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March 7, 2016

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

Re: New Hampshire Site Evaluation Committee Docket No. 2015-06
Northern Pass Transmission Project Application

Dear Ms. Monroe:

Enclosed for filing with the NH Site Evaluation Committee in connection with the above-referenced docket, please find the Town of Franconia's Response to *Applicant's Response and Objection to Certain Petitions to Intervene*.

Copies of the enclosed document have been sent by e-mail today to each person listed on the SEC distribution list for this docket as of March 7, 2016. Thank you for your assistance with this matter.

Sincerely,

C. Christine Fillmore

C. Christine Fillmore, Esq.

cc: Distribution List (e-mail)
Franconia Board of Selectmen

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

RESPONSE OF TOWN OF FRANCONIA TO APPLICANT'S RESPONSE AND OBJECTION TO CERTAIN PETITIONS TO INTERVENE

The Town of Franconia (the "Town"), by and through its attorneys, Gardner, Fulton & Waugh, PLLC, hereby respectfully submits this response to the Applicants' Response and Objection to Certain Petitions to Intervene in the above-noted docket, as follows:

1. On October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a/ Eversource Energy (the "Applicants") filed an application for a Certificate of Site and Facility with the Site Evaluation Committee (the "Committee").

2. A number of individuals, governmental entities, and non-governmental organizations have filed Petitions to Intervene in this matter.

3. The Town of Franconia filed a Petition to Intervene on February 3, 2016.

4. The Applicants filed a Response and Objection to Certain Petitions to Intervene (the "Applicants' Objection") on February 24, 2016.

5. Applicants have not objected to the Town's Petition to Intervene. Applicants' Objection ¶47. However, the Town is concerned about two requests made by Applicants regarding the Town's participation as an intervenor.

6. First, the Applicants state that they do not object to municipal intervenors, "provided that their interventions are limited to those issues for which they have demonstrated a concrete and well-defined interest." *Id.*

7. The Committee has authority under RSA 541-A:32, II(a) to limit an intervenor's participation to "designated issues in which the intervenor has a particular interest demonstrated by the petition." The Committee's rules contain an identical standard. N.H. Admin.R. Site 202.11(d)(1).

8. Applicants propose that the Town's participation be limited to "legitimate and concrete interests" only (Applicants' Objection, ¶¶3, 47). To the extent Applicants assert this is a higher or different standard than that stated in RSA 541-A:32, II(a) or Site 202.11(d)(1), the Town objects.

9. The Committee has recognized that "the participation of local municipalities and counties is consistent with RSA 162-H:16, IV(b), requiring the Committee to give due consideration to the views of municipal and regional planning agencies and municipal governing bodies with respect to the orderly development of the region. Likewise, RSA 541-A:39 requires an administrative agency to give notice to, and afford all affected municipalities, a reasonable opportunity to submit data, views, or comments with respect to the issuance of a permit, license, or other action within its boundaries that directly affect the municipality." *Order on Pending Motions, Re: Application of Laidlaw Berlin BioPower*, LLC, Docket No. 2009-02 at 5 (March 24, 2010) (granting petitions of municipalities to "participate fully as intervenors" without limitation as to subject matter).

10. Accordingly, the Town respectfully requests that the Committee permit the Town to participate fully as an intervenor with respect to all interests it has identified in its Petition to Intervene.

11. Second, the Town notes that Applicants' Objection states " for those Towns that voluntarily grouped themselves, the Applicants request that they be required to combine their

presentations of evidence and argument, cross-examination and other participation in this proceeding...." Applicants' Objection ¶47.

12. To the extent Applicants are asking that intervenors that have retained counsel in common automatically be grouped together for participation in this proceeding, the Town respectfully objects. Each municipality in this matter, including the Town, has filed its own Petition to Intervene. The municipalities who happen to have retained counsel in common do not necessarily share identical concerns. For example, the Applicants have proposed installing overhead transmission lines in some municipalities, and buried lines in others. Those two categories of municipalities have some inherently different interests from one another, regardless of which counsel they have retained.

13. The Town respectfully suggests, therefore, that the Committee consider the common interests of the various municipalities in its determination of any requirements for the municipalities to combine their participation in this proceeding pursuant to Site 202.11(d)(3).

Respectfully submitted,
TOWN OF FRANCONIA

By and through its attorneys,
GARDNER, FULTON & WAUGH, PLLC

Dated: March 7, 2016

By: C. Christine Fillmore

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of March, 2016, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket.

Dated: March 7, 2016

By: C. Christine Fillmore

C. Christine Fillmore