

SHAINES & McEACHERN, PA
Attorneys at Law

September 28, 2015

VIA E-MAIL AND U.S. MAIL

Martin Honigberg, Chairman
NH Site Evaluation Committee
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: SEA-3, Inc. ("SEA-3")
Request for Exemption
NHSEC No. 2015-01

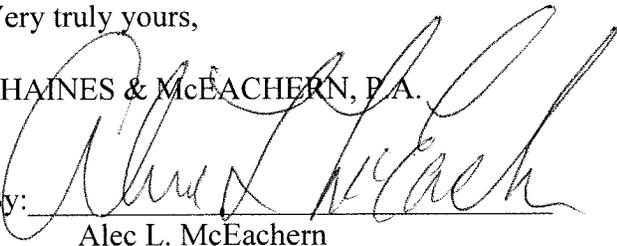
Dear Chairman Honigberg:

Enclosed for filing in connection with SEA-3, Inc.'s Request for Exemption please find the original and two copies of SEA-3, Inc.'s Partially Assented to Motion to Excuse Witness Joseph U. Rose from Attendance at Scheduled Technical Session and for Make Up Technical Session. An electronic version of the enclosed document is being delivered via email to Jane Murray at the Department of Environmental Services and Jody Carmody, Docket Supervisor at the Public Utilities Commission.

I certify that copies of the within filing have been electronically sent to the parties identified on the SEC's Service List last updated June 11, 2015.

Very truly yours,

SHAINES & McEACHERN, P.A.

By: 

Alec L. McEachern

ALM/jm

Enclosures

cc: SEA-3, Inc.
Michael Iacopino, Esq. (via Email)
Jane Murray, NHDES (via Email)
Jody Carmody, NHPUC (via Email)

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

DOCKET NO. 2015-01

**SEA-3, INC.'S PARTIALLY ASSENTED TO MOTION TO EXCUSE WITNESS
JOSEPH U. ROSE FROM ATTENDANCE AT SCHEDULED TECHNICAL SESSION
AND FOR MAKE UP TECHNICAL SESSION**

NOW COMES SEA-3, Inc. ("SEA-3"), through its counsel, Shaines & McEachern, P. A., and moves that its witness, Joseph U. Rose, be excused from attendance at the Technical Session presently scheduled for October 14, 2015, and that a make-up technical session be scheduled for his attendance. In support, SEA-3 states as follows:

1. By Order dated September 4, 2015, the Committee revised the Procedural Schedule in this matter and scheduled the Technical Session for October 14, 2015.

2. Following publication of the revised Procedural Schedule, undersigned counsel learned that SEA-3's witness Joseph U. Rose ("Mr. Rose") will not be able to attend the Technical Session in person or telephonically due to a previously made, out-of-state commitment.

3. After learning that Mr. Rose will not be available for the Technical Session on October 14, 2015, undersigned counsel contacted Counsel for the Public and counsel for the Interveners and requested their assent to excuse Mr. Rose's attendance and in lieu thereof submit written questions to Mr. Rose.

4. In response, Counsel for the Public insisted that Mr. Rose appear for a technical session if his testimony is to be accepted. Counsel for the Interveners did not respond to undersigned counsel's request.

5. In view of Mr. Rose's inability to attend the scheduled technical session and Public Counsel's insistence that Mr. Rose submit to a technical session if his testimony is to be accepted, SEA-3 moves that the Committee excuse Mr. Rose's attendance from the scheduled October 14, 2015, Technical Session and schedule an alternate Technical Session for Mr. Rose.

6. Undersigned counsel has contacted Public Counsel and parties of record regarding their assent to this Motion. The City of Portsmouth, City of Dover and Town of Newington assent to this Motion. Counsel for the Public assents to the Motion to the extent Mr. Rose appears at another technical session to be scheduled. Great Bay Stewards does not assent to this Motion. Counsel for the individual interveners has not indicated a position as of the signing of this Motion.

WHEREFORE, SEA-3, Inc. respectfully requests that the Committee:

- A. Grant its Motion and excuse Joseph U. Rose's attendance at the scheduled Technical Session on October 14, 2015, and schedule an alternate date for a make-up Technical Session; and
- B. Grant such other and further relief as may be just.

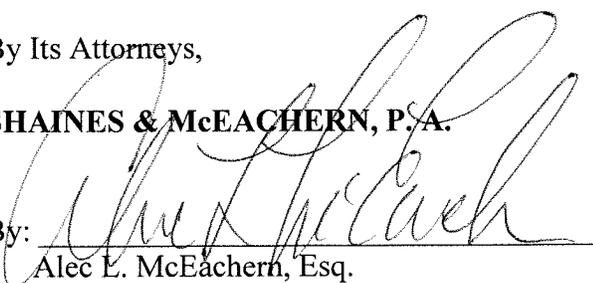
Respectfully submitted,

SEA-3, INC.

By Its Attorneys,

SHAINES & McEACHERN, P.A.

By:


Alec E. McEachern, Esq.

N.H. Bar ID #10568

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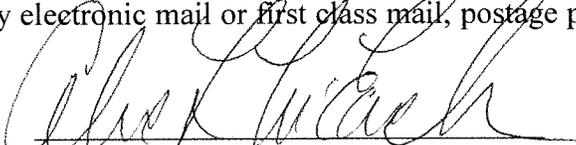
Phone: (603) 436-3110

Email: alec@shaines.com

Dated: September 28, 2015

Certificate of Service

I certify that I have this 28th day of September 2015, provided copies of the foregoing pleading to all parties to the proceeding by electronic mail or first class mail, postage prepaid, in the United States mail.



Alec L. McEachern