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March 14, 2017

The Honorable Jeanne Shaheen
United States Senate
506 Hart Senate Office Building
Washington, DC 20510

Dear Senator Shaheen:

Over the past ten days it has become apparent that the Transmission Services Agreement (TSA) between Hydro Quebec (HQ) and Northern Pass Transmission (NPT) has expired, without any replacement agreement. We are writing to ask for your assistance in coordinating an inquiry by the New Hampshire Congressional delegation to the Federal Energy Regulatory Commission (FERC) asking FERC to explain the status of the TSA between HQ and NPT.

The TSA is the financial cornerstone for Northern Pass. It sets forth the financial agreements between the parties to build the Northern Pass project. Originally approved by FERC in February of 2011, and amended by FERC in 2014, the document as approved in 2014 expired on February 14, 2017. As of today, there is no record that HQ and NPT have agreed on a new TSA, or that they have submitted any new TSA proposal to FERC for its review.

One reason this is an important issue is that New Hampshire's Site Evaluation Committee is about to initiate an adjudicatory hearing, at which enormous amounts of time and money will be expended by the applicant, more than 145 interveners, seven members of the SEC Subcommittee (and the SEC staff), and the Counsel for the Public and its hired experts. NPT has repeatedly argued that New Hampshire ratepayers are not paying for the construction costs of their project. They repeatedly cite the TSA as the basis for their claim that Hydro Quebec is paying for the construction of the transmission line. The SEC and interveners in the upcoming adjudicatory hearing cannot fully address the economic issues of impact --- or whether the project is in the public interest --- without the information provided by the TSA affirming that there is in fact a legally binding agreement between the two parties to this project.

In addition, the US Department of Energy is engaged in the process of preparing a Final Environmental Impact Statement on the Northern Pass project. This EIS will inform permitting decisions that must be made by the Department of Energy (the Presidential Permit), the US Forest Service (a special use permit to cross the White Mountain National Forest) and the US Army Corps of Engineers (a wetlands permit required by Section 404 of the Clean Water Act).

We appreciate your past insistence that the federal engagement on the Northern Pass project be fully transparent. We are writing to ask that you and the New Hampshire delegation seek clarification from FERC as to the status of the expired TSA, and what, if any, replacement may be required to assure New Hampshire and federal stakeholders that there is, in fact, a legally binding agreement between the parties to proceed and what the terms of the agreement actually are.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Abbott", with a long horizontal flourish extending to the right.

Will Abbott
Vice President for Policy & Reservation Stewardship

CC: The Honorable Margaret Wood Hassan
The Honorable Carol Shea-Porter
The Honorable Ann McLane Kuster