

## **Q. Rights, Permits, and Approvals**

The Cooperative shall construct, own, operate and maintain overhead and underground electric facilities only along such public or private right-of-way or property that the Cooperative has the legal right to occupy.

For safety and system integrity reasons, no person or organization shall install or attach any wire, signs, or other materials or equipment to any of the Cooperative's poles, conductors or other fixtures, unless the expressed written consent of the Cooperative is granted as provided by New Hampshire Statute RSA 236:75.

### **1. Easements**

The Cooperative will request that you sign, have notarized and deliver to the Cooperative grants of easement or rights-of-way over, on, and under such lands that you own, for the furnishing of electric service or for the construction, operation, maintenance or relocation of the Cooperative's electric facilities.

In order to receive service, you must provide the Cooperative with a valid right-of-way easement or easements on forms provided by the Cooperative. The Cooperative will attempt to solicit right-of-way easements from all other property owners whose lands will be affected by the extension of the Cooperative's facilities to you. It is ultimately the prospective member's responsibility to obtain the necessary easements, and to make any payments requested by the landowners, however the Cooperative will provide assistance to obtain easements. If the prospective member is unable to obtain the necessary easements in a period of twelve (12) months, the project will be closed and a Re-engineering Fee will apply in accordance with the Schedule of Fees, Charges and Rates to have the project redesigned.

The Cooperative has the right to keep any right-of-way clear of trees, shrubbery, undergrowth and other obstructions. The normal width of right-of-way is 15 feet on either side of the distribution line.

All easements drawn pursuant to this Section will be drawn to bind the successors in title to the member's premises and with such formalities as are required for recording in the Registry of Deeds for the applicable County in the State of New Hampshire and will be so recorded. The member in accordance with the Schedule of Fees, Charges and Rates pays all recording fees.

### **2. Licensing Within Public Ways**

The Cooperative shall make, or cause to be made, application for any necessary permits within public ways and shall not be required to supply energy until a reasonable time after such permits are granted.

The Cooperative shall petition for permits and licenses as requested per the *New Hampshire Department of Transportation Utility Accommodation Manual, section XVII, titled Pole Licensing Procedure*.

Please reference section Q – Rights, Permits and Approvals and the Schedule of Fees, Charges and Rates.

### 3. Special Permits

It is the prospective member's responsibility to provide all permits necessary, at no cost to the Cooperative, to enable the Cooperative to install, construct, inspect, maintain, operate, rebuild, remove, improve, expand or modify Cooperative facilities as may be necessary and appropriate for the extension of electrical service. The Cooperative can assist or provide direction to obtain proper permits and permissions at a fee, which is outlined in the *Schedule of Fees, Charges and Rates*.

#### a. Wetlands, Public Water and Public Lands

##### 01. Wetland and/or Shoreland Permits

In order to meet the reasonable requirements of service to the public, should the Cooperative need to construct a cable, conduit or a line of poles or wires and fixtures thereon, over, under or across any of the wetlands of New Hampshire, the prospective member shall provide all documentation and meet the requirements of the Wetlands Bureau of the New Hampshire Department of Environmental Services. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state with such permitting.

##### 02. Water Crossing

In order to meet the reasonable requirements of service to the public, should the Cooperative need to construct a cable, conduit or a line of poles or wires and fixtures thereon, over, under or across any of the public waters of New Hampshire, the prospective member shall provide all documentation and meet the requirements of the New Hampshire Public Utilities Commission (NHPUC). "Public Waters" are defined to be all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the New Hampshire Public Utilities Commission may prescribe.

##### 03. State Lands

In order to meet the reasonable requirements of service to the public, should the Cooperative need to construct a cable, conduit or a line of poles or wires and fixtures thereon, over, under or across any of the state-owned public lands of New Hampshire, the prospective member shall obtain permitting from the Department of Resources and Economic Development (DRED). State-owned public lands are referred to as "reservations" by state law. RSA 227-G: 2 defines "reservation" as public land under DRED including, but not limited to: state forest, state park, natural area, historic site, geologic site, recreation trail, memorial area, fire tower, wayside area, heritage park, resource center, agricultural area, state forest nursery, fish pier, administrative facility, information center, demonstration forest, certain islands, and lands under lease to the department.

##### 04. National Forest Permits

The State of New Hampshire contains the White Mountain National Forest. In order to meet the reasonable requirements of service to the public, should the Cooperative need to construct a cable, conduit or a line of poles or wires and fixtures thereon, over, under

or across any of the land of the White Mountain National Forest of New Hampshire, the prospective member shall contact the United States Department of Agriculture Forest Service and obtain the necessary permitting to construct and maintain the same.

05. Scenic Roads

Any tree or other vegetation cutting required for construction of a distribution line along a town maintained road that is designated as a Scenic Road (as provided in RSA 231:157), the prospective member must have written consent of the town planning board and be presented in a public hearing in accordance with state law.

b. Railroad Crossing Permits

For any requested crossings over or under a section of any part of a railroad corridor owned by the State of New Hampshire, the Cooperative shall meet any and all requirements of the State through the Rail and Transit Bureau or the New Hampshire Department of Transportation.

For distribution lines that transverse or parallel, over or under the tracks and property of a railroad not controlled by the New Hampshire Department of Transportation, the Cooperative shall file a plan and layout delineating the route for such lines with the NHPUC 30 days prior to beginning construction and shall make payment to the railroad as ordered by the Public Utilities Commission (RSA 371:24).

c. Right-Of-Way Encroachment

Any request for service that will cause the encroachment of Cooperative facilities into another utility's franchise territory requires permission from that utility and/or the Public Utilities Commission for the extent of that encroachment. No construction will commence until those permissions are received.

d. Condemnation

If you cannot obtain the necessary right-of-way from a landowner, and there are no suitable alternatives, the Cooperative, on your behalf may begin condemnation proceedings with the Public Utilities Commission (RSA 371:1). The Public Utilities Commission will make the determination if the taking of the property by eminent domain is justified, and any compensation required for the taking.

4. Recording All Agreements

Agreements made pursuant to the *Terms and Conditions* will be drawn to bind the successors in title to the member's premises and with such formalities as are required for recording in the Registry of Deeds for the applicable County in the State of New Hampshire and may be so recorded. The member in accordance with the *Schedule of Fees, Charges and Rates* pays all recording fees.

5. Requests for Information

a. Pole Record Requests

Requests for pole records data are not normally received from members as these structures can be accessed visually, however, in the event requests in writing for access to pole records

is received, you will be directed to the NHEC Right of Way Agent. You will be charged any hourly fee for this service in accordance with the *Schedule of Fees, Charges and Rates*.

b. Right of Way Requests

Right Of Way documents are a matter of public record and can be obtained from the various State and Municipal Offices such as City / Town Halls, Registry of Deeds, etc. Requests in writing for Right Of Way information will be directed to the NHEC Right of Way Agent. You will be charged an hourly fee for this service in accordance with the *Schedule of Fees, Charges and Rates*.

c. Property Disputes

Regarding property disputes, the New Hampshire Electric Cooperative (NHEC) can only provide information regarding its existing Right of Way interests on private property. In accordance with the *Schedule of Fees, Charges and Rates* you will be charged an hourly fee for this service as well as any legal fees attached to the case.

d. Abandonment Requests

You may make a written request that the New Hampshire Electric Cooperative abandon an existing right of way. The New Hampshire Electric Cooperative reserves the right to decline any and all right of way abandonment requests. You will be charged an hourly fee for this service in accordance with the *Schedule of Fees, Charges and Rates*.

e. Encroachment of the NHEC Right of Way

You may request to encroach upon the Right of Way of the NHEC. The New Hampshire Electric Cooperative reserves the right to decline any and all Right Of Way encroachment requests. You will be charged an hourly fee in accordance with the *Schedule of Fees, Charges and Rates*.