

**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**

**August 29, 2016**

**ORDER ON AGENCY REQUESTS TO SUSPEND REPORTING DEADLINES  
(Department of Environmental Services/Department of Transportation  
Division of Historic Resources)**

**I. Background**

On October 19, 2015, Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively Applicant) submitted an Application to the New Hampshire Site Evaluation Committee (Committee) for a Certificate of Site and Facility (Application) to construct a 192-mile transmission line. The transmission line is proposed to have a capacity rating of up to 1,090 MW, and to run through New Hampshire from the Canadian border in Pittsburg to Deerfield.

On November 2, 2015, pursuant to RSA 162-H:4-a, the Chairman of the Committee appointed a Subcommittee (Subcommittee) to consider the Application.

On May 19, 2016, the Subcommittee conducted a public hearing. During the public hearing, the Subcommittee granted in part and denied in part the motions to suspend the 365-day time frame set forth in RSA 162-H:7, IV-d. On June 15, 2016, the Subcommittee issued an Order granting in part, and denying in part, the motions to suspend that timeframe, finding that the final decision denying or granting the Applicant's request for Certificate of Site and Facility should be issued by September 30, 2017. *See* Order on Motions to Suspend (June 15, 2016). In the Order, the Subcommittee noted that RSA 162-H:4, V provides the Presiding Officer with the authority

to determine procedural schedules, discovery schedules, and other procedural matters. *Id.* at 7.

The Subcommittee further noted that the state agencies with permitting or other regulatory authority, at the time, had not requested suspension of the deadlines for their preliminary reports and final decisions. *Id.* The Subcommittee authorized the Presiding Officer of the Subcommittee to issue rulings on requests to suspend the 150-day deadline (RSA 162-H:7, VI-b) and 240-day deadline (RSA 162-H:7, VI-c) if such requests are received from the agencies in the future. *Id.*

The Subcommittee received requests to suspend the statutory deadlines from the following agencies with permitting or other regulatory authority:

- Department of Environmental Services (August 12, 2016);
- Department of Transportation (August 15, 2016); and
- Division of Historical Recourses (August 23, 2016).

Each request seeks temporary suspension of timeframe set forth in RSA 162-H:7, VI-c.

## **II. Positions of the Parties**

The Department of Environmental Services (DES) states that, on May 16, 2016, it asked the Applicant to provide answers to additional data requests and questions. Although the Applicant is working on providing the answers and gathering the requested documentation, a number of requests remain outstanding. DES advises the Subcommittee that it expects to receive additional voluminous and technically complex information and documentation from the Applicant in response to the outstanding requests. DES further advises the Subcommittee that it will need additional time to fully analyze this documentation and ascertain the Project's impact on the environment. DES requests that the Presiding Officer suspend the 240-day deadline and allow DES to file its final report on or before May 1, 2017.

The Department of Transportation (DOT) states that it has asked the Applicant to obtain additional geological and underground survey information within the proposed corridor in order to fully develop the design within State highways. DOT anticipates receiving the requested information in mid-December. It further states that, given the complexity of the Project and the potential impacts to the transportation system, it will need at least 10 weeks to review the information and determine the proposed conditions for the Use and Occupancy Agreements, excavation permits, driveway permits, crossing agreements and leases. DOT requests that the Presiding Officer suspend the 240-day deadline and allow DOT to file its final report on or before February 28, 2017.

The Division of Historic Resources (DHR) submits that, in cooperation with the Applicant, it is currently working on the identification of additional above and below ground historic resources. DHR anticipates that extensive documentation identifying those resources will be provided by the Applicant. DHR further asserts that it will have to spend an additional significant time to review of the information to fully ascertain the impact of the Project on historic resources. DHR requests that the Presiding Officer suspend the 240-day deadline and allow DHR to file its final report on or before March 1, 2017.

### **III. Analysis and Findings**

Under RSA 162-H:7, VI-c, all state agencies having permitting or other regulatory authority are required to submit to the Subcommittee final decisions on the parts of the Application that relate to their permitting and other regulatory authority, no later than 240 days after the Application has been accepted. In the Order on Motions to Suspend, the Subcommittee authorized the Presiding Officer to issue rulings on requests to suspend the 240-day deadline. *See* Order on Motions to Suspend, at 7 (June 15, 2016).

In establishing the Site Evaluation Committee, the legislature adopted the following findings and purposes:

... the legislature finds that it is in the public interest to maintain a balance among those potential significant impacts and benefits in decisions about the siting, construction, and operation of energy facilities in New Hampshire; that undue delay in the construction of new energy facilities be avoided; that full and timely consideration of environmental consequences be provided; that all entities planning to construct facilities in the state be required to provide full and complete disclosure to the public of such plans; and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic, and technical issues are resolved in an integrated fashion.

*See* RSA 162-H:1.

Full consideration and evaluation of the Project's technical issues and impacts on the environment and historic sites is required to comply with the goals established by the legislature, and to ascertain whether the issuance of the Certificate is warranted in this docket. Granting the agencies' requests to suspend will not cause undue delay. The final reports will be provided two weeks before the deadline for submittal of the parties' supplemental pre-filed testimony and four weeks before the final pre-hearing conference in this docket. The suspension requests filed by the Department of Environmental Services, the Department of Transportation and the Division of Historic Resources are granted.

The Department of Environmental Services shall submit its decisions on the parts of the Application that relate to its permitting and other regulatory authority including draft permits and conditions on or before March 1, 2017.

The Department of Transportation shall submit its decisions on the parts of the Application that relate to its permitting and other regulatory authority including draft permits and conditions on or before March 1, 2017.

The Division of Historic Resources shall submit its decisions on the parts of the Application that relate to its regulatory authority on or before March 1, 2017.

So Ordered, this 29th day of August, 2016.



---

Martin P. Honigberg, Chairman  
Public Utilities Commission  
Presiding Officer