



BARRY NEEDLEMAN  
Direct Dial: 603.230.4407  
Email: barry.needleman@mclane.com  
Admitted in NH, MA and ME  
11 South Main Street, Suite 500  
Concord, NH 03301  
T 603.226.0400  
F 603.230.4448

May 25, 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,

Enclosed for filing in the above-captioned docket, please find an original and one copy of the Applicants' Objection to the Deerfield Abutters' Motion to File Additional Data Requests.

Please contact me directly should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Needleman".

Barry Needleman

BN:slb

cc: Distribution List

**STATE OF NEW HAMPSHIRE**  
**SITE EVALUATION COMMITTEE**

**SEC DOCKET NO. 2015-06**

**JOINT APPLICATION OF NORTHERN PASS TRANSMISSION LLC &  
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
D/B/A EVERSOURCE ENERGY  
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANTS' OBJECTION TO THE DEERFIELD ABUTTERS' MOTION TO FILE  
ADDITIONAL DATA REQUESTS**

NOW COME Northern Pass Transmission LLC (“NPT”) and Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”) (collectively the “Applicants”), by and through their attorneys, McLane Middleton, Professional Association, and respectfully submit this Objection to the Deerfield Abutters’ Motion to File Additional Data Requests (the “Motion”).

**I. Background**

1. In the March 18, 2016 Order on Petitions to Intervene (the “Order”), the Presiding Officer grouped abutting property owners residing in the towns of Deerfield, Ashland, Northfield, Canterbury, Concord and Allenstown.
2. A number of abutters in this group residing in the Town of Deerfield subsequently filed a joint motion requesting to participate as an independent group of intervenors.
3. A hearing on this and other outstanding motions was held on April 12, 2016.
4. On May 20, 2016 the Subcommittee issued a Subcommittee Order on Review of Intervention (“Subcommittee Order”). The Subcommittee Order granted the Deerfield Abutters’ request allowing them to participate as an independent group of intervenors.

5. On May 18, 2016 the Deerfield Abutters filed a Motion with the New Hampshire Site Evaluation Committee (“SEC” or “Committee”) in which they ask the Committee to grant their request for an additional forty-two data requests above the regulatory limit of fifty. *See* Site 202.12.

## **II. Standard for Requesting Additional Data Requests**

6. Site 202.12(d) sets out the requisite standard that must be satisfied before a request for additional data requests may be considered by the Committee. First, the requesting party must show that the proposed number of data requests is necessary to address the complexity of relevant issues. Second, the requesting party must show that the additional data requests would not adversely affect the conduct of the proceedings. *See* Site 202.12(d).

## **III. Discussion**

7. The Deerfield Abutters’ motion fails to sufficiently demonstrate either of the threshold requirements under Site 202.12(d). Any party requesting additional data requests has an obligation to identify specific relevant issues and explain specifically why such issues are sufficiently complex to necessitate additional data requests. The Deerfield Abutters have failed to point to a single issue that they will be unable to address.

8. Instead, they argue that “Each abutter presents with differing concerns – topography, wildlife, valuation, history, location and proximity to infrastructure -- regarding his or her property as it related to the construction and development of the Project.” Motion at 1. The Deerfield Abutters also state that the Project is of “unprecedented size and scope in the State of New Hampshire having filed an Application containing over twenty-five thousand pages.” *Id.*, at 2.

9. These arguments are far too general to support the relief being requested. The rule requires a showing of need based on the complexity of relevant issues before the proceeding. Merely stating that the Project is large and complex cannot be construed as substantive evidence of the alleged complexity of specific relevant issues.

10. Additionally, the assertions in the Deerfield Abutters' Motion are inconsistent with the arguments this same party offered when requesting separate intervenor status in the first place. At the April 12, 2016 hearing, the Deerfield Abutters stated "[t]hat they share *common* concerns about the effect of the Project on their properties, the natural environment, and wetlands..." Subcommittee Order at 21 [emphasis supplied]. The Subcommittee, finding that the Deerfield Abutters had "[d]emonstrated a cohesiveness and unity of purpose", granted the joint motion." *Id.*, at 21. The Deerfield Abutters' request to be separately grouped was specifically predicated on their shared, common interests and demonstrated ability to work together.

11. The Deerfield Abutters' argument also misapplies the regulatory standard under Site 202.12(d). As an apparent subset underlying the argument that the complexity of the issues justifies the need for additional data requests, the Deerfield Abutters seem to assert that the number of abutters within their group in some way also justifies this request. Notwithstanding the fact that this argument has no legal basis, the Applicants feel compelled to address the issue.

12. First, the Deerfield Abutters state they "have fourteen individuals whose properties cross a large swath of Deerfield culminating in the substation expansion." Motion at 1. The record indicates that the group consists of nine different independent abutters from Deerfield, roughly half the size of the original grouping of seventeen. *See* Subcommittee Order at 35. The record also shows that these nine abutters voluntarily grouped themselves based on their

shared interests in the outcome of this proceeding. *See* Transcript of Hearing on Pending Motions at 264. Thus, the Deerfield Abutters have already effectively doubled the number of data requests they may propound simply by separating themselves from the original group.

13. Moreover, disregarding the question of *whether* the Deerfield Abutters in fact have distinguishable interests in this proceeding, they have not sufficiently demonstrated *how* their interests are so materially different as to warrant the relief being sought. They list several broad “concerns” and seemingly offer that not every abutter shares in these concerns to the same degree with regard to his or her specific property. *See* Motion at 1. However, they fail to demonstrate why, collectively, they cannot explore each issue within the bounds of the regulatory limit for discovery. That is, they have not demonstrated any actual necessity for the requested relief.

14. The Deerfield Abutters also contend that permitting an increase in the number of allowed data requests will not adversely affect the conduct of the proceeding. They do not, however, offer any argument or evidence in support of this assertion.

15. In the March 18, 2016 Order on Petitions to Intervene the Presiding Officer found that each abutter in the original grouping had a substantial interest in the proceeding, but “To ensure the orderly conduct of [the] proceeding”, grouped them together as a single intervenor group. Order on Petitions to Intervene at 24. In the May 20, 2016 Subcommittee Order, the Subcommittee found that “The orderly and prompt conduct of these proceedings will not be impaired by allowing the Deerfield residents to intervene as a separate group.” Subcommittee Order on Review of Intervention, at 21. The issue of discovery was impliedly incorporated into both of these assessments. Notably, the Subcommittee’s decision was explicitly based on the Deerfield Abutters’ demonstration that they share common interests in

this proceeding. *See Id.* Granting the Deerfield Abutters' request will only serve to interfere with the balance that the Presiding Officer and Subcommittee have worked to preserve.

16. The Applicants have consistently maintained that the number of parties in this proceeding represents the upper limit of a workable number. The Applicants now face a heavy burden of responding to what will most likely be an enormous number of data requests. The Applicants maintain that granting additional data requests absent a very specific showing of absolute necessity will almost undoubtedly be disruptive, threaten the orderly conduct of the proceeding, and compromise the fair balance between the competing due process rights of all parties to this proceeding.

Respectfully submitted,

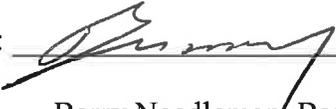
Northern Pass Transmission LLC and Public  
Service Company of New Hampshire d/b/a  
Eversource Energy

By Their Attorneys,

McLANE MIDDLETON,  
PROFESSIONAL ASSOCIATION

Dated: May 25, 2016

By: \_\_\_\_\_

  
Barry Needleman, Bar No. 9446  
Tom Getz, Bar No. 923  
Adam Dumville, Bar No. 20715  
11 South Main Street, Suite 500  
Concord, NH 03301  
(603) 226-0400  
[barry.needleman@mclane.com](mailto:barry.needleman@mclane.com)  
[tom.getz@mclane.com](mailto:tom.getz@mclane.com)  
[adam.dumville@mclane.com](mailto:adam.dumville@mclane.com)

Certificate of Service

I hereby certify that on the 25<sup>th</sup> 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 SEC Distribution List.

  
Barry Needleman