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May 12, 2016

Via Electronic Mail/Hand Delivery

Ms. 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
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 Construction of a New High Voltage Transmission Line in New Hampshire

Dear Ms. Monroe,

The Applicants enclose for filing in the above-captioned matter, an original and 1 copy of their Objection to Various Motions to Reconsider or Clarify Temporary Procedural Schedule.

Please contact me directly should you have any questions.

Sincerely,

Thomas B. Getz

TBG:slb

cc: Distribution List

STATE OF NEW HAMPSHIRE
BEFORE THE
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-06

NORTHERN PASS TRANSMISSION LLC AND
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY

APPLICATION FOR CERTIFICATE OF SITE AND FACILITY

OBJECTION TO VARIOUS MOTIONS TO
RECONSIDER OR CLARIFY TEMPORARY PROCEDURAL SCHEDULE

NOW COMES Northern Pass Transmission LLC ("NPT") and Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH") (jointly, the "Applicants") by and through their attorneys, McLane Middleton, Professional Association, and respectfully submit this objection, pursuant to Site 202.14 (f), to various motions filed in the above-captioned docket regarding the Presiding Officer's April 22, 2016 order setting a temporary procedural schedule ("Scheduling Order").

1. On May 2, 2016, the Society for Protection of New Hampshire Forests ("SPNHF") filed a motion to clarify the Scheduling Order that, more accurately, is a motion to amend the Scheduling Order. SPNHF inquires about a second round of data requests, states that it would be unable to develop all its data requests until the Site Evaluation Committee ("SEC" or "Committee") makes determinations about the Applicants' motions for confidential treatment and waiver of certain rules, and, anticipating a motion filed by Counsel for the Public ("CFP") on May 3, 2016, argues that, if CFP is granted additional time to issue data requests assisted by its consultants, SPNHF should also have a second, and subsequent, opportunity.

2. On May 3, 2016, CFP filed a motion requesting that the Scheduling Order be amended to allow a second round of data requests that would be prepared with the assistance of

consultants who are soon to be engaged, and for whom CFP intends to file a motion to retain by May 13, 2016. Specifically, CFP asks that, in addition to the three rounds provided for in the Scheduling Order, a second CFP round (or a fourth round overall), be added and that the deadline for such data requests would be 30 days after an order is issued approving the retention of its consultants.

3. On May 3, 2016, the City of Concord, several towns, and the Ashland Water and Sewer Department together filed a notice of joinder in the SPNHF motion. The Conservation Law Foundation, Appalachian Mountain Club, Ammonoosuc Conservation Trust, and the New Hampshire Sierra Club together filed a similar notice of joinder on May 4, 2016, as did Grafton County. On May 6, 2016, the New England Power Generators Association, Inc. ("NEPGA") filed a motion seeking additional time to prepare data requests related to, among other things, the redacted portions of the report and testimony of Julia Frayer. On May 10, 2016, SPNHF filed a supplement listing the positions of other parties with respect to its motion.

4. With respect to CFP's motion, the Applicants do not oppose the Committee providing some additional time for preparation of data requests with the assistance of consultants in the categories identified by CFP. The Applicants have met with CFP regarding the retention of consultants and hope that they will be in a position to support CFP's motion. In any event, it appears that CFP'S motion will be filed within days of the 150-day deadline for state agencies to file progress reports to the SEC on their parts of the Application. The Applicants believe that CFP has had sufficient time to retain consultants and that the deadline for its second round of data requests should be no later than June 13, 2016.

5. As for SPNHF's motion and the joinders to it, the Applicants oppose amending the Scheduling Order to include what would be a fifth round of data requests. As explained

above, the Applicants accede to a fourth round (CFP's second round) but reject the proposition that SPNH *et al.* should be accorded another opportunity to issue data requests, after CFP, on the theory that the only way to avoid duplication is for CFP to go first. It is equally possible to avoid duplication by SPNH *et al.* going first in certain areas and CFP following up. SPNHF *et al.* are not required to seek the SEC's authority to hire consultants and therefore should be in position to issue data requests on all topics, by May 20, 2016, except as discussed below.

6. The Applicants acknowledge some validity to points made by SPNHF concerning material covered by the outstanding motions for confidentiality and waiver of certain rules. With respect to the report and testimony of Julia Frayer, a great deal of that material is unredacted and the Applicants are hopeful that a protective order will be issued soon, which should put SPNHF *et al.* in a position to issue data requests concerning any confidential materials by June 13, 2016, that is, coincident with what would be the fourth overall round of data requests. As for the motions for waiver, the Applicants are hopeful that the waivers will be granted but, in the event they are not, they contend that discovery on any additional material does not require the issuance of data requests and could readily be accomplished through the technical sessions that still need to be scheduled.

7. Finally, regarding NEPGA's motion, the Applicants point out the following. The Scheduling Order did not grant NEPGA intervention in this proceeding. The Committee has yet to issue an order memorializing its deliberations from the hearing on April 12, 2016. The inclusion of NEPGA among those parties required to file data requests by May 20, 2016, is no more than a procedural device or placeholder; not a substantive ruling. In regard to the pending issuance of the Committee's order, the Applicants, pursuant to Site 202.29, will have 30 days after which to file a motion for rehearing with respect to NEPGA's status. Furthermore, to the

extent NEPGA is permitted to participate, the Applicants would file a motion to prohibit NEPGA access to material that the SEC determines is competitively sensitive.

8. The Scheduling Order is a significant step forward in achieving the goals of full and timely consideration of the issues, while avoiding undue delay, and meeting the statutory time frames under RSA 162-H:7. The Applicants therefore ask the Committee to leave the Scheduling Order in place and add to it in the limited manner discussed above. To the extent the Committee takes such steps, the temporary schedule can be further developed to provide for technical sessions in late July and early August, with a deadline for CFP and intervenor testimony in mid-August.

WHEREFORE, the Applicants respectfully request that the Committee:

A. Deny CFP's motion to the extent it leaves open the deadline for filing a round of consultant-assisted data requests;

B. Deny SPNHF's motion to the extent described herein;

C. Deny NEPGA's motion; and

D. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy

By Its Attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: May 12, 2016

By: _____

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Certificate of Service

I hereby certify that on the 12th of May, 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.

_____
Thomas Getz