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VIA EMAIL AND US MAIL

August 16, 2016

Ms. Pamela G. Monroe, Administrator  
New Hampshire Site Evaluations Committee  
21 South Fruit Street  
Suite 10  
Concord, NH 03301-2429

Re: NH Site Evaluation Committee Docket No, 2015-06

Dear Ms Monroe:

Please find enclosed for filing in Docket No 2015-06 an original of the Supplement to the Motion to Order Further Responses to Discovery Requests filed by the Intervenors Grafton County.

Copies have been forwarded via email to all parties on the Service List.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Lara Saffo

Cc: Docket No 2015-06 Service List

STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-06

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

**SUPPLEMENT TO MOTION TO ORDER FURTHER RESPONSES TO DISCOVERY  
REQUESTS  
AND EXTEND INTERVENOR DEADLINES**

Now come the Grafton County Commissioners, [hereinafter "Intervenor"] by and through Grafton County Attorney Lara J. Saffo, as spokesperson, hereby supplements its motion for an order from the Site Evaluation Committee to compel Northern Pass Transmission LLC, *et al.* [hereinafter "the Applicants"] to supplement answers to data requests propounded by the Grafton County Commissioners when the applicable information is known, and further, to extend and adjust deadlines applicable to all Intervenor until a reasonable time after meaningful answers to the data requests are received, and more particularly, states as follows:

1. The factual and procedural history of the data request efforts by the Intervenor to the Applicants is set forth in the August 2, 2015 SEC Orders on Motion to Extend Deadlines for Filing Motion to Compel.

2. In pertinent part, the August 2, orders established a deadline of August 15, 2016 for the Intervenor Forest Society, and all other Intervenor, to file a motion to compel responses from the Applicants.

3 By this pleading, the Grafton County Commissioners wish to supplement the motion it filed yesterday.

4. On May 20<sup>th</sup>, 2016, Grafton County propounded its first set of data requests. Grafton County received the Applicants' responses to those data requests. However, those responses were not complete. See Exhibit filed with the motion filed yesterday. 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<sup>th</sup>, 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.

5. 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.”

6. 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).

7. 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.”

8. 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.” 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.

9. 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.

10. 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 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.

11. 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 23:

Please provide detailed cost estimates, including all specifications, material quantities, direct costs, material costs, labor costs, indirect construction costs, engineering, overheads, and all owners costs used and developed to provide the estimate of the above ground DC line in the northern, central and southern portions of the Project. Include in these costs the individual tower specifications for each tower and the cost for each tower as part of these estimates. Also include in accordance with FERC accounting principles, the required estimated costs for site preparations, first clearing, access ways, laydown areas, environmental mitigation, foundations, soils work, grounding, etc. and all other costs necessary to construct the overhead lines proposed for the Project and supporting the current town-by-town cost estimates.

The Applicants object to this request on the basis of confidentiality; however, Grafton County 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 response to this request is inadequate because the

Applicants provided no additional documents or information beyond what is in the Application to address cost estimates for the Project. To the extent the Applicant's response is limited because, as its says, "the requested detailed cost information is not available; however, that type of information will be developed during the construction phase," Grafton County incorporates by reference herein and reasserts the arguments made in its Motion to Order Further Responses to Discovery Requests and Extend Intervenor Deadlines, filed August 15, 2016.

(b) Data Request 24:

Please provide a detailed description (including all calculations, tables and charts used to determine the interest on construction, the timeframe of the interest, and the escalation factors used to escalate the cost estimates) from the date of unit cost selection to the date of completion for the entire Project.

The response to this data request is incomplete because Applicants' response was merely a summary of the results of its calculations and assumptions regarding cost escalation. The Applicants provided no detailed description or supporting information, which is what this request asked for.

(c) Data Request 25:

Please provide the current costs and remaining completion estimates for all permitting costs, engineering, legal, scientific and overhead costs, home office allocations, and all other support costs, both direct and indirect, for the permits being sought from all agencies, both state and federal for the Project to date.

The Applicants objected to this request on the grounds of relevance. However, the costs for all aspects of the Project are relevant to both the Applicants' financial capability (RSA 162-H:16, IV(a)) and whether the Project will serve the public interest (RSA 162-H:16, IV(e)). Applicants also object on the basis of confidentiality; however, Grafton County has executed a confidentiality agreement with the Applicants and has yet to receive any confidential information responsive to this request. Furthermore, Applicants' response to this data request is incomplete because the Applicants provided only a statement of the total amount spent and an estimate of the remaining total to be spent, without any of the detail requested.

(d) Data Request 26:

Please provide under FERC accounting rule 350, a detailed description of all land and land right costs incurred to date with an estimate of remaining cost to complete the Project for its land and land rights acquisitions. Please break this answer down into the various FERC required categories of costs required for capitalization under FERC accounting for the overhead.

The Applicants objected to this request on the grounds of relevance. However, the costs for all aspects of the Project are relevant to both the Applicants' financial capability (RSA 162-H:16, IV(a)) and whether the Project will serve the public interest (RSA 162-H:16, IV(e)). The response to this data request is inadequate because the Applicants provided only a one-sentence response with a total amount of costs and a reference to a portion of the Application, without any of the breakdown of costs as clearly asked for in the request.

(e) Data Request 27:

Please provide the detailed accounting, description, and explanation of all land and land rights held by PSNH Properties, Inc., or any other subsidiary of PSNH or Eversource that are being sold to, rented to, or given to the Project from properties previously held by the company for future use, or properties purchased recently for the entire Northern Pass Project line.

The Applicants objected to this request on the grounds of relevance. However, the land and land rights to be used for this Project are relevant both to whether the Project will unduly interfere with the orderly development of the region (RSA 162-H:16, IV(b)) and whether the Project will serve the public interest (RSA 162-H:16, IV(e)). The Applicants' response is inadequate because the documents referred to in the response (those provided in response to Counsel for the Public's Data Request #3) do not cover all land and land rights for the Project as requested, and furthermore some of those documents have not been made available to any party other than Counsel for the Public. The Applicants should be required to provide all information regarding land and land rights to be used for the Project.

(f) Data Request 28:

Please provide the detailed table of rents of any kind being proposed for the Project use of property owned by Eversource or PSNH and any and all of its subsidiaries, including the amounts, terms, length of leases, upfront cash payments, etc. for the entire Project.

The Applicants objected to this request on the grounds of relevance. However, the costs for all aspects of the Project are relevant to both the Applicants' financial capability (RSA 162-H:16, IV(a)) and whether the Project will serve the public interest (RSA 162-H:16, IV(e)). The response is also incomplete because it refers only to documents produced elsewhere (NHPUC Docket DE 15-464) which do not respond fully to the request.

(g) Data Request 29:

Please provide detailed cost estimates, specifications, material quantities, direct costs, material costs, labor costs, indirect construction costs, engineering, overheads, and all owners costs used and developed to provide the estimate of

the underground DC line in the north central part of the Project. Please provide the estimate which includes the underground manholes, pull boxes, splice boxes, turning boxes, drilling access boxes, etc. which are anticipated and expected as part of the underground construction. Also include in accordance with FERC accounting principles the required estimated costs for site preparations, first clearing, access ways, laydown areas, environmental mitigation, foundations, soils work, grounding, etc. and all other costs necessary to construct the underground line proposed for the Project and supporting the current town-by-town estimates.

The Applicants object to this request on the basis of confidentiality; however, Grafton County 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 response to this request is inadequate because the Applicants provided no additional documents or information beyond what is in the Application to address cost estimates for the Project. To the extent the Applicant's response is limited because, as its says, "the requested detailed cost information is not available; however, that type of information will be developed during the construction phase," Grafton County incorporates by reference herein and reasserts the arguments made in its Motion to Order Further Responses to Discovery Requests and Extend Intervenor Deadlines, filed August 15, 2016.

(h) Data Request 30:

Please provide under FERC accounting rule 350 and FERC accounting rules, a detailed description of all land and land right costs incurred to date with an estimate of remaining cost to complete the Project for its land and land rights acquisitions. Please break this answer down into the various FERC required categories of costs required for capitalization under FERC accounting rules for the underground portion of the Project.

The Applicants objected to this request on the grounds of relevance. However, the costs for all aspects of the Project are relevant to both the Applicants' financial capability (RSA 162-H:16, IV(a)) and whether the Project will serve the public interest (RSA 162-H:16, IV(e)). The response to this data request is inadequate because the Applicants provided only a one-sentence response with a total amount of costs and a reference to a portion of the Application, without any of the breakdown of costs as clearly asked for in the request.

(i) Data Request 31:

Please provide detailed specifications including manufacturer's specifications of the underground cable being utilized in the upper central portion of the Project. Include the specifications for the wire, the turning radius, the trench specifications, backfill, manholes, depths, and all other construction details related to the burial of the line.

The Applicants' response is inadequate because it refers to their response to Data Request 1, which says, in part, that "this alignment is preliminary in nature...[Applicants are] currently conducting geotechnical investigations...the final design will be developed over the next several months....". To the extent the response is limited because the information has not yet been developed, Grafton County incorporates by reference herein and reasserts the arguments made in its Motion to Order Further Responses to Discovery Requests and Extend Intervenor Deadlines, filed August 15, 2016. In addition, the response is inadequate because it does not provide the detailed information requested.

(j) Data Request 32:

Please provide a detailed analysis of the operating line losses of the Project at various levels of capacity from 10% to 100% for the overhead DC portion, the underground DC portion, and the overhead AC portion. Please convert the line losses to kilowatt hours per mile per hour of operation, and the total miles of each type of line so as to convert to total line losses for the entire project cabling system.

The Applicants objected to this request on the grounds of relevance. However, operating line losses impact the costs and efficiency of the Project, which are relevant to both the Applicants' financial capability (RSA 162-H:16, IV(a)) and whether the Project will serve the public interest (RSA 162-H:16, IV(e)). In addition, the response is inadequate because it does not respond to all aspects of the request.

(k) Data Request 33:

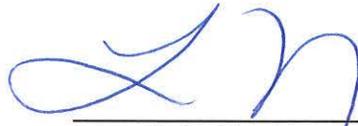
Please provide the operating temperature of the 3 types of lines referenced above [Data Request 32] at the various operating loads referenced above and the BTU line loss calculations per hour per mile of line.

The Applicants objected to this request on the grounds of relevance. However, operating temperature and line losses impact the costs and efficiency of the Project, which are relevant to both the Applicants' financial capability (RSA 162-H:16, IV(a)) and whether the Project will serve the public interest (RSA 162-H:16, IV(e)). In addition, the response is inadequate because it does not respond to all aspects of the 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.

Dated August 16, 2016



\_\_\_\_\_  
Lara J. Saffo, Esquire  
Grafton County Attorney  
Grafton County Commissioner Spokesperson  
3785 Dartmouth College Highway  
North Haverhill, NH 03774  
(603) 787-6968

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing motion has this day been forwarded via e-mail or mail to the persons named in the distribution list of this docket.

Dated: 8/16/16

BY   
\_\_\_\_\_  
Lara Saffo, Esquire  
Spokesperson Grafton County Commissioners

MCLB

**Christine Fillmore**

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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; 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**  
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**MCLANE  
MIDDLETON**

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3/17/16

**VIA ELECTRONIC MAIL**

May 17, 2016

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

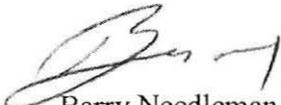
**Re: SEC Docket No. 2015-05: Public Service Company of New Hampshire d/b/a  
Eversource Energy and New England Power Company d/b/a National Grid: Joint  
Application for a Certificate of Site and Facility for the Merrimack Valley  
Reliability Project**

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](http://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 than 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,

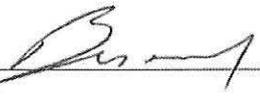
New England Power Company and

Public Service Company of New Hampshire

By its attorneys,

McLANE MIDDLETON  
PROFESSIONAL ASSOCIATION

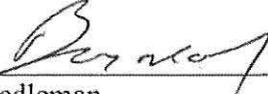
Dated: May 17, 2016

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

PLS

**File Formats Included in Northern Pass Data Request Responses**

<b>File Extension</b>	<b>File Type</b>	<b>Category</b>	<b>Software Required</b>
.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