Project specifically on need and cost justification. Booth testified that he supports the need and cost estimates for the Tower Hill substation and associated facilities and that it fits within his study entitled the reliability assessment project filed March 31, 2006. See DPUC Exhibit Four (4). He further testified that absent the Tower Hill substation distribution reliability would fall very short in Southern Rhode Island so that the need for the substation is clear and it is the most cost effective alternative. He testified he also reviewed the overhead and underground line options and

his analysis is that the proposed Project will serve the need for reliability to serve existing and future loads and it is cost justified. Tr. at 119-124. Booth testified that his cost estimates were slightly higher than the Company's as he conducted his study at a later date than the Company. He testified that he estimated the overall Project would cost approximately \$27 million. Tr. at 132, 139-140.

At the end of the hearing, Narragansett recalled Beron. Beron testified that the Company conducted extensive community outreach by holding four (4) open houses in the various affected communities regarding the proposed Project, establishing a hotline, establishing a project website, and meeting with various town planning staff. He testified that the Company had public hearings in some communities which were advertised in the newspaper and the Company sent mailings to the communities about the hearings. He testified that the Company considered alternative sites for the proposed substation that were suggested by residents of North Kingstown. Tr. at 133-138. Beron further testified that he agreed with Booth's testimony about cost estimates as the cost of raw materials has escalated and labor costs would increase. Tr. at 138-139.

In closing, Narragansett's counsel argued that it had demonstrated the need for both the transmission and distribution components of the Project and that ISO and the DPUC both agreed with the proposed Project. Additionally, counsel argued that Booth supported the reasonableness of the Company's cost estimates for the Project. Tr. at 141-142.

In closing, counsel for the Attorney General's office supported the project on the basis that the cost estimates are reasonable and that there is a need for the Project. Tr. at 142-143.

In closing, ISO stated that ISO believes there is a real need for the proposals. Tr. at 143.

DPUC's counsel did not make a closing statement but relied on Booth's testimony and prefiled testimony. Tr. at 142.

III. DISCUSSION AND FINDINGS

An open meeting was held on August 3, 2006 at which time this matter was discussed. The Commission discussed that the Project can be divided into two parts: first, the upgrade of the transmission facilities and infrastructure between Kent County substation, Warwick, and the Wood River substation, Charlestown and second, the proposed new substation and Tower Hill and the connecting tap line.

The Commission discussed that the Company presented evidence that the existing transmission structure did not meet reliability standards with the consequence being that there could be voltage drops and excessive loading of the lines which could result in slow down of motor loads which could damage equipment and that excessive loading of lines could lead to line failure and power outages. The Commission discussed that the Company also presented evidence that it had considered other alternatives such as 1) the underground running of lines which was found to be too costly and damaging to the environment; 2) using the Amtrak corridor was found to be impracticable; and 3) the underground running of lines along existing roadway that was found to be impracticable and costly. The Commission also discussed that the DPUC and ISO found that the proposed transmission upgrades were necessary and needed. The Commission further discussed that the DPUC had slightly higher cost estimates for the transmission upgrades but the Company's estimates were within a plus/minus 25% range.

The Commission also discussed that the Company presented evidence regarding the need for the proposed new substation due to the growing load demand and if the substation is not built that there will be a difficulty in servicing new customers which could result in power outages and longer repair times. The Commission discussed that the DPUC concurred with the need for the substation and found that it was the best alternative.

In terms of cost for the Project, the Commission discussed that the Company estimated the cost to be approximately \$16 million for the transmission upgrades and \$9 million for the substation and tap line. The Commission discussed that DPUC had a slightly higher estimate for the cost of the transmission upgrades but agreed with the cost analysis for the substation

The Commission discussed that there was evidence presented for the overall need for the substation and transmission upgrades and that the Project should meet the needs of Southern Rhode Island for the next ten (10) years. The Commission also discussed that the cost of the Project was reasonable.

The Commission also discussed that pursuant to ISO's evidence, the costs of the transmission upgrades would be regionalized so that the impact on individual Rhode Island ratepayers would be minimal especially as compared to an approximately \$25 million capital project within Rhode Island.

The Commission discussed the concern raised regarding the impact the proposed new substation may have on neighboring homes and expressed its concern that the Company ensure that it does all it can to minimize any impact to those abutters.

The Commission has carefully examined the record in this docket and has reached findings of facts on the issues of 1) cost; and 2) need.

First, on the issue of need for the Project, the Commission finds the record complete and persuasive. The Company's witnesses testified to the issues in detail, and the record shows that the Project is required for the continued maintenance of a firm and reliable electric supply to the geographic area in issue. The record further reflects that the Project represents a solution to the growing load demand. The DPUC witness fully agreed with this conclusion. ISO supported the need for the transmission upgrades and took no position on the proposed new substation.

Based on the forgoing, the Commission finds that the Project, as previously described, is necessary to meet the energy needs of Rhode Island.

The Commission next considered the issue of the Project's cost. Both the Company and the DPUC maintain that the proposed Project is the most logical economic choice for meeting the growing load demand and reliability standards for the geographic area at issue. The record includes a number of possible alternatives, along with their respective costs. The Commission considered each alternative, and finds the instant proposal to be the least costly.

Based on the forgoing, the Commission finds the Project and its costs to be the most reasonable and cost-justified approach to meeting the growing load demand and reliability standards for the geographic area at issue.

IV. CONCLUSIONS OF LAW AND ORDER

Accordingly, it is hereby

(18698) ORDERED:

1. That the Commission finds there is a need to construct the Project which as discussed above consists of constructing new 115 kV transmission lines and 115 kV

tap lines, reconductoring existing 115 kV transmission lines, constructing a new 115–12.47 kV substation, and expanding and modifying existing substations.

2. That the Commission finds that the estimated cost of effectuating the Project is reasonable and justified under the circumstances.

EFFECTIVE AT PROVIDENCE, RHODE ISLAND ON AUGUST 3, 2006
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
AUGUST 23, 2006.

PUBLIC UTILITIES COMMISSION

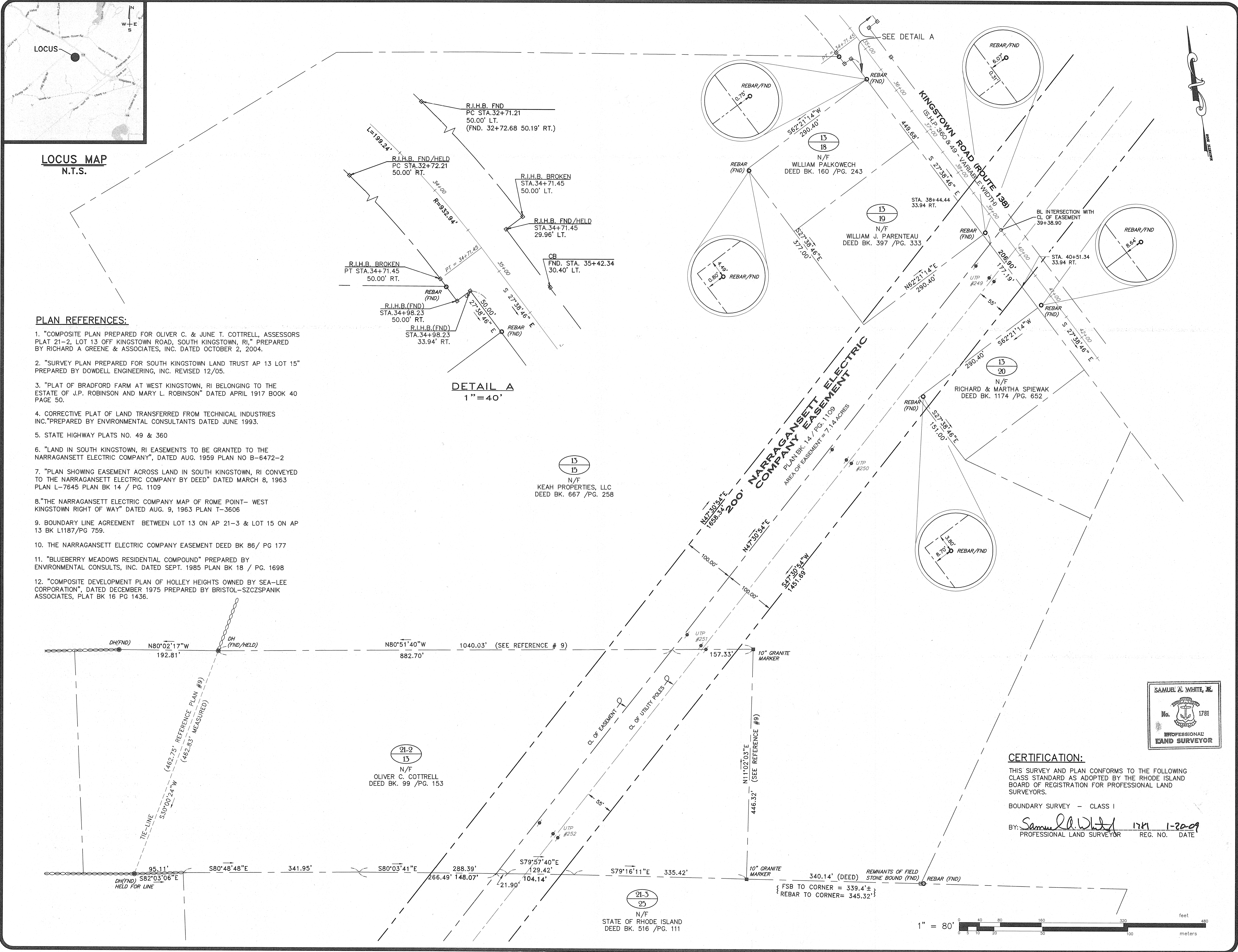


Elia Germani, Chairman¹

Mary E. Bray
Mary E. Bray, Commissioner

Robert B. Holbrook
Robert B. Holbrook, Commissioner

¹ Pursuant to R.I. Gen. Laws § 43-98-5(A), the Chairman of the PUC is designated as a member and Chairman of the Board. Accordingly, Mr. Germani has recused himself from participation in Docket No. 3732.



LOCUS MAP
N.T.S.

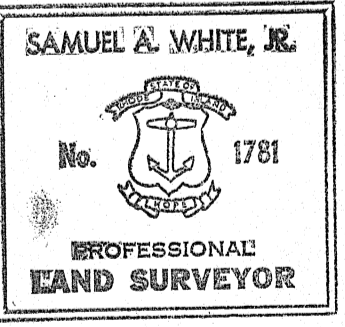
PLAN REFERENCES:

1. "COMPOSITE PLAN PREPARED FOR OLIVER C. & JUNE T. COTTRELL, ASSESSORS PLAT 21-2, LOT 13 OFF KINGSTOWN ROAD, SOUTH KINGSTOWN, RI," PREPARED BY RICHARD A GREENE & ASSOCIATES, INC. DATED OCTOBER 2, 2004.
2. "SURVEY PLAN PREPARED FOR SOUTH KINGSTOWN LAND TRUST AP 13 LOT 15" PREPARED BY DOWDELL ENGINEERING, INC. REVISED 12/05.
3. "PLAT OF BRADFORD FARM AT WEST KINGSTOWN, RI BELONGING TO THE ESTATE OF J.P. ROBINSON AND MARY L. ROBINSON" DATED APRIL 1917 BOOK 40 PAGE 50.
4. CORRECTIVE PLAT OF LAND TRANSFERRED FROM TECHNICAL INDUSTRIES INC."PREPARED BY ENVIRONMENTAL CONSULTANTS DATED JUNE 1993.
5. STATE HIGHWAY PLATS NO. 49 & 360
6. "LAND IN SOUTH KINGSTOWN, RI EASEMENTS TO BE GRANTED TO THE NARRAGANSETT ELECTRIC COMPANY", DATED AUG. 1959 PLAN NO B-6472-2
7. "PLAN SHOWING EASEMENT ACROSS LAND IN SOUTH KINGSTOWN, RI CONVEYED TO THE NARRAGANSETT ELECTRIC COMPANY BY DEED" DATED MARCH 8, 1963 PLAN L-7645 PLAN BK 14 / PG. 1109
8. "THE NARRAGANSETT ELECTRIC COMPANY MAP OF ROME POINT- WEST KINGSTOWN RIGHT OF WAY" DATED AUG. 9, 1963 PLAN T-3606
9. BOUNDARY LINE AGREEMENT BETWEEN LOT 13 ON AP 21-3 & LOT 15 ON AP 13 BK L1187/PG 759.
10. THE NARRAGANSETT ELECTRIC COMPANY EASEMENT DEED BK 86/ PG 177
11. "BLUEBERRY MEADOWS RESIDENTIAL COMPOUND" PREPARED BY ENVIRONMENTAL CONSULTS, INC. DATED SEPT. 1985 PLAN BK 18 / PG. 1698
12. "COMPOSITE DEVELOPMENT PLAN OF HOLLEY HEIGHTS OWNED BY SEA-LEE CORPORATION", DATED DECEMBER 1975 PREPARED BY BRISTOL-SZCZSPANIK ASSOCIATES, PLAT BK 16 PG 1436.

ELECTRIC EASEMENT
SURVEY PLAN
SITUATED ON
KINGSTOWN ROAD
SOUTH KINGSTOWN, RI
PREPARED FOR
NATIONAL GRID

NO.	REVISION	BY	DATE

GAROFALO
GAROFALO & ASSOCIATES, INC.
CIVIL & STRUCTURAL ENGINEERS/SURVEYORS
LAND PLANNERS/ENVIRONMENTAL SCIENTISTS



CERTIFICATION:
THIS SURVEY AND PLAN CONFORMS TO THE FOLLOWING CLASS STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS.
BOUNDARY SURVEY - CLASS I
BY: *Samuel A. White, Jr.* 1781 1-20-09
PROFESSIONAL LAND SURVEYOR REG. NO. DATE

Garofalo & Associates ©
These drawings are the property of Garofalo & Associates, Inc. and have been prepared for the use of the client. They are not to be used for any other purpose, without the consent of this owner or one of its directors.

85 CORLISS STREET
P.O. BOX 6145
PROVIDENCE, R.I. 02940
TEL. 401-273-6000

JOB NO. 6594	DRAWN BY S.L.C.
DWG. NO. 6594 EASEMENTSURV.DWG	CHECKED S.A.W.
SCALE: 1"=80'	APPROVED S.A.W.
	DATE: NOV 19, 2008

(N) R.P.-W.K. 39-1

NATHANIEL P. KNOWLES ET UX

TO

THE NARRAGANSETT ELECTRIC COMPANY

RECEIVED FOR RECORD
South Kingstown, R. I. Sept. 26, 1958
at 11 o'clock 00 minutes A. M.
and Recorded in Book 83 Page 112
of Records of Land Evidence

Witness

[Signature]
H. O. P. D. Town Clerk.

EASEMENT DEED

RETURN TO
A. V. COLMAN
New England Power Service Company
441 STUART STREET
BOSTON, MASSACHUSETTS

APPROVED FOR RECORD BY TRD

Know All Men by these Presents

that We Nathaniel P. Knowles and Edna C. Knowles

husband and wife

Ohio both of Canton Stark County,

~~Stark~~ being married, (hereinafter called the Grantor S.), in consideration of One Dollar paid, the receipt whereof is hereby acknowledged, hereby give, grant, bargain, sell and convey unto THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island Corporation (hereinafter called the Grantee), its successors and assigns, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for telephone use, lines of towers or poles or both, which lines may be erected at the same or different times, with wires, cables and ground wire strung upon and from the same, and with all necessary foundations, anchors, guys, braces, insulators, hardware, fittings, equipment and appur-

tenances, including a buried ground wire, over, across and upon a strip of OUR land 200

feet in width situated in South Kingstown

Washington County, Rhode Island. Said lines to enter from land now or formerly

of John W. Sherman

Providence Produce Warehouse Company, and/or land of Joseph
and cross to land now or formerly of Sherman, and/or land now or formerly of Caleb Cottrell
crossing intervening Kingstown Road so called,
and to become established by and upon the recording of a plan of the Grantee's final survey thereof.

Also the perpetual right and easement from time to time without further payment therefor to clear and keep cleared said strip of trees, underbrush and structures (the first clearing may be for less than the full width and may be widened from time to time to the full width), and to renew, replace, add to and otherwise change the lines, and each and every part thereof, and the location thereof within said strip, and to pass along said strip to and from the adjoining lands and to pass over the Grantor S. land to and from said strip as reasonably required.

The interest conveyed by this deed is intended to be 1/6 interest.

It is agreed that the lines shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

It is the intention of the Grantor S. to convey to the Grantee the perpetual right and easement to construct, operate and maintain transmission lines as herein described, and to make such right and easement assignable, and the Grantor S. hereby agrees to execute, acknowledge and deliver to the Grantee, its successors or assigns, such further deeds or instruments as may be necessary to secure to them the right and easement intended to be herein conveyed.

TO HAVE AND TO HOLD the above granted easements and rights, with all the privileges and appurtenances thereunto belonging, unto and to the use of the said Grantee, its successors and assigns.

And the Grantor S. hereby ^{them-}for themselves and their heirs, executors and administrators covenant with the Grantee, its successors and assigns, that they have lawfully seized in fee simple of the granted premises, that they have good right to sell and convey the same as aforesaid, and will WARRANT and defend the same to the Grantee, its successors and assigns, forever against the lawful claims and demands of all persons.

This deed is given also in release of any and all dower and curtesy interests and all other interests by statute, or otherwise of the Grantor S. hereto.

IN WITNESS WHEREOF the aforementioned Grantor S. hereunto set their hands and seal S. this 14th day of August, 19 58.

Witnesses:



Nathaniel P. Knowles
Edna C. Knowles

State of ~~Ohio~~ Massachusetts

Plymouth Sc In Scituate in
said County on the 14th day of August, 19 58,
before me personally appeared the above named Grantor S. Nathaniel P. Knowles
and Edna C. Knowles

each and all to me known, and known by me to be the part ies executing the foregoing instrument, and acknowledged said instrument by them executed to be their free act and deed.

Arthur L. Pike
Notary Public.

Received for Record Sept. 26, 1958 at 11:00 A.M. My Commission Expires

(N) R.P.-w.K. 39-11

(Nathaniel P. Knowles et ali)

NATHANIEL P. KNOWLES ET UX

TO

THE NARRAGANSETT ELECTRIC
COMPANY

CORRECTING AND CONFIRMING
EASEMENT DEED

RETURN TO

A. V. COLMAN

New England Power Service Company

441 STUART STREET

BOSTON, MASSACHUSETTS

RECEIVED FOR RECORD

South Kingstown, R. I. Nov. 6, 1959

at 2 o'clock 40 minutes P. M.

and Recorded in Book 85 Page 356

of Records of Land Evidence

Witness

John W. Sheldon

5.00 paid Town Clerk

APPROVED FOR RECORD BY *TR*

that we, NATHANIEL P. KNOWLES and EDNA C. KNOWLES, husband and wife, both of Canton, Stark County, Ohio, being married (hereinafter called the Grantors), in consideration of One Dollar paid, the receipt whereof is hereby acknowledged, hereby give, grant, bargain, sell and convey unto THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island Corporation (hereinafter called the Grantee), its successors and assigns, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for telephone use, lines of towers or poles or both, which lines may be erected at the same or different times, with wires, cables and ground wire strung upon and from the same, and with all necessary foundations, anchors, guys, braces, insulators, hardware, fittings, equipment and appurtenances, including a buried ground wire, over, across and upon a strip of our land 200 feet in width situated in South Kingstown, Washington County, Rhode Island. Said lines to enter from land now or formerly of John W. Sherman and cross to land now or formerly of Providence Produce Warehouse Company and/or land of Joseph O. Sherman and/or land now or formerly of Caleb Cottrell crossing intervening Kingston Road, so-called, and to become established by and upon the recording of a plan of the Grantee's final survey thereof.

Also the perpetual right and easement from time to time without further payment therefor to clear and keep cleared said strip of trees, underbrush and structures (the first clearing may be for less than the full width and may be widened from time to time to the full width), and to renew, replace, add to and otherwise change the lines, and each and every part thereof, and the location thereof within said strip, and to pass along said strip to and from the adjoining

lands and to pass over the Grantors' land to and from said strip as reasonably required.

It is agreed that the lines shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

It is the intention of the Grantors to convey to the Grantee the perpetual right and easement to construct, operate and maintain transmission lines as herein described, and to make such right and easement assignable, and the Grantors hereby agree to execute, acknowledge and deliver to the Grantee, its successors or assigns, such further deeds or instruments as may be necessary to secure to them the right and easement intended to be herein conveyed.

TO HAVE AND TO HOLD the above granted easements and rights, with all the privileges and appurtenances thereunto belonging, unto and to the use of the said Grantee, its successors and assigns.

And the Grantors hereby for themselves and their heirs, executors and administrators covenant with the Grantee, its successors and assigns, that they are lawfully seized in fee simple of the granted premises, that they have good right to sell and convey the same as aforesaid, and will WARRANT and defend the same to the Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

The Grantors own an undivided one-sixth interest in the land over which the above described rights and easements are granted.

This deed is given to correct and confirm a prior deed from the Grantors to the Grantee dated August 14, 1958, recorded in Book 83, Page 112 of Records of Land Evidence in the Town Clerk's Office in said South Kingstown.

358

This deed is given also in release of any and all dower and curtesy interests and all other interests by statute or otherwise of the Grantors hereto.

IN WITNESS WHEREOF the aforementioned Grantors hereunto set their hands and seals this 15th day of Oct, 1959.

Nathaniel P. Knowles
Edna C. Knowles

STATE OF

Canton, Ohio, ss. In Stark in said County on the
15th day of Oct, 1959, before me personally appeared the
above named Grantors, Nathaniel P. Knowles and Edna C. Knowles, each and all to
me known, and known by me to be the parties executing the foregoing instrument,
and acknowledged said instrument by them executed to be their free act and deed.

Clarence W. Kandel
Notary Public

My commission expires My Commission Expires Jan. 3, 1960

Received for Record November 6, 1959 at 2:40 P.M.
Witness: Foster R. Sheldon, Town Clerk

THE CONSIDERATION PAID FOR THE
WITHIN DEED IS LESS THAN \$100.

(N) R.P.-W.K. 49-5

(Nathaniel P. Knowles et ali)

PAUL GARDNER ET ALI
TO
THE NARRAGANSETT ELECTRIC CO.

EASEMENT DEED

RETURN TO
A. V. COLMAN
New England Power Service Company
441 STUART STREET
BOSTON, MASSACHUSETTS

RECEIVED FOR RECORD

South Kingstown, R. I. *Oct 20, 1958*

3 o'clock *00* minutes *P.* M.

Recorded in Book *83* Page *233*

Records of *Land Evidence*

Witness

John Shields

6. as paid Town Clerk

APPROVED FOR RECORD BY *T.R.D.*
FORM-P.D. 22

KNOW ALL MEN BY THESE PRESENTS

233

We, PAUL GARDNER and JULIA F. GARDNER, husband and wife, of Charlestown, Washington County; EUGENE L. ~~GAGNON~~ ^{GAGNER} and MAUDE L. ~~GAGNON~~ ^{GAGNER}, husband and wife; of South Kingstown, Washington County; EVELYN A. GARDNER and RUFUS P. GARDNER, JR., both unmarried, of South Kingstown, Washington County, Rhode Island and JOHN H. LASELL and ANNA P. LASELL, husband and wife, of Spencer, Worcester County, Massachusetts, (hereinafter called the Grantors), in consideration of One Dollar paid, the receipt whereof is hereby acknowledged, hereby give, grant, bargain, sell and convey unto THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island Corporation (hereinafter called the Grantee), its successors and assigns, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage, electric current and for telephone use, lines of towers or poles or both, which lines may be erected at the same or different times, with wires, cables and ground wire strung upon and from the same, and with all necessary foundations, anchors, guys, braces, insulators, hardware, fittings, equipment and appurtenances, including a buried ground wire, over, across and upon a strip of our land 200 feet in width situated in South Kingstown, Washington County, Rhode Island. Said lines to enter from land now or formerly of John W. Sherman and cross to land now or formerly of Providence Produce Warehouse Company, crossing intervening highway, Kingstown Road, so called and to become established by and upon the recording of a plan of the Grantee's final survey thereof.

Also the perpetual right and easement from time to time without further payment therefor to clear and keep cleared said strip of trees, underbrush and structures (the first clearing may be for less than the full width and may be widened from time to time to the full width), and to renew, replace, add to and otherwise change the lines, and each and every part thereof, and the location thereof within said strip, and to pass along said strip to and from the adjoining lands and to pass over the

Grantors' land to and from said strip as reasonably required.

The interest conveyed by this deed is intended to be 1/6 interest.

It is agreed that the lines shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

It is the intention of the Grantors to convey to the Grantee the perpetual right and easement to construct, operate and maintain transmission lines as herein described, and to make such right and easement assignable, and the Grantors hereby agrees to execute, acknowledge and deliver to the Grantee, its successors or assigns, such further deeds or instruments as may be necessary to secure to them the right and easement intended to be herein conveyed.







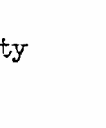
TO HAVE AND TO HOLD the above granted easements and rights, with all the privileges and appurtenances thereunto belonging, unto and to the use of the said Grantee, its successors and assigns.

And the Grantors hereby for themselves and their heirs, executors and administrators covenant with the Grantee, its successors and assigns, that they have lawfully seized in fee simple of the granted premises, that they have good right to sell and convey the same as aforesaid, and will WARRANT and defend the same to the Grantee, its successors and assigns, forever against the lawful claims and demands of all persons.

This deed is given also in release of any and all dower and curtesy interests and all other interests by statute, or otherwise of the Grantors hereto.

IN WITNESS WHEREOF the aforementioned Grantors hereunto set their hands and seals this 1st day of August, 1958.

Witnesses:

_____	<u>Paul Gardner</u>	
_____	<u>Julia F. Gardner</u>	
_____	<u>Eugene L. Gardner</u>	
_____	<u>Maude L. Gardner</u>	
_____	<u>Evelyn A. Gardner</u>	
_____	<u>Rufus P. Gardner Jr.</u>	
_____	<u>John H. Lasell</u>	
_____	<u>Anna P. Lasell</u>	

STATE OF RHODE ISLAND

Washington, sc.

In South Kingstown in said County

on the 1st day of August, 1958, before me personally appeared the above named Grantors, Paul Gardner, Julia F. Gardner, Eugene L. Gardner, Maude L. Gardner, Evelyn A. Gardner and Rufus P. Gardner Jr. each and all to me known, and known by me to be the parties executing the foregoing instrument, and acknowledged said instrument by them executed to be their free act and deed.

Quentin L. Duffy
Notary Public

My commission expires June 30, 1961

236

STATE OF RHODE ISLAND

WASHINGTON

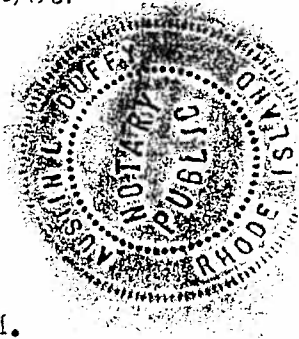
October 11th, 1958.

Then personally appeared before me the above named JOHN H. LASELL and ANNA P. LASELL and acknowledged the foregoing instrument to be their free act and deed.



Austin L. Duffly
Notary Public

My commission expires June 30, 1961



Received for Record October 20, 1958 at 3:00 P.M.
Witness: Foster R. Sheldon, Town Clerk

(N) R.P.-W.K. 39-9

(Nathaniel P. Knowles et ali)

PAUL GARDNER ET ALI

TO

THE NARRAGANSETT ELECTRIC
COMPANY

CORRECTING EASEMENT DEED

RETURN TO

A. V. COLMAN

New England Power Service Company

441 STUART STREET

BOSTON, MASSACHUSETTS

RECEIVED FOR RECORD

South Kingstown, R. *Aug 10, 1959*

at *3* o'clock *15* minutes *P.* *M.*

and Recorded in Book *85* Page *61*

Records of *Land Evidence*

Witness

Henry Sheldon
Town Clerk

\$7.00 p41

APPROVED FOR RECORD BY *128*

KNOW ALL MEN BY THESE PRESENTS

that we, PAUL GARDNER and JULIA F. GARDNER, husband and wife, of Charlestown, Washington County, Rhode Island; EUGENE L. GAGNER and MAUDE L. GAGNER (formerly Maude L. Gardner), husband and wife, of South Kingstown, Washington County, Rhode Island; EVELYN A. GARDNER and RUFUS P. GARDNER, JR. both being unmarried and both of said South Kingstown; and JOHN H. LASELL and ANNA P. LASELL (formerly Anna P. Gardner), husband and wife, of Spencer, Worcester County, Massachusetts (hereinafter called the Grantors), in consideration of One Dollar paid, the receipt whereof is hereby acknowledged, hereby give, grant, bargain, sell and convey unto THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island Corporation (hereinafter called the Grantee), its successors and assigns, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for telephone use, lines of towers or poles or both, which lines may be erected at the same or different times, with wires, cables and ground wire strung upon and from the same, and with all necessary foundations, anchors, guys, braces, insulators, hardware, fittings, equipment and appurtenances, including a buried ground wire, over, across and upon a strip of our land 200 feet in width in said South Kingstown. Said lines to enter from land now or formerly of John W. Sherman and cross to land now or formerly of Providence Produce Warehouse Company, crossing intervening highway, Kingston Road, so-called, and to become established by and upon the recording of a plan of the Grantee's final survey thereof.

Also the perpetual right and easement from time to time, without further payment therefor, to clear and keep cleared said strip of trees,

underbrush and structures (the first clearing may be for less than the full width and may be widened from time to time to the full width), and to renew, replace, add to and otherwise change the lines, and each and every part thereof, and the location thereof within said strip, and to pass along said strip to and from the adjoining lands and to pass over the Grantors' land to and from said strip as reasonably required.

It is agreed that the lines shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

It is the intention of the Grantors to convey to the Grantee the perpetual right and easement to construct, operate and maintain transmission lines as herein described, and to make such right and easement assignable, and the Grantors hereby agree to execute, acknowledge and deliver to the Grantee, its successors or assigns, such further deeds or instruments as may be necessary to secure to them the right and easement intended to be herein conveyed.

TO HAVE AND TO HOLD the above granted easements and rights, with all the privileges and appurtenances thereunto belonging, unto and to the use of the said Grantee, its successors and assigns.

And the Grantors hereby for themselves and their heirs, executors and administrators, covenant with the Grantee, its successors and assigns, that they have lawfully seized in fee simple of the granted premises, that they have good right to sell and convey the same as aforesaid, and will WARRANT and defend the same to the Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

The Grantors own an undivided one-sixth interest in the land over which the above described rights and easements are granted.

This deed is given to correct and confirm a prior deed from the Grantors to the Grantee dated August 1, 1958, recorded in Book 83, Page 233 of Records of Land Evidence in the Town Clerk's Office in said South Kingstown.

This deed is given also in release of any and all dower and curtesy interests and all other interests by statute or otherwise of the Grantors hereto.

IN WITNESS WHEREOF the aforementioned Grantors hereunto set their hands and seals this 1st day of AUGUST, 1959.

Paul Gardner

Julia F. Gardner

Frederic L. Gardner

Maudie L. Gardner

Evelyn A. Gardner

Rufus P. Gardner, Jr.

John H. Lasell

Anna P. Lasell

THE CONSIDERATION PAID FOR THE
WITHIN DEED IS LESS THAN \$100.

STATE OF RHODE ISLAND

Washington, ss.

In Charlestown in said County on the 1st
day of AUGUST, 1959, before me personally appeared the above-named
Paul Gardner and Julia F. Gardner, each and all to me known, and known by me to
be the parties executing the foregoing instrument, and acknowledged said instru-
ment by them executed to be their free act and deed.

Austin L. Duffy
Notary Public

My commission expires June 30, 1961

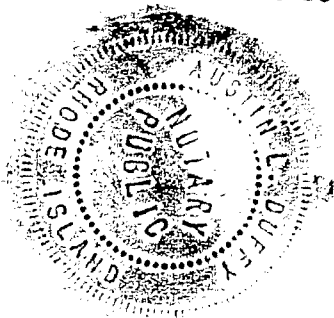
STATE OF RHODE ISLAND

Washington, ss.

Charlestown
In ~~South Kingstown~~ in said County on the
1st day of AUGUST, 1959, before me personally appeared the above
named Eugene L. Gagner and Maude L. Gagner; Evelyn A. Gardner and Rufus P.
Gardner, Jr., each and all to me known, and known by me to be the parties ex-
ecuting the foregoing instrument, and acknowledged said instrument by them
executed to be their free act and deed.

Austin L. Duffy
Notary Public

My commission expires June 30, 1961



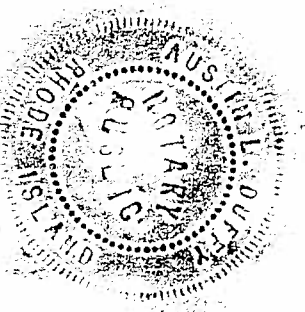
STATE OF RHODE ISLAND
~~THE COMMONWEALTH OF MASSACHUSETTS~~

Washington ss
 Worcester, ss.

In Charlestown in said county

AUGUST 1st, 1959.

Then personally appeared before me the above named John H. Lasell
 and Anna P. Lasell and acknowledged the foregoing instrument to be their free
 act and deed.



Justin L. Duffy
 Notary Public

My commission expires June 30, 1961

Received for Record August 10, 1959 at 3:15 P.M.
 Witness: Foster R. Sheldon, Town Clerk

(N) R.P.-W.K. 39-114

(Nathaniel P. Knowles et ali)

NATHANIEL C. PECKHAM ET UX

TO

THE NARRAGANSETT ELECTRIC COMPANY

RECEIVED FOR RECORD
South Kingstown, R. I. 2/28/63
at 1 o'clock 30 minutes P. M.
and recorded in Book 91 Page 146
of Records of Land Evidence
Witness
Robert Sheldon
\$4.00 paid Town Clerk.

EASEMENT DEED

RETURN TO
A. V. COLMAN
New England Power Service Company
441 STATE STREET
BOSTON, MASSACHUSETTS

RECEIVED FOR RECORD BY *Wmm*

Received for Record February 28, 1963 at 1:30 P.M.
Witness: Foster R. Sheldon, Town Clerk

We, NATHANIEL C. PECKHAM and MILDRED L.C. PECKHAM, husband and wife

both

of South Kingstown, Washington County, Rhode Island, being married

(hereinafter called the Grantor^s), for consideration paid, grant to THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island corporation (hereinafter called the Grantee), its successors and assigns, with warranty covenants, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for telephone use, lines of towers or poles or both (which may be erected at different times), with wires and cables strung upon and from the same, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances, including a buried ground wire and such footbridges, causeways and ways of access, if any, as may be reasonably necessary for the convenient construction, operation, maintenance, inspection and patrolling of said lines over, across and upon a strip of our land 200 feet in width in

South Kingstown, Washington County, Rhode Island. Said strip to commence at land now or formerly of John Sherman and extend to

land now or formerly of Providence Produce Company, crossing intervening highway,

Kingston Road so-called

and to become established by and upon the recording of a plan of the Grantee's final survey thereof.

Also the perpetual right and easement from time to time, without further payment therefor, to clear and keep cleared by physical, chemical or other means, said strip, of trees, underbrush and structures (the first clearing may be for less than the full width and may be widened from time to time to the full width) and to renew, replace, add to and otherwise change the lines and each and every part thereof and all appurtenances thereto and the location thereof within said strip; and to pass along said strip to and from the adjoining lands and to pass over the Grantor's land to and from said strip as reasonably required. The Grantors own an undivided one-sixth interest in the land over which the above described rights and easements are granted. The Grantor^s for themselves and their heirs, successors and assigns, hereby covenant and agree with the Grantee, its successors and assigns, that no act will be permitted within said strip which is inconsistent with the rights hereby granted; that no buildings or structures will be erected or constructed upon said strip; and that the present grade or ground level of said strip will not be changed by excavation or filling.

It is agreed that the lines shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

It is the intention of the Grantor^s to convey to the Grantee the perpetual right and easement to construct, operate, and maintain transmission lines as herein described, and to make such right and easement assignable, and the Grantor^s for themselves, their heirs, successors and assigns, hereby agrees to execute, acknowledge and deliver to the Grantee, its successors or assigns, such further deeds or instruments as may be necessary to secure to them the right and easement intended to be herein conveyed.

This deed is given also in release of any and all dower, curtesy and homestead interests and all other interests by statute or otherwise of the Grantor^s hereto.

WITNESS their hand and seal this 25th day of FEBRUARY, 1963.

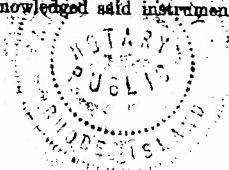
Nathaniel C. Peckham
Mildred L.C. Peckham



State of Rhode Island

Washington Se In South Kingstown in
said County on the 25th day of FEBRUARY, 1963,
before me personally appeared the above named Grantor^s, Nathaniel C. Peckham and
Mildred L.C. Peckham

each and all to me known, and known by me to be the parties executing the foregoing instrument, and acknowledged said instrument by them executed to be their free act and deed.



Quinton L. Duffy
Justice of the Peace
Notary Public
My commission expires June 30, 1964

(N) R.P.-W.K. 39-3

(NATHANIEL P. KNOWLES ET ALI)

ARTHUR N. PECKHAM ET UX

TO

THE NARRAGANSETT ELECTRIC COMPANY

RECEIVED FOR RECORD

South Kingstown, R. I. Oct 27, 1958

at 2 o'clock 30 minutes P. M.

and Recorded in Book 83 Page 253

of Records of Land Evidence

Witness

[Signature]
P. 4. as per Town Clerk.

EASEMENT DEED

RETURN TO

A. V. COLMAN

New England Power Service Company

441 STUART STREET

BOSTON, MASSACHUSETTS

APPROVED FOR RECORD BY J.R.D.

Know All Men by these Presents

25

that We, Arthur N. Peckham and Dorothy M. Peckham

husband and wife

of South Kingstown

Washington

County,

Rhode Island, being married, (hereinafter called the Grantor ^S), in consideration of One Dollar paid, the receipt whereof is hereby acknowledged, hereby give, grant, bargain, sell and convey unto THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island Corporation (hereinafter called the Grantee), its successors and assigns, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for telephone use, lines of towers or poles or both, which lines may be erected at the same or different times, with wires, cables and ground wire strung upon and from the same, and with all necessary foundations, anchors, guys, braces, insulators, hardware, fittings, equipment and appurtenances, including a buried ground wire, over, across and upon a strip of our land 200

feet in width situated in South Kingstown

Washington

County, Rhode Island. Said lines to enter from land now or formerly

of John W. Sherman

and cross to land now or formerly of Providence Produce Warehouse Company crossing and to become established by and upon the recording of a plan of the Grantee's final survey thereof.

Also the perpetual right and easement from time to time without further payment therefor to clear and keep cleared said strip of trees, underbrush and structures (the first clearing may be for less than the full width and may be widened from time to time to the full width), and to renew, replace, add to and otherwise change the lines, and each and every part thereof, and the location thereof within said strip, and to pass along said strip to and from the adjoining lands and to pass over the Grantor ^S land to and from said strip as reasonably required.

The interest conveyed by this deed is intended to be 1/2 interest.

It is agreed that the lines shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

It is the intention of the Grantor ^S to convey to the Grantee the perpetual right and easement to construct, operate and maintain transmission lines as herein described, and to make such right and easement assignable, and the Grantor ^S hereby agrees to execute, acknowledge and deliver to the Grantee, its successors or assigns, such further deeds or instruments as may be necessary to secure to them the right and easement intended to be herein conveyed.

TO HAVE AND TO HOLD the above granted easements and rights, with all the privileges and appurtenances thereunto belonging, unto and to the use of the said Grantee, its successors and assigns.

them-

And the Grantor ^S hereby for ~~themselves~~ and ~~theirs~~, executors and administrators covenant with the Grantee, its successors and assigns, that ~~they have lawfully seized in fee simple of the granted premises, that they have good right to sell and convey the same as aforesaid, and will WARRANT and defend the same to the Grantee, its successors and assigns, forever against the lawful claims and demands of all persons.~~

This deed is given also in release of any and all dower and curtesy interests and all other interests by statute, or otherwise of the Grantor ^S hereto.

IN WITNESS WHEREOF the aforementioned Grantor ^S hereunto set their hands and seal ^S this 5th day of August, 1958.

Witnesses:

Arthur N. Peckham
Dorothy M. Peckham

State of Rhode Island

Washington

Sc

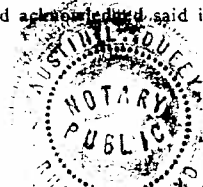
In South Kingstown

in

said County on the 5th day of August, 1958

before me personally appeared the above named Grantor ^S, Arthur N. Peckham and

each and all to me known, and known by me to be the part ¹⁰⁸ executing the foregoing instrument, and acknowledged said instrument by them executed to be their free act and deed.



Justin L. Duffy
Notary Public.
My Commission Expires June 30, 1961

(N) R.P.-W.M. 39-7

(Nathaniel P. Knowles et ali)

ARTHUR N. PECKHAM ET UX

TO

THE NARRAGANSETT ELECTRIC
COMPANY

CORRECTING AND CONFIRMING
EASEMENT DEED

RETURN TO

A. V. COLMAN

New England Power Service Company

441 STUART STREET

BOSTON, MASSACHUSETTS

RECEIVED FOR RECORD

South Kingstown, R. I. Aug. 10, 1958

at 3 o'clock 16 minutes P. M.

and Recorded in Book 85 Page 66

of Records of Land Evidence

Witness

John Sheldon
\$5.00 per
TOWN Clerk.

APPROVED FOR RECORD BY 29

KNOW ALL MEN BY THESE PRESENTS

that we, ARTHUR N. PECKHAM and DOROTHY M. PECKHAM, husband and wife of South Kingstown, Washington County, Rhode Island, being married, (hereinafter called the Grantors), in consideration of One Dollar paid, the receipt whereof is hereby acknowledged, hereby give, grant, bargain, sell and convey unto THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island Corporation (hereinafter called the Grantee), its successors and assigns, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for telephone use, lines of towers or poles or both, which lines may be erected at the same or different times, with wires, cables and ground wire strung upon and from the same, and with all necessary foundations, anchors, guys, braces, insulators, hardware, fittings, equipment and appurtenances, including a buried ground wire, over, across and upon a strip of our land 200 feet in width situated in said South Kingstown. Said lines to enter from land now or formerly of John W. Sherman and cross to land now or formerly of Providence Produce Warehouse Company crossing intervening highway, Kingston Road, so-called, and to become established by and upon the recording of a plan of the Grantee's final survey thereof.

Also the perpetual right and easement from time to time without further payment therefor to clear and keep cleared said strip of trees, underbrush and structures (the first clearing may be for less than the full width and may be widened from time to time to the full width), and to renew, replace, add to and otherwise change the lines, and each and every part thereof, and the location thereof within said strip, and to pass along said strip to and from the

adjoining lands and to pass over the Grantors' land to and from said strip as reasonably required.

It is agreed that the lines shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

It is the intention of the Grantors to convey to the Grantee the perpetual right and easement to construct, operate and maintain transmission lines as herein described, and to make such right and easement assignable, and the Grantors hereby agree to execute, acknowledge and deliver to the Grantee, its successors or assigns, such further deeds or instruments as may be necessary to secure to them the right and easement intended to be herein conveyed.

TO HAVE AND TO HOLD the above granted easements and rights, with all the privileges and appurtenances thereunto belonging, unto and to the use of the said Grantee, its successors and assigns.

And the Grantors hereby for themselves and their heirs, executors and administrators, covenant with the Grantee, its successors and assigns, that they have lawfully seized in fee simple of the granted premises, that they have good right to sell and convey the same as aforesaid, and will WARRANT and defend the same to the Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

The Grantors own an undivided one-half interest in the land over which the above described rights and easements are granted.


This deed is given to correct and confirm a prior deed from the Grantors to the Grantee dated August 5, 1958, recorded in Book 83, Page 253 of Records of Land Evidence in the Town Clerk's Office in said South Kingstown.

68

This deed is given also in release of any and all dower and curtesy interests and all other interests by statute or otherwise of the Grantors hereto.

IN WITNESS WHEREOF the aforementioned Grantors hereunto set their hands and seals this 1st day of AUGUST, 1959.

Arthur N. Peckham 

Dorothy M. Peckham 

STATE OF RHODE ISLAND

Washington, ss.

In South Kingstown in said County on the 1st day of AUGUST, 1959, before me personally appeared the above named Grantors, Arthur N. Peckham and Dorothy M. Peckham, each and all to me known, and known by me to be the parties executing the foregoing instrument, and acknowledged said instrument by them executed to be their free act and deed.

Austin L. Duffey
Notary Public

My commission expires June 30th, 1961.

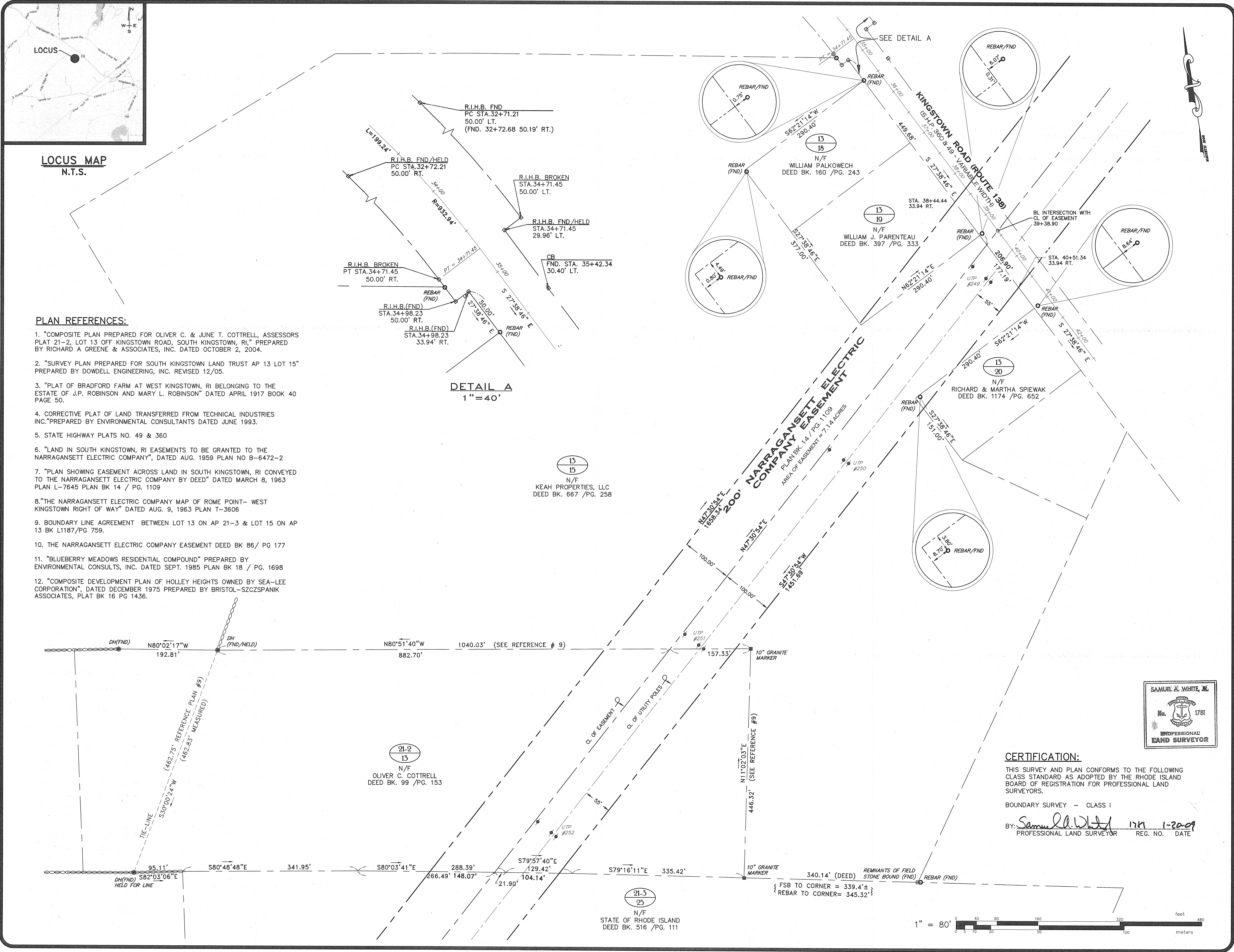
Received for Record August 10, 1959 at 3:16 P.M.
Witness: Foster E. Sheldon, Town Clerk

THE CONSIDERATION PAID FOR THE
WITHIN DEED IS LESS THAN \$100.

EXHIBIT E

National Grid seeks to acquire the following perpetual rights and easement in the parcel which it proposes to condemn:

- (a) The perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for telephone use, lines of towers or poles or both, which lines may be erected at the same or different times, with wires, cables and ground wire strung upon and from the same, and with all necessary foundations, anchors, guys, braces, insulators, hardware, fittings, equipment and appurtenances, including a buried ground wire, over, across and upon a strip of land 200 feet in width situated in South Kingstown, Washington County, Rhode Island.
- (b) Also the perpetual right and easement from time to time without further payment therefor to clear and keep cleared said strip of trees, underbrush and structures (the first clearing may be for less than the full width and may be widened from time to time to the full width), and to renew, replace, add to and otherwise change the lines, and each and every part thereof, and the location thereof within said strip, and to pass along said strip to and from the adjoining lands and to pass over the Grantors' land to and from said strip as reasonable required.
- (c) The perpetual right and easement to construct, operate and maintain transmission lines as herein described, and to make such right and easement assignable.



LOCUS MAP
N.T.S.

PLAN REFERENCES:

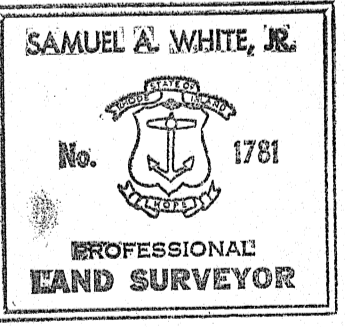
1. "COMPOSITE PLAN PREPARED FOR OLIVER C. & JUNE T. COTTRELL, ASSESSORS PLAT 21-2, LOT 13 OFF KINGSTOWN ROAD, SOUTH KINGSTOWN, RI," PREPARED BY RICHARD A GREENE & ASSOCIATES, INC. DATED OCTOBER 2, 2004.
2. "SURVEY PLAN PREPARED FOR SOUTH KINGSTOWN LAND TRUST AP 13 LOT 15" PREPARED BY DOWDELL ENGINEERING, INC. REVISED 12/05.
3. "PLAT OF BRADFORD FARM AT WEST KINGSTOWN, RI BELONGING TO THE ESTATE OF J.P. ROBINSON AND MARY L. ROBINSON" DATED APRIL 1917 BOOK 40 PAGE 50.
4. CORRECTIVE PLAT OF LAND TRANSFERRED FROM TECHNICAL INDUSTRIES INC."PREPARED BY ENVIRONMENTAL CONSULTANTS DATED JUNE 1993.
5. STATE HIGHWAY PLATS NO. 49 & 360
6. "LAND IN SOUTH KINGSTOWN, RI EASEMENTS TO BE GRANTED TO THE NARRAGANSETT ELECTRIC COMPANY", DATED AUG. 1959 PLAN NO B-6472-2
7. "PLAN SHOWING EASEMENT ACROSS LAND IN SOUTH KINGSTOWN, RI CONVEYED TO THE NARRAGANSETT ELECTRIC COMPANY BY DEED" DATED MARCH 8, 1963 PLAN L-7645 PLAN BK 14 / PG. 1109
8. "THE NARRAGANSETT ELECTRIC COMPANY MAP OF ROME POINT- WEST KINGSTOWN RIGHT OF WAY" DATED AUG. 9, 1963 PLAN T-3606
9. BOUNDARY LINE AGREEMENT BETWEEN LOT 13 ON AP 21-3 & LOT 15 ON AP 13 BK L1187/PG 759.
10. THE NARRAGANSETT ELECTRIC COMPANY EASEMENT DEED BK 86/ PG 177
11. "BLUEBERRY MEADOWS RESIDENTIAL COMPOUND" PREPARED BY ENVIRONMENTAL CONSULTS, INC. DATED SEPT. 1985 PLAN BK 18 / PG. 1698
12. "COMPOSITE DEVELOPMENT PLAN OF HOLLEY HEIGHTS OWNED BY SEA-LEE CORPORATION", DATED DECEMBER 1975 PREPARED BY BRISTOL-SZCZSPANIK ASSOCIATES, PLAT BK 16 PG 1436.

CERTIFICATION:

THIS SURVEY AND PLAN CONFORMS TO THE FOLLOWING CLASS STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS.

BOUNDARY SURVEY - CLASS I

BY: *Samuel A. White, Jr.* 1781 1-20-09
PROFESSIONAL LAND SURVEYOR REG. NO. DATE



GAROFALO
GAROFALO & ASSOCIATES, INC.
CIVIL & STRUCTURAL ENGINEERS/SURVEYORS
LAND PLANNERS/ENVIRONMENTAL SCIENTISTS

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85 CORLISS STREET
P.O. BOX 6145
PROVIDENCE, R.I. 02940
TEL. 401-273-6000

JOB NO. 6594	DRAWN BY S.L.C.
DWG. NO. 6594 EASEMENTSURV.DWG	CHECKED S.A.W.
SCALE: 1"=80'	APPROVED S.A.W.
	DATE: NOV 19, 2008

NO.	REVISION	BY	DATE

ELECTRIC EASEMENT
SURVEY PLAN
SITUATED ON
KINGSTOWN ROAD
SOUTH KINGSTOWN, RI
PREPARED FOR
NATIONAL GRID

EXHIBIT G

**DESCRIPTION OF
ELECTRIC TRANSMISSION LINE EASEMENT**

That certain tract or parcel of land with all buildings and improvements thereon situated on the southwesterly side of Kingstown Road (Route 138) in the Town of South Kingstown, County of Washington, and State of Rhode Island is herein bounded and described.

Beginning at the most northwesterly corner of the herein described parcel, said point being located thirty three and 94/100 (33.94') feet southwesterly of centerline station 38+44.44 as shown on state highway plat No. 360;

Thence proceeding south 27°38'46" east along the southwesterly highway line of said Kingstown Road (Route 138) a distance of two hundred six and 90/100 (206.90') feet to a point, said point being located thirty three and 94/100 (33.94') feet southwesterly of centerline station 40+51.34 as shown on said highway plat;

Thence proceeding south 47°30'54" west a distance of one thousand four hundred fifty one and 69/100 (1451.69') feet to a point, bounded southeasterly by land now or formerly of Richard & Martha Spiewak, land now or formerly of Keah Properties, LLC and in part by land now or formerly of Oliver C. Cottrell;

Thence proceeding north 79°57'40" west a distance of one hundred four and 14/100 (104.14') feet to a point;

Thence proceeding north 80°03'41" west a distance of one hundred forty eight and 07/100 (148.07') feet to a point, the last two (2) courses bounded southerly by land now or formerly of the State of Rhode Island;

Thence proceeding north 47°30'54" east a distance of one thousand six hundred fifty eight and 34/100 (1658.34') feet to the point and place of beginning, bounded northwesterly by land now or formerly of Oliver C. Cottrell, Keah Properties, LLC and in part by land now or formerly of William J. Parenteau;

Said easement contains 7.14 acres more or less and is shown on the plan entitled "Electric Easement Survey Plan; situated on Kingstown Road; South Kingstown, RI" prepared by Garafalo & Associates, Inc. and dated January 20, 2009.

EXHIBIT H – OWNERS OF INTERESTS IN EASEMENT

<u>Plat and Lot #</u>	<u>Name and Address</u>	<u>Interest</u>
21-2/13	Oliver C. Cottrell 500 Waites Corner Road West Kingston, RI 02892	Fee
13/15	KEAH Properties, L.L.C. 22 Lantern Lane Exeter, RI 02822	Fee
13/19	William J. Parenteau and Joyce M. Power 3984 Kingstown Road West Kingston, RI 02892	Fee
13/20	Richard and Martha Spiewak 2942 Kingstown Road West Kingston, RI 02892	Fee
	Mailing Address: 33 Schooner Drive Wakefield, RI 02879	
—	The Narragansett Electric Company d/b/a National Grid c/o Michael F. Ryan, President 280 Melrose Street Providence, RI 02907	Easement