

September 23, 2016

Via Hand-Delivery

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

**Re: 2015-06— Joint Application of Northern Pass Transmission, LLC and
Public Service Company of New Hampshire d/b/a Eversource Energy for a
Certificate of Site and Facility— Answer to**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find attached an original and one copy of the Answer of the New England Power Generators Association, Inc., to Eversource Energy's Motion to Revoke the New England Power Generators Association's Intervenor Status.

Please contact me if you have any questions in this regard. Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'BF Anderson', is positioned above the printed name.

Bruce F. Anderson

cc: Service List 2015-06 (electronic mail only)

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2015-06

Joint Application of Northern Pass Transmission, LLC
and Public Service Company of New Hampshire
d/b/a Eversource Energy for a Certificate of Site and Facility

**ANSWER OF THE NEW ENGLAND POWER GENERATORS ASSOCIATION, INC.,
TO EVERSOURCE ENERGY'S MOTION TO REVOKE THE NEW ENGLAND
POWER GENERATORS ASSOCIATION INC.'S INTERVENOR STATUS**

On September 22, 2016, the Chairman of the Site Evaluation Committee (“SEC” or “Committee”) issued an Order on NEPGA’s Motion to Compel (“Order”), largely granting the New England Power Generators’ (“NEPGA”) request that Northern Pass Transmission, LLC, and Public Service Company of New Hampshire d/b/a Eversource Energy (“Applicants”) provide further discovery. In its Order, the SEC noted that the Applicant filed an objection to NEPGA’s Motion to Compel that gave rise to the Order. Order at page 1; *see also* Objection to New England Power Generators Association Motion to Compel and Postpone Technical Session, September 16, 2016 (“Objection”). The Applicants’ Objection, however, was not limited to taking a position on discovery issues, but also included in it an affirmative request that the Presiding Officer revoke NEPGA’s rights as an Intervenor in this proceeding. Though the Order addressed those parts of the Applicant’s Objection opposing NEPGA’s Motion to Compel, the Order is silent on the Applicants’ request that the SEC revoke NEPGA’s rights as an Intervenor in this proceeding. Though the Order’s silence on the Applicants’ request may constitute a denial of that request, NEPGA files this Answer in the event the Applicants’ request remains a live issue.

The Applicants' Objection includes what is by definition a Motion to revoke NEPGA's Intervenor status. The Applicants, however, fail to comply with the procedural requirements of a party filing a Motion and fail to include in the Motion certain information required by the Committee's regulations. *See generally* N.H. Code of Admin. Rules Site 202. The Applicants' Motion should therefore be denied on that basis. If instead the Committee finds that the Motion is properly before it, NEPGA here reserves its right to file an answer to the Motion within ten days of its notice, as provided for under the Committee's regulations.

I. The Applicants' Motion Does Not Comply With the Committee's Regulations

1. The Committee's regulations define a Motion as "a request made to the committee or the presiding officer after the commencement of a contested proceeding for an order or ruling directing some act to be done in favor of the party making the motion, including a statement of justification or reasons for the request." New Hampshire Code of Admin. Rules Site 102.28. Within their Objection, the Applicants ask the Subcommittee to "disallow further participation by NEPGA in this proceeding." Objection at page 8. The Applicants' Objection therefore includes within it a request that the Committee take an action in favor of the moving party. That part of the Objection is by definition a Motion under the Committee's rules.

2. The Committee rules require that the moving party include in the caption to the Motion a statement as to "whether it is assented-to or contested, and shall identify within the body of the motion those parties that: (1) Concur in the motion; (2) Take no position on the motion; (3) Object to the motion; and (4) Could not be reached despite a good faith effort to do so, if the motion requests a postponement of extension of time." N.H. Code of Admin. Rules Site 202.14. The Applicants failed to include this information in its Objection, and, as far as NEPGA knows, made no effort to contact parties to determine whether they consent to, take no

position, or object to the motion. NEPGA can only affirmatively state that the Applicants did not contact NEPGA in this regard.

3. The requirement that a movant report to the Committee the position each party takes on a Motion is more than a formality. Implicit in this requirement is a recognition that the position of each party to the proceeding is relevant to the Presiding Officer's decision-making. Indeed, the Presiding Officer must rule on a Motion "after full consideration of *all objections* and other factors relevant to the motion." Among the relevant considerations under the Committee's regulations is the position each party takes on the Motion. The Committee's regulations obligated the Applicants to make that inquiry on each party and report their findings to the Committee when they filed their Motion. The Applicants failure to comply with the Committee's regulations renders its Motion procedurally and substantively deficient.

4. Based on the course of the proceeding and party statements to date, NEPGA can reasonably speculate that many of parties to the proceeding would oppose the Applicants' Motion. *See, e.g.*, NEPGA's Request for Reconsideration on Intervention, March 28, 2016 at ¶ 18 (Public Counsel and Society for Protection of New Hampshire Forests support for NEPGA's participation in proceeding). Of course, because the Applicants failed to comply with the Committee's regulations, neither NEPGA nor the Committee has that information before it. But whether by intent or not, the Applicants failure to comply with the Committee's regulations renders its Motion incomplete. The Presiding Officer should deny the Motion on that basis.

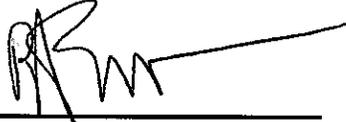
5. In the alternative, should the Committee find that the Motion is properly before it, NEPGA reserves its right to file an objection to Applicants' Motion within ten days of its notice as provided by the Committee's rules. *See* New Hampshire Code of Admin. Rules Site 202.14(f).

Respectfully Submitted,

**NEW ENGLAND POWER GENERATORS
ASSOCIATION, INC.**

By its Attorneys,

Date: September 23, 2016

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on this day, September 23, 2016, a copy of the foregoing Answer was sent by electronic mail to persons named on the Service List of this docket.

A handwritten signature in black ink, appearing to read 'BFA', with a long horizontal line extending to the right.

Bruce F. Anderson, Esq.