

**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**

**June 12, 2017**

**ORDER GRANTING MOTION TO CLARIFY**  
**(Public Interest)**

This Order grants the Joint Pre-Hearing Motion of the Society for the Protection of New Hampshire Forests and the Grafton County Commissioners to Clarify That All Tracks Include Evidence Relevant to “Public Interest.”

**I. Background**

On March 1, 2017, an Order on Pending Motions (Procedural Order) was issued in this docket. The Order designated two sets of deadlines for adjudication of issues raised in this docket: (i) Track 1 - Project route selection, Forward New Hampshire Plan, financial capability, system stability, and public health and safety (excluding construction related impacts); and (ii) Track 2 - orderly development, aesthetics, air and water quality, natural environment, economic benefit, and construction related impacts.

On April 24, 2017, the Society for the Protection of New Hampshire Forests and the Grafton County Commissioners (Intervenors) filed a Joint Motion to Clarify That All Tracks Include Evidence Relevant to “Public Interest.” The Applicant responded on May 4, 2017.

## **II. Analysis and Findings**

The Subcommittee may issue a certificate only if it finds that issuance of a certificate will serve the public interest. *See* RSA 162-H, IV (e). When determining whether issuing a certificate will serve the public interest, the Subcommittee must consider:

- (a) The welfare of the population;
- (b) Private property;
- (c) The location and growth of industry;
- (d) The overall economic growth of the state;
- (e) The environment of the state;
- (f) Historic sites;
- (g) Aesthetics;
- (h) Air and water quality;
- (i) The use of natural resources; and
- (j) Public health and safety.

*See* N.H. Code Admin. Rules Site 301.16 (a)-(j).

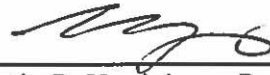
The Intervenors assert that the Procedural Order did not specifically identify public interest in the topics addressed during the adjudicative hearings. The Intervenors further claim that the record is not clear on when evidence pertaining to the public interest may be introduced. The Intervenors request that the Subcommittee clarify the Procedural Order and issue an Order that specifically states that evidence relevant to the “public interest” standard of RSA 162-H:16, IV(e) and N.H. Code Admin. Rules Site 301.16(a)-(j) may be introduced at any time.

The Applicant asserts that the Intervenors’ Motion should be denied because designation of issues to Track 1 and Track 2 was conducted for discovery only and did not affect the conduct of the adjudicative hearings. The Applicant asserts its witnesses will testify about the issues

related to finding of “public interest” regardless of their designation to particular tracks for discovery. The Applicant requests denial of the Joint Motion to Clarify.<sup>1</sup>

The Subcommittee is charged with determining whether the Project will serve the public interest. It is impractical to separate evidence related to public interest from evidence related to other statutory requirements. By not separating the issues associated with finding of public interest, the Procedural Order recognized the intrinsic nature of this standard and did not restrict public interest inquiries to any particular “track” or witness. There is considerable doubt as to whether an order “clarifying” that is necessary, but to avoid confusion, evidence relevant to the “public interest” standard of RSA 162-H:16, IV (e) and N.H. Code Admin. Rules Site 301.16(a)-(j) may be introduced throughout the hearing.

SO ORDERED this 12th day of June, 2017 by the Site Evaluation Subcommittee:



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Martin P. Honigberg, Presiding Officer  
Site Evaluation Committee

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<sup>1</sup> It is noted that the Intervenor, in their motion, stated that the “public interest” standard requires the Subcommittee to determine whether accumulated impact of all statutory factors warrants issuance of the Certificate. The Applicant objects to such interpretation of the statute. The Intervenor, however, did not ask the Subcommittee to interpret the statute, but simply requested confirmation that any witnesses can be asked questions related to the finding of public interest. Therefore, neither the Intervenor’s interpretation of the statute nor the Applicant’s objection to the same is considered in this Order.