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**Via Hand-Delivery and Email**

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

March 28, 2016

**Re: 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, NH Site Evaluation Committee Docket No. 2015-06**

Dear Ms. Monroe:

Please find enclosed for filing in the above-referenced matter an original and eight (8) copies of a Joint Request of Intervenors Appalachian Mountain Club, Conservation Law Foundation, and Ammonoosuc Conservation Trust, or, in the Alternative, Objection, Relative to Consolidation.

Copies of this letter and the attached have this day been forwarded via email to all parties on the Distribution List.

Thank you for your attention. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

Melissa E. Birchard

cc: Distribution List

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

Docket No. 2015-06

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

**JOINT REQUEST OF INTERVENORS APPALACHIAN MOUNTAIN CLUB,  
CONSERVATION LAW FOUNDATION, AND AMMONOOSUC CONSERVATION  
TRUST, OR, IN THE ALTERNATIVE, OBJECTION, RELATIVE TO  
CONSOLIDATION**

Intervenors Appalachian Mountain Club (AMC), Conservation Law Foundation (CLF), and Ammonoosuc Conservation Trust (ACT) hereby reply to the Site Evaluation Committee's (SEC) March 18, 2016 Order on Petitions to Intervene (Order) as follows:

1. AMC, CLF and ACT each petitioned individually to intervene in this docket. In its Order, the SEC granted each party intervenor status, but it consolidated them, along with the New Hampshire Sierra Club,<sup>1</sup> into a combined subgroup of non-governmental organizations. Order at 34. The SEC consolidated the four organizations for the express purpose of "ensur[ing] the orderly conduct of the proceedings." *Id.*
2. With respect to the above-stated consolidation, the Order states: "Each of the organizations may file testimony, but the group shall designate a spokesperson/attorney for the purpose of filing pleadings, conducting discovery and the examination of witnesses at evidentiary hearings." *Id.* The Order further describes the status of the four consolidated organizations as "a single party." *Id.* at 52.

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<sup>1</sup> The New Hampshire Sierra Club (NHSC) has indicated that it intends to seek non-consolidation. Should NHSC seek such relief, the parties to this filing do not object.

3. AMC, CLF and ACT fully appreciate and understand the need for ensuring the orderly conduct of proceedings, as well as the special challenges posed by the significant number of intervenors in this docket. Our respective organizations are professionally staffed, and at least AMC and CLF are, and will be, represented by counsel during the proceedings. We understand the need to avoid duplication and will make good faith efforts to coordinate and advance the interests of judicial and administrative efficiency – for the SEC and all parties.
4. Nonetheless, we are greatly concerned about, and hereby object to, the characterization and treatment of our organizations as a single party, as well as specific and seemingly inflexible parameters that limit each of our organization's right and ability to represent its interests in this proceeding – a proceeding that involves a complex array of issues, and a project of a scale that is of significant concern to each of our organizations. While we do share common interests, each of our organizations is governed by its own Board; each has a different organizational mission; each has different areas of expertise and focus, relative to the proposed Northern Pass project; and each has concerns with the proposed Northern Pass project that may not be held fully in common and/or may be of varying priority. Each of our organizations also has a right to be represented by counsel to protect and advance its interests – a right which will be compromised if consolidation includes inflexible parameters such as, but not including, the mandate that the organizations designate a single “spokesperson/attorney for the purpose of filing pleadings, conducting discovery and the examination of witnesses at evidentiary hearings.” *Id.* at 34.

5. To both achieve the SEC's interest in an orderly and efficient proceeding, and to address each of our organization's right to protect and advance its interests, including through counsel, we request flexibility in the manner in which our consolidated group conducts itself, including as follows:

- a. The group consents to designating two points of contact (one from each of two organizations) for purposes of the service list and otherwise receiving communications from the SEC and from other parties.
- b. The group should not be required to designate a single spokesperson/attorney for the purposes of filing pleadings. Rather, the group should be provided flexibility with respect to which organization, and which attorney/spokesperson files a given pleading. While the parties will work in good faith to file joint pleadings through the designated points of contact, and expect that to be the norm, it is essential that we also have the flexibility, particularly in the event of disagreement on a matter, to file separate pleadings. We also must have the flexibility to submit pleadings on behalf of some, but not all, members of the group, in the event one or more organization elects to abstain from joining a particular pleading.
- c. The group should not be required to designate an attorney/spokesperson for the purposes of propounding data requests, participating in technical sessions, or the cross-examination of witnesses. Again, we intend to work in good faith to coordinate, and to avoid duplication. However, we object to limitations that require a single attorney/spokesperson for the group. We are especially concerned with the limitation that only one attorney cross-examine a given witness, particularly where a single witness may address more than one

substantive area, implicating different areas of expertise of our different organizations. As our group is not large, this flexibility will not result in duplication or otherwise inhibit the efficiency of proceedings.

- d. With specific regard to discovery, we request that our group be provided flexibility to propound more than fifty data requests, with a maximum of one hundred.<sup>2</sup> In light of the number and complexity of issues in this proceeding, and as well as the varied interests of the organizations in our group, allowing our collective group to propound up to one hundred data requests is fair, reasonable, and will not be unduly burdensome to the process. Moreover, given the fact-intensive nature of this proceeding, efficiency considerations cannot and should not unfairly limit the ability of our organizations to obtain necessary information, through discovery, to enable effective participation.
6. By providing our organizations flexibility in the manner in which we conduct our participation, the SEC will not in any way compromise the desired objective of ensuring an orderly proceeding. Our professionally staffed organizations, at least two of which are and will be represented by counsel, will work in good faith to coordinate, avoid duplication, and enhance efficiency.
7. Should our organizations not be provided the flexibility we have requested, our right and ability to meaningfully engage in the proceeding, including each party's right to be represented by counsel, without compromising the attorney-client relationship, will be

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<sup>2</sup> In the event New Hampshire Sierra Club remains in the group, we request that the cumulative limit on data requests be increased to 125.

undermined. Under such circumstances, we object to the SEC's consolidation of our organizations and request that we be un-consolidated.<sup>3</sup>

8. The following parties assent to the relief requested herein: Society for the Protection of New Hampshire Forests; Kevin Spencer and Mark Lagasse, d/b/a Lagaspence Realty, LLC; Carol Dwyer; Jeanne Menard; Rodrigue J. and Tammy L. Beland; David Schrier; Eric, Elaine and Joshua Olson; Roderick Moore et. al (Heath Road Intervenors). Office of the Public Counsel assents to prayer for relief B., but takes no position on prayer for relief A. The following parties do not object: the National Trust for Historic Preservation, New Hampshire Preservation Alliance, and the Sugar Hill Historical Museum. The City of Concord takes no position and does not object; the City of Berlin and the Towns of Bristol, Easton, Franconia, Northumberland, Sugar Hill and Whitefield take no position. The Applicants object.

WHEREFORE, Intervenors AMC, CLF and ACT respectfully request that the SEC:

- A. Grant our organizations the flexibility to coordinate among themselves to achieve efficiency and avoid duplication, as set forth in paragraph 5 of this pleading; or
- B. Un-consolidate our organizations and allow them to proceed individually.

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<sup>3</sup> Each of the signatories to this pleading reserves individual rights of appeal, including rights of appeal relative to any rejection, in whole or in part, of the conditions of consolidation requested herein.

Respectfully submitted,

APPALACHIAN MOUNTAIN CLUB

By:

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Dated: March 28, 2016

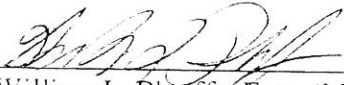
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has on this date, March 28, 2016, been sent by email to the service list in Docket No. 2015-06.

Thomas F. Irwin  
Thomas F. Irwin

Respectfully submitted,

APPALACHIAN MOUNTAIN CLUB

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Dated: March 28, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has on this date, March 28, 2016, been sent by email to the service list in Docket No. 2015-06.

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Thomas F. Irwin