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June 23, 2017

*Via Electronic Mail & Hand Delivery*

Pamela Monroe, Administrator  
New Hampshire Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

**Re: 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 (the "Applicants") for a Certificate of  
Site and Facility  
Motion for Additional Hearing Dates and Extended Hours**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of a  
Motion for Additional Hearing Dates and Extended Hours.

Please contact me directly should you have any questions.

Sincerely,

Thomas B. Getz

TBG:slb

cc: SEC Distribution List

Enclosure

**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**

**MOTION FOR ADDITIONAL HEARING DATES AND EXTENDED HOURS**

NOW COME Northern Pass Transmission LLC (“NPT”) 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 respectfully request that the Site Evaluation Committee (“SEC” or in this case “Subcommittee”) identify additional hearing dates and extend the hours of hearing days, as set forth below.

1. On June 15, 2016, the Subcommittee suspended these proceedings pursuant to RSA 162-H:14, extending the statutory time period for issuing a decision by approximately nine months. It found that suspension was in the public interest in order to ensure full and timely consideration of the environmental consequences of the Project and it noted that suspension, until September 30, 2017, would “assure that the delay would not become undue or unreasonable.”

2. On June 23, 2016, the Presiding Officer issued an order establishing a procedural schedule through March 29, 2017, that, among other things, addressed discovery, testimony, pre-hearing motions, a pre-hearing conference, and certain housekeeping issues. Subsequently, on December 19, 2016 and December 20, 2016, the Presiding Officer issued a Notice of Final Adjudicative Hearings and Amended Notice of Final Adjudicative Hearings, which scheduled

twenty-nine (29) hearing days, beginning on April 4, 2017. To accommodate site visits and public comments, a number of hearing days were subsequently removed from the schedule.

3. Over the many months of this proceeding, the schedule was adjusted for a variety of reasons. Ultimately, a prehearing conference was held on April 4, 2017, and a Report of Prehearing Conference was issued by Counsel to the SEC on April 11, 2017. The Report, among other things, discussed the order of witnesses for the first seven days of hearings and cross-examination, public comment, and the exchange of exhibits, and noted that hearings would begin each day at 9:00 a.m. and adjourn between 4:30 p.m. and 5:15 p.m., but indicated that flexibility would be required to maintain a reasonable schedule. A second Report of Prehearing Conference was issued on April 28, 2017, which included an estimate of twenty-one days for cross examining the Applicants' remaining witnesses, bringing the total estimated time for cross examination of Applicants' witnesses to twenty-eight days.

4. Adjudicative Hearings commenced on April 13, 2017, and as of the date of this motion the Subcommittee is holding its nineteenth day of hearings. On June 14, 2017, the Presiding Officer issued a Notice of Additional Final Adjudicative Hearing dates, which scheduled fifteen additional hearing dates through September 29, 2017. While the current schedule provides for a total of 42 days of hearings, nearly half of those days have been consumed, with a number of the Applicants' witnesses yet to be examined and all of Counsel for the Public's and the Intervenors' witnesses yet to be examined.

5. The Applicants recognize the many challenges to the Subcommittee in conducting a proceeding of this magnitude and importance, including potential difficulties in assembling a quorum, as well as the challenges to the parties, many of whom are appearing *pro se*, in participating in such a proceeding. One of the many challenges concerns the estimated times of

cross-examination. For instance, cross-examination of the Construction Panel was estimated to take four days but took seven days, which not only has the effect of extending the proceedings but impacts the availability of both the Applicants' witnesses and other participants.

6. Cross-examination of various witnesses is taking more time than estimated. The Applicants appreciate the efforts of the Presiding Officer and the Subcommittee in managing the proceedings, and the decision to be flexible about the time of adjourning the hearings, but experience has thus far demonstrated that there is serious risk that delay will become undue and unreasonable if additional measures are not taken.

7. For this reason, the Applicants respectfully request the addition of fifteen (15) hearings days to the schedule during July, August and early September, and they note that there are forty (40) business days available during that period. In order to avoid undue delay, and assure the prompt and orderly conduct of the proceeding, the Applicants believe that an appropriate balancing of their interests in a timely decision, consistent with the Subcommittee's June 15, 2016 Order on Motions to Suspend, and the decision of parties to participate in the hearings, would be achieved by scheduling additional hearing days .

8. In addition, the Applicants ask that the Subcommittee extend the hours during which hearings are held to the maximum extent possible, including the option for evening sessions when required to maintain the schedule. The Applicants understand that there has been reluctance by parties in the past to extending the hours of the hearing days. In order to avoid undue delay, and assure the prompt and orderly conduct of the proceeding, however, the Applicants believe that an appropriate balancing of their interests in a timely decision, consistent with the Subcommittee's June 15, 2016 Order on Motions to Suspend, and the decision of parties

to participate in the hearings, would be achieved by extending the hours of hearings for the remainder of the schedule.

9. Finally, the Applicants ask that the Subcommittee and the parties identify and implement other opportunities that may be available to achieve additional administrative efficiencies for the remainder of the hearing schedule.

10. The IBEW supports the motion. The following parties oppose the motion, at least insofar as it seeks to extend the hours of hearings: Municipal Groups 1 South, 2, 3 South, and 3 North; Grafton County Commissioners; Counsel for the Public; the NGO Intervenors; Forest Society; PRLAC; National Trust for Historic Preservation; Deerfield Abutters; McKenna's Purchase; Southern Non-Abutters, Ashland to Deerfield; Abutting and Non-Abutting Property Owners Bethlehem to Plymouth; Whitefield to Bethlehem Abutters; Non-Abutting Property Owners Stark to Bethlehem; Dummer, Stark and Northumberland OH Abutters; and, Combined Property Owners Pittsburg, Clarksville and Stewartstown. A number of parties either do not oppose or support the motion insofar as it seeks additional hearing days in general but may not support the Applicants' specific request, including: Abutting Property Owners Bethlehem to Plymouth; Combined Property Owners Pittsburg, Clarksville and Stewartstown; and Dummer, Stark and Northumberland OH Abutters. To the extent that the position of any party on the Applicants' request for additional hearing days is not accurately reflected, the Applicants will submit a supplement that sets forth such positions.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

- a. Grant the Applicants' Motion; and
- b. Grant such further relief as it deems appropriate.

Respectfully submitted,

Northern Pass Transmission LLC and  
Public Service Company of New Hampshire d/b/a  
Eversource Energy

By Their Attorneys,  
McLANE MIDDLETON,  
PROFESSIONAL ASSOCIATION

Dated: June 23, 2017

By: 

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Certificate of Service

I hereby certify that on the 23<sup>rd</sup> day of June, 2017 the foregoing Objection was electronically served upon the SEC Distribution List and an original and one copy will be hand delivered to the NH Site Evaluation Committee.

  
Thomas B. Getz