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Via Electronic Mail and Hand Delivery

August 1, 2016

New Hampshire Site Evaluation Committee
Pamela G. Monroe, Administrator
21 South Fruit Street, Suite 10
Concord, NH 03301

**Re: SEC Docket No. 2015-04: Public Service Company of New Hampshire d/b/a
Eversource Energy for a New 115k Transmission Line from Madbury Substation to
Portsmouth Substation**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find the following motions:

- 1) Applicant's Response to Durham Point / Little Bay Abutters, Thomas A DeCapo and Yael D. DeCapo, and Donna Heald McCosker Petitions to Intervene;
- 2) Applicant's Response to the Conservation Law Foundation, the Nature Conservancy, and Fat Dog Shellfish Co. LLC Petitions to Intervene;
- 3) Applicant's Response to Helen H. Frink's Petition to Intervene;
- 4) Applicant's Assent to Town of Newington's Motion to Intervene; and
- 5) Applicant's Assent to Town of Durham's and University of New Hampshire's Motion to Intervene as One Party.

Please contact me directly should you have any questions.

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

McLane.com

SRP – Responses to Petitions to Intervene

August 1, 2016

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Sincerely,

A handwritten signature in black ink, appearing to read "Adam Dumville". The signature is written in a cursive, flowing style.

Adam M. Dumville

AMD:slb

Enclosures

cc: SEC Distribution List

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-04

**APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANT'S ASSENT TO TOWN OF NEWINGTON'S
MOTION TO INTERVENE**

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH") by and through its attorneys, McLane Middleton, Professional Association, and assents to the Town of Newington's motion to intervene.

1. On April 12, 2016, PSNH filed an Application for a Certificate of Site and Facility before the New Hampshire Site Evaluation Committee to construct a new 115 kV transmission line from Madbury substation to Portsmouth substation (the "Project"). The Project travels through the Town of Newington.

2. The Applicants have had numerous discussions with the Town of Newington regarding the Project and expect to continue such discussions with the Town during the siting process.

3. The Applicants therefore assent to the Town's intervention in this docket.

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Respectfully Submitted,

Public Service Company of New Hampshire d/b/a
Eversource Energy

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: August 1, 2016

By: Adam Dumville

Barry Needleman, Esq. Bar No. 9446
Adam Dumville, Esq. Bar No. 20715
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Certificate of Service

I hereby certify that on 1st day of August, 2016, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the Distribution List.

Adam Dumville
Adam Dumville

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-04

**APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANT'S ASSENT TO TOWN OF DURHAM'S AND UNIVERSITY OF NEW
HAMPSHIRE'S MOTION TO INTERVENE AS ONE PARTY**

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH") by and through its attorneys, McLane Middleton, Professional Association, and assents to the Town of Durham's and University of New Hampshire's ("UNH") motion to intervene as one party.

1. On April 12, 2016, PSNH filed an Application for a Certificate of Site and Facility before the New Hampshire Site Evaluation Committee to construct a new 115 kV transmission line from Madbury substation to Portsmouth substation (the "Project"). The Project travels through the Town of Durham and through the UNH campus.

2. The Applicants have had numerous discussions with the Town of Durham and UNH regarding the Project and expect to continue such discussions with the Town and UNH during the siting process.

3. The Applicants therefore assent to the Town of Durham's and UNH's intervention in this docket as one party.

Respectfully Submitted,

Public Service Company of New Hampshire d/b/a
Eversource Energy

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: August 1, 2016

By: Adam Dumville

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Adam Dumville
Adam Dumville

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

SEC DOCKET NO. 2015-04

**APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANT'S RESPONSE TO DURHAM POINT / LITTLE BAY ABUTTERS,
THOMAS A. DECAPO AND Yael D. DECAPO AND DONNA HEALD MCCOSKER
PETITIONS TO INTERVENE**

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH") (the "Applicant"), by and through its attorneys, McLane Middleton, Professional Association, and respectfully submit this Response to the Durham Point / Little Bay Abutters, Thomas A. DeCapo and Yael DeCapo (collectively the "DeCapos"), and Donna Heald McCosker motions to intervene in the above-captioned proceeding.

I. Introduction

1. On April 12, 2016, PSNH filed an Application for a Certificate of Site and Facility before the New Hampshire Site Evaluation Committee ("SEC" or the Committee") to construct a new 12.9 mile 115 kV transmission line and associated facilities from the Madbury Substation in Madbury through the Towns of Durham and Newington to the Portsmouth Substation in Portsmouth (the "Project"). The Committee accepted the application on June 13, 2016.

2. On July 20, 2016, four abutting property owners collectively filed a motion to intervene as one party. Those property owners are as follows: Matthew and Amanda Fitch of 291 Durham Point Road, Durham, NH; Jeffrey and Vivian Miller of 297 Durham Point Road, Durham; Lawrence and Anne Gans of 289 Durham Point Road, Durham; and Deborah Moore of

305 Durham Point Road, Durham (collectively the “Durham Point / Little Bay Abutters”). All property owners within the Durham Point / Little Bay Abutters group have a PSNH easement running directly across their property (the Fitchs, the Gans, and Ms. Moore) or directly abut a property where the Project will be located (the Millers).

3. On July 21, 2016, the DeCapos, who own property at 313 and 315 Durham Point Road, Durham, filed a motion to intervene. The Project will also traverse the DeCapos’ property.

4. On July 22, 2016, Ms. McCosker, who owns property at 220 Longmarsh Road, Durham, also filed a motion to intervene. The Project will traverse Ms. McCosker’s property.

5. As depicted on the map of Durham Point, Attachment A, the Durham Point / Little Bay Abutters, DeCapos, and Ms. McCosker essentially own contiguous parcels of property along the Project route within a short distance to Little Bay.

II. Standard for Intervention

6. Through the New Hampshire Administrative Procedure Act, RSA 541-A: 32, the Legislature has established two categories for intervention in an administrative proceeding. The first category is mandatory, that is, it concerns when an administrative agency *shall* grant intervention. The second category is discretionary, that is, it concerns when an administrative agency *may* grant intervention.

7. Pursuant to RSA 541-A:32, I and Site 202.11, in order to intervene in a SEC proceeding: (1) the petitioner must properly file a petition; (2) the petitioner must establish that their rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. RSA 541-A:32, I; N.H. Code Admin R., Site 202.11(b).

8. The SEC may also grant a petition to intervene “upon determining that such intervention would be in the interest of justice and would not impair the orderly and prompt conduct of the proceedings.” RSA 541-A:32, II, Site 202.11(b).

9. The presiding officer may impose conditions on the participation of intervenors in a proceeding in order to “promote the efficient and orderly process of the proceeding.” Site 202.11(d). Such conditions include limiting the intervenor’s “participation to designated issues in which the intervenor has a particular interest demonstrated by the petition”; limiting the intervenor’s “use of cross-examination and other procedures so as to promote the orderly and prompt conduct of the proceedings”; and “Requiring 2 or more such intervenors to combine their presentations of evidence and argument, cross-examination and other participation in the proceedings.” RSA 541-A:32, III(a)–(c); Site 202.11(d)(1)–(3). See also *Order Granting Petitions to Intervene and Revising Procedural Schedule*, Docket No. 2008-04 (October 14, 2008) (“[t]o ensure that the permissive intervention of these parties will not interfere with the orderly and prompt conduct of these proceedings, their participation will be combined for all purposes; including discovery, presentation of evidence, and conduct of cross-examination.”); *Order on Pending Motions*, Docket No. 2009-02 (March 24, 2010) (limiting participation of an intervenor only to the specific interests alleged in the petition).

III. Discussion

10. The Project will be constructed within an easement that traverses property owned by the Fitchs, the Gans, and Ms. Moore or on property that abuts property owned by the Millers. The Project will also be constructed within an easement that traverses the DeCapos’ property and Ms. McCosker’s property. The Applicant acknowledges that these property owners may have an interest supporting their right to intervene.

11. The Applicant does not object to the Petitions to Intervene of these property owners so long as the Committee imposes conditions pursuant to RSA 541-A:32, III to assure that intervention of such individuals does not impair the prompt and orderly conduct of the proceeding. Specifically, the Applicant requests that the petitioners' intervention be limited only to those issues for which the Committee finds they have demonstrated a substantial interest, that they designate a spokesperson, and that they combine their presentations of evidence and argument, cross-examination and other participation in this proceeding. *See* Site 202.11(d).

12. In this case, the Applicant respectfully requests that the Durham Point / Little Bay Abutters, the DeCapos and Ms. McCosker be grouped as one party for purposes of filing motions, conducting discovery, and for examination at evidentiary hearings. The Applicant also respectfully requests that the intervenors' participation be limited only to those issues for which the Committee determines that they have clearly and unequivocally demonstrated that they have an interest in these proceedings.

13. These six property owners are essentially located in the same vicinity and/or abut each other and are also in the same general proximity to the Project and to Little Bay. Each of the six property owners are concerned about the same or similar issues and are similarly situated along the Project route; therefore, these residents should be grouped into one party. Separate intervention and participation of these parties would likely lead to unnecessary repetition and interfere with the prompt and orderly conduct of the proceedings. *See e.g., Order on Petitions to Intervene, Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy, Docket 2015-06 (March 18, 2016) (grouping numerous abutters and municipal groups with similar interests and positions to avoid duplicative arguments and ineffective process); Application of Antrim Wind Energy, LLC, Order on Petitions*

to Intervene, Docket 2015-02 (Feb. 16, 2016) (grouping residential abutters who have similar interests into one party to avoid duplicative arguments and ineffective process); *Report of Prehearing Conference and Technical Session and Procedural Order, Re: Application of Groton Wind, LLC*, Docket No. 2010-01 (June 25, 2010) (grouping residents who lived in close proximity to the proposed site together as they were concerned about “the same or similar issues and are similarly situated” in order to avoid “unnecessary repetition and interfere with the prompt and orderly conduct of the proceedings”).¹

14. The Applicant further requests that the residents’ intervention be limited only to those issues for which the Committee finds they have demonstrated a substantial interest

15. Here, the residents in the vicinity of Durham Point and Little Bay have a demonstrated interest in protecting their property and enjoyment thereof. The residents, however, can only demonstrate that they have a substantial interest in the proceeding as it relates to the immediate vicinity of their property. The residents have not demonstrated any “rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding” that extend beyond the immediate vicinity of their properties on Longmarsh Road, Durham Point Road and the Little Bay crossing; they cannot demonstrate any other interest in the proceeding in another geographic location of the Project.

16. The Applicant, therefore, respectfully requests that the SEC limit the petitioner’s participation solely to potential impacts to aesthetics, historic sites, the natural environment, water quality, property values and public health and safety as it directly relates only to their owned-property.

¹ The DeCapos’ motion to intervene also makes clear that the Durham Point / Little Bay Abutters and themselves are specifically concerned about similar issues and are similarly situated. *See DeCapos Motion to Intervene* at ¶ 5 (“the DeCapo family respectfully incorporates by reference the grounds set forth in the petition to intervene submitted by the Durham Point / Little Bay Abutters”).

17. The DeCapos seek intervene in this proceeding because the Project will be constructed within an easement on the DeCapos' property and will enter Little Bay adjacent to their property. The DeCapos are concerned that construction of the Project would impact Little Bay and the natural environment. Their interest in this proceeding—which is similar to all of the Durham Point / Little Bay Abutters—is limited to the general area around Durham Point and Little Bay.

18. Ms. McCosker is concerned generally about her property, her 12 foot dug well and connected water lines, aesthetics, and tree line buffer and tree removal. Ms. McCosker's interests do not extend beyond the boundaries of her property in the vicinity of Durham Point.

19. In addition, these residents have not demonstrated any interest in the technical and managerial capability of the Applicant, nor of its financial capability. Further, they have not demonstrated any interest regarding the orderly development of the region. Therefore, the petitioners should be precluded from addressing these issues during the proceeding.

20. Recent experience in another Site Evaluation Committee docket has demonstrated that intervenors that are not limited to their articulated interest can consume valuable Committee resources and unnecessarily elongate proceedings. The Applicant urges the Committee to consider limiting the involvement of intervenors only to those specific interests where the intervenor has fully articulated that they have specific interest that will be affected by the proceeding.

WHEREFORE, the Applicant respectfully asks that the Committee:

- A. Group the Little Bay / Durham Point Abutters, the DeCapos, and Ms. McCosker into one party and require them to designate a spokesperson and combine their

presentations of evidence and argument, cross-examination and other participation in this proceeding;

- B. Limit their participation to only those issues for which they have demonstrated particular rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding; and
- C. Grant such other further relief as is deemed just and appropriate.

Respectfully Submitted,

Public Service Company of New Hampshire d/b/a
Eversource Energy

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: August 1, 2016

By: Adam Dumville

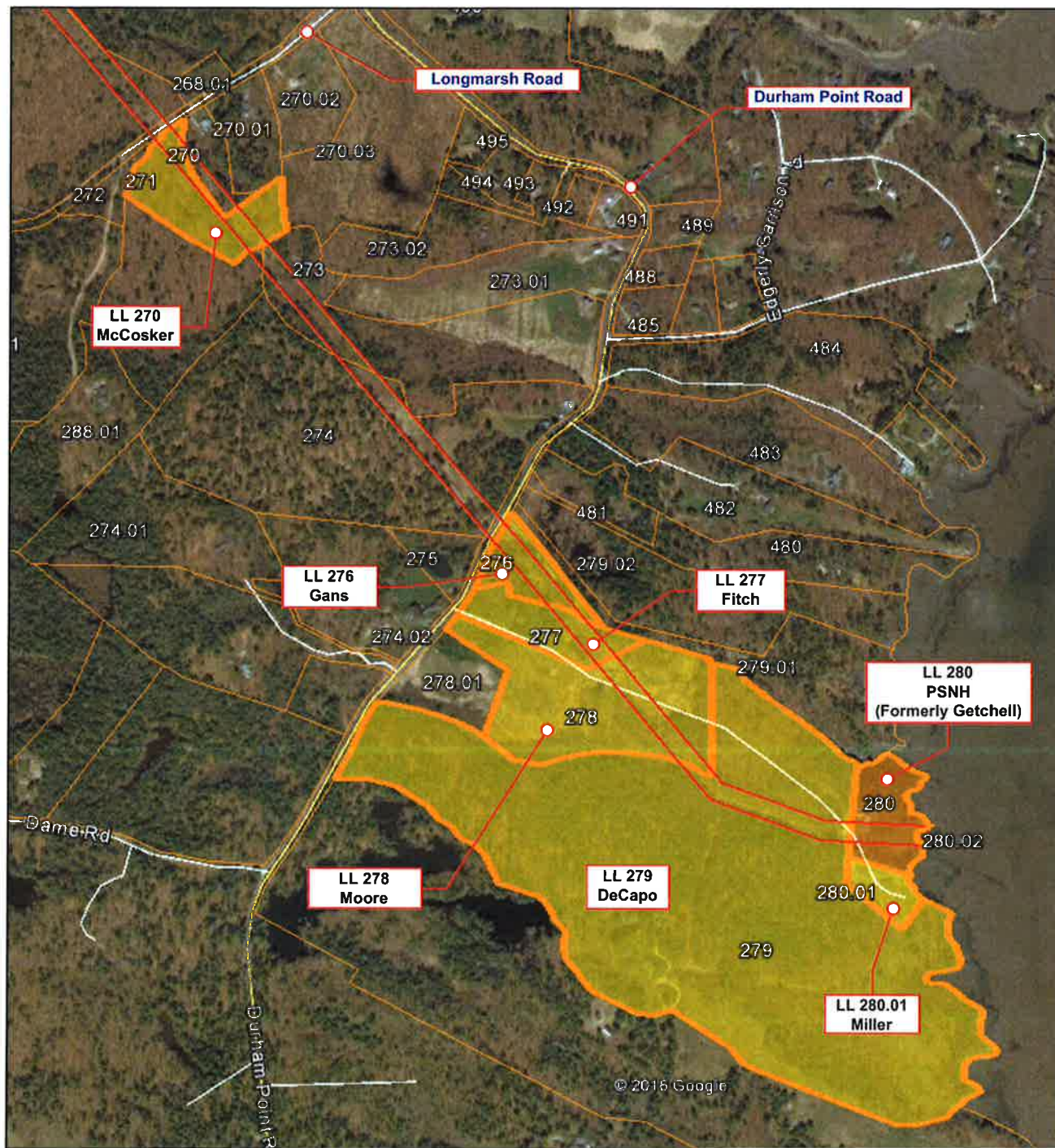
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Certificate of Service

I hereby certify that on 1st day of August, 2016, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the Distribution List.

Adam Dumville
Adam Dumville

ATTACHMENT A



**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

SEC DOCKET NO. 2015-04

**APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANT’S RESPONSE TO THE CONSERVATION LAW FOUNDATION, THE
NATURE CONSERVANCY, AND FAT DOG SHELLFISH CO., LLC PETITIONS TO
INTERVENE**

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”) (the “Applicant”), by and through its attorneys, McLane Middleton, Professional Association, and respectfully submit this Response to the Conservation Law Foundation, the Nature Conservancy, and Fat Dog Shellfish Co., LLC motions to intervene in the above-captioned proceeding.

I. Introduction

1. On April 12, 2016, PSNH filed an Application for a Certificate of Site and Facility before the New Hampshire Site Evaluation Committee (“SEC” or the Committee”) to construct a new 12.9 mile 115 kV transmission line and associated facilities from the Madbury Substation in Madbury through the Towns of Durham and Newington to the Portsmouth Substation in Portsmouth (the “Project”). The Committee accepted the application on June 13, 2016.

2. On July 22, 2016, the Conservation Law Foundation (“CLF”) filed a motion to intervene in this proceeding stating that it is “a non-profit, member supported environmental advocacy organization dedicated to the protection and responsible use of New England’s natural resources, including resources affected by the generation, transmission, and distribution of

electric power.” CLF states that it has approximately 450 members who reside in New Hampshire and that it has members who use and enjoy the Great Bay estuary, including Little Bay. CLF further states that it has “a long history of working to restore and protect water quality and ecosystem health in the Great Bay estuary, including Little Bay” and that it has “strong experience in matters pertaining to water quality in the Great Bay estuary.” CLF Motion at ¶ 3.

3. On July 22, 2016, the Fat Dog Shellfish Co., LLC (“Shellfish Co.”) filed a petition to intervene in this proceeding. Shellfish Co. owns a 12-acre oyster farm located in Little Bay. Their Motion states that 4 acres of the oyster farm “are located only a few hundred meters north of the proposed cable crossing in Little Bay” which is their “base of operations.” Shellfish Co. raises concerns about the short and long term loss of sales that may result from the construction of the Project in Little Bay. Specifically, Shellfish Co. alleges that “extended periods of turbidity in the water column will interrupt feeding” and in turn will “result in a loss of growth and productivity.” Shellfish Co. also raises concerns about impacts related to sediment deposition in Little Bay and water quality in Little Bay.

4. On July 25, 2016, the Nature Conservancy (“TNC”) filed a late-petition to intervene in this proceeding stating that it is a “501(c)(3) non-profit organization dedicated to conservation for the benefit of people and nature, and is working with communities and a wide variety of public and private partners across New Hampshire to establish resilient, connected landscapes; foster healthy rivers and freshwater systems; build sustainable fisheries; restore estuarine health; and create a clean energy future for New Hampshire.” TNC states that it owns or has a direct legal interest in four properties with approximately 270 acres on which a portion of the Project will be located. TNC also states that it has worked with the University of New Hampshire on oyster reef restoration projects in over 20 acres of the Great Bay estuary.

II. Standard for Intervention

5. Through the New Hampshire Administrative Procedure Act, RSA 541-A: 32, the Legislature has established two categories for intervention in an administrative proceeding. The first category is mandatory, that is, it concerns when an administrative agency *shall* grant intervention. The second category is discretionary, that is, it concerns when an administrative agency *may* grant intervention.

6. Pursuant to RSA 541-A:32, I and Site 202.11, in order to intervene in a SEC proceeding: (1) the petitioner must properly file a petition; (2) the petitioner must establish that their rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. RSA 541-A:32, I; N.H. Code Admin R., Site 202.11(b).

7. The SEC may also grant a petition to intervene “upon determining that such intervention would be in the interest of justice and would not impair the orderly and prompt conduct of the proceedings.” RSA 541-A:32, II, Site 202.11(b).

8. The presiding officer may impose conditions on the participation of intervenors in a proceeding in order to “promote the efficient and orderly process of the proceeding.” Site 202.11(d). Such conditions include limiting the intervenor’s “participation to designated issues in which the intervenor has a particular interest demonstrated by the petition”; limiting the intervenor’s “use of cross-examination and other procedures so as to promote the orderly and prompt conduct of the proceedings”; and “Requiring 2 or more such intervenors to combine their presentations of evidence and argument, cross-examination and other participation in the proceedings.” RSA 541-A:32, III(a)–(c); Site 202.11(d)(1)–(3). See also *Order Granting*

Petitions to Intervene and Revising Procedural Schedule, Docket No. 2008-04 (October 14, 2008) (“[t]o ensure that the permissive intervention of these parties will not interfere with the orderly and prompt conduct of these proceedings, their participation will be combined for all purposes; including discovery, presentation of evidence, and conduct of cross-examination.”); *Order on Pending Motions*, Docket No. 2009-02 (March 24, 2010) (limiting participation of an intervenor only to the specific interests alleged in the petition).

III. Discussion

1. The Project will be constructed underwater and beneath the substrate of Little Bay. CLF states that the organization and its members have an interest in protecting the water quality and ecosystem health of the Great Bay estuary, including Little Bay. TNC alleges that it has a direct legal interest in those properties on which a portion of the Project will be located and that it has a significant investment in conservation projects within the Great Bay estuary. Shellfish Co. operates an oyster farm in the general vicinity of where the Project will be constructed underwater. The Applicant acknowledges that the petitioners may have an interest supporting their right to intervene.

2. The Applicant does not object to the requests to intervene of CLF, TNC, and Shellfish Co., so long as the Committee imposes conditions pursuant to RSA 541-A:32, III to assure that their intervention does not impair the prompt and orderly conduct of the proceeding. Specifically, the Applicant requests that the petitioners’ intervention be limited only to those issues for which the Committee finds they have demonstrated a substantial interest, that they designate a spokesperson, and that they combine their presentations of evidence and argument, cross-examination and other participation in this proceeding. *See* Site 202.11(d).

3. In this case, the Applicant respectfully requests that CLF, TNC, and Shellfish Co. be grouped as one party for purposes of filing motions, conducting discovery, and for examination at evidentiary hearings. The Applicant also respectfully requests that their participation be limited only to those issues for which the Committee determines that they have clearly and unequivocally demonstrated that they have an interest in these proceedings.

4. These petitioners are generally concerned about the same or similar issues, namely, the Project's potential impacts to the Great Bay estuary and Little Bay. Specifically, CLF, TNC, and Shellfish Co. are each concerned about the potential impacts that the construction of the Project in Little Bay will have upon the Great Bay estuary, the water quality in the Bay, and the natural environment.¹ The petitioners are concerned about the general health of the Great Bay estuary and have a particular concern about oyster farms and the habitat needed to support the growth of oysters. Based on their similar interests and concerns, these three petitioners should be grouped together because separate intervention and participation of these parties would likely lead to unnecessary repetition and interfere with the prompt and orderly conduct of the proceedings. *See e.g., Order on Petitions to Intervene, Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy*, Docket 2015-06 (March 18, 2016) (grouping the Appalachian Mountain Club, CLF, the Sierra Club, and Ammonoosuc Conservation Trust together—as well as grouping numerous abutters and municipal groups with similar interests and positions—to avoid duplicative arguments and ineffective process); *Application of Antrim Wind Energy, LLC, Order on Petitions to Intervene*, Docket 2015-02 (Feb. 16, 2016) (grouping residential abutters who

¹ TNC also asserts that it owns or has a direct legal interest in four properties on which a portion of the Project will be constructed. The Applicants do not object to the TNC also addressing potential issues that relate to the specific parcels of property owned by the TNC that it has clearly demonstrated an interest, namely, water quality and the natural environment.

have similar interests into one party to avoid duplicative arguments and ineffective process); *Report of Prehearing Conference and Technical Session and Procedural Order, Re: Application of Groton Wind, LLC*, Docket No. 2010-01 (June 25, 2010) (grouping residents who lived in close proximity to the proposed site together as they were concerned about “the same or similar issues and are similarly situated” in order to avoid “unnecessary repetition and interfere with the prompt and orderly conduct of the proceedings”).

5. The Applicant further requests that the petitioners’ intervention be limited only to those issues for which the Committee finds they have demonstrated a substantial interest in this proceeding.

6. Here, TNC owns or has a legal interest in four parcels of land on which a portion of the Project will be constructed. CLF, TNC, and Shellfish Co. have each asserted that they have a substantial interest in protecting the water quality of the Great Bay estuary, including Little Bay, and to protect the natural environment, including oyster farms in the estuary. However, neither CLF, nor Shellfish Co. have asserted or provided sufficient facts to demonstrate that they have “rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding” that extend beyond protecting the water quality of the Great Bay estuary and the natural environment.²

7. The Applicant, therefore, respectfully requests that the SEC limit CLF’s and Shellfish Co.’s participation solely to potential impacts relating to water quality and the natural environment in the Great Bay estuary. *See e.g., Order on Pending Motions, Application of Laidlaw Berlin BioPower, LLC*, Docket 2009-02 (Mar. 24, 2010) (granting New Hampshire Sierra Club’s motion to intervene but limiting their participation to the sole concern clearly

² CLF merely states that it has an interest regarding impacts to “other resources.” However, CLF fails to specifically articulate what resources they have an interest in beyond the Great Bay estuary and Little Bay. In addition, upon information and belief, CLF does not own any property or have any legal interest in property along the Project route.

articulated in its petition, namely, sustainability of a forest management plan). The Applicant also requests that the SEC limit TNC's participation solely to potential impacts to water quality and the natural environment in the Great Bay estuary, and to water quality and the natural environment as it relates to those properties that TNC has demonstrated that they own or have another legal interest in the property.

8. In addition, the petitioners have not demonstrated any interest in the technical and managerial capability of the Applicant, nor of its financial capability. Further, they have not demonstrated any interest regarding the orderly development of the region. Therefore, the petitioners should be precluded from addressing these issues during the proceeding.

9. Recent experience in another Site Evaluation Committee docket has demonstrated that intervenors that are not limited to their articulated interest can consume valuable Committee resources and unnecessarily elongate proceedings. The Applicant urges the Committee to consider limiting the involvement of intervenors only to those specific interests where the intervenor has fully articulated that they have specific interest that will be affected by the proceeding.

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WHEREFORE, the Applicant respectfully asks that the Committee:

- A. Group CLF, TNC, and Shellfish Co. into one party and require them to designate a spokesperson and combine their presentations of evidence and argument, cross-examination and other participation in this proceeding;
- B. Limit their participation to only those issues for which they have demonstrated particular rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding; and
- C. Grant such other further relief as is deemed just and appropriate.

Respectfully Submitted,

Public Service Company of New Hampshire d/b/a
Eversource Energy

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: August 1, 2016

By: Adam Dumville

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Adam Dumville, Esq. Bar No. 20715
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Certificate of Service

I hereby certify that on the 1st of August, 2016, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the Distribution List.

Adam Dumville
Adam Dumville

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

SEC DOCKET NO. 2015-04

**APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

APPLICANT'S RESPONSE TO HELEN H. FRINK'S PETITION TO INTERVENE

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH") (the "Applicant"), by and through its attorneys, McLane Middleton, Professional Association, and respectfully submits this Response to Helen H. Frink's petition to intervene in the above-captioned proceeding.

I. Introduction

1. On April 12, 2016, PSNH filed an Application for a Certificate of Site and Facility before the New Hampshire Site Evaluation Committee ("SEC" or the Committee") to construct a new 12.9 mile 115 kV transmission line and associated facilities from the Madbury Substation in Madbury through the Towns of Durham and Newington to the Portsmouth Substation in Portsmouth (the "Project"). The Committee accepted the application on June 13, 2016.

2. On June 14, 2016, Helen H. Frink filed a petition to intervene in the proceeding as a portion of the Project will travel within an easement across the Darius Frink Farm at 272 Nimble Hill Road, Newington, New Hampshire, which is jointly owned by Helen H. Frink, John D. Frink, and Sara F. Ryder.

II. Standard for Intervention

3. Through the New Hampshire Administrative Procedure Act, RSA 541-A: 32, the Legislature has established two categories for intervention in an administrative proceeding. The first category is mandatory, that is, it concerns when an administrative agency *shall* grant intervention. The second category is discretionary, that is, it concerns when an administrative agency *may* grant intervention.

4. Pursuant to RSA 541-A:32, I and Site 202.11, in order to intervene in a SEC proceeding: (1) the petitioner must properly file a petition; (2) the petitioner must establish that their rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and (3) that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. RSA 541-A:32, I; N.H. Code Admin R., Site 202.11(b).

5. The SEC may also grant a petition to intervene “upon determining that such intervention would be in the interest of justice and would not impair the orderly and prompt conduct of the proceedings.” RSA 541-A:32, II, Site 202.11(b).

6. The presiding officer may impose conditions on the participation of intervenors in a proceeding in order to “promote the efficient and orderly process of the proceeding.” Site 202.11(d). Such conditions include limiting the intervenor’s “participation to designated issues in which the intervenor has a particular interest demonstrated by the petition”; limiting the intervenor’s “use of cross-examination and other procedures so as to promote the orderly and prompt conduct of the proceedings”; and “Requiring 2 or more such intervenors to combine their presentations of evidence and argument, cross-examination and other participation in the proceedings.” RSA 541-A:32, III(a)–(c); Site 202.11(d)(1)–(3). See also *Order Granting*

Petitions to Intervene and Revising Procedural Schedule, Docket No. 2008-04 (October 14, 2008) (“[t]o ensure that the permissive intervention of these parties will not interfere with the orderly and prompt conduct of these proceedings, their participation will be combined for all purposes; including discovery, presentation of evidence, and conduct of cross-examination.”); *Order on Pending Motions*, Docket No. 2009-02 (March 24, 2010) (limiting participation of an intervenor only to the specific interests alleged in the petition).

III. Discussion

7. The Project will be constructed within an easement that traverses property owned jointly by Helen Frink. The Applicant acknowledges that Ms. Frink may have an interest supporting their right to intervene.

8. The Applicant does not object to the Petition to Intervene of Ms. Frink so long as the Committee imposes conditions pursuant to RSA 541-A:32, III to assure that intervention of such individuals does not impair the prompt and orderly conduct of the proceeding. Specifically, the Applicant requests that Ms. Frink’s intervention be limited only to those issues for which the Committee finds they have clearly and unequivocally demonstrated that they have a substantial interest in these proceedings.

9. Ms. Frink has demonstrated an interest in protecting her property and enjoyment thereof. Ms. Frink, however, can only demonstrate that they have a substantial interest in the proceeding as it relates to the immediate vicinity of their property. Ms. Frink has not demonstrated that any “rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding” that extend beyond the immediate vicinity of the Darius Frink Farm.

10. The Applicant, therefore, respectfully requests that the SEC limit Ms. Frink’s participation solely to potential impacts to aesthetics, historic sites, the natural environment,

water quality, property values and public health and safety as it directly relates only to her jointly owned property.

11. Ms. Frink has not demonstrated any interest in the technical and managerial capability of the Applicant, nor of its financial capability. Further, Ms. Frink has not demonstrated any interest regarding the orderly development of the region. Therefore, Ms. Frink should be precluded from addressing these issues during the proceeding.

12. Recent experience in another Site Evaluation Committee docket has demonstrated that intervenors that are not limited to their articulated interest can consume valuable Committee resources and unnecessarily elongate proceedings. The Applicant urges the Committee to consider limiting the involvement of Ms. Frink only to those specific interests where the intervenor has fully articulated that they have specific interest that will be affected by the proceeding.

WHEREFORE, the Applicant respectfully asks that the Committee:

- A. Limit Ms. Frink's participation to only those issues for which she has demonstrated particular rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding; and
- B. Grant such other further relief as is deemed just and appropriate.

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Respectfully Submitted,

Public Service Company of New Hampshire d/b/a
Eversource Energy

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: August 1, 2016

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Certificate of Service

I hereby certify that on 1st day of August, 2016, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the Distribution List.

Adam Dumville
Adam Dumville