

141 Tremont St., Boston, MA 02111

(t) 617-902-2354 (f) 617-902-2349

www.nepga.org

February 4, 2016

Via Electronic Mail

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

**Re: 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**

Dear Ms. Monroe:

In accordance with the Order and Notice issued on December 22, 2015 in the above-captioned docket, please find attached my Appearance and Motion for Limited Intervention on behalf of the New England Power Generators Association, Inc.

Please contact me if you have any questions in this regard. Thank you for your assistance.

Very truly yours,

Carol J. Holahan

cc: Service List 2015-06 (electronic mail only)

STATE OF NEW HAMPSHIRE
BEFORE THE
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**

**Petition for Limited Intervention on Behalf of New England
Power Generators Association, Inc.**

NOW COMES the New England Power Generators Association, Inc. (NEPGA) and, pursuant to RSA 541-A:32 and N.H. Code of Admin. Rules Site 102.33(b) and 202.11(b), respectfully petitions the New Hampshire Site Evaluation Committee (“Committee” or “SEC”) for limited intervention¹ in the above-captioned proceeding. In support of this petition, NEPGA² states as follows:

1. On December 22, 2015, the Committee issued an Order and Notice that included a Notice of Public Information Session and Motions to Intervene. See Order and Notice. The Order and Notice stated that “[a]ny person seeking to intervene as a party in this docket shall file a motion to intervene on or before the close of business on

¹ In the event that the Committee determines that neither RSA 541-A nor the recently adopted SEC rules recognize limited intervenor status, NEPGA respectfully requests that the Committee treat this Petition as one for status as a full party intervenor.

² The views set forth in this Petition reflect those of NEPGA and not necessarily those of its individual members.

February 5, 2016.” Order and Notice at 2. The Committee further stated that any motions to intervene “must comply with the requirements of New Hampshire Code of Administrative Rules Site 202.11 and RSA 541-A:32.” *Id.*

2. The Order and Notice established a deadline of February 5, 2016 for the submission of petition to intervene. Accordingly, this Petition is timely filed.
3. The statutory standards for intervention are set forth in RSA 541-A:32, I and II. First a petition for intervention *must* be granted if the petitioner states facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petition qualifies under any provision of law) and the interests of justice and orderly and prompt conduce to the proceedings would not be impaired by allowing intervention. See RSA 541-A:32, I, (b) and (c). Second, the Committee *may* grant a petition to intervene “at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.” See RSA 541-A:32, II; see *also* N.H. Admin. Rule Site 202.11(b).
4. For the reasons set forth more fully below, NEPGA meets the foregoing mandatory and discretionary standards for intervention.
5. NEPGA is the trade association presenting competitive electric generation companies in New England. NEPGA’s members

collectively generate approximately 25,000 megawatts (MW) of generating capacity in the region, with more than 2,700 MW generated by New Hampshire companies from wind, solar, gas, nuclear, biomass and hydro. Its mission is to promote sound energy policies to further economic development, jobs and a balanced environmental policy. NEPGA believes that sustainable competitive markets are the best means to provide long-term reliable and affordable supplies of electricity for consumers. NEPGA's member companies have been involved with the design and development of competitive wholesale electricity markets and sell their energy and capacity into the New England wholesale power markets administered by ISO-New England. As participants in the region's wholesale power markets, NEPGA's members have a substantial and specific interest in a fully competitive generation market and maintaining a level playing field within that market.

6. The proposed project involves the construction of transmission infrastructure that would bring approximately 1,000 MW of hydroelectric power into the region, and does so using the easements and rights of way owned by the utility, not by its competitive affiliate. The proposed project also includes a proposed purchase power agreement for approximately 100 MW.
7. Consistent with its support for an open, competitive market, NEPGA has a direct and substantial interest in ensuring this project

competes on a level playing field with other projects of this nature and in ensuring that Eversource Energy's competitive electric affiliate, Northern Pass Transmission, LLC (NPT), is not unfairly advantaged to the detriment of other non-affiliated companies operating in the region as prohibited by N.H. Code of Admin. Rules Puc Chapter 2100.

8. NEPGA seeks limited intervention in this proceeding to address the following issues in this docket: (1) the implications for the application of the affiliate relationship between Eversource Energy and, NPT, and the potential for any undue benefit that may arise therein; (2) impacts to the competitive electricity markets, including but not limited to, competitive procurement practices and the potential purchase power agreements; and (3) any proposed "public interest" stated by the project. *See generally* RSA 362-H:1 (West Supp. 2015); N.H. Code of Admin. Rules Site 301.16 (a) – (j).
9. Notwithstanding its request for intervention in this proceeding on these limited enumerated grounds, NEPGA respectfully requests that if, during the course of the proceeding, additional issues arise that affect the rights, duties, privileges, immunities or other substantial interests of NPGA members, it be permitted to seek full party intervention status.
10. NEPGA has been granted intervention in other proceedings, before other state administrative agencies, most notably, the New

Hampshire Public Utilities Commission (PUC), including but not limited to dockets: DE 14-238 (Determination Regarding PSNH's Generation Assets); DE 10-160 (PSNH customer migration docket; DE 10-261) (PSNH Least Cost Integrated Resource Plan); and DE 10-195 (PSNH Petition for Approval of Power Purchase Agreement).

11. As the foregoing information demonstrates, NEPGA has knowledge, experience and perspective that are likely to be of value to the Committee and other parties to the proceedings. Importantly, however, the proceedings currently pending before the PUC have not, and likely will not, provide NEPGA the opportunity to present a full overview of the substantive issues impacting its members as that presented by the instant proceeding. For example, when NEPGA sought to conduct discovery regarding a purchase power agreement announced by Eversource related the NPT project, the PUC denied NEPGA's motion.³ Similarly, no docket currently pending before the PUC is relevant to two issues critical to NEPGA, namely long-term contracts and competitive procurement. Thus, granting this petition for intervention would be in the interests of justice.
12. Moreover, NEPGA's intervention will not impair the orderly conduct of this proceeding and, in fact, will help conserve resources by

³ See Order No. 25,830 (October 23, 2015), Docket 14-238, denying joint motion by NEPGA and RESA to conduct discovery relative to a proposed power purchase agreement.

avoiding the need for many of NEPGA's individual member companies to participate individually to protect their own interests.

WHEREFORE, NEPGA respectfully requests that the Committee grant it limited intervention on issues identified above and grant such other and further relief as the Committee deems just and reasonable.

Dated: 2/4/16

Respectfully submitted,

**New England Power
Generators Association, Inc.**

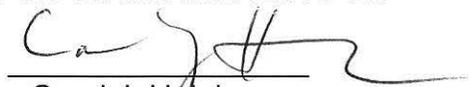
By its Attorney,



Carol J. Holahan
141 Tremont Street
Boston, MA 02111
NH Bar No. 6584
(617) 902-2354
cholahan@nepga.org

Certificate of Service

I hereby certify that a copy of the foregoing Petition to Intervene has on this 4th day of February, 2016 been sent by email to the service list in 2015-06.

By: 
Carol J. Holahan

STATE OF NEW HAMPSHIRE
BEFORE THE
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**

Appearance

As provided by N.H. Code of Admin. Rule Site 202.04, please enter my Appearance as counsel for the New England Power Generators Association, Inc. (NEPGA) in the above-captioned matter. I am licensed to practice law in New Hampshire. I agree to adhere to the Committee's rules of practice and procedure and to adhere to any order of the Committee or agreements between the parties in the docket, including orders or agreements addressing confidentiality.

Dated: February ^{4th}/₇, 2016

Respectfully submitted,

**New England Power
Generators Association, Inc.**

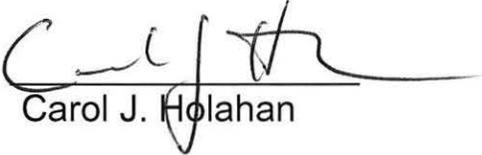
By its Attorney,



Carol J. Holahan
141 Tremont Street
Boston, MA 02111
NH Bar No. 6584
(617) 902-2354
cholahan@nepga.org

Certificate of Service

I hereby certify that a copy of the foregoing Appearance has on this
4th day of February 2016 been sent by email to the service list in
SEC Docket 2015-06.

By: 
Carol J. Holahan