

**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 3 (NORTH)**

Municipal Group 3 North, consisting of the Towns of Holderness, Ashland, Bridgewater, New Hampton and Bristol (“Municipal Group 3 North”), by and through attorneys for Ashland Water & Sewer District, Bridgewater, and New Hampton (Mitchell Municipal Group, P.A.), and attorneys for Bristol (Gardner, Fulton & Waugh PLLC), and with the assent of Holderness (Ashland was contacted but did not respond), 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 3 South propounded its first set of data requests. On or about July 8, 2016, Municipal Group 3 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(1) 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.”<sup>1</sup> 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. In addition, Municipal Group 3 North incorporates by reference legal arguments from other parties seeking to compel with respect to data requests propounded to date.

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

(a) Data Request 4:

Produce Documents, Information, and Communications that evidence, discuss or relate to the placement of wildlife cameras in connection with the Project, including without limitation, the times, dates and locations of the placements.

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

The response to this data request is incomplete because the Applicants failed to provide otherwise relevant, responsive, internal communications relative to the placement of cameras.

- (b) Data Request 6: Produce Documents, Information, and Communications that evidence, discuss or relate to mats to be used in connection with wetlands, including without limitation, identification of locations, type of equipment to transport, place, remove, or reset them, type and gross weights of all heavy equipment using them, and remediation following their use.

The response to this data request is incomplete because the Applicants failed to provide otherwise relevant, responsive internal communications relative to mats to be used in connection with wetlands.

- (c) Data Request 12: Produce documents, information and communications that evidence, discuss or relate to projected dates, duration and timelines and daily itinerary of the planned construction through each municipality along the Project route, and provide the same regarding Your current detailed plans to plan for and then mitigate the following impacts of construction through municipalities along the proposed route (including any unintended and unanticipated impacts):

The response to this data request is incomplete and inadequate. At the outset, the Applicants failed to provide otherwise relevant, responsive internal communications relative to planned construction impacts and mitigation. The Applicants objected on the grounds that the Applicant would be required to develop responsive information and/or that such information was not within the Applicants' care, custody, or control. This misconstrues the data request, which was for existing information, documents and communications regarding planned construction impacts and mitigation. The listed subjects are relevant to the impact the Project will have on each municipality along the Project route. The response is incomplete as the Applicants stated in various responses its aspirational goals, e.g., that it is "committed to work...do not expect that the Project...unlikely to occur...will take a proactive approach..., etc.:", that failed to provide any information regarding how they actually reached these conclusions with respect to requests 12 (a-h).

- (d) Data Request 14: Please provide all analyses, work papers, studies, and action consideration for the Project passing by and past the Ashland sewer lagoons and the Pemigewasset River. Please include all information acquired by You and all analysis and mitigation that explains why the Project will not de-water the lagoons, contaminate the soil, and destabilize the existing ground and existing dikes.

The response to this data request is by the Applicants' own admission, incomplete. Upon completion, the requested information should immediately be provided and the request promptly answered.

- (e) Data Request 15: Please provide all studies, analyses, calculations and work papers on mitigating the impact of the Project bypassing the Ashland lagoons and the Pemigewasset River to assure that the property of Ashland Water and Sewer District is not impacted by the Project.

Please see objection to request 14.

- (f) Data Request 16: Please provide the monthly anticipated capacity factors for the operation of the Project including the anticipated monthly maximum capacity to be delivered on an hourly basis per month.

The response provided is non responsive to the request which sought the monthly anticipated capacity factors.

- (g) Data Request 17: Please provide an estimate of the maximum sag and distance between the towers for the above-ground line, if all towers were limited to 75' of height. Please include in this answer the total number of towers per mile proposed for the AC and the DC separately, and the total number of towers required for the AC and DC separately to achieve a maximum height of 75'.

The response provided is non responsive to the request. In addition, the Applicants failed to provide any supporting documentation for how they reached the conclusions stated.

- (h) Data Request 18: Please provide all supporting documents, calculations, maps and work papers which delineate all underground utilities in municipal and state rights-of-way, through which the proposed Project would co-utilize the public right-of-way width.

The response to this data request is by the Applicants' own admission, incomplete. Upon completion, the requested information should immediately be provided and the request promptly answered.

- (i) Data Request 19: Please provide a detailed and complete list including explanation of all public utility municipal infrastructure and private infrastructure crossings and interferences planned as a result of construction of the Project, including above ground DC, below ground DC, and above ground AC. Please provide by segment and municipality.

Please see objection to request 18.

- (j) Data Request 20: Please provide all complete franchise agreements in force for Eversource/PSNH to operate in any and all municipalities through which the proposed Project route will pass.

The response provided is incomplete as the Applicants failed to provide any supporting documentation.

- (k) Data Request 21: Please provide all documents, franchise agreements, laws, regulations, memorandums and NH PUC decisions which authorize You to construct 300,000 volt or higher underground direct buried electric utility transmission lines in municipal and/or state rights-of-way.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (l) Data Request 22: Please provide a detailed list, summary explanation, location and address of all similar buried 300,000 volt or greater electronic transmission lines in public rights-of-way of any kind, (a) anywhere in New England, and (b) anywhere in the northeastern US.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (m) Data Request 23: Please provide the detailed operating specifications, protocols, and requirements that are going to be put in place and in force During the Project

for all activities such as underground construction, water main construction, pole placement, sewer and storm drain construction, gas line construction, underground telephone, cable and distribution, electrical construction, conduit construction, and any other underground construction undertaken by any governmental entity, private entity, or individual, which may or may not interfere with the Project buried line, including restrictions that will be placed on abutting landowners as well as municipal and state governments.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (n) Data Request 24: Please provide the maximum energy release expressed as pounds of 60% TOVAL dynamite and C5 plastic explosives of a direct short circuit explosion at full capacity of the buried line should it hypothetically occur. Include in the analysis the calculations of the full load short circuit maximum voltage and maximum amperage resulting directly from the short circuit and the explosion.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (o) Data Request 25: Please provide all calculations, specifications, and analysis performed by You or on Your behalf to contain an explosion as described in the above question in both the manholes and the underground trenches.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (p) Data Request 26: Please provide all calculations, analysis, work papers and assumptions which address the extent of electrification of metallic sewer and water lines, culverts, rivers and brooks, or any other conducting material or medium inadvertently energized by a line failure or a natural flood, earthquake, landslide, or other natural event which compromises the integrity of the line.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (q) Data Request 27: Please provide a detailed explanation, analysis, and work papers developed to mitigate the accidental or natural events referenced in the question above, including the necessary grounding for both the line and the public utilities.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (r) Data Request 28: Please describe, explain and State the Basis for Your initial statements made to the public regarding the Project being a purely market derived and market driven transmission line owned and financed by Hydro Quebec without costs to ratepayers within New England and New Hampshire.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (s) Data Request 29: Please State the Basis for Your decision to change the business model of the Project to a regulated model owned by Eversource and not owned and built by Hydro Quebec, including when that change was made.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (t) Data Request 30: Please provide all detailed work papers, analyses, requests, calculations, studies, correspondence, and decisions communicated by You or on Your behalf to and from the FERC requesting rate treatment and rate setting for the Project on a proforma basis, including the NSTAR requests prior to NSTAR being purchased by Eversource

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (u) Data Request 31: Please provide a detailed organizational chart of all entities, owners, beneficial owners, and any other persons or entities with a relationship to, the Project, including all such parties to Northern Pass Transmission, LLC and Eversource Energy, including Hydro Quebec's involvement and/or ownership. Include all shell corporations and pass-through entities in addition to all active corporations, trusts, partnerships, etc.

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (v) Data Request 32: Please provide the purchase power agreement ("PPA") including all correspondence, analyses and studies relating to the PPA, forecasts of the costs of the PPA for energy, capacity and ancillary services and anticipated

revenue streams for the Project including capacity revenues by the New England ISO. Provide, as part of this information, any and all correspondence with New England ISO and what You anticipate for revenues as a result of participating in the New England capacity market.

The Applicants' response is not responsive to the request and the original request remains unanswered. An unrecated copy of the PPA should be provided, particularly where certain members of Municipal Group 3 North have executed a confidentiality agreement.

- (w) Data Request 33: Please provide all analyses, studies, and work papers regarding Your calculations and anticipations for cost savings to the State of New Hampshire and Your anticipated impact on capacity pricing in the New England ISO as a result of the construction and operation of the Project, including all internal memoranda and discussions regarding this matter

The Applicants' response is not responsive to the request and the original request remains unanswered.

- (x) Data Request 34: In addition to the preparation of a pre-construction survey, please provide the identification of all private wells within 600' and all municipal wells within 2 miles of the center line of the electric transmission route and the potential impact and mitigation to assure no damage or contamination to the drinking water wells. As part of this inventory of private and municipal wells, please provide the well size, depth, age, flow rate, baseline sampling, and plans for reimbursement and mitigation in the event that construction, blasting, and future operation of the transmission line destroys, alters, or contaminates both public and private wells. Include all reports, studies, and engineering analyses and data considered and relied upon by the company for the prevention of damage or contamination to the municipal or private wells.

The Applicants' response is not responsive to the request and the original request remains unanswered.

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 3 NORTH**

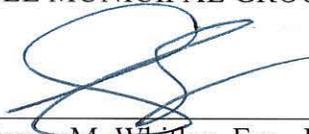
TOWNS OF BRIDGEWATER and NEW  
HAMPTON, and ASHLAND WATER & SEWER  
DISTRICT

By and through their attorneys,

MITCHELL MUNICIPAL GROUP, P.A.

Dated: August 15, 2016

By:

  
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TOWN OF BRISTOL

By and through its attorneys,

GARDNER, FULTON & WAUGH, PLLC

Dated: August 15, 2016

By:

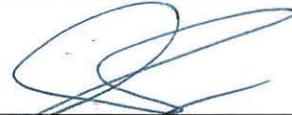
  
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CERTIFICATE OF SERVICE

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:

  
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Steven M. Whitley, 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 3 NORTH  
TOWNS OF HOLDERNESS, ASHLAND, BRIDGEWATER, NEW HAMPTON, AND  
BRISTOL'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 3 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”).<sup>1</sup> 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

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<sup>1</sup> 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 (“PCII”), 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

**MG3N 1-1** If wetland restoration within access roads is found inadequate during post-construction environmental monitoring, please describe with specificity how remedial work will be done in the event that the only access to these areas is via wetlands that have been recently restored.

**Response:** A restored wetland that requires additional attention post-construction will be remediated using the least impacting method available. We expect that since most temporary wetland impacts will result from the use of timber mats, the disturbances will be minor and initial restoration work will simply involve smoothing of displaced soils, spreading seed mixes and, in very select locations, installing live stakes after the mats are removed. In situations where disturbances are very minor, areas may be left to naturally revegetate without the addition of seed. Therefore any additional attention may only require replanting or reseeded. This is easily accomplished by personnel on foot, using hand tools, from the closest upland access point. If remediation requires heavier materials or motorized equipment, and the wetland requiring attention is not accessible without substantial wetland crossings, then helicopter support to fly in necessary materials and personnel may be employed. If this is not an option, then temporarily matting across previously restored wetlands for small truck access may be necessary. Any newly disturbed wetlands will be evaluated and remediated appropriately as equipment leaves the area, and monitored until stable. Since the duration of matting in this instance will be extremely short, any additional impacts are likely to be minor.

**MG3N 1-2** Please describe with specificity how temporarily impacted wetlands can be returned to pre-construction elevations during restoration when the restoration plans do not include elevations and topography for each wetland impact site.

**Response:** Almost all of the temporary wetland impacts will result from the placement of timber mats on wetland surfaces. These mats spread out the weight of equipment and typically do not result in substantial changes to the elevation of the wetlands. In many cases, the mats are placed carefully but directly on the shrubby vegetation, which helps protect the underlying soils and allows faster vegetation regeneration after the mats are removed. In some areas where ground subsidence may have occurred from matting, surface elevations can rebound naturally once matting is removed and no further action is necessary. Where surface soil displacement does occur, or grading of the wetland was necessary, the impact area is generally no wider than the width of one or two timber mats, and it is not difficult to match the grades of the adjacent wetland.

**MG3N 1-3** Because on-right of way access routes are not identified when "...terrain issues require helicopter access..." (page 70, NH Wetlands Application) please clarify whether this means concrete and all tower components will be delivered to such sites by helicopter and that no access road of any kind will be constructed for these sites and produce documents and information that evince, discuss or relate to such areas, including without limitation, maps depicting them.

**Response:** It is the Applicants' intent to use on-ROW access to all structures as is noted in the Application: Appendix 47 - NHDES Project Wetland Maps and Appendix 6c - NHDES Alteration of Terrain Plans of the Application. At this time, the Project has not committed to using helicopters to install structures or their foundations. If the Project contractors determine that it is easier/more efficient to use helicopters in selected locations, then wetland impacts would be reduced. However, the permit applications do not reflect this approach.

Specific details regarding the use of helicopters will be developed as the construction planning is finalized. General information on helicopter use is described in the Application (Pages 30, 81 and 82) and in John Kayser's Pre-filed Testimony on Page 17. The Applicants will comply with all Federal Aviation Administration ("FAA") regulations should the Applicants and/or its contractors choose to use helicopters.

**MG3N 1-4** Produce Documents, Information, and Communications that evidence, discuss or relate to the placement of wildlife cameras in connection with the Project, including without limitation, the times, dates and locations of the placements.

**Response:** All common wildlife was assumed to be present in appropriate habitat within the Project area, and species-specific surveys that relied on methodologies other than wildlife cameras were implemented for uncommon species. The targeted surveys for rare wildlife followed recommendations made by the agencies. The agencies did not request the use of wildlife cameras for any surveys to document the presence of wildlife within the Northern Pass Project area. The survey methods used for rare species are described in Appendix 36 of the SEC Application.

**MG3N 1-5** Please provide all studies, assessments, work papers, reports, and conclusions (Stating the Basis of each such conclusion) regarding the cumulative amount of impacts of the entire Project to wetlands, shore lands, vernal pools, and other sensitive areas, the cumulative effects of those impacts, the amount of land impacted, the summation of the total cumulative loss of wetlands, shore lands, vernal pools, and any other vegetation, wildlife and impacted species, and the commensurate mitigation in both volume, amount, cost and type which is used to offset the impacts listed.

**Response:** The studies, assessments and reports that assess and quantify natural resource impacts were provided with the wetland, shoreland and SEC Applications. The total quantity of wetland, stream and vernal pool impacts associated with the Northern Pass Project are included in the state and federal wetland applications and Wetlands, Rivers, Streams, and Vernal Pools, Technical Report. There is no summary document for all shoreland impacts, as these were calculated and submitted separately at the request of the NHDES Shoreland Department. Potential impacts to aquatic resources are described in the Aquatic Resource technical report. Vegetation clearing quantities, as well as mitigation for natural resource impacts by type and quantity are included in the Natural Resource Mitigation Report. The evaluation of total project impacts to natural resources is addressed in the expert testimony of Lee Carbonneau, Sarah Barnum, and Dennis Magee. Two additional documents have been uploaded to the ShareFile Site in response to this request in addition to the above referenced materials that are included in the SEC Application.

**MG3N 1-6** Produce Documents, Information, and Communications that evidence, discuss or relate to mats to be used in connection with wetlands, including without limitation, identification of locations, type of equipment to transport, place, remove, or reset them, type and gross weights of all heavy equipment using them, and remediation following their use.

**Response:** Locations of construction mats are shown on the wetland permitting plan set. Please see the Application: Volume V: Appendix 2 – Wetlands Application in Appendix H of the application, which includes information about wetland crossing methods. In addition, please see the Application: Volume XXIX, Appendix 32 – Natural Resource Mitigation Plan, Section 4, which discusses restoration. The specific types of equipment used to install and relocate timber mats will be identified approximately 3 to 6 months prior to construction. In some specific areas, contractors may determine equipment needs 1 to 2 months prior to construction. Typically, trucks with trailers transport the mats and forwarders and excavators place and remove them.

**MG3N 1-7** Produce Documents, Information, and Communications that evidence, discuss or relate to large scale plans with proposed grading and erosion and sedimentation controls, including without limitation Project Structure locations, access road improvements, laydown areas, and helicopter pads.

**Response:** Large scale plans (22-inch x 34-inch) were produced for each of the nine facility sites including the Franklin Converter Terminal site, Deerfield Substation, Scobie Pond Substation and the six transition stations as requested by NHDES for the Alteration of Terrain Permit (“AoT”) Application. These plans provide details on grading, drainage and erosion and sedimentation controls and other aspects of these facilities. The transmission plans (11-inch x 17-inch) that accompany the AoT Application show the other requested features including structure locations and access road improvements. Similarly, the wetland permitting plan set shows these features with the addition of laydown areas. Since the Project has been planned assuming helicopters would not be used, no helicopter pads are shown on any permit plans.

**MG3N 1-8** For all staging areas, whether or not included in the Application, produce the Dimensions and Specifications of the staging area, including without limitation, areas that will be impacted for storage of materials and equipment, moving heavy equipment in and out, and impacts anticipated on public roads, governmental functions, and environmentally-sensitive areas.

**Response:** As is typical for large-scale transmission line projects of this scope, laydown and staging areas will be identified prior to commencing construction. Laydown areas and temporary storage areas are described in John Kayser's Pre-Filed Testimony starting on Page 15. The selected contractors and the Applicants will identify and procure these areas over the next year and throughout the Project on an as needed basis. The Application identifies three laydown areas, two in Millsfield and one in Clarksville, which could potentially be used for the work. The areas are identified in the Application: Appendix 47 - Project Wetland Maps. It is also anticipated that the substation and converter station sites will be used for temporary storage. Crane pads (or construction pads) are located on the ROW at every structure and are identified in the Application: Appendix 47 - Project Wetland Maps and Appendix 6c - NHDES Alteration of Terrain Plans. In addition to the reference above, these are also described in John Kayser's Pre-Filed Testimony starting on Page 21.

**MG3N 1-9** If, after completion of construction of the Project, access roads within the ROW are to be left in place in upland areas but removed in wetland areas, as suggested in the application, produce specific details about how the portions of the access roads left in place in the upland areas will be utilized.

**Response:** In general, newly constructed access roads in upland areas will be removed in accordance with the NH DES Alteration of Terrain permits. In certain cases private landowners may request that the newly constructed access road remain after the Project is complete. In these cases, the Applicants would consider the request and seek the necessary approvals from NH DES to leave the access road in place.

To the extent permanent access roads remain, they will be used for the long-term operation and maintenance of the new and existing transmission lines or by the underlying landowner.

The use of access roads is described in John Kayser's Pre-Filed Testimony starting on Page 19 and on Pages 26 and 30 of the Application.

**MG3N 1-10** Produce Documents, Information, and Communications that evidence, discuss or relate to how many 345kv lines, either HFAC or HVDC, in excess of 100 miles that your subcontractors have constructed in the last ten years, including without limitation identification of the specific location, the client, and the number of miles constructed in each case, as well as the safety record of each such project.

**Response:** PAR Electrical Contractors will be the general contractor on this Project. Details of other project that PAR Electrical Contractors has recently completed have been uploaded to the ShareFile Site in response to this request.

Please note that PAR's safety record is tracked overall and cannot be provided by project. Below is the Occupational Safety and Health Administration ("OSHA") recordable rate (number of injuries times 200,000 divided by employee hours worked) for PAR Electric for the past three years:

2015 = 2.2

2014 = 3.1

2013 = 3.4

Additionally, PAR was the major contributor of the contractors who worked more than 2.9 million man-hours over the duration of the Greater Springfield Reliability Project, which was completed in 2015, without one day away from work restricted/transferred (DART) case. This significant accomplishment of a zero DART rate served as a bench mark for the industry.

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

**MG3N 1-11** Produce Documents, Information, and Communications that evidence, discuss or relate to the disposition of concrete and other similar material located under the existing roads along the buried portion of the route, including without limitation any plan of removal, disposal, noise mitigation, and mitigation of potential damage to existing structures.

**Response:** In the case where there is concrete under the roadways that is impacted by the Project's construction activities, the road sub-base will be rebuilt in kind to ensure its integrity. Disposal of material excavated will be at an approved facility.

In the event any damage occurs to private property including driveways and sidewalks due to construction of Northern Pass, the responsible contractor or a Project representative will coordinate with the landowner to resolve the issue, typically by repair or compensation for the damage.

Please see documents that have been uploaded to the ShareFile Site in response to this request. Please also see the Pre-Filed Testimony of Douglas Bell at Pages 7 - 8 for a discussion of noise mitigation during construction.

**MG3N 1-12** Produce Documents, Information, and Communications that evidence, discuss or relate to projected dates, duration and timelines and daily itinerary of the planned construction through each municipality along the Project route, and provide the same regarding Your current detailed plans to plan for and then mitigate the following impacts of construction through municipalities along the proposed route (including any unintended and unanticipated impacts):

- a. Identification of schedule and notification of actual daily work schedules in the municipality and the location(s);
- b. Mitigation of impacted school bus routes and development of alternative school bus routes around construction sequencing;
- c. Reimbursement of costs for excess school busing, fuel, additional pay, additional hours of use of bus, etc.
- d. Notification of parents and school system on a daily basis of school bus routes and times impacted by construction;
- e. Mitigation plans to avoid impacts of construction-affected traffic flow to emergency safety services and emergency management services;
- f. Communications with any and all public agencies, municipalities/municipal departments, colleges, universities, state safety departments, state agencies, hospitals and any other health care facilities, public and private ambulance services, etc. for mitigation and impact of the proposed traffic flow control, traffic stoppage due to blasting, and/or sensitive construction along and/or near the route;
- g. Reimbursement mechanisms for municipal, public, and private services, taxpayers, occupants, non-profit organizations, etc. for costs, time, disruption of services, lost productivity, and lost revenue related to construction interferences;
- h. All anticipated plans to mitigate the impact for businesses along the local business routes affected by the Project, the access to housing, multifamily housing, public and private buildings, places of worship, community services, recreation facilities, etc., during construction, including the management of traffic control. Provide all traffic flow studies with anticipated impacts in each municipality along the proposed Project route for which the line will be constructed in, at, or near a public right-of-way.

**Response:** The Applicants object to this question to the extent it seeks to have the Applicants develop additional information, reports, or other documents that are not currently within the Applicants' care, custody, or control.

Notwithstanding these objections, the Applicants answer as follows:

- a. The detailed construction schedule for the Project will be developed over the next year. The Project has committed to work with each municipality to ensure that construction impacts are minimal and that access to houses, schools, commercial and industrial properties is maintained as much as possible. Please see the pre-filed testimony of Samuel Johnson regarding outreach to municipalities.

- b. Please see response to subpart (a) above.
- c. The Applicants do not expect that the Project will impact school transportation. Therefore, the Applicants do not expect there will be any increased costs to municipalities regarding school busing, fuel, additional pay, additional hours of use of bus, etc.
- d. Please see response to subpart (a) above.
- e. Detailed traffic control plans will be created and submitted to NH DOT within the overall traffic management plan and reviewed, revised and approved per the defined NH DOT process. Detailed traffic management and control plans are location specific and will be developed based on construction staging and work area needs determined when construction is imminent. The general traffic control method and process that will be followed is outlined in the Pre-Filed testimony of Lynn Farrington. The described process includes preparation to avoid disruptions to emergency services. Each Town or City will have an opportunity to discuss expected impacts to safety services and mitigation of such impacts during the development of the traffic control plans and traffic management plan. Correspondence with the Hospitals, Fire Departments, Police Departments, schools and universities, and Offices of Emergency Management has not occurred at this time. Once more specifics are known communication is expected to begin.
- f. Please see response to subpart (a) above.
- g. The Applicants do not expect that the Project will have impacts on municipal, public and private services, taxpayers, occupants and non-profit organizations. Therefore, the Applicants do not expect there will be any increased costs to such entities for time, disruption of services, lost productivity, and lost revenue related to construction interference. If, despite the Applicant's efforts to avoid such impacts, a municipality or a property or business owner believes it has been damaged, please see the Applicants' Response to Grafton County Commissioners' Data Request 1-20 for more information regarding the claims process.
- h. The Applicants believe that potential damage to area businesses are unlikely to occur as it will contract with qualified and experienced contractors in the execution of the work and will work cooperatively with businesses to avoid disruptions and mitigate impacts to the greatest extent possible. Moreover, the construction methods and traffic control measures to be used for the Project will be significantly similar to other standard road construction and/or road repair projects.

In addition, the Project will take a proactive approach to mitigate impacts to businesses, housing, multifamily housing, public and private buildings, places of worship, community services, recreation facilities and other structure to the extent practicable. The project will take into consideration businesses requirements for operation such as delivery access as well as patron access by both vehicle and pedestrian means. The

project team intends to maintain access to all businesses during advertised business hours for the duration of the construction whenever practical. Closing urban roadways by use of detours will generally be avoided to encourage travel by local businesses. Optional routes to avoid the construction area may be suggested to the public in order to maintain traffic flow during peak hours. Pedestrian routes adhering to current Americans with Disabilities Act (ADA) standards will be provided for all existing pedestrian routes impacted. The Pre-Filed Testimony of Samuel Johnson (Pages 13 and 14), John Kayser (Page 10, 27, 33 and 34), and the Pre-Filed Testimony of Lynn Farrington provide more detailed information regarding traffic control.

If, despite the Applicants' efforts to avoid such impacts, a municipality or a property or business owner believes it has been damaged, please see the Applicants' Response to Grafton County Commissioners' Data Request 1-20 for more information regarding the claims process.

**MG3N 1-13** Produce Documents, Information, and Communications that evidence, discuss or relate to the locations of all public roads that you intend to use to access the construction sites for the Project, including without limitation: description of any work including vegetation removal needed, grading, widening or other expansion of the roads that will be done on those roads to provide vehicle and construction equipment access; types and weights of loads used on roads; the extent to which any work on the roads will be left in place or whether the roads will be returned to their condition before the project; and the total of all such roads.

**Response:** Appendix 47 NHDES Project Wetland Maps and Appendix 6c NHDES Alteration of Terrain Plans of the Application identifies the proposed access roads. The details of grading and vegetation removal on the ROW is detailed within Appendices 47 and 6c. At each intersection of a public road, the ROW access road will “flare” to allow for vehicles to enter and exit the ROW. As is typical for transmission line projects of this scope, traffic plans will address the contractors’ use of public roads for access to the right-of-way. The Project will be developing traffic management and traffic control plans in the next year. Traffic plans are described in more detail in John Kayser’s Pre-Filed Testimony starting on Page 33 and in the Pre-Filed Testimony of Lynn Farrington starting on Page 2. The types and weights of loads on the roads will be site specific and dependent on the type of work being performed in the area. If any public road is damaged due to construction activities it will be restored to its prior condition.

**MG3N 1-14** Please provide all analyses, work papers, studies, and action consideration for the Project passing by and past the Ashland sewer lagoons and the Pemigewasset River. Please include all information acquired by You and all analysis and mitigation that explains why the Project will not de-water the lagoons, contaminate the soil, and destabilize the existing ground and existing dikes.

**Response:** The Applicants have met with representatives of the Ashland Water and Sewer on April 27, 2016 to ascertain their concerns and share the Project's construction plans on Ashland Water & Sewer property. As a result of these consultations, the Applicants have retained an independent engineering firm to perform mutually agreed upon engineering studies for work on the Ashland Water & Sewer site. The studies include an assessment of the initial condition of the lagoons, post project assessment and impact of construction activities around the lagoons. The study will be completed prior to construction and shared with Ashland Water & Sewer. The results of these studies will be utilized to create a specific construction plan for the Ashland site.

Please also see the meeting minutes with the Town of Ashland Water & Sewer Commission on April 27, 2016 which have been uploaded to the ShareFile Site in response to this request.

**MG3N 1-15** Please provide all studies, analyses, calculations and work papers on mitigating the impact of the Project bypassing the Ashland lagoons and the Pemigewasset River to assure that the property of Ashland Water and Sewer District is not impacted by the Project.

**Response:** Please see the Applicants' Response to MG3N 1-14 above.

**MG3N 1-16** Please provide the monthly anticipated capacity factors for the operation of the Project including the anticipated monthly maximum capacity to be delivered on an hourly basis per month.

**Response:** Please see Figure 13 in Section 4.2 of the LEI Report.

**MG3N 1-17** Please provide an estimate of the maximum sag and distance between the towers for the above-ground line, if all towers were limited to 75' of height. Please include in this answer the total number of towers per mile proposed for the AC and the DC separately, and the total number of towers required for the AC and DC separately to achieve a maximum height of 75'.

**Response:** The Applicants object to the request as it requires the Applicants to develop additional data that is not presently in the care, custody, or control of the Applicants.

Notwithstanding the objection, the Applicants answer as follows:

The Project has studied a case where the average height was 85', on flat ground (without taking into account the topography). For this case, the distances between structures is approximately 800' and the maximum sag of the line is 29'. Should the height of the structures be reduced to 75', the Project would be required to construct additional structures.

**MG3N 1-18** Please provide all supporting documents, calculations, maps and work papers which delineate all underground utilities in municipal and state rights-of-way, through which the proposed Project would co-utilize the public right-of-way width.

**Response:** The Applicants have created preliminary design alignments for the underground route. 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.

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 NHDOT during the design review process. The design will include locations of the splice enclosures, specific distances between the enclosures and the depths of the line. The detail design is scheduled to be finalized by late 2016/early 2017.

**MG3N 1-19** Please provide a detailed and complete list including explanation of all public utility municipal infrastructure and private infrastructure crossings and interferences planned as a result of construction of the Project, including above ground DC, below ground DC, and above ground AC. Please provide by segment and municipality.

**Response:** Please see the Applicants' Response to MG3N 1-18 above. All road crossings can be found in the SEC Application: Volume X, Appendix 9 – Petition for Aerial Road Crossings, and Underground Installations in State-Maintained Public Highways, and Volume XI, Appendix 10 – Locally-Maintained Road Crossings.

**MG3N 1-20** Please provide all complete franchise agreements in force for Eversource/PSNH to operate in any and all municipalities through which the proposed Project route will pass.

**Response:** In New Hampshire, utility franchise boundaries are established by the New Hampshire Public Utilities Commission (“NH PUC”). The NH PUC's franchise decisions are matters of public record.

**MG3N 1-21** Please provide all documents, franchise agreements, laws, regulations, memorandums and NH PUC decisions which authorize You to construct 300,000 volt or higher underground direct buried electric utility transmission lines in municipal and/or state rights-of-way.

**Response:** The request does not reflect an accurate understanding of the regulation of energy facilities in New Hampshire. See the Application, Page 6, Section (b) (4) (6), which discusses RSA 231:160, *et seq.* See also, Volumes X and XI, as well the May 25, 2016 Order of the New Hampshire Superior Court, which has been uploaded to the ShareFile Site in responses to this document request.

**MG3N 1-22** Please provide a detailed list, summary explanation, location and address of all similar buried 300,000 volt or greater electronic transmission lines in public rights-of-way of any kind, (a) anywhere in New England, and (b) anywhere in the northeastern US.

**Response:** The Applicants object to the question as it requires the Applicants to develop additional data that is not presently in the care, custody, or control of the Applicants. The Applicants object to this question on the grounds that it calls for the review, compilation, or production of publicly available documents that could be obtained by the requesting party in a less burdensome manner, including on a public website. The Applicants have not conducted an exhaustive search of all public documents.

Notwithstanding the objections, the Applicants provide the following chart:

Line No/Project Name	Location	Type	Circuit Length (mi)	Voltage (kV)	Date Energized/Installed
324	Eastern Mass.	HPFF	4.2	345	1989/2000
346	Eastern Mass.	HPFF	6.01	345	1976
351	Eastern Mass.	HPFF	4.96	345	1975/2001
358	Eastern Mass.	HPFF	4.96	345	1975
365	Eastern Mass.	HPFF	6.01	345	1976/1986
372	Eastern Mass.	HPFF	4.2	345	1989
3162	Eastern Mass.	HPFF	17.4	345	2006
3163	Eastern Mass.	HPFF	17.4	345	2006
3164	Eastern Mass.	HPFF	11.19	345	2006
349X	Eastern Mass.	HPFF	6.29	345	1988
349Y	Eastern Mass.	HPFF	6.29	345	1988
Middletown-Norwalk	Southwest Connecticut	XLPE	19	345	2008
Neptune Project	Long Island, NY	XLPE	65 (Undersea)	+/- 500 kV DC	2007
Northern Pass Transmission	Central New Hampshire	XLPE	60.5	+/- 320 kV DC	2018

The Project has no information regarding underground installations by Con Edison in New York City.

**MG3N 1-23** Please provide the detailed operating specifications, protocols, and requirements that are going to be put in place and in force During the Project for all activities such as underground construction, water main construction, pole placement, sewer and storm drain construction, gas line construction, underground telephone, cable and distribution, electrical construction, conduit construction, and any other underground construction undertaken by any governmental entity, private entity, or individual, which may or may not interfere with the Project buried line, including restrictions that will be placed on abutting landowners as well as municipal and state governments.

**Response:** Post construction, NPT will become a separately identified utility for Dig Safe purposes in accordance with RSA 374:48 et seq. and will adhere to those requirements. Construction activities by others, such as repairs near the duct bank, crossings of the duct bank or proposed new longitudinal facilities will be subject to that process, administered by the NH PUC, as well as applicable NH DOT requirements.

**MG3N 1-24** Please provide the maximum energy release expressed as pounds of 60% TOVAL dynamite and C5 plastic explosives of a direct short circuit explosion at full capacity of the buried line should it hypothetically occur. Include in the analysis the calculations of the full load short circuit maximum voltage and maximum amperage resulting directly from the short circuit and the explosion.

**Response:** The Applicants object to this question as it presents an incomplete hypothetical and, therefore, calls for speculation. The Applicants also object to the extent the question misstates facts included in the Application. Moreover, the Applicants object to the question as it requires the Applicants to develop additional data that is not presently in the care, custody, or control of the Applicants.

Notwithstanding these objections, the Applicants answer as follows:

The Applicants do not anticipate that the cable will fail in such a manner as to cause a short circuit explosion. The Project is based on the application of high power electronic devices called IGBT based Voltage Source Converters (“VSC”), which inherently means the Project has a higher level of controllability and faster response time than conventional AC system applications. The DC Cable design, including its surrounding metallic sheath, is such that it will withstand fault currents much higher than the calculated maximum fault current and associated fault energies, i.e., the DC Cable will therefore not fail in an explosive fashion.

A short circuit of the buried line would result in the positive or negative DC cable making a connection to the grounded portion of the cable (i.e. cable sheath). The calculated maximum fault current would be limited to approximately 16,000 amperes. The voltages associated with a cable fault have not been calculated and will be determined during the detail cable design process.

**MG3N 1-25** Please provide all calculations, specifications, and analysis performed by You or on Your behalf to contain an explosion as described in the above question in both the manholes and the underground trenches.

**Response:** Please refer to the Applicants' Response to MG3N 1-24 above. As noted, the splice enclosures will contain any potential failure in equipment.

**MG3N 1-26** Please provide all calculations, analysis, work papers and assumptions which address the extent of electrification of metallic sewer and water lines, culverts, rivers and brooks, or any other conducting material or medium inadvertently energized by a line failure or a natural flood, earthquake, landslide, or other natural event which compromises the integrity of the line.

**Response:** DC circuits do not induce a voltage on parallel metallic facilities (this does occur for AC circuits). As is typical for projects of this scope and nature, calculations of induced currents on underground facilities will be part of the detailed design performed after utility survey information has been completed.

A flood, earthquake, landslide, etc. would not cause the energization of a utility as the underground circuit would fault to ground in a major catastrophic event.

**MG3N 1-27** Please provide a detailed explanation, analysis, and work papers developed to mitigate the accidental or natural events referenced in the question above, including the necessary grounding for both the line and the public utilities.

**Response:** The underground cable system will be grounded at the splice enclosure locations. Detailed design will determine the additional grounding/cathodic protection that will be required for other facilities located under grade in the vicinity of the HVDC installation.

**MG3N 1-28** Please describe, explain and State the Basis for Your initial statements made to the public regarding the Project being a purely market derived and market driven transmission line owned and financed by Hydro Quebec without costs to ratepayers within New England and New Hampshire.

**Response:** The Northern Pass Project is a participant-funded transmission project, as that term is used by the Federal Energy Regulatory Commission (“FERC”), meaning in this case that NPT is paying the costs of developing and constructing the Project and that it will recover those costs through a Transmission Service Agreement (“TSA”) with a subsidiary of Hydro-Quebec. See the Pre-Filed Testimony of Michael J. Auseré, Page 3, which describes the arrangement between NPT and Hydro-Quebec, including the TSA. See also, the Application: Volume XII, Appendix 11 - the Petition to Commence Business as a Public Utility, which includes as attachments, a copy of the TSA and the FERC order accepting the TSA.

**MG3N 1-29** Please State the Basis for Your decision to change the business model of the Project to a regulated model owned by Eversource and not owned and built by Hydro Quebec, including when that change was made.

**Response:** The request does not reflect an accurate understanding of the regulatory model for constructing a participant funded transmission project. See the Applicants' Response to MG3N 1-28.

**MG3N 1-30** Please provide all detailed work papers, analyses, requests, calculations, studies, correspondence, and decisions communicated by You or on Your behalf to and from the FERC requesting rate treatment and rate setting for the Project on a proforma basis, including the NSTAR requests prior to NSTAR being purchased by Eversource.

**Response:** The Applicants object to the extent this request seeks information that is publicly available through the FERC website.

Notwithstanding the objection, see FERC Docket No. ER 11-2377-000.

**MG3N 1-31** Please provide a detailed organizational chart of all entities, owners, beneficial owners, and any other persons or entities with a relationship to, the Project, including all such parties to Northern Pass Transmission, LLC and Eversource Energy, including Hydro Quebec's involvement and/or ownership. Include all shell corporations and pass-through entities in addition to all active corporations, trusts, partnerships, etc.

**Response:** Please see the Pre-Filed Testimony of Michael Auseré and the document uploaded to the ShareFile Site in response to this request.

**MG3N 1-32** Please provide the purchase power agreement (“PPA”) including all correspondence, analyses and studies relating to the PPA, forecasts of the costs of the PPA for energy, capacity and ancillary services and anticipated revenue streams for the Project including capacity revenues by the New England ISO. Provide, as part of this information, any and all correspondence with New England ISO and what You anticipate for revenues as a result of participating in the New England capacity market.

**Response:** Please see the Applicants’ Response to Conservation Law Foundation, Appalachian Mountain Club, New Hampshire Sierra Club, and Ammonoosuc Conservation Trust’s Data Request NGO 1-21 regarding the PPA. The PPA has been uploaded to the ShareFile Site in response to this request.

**MG3N 1-33** Please provide all analyses, studies, and work papers regarding Your calculations and anticipations for cost savings to the State of New Hampshire and Your anticipated impact on capacity pricing in the New England ISO as a result of the construction and operation of the Project, including all internal memoranda and discussions regarding this matter.

**Response:** The calculations for cost savings in New Hampshire are discussed in Section 5 and Appendix D of the LEI Report. The specific results on the construction and operation of the Project specifically are discussed in Section 7.

**MG3N 1-34** In addition to the preparation of a pre-construction survey, please provide the identification of all private wells within 600' and all municipal wells within 2 miles of the center line of the electric transmission route and the potential impact and mitigation to assure no damage or contamination to the drinking water wells. As part of this inventory of private and municipal wells, please provide the well size, depth, age, flow rate, baseline sampling, and plans for reimbursement and mitigation in the event that construction, blasting, and future operation of the transmission line destroys, alters, or contaminates both public and private wells. Include all reports, studies, and engineering analyses and data considered and relied upon by the company for the prevention of damage or contamination to the municipal or private wells.

**Response:** The Application outlines several protocols the Project will use to mitigate the risk of contaminating groundwater and wells. These include, but are not limited to performing the work in accordance with applicable regulations and best management practices. In addition, the Project 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, on Pages 10 and 11, and in the Application, Section (i) on Pages 68 and 84.

## **Pacik, Danielle**

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**From:** Getz, Thomas <Thomas.Getz@MCLANE.com>  
**Sent:** Thursday, August 11, 2016 12:00 PM  
**To:** Jason Reimers; Amy Manzelli; Pacik, Danielle; cfillmore@townandcitylaw.com; steven@mitchellmunigroup.com; Carol Holohan (cholohan@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**

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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

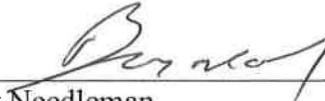
Dated: May 17, 2016

By: 

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Certificate of Service

I hereby certify that on the 17<sup>th</sup> 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.

  
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Barry Needleman