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August 15, 2016

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

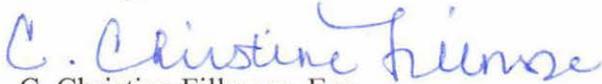
**Re: New Hampshire Site Evaluation Committee Docket No. 2015-06
Northern Pass Transmission Project Application**

Dear Ms. Monroe:

Enclosed for filing with the NH Site Evaluation Committee in connection with the above-referenced docket, please find originals of the following documents, filed electronically this afternoon: (a) Motion to Compel Responses to Data Requests Propounded by Municipal Group 1 South, and (b) Motion to Compel Responses to Data Requests Propounded by Municipal Group 2.

Copies of the enclosed document have been sent by e-mail today to each person listed on the SEC distribution list for this docket as of August 15, 2016. Thank you for your assistance with this matter.

Sincerely,


C. Christine Fillmore, Esq.

cc: Distribution List (e-mail)
Steven Whitley, Esq.

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

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 the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

**MOTION TO COMPEL RESPONSES TO DATA REQUESTS PROPOUNDED BY
MUNICIPAL GROUP 1 SOUTH**

Municipal Group 1 South, consisting of the Towns of Northumberland, Whitefield, Dalton, Bethlehem, and Littleton (“Municipal Group 1 South”), by and through attorneys for Littleton (Mitchell Municipal Group, P.A.) and attorneys for Northumberland, Whitefield and Bethlehem (Gardner, Fulton & Waugh, PLLC), and with the assent of Dalton, respectfully move to compel responses to data requests in accordance with N.H. Admin. R. Site 202.12(k) and 202.14, stating as follows:

1. On May 31, 2016, Municipal Group 1 South propounded its first set of data requests. On July 11, 2016, Municipal 1 South received the Applicants’ responses to those data requests. However, those responses were not complete. *See* Exhibit A. The Applicants and representatives of several of the governmental entities and non-governmental entities met on July 26, 2016 to discuss discovery-related issues and some of the incomplete responses. The Applicants sent an email on August 11, 2016 indicating that it would not be providing internal communications relating to the Northern Pass project on the basis that it believes that those documents are not relevant or material to the SEC proceeding. *See* Exhibit B. It is apparent that any effort to obtain such documents will be unsuccessful.

2. N.H. Admin. R. Site 202.12(b) entitles parties to the proceeding to serve data requests, “which may consist of a written interrogatory or request for production of documents.” N.H. Admin. R. Site 202.12(l) further provides that the presiding officer shall authorize “any

other discovery method permissible in civil judicial proceedings before a state court, when such discovery is necessary to enable the parties to acquire evidence admissible in a proceeding.”

3. In New Hampshire, “the basic assumption [is] that the orderly dispatch of judicial business is accomplished more efficiently where every plaintiff and every defendant is given adequate opportunity to properly prepare his case before trial,” and tribunals are therefore empowered to compel discovery responses. *Durocher’s Ice Cream, Inc. v. Peirce Const. Co.*, 106 N.H. 293, 295 (1965) (internal quotation omitted).

4. The fact that this case involves an administrative proceeding before the Site Evaluation Committee does not modify the Applicants’ obligations to provide the requested information and documents. As legal counsel for the Applicants have acknowledged in another case, the standard for discovery before the Site Evaluation Committee is similar to civil litigation, and the ability to obtain documents should be broadly construed. *See* Exhibit C. In that case, New Hampshire Rule of Evidence 401 was referenced to address what type of evidence would be relevant. *Id.* New Hampshire Rule of Evidence 401 defines “relevant evidence” as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”

5. Here, the responses to the data requests are incomplete for a number of reasons. As an initial matter, the responses do not identify the individuals who provided the responsive information. Instruction 7 in the Data Requests specifically requested that, for each response, Applicants “Identify the person who provided the responses and who will be responsible for testimony concerning each request. Also for each response, Identify each individual who

supplied any Information in response to the question.”¹ Each of the data request responses should be supplemented to provide such information. The obligation to identify the individual who provided the response is further addressed by other parties seeking to compel that information, and their legal arguments are incorporated by reference herein.

6. Applicants’ responses are also globally incomplete because the Applicant has not provided internal communications relative to the data requests. Applicants’ counsel has stated that the “Applicants did not produce certain internal communications because such communications are not relevant or material to the SEC’s determination as to whether the Application meets the specific findings required for issuance of a Certificate.” *See* Exhibit B. However, the scope of discovery in this proceeding is, as noted in paragraph 4 above, broad enough to encompass evidence affecting any fact of “consequence.” The data requests seek information regarding the impacts of the Project, and each is relevant to the determination of whether the Applicants have met the standards in RSA 162-H:16, IV(a), (b), (c), and/or (d). The Applicants should be required to produce all information, documents and communications responsive to the requests.

7. In addition, the Applicants’ responses are insufficient because many are in formats that require the requesting parties to purchase costly software simply to read and view them. Following the July 26, 2016 meeting between the Applicants and representatives of several of the intervening parties, the Applicants provided the parties with a list identifying the software required to view the 25 different file types in which the Applicants had produced documents. *See* Exhibit D. However, of these file types, only 9 are readily-available formats. The remaining file types require the purchase of expensive software licenses. Production of

¹ Please note that Municipal Groups 1 South, 2, 3 North, and 3 South included identical Instructions with their data requests.

documents in these formats is simply not compatible with the basic assumption regarding discovery in New Hampshire, namely, that “the orderly dispatch of judicial business is accomplished more efficiently where every plaintiff and every defendant is given adequate opportunity to properly prepare his case before trial,” and tribunals are therefore empowered to compel discovery responses. *Durocher’s Ice Cream, Inc. v. Peirce Const. Co.*, 106 N.H. 293, 295 (1965) (internal quotation omitted). This assumption underlies the conduct of discovery in New Hampshire regarding electronically stored information as well as traditional paper documents. For instance, New Hampshire Superior Court Rule 25(d) provides that electronically stored information may be sought and obtained in discovery and that it may be “stored in any medium from which information could be obtained either directly, or, if necessary, after translation by the responding party into a reasonably usable form.” The Applicants should not be permitted to withhold information from the other parties to this matter by providing it in a format that is unreasonably difficult to view.

8. Many of the data request responses are also incomplete. The following sets forth the specific data requests that need to be additionally supplemented:

(a) Data Request 2:

Please provide detailed plans, specifications, reports, studies and source of funding for the cost of potential roadbed failure, asphalt failure, differential settlement, differential frost heaving, the amount of heat energy released to the trench from the lines, cave-ins both with and without traffic, truck cave-ins, or any other impact of continuous driving over the installed buried line in the buried portions of the Project, including the amount of bonding during construction allocated to cover the potential municipal costs as well as long-term bonding and guarantee of the integrity of such roadways.

The response to this data request is incomplete because Applicants’ answer simply recites generalizations regarding restoration (at least pre-construction condition, or better “in some cases”), assurances that NH DOT will monitor the work, assurances that there will

be “adequate insurance,” unsupported statements that the Project does not anticipate any additional maintenance issues with local or State-maintained roadways, and a reference to portions of the Application. The intent of the request was to obtain detailed information regarding these issues, and the Applicants have failed to provide it.

(b) Data Request 9:

Produce all documents, information and communications that evidences, discusses or relates to boring and blasting for the Project that was not provided in the Application, including seismic studies, groundwater flow mapping; aquifer depth, well mapping (private and municipal); drilling results; anticipated location; scope and extent; engineering estimates and plans; contamination risk; contamination monitoring plan; contamination mitigation plan; nearby structures and infrastructure that could be impacted; disposition of blasted rock and/or borings; identification of chemicals and products to be used; plan; specifications; pre-construction surveys for all existing municipal and private infrastructure; criteria used to determine the extent of vibration, blasting, and blasting, concussion; and location of bedrock.

The response is inadequate because, although the request was for documents, information and communications not included in the Application, the response refers to portions of the application, and provides only summary additional information. The rest of the response is essentially an explanation that “Applicants are currently conducting additional geotechnical investigations and utility and ground surveys to support the design for the underground portion of the project.” To the extent the Applicant does not yet have such vital information for the Committee and State agencies to review, and for the other parties in this matter to consider, Municipal Group 1 South requests that the proceedings be stayed pursuant to Grafton County’s Motion to Order Responses to Interrogatories, filed today.

(c) Data Request 20:

Identify all contractors for every aspect of the Project who have a verbal or written agreement, memorandum of understanding or contract, or who have submitted a preliminary bid for the same, with You or an affiliate of Yours for the Project.

The Applicants object to this request on the basis of confidentiality; however, Group 1 South has entered a confidentiality agreement with the Applicants for the provision and protection of confidential information, but still has not received any documents responsive to this request. The Applicants also objected on the basis of relevance; however, the cost of the project is relevant to the public interest component. Applicants' response is inadequate, as it refers only to a description of the team of contractors, publicly available on its website. Applicants should be required to produce responsive documents.

(d) Data Request 26:

Please provide in detail Your plans to provide independent inspections and construction observation services, and specifications of all observational material, equipment, procedures and activities, and the method to finance and fund the independent inspection monitors for the construction in each municipality along the proposed Project route, both on municipal and state rights-of-way or adjacent thereto, including the method and schedule to be used to reimburse both public and private property owners for these costs.

The response to this data request is incomplete because Applicants' response was to provide one document and several references to the Application and a response previously provided to the Department of Energy, all of which contain summary information rather than the detailed information requested in this question.

(e) Data Request 27:

Please provide all detailed plans, specifications, management of and Project schedule to perform all pre-drilling, pre-blasting, and pre-construction surveys for all existing municipal infrastructure including the criteria used to determine the extent of vibration, blasting and blasting concussion, and identify all the existing municipal and private infrastructure foundations and other improvements, both

above and below ground prior to any construction along the proposed Project route.

The Applicants' response referred to the response to Data Request 9 above, and thus Group 1 South incorporates its arguments set forth above regarding Data Request 9 as its statement herein regarding Data Request 27.

(f) Data Request 28:

Please provide all filings made at the NH Public Utility Commission, including all applications, plans, specifications, reports, studies, layouts, etc. of all stream crossings, the number of the docket and application for approval. Also include as a part of this all similar documents for all other stream crossing for which NH PUC approval is not required, but for which the Project will require a crossing.

The response to this data request is inadequate. The Applicants referred to portions of the Application and provided no additional information.

(g) Data Request 29:

Please provide all documents, information, communications, correspondence, meeting minutes, notes and reports, and identify all individuals involved, and describe the substance of all conversations and meetings related to the use of the Interstate 93 corridor for electric transmission which You have had with the NH Department of Transportation, US Department of Transportation, and any other state or federal agencies.

The Applicants objected to this request to the extent it seeks confidential information. However, Group 1 South has entered a confidentiality agreement with the Applicants and still has not received a complete response to this request. The Applicants also object on the basis of relevancy; however, the feasibility of the I-93 corridor as a route is relevant to the public interest component of the SEC review. The responses provided simply were not responsive to this request.

(h) Data Request 30:

Please provide all reports, analyses, calculations and work papers related to the construction estimating and costs to build the Project in the Interstate 93 right of way,

including the analysis of the differences between the proposed Route and the Interstate 93 corridor, and State the Basis of your conclusion that it is not feasible to construct the Project along the Interstate 93 corridor.

The Applicants objected to this request to the extent it seeks confidential information. However, Group 1 South has entered a confidentiality agreement with the Applicants and still has not received a complete response to this request. The Applicants also object on the basis of relevancy; however, the feasibility of the I-93 corridor as a route is relevant to the public interest component of the SEC review. The responses provided simply were not responsive to this request.

(i) Data Request 31:

Please provide all Documents, Information and Communications you have had regarding a detailed comparison between the proposed Project route and a route for the Project down Interstate 93, including the cost differences for length, location, construction costs, and interferences, including any differences found between construction in northern New Hampshire versus southern New Hampshire.

The Applicants objected to this request to the extent it seeks confidential information. However, Group 1 South has entered a confidentiality agreement with the Applicants and still has not received a complete response to this request. The Applicants also object on the basis of relevancy; however, the feasibility of the I-93 corridor as a route is relevant to the public interest component of the SEC review. The responses provided simply were not responsive to this request.

(j) Data Request 32:

Please provide all information, communications, memos and discussions You have had with the State of New Hampshire and the US Department of Transportation regarding payments and revenue for leases for leasing of the Interstate 93 right of way owned by the State of New Hampshire for the Project, the extent of the payments offered, the terms of the lease, the length of the lease, and the gross revenue anticipated in the Interstate 93 proposal to the State of New Hampshire over the life of the lease.

The Applicants objected on the basis of relevancy; however, the feasibility of the I-93 corridor as a route is relevant to the public interest component of the SEC review. The responses provided simply were not responsive to this request.

(k) Data Request 33:

Please provide all plans, maps, elevations, and any other information related to interferences, bridges, river crossings, sensitive wetlands, and all cost estimates related to the construction of the Project in the Interstate 93 right of way, including mitigation of all interferences.

The Applicants objected to this request to the extent it seeks confidential information. However, Group 1 South has entered a confidentiality agreement with the Applicants and still has not received a complete response to this request. The Applicants also object on the basis of relevancy; however, the feasibility of the I-93 corridor as a route is relevant to the public interest component of the SEC review. The responses provided simply were not responsive to this request.

(l) Data Request 34:

Please provide all of the Interstate 93 right of way route maps showing the center line of the highway and the outside shoulders of the northbound and southbound lanes, including in Franconia Notch, that You used to prepare your cost estimates, make Your comparisons, and decide that the Interstate 93 right of way was not feasible for this Project.

The Applicants objected on the basis of relevancy; however, the feasibility of the I-93 corridor as a route is relevant to the public interest component of the SEC review. The responses provided simply were not responsive to this request.

(m) Data Request 36:

Please explain why the Hydro Quebec Phase 2 corridor described [in Data Request 35] is not the preferred route for a buried underground transmission line for the Project, and State the Basis for that conclusion.

The Applicants objected on the basis of relevancy; however, the feasibility of the Hydro Quebec Phase 2 right of way from Monroe, NH to Sandy Pond as a route is relevant to the public interest component of the SEC review. The responses provided simply were not responsive to this request.

WHEREFORE, it is respectfully requested that the Chair of the Site Evaluation Committee:

- A. Grant the motion to compel;
- B. Require the Applicants to provide the requested information and documents; and
- C. Grant such other and further relief as may be just.

Respectfully submitted,

MUNICIPAL GROUP 1 SOUTH

TOWN OF LITTLETON

By and through its attorneys,

MITCHELL MUNICIPAL GROUP, P.A.

Dated: August 15, 2016

By: *For Steven M. Whitley*

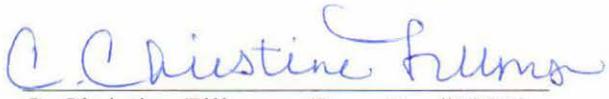
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TOWNS OF NORTHUMBERLAND,
WHITEFIELD and BETHLEHEM

By and through their attorneys,

GARDNER, FULTON & WAUGH, PLLC

Dated: August 15, 2016

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Data Requests have this day been forwarded via e-mail or mail to persons named on the Distribution List of this docket.

Dated: August 15, 2016

By: 
C, Christine Fillmore, Esq.

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' RESPONSES TO MUNICIPAL GROUP 1 SOUTH
TOWNS OF NORTHUMBERLAND, WHITEFIELD, DALTON, BETHLEHEM, AND
LITTLETON'S DATA REQUESTS AND INTERROGATORIES – SET 1**

Preliminary Statement and General Objections

The responses provided were prepared by Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (the “Applicants”). All responses contained herein are subject to the following general objections.

The Applicants object to each data request to the extent the data request seeks information that is irrelevant to the Site Evaluation Committee’s determination of whether issuance of a Certificate will serve the objectives of RSA 162-H and is therefore not reasonably calculated to lead to the discovery of admissible evidence. The Applicants further object to each data request to the extent that the data request is vague and/or ambiguous, overbroad and unduly burdensome, or seeks information that is not within the Applicants’ possession custody or control; calls for attorney-client privilege and/or work product privilege protected information; seeks business confidential information and/or information that is either fully contained in the Application or information that is in the public domain and equally available to Municipal Group 1 South and the Applicants.

To the extent any data or document request herein seeks to obtain prior drafts, notes, or edits of any expert or consultant report, drawings, diagrams, photosimulations, or any other information contained in the Application, pre-filed testimony, and attached appendices, the Applicants object as the request is unduly burdensome, duplicative, irrelevant and not likely to lead to admissible evidence, and/or is attorney/client privileged or protected as work-product pursuant to state and federal law. *See* RSA 541-A:33 (stating that the “presiding officer may exclude irrelevant, immaterial or unduly repetitious evidence” and providing that “[a]gencies shall give effect to the rules of privilege recognized by law”); RSA 516:29-b (requiring a witness retained or specifically employed to provide expert testimony to only disclose “the facts or data considered by the witness in forming the opinions”), which was recently amended to remove the requirement that an expert disclose such “other information” and to make the New Hampshire expert disclosure law consistent with recent amendments to Fed. R. Civ. Pro. 26, which explicitly protects prior draft reports from experts. *See also* Fed. R. Civ. Pro. Rule 26(b)(4)(B)

(protecting drafts of any report or disclosure required under the general witness disclosure rules regardless of the form in which the draft is recorded).

To the extent any data or document request herein seeks Critical Energy Infrastructure Information (“CEII”), the Applicants object as this information is not discoverable. *See* RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). *See also* 18 C.F.R. § 388.11 (CEII means “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (i) Relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) Could be useful to a person in planning an attack on critical infrastructure; (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and (iv) Does not simply give the general location of the critical infrastructure”).¹ The Applicants are not in a position to disclose information that is deemed CEII. Any person seeking such CEII is required to sign a non-disclosure agreement consistent with the applicable requirements of ISO-NE, NERC and any other relevant standards. Should any party enter into the required non-disclosure agreement, the Applicants will provide copies of the requested CEII information if the requesting party demonstrates a required need to obtain such information.

If NPT inadvertently produces or discloses a document or information to another party (the “Receiving Party,” which term is intended to include all parties receiving such disclosure) that is allegedly privileged or otherwise immune from discovery, once it learns of the inadvertent production, NPT will so advise the Receiving Party in writing, state and substantiate the basis for the alleged privilege or immunity, and request that the item or items of information be returned. If these conditions are met in a timely manner, the Receiving Party will return such inadvertently produced item or items of information and all copies thereof within ten (10) calendar days of the written request and shall refrain from utilizing said items in any manner or form. Inadvertent production of documents or information that is allegedly privileged or otherwise immune from discovery shall not automatically constitute a waiver of any privilege or immunity.

To the extent that any data or document request herein seeks to obtain information that is protected as confidential pursuant to the Committee’s May 25, 2016 Order on Motion for Protective Order and Confidential Treatment, or otherwise qualifies for protective treatment pursuant to PSA 91-A:5, the Applicants object to production unless a party has complied with the requirements of an SEC order or agreement for protective treatment governing confidential documents in this proceeding. To the extent that a Data Response refers to a document that has been afforded confidential treatment or otherwise provides information in response to any data or

¹ Confidential infrastructure information includes, but is not limited to, CEII information, critical infrastructure information as defined by the Department of Homeland Security (“DHS”), including any Protected Critical Infrastructure Information (“PCI”), to the extent certified as such by the DHS, pursuant to the Critical Information Act of 2002 (See Final Rule at 6 C.F.R. Part 29, Sept. 1, 2006); Confidential information regarding critical assets and critical cyber assets, which are subject to the North American Electric Reliability Council (“NERC”) Critical Infrastructure Protection (“CIP”) standards (CIP-002 through CIP-009) pertaining to the reliability and availability of the Bulk Electric System in North America (“Confidential CIP”); any other infrastructure information designated by an Applicant as proprietary and confidential, whether furnished before or after the date hereof, whether oral, written or recorded/electronic, and regardless of the manner in which it is furnished; and all reports, summaries, compilations, analyses, notes or other information which contain the foregoing information.

document request relating to materials that are protected as confidential, the Applicants do so without waiving the confidentiality of the respective documents.

Responses

MGIS 1-1 Describe with specificity how the Application accounts for the visibility of the wires with respect to the difference between how the brain interprets and reacts to industrial versus natural features, and if Your Application does not account for this, explain why not.

Response: Visibility is a function of many variables, including distance to the observed object, visual acuity of the observer, atmospheric conditions, and contrasts between the object and its background. The analysis of landscape compatibility used in the Visual Impact Assessment (“VIA”) for the Northern Pass Project evaluates the project components (including the conductors, or transmission wires) to determine how they will relate to their immediate surroundings. The analysis includes consideration of contrasts in form, line, color, and texture. The analysis of conductor visibility pays particular attention to the lines in the landscape, since they are generally perceived as man-made features, especially when viewed against a naturalistic background. Under certain circumstances, the eye is drawn to the conductors due to the contrast that is created relative to the surrounding forest cover or other natural environment. The methodology used in the determination of landscape compatibility is presented in the VIA in Section 8.3.1 on Page M-13.

MG1S 1-2 Please provide detailed plans, specifications, reports, studies and source of funding for the cost of potential roadbed failure, asphalt failure, differential settlement, differential frost heaving, the amount of heat energy released to the trench from the lines, cave-ins both with and without traffic, truck cave-ins, or any other impact of continuous driving over the installed buried line in the buried portions of the Project, including the amount of bonding during construction allocated to cover the potential municipal costs as well as long-term bonding and guarantee of the integrity of such roadways.

Response: Following construction of the Project, all roadways will be restored to at least their pre-construction condition, or better in some cases, and will meet all NH DOT standards and guidelines, in a manner that does not impact the safe public use of the roadway after construction. On large projects, such as NPT, the NH DOT will typically monitor the permitted work to assure that the applicant constructs in accordance with the requirements specified within the permit.

Once constructed, the underground line will be similar to other existing infrastructure, such as a water or sewer line. The Project does not anticipate any additional maintenance issues with local or State-maintained roadways. The Applicants have included design requirements and will take additional precautions during the installation and restoration of the underground section to limit the possibility of potential issues and to support the integrity of the roadway subsurface. If local roads or State-maintained roads are damaged in the future, the root cause will have to be evaluated to determine if the Applicant is the responsible party. The Pre-Filed Testimony of John Kayser at page 28 addresses this question in more detail. Please also see the Applicants Response to Municipal Group 2 Towns Data Request MG2 1-17.

NPT and its construction contractors have committed to carrying adequate insurance to provide coverage against liability or damage resulting from the construction or operation of the Project. See Page 52 of the Application. The Applicants will also comply with all conditions of the Certificate of Site and Facility to the extent the Committee requires such bonding or guarantees.

MGIS 1-3 Produce documents, information and communications that evidence, discuss or relate to comparison of overhead versus underground lines, including without limitation, production of a detailed comparison, and identification of necessary easement widths, expense to the Applicants During the Project, both short term and over the life of the project, differences, if any, in vegetation management, and duration of construction.

Response: Overhead transmission differs considerably in comparison to underground transmission in terms of the necessary easement widths. In general, overhead transmission easement widths are dictated by voltage class and design considerations (e.g. horizontal vs. vertical construction). For the HVDC overhead construction for NPT a 120 foot easement is needed. Typical construction easement widths for underground construction are dictated by the machinery used for: trenching, conductor pulling and splicing. For underground construction for NPT up to 30 feet will be necessary during the construction phase.

The initial costs of various overhead and underground construction methods are detailed in the report uploaded to the ShareFile Site in response to this request, which is entitled "LIFE-CYCLE 2012 Connecticut Siting Council Investigation into the Life-cycle Costs of Electric Transmission Lines, Final Report November 2012." The underground construction initial costs are approximately 4 times higher than for equivalent overhead construction. The life cycle costs range from 2.8 to > 5 times higher for underground construction. The cost data is greatly dependent upon specific site and project conditions; therefore the data provided in the uploaded report should only be used as a guide. This document also covers a variety of voltage classes and construction types and includes a discussion of both vegetation management and DC transmission.

The duration of planned construction for the overhead portion of NPT (approximately 130 linear miles) is approximately two years. The duration of planned construction for the underground portion of NPT (approximately 60 miles) will take place over two construction seasons, each are 7 months in duration.

MGIS 1-4 Produce documents, information and communications that evidence, discuss or relate to your use individual vaults (half vaults) at splice locations and state with specificity whether you will use vaults, including without limitation at what location and under what circumstance.

Response: The Applicants have created preliminary design alignments for the underground route, which include approximate locations for splice enclosures. These can be found in the SEC Application: Volume X, Appendix 9 - Petition for Aerial Road Crossings, and Underground Installations in State-Maintained Public Highways.

This alignment is preliminary in nature. The Project is currently conducting geotechnical investigations and utility and ground survey which will help refine the overall project design including determining the exact alignment in relation to roads, sidewalks and buildings. Part of this engineering survey will also determine the location of existing underground utilities such as water, sewer, storm, gas, electrical, etc. where applicable.

The final design will be developed over the next several months in accordance with the NH Department of Transportation Utility Accommodation Manual and will include comments received from the DOT during the design review process. The design will include locations of the splice pits, specific distances between the pits and the depths of the line. It is expected that the detail design will be completed by late 2016 / early 2017.

Please also see the public version of the ABB Technical Proposal for Underground System, which has been uploaded to the ShareFile Site in response to this request.

MG1S 1-5 Does the Report consider that a commensurate increase in aggregate Canadian “imports” could increase New England’s exposure to a much larger loss of energy supply and energy price spikes for New England consumers upon a contingency on the Hydro-Quebec system? Please explain your answer.

Response: Regarding the loss of supply, please see the Applicants Response to Municipal Group 3 South’s Data Request MG3S 1-26, which explains contingency planning performed to ensure a robust transmission system that can withstand the loss of multiple elements, i.e., generators or transmission lines, during peak load periods.

Regarding energy price spikes, LEI studied the effect of Northern Pass on system prices during times of extreme hot and cold weather, and found the Project had a beneficial impact. See Section 5.10 of the LEI Report for a description of system stress modeling. LEI did not study the premise of the request as it relates to a “contingency” on the Hydro-Quebec system, which appears to be directed more towards system planning.

MG1S 1-6 Please provide copies of the quarterly London Economics New England forecasts of long-term electricity prices for the past five years.

Response: The Applicants object to this request to the extent it calls for the production of proprietary information.

Notwithstanding the objection, the Applicants answer as follows:

LEI produces multi-client reports that are sold to third parties and are available for purchase at londoneconomicpress.com. LEI also produces customized price forecasts for clients, which are proprietary and typically subject to confidentiality agreements with individual clients.

MG1S 1-7 Produce documents, information and communications that evidence, discuss or relate to impacts of the project to businesses located along the route during construction, including without limitation, plans to minimize these disruptions and economic loss to businesses, the means by which any such claimed harm is to be evaluated and by whom, and the plan to compensate these businesses for their losses during the construction process, and contingency plan for businesses in the event of construction delays.

Response: Please see the Applicants' Response to the Grafton County Commissioners' Data Requests GCC 1-20.

MGIS 1-8 Produce documents, information and communications that evidence, discuss or relate to the use of helicopters in connection with the Project, including without limitation, specific locations of helicopter pad sites, method of refueling, storage facilities for aviation fuels, flight paths, noise generated and plan for mitigation of noise, types and quantity of helicopters, and schedule of daily operation of helicopters.

Response: Specific details regarding the use of helicopters have not been determined at this time and will be developed as the construction planning is finalized. General information on helicopter use is described in the Application (Page 30, 81 and 82) and in John Kayser's Pre-Filed Testimony on Page 17.

At this point, there are no documents that relate to the use of helicopters for the proposed route. However, the Applicants may use helicopters to construct the Project. The Applicants will comply with all Federal Aviation Administration ("FAA") regulations should the Applicants and/or its contractors choose to use helicopters.

MG1S 1-9 Produce all documents, information, and communication that evidences, discusses or relates to boring and blasting for the Project that was not provided in the Application, including seismic studies; groundwater flow mapping; aquifer depth; well mapping (private and municipal); drilling results; anticipated location; scope and extent; engineering estimates and plans; contamination risk; contamination monitoring plan; contamination mitigation plan; nearby structures and infrastructure that could be impacted; disposition of blasted rock and/or borings; identification of chemicals and products to be used; plans; specifications; pre-construction surveys for all existing municipal and private infrastructure; criteria used to determine the extent of vibration, blasting, and blasting concussion; and location of bedrock.

Response: Some preliminary geotechnical information has been collected to date. The Applicants are currently conducting additional geotechnical investigations and utility and ground surveys to support the design for the underground portion of the project. Part of this engineering survey will also determine the location of existing underground utilities such as water, sewer, storm, gas, electrical, etc. where applicable. During the construction portion of the Project, we will proactively notify abutters of the work, and perform relevant pre and post blast testing. More detailed information regarding blasting is included in the Pre-Filed Testimony of John Kayser (Pages 10 and 11) and in the Application (Pages 68 and 84). Please also see the Applicants' Response to Municipal Group 2 Data Request MG2 1-18 as well as geotechnical reports uploaded to the ShareFile Site in response to this request.

MGIS 1-10 Produce all documents, information, and communications that evidence, discusses or relates to pouring of concrete thrust blocks in connection with horizontal boring pits, including without limitation how will they be removed and what their disposition will be after removal.

Response: The Applicants' object to this request as the meaning of "concrete thrust blocks" is vague and ambiguous.

Assuming this question is referring to the concrete reaction wall used in jack & bore applications that is described on Page 33 of the Application and notwithstanding the objection, the Applicants answer as follows:

The detailed engineering design along with the associated construction methods are under development. Therefore, there is no information at this time regarding the removal and disposition of the wall.

MGIS 1-11 Produce all documents, information, and communication that evidence, discusses or relates to prevention of, monitoring for, and mitigation of contamination before and During the Project, including without limitation locations, frequency, substances tested for, start and stop dates for testing, method and frequency of reporting. Include in your answer plans for soils and water, and contaminants introduced by the Project and disturbed During the Project.

Response: At this time the Applicants are not aware of any contamination along the route. If any contaminated soil or water is discovered, the Applicants will characterize the type of contamination and dispose of the soil or water in the appropriate disposal facility.

If any contamination occurs during construction due to construction activities, NPT will comply with applicable permits and follow relevant best management practices to minimize or eliminate contamination. Compliance with the Project requirements are outlined in John Kayser's Pre-Filed Testimony on Pages 11-14. The Applicants have also committed to developing a Spill Prevention Containment and Countermeasures Plan ("SPCC") prior to commencing construction, which establishes standards to respond to potential contamination issues. Please also see MJ Electric and standard Eversource SPCC, and Eversource Spill Identification and Reporting protocol, which have been uploaded to the ShareFile Site in response to this request.

MG1S 1-12 Please produce copies of all Documents, Information, and Communications that evidence, discuss or relate to projections for the future of the carbon trading markets and markets for renewable energy credits in the state and/or region, including but not limited to the potential impacts of Northern Pass on these markets.

Response: LEI neither examined the price of RECs in its analysis nor the impact on the RGGI market as a result of Northern Pass. However, LEI did assess the potential carbon emissions savings from the operation of Northern Pass in the future. As noted in Section 6 of the LEI Report, CO₂ reductions were estimated to be in the range of 3.3-3.4 million metric tons.

MG1S 1-13 Please produce all visual reports, pictures, surveys and impact statements of proposed overhead transmission lines without foliage.

Response: See Attachment 9 of the Supplemental Submission to the Northern Pass Transmission Line VIA, which includes photosimulations of leaf-off conditions to satisfy Section 301.05(b)(8)(c).

Also see the VIA, Appendix 17, which provides various leaf-off photographs of scenic resources throughout the report. Specific references are made to leaf-off conditions in individual visual impact assessments where the lack of foliage may alter the visibility of the transmission corridor from the scenic resources. References to leaf-off conditions are located on the following pages of the VIA, Appendix 17:

- 1-14 to 1-15 (Route 145 - Connecticut River Byway & Moose Path Scenic Byway, Clarksville)
1-27 (Diamond Pond Road & Cohos Trail, Stewartstown)
- 2-10 to 2-11 (Route 2 – Woodland Heritage Scenic Byway & Presidential Range Trail Byway, Lancaster)
- 2-53 (Mirror Lake, Whitefield)
- 4-8 to 4-9 (Pemigewasset River & Sahegenet Falls Recreation Area, Bridgewater)
- 4-15 (Pemigewasset River & New Hampton-Bridgewater Scenic Easement, New Hampton)
- 6-25 (Upper Lamprey River Scenic Byway, Deerfield)
- 6-26 to 6-27 (Deerfield Center, Deerfield)

MG1S 1-14 Please produce all information that was the basis of the Tourism Report provided by Nichols Tourism Group, including but not limited to all notes and dates and type of contacts both with individuals and businesses.

Response: Please see the documents uploaded to the ShareFile Site in response to this request.

MG1S 1-15 Please produce all correspondence, phone logs, dates of contact, meetings, and records of entertainment events (including number of guests and receipts for complimentary meals) relating to contact You have had regarding the Project with any owners, investors, partners or concerned parties of any new or proposed investment properties within municipalities along the proposed Project route, and with businesses, contractors, foresters, municipal elected officials and NH State Representatives and Senators.

Response: The Applicants object to this request as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the Applicants object to the request as it is overbroad and unduly burdensome.

Notwithstanding these objections, please see Applicants' Response to Counsel for the Public's Data Request CFP 1-1 and all relevant documents that have been uploaded to the ShareFile Site in response to that request. If the requesting party would like to narrow the results contained in CFP 1-1, the Applicants are willing to assist.

MG1S 1-16 Please produce all records of meetings by You or on Your behalf with any and all members of the NH Site Evaluation Committee outside of posted meetings, including date, time and duration of meeting or discussion, and topic of the meeting, from 2010 to the present.

Response: The Applicants have not had any meetings with members of the New Hampshire Site Evaluation Sub-Committee who are participating in NH SEC Docket 2015-06 outside of the duly noticed meetings governed by the Committee.

MGIS 1-17 Please produce all data regarding jobs that will be created for each municipality along the Project's proposed route, including the number, duration, pay scale and job descriptions.

Response: LEI analyzed direct, indirect and induced jobs at the state level as a result of the construction and operations of the Project. LEI did not model jobs at the municipal level. Please see Section 7 of the LEI Report for a discussion on jobs at the state level.

MG1S 1-18 Please provide all data (including studies and analysis performed by You or on Your behalf, as well as data you have from national and state studies) regarding safety of high voltage transmission lines and of the substations proposed for this Project.

Response: The Project will be designed to operate in a safe and reliable manner throughout its operating life. Designing the facilities in accordance with international, national, industry and Eversource standards and codes is the foundation for achieving this result. All preliminary design drawings and related data is contained in the Application: Appendix 1, Appendix 9, and Appendix 10. The standards and codes that will be utilized as the basis for the Project design include, but is not limited to, the following:

- National Electric Safety Code (NESC)
- National Electric Code (NEC)
- Occupational Safety & Health Association (OSHA)
- International Building Code (IBC)
- New Hampshire State Fire Code (Saf-C 6000)
- National Fire Protection Association Code (NFPA)
- Institute of Electrical and Electronics Engineers (IEEE)
- Conference International des Grands Reseaux Electriques (CIGRE)
- American Society for Testing and Materials (ASTM)
- American Society of Mechanical Engineers (ASME)
- American National Standards Institute (ANSI)
- Northeast Power Coordinating Council (NPCC)
- Eversource Design Standards

MG1S 1-19 Please provide all dates, acreage and locations of any cutting, removal, or clearing of vegetation, woods, brush or other natural growth of any kind along the proposed Project route, including that which has already occurred during the Application process and that which is anticipated During the Project.

Response: The Application identifies vegetation clearing areas for the proposed route in Appendix 47, NHDES Wetland Maps and Appendix 6c, Alteration of Terrain Plans. As the Project has not received the necessary permits to commence construction, there has been no clearing of vegetation along the route to date. A detailed schedule for the clearing of vegetation will be created in the first or second quarter of 2017.

Please also see Applicants' response to the Historical Preservation Intervenor Group's Data Request HIS 1-8.

MGIS 1-20 Identify all contractors for every aspect of the Project who have a verbal or written agreement, memorandum of understanding or contract, or who have submitted a preliminary bid for the same, with You or an affiliate of Yours for the Project.

Response: The Applicants object to this data request to the extent it seeks to obtain confidential, commercial and financial information or communications. *See* RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). *See, e.g.,* Application of Laidlaw Berlin BioPower, LLC, *Order on Partially Assented-to Motion for Protective Order and Confidential Treatment for Certain Confidential, Commercial, and Financial Documents, Application of Laidlaw Berlin BioPower, LLC*, NH SEC Docket 2009-02 (June 9, 2010) (granting confidential treatment for business plans and financial models because disclosure of the information could negatively affect the applicant’s competitive position in the renewable energy market); Application of Antrim Wind, *Order on Outstanding Motions*, Docket 2012-01, 4 (August 22, 2012) (denying motion to compel the production of information that “is highly confidential and could negatively affect the competitive interests of the Applicant.”). Moreover, the Applicants object to the question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding these objections, the Applicants answer as follows:

The Applicants have chosen a world class team of contractors and material supply vendors to construct the Project. A description of the team can be found at www.northernpass.us/clean-energy-rfp.htm. Any and all other details relating to the procurement process are confidential.

MGIS 1-21 With respect to Normandeau Associates, Inc., please provide a copy of Lee Carboneau's working file regarding the Project and all information that formed the basis for her determinations and conclusions concerning wetlands and other natural resources in each New Hampshire municipality through which the Project is proposed to pass.

Response: While there is no "Lee Carboneau working file," Ms. Carboneau's determinations and conclusions regarding the effect of the Project on natural resources, as described in her written Pre-Filed Testimony, are based on many Normandeau documents containing data and work product for the entire Project area, representing field surveys and literature research by many Normandeau wetland, wildlife and fisheries scientists. Almost all of this information is included in the natural resource technical reports submitted to the SEC and NHDES (Wetlands, Rivers, Streams, and Vernal Pools Resource Report and Impact Analysis (Appendix 31); Wildlife Report and Impact Assessment (Appendix 36); Rare, Threatened, and Endangered Plants and Exemplary Natural Communities (Appendix 35); Vegetation and Ecological Communities (Appendix 34); and Fisheries and Aquatic Invertebrates Resource Report and Impact Analysis (Appendix 33)).

The items that were not included in the SEC submittals that helped inform Ms. Carboneau's assessment are the "hot-spot" mapping that was used for northern route selection and an off-ROW access road selection assessment. Please see the Applicants' Response to the Pemigewasset Local River Advisory Committee Data Request PRLAC 1-41 and all responsive documents uploaded to the ShareFile Site in response to that requests. All natural resource information was examined in conjunction with the project design to identify potential natural resource impacts. The quantity of impacts was measured through GIS mapping by the engineers with guidance from the scientists, who then also assessed the quality of the impacts. These impacts are described, by plan and narrative, in the Application: Appendix 5 - Shoreland Permit Applications; Appendix 2 - State of New Hampshire Department of Environmental Services Wetland Permit for Major Dredge and Fill Project; Appendix 6 - Application for State of New Hampshire Department of Environmental Services Alteration of Terrain Permit; and Appendix 4 - 401 Water Quality Certification. Once the impacts were identified, and all practicable measures to avoid and minimize impacts were implemented in the project design, a plan was developed to mitigate the unavoidable impacts. The development of the mitigation plan, which also informs the conclusions of Lee Carboneau, are documented in the Natural Resource Mitigation Plan, Appendix 32. The modeling that was done to select preservation parcels described in that Report have been uploaded to the ShareFile Site for review.

MG1S 1-22 Please provide all correspondence, e-mails, and minutes/notes of any meetings between (a) Normandeau Associates, Inc. and You, and (b) Normandeau Associates, Inc. and NH DES regarding Project Applications for wetlands, alteration of terrain and shoreland permitting.

Response: The Applicants object to this question on the grounds that it: (1) is overbroad and unduly burdensome; (2) calls for the review, compilation, or production of a voluminous number of documents; and (3) seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding the objection the Applicants answer as follows:

The Applicants have discussed this request with Counsel for Municipal Group 1 South and the parties have agreed to narrow the scope of the request to communications between NHDES and Lee Carbonneau, Sarah Barnum and Dennis Magee for the immediately prior two year period. Please see all communications with NH DES relating to the applications for wetlands, alteration of terrain and shoreland that have been uploaded to the ShareFile Site in response to this request.

MG1S 1-23 Please provide all correspondence, e-mails and minutes/notes of all meetings between You and NH DES regarding the Project.

Response: Please see the documents uploaded to the ShareFile Site in response to this document request.

MG1S 1-24 Please provide all information regarding plans to protect wildlife habitats along the proposed route During the Project.

Response: Several tables describing the Northern Pass commitments for wildlife and sensitive flora impact avoidance and minimization are found in Appendix B of the Natural Resource Mitigation Plan (Appendix 32). This list of NPT commitments is the basis for Project Compliance Work Plans (PCWPs) that will include permit conditions, detailed maps, tables and other information for the Contractor to use for different construction tasks. The PCWPs will describe timing restrictions, access limitations, fencing/signage requirements, environmental monitor tasks, restoration details, etc. for every ecologically sensitive location along the Project route. Details will be added as agency consultations continue and permit conditions are issued. After construction, the overhead ROW will be maintained following the Best Management Practices (BMP) Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire, which is the standard for all ROW maintenance in New Hampshire. A copy of the BMP manual has been uploaded for review in the ShareFile Site. See also the Applicants' Response to Municipal Group 2's Data Request MG2 1-24.

MGIS 1-25 On March 15, 2016, four representatives of the Applicant (including Dana Bisbee) attended a meeting of the Dalton Conservation Commission (also attended by members of the Dalton SelectBoard). At that meeting, and contrary to statements in the Environmental Impact Statement, one of Your representatives made a statement that residents of Dalton living in or under the proposed HVDC lines need not be concerned with the possibility of electrical shock, increased incidents of childhood leukemia, or other safety concerns. Please State the Basis of this statement and provide documentation supporting it.

Response: The Applicants object to this question to the extent it misstates conclusions contained in the Draft Environmental Impact Statement.

At the March 15, 2016 Dalton Conservation Commission Meeting, questions were asked regarding the possibility of electric shock, increased incidences of childhood leukemia, and general safety hazards associated with the NPT Line. The questions were driven by the Health and Safety Technical Report from the U.S. Department of Energy (“USDOE”) Draft Environmental Impact Statement (“DEIS”). The Applicants identified that the USDOE Report that the Conservation Commission actually referenced high voltage alternating current (“AC”) lines. The majority of the proposed Project will be a direct current (“DC”) transmission line. The statements made by the Applicants on the above-referenced topics at the meeting are consistent both with the DEIS and the Application to the SEC.

At the meeting, the Applicants also provided specific references from our expert testimony in the Application that addressed health concerns with magnetic fields. Safety concerns were also addressed. Subsequent to the Dalton Conservation meeting, the Applicants provided comments to the USDOE concerning transmission line safety statements made in the DEIS as follows:

**COMMENTS OF NORTHERN PASS TRANSMISSION LLC
ON DRAFT ENVIRONMENTAL IMPACT STATEMENT
TRANSMISSION LINE SAFETY ISSUES**

The Draft Environmental Impact Statement (“DEIS”) could be read to suggest that there are significant safety issues associated with normal operation of a high voltage transmission line such as the one Northern Pass Transmission LLC (“Northern Pass” or the “Project”) intends to construct. In particular, the DEIS seems to suggest that normal operations pose a risk of shocks and of arc flashes. DEIS at 3-24. If that is the intended message, Northern Pass disagrees. As described below, Northern Pass requests that the Final EIS be clarified on a few key issues related to transmission line safety.

The DEIS seems to acknowledge, although not as clearly as seems warranted, that the safety risks it identifies can be avoided or minimized by compliance with standards set by the National Electrical Safety Code (“NESC”). Northern Pass agrees with this point, and indeed believes such safety measures are routinely employed in the industry. Northern Pass recommends that the Final EIS acknowledge this point clearly.

More specifically, the Final EIS should acknowledge that the shock risks to which the analysis

refers are nuisance shocks, not shocks of a type that pose a threat to life or limb. The Final EIS should also recognize that proper grounding of transmission structures prevents even these nuisance-type shocks in almost all cases. Northern Pass transmission structures will all be grounded, and thus they will not present any significant risk of a nuisance shock. Specifically, the Project will be designed in accordance with Rule 234g of the 2012 NESC, which establishes limits for electro static discharge to prevent the risk of nuisance shock.

Likewise, arc flashes are not normally associated with a high voltage transmission line, as the DEIS might be read to imply. An arc flash might occur if there were both heavy ionization and a heavy concentration of particulate matter in the air beneath a high voltage transmission line. Conditions such as those would be associated with an event like a forest fire, a structure fire or a gasoline tank fire. Even in such cases, EPRI has noted: "A tall fire column is necessary to produce hot ionized gases sufficiently close to the conductors to cause flash overs." EPRI Transmission Line Reference Book, 345 kV and Above, Section 8.14 at 384 (2nd ed. 1982).

The DEIS also seems to suggest that the proximity of a person to an energized line can cause an arc flash and result in serious burns to an individual. Someone walking in a ROW does not create a risk of an arc flash. This Project is designed so that someone can walk under the transmission lines without a concern for safety. A person would have to climb a transmission structure and come within close proximity to an energized conductor to create the risk of an arc flash. Here, the transmission structures will be designed to deter unauthorized climbing, and the safety hazard associated with climbing the structures will be clearly posted.

In short, there is nothing normal about the risks the DEIS describes, and they do not constitute significant safety risks that would be associated with the operation of Northern Pass.

MG1S 1-26 Please provide in detail Your plans to provide independent inspections and construction observation services, and specifications of all observational material, equipment, procedures and activities, and the method to finance and fund the independent inspection monitors for the construction in each municipality along the proposed Project route, both on municipal and state rights-of-way or adjacent thereto, including the method and schedule to be used to reimburse both public and private property owners for these costs.

Response: The construction management structure for NPT is identified in the Pre-Filed Testimony of Kenneth Bowes on Page 11 and the Pre-Filed Testimony of John Kayser on Pages 2-5, 7-14, and 31-34. Also in response to the Department of Energy (“DOE”) Data Request G-2, NPT provided a summary by topic of the environmental inspections and minimization measures to be employed during construction. In addition to the construction management descriptions provided, NPT anticipates that as a condition of regulatory permits, independent inspectors will monitor the project activities and report findings on a periodic basis to the applicable regulatory authority (e.g. these inspections could include road work by the NHDOT and third party environmental inspections). NPT does not propose to hire additional independent inspectors in each municipality nor reimburse public and private owners for these services beyond those proposed by NPT and required pursuant to the terms and conditions of any Certificate. Please see document uploaded to the ShareFile Site in response to this request.

MG1S 1-27 Please provide all detailed plans, specifications, management of and Project schedule to perform all pre-drilling, pre-blasting, and pre-construction surveys for all existing municipal infrastructure and private infrastructure including the criteria used to determine the extent of vibration, blasting and blasting concussion, and identify all the existing municipal and private infrastructure foundations and other improvements, both above and below ground, prior to any construction along the proposed Project route.

Response: Please see Applicants' Response to MG1S 1-9.

MG1S 1-28 Please provide all filings made at the New Hampshire Public Utility Commission, including all applications, plans, specifications, reports, studies, layouts, etc. of all stream crossings, the number of the docket and application for approval. Also include as part of this all similar documents for all other stream crossings for which NH PUC approval is not required, but for which the Project will require a crossing.

Response: Please see the Application: Volume XIII, Appendices 12 and 14, and New Hampshire Public Utilities Commission (“PUC”) Dockets DE 15-460 and 15-462 for public waters subject to RSA 371:17. For wetlands along the Project route, see the Application: Volume VIII, Appendix 6 - NHDES Alteration of Terrain Permit and Volume XXXVI, Appendix 47 - Wetlands Maps. These Appendices delineate crossings of all wetlands but do not contain plans or specifications in the detail required by the PUC.

MG1S 1-29 Please provide all Documents, Information, Communications, correspondence, meeting minutes, notes, and reports, Identify all individuals involved, and describe the substance of all conversations and meetings related to the use of the Interstate 93 corridor for electric transmission which You have had with the NH Department of Transportation, US Department of Transportation, and any other state or federal agencies.

Response: The Applicants object to this data request to the extent it seeks to obtain confidential, commercial and financial information or communications that are not discoverable. See RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). The Applicants object to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicants have done that. See Application Section 301.03(h)(2) . Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative).

Notwithstanding the objections, Applicants answer as follows:

Please see the Applicants’ Response to Counsel for the Public’s Data Request CFP 1-1 and see all documents uploaded to the ShareFile Site in response to CFP 1-1 and MG1S 1-30. If the requesting party would like to narrow the results contained in CFP 1-1, the Applicants are willing to assist.

MGIS 1-30 Please provide all reports, analyses, calculations and work papers related to the construction estimating and costs to build the Project in the Interstate 93 right-of-way, including the analysis of the differences between the proposed Route and the Interstate 93 corridor, and State the Basis of your conclusion that it is not feasible to construct the Project along the Interstate 93 corridor.

Response: The Applicants object to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicants have done that. See Application Section 301.03(h)(2) . Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative).

Notwithstanding the objections, Applicants answer as follows:

Detailed cost estimates have been prepared regarding this route and are confidential in nature. The Applicants are providing a redacted copy of “An Evaluation of All UG Alternatives for the Northern Pass Transmission Project” dated 5-31-16. This Evaluation has been uploaded to the ShareFile Site in response to this request.

To the extent the request calls for confidential information, the Applicants will make this confidential information available as soon as the requesting party complies with the requirements of an SEC order governing confidential documents in this proceeding.

Please also see the document uploaded to the ShareFile Site in response to this request. Please also see the Applicants response to Counsel for the Public’s Data Request CFP 1-1 and all documents uploaded to the ShareFile Site in response to that request. If the requesting party would like to narrow the results contained in CFP 1-1, the Applicants are willing to assist.

MG1S 1-31 Please provide all Documents, Information, and Communications you have regarding a detailed comparison between the proposed Project route and a route for the Project down Interstate 93, including the cost differences for length, location, construction costs, and interferences, including any differences found between construction in northern New Hampshire versus southern New Hampshire.

Response: The Applicants object to this data request to the extent it seeks to obtain confidential, commercial and financial information or communications that are not discoverable. See RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). The Applicants object to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicants have done that. See Application Section 301.03(h)(2). Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative).

Notwithstanding the objections, the Applicants answer as follows:

Detailed cost estimates have been prepared regarding this route and are confidential in nature. Please see the redacted copy of “An Evaluation of All UG Alternatives for the Northern Pass Transmission Project” dated 5-31-16, which has been uploaded to the ShareFile Site in response to MG1S 1-30.

To the extent the request calls for the confidential information, the Applicants will make this confidential information available as soon as the requesting party complies with the requirements of an SEC order governing confidential documents in this proceeding.

The Project has not conducted any geotechnical or survey studies along the I-93 corridor. Therefore, there are also no detailed cost comparisons between the underground portion of the Project route and a potential underground route along the I-93 corridor. As mentioned above, the Applicants have uploaded a redacted copy of the UG Alternatives Evaluation to the ShareFile Site in response to MG1S 1-30. In calculating the underground cost along the I-93 corridor, the Project has assumed similar geotechnical conditions as the proposed 60 mile underground portion of the Project. Additionally, the cost per mile used in the UG report is based on the unit pricing received through a competitive bid process. While the UG cost estimate uses information for construction in the disturbed soil of state roadways, NPT believes that the UG construction along I-93 would be in undisturbed soil and could likely involve additional costs from a higher percentage of rock. NPT has not speculated on the increased costs associated with this aspect of the I-93 construction.

Please also see the documents uploaded to the ShareFile Site in response to MG1S 1-30.

MG1S 1-32 Please provide all information, communication, memos, and discussions You have had with the State of New Hampshire and the US Department of Transportation regarding payments and revenue for leases for leasing of the Interstate 93 right-of-way owned by the State of New Hampshire for the Project, the extent of the payments offered, the terms of the lease, the length of the lease, and the gross revenue anticipated in the Interstate 93 proposal to the State of New Hampshire over the life of the lease.

Response: The Applicants object to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicants have done that. See Application Section 301.03(h)(2) . Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative).

Notwithstanding the objections, Applicants answer as follows:

The Applicants have not had any communications or discussions with the State of New Hampshire and the US Department of Transportation regarding payments and revenue for leases for leasing the Interstate 93 right-of-way owned by the State of New Hampshire.

MGIS 1-33 Please provide all plans, maps, elevations, and any other information related to interferences, bridges, river crossings, sensitive wetlands, and all cost estimates related to the construction of the Project in the Interstate 93 right-of-way, including mitigation of all interferences.

Response: The Applicants object to this data request to the extent it seeks to obtain confidential, commercial and financial information or communications that are not discoverable. See RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). The Applicants also object to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicants have done that. See Application Section 301.03(h)(2) . Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative).

Notwithstanding the objections, the Applicants state as follows:

Please see documents provided in response to Counsel for the Public’s Document Request CFP 1-2 and 1-4. Please also see the document uploaded to the ShareFile Site in response to this request which analyze potential interferences, bridges, and river crossings related to constructing the Project in Interstate I-93.

In addition, detailed cost estimates have been prepared regarding this route and are confidential in nature. The Applicants are providing a redacted copy of “An Evaluation of All UG Alternatives for the Northern Pass Transmission Project” dated 5-31-16. To the extent the request calls for the confidential information, the Applicants will make this confidential information available as requested as soon as the requesting party complies with the requirements of the SEC order governing confidential documents in this proceeding.

MG1S 1-34 Please provide all of the Interstate 93 right-of-way route maps showing the center line of the highway and the outside shoulders of the northbound and southbound lanes, including in Franconia Notch, that You used to prepare your cost estimates, make Your comparisons, and decide that the Interstate 93 right-of-way was not feasible for the Project.

Response: The Applicants object to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicants have done that. See Application Section 301.03(h)(2) . Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative).

Notwithstanding the objections, Applicants answer as follows:

The Applicants did not rely on the requested maps in formulating the “Evaluation of All UG Alternatives for the Northern Pass Transmission Project” dated 5-31-16, which has been uploaded to the ShareFile Site in response MG1S 1-30. The Applicants only used general, high-level maps to prepare the cost estimates in the report. The Applicants do not have the route maps requested above in their care, custody or control.

MG1S 1-35 Please provide all analysis, studies, work papers, documents and discussions You have had with New England Power and its subsidiaries for the use of the New England Hydro Quebec Phase 2 right-of-way from Monroe, NH to Sandy Pond for transportation corridor for the Project.

Response: The Applicants object to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicants have done that. See Application Section 301.03(h)(2). Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative).

Notwithstanding the objections, Applicants answer as follows:

Please see the documents uploaded to the ShareFile Site in response to this request.

MG1S 1-36 Please explain why the Hydro Quebec Phase 2 corridor described in the above request is not the preferred route for a buried underground transmission line for the Project, and State the Basis for that conclusion.

Response: The Applicants object to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicants have done that. See Application Section 301.03(h)(2). Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative).

Notwithstanding the objections, Applicants answer as follows:

Please see the documents uploaded to the ShareFile Site in response to MG1S 1-35.

MG1S 1-37 To the extent not already provided in the Application, please provide detailed construction drawings of all transition stations and towers, methods to construct, size, and the types and volumes of construction material to be used.

Response: Details of the above ground lines can be found in the Application: Volume IV – Appendix 1 - Project Maps, Plan and Profile Drawings, Typical Structure Designs and Typical Transition Station. The preliminary design alignments for the underground route can be found in the Application: Volume X – Appendix 9 - Petition for Aerial Road Crossings, and Underground Installations in State-Maintained Public Highways.

The general contractor has not started the construction planning process at this time so the types and volumes of construction material are not known. The detailed design, construction schedule and construction planning will be further developed during the permitting process. In general, the construction process is described in John Kayser's Pre-Filed Testimony starting on Page 2.

Christine Fillmore

From: Getz, Thomas <Thomas.Getz@MCLANE.com>
Sent: Thursday, August 11, 2016 12:00 PM
To: Jason Reimers; Amy Manzelli; Pacik, Danielle; Christine Fillmore; steven@mitchellmunigroup.com; Carol Holohan (cholahan@nepga.org); Susan Arnold (SArnold@outdoors.org); William L. Plouffe (WPlouffe@dwmlaw.com) (WPlouffe@dwmlaw.com); Melissa E. Birchard (mbirchard@clf.org); lsaffo@co.grafton.nh.us
Cc: marvin.bellis@eversource.com; Needleman, Barry
Subject: Discovery Follow-Up Meeting

All,
The meeting with representatives of Group 2 (governmental entities and non-governmental organizations), on July 26, 2016, was very helpful in identifying and resolving a number of discovery related issues and we are hopeful that the information we shared at the time, and the steps we have taken subsequent to the meeting, have been useful as well. The Applicants remain committed to working with intervenor groups to assist in the sharing of information relevant to the subject of this proceeding, and we trust that this e-mail addresses the issues raised at the meeting. Following is some additional explanation regarding technical issues and the Applicants' position on the scope of production in this proceeding.

Technical Issues Accessing Documents Produced

Representatives for particular groups reported that some individuals were having difficulty accessing the documents produced by Applicants on the ShareFile site because of the volume of documents produced. The Applicants had organized the documents in two different ways to accommodate the needs of the different parties involved. For convenience, one zip file was provided for each set of data requests, and those zip files contain all of Applicant's written responses and documents produced in response to each respective set of data requests. Due to the size of each production, Applicants also separated out and provided the individual .pdf documents for each specific data request.

We understand that some group members still had difficulty accessing documents due to the lack of adequate broadband capability. In light of those issues, the Applicants prepared and provided flash drives for Group 2 parties to copy for their members. Each flash drive included non-confidential responses and documents produced by the Applicants. The volume of documents requested and produced is extraordinary, and the Applicants have been willing to take all reasonable steps to accommodate the needs of those accessing the documents. We trust that the flash drives have resolved this issue.

Some group representatives also noted that when documents produced were in native format, they could not access those documents. As we discussed at the meeting, the receiving parties would need to obtain the appropriate software licenses to access documents that are produced in native format. We understand that some group members were not able to identify the software needed based on the names of the files. Accordingly, we provided a list identifying the software that is necessary to access each file type to all parties to the proceeding.

Request for Further Documents

Some group representatives questioned whether the Applicants' production was sufficient or whether it contained all of the Applicants' communications related to the Project. In response, we point out that the

Applicants have undertaken an extraordinary effort to carefully gather, sort, review and produce all relevant, material and non-privileged documents in this proceeding. Indeed, nearly 80,000 pages, including confidential information, have been produced to date in response to Data Requests. This does not reflect, however, the multiple Excel spreadsheets that were provided in native format, and would likely have added thousands of additional pages. Furthermore, this is in addition to the approximately 27,400 pages that were produced by way of the Application and its supporting appendices, as well as the nearly 1,000 pages of Additional Information submitted in February and other material provided in July to comply with the SEC's new rules.

Due to the volume of documents produced, the Applicants also prepared and provided an Excel spreadsheet to facilitate review of the documents produced. The spreadsheet is searchable and sortable, so that the receiving parties can search for e-mails to particular persons, and sort e-mails by date and filename.

It is important to point out that an adjudicative hearing pursuant to RSA 162-H and the Site Evaluation Committee ("SEC") rules is not the equivalent of civil litigation pursuant to state or federal rules. RSA 541-A:33, II makes clear, for instance, that the technical rules of evidence do not apply in administrative proceedings such as this. Moreover, Site 202.19 places the burden of proof on the Applicants, and the SEC must determine whether the Applicants have submitted a sufficient record to establish that the application meets the various criteria for a Certificate of Site and Facility. Accordingly, the SEC's focus is on the application submitted, and the documents supporting the Application. Documents and communications discussing other routes considered, or other information ultimately not submitted as part of the application are irrelevant and immaterial, and the Applicants therefore did not produce that information.

Some representatives suggest that the Applicants should have produced more internal communications relating to the Northern Pass Project. By way of the Application and responses to the numerous data requests, the Applicants have made a good faith effort to produce all relevant and material documents, and many of these included various communications by the Applicants. Indeed, thousands of pages include or relate to communications by NPT personnel, or communications by NPT consultants to various third parties. By way of example only, NPT produced the following categories of documents in response to particular data requests:

- Communications, including e-mail communications, by the Applicants and their consultants with various federal and state government agencies regarding the proposed route for the transmission line. This includes communications with all state and federal agencies, with the exception of DRED for which there were no responsive communications. (See, e.g., Responses to CFP 1 and Supplement to CFP 1);
- Communications, including e-mail communications, by the Applicants and their consultants with various federal and state government agencies regarding the proposed route for the transmission line through the White Mountain National Forest. (See e.g., Response to CFP 5);
- Communications between Normandeau Associates and NH DES regarding applications for wetlands alteration of terrain and shoreland permitting. (See, e.g., Response to MG1S No. 22);
- Communications between the Applicants and NH DES regarding the proposed Project. (See, e.g., Response to MG1S No. 23); and
- Communications between the Applicants and NH DHR regarding the SEC review process for the Project. (See, e.g., Response to HIS No. 18).

The Applicants did not produce certain internal communications because such communications are not relevant or material to the SEC's determination as to whether the Application meets the specific findings required for issuance of a Certificate. What is relevant and material to the SEC's findings are the Application, the

supporting materials, and the communications by the Applicants and their consultants to various governmental agencies and third parties. In sum, the SEC bases its decision on the information submitted in support of the Application, not the Applicants' internal communications regarding the Project.

Moreover, to the extent that there is any likelihood that the internal communications might lead to the production of admissible evidence, any such prospect is substantially outweighed by the undue burden that would be imposed on the Applicants if they were required to gather, sort, review and produce those e-mails. The Applicants have devoted significant time and effort to carefully gather, review and produce relevant communications without simply "dumping" irrelevant and immaterial documents and communications in response to the hundreds of data requests received. The added burden of requiring Applicants to review, sort and produce perhaps thousands of pages of purely internal communications that are completely irrelevant or immaterial to the SEC's determination would impose an unreasonable and undue burden on the Applicants and would not further the SEC's review of the Project as proposed.

We would be happy to discuss any of this with you further, and the Applicants will continue to work with the intervenors to reasonably and efficiently share all information relevant to the proposed Project.

Thanks

Tom



Thomas B. Getz

Of Counsel

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MCLANE MIDDLETON

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VIA ELECTRONIC MAIL

May 17, 2016

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

**Re: SEC Docket No. 2015-05: Public Service Company of New Hampshire d/b/a
Eversource Energy and New England Power Company d/b/a National Grid: Joint
Application for a Certificate of Site and Facility for the Merrimack Valley
Reliability Project**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find the Applicants' Motion to Compel Intervenor Huard's Response to Data Requests 5, 6 and 7 From the May 5, 2016 Technical Session.

Please contact me directly should you have any questions.

Sincerely,



Barry Needleman

BN:slb
Enclosure

cc: Distribution List

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

McLane.com

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-05

**JOINT APPLICATION OF NEW ENGLAND POWER COMPANY
D/B/A NATIONAL GRID &
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANTS' MOTION TO COMPEL INTERVENOR HUARD'S RESPONSE TO
DATA REQUESTS 5, 6 AND 7 FROM THE MAY 5, 2016 TECHNICAL SESSION**

NOW COME New England Power Company d/b/a National Grid ("NEP") 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 move to compel Intervenor Margaret Huard to respond to the Applicants' data requests from the May 5, 2016 Technical Session or in the alternative, to strike references in her testimony regarding allegations of shock and personal injury associated with exposure to transmission lines. In support of their Motion to Compel, the Applicants state as follows:

1. In Ms. Huard's pre-filed testimony, Ms. Huard has made certain allegations about the Applicants and has alleged that she sustained injuries from existing transmission lines in the same right-of-way where the Project is proposed. More specifically, Ms. Huard has alleged that she sustained a shock in January 2016 while directly under transmission wires "strong enough to cause simultaneous symptoms that often precedes cardiac arrest; chest pain, leg pain, shortness of breath, dizziness, and heart palpitations." *See* Amended Pre-Filed Testimony of Margaret Huard, at p. 5 (April 25, 2016).

2. The Applicants' requested that Ms. Huard produce any documentation that supports these allegations. In response, on May 2, 2016 Ms. Huard filed a Motion for Restrictive

Treatment of Medical Records. The Applicants opposed, in part. By Order dated May 6, 2016, the Presiding Officer ruled that “[t]he Applicant is entitled to receive Ms. Huard’s medical records to verify Ms. Huard’s allegations.” Order Granting In Part, Denying In Part, Motion for Restrictive Treatment of Medical Records, at 2.

3. The day before this ruling, on May 5, 2016, a technical session was held in the above-referenced docket for the parties to inquire of Ms. Huard regarding her pre-filed testimony, including her shock allegations. During that session, Ms. Huard produced one document and the Applicants requested that Ms. Huard provide any additional documentation that supports the claims in her pre-filed testimony.

4. Ms. Huard also indicated that she had communications with the Hudson Fire Department regarding the Project and about a January 2016 incident where Ms. Huard also stated that she had exchanged e-mails with other third-parties regarding the January 2016 incident.

5. At the Technical Session, the Applicants requested copies of all communications regarding the incident described in ¶ 1 of this Motion. During the technical session, Ms. Huard agreed to provide these documents and did not object. *See* Memorandum from Pamela Monroe Re: Technical Session Data Requests, NH SEC Docket 2015-05, May 6, 2016. (“Ms. Huard did not object to any of the requests made by the Applicant.”).

6. Ms. Huard was given until May 12, 2016 to respond to the data requests.

7. On May 12, 2016, Ms. Huard filed three separate motions to object to the requests made by the Applicants at the technical session. Ms. Huard alleges that the requests are “unduly invasive,” “arbitrary, repetitious request for information,” and/or are “confidential communications” as they were sent to the “fire chief in his role protecting the public health of the Hudson community.” *See* Motion to Object, Data Request 5 and 6. Ms. Huard also objects to

providing copies of email correspondences with other members of the community regarding the January 2016 incident. *See* Motion to Object, Data Request 7.

8. The Applicants respectfully request that the SEC compel Ms. Huard to comply with Data Requests 5, 6 and 7.

9. Ms. Huard has specifically and repeatedly alleged that she sustained a shock from an electric transmission line, both in her pre-filed testimony and at the technical session. Ms. Huard's opposition to the Project rests in part on these allegations. Any documents or e-mail correspondence relating to the incident are without a doubt relevant in this matter and are admissible. *Cf.* N.H. Rule Evid. 401 (“‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probably that it would be without the evidence.”). The Applicants are unaware of any confidentiality that could possibly attach to communications between Ms. Huard and the Fire Chief. More importantly, Ms. Huard has voluntarily put this issue before the Committee herself. Ms. Huard cannot make these allegations without providing the Applicants a full and fair opportunity to examine any evidence that relate to the allegations. The Applicants are entitled to obtain and examine any and all documents that pertain to the alleged January 2016 incident. Ms. Huard should not be allowed to make such allegations and then object to providing copies of all records relating to the incident.

10. Alternatively, if the subject information is not provided, the Applicants respectfully request that the Presiding Officer strike from the record any and all references made by Ms. Huard that relate to allegations of electric shock and any alleged health effects sustained therefrom.

11. The Applicants certify that they made a good-faith effort to resolve this dispute informally at the technical session. In fact, as mentioned above, Ms. Huard agreed at that time to provide the responses to these data requests.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

- A. Compel Intervenor Huard to provide responses to Data Requests 5, 6 and 7 from the May 5, 2016 technical session;
- B. In the alternative, strike from the record any and all references made by Ms. Huard that relate to allegations of electric shock and any alleged health effects sustained therefrom; and
- C. Grant such further relief as requested herein and as deemed appropriate.

Respectfully Submitted,

New England Power Company and

Public Service Company of New Hampshire

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

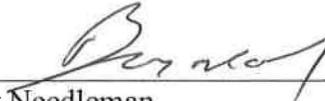
Dated: May 17, 2016

By: 

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Certificate of Service

I hereby certify that on the 17th day of May, 2016 this Motion was sent electronically to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.



Barry Needleman

File Formats Included in Northern Pass Data Request Responses

File Extension	File Type	Category	Software Required
.kmx	Keyman Desktop Compiled Keyboard File		Keyman Desktop
.dwg	Autodesk AutoCAD Drawing	Document File	AutoDesk AutoCAD
.QPH	Quicken Price History	Data File	Intuit Quicken
.spx	Speex Compressed Audio	GIS Files	ArcGIS
.atx	ArcGIS Attribute Index	GIS Files	ArcGIS
.gdbindexes	ArcGIS Geodatabase Index	GIS Files	ArcGIS
.indd	Adobe InDesign Document	Graphic Files	Adobe InDesign
.sdr	SmartDraw Drawing	Document Files	SmartDraw
.shx	ArcView Shape Index	GIS Files	ESRI ArcGIS Desktop
.dbf	Aston-Tate dBASE Database	Database File	Microsoft Excel & Microsoft Access
.shp	ArcView Shape File	GIS Files	ESRI ArcGIS Desktop
.mdb	Microsoft Access Database	Document Files	Microsoft Access
.kmz	Google Earth Placemark File	GIS Files	Google Earth
.sbn	ESRI Spatial Binary File	GIS Files	ESRI ArcGIS Desktop
.sbx	ESRI Spatial Index File	Data Files	ESRI ArcGIS Desktop
.xml	Extensible Markup Language Data File	Data File	Microsoft XML Notepad
.lyr	ESRI Layer File	GIS Files	ArcGIS
.jpg	JPEG Image	Raster Image Files	Microsoft Paint Microsoft Windows Photos
.pptx	PowerPoint Open XML Presentation	Data Files	Microsoft Powerpoint
.sys	Windows System File	System Files	Microsoft DOS Microsoft Windows
.SND	Sound File	Sound File	Microsoft Windows Media Player
.xlsx	Microsoft Excel Open XML Spreadsheet	Spreadsheet File	Microsoft Excel
.htm	Web File	Web File	Web browser
.xyz	PLS-CADD Design File	Document File	PLS-CADD
.dxf	Autodesk AutoCAD Drawing	Document File	AutoDesk AutoCAD