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November 2, 2015

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

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Re: **SEA-3, Inc. ("SEA-3")**
Request for Exemption
SEC Docket No. 2015-01

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Dear Administrator Monroe:

Enclosed for filing in connection with the above-captioned matter, please find the original and two (2) copies of Portsmouth Intervenors' Objection to Motion to Strike.

BOSTON
255 STATE STREET
BOSTON, MA
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F 617 439-9363

I certify that copies of the within filing have been sent to the parties identified on the Service List on this docket.

WWW.SHEEHAN.COM

Very truly yours,

Christopher Cole (LJL)

Christopher Cole

CC/ljl
Enclosure

cc: Service List

**Site Evaluation Committee
of the New Hampshire Public Utilities Commission**

In the Matter of the Application of Sea-3, Inc.
(Request for Exemption)

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SEC Docket No. 2015-01

PORTSMOUTH INTERVENORS’ OBJECTION TO MOTION TO STRIKE

The Portsmouth Intervenors¹ respectfully submit this brief Objection to the Applicant’s Motion to Strike Testimony to the extent it bears on the railways.

Sea-3’s principal arguments on its motion to strike appear to be that anytime anyone mentions the railways, the SEC cannot hear it because of principles of federal preemption. First, this objection is unduly late. Code 202.24(c) requires that such motions relating to admissibility be filed as in the hearing....” At the technical session, no mention was made concerning any objections to the Intervenors’ pre-filed testimony.

Moreover, and more importantly, the Portsmouth Intervenors testimony neither opine about nor ask the Committee to regulate the rails; the Intervenors simply describe the impacts of the intensified use of the Sea-3 facility and the potential hazards from that proposed use. There is no lawful reason to exclude the testimony of the Intervenors. See City of Portsmouth Objection to Motion to Strike, filed November 2, 2015, at ¶¶6, 7 and 8, incorporated by reference here.

The Intervenors’ proximity to the facility – and the railways that feed it – are matters that the Committee can properly consider, without running afoul of any federal preemption

¹ The Portsmouth Intervenors are Richard and Catherine Dipentima; Robert Gibbons and Patricia Ford; William and Kristina Campbell; John and Jane Sutherland; and Erica and Matthew Nania.

principles. See City of Portsmouth Objection to Motion to Strike, filed November 2, 2015, at ¶¶10, 11 and 12, incorporated by reference here

Accordingly, the Portsmouth Intervenors respectfully request an Order from the Committee denying the Motion to Strike their testimony, to the extent requested by the Applicant's Motion to Strike.

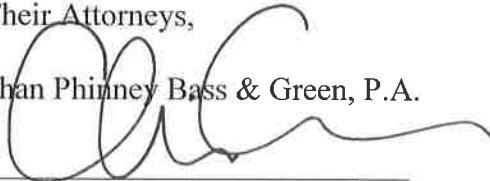
Respectfully submitted,

PORTSMOUTH INTERVENORS,

By Their Attorneys,

Sheehan Phinney Bass & Green, P.A.

By:

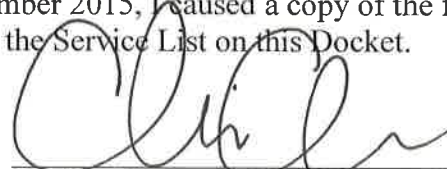


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Dated: November 2, 2015

Certification

I hereby certify that on this 2nd day of November 2015, I caused a copy of the foregoing Objection to be sent via email to the persons on the Service List on this Docket.


Christopher Cole