

**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

**COUNSEL FOR THE PUBLIC'S RESPONSE TO MUNICIPAL GROUPS'  
MOTION TO EXTEND DEADLINES AND APPLICANTS'  
MOTION TO AMEND PROCEDURAL SCHEDULE**

Counsel for the Public, by his attorneys, the Office of the Attorney General and Primmer Piper Eggleston & Cramer PC, respectfully responds to the Municipal Groups' Motion to Extend Deadlines and the Applicants' Motion to Amend Procedural Schedule (the "Motions") by stating as follows:

**BACKGROUND**

1. On October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively, the "Applicants"), submitted a Joint Application for a Certificate of Site and Facility (the "Application") to the New Hampshire Site Evaluation Committee (the "Committee" or "SEC") to construct a 192-mile transmission line to run through New Hampshire from the Canadian border in Pittsburg to Deerfield (the "Project").

2. On November 2, 2015, the Chairman of the Committee appointed a Subcommittee (the "Subcommittee") to consider the Application. The Subcommittee accepted the Application on December 18, 2015.

3. On April 22, 2016, following a prehearing conference on March 22, 2016, the Presiding Officer issued a Temporary Procedural Schedule for initial data requests.

4. On June 15, 2016, following a hearing, the Subcommittee issued an order suspending the twelve (12) month statutory timeframe for resolving the Application. In suspending the timeframe, the SEC specifically stated that the Project was “unprecedented in both size and geographic scope”<sup>1</sup> and ordered that the Subcommittee shall issue a final Order and Decision on Applicants’ Application for Certificate of Site and Facility by September 30, 2017.

5. Given the number of parties participating, the size, geographic scope, and complexity (over 40 days of technical sessions) of the Project, and the significant public interest and participation in this proceeding, the parties will require substantial time to adequately prepare for the adjudicative hearings.

6. By Order dated June 23, 2016, the SEC established a Procedural Schedule which, among other things, provided that:

- (a) Technical sessions would be completed by February 15, 2017;
- (b) Supplemental Testimony would be filed 28 days later on March 15, 2017;
- (c) Prehearing Motions would be filed five (5) days later on March 20, 2017; and
- (d) The Final Prehearing Conference would be conducted eight (8) days later on March 28 and March 27, 2017.

7. The June 23, 2016 Procedural Order has been amended several times as circumstances arose due largely to the size and complexity of the Project and the number of parties and witnesses in this proceeding.

8. On December 19, 2016, the Presiding Officer issued a Notice of Final Adjudicative Hearings, which are scheduled to begin on April 4, 2017. At the time this notice was issued, the following deadlines were in place:

- (a) Technical sessions were to be concluded by February 28, 2017;

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<sup>1</sup> Docket No. 2015-06, Order on Motions to Suspend, June 15, 2016 at 6.

- (b) Fifteen (15) days later supplemental pre-filed testimony was to be filed on March 15, 2017;
- (c) Twenty (20) days after the technical sessions Motions were to be filed on March 20, 2017;
- (d) Twenty-eight (28) days after the technical sessions the Final Prehearing Conference would be held on March 28 and 29, 2017;
- (e) Thirty-five (35) days after the technical sessions, the hearing could begin on April 4, 2017.

9. The current Procedural Order, dated January 26, 2017, provides for:

- (a) Technical sessions to be held from February 20 to 28, 2017;
- (b) Supplemental Testimony to be filed 15 days later on March 15, 2017 (reducing the time from the original 28 days);
- (c) Prehearing Motions to be filed five (5) days later on March 20, 2017; and
- (d) The Final Prehearing Conference eight (8) days later on March 28 and March 27, 2017.

10. The remaining technical sessions are scheduled to begin on February 21 and continue almost every day through March 17, for a total of up to 18 days of technical sessions. These technical sessions cover critical and complex topics such as aesthetics, the natural environment, and economic benefits, among others. The parties will need significant time to prepare for and attend these technical sessions.

11. The current deadline to file supplemental testimony will occur before the technical sessions conclude, with the deadline for motions due the next business day after technical sessions end on Friday, March 17. Moreover, the Final Prehearing Conference will

occur 11 days after the technical sessions, and the hearing will begin 18 days after the technical sessions end. This provides significantly less than the 35 days provided by the Notice of Final Adjudicative Hearings and is an insufficient amount of time to adequately prepare for the hearing, particularly since the parties will be occupied with technical sessions from February 21 to March 17, 2017, and preparing motions and supplemental testimony until March 20.

12. The Applicants' suggestion to split the deadlines for supplemental testimony, motions and stipulations into two groups based upon when the applicable topic had technical sessions is reasonable, but the Applicants' proposed schedule does not take into account the lack of time the present schedule leaves for preparing for evidentiary hearings. In an effort to keep April 4 as the start of the hearings, the Applicants suggest unreasonable deadlines for supplemental testimony, motions and stipulations, which would put an unreasonable burden on the parties. For instance, Mr. Sansoucy, a witness for several towns, is scheduled to have a technical session on March 13, and the deadline for his supplemental testimony on some of his topics would be two (2) days later on March 15.

13. The Municipal Groups Motion seeks to adjust the schedule to ensure that the same sequencing as was contemplated in the January 26 Order is maintained notwithstanding that the technical sessions will continue later than was contemplated at that time. The problem with the Municipal Groups' approach is that it would require that all supplemental testimony would be due on April 3, which for Counsel for the Public is a considerable and unnecessary burden. While all of the Track 1 supplemental testimony can be done by that date for the Track 2 supplemental testimony pertaining to topics that will not be reached in the first phase of the case additional time is advisable and would not prejudice any of the parties.

14. Counsel for the Public's approach takes elements from the Municipal Groups and elements from the Applicants to set up an orderly and fair schedule without *undue* delay. Unfortunately, because of the number of witnesses, the weather, and other events not within the parties' control the technical sessions could not be completed despite the best efforts of the parties and the SEC in the time originally provided and therefore some delay is unavoidable and thus should not be deemed undue.

15. Counsel for the Public proposes the following schedule:

- (a) March 27, 2017 – All supplemental testimony (excluding construction) for Track 1 Topics;
- (b) April 3, 2017 – Motions and stipulations for Track 1 Topics;
- (c) April 7 (and 10 if necessary) – Final Prehearing Conference;
- (d) April 17 – begin the hearing<sup>2</sup>;
- (e) April 12 – Supplemental construction testimony;
- (f) May 15 – Supplemental testimony on Track 2 Topics;
- (g) May 29 – Motions and stipulations on Track 2 Topics;
- (h) June 1 or 2 – Prehearing Conference for Track 2 Topics.

16. Although the above schedule provides only 27 calendar days from the end of the technical sessions until the start of the hearings in order to file supplemental testimony, motions, stipulations, conduct the Final Prehearing Conference and prepare for the Adjudicative Hearings, rather than the 35 days originally provided, it is a reasonable compromise since the topics are divided into two (2) groups.

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<sup>2</sup> The Subcommittee will need to schedule additional hearing dates, preferably before the last hearing date on July 21.

WHEREFORE, Counsel for the Public respectfully requests that the SEC:

A. Amend the Procedural Order as follows:

- (a) March 27, 2017 – All supplemental testimony (excluding construction) for Track 1 Topics;
- (b) April 3, 2017 – Motions and stipulations for Track 1 Topics;
- (c) April 7 (and 10 if necessary) – Final Prehearing Conference;
- (d) April 13 – begin the hearing;
- (e) April 12 – Supplemental construction testimony;
- (f) May 15 – Supplemental testimony on Track 2 Topics;
- (g) May 29 – Motions and stipulations on Track 2 Topics; and
- (h) June 1 or 2 – Prehearing Conference for Track 2 Topics.

B. Grant such other and further relief as may be just.

Respectfully submitted,

COUNSEL FOR THE PUBLIC,

By his attorneys,

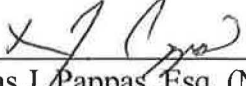


Dated: February 10, 2017

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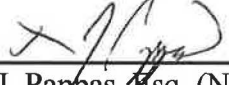
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing RESPONSE TO MUNICIPAL GROUPS' MOTION TO EXTEND DEADLINES AND APPLICANTS' MOTION TO AMEND PROCEDURAL SCHEDULE has this day been forwarded via e-mail to persons named on the Distribution List of this docket.

Dated: February 10, 2017

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