



October 17, 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—Objection to Motion for Rehearing, Motion to Disallow Further Participation and to Stay

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find attached an Objection to Applicants' Motion for Rehearing, Motion to Disallow Further Participation and Motion to Stay, filed on behalf of the New England Power Generators Association, Inc.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Carol J. Holahan', is written over a horizontal line.

Carol J. Holahan

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

**OBJECTION OF THE NEW ENGLAND POWER GENERATORS ASSOCIATION,
INC., TO MOTION FOR REHEARING ON ORDER TO COMPEL, MOTION TO
DISALLOW FURTHER PARTICIPATION AND MOTION TO STAY**

The New England Power Generators Association, Inc. (NEPGA)¹ respectfully objects to a three-part motion filed by the Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (“Applicants”) on October 6, 2016, in the above-referenced action before the New Hampshire Site Evaluation Committee (“SEC” or “Committee”). Applicants Motion seeks rehearing of the Presiding Officer’s September 22, 2016 Order, rehearing of the Committee’s Order on Intervention dated May 20, 2016, allowing NEPGA’s intervention, and a stay of the Order issued September 22, 2016. In support of its Objection, NEPGA states as follows:

I. BACKGROUND

1. On September 22, 2016, the Presiding Officer issued an Order on NEPGA's Motion to Compel ("September 22 Order") in this proceeding addressing certain discovery requests to which the Applicants had refused to provide responses. The September 22 Order expressly and unambiguously

¹ The comments expressed herein represent those of NEPGA as an organization, but not necessarily those of any particular member.

required the Applicants to provide the updated responses to NEPGA 2-5,² NEPGA 2-7, NEPGA 2-8 and NEPGA 2-14 by October 7, 2016.

2. On October 6, 2016, in lieu of producing the information described in the September 22 Order and without seeking any emergency or expedited relief of their obligation to comply with that Order, the Applicants filed a *Motion for Reconsideration, to Disallow Further Participation and to Stay*.

3. Applicants' disregard of the September 22 Order, their repeated efforts to eliminate NEPGA's participation in the proceeding and their attempts to cause unnecessary delay to the discovery process, all to the disadvantage of NEPGA, cannot and should not be sanctioned by the SEC. For these reasons and those set forth more fully below, Applicants' Motion should be denied on all counts.

II. Applicants Have Failed to Comply with the September 22 Order

4. When an administrative agency issues an order, the parties must comply with that order unless it is stayed, suspended or otherwise modified. See RSA 541:18 ("no appeal or other proceeding taken from an order of commission shall suspend the operation of such order").

5. Absent the issuance of a subsequent order relieving the Applicants of their obligations to comply with the September 22 Order, Applicants remained subject to the directives contained therein. While the Applicants ultimately did move to stay the underlying directive issued by the SEC in its September 22 Order on October 6, 2016, without some intervening Order by the SEC suspending,

² The Applicants have provided additional information to NEPGA 2-5; the only responses at issue in Applicants' Motion and this Objection are NEPGA 2-7, NEPGA 2-8 and NEPGA 2-14.

modifying or vacating the September 22 Order, the Applicants should have produced the information described by the date ordered, October 7, 2016. *Id.*

6. Applicants' assert two reasons to support their Motion for Rehearing and their request to stay the September 22 Order: first, they claim that they will be "irreparabl[y] harmed" if the information is released pending the SEC's ruling on rehearing; and second, they claim that they intend to update their economic analysis "in the first quarter of 2017," essentially arguing that the SEC's September 22 Order is unnecessary. *Motion for Rehearing* at Paragraphs 5; 14. Neither argument can be sustained and neither argument constitutes a credible basis for the Applicants' failure to abide by the unambiguous terms of the September 22 Order.
7. The possibility of irreparable harm alone does not relieve the Applicants of their duty to comply with the September 22 Order. *See* RSA 541:18; *cf.* *Freedom Ring Communications, LLC d/b/a Bayring Communications, N.H. PUC Order No. 24,913 at III(A) (October 31, 2008)* (suspension of order unwarranted based on mere fact that administrative order may cause injury or inconvenience to another party). This is especially so where the Applicants made this very argument in their *Objection to NEPGA's Motion to Compel*, the Presiding Officer considered it and then determined that the existing protective agreement would adequately protect any confidential information contained therein. *See September 22 Order* at Paragraph D.
8. More importantly and more to the point, if Applicants believed that irreparable harm would result from their compliance with the September 22

Order, they could have and should have moved immediately for a stay of that Order and requested expedited or emergency relief. Consistent with how other procedural motions have been handled in this proceeding to date, such a motion could have been ruled on in a timely fashion by the Presiding Officer prior to the October 7, 2016 discovery production deadline. Instead, the Applicants waited two weeks, and just **one day** prior to the deadline to comply with the September 22 Order, filed seeking a stay. Applicants' failure to seek and obtain expedited relief and their ultimate failure to comply with the Order severely undermines the Presiding Officer's authority and appears to be an attempt to cause delay in the discovery process to disadvantage NEPGA's participation in this proceeding.

III. September 22 Order Compelling Production Should be Affirmed

9. Despite their attempts to recast their arguments on appeal as somehow different from their previously-stated positions, Applicants' Motion simply rehashes their prior arguments. *See, e.g., Objection to NEPGA's Motion to Compel* at 4; 6 (PPA contains confidential information; NEPGA 2-7 and NEPGA 2-8 requires production of analyses Applicants have not performed); *see also* Responses to NEPGA's Data Requests 2-5, 2-7, 2-8 and 2-14 (information sought not within the care, custody or control of Applicants; disclosure of the purchase power agreement (PPA) would cause competitive harm). While a "successful motion for rehearing must do more than merely restate prior arguments and ask for a different outcome," Applicants' Motion fails to do so and

must be denied. *Public Service Co. of N.H., N.H. PUC Order No. 25,676 at 3 (June 12, 2014).*

10. The Presiding Officer correctly determined that in each instance the information sought by NEPGA in its data requests was reasonably calculated to lead to admissible evidence relative to NEPGA's limited intervention. *See Order on NEPGA's Motion to Compel* (September 22, 2016) at Paragraphs A, B, C and D (compelling production after finding NEPGA 2-5, NEPGA 2-7, NEPGA 2-8 and NEPGA 2-14 "relevant to NEPGA's intervention" and "reasonably calculated to lead to admissible evidence").
11. The information NEPGA seeks in NEPGA 2-7 and NEPGA 2-8 is critical to NEPGA's analysis of the purported economic savings related to this project relative to the competitive wholesale electricity market. While FERC's approval and ISO-NE's adoption of a new market design may not have been foreseeable when Applicants filed their Application, there is now no doubt that the economic information supplied in Applicants' original application is outdated, offering little or no probative value. Even the Applicants have conceded the need to provide updated analyses that more accurately reflect the state of the market and market design and now assert that they intend to have London Economics International (LEI) and "update the analysis of market benefits." *See Motion for Rehearing at 6.*
12. Applicants further claim that because the information sought by NEPGA's data requests requires them to run additional modeling, the September 22 Order should be reversed. NEPGA disagrees. As noted above, the Applicants raised

this very issue in their Objection to NEPGA's Motion to Compel and in their Responses to Data Requests. The SEC has, on other occasions, denied compelling a party to produce information that is readily available elsewhere. *Antrim Wind Energy, Order on Outstanding Motions, Docket 2012-01 (August 22, 2012)*. Such is not the case here, however, where the LEI outputs and Ms. Frayer's testimony are based on proprietary modeling; the Presiding Officer was well within his discretion in compelling the Applicants to produce the information responsive to NEPGA's data requests.

13. Applicants affirmatively chose to make economics and the purported savings from the competitive wholesale market a cornerstone of the public benefits the project would bring. Because the original report and analyses are based on LEI's proprietary modeling, only the Applicants can perform any meaningful comparable modeling. Refusing to perform additional modeling in a timely manner, particularly where the new modeling will replace outdated information that is now irrelevant, deprives NEPGA of meaningful discovery on issues directly related to its intervention, severely damaging NEPGA's SEC-delineated role in this proceeding.

IV. APPLICANTS' STATEMENTS THAT THEY WILL EVENTUALLY UPDATE ECONOMIC INFORMATION DOES NOT RELIEVE THEM OF THEIR OBLIGATION TO PRODUCE THE INFORMATION AS ORDERED BY THE PRESIDING OFFICER

14. In their Motion, Applicants suggest that the SEC need not worry about the September 22 Order and the obligations it imposed on the Applicants to produce the information by October 7, 2016, because they intend to issue an updated

study “in the first quarter of 2017.” See *Motion for Rehearing* at Paragraphs 5, 14. Operating under no authority but their own, the Applicants have decided that instead of complying with the express directive contained in the September 22 Order, they will grant themselves an extension of the imposed discovery deadline of October 7, 2016 of between 4-6 months, and produce the information at some undisclosed date in 2017.

15. Nor should the Applicants’ vague statement that they will “update” their economic studies give the Commission any assurance that the “update” will include the information specifically ordered by the Presiding Officer. The Presiding Officer ordered the Applicants to update their economic study using a recent natural gas price forecast and to do additional modeling using the new ISO-NE zones and new system demand curve. The Applicants responded with vague assertions regarding both the substance and the timing of their update. By failing to explain exactly how they will update the economic study or even, at a minimum, that they will update the economic study to include the information specifically ordered by the Presiding Officer, there is no guarantee that the “update” will satisfy the September 22 Order.

16. The Applicants fail to recognize that in addition to the September 22 Order, the procedural order issued by the SEC that same day establishes staggered deadlines, with appropriate intervals between the various stages of the proceeding, all premised on the timely completion of discovery. Indeed, several of those dates are expressly contingent on the information the Presiding Officer ordered the Applicants to produce. See, e.g., *Order on Request to Amend*

Procedural Order (September 22, 2016) at 5-6, Paragraphs 6, 8,10 and 11 (establishing deadlines for expert testimony, data requests and technical sessions “pursuant to Order on NEPGA’s Motion to Compel”). The Applicants have, in effect, unilaterally granted themselves months to develop analyses that, by their own admission can be completed at least in part within “three or more weeks,” *Motion for Rehearing at 2*. Applicants cannot reasonably believe that the remainder of the procedural schedule will remain intact following a discovery delay of that magnitude on an issue so critical to their application.

17. Simply and colloquially stated, the Applicants cannot have their cake and eat it too. If they refuse to produce information when ordered to do so, and seek stays or rehearing of any order compelling discovery resulting in additional delays of months or more, the SEC cannot, consistent with any notion of due process or fair play, hold the other parties to the proceeding to deadlines that are directly dependent upon the information Applicants either refuse to produce or assert that they will produce at some undisclosed point in the future.³

V. APPLICANTS SHOULD BE REQUIRED TO PRODUCE THE PPA IMMEDIATELY

18. Applicants assert, as they have before, that disclosure of the PPA between Eversource Energy and Hydro-Quebec Renewable Energy (HRE), will create economic risks in the competitive market for HRE.
19. Yet, as the Presiding Officer correctly pointed out, NEPGA has signed a confidentiality agreement that adequately protects against the disclosure of

³ NEPGA is filing contemporaneously with this Objection a Motion to Amend the Procedural Schedule.

confidential information. Despite this enforceable agreement, Applicants now claim that an additional protective order is necessary, based on vague assertions that the existing protective order is insufficient. NEPGA disagrees. The existing agreement, which was drafted and circulated by the Applicants, clearly describes the responsibilities of the parties with respect to the protection of confidential information and also describes the penalties for violating them. A new protective order is not only unnecessary, but will only serve to confuse and cause further delay to both the proceeding and production of documents while its terms are negotiated.

20. Unlike the information sought by NEPGA 2-7 and NEPGA 2-8, the PPA does not require modeling or analysis that will take additional time to prepare. Nor have the Applicants advanced any new basis for non-disclosure that would support a reversal on appeal. The PPA is readily available and should be produced immediately consistent with the September 22 Order.

VI. The Applicants' Request for Rehearing Is Untimely and Fails to Raise any Error Subject to Rehearing

a. The Applicants Seek Rehearing of the May 20 Order More than Three Months After The Deadline for Seeking Rehearing

21. The Applicants Motion for Rehearing includes a request for "rehearing" of the Committee's May 20, 2016, Order ("May 20 Order"), specifically with respect to "the issue of NEPGA's continued participation in this hearing." *Motion for Rehearing* at Paragraph 2. The Applicants, however, have filed their rehearing request well past the deadline by which they were permitted to seek rehearing of

the Committee's Order. The Applicants appear to seek rehearing of NEPGA's participation through an appeal of the September 22 Order, which did not address that issue in any way other than furthering NEPGA's role by affirming the production of critical discovery requested by NEPGA. The Applicants' request for rehearing of the May 20 Order is untimely and should therefore be denied.

22. In the Order addressing NEPGA's intervention, the Committee granted NEPGA Limited Intervenor status with the right to:

“(i) address the public interest so far as it related to economic impacts on the competitive energy market; and (ii) to present information related to the Power Purchase Agreement, so far as it relates to the effect on the generation market.” *Order on Review of Intervention*, Docket No. 2015-6, May 20, 2016.

Thus, any party seeking rehearing of a Committee order or decision was obligated to do so within 30 days of the order or decision. RSA 541:3; N.H. Admin. Rule Site 202.29 (c). The Applicants' October 6 rehearing request is therefore untimely in that it comes more than three months after the date by which the Applicants' should have sought rehearing of the May 20 Order, *i.e.*, by June 19, 2016.

23. A rehearing request is a prerequisite to a party seeking judicial review of a Committee decision, and defines the grounds upon which a party may appeal those decisions. RSA 541:4. The deadline for filing a request for rehearing is therefore not a mere formality, but instead provides parties with finality to the Committee's decision-making when no rehearing request is made, or notice that a Committee decision is subject to appellate review and the potential grounds for legal review. Because the Applicants failed to seek rehearing of the Order, the

Committee and other parties to this proceeding have reasonably relied on the finality of the Order, which reliance should not be upset by a request for rehearing filed well after the deadline for its filing.

b. The PUC Actions the Applicants Claim the Committee “Overlooked” Are Either Immaterial to the Committee’s Order Or Were Known by the Committee When It Issued Its Order

24. The Applicants assert that because Eversrouce Energy, d/b/a Public Service Company of New Hampshire (“PSNH”) is seeking approval of the PPA before the New Hampshire Public Utilities Commission (“PUC”), and because PSNH may recover the costs of the PPA through a non-bypassable charge, the Committee should now revoke NEPGA’s right to address the potential impact of both the PPA and the project itself on New England’s wholesale energy markets. *Motion for Rehearing* at Paragraph 20. The PPA cost recovery mechanism and the PUC’s evaluation of the PPA, however, do not extinguish the effect the PPA will have on the wholesale energy and capacity markets.

25. The Applicants either do not understand the potential impacts the PPA may have on the energy and capacity markets, or ignore that potential for purposes of their pleading. In either case, neither the Committee nor NEPGA has had the opportunity to review and understand the terms of the PPA, which could take any number of forms and have any number of consequences for how the energy and capacity is offered into New England’s markets.

c. The Applicants Misrepresent the Committee’s Findings on NEPGA’s Intervention

26. The Committee’s Order on Intervention does not limit the issues NEPGA may explore in this proceeding exclusively to the PPA, but also expressly includes

the impact of the project itself on New England's wholesale energy and capacity markets, an issue the Applicants conveniently fail to discuss.

27. According to the Applicants, "the predicate" for NEPGA's participation in this proceeding is whether the PPA will "affect the electricity generation market." *Motion for Rehearing* at Paragraph 20. This is an incomplete and misleading description of the basis for and breadth of NEPGA's intervention. What the Committee decided, stated here in full again to be clear, was to grant NEPGA's motion to intervene to:

"(i) address the public interest so far as it related to economic impacts on the competitive energy market; and (ii) to present information related to the Power Purchase Agreement, so far as it relates to the effect on the generation market." *May 20 Order* at 25.

28. Prior to issuing its May 20 Order, the Committee carefully considered and deliberated on the issues NEPGA is entitled to explore as part of its intervention. Earlier this year, the Committee held a hearing to consider, among other questions, whether the Presiding Officer had properly denied NEPGA's Motion to Intervene. *Hearing on Motions*, SEC Docket No. 2015-2016, April 12, 2016, Tr. pp. 41-62, 237-239 ("Hearing Tr."). As explained by the Committee, NEPGA maintained that its members "will be directly affected by the project generally" as well as by the PPA.

29. Applicants incorrectly assert that the PPA is the "raison de etre" of NEPGA's intervention. *Motion for Rehearing* at Paragraph 10. The Committee considered the Applicants' arguments for rejecting NEPGA's motion, but concluded that NEPGA is entitled to address the impact that both the project itself and the PPA may have on the wholesale energy and capacity markets.

Hearing Tr. pp. 238-239; see also, Order on Intervention at 25. The Committee, as well as other parties including Counsel for the Public, concluded that NEPGA has a vested interest in this proceeding and that the Committee would benefit from its participation, particularly with respect to the competitive wholesale markets, an issue at the forefront of the Applicants' attempt to show that the project is in the public interest.

30. It is difficult to discern from the Applicants' Motion whether the Applicants misinterpret the Committee's findings or simply fail to refer to the full extent of NEPGA's intervention. In either case, NEPGA's intervention includes the right to address the Applicants' belief that the project will cause price decreases and displace existing generation in New England's wholesale capacity and energy markets, an assertion that is at the heart of the Applicants' representation to the Committee that the project is in the public interest.

31. Moreover, one of the questions NEPGA is entitled to pursue is whether the project will, as argued by the Applicants, cause reductions in New England wholesale capacity and energy market rates. The Applicants make no effort to explain why the relevancy of the PPA in this proceeding dictates the elimination of NEPGA's right to address both the PPA's and the Project's impact on New England's wholesale energy markets. The Applicants' request should therefore be denied.

d. The PUC's Review of the PPA is Not a Substitute for the SEC's Review of the Project and PPA

32. The Applicants incorrectly assert that NEPGA should be denied its intervention rights before the SEC because “[i]f NEPGA wishes to challenge whether the PPA is in the public interest, it may seek recourse at the PUC.” *Motion for Rehearing* at Paragraph 20. The PUC proceeding, however, is not a substitute for the issues NEPGA is entitled to explore in this proceeding. The question is not, as the Applicants phrase it, whether NEPGA should be entitled to challenge whether the PPA is in the public interest, but whether NEPGA should be permitted to “present information related to the [PPA], so far as it relates to the effect on the electric generation market.” *May 20, 2016 Order* at 25.

33. It is self-evident from the Legislature’s creation of both a Public Utilities Commission and a Site Evaluation Committee that those bodies serve distinct roles. The PUC’s mandate, in the context of a power purchase agreement filed for approval, is to determine whether “the utility’s decision to enter into the transaction was unreasonable and not in the public interest.” RSA 374:57. The SEC’s mandate is to consider, among other factors, whether proposed energy infrastructure is in the public interest. That a party may challenge a power purchase agreement on the basis that it is unreasonable or not in the public interest before the PUC does not satisfy that party’s interest in a proceeding before the SEC when the PPA is introduced as evidence that an energy infrastructure project will bring benefits in the form of energy savings that potentially impact the generation market. The Applicants could just as well have

sought approval of the PPA before the PUC and not introduced the PPA as evidence in this proceeding if, as they now assert, the PUC's review of whether the PPA is in the public interest is redundant with the SEC's deliberations here.

34. The PUC is considering whether the PPA is in the public interest, as that term is defined under the PUC's governing statutes, whereas the SEC will decide whether the benefits asserted by the Applicants, including the substantial saving the Applicants assert will come from the PPA, compel a finding that the project is in the public interest. These are two distinct questions to be decided by two distinct bodies. NEPGA will not seek to argue before the SEC, nor will the SEC consider, whether the PPA should be approved. Instead, the SEC will consider and NEPGA is entitled to "present information related to the Power Purchase Agreement, so far as it relates to the effect on the electric generation market." *May 20 Order* at 25. The Applicants are attempting to limit the ability of NEPGA to make this inquiry, first through their refusal to provide NEPGA and other Intervenor with the terms of the PPA, and second by seeking to extinguish the rights granted to NEPGA by this Committee, all the while asserting that the PPA is material to the Committee's public interest standard.

e. The Commencement of the PUC Proceeding Does Not Change the Committee's Reasoning for Granting NEPGA Rights in This Proceeding

35. The Applicants assert that their filing of the PPA with the PUC compels the elimination of NEPGA's intervenor rights in this proceeding. What the Applicants fail to report, however, is that when the Committee granted NEPGA its Limited

Intervenor status it was fully aware that PSNH intended to file its PPA with the PUC. Indeed, the Committee specifically considered whether the existence of a PUC proceeding on the PPA would be sufficient in order to address NEPGA's interests in this proceeding. Transcript at pp. 52-56. Commissioner Bailey specifically asked counsel for NEPGA whether the then-pending PUC proceeding would provide NEPGA with the opportunity to be heard on how the PPA affects the public interest in this proceeding. Commissioner Bailey also asked the Applicant whether it put the PPA into the record in order to demonstrate that the project is in the public interest. Tr. at p. 56. After the Applicant conceded that it had asserted that the PPA will contribute to the public interest in siting the project, the Committee concluded its questions from the bench and subsequently defined NEPGA's intervention to include "the effect of any PPA on the competitive electric energy market." Tr. at p. 238.

36. To assert that the Committee's reasoning "no longer obtains" is to suggest that the Committee was unaware, at the time it granted NEPGA's intervention, that PSNH was to file its PPA with the PUC, and that the Committee did not at that time appreciate the extent of its and the PUC's respective considerations of the PPA. Indeed, the Applicants believe that the Committee "overlooked" the PUC's pending review of the PPA. *Motion for Rehearing* at paragraph 2. That belief is absurd, without merit, and contradicted by the discussion between Commissioners and counsel at the Committee's hearing on several motions earlier this year. *Hearing on Motions*, SEC Docket No. 2015-2016, April 12, 2016, Tr. pp. 41-62, 237-239. This Committee is well aware of the distinct roles it and

the PUC play in the regulation of siting, distribution and generation in New Hampshire, and was well aware that Eversource intended to file the PPA with the PUC. The Applicants state that the Committee “overlooked” the pending commencement of the PUC proceeding, as if the Committee was not aware at the time it granted NEPGA intervenor status that the PUC would open a proceeding on the PPA, and that the Committee did not consider the pending PUC proceeding when it granted NEPGA its intervenor status.

37. The Applicants’ reference to the PUC’s “exclusive jurisdiction” to approve the PPA has no bearing on the Applicants Motion to revoke NEPGA’s intervenor status. *Motion for Rehearing* at paragraph 16. Neither NEPGA nor the Committee, or any other party, has suggested that the PUC does not have jurisdiction to approve the PPA. It is the Applicants themselves that have introduced the PPA in this proceeding in their effort to show that the project is in the public interest. The SEC will consider the evidentiary value of the PPA and, in part, its potential effect on the wholesale energy and capacity markets. Whether the PUC or some other regulatory body has jurisdiction to approve the PPA simply has no relevance to the questions before the SEC in this proceeding. NEPGA’s right to address the impact of the PPA on the wholesale energy and capacity markets should therefore not be revoked on the basis of the PUC’s jurisdiction.

38. The Applicants also appear to confuse the potential effect the PPAs may have on competitive wholesale energy markets. The Applicants believe that because PSNH will recover the costs of the PPA through a non-bypassable

charge to its ratepayers, rather than through the default service charge, that the PPA costs are “insulate[d] from the competitive markets.” *Objection* at 5.

Whether the PPA costs are recovered through default service or some other means does not address whether the PPA has an effect on the wholesale energy and capacity markets. Anytime electric energy or capacity is secured outside of an open, competitive market, as in this case between a preferred partner as part of a larger effort to construct transmission, it has a potential effect on the wholesale energy and capacity markets. To what extent it will affect the wholesale energy and capacity markets is in part the basis of NEPGA’s intervention in this proceeding, an issue that remains regardless of the cost recovery mechanism proposed by PSNH.

39. NEPGA has participated in this proceeding in full compliance with the basis of its intervention granted by the Committee. The Applicants’ Motion asks, in effect, for a rehearing of the Committee’s rehearing determination. There are no changed circumstances and NEPGA continues to provide and seek information relevant to its interests in the Committee’s deliberations.

40. For the reasons stated above, NEPGA respectfully requests that the Committee reject the Applicants’ Motion for Rehearing suspending NEPGA’s further participation as being procedurally deficient and substantively contrary to the Committee’s earlier ruling with respect to NEPGA’s participation.

VII. CONCLUSION

41. Based on the foregoing, NEPGA asserts that the Applicants' Motion for Rehearing on Order to Compel, Motion to Disallow Further Participation and Motion to Stay be denied on all counts and that the Applicants be compelled to produce the requested information immediately consistent with the terms of the September 22 Order.

WHEREFORE, NEPGA respectfully requests the Committee

- A. Deny the Applicants' Motion for Rehearing;
- B. Deny the Applicants' Motion to Suspend NEPGA's participation in the proceeding;
- C. Deny the Applicants' Motion to Stay;
- D. Again Order the Applicants to deliver the information requested with respect to NEPGA 2-7, NEPGA 2-8 and NEPGA 2-14, immediately consistent with the September 22 Order; and
- E. Grant such other and further relief that the Committee may deem just and reasonable.

Respectfully Submitted,

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

By its Attorneys

Date: October 17, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on this day, October 17, 2016, a copy of the foregoing Objection was hand-delivered to the N.H. Site Evaluation Committee and sent by electronic mail to persons named on the Service List of this docket.



Carol J. Holahan, Esq.