

**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 OBJECTION TO APPLICANTS' MOTION FOR
ADDITIONAL HEARING DATES AND TO EXTEND HOURS**

Counsel for the Public, by his attorneys, the Office of the Attorney General and Primmer
Piper Eggleston & Cramer PC, hereby objects to the Applicants' Motion for Additional Hearing
Dates and to Extend Hours, as follows:¹

1. On June 23, 2017, the Applicants filed a motion seeking to (a) add additional
hearing dates in July, August and September, and (b) extend the hours for each hearing date for
the remainder of the schedule.

A. Additional Hearing Dates in July, August and September.

2. Counsel for the Public objects to adding additional hearing dates in July, August
and September.

3. On June 15, 2016, the Subcommittee suspended the deadline for issuing a
decision under RSA 162-H, finding that “[c]onsidering the magnitude of the project and issues
raised in this docket, it is in the public’s interest to suspend the 365 day deadline,” recognizing
that “[t]he project is unprecedented in both size and geographic scope,” and also noting that it
was “aware of the legislative concern to avoid “undue” delay in the construction of the new
facilities.” In reaching its decision, the Subcommittee balanced the Applicants’ objection to
suspending the deadline with other parties’ request to suspend the deadline beyond

¹ Counsel for the Public joins the Objection filed by the Municipal Groups on June 26, 2017, and will not
repeat the arguments made therein.

September 30, 2017, and considered what had to be done to meet the Subcommittee's statutory obligations.

4. Given the number of parties and witnesses, including expert witnesses, and the number of documents produced in this proceeding, adjustments to the Subcommittee's procedural orders were to be expected. Indeed, the Subcommittee's original procedural order for discovery and filing testimony was amended several times to address circumstances and issues that arose during this proceeding.

5. On December 20, 2016, the Presiding Officer issued a revised Notice of Final Adjudicative Hearings, which scheduled hearings through July 21. On April 24, 2017, the Presiding Officer issued a revised Notice of Final Adjudicative Hearings and Notice of Public Statement Hearings, which scheduled additional hearings through August 3, 2017. Based upon those notices, Counsel for the Public, his attorneys, and his expert witnesses scheduled other professional and personal commitments on non-hearing dates during July.

6. On June 14, 2017, the Presiding Officer issued a Notice of Additional Final Adjudicative Hearing Dates, scheduling hearings through September 29. Based upon this Notice, Counsel for the Public, his attorneys and his expert witnesses scheduled other professional and personal commitments on non-hearing dates in August and September.

7. Counsel for the Public expects that his witnesses will testify on hearing dates scheduled in September. Witnesses for Counsel for the Public have blocked out a significant number of days in September in order to be available to testify. Based upon their other professional and personal commitments, particular during the summer months, Counsel for the Public's witnesses may not be available to testify in August if additional hearing dates are

scheduled in July and August.² In short, it is too late to backfill the calendar with additional dates without unduly burdening the parties.

B. Extended Hours.

8. To date, the Presiding Officer has exercised his discretion to conclude hearing days when appropriate, based upon the status of the testimony, including extending hearing days to 6 p.m. Proceedings in New Hampshire state court conclude between 4:00 and 4:30 p.m., and it is common for adjudicative hearings held by administrative agencies to conclude between 4:30 and 5:00 p.m. The April 11, 2017 Report of Prehearing Conference indicated that the hearing would be adjourned for the day between 4:30 p.m. and 5:15 p.m., and noted further that flexibility may be required to maintain a reasonable schedule and to conclude the hearings within a reasonable amount of time. The Presiding Officer can continue to exercise his discretion as to when to conclude the hearing on any particular day, as circumstances dictate, but generally hearing days should conclude between 4:30 p.m. and 5:15 p.m. as previously indicated.

9. As other parties have noted, there is a law of diminishing returns; after a number of hours it becomes difficult to ask concise questions or deliver concise answers and it may become more difficult for the Subcommittee to absorb more information. During the time periods that hearings are held, the parties require additional time to prepare for the next day's hearing. Extending the hours will prejudice many parties who lack the resources that the Applicants, and to a certain extent Counsel for the Public, have by unreasonably straining their available time and funds.

² The parties and the Subcommittee have spent much time diligently considering the joint application. Nevertheless, given the size and scope of the project and this proceeding, additional hearing days will be required past September 30, 2017. Counsel for the Public supports further suspending the statutory deadline and scheduling additional hearing days after September 30, 2017.

WHEREFORE, Counsel for the Public respectfully requests that the Site Evaluation Subcommittee:

- A. Deny Applicants' Motion for Additional Hearing Dates and Extended Hours; and
- B. Grant such other relief as the Court deems just.

Respectfully submitted,

COUNSEL FOR THE PUBLIC,

By his attorneys,

Dated: June 30, 2017

By:



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Dated: June 30, 2017

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing OBJECTION TO APPLICANTS' MOTION FOR ADDITIONAL HEARING DATES AND TO EXTEND HOURS has this day been forwarded via e-mail to persons named on the Distribution List of this docket.

Dated: June 30, 2017

By: 
Thomas J. Pappas, Esq. (N.H. Bar No. 4111)