

The 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 to Construct a New Voltage Transmission Line and Related Facilities in New Hampshire

Objection to Applicants' Restrictive Procedural Schedule

Intervenors Kevin Spencer and Mark Lagasse object to the following procedural limitations proposed by Applicants:

1. Applicants at page 1, item 3 of their "Procedural Schedule" propose: "May 6, 2016-Counsel for the Public Files Motion to Engage Consultants".

The restrictive suggestion that only the Counsel for Public can file a motion to engage an expert has no support whatever in RSA 162-H. To the contrary, RSA 162-H: 10, IV specifically provides that the Site Evaluation Committee (Committee) is empowered to require from the applicant whatever information it deems necessary to assist in the conduct of the hearings. The language found in RSA 162-H: 10, V provides that the counsel for the public shall conduct shall conduct reasonable studies at the expense of the applicant as deemed necessary to effect the purpose of RSA 162-H, however, nothing in the statutory language prohibits an intervenor from asking for the same relief.¹

All intervenors, especially those with limited resources, should, indeed must, have the right to bring concerns to the Committee that bear on the Committee's statutory duties set forth in RSA 162-H:4 and in making the public interest finding required by RSA 162-H: 16, IV(e).² Many of those concerns must be addressed by expert advice and testimony at the expense of the Applicants.

¹ It is noted that Counsel for the Public has proposed that it will file motions to retain experts on or before June 1, 2016.

² For example, in the Applicants' recently pre-filed testimony, witness Julia Frayer of London Economics LLC, stated that Northern Pass Transmission LLC (NPT) would bear the expenses of construction of the Northern Pass. Witness Frayer went on to testify that NPT would recover those costs from Hydro-Quebec, that the Northern Pass will be offered into the "Clean Energy RFP and that "some Project costs (including both capital costs and O&M costs)" may be passed on to consumers. Witness Frayer goes on to note that her analysis allocates those costs to Connecticut, Massachusetts and Rhode Island. Witness Frayer did not discuss the cost implications for New Hampshire distribution customers, an unacceptable omission in a docket that requires a public interest finding. It is unknown what position Counsel for the Public will take regarding the London Economics International LLC analysis, the Frayer testimony and the potential project costs for New Hampshire distribution rate payers.

2. Applicants at page 1, item 6 of their “Procedural Schedule” propose: “June 10, 2016-Counsel for the Public propounds all data requests upon Applicants that require assistance of an expert consultant”.

Nothing in RSA 162-H or the Committee rules prohibits interveners from propounding data requests on Applicants that require assistance of an expert. The restrictive implications of the Applicants’ Proposal is objectionable.

3. Applicants at page 1, item 9 of their “Procedural Schedule” propose: “Applicants respond to Counsel for the Public’s second round of data requests”.

This second data request “Proposal” is an objectionable sequel to the restrictive idea that only the Counsel for the Public can submit data requests that require expert advice. Nothing in RSA 162-H or Committee rules prohibits any intervener from propounding a second set of data requests. A second set of data requests may be necessitated by unresponsive NPT answers to the first set of data requests or as follow up to the answers provided, including after technical sessions.

Wherefore

Interveners Kevin Spencer and Mark Lagasse respectfully request that the Committee issue a Procedural Order without the limitations proposed by Applicants on: (1) interveners’ right to seek Committee ordered expert testimony pursuant to RSA 162-H: 10, IV; and, (2) interveners’ right to propose data requests on Applicants as necessitated by the Applicants’ responsiveness to interveners’ data requests

Respectfully submitted,

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Certificate

I certify that this document was filed and served in accordance with the New Hampshire Site Evaluation Committee Rules

Arthur B. Cunningham