

August 4, 2016

VIA FEDERAL EXPRESS OVERNIGHT

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

Re: Application of Public Service Company of New Hampshire D/B/A
Eversource Energy for a Certificate of Site and Facility
Docket No. 2015-04

Dear Ms. Munroe:

Enclosed for filing in the above referenced matter, please find the original and one copy of the Motion for Leave to File Reply in Support of Motion to Intervene on behalf of the DeCapo Family.

Sincerely,



Kayla Costa
Paralegal

Enclosure

cc: SEC Distribution List (via e-mail)

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

DOCKET NO. 2015-04

MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF MOTION TO INTERVENE

**Seacoast Reliability Project – Application of Public Service Company of
New Hampshire d/b/a Eversource Energy for a Certificate of Site and
Facility for the Construction of a New 115 kV Transmission Line from
Madbury Substation to Portsmouth Substation**

NOW COMES movants Thomas A. DeCapo and Yael D. DeCapo (together, the "DeCapo Family"), who own 313 and 315 Durham Point Road, Durham, New Hampshire, and hold interests in another adjacent parcel (together, the "DeCapo Property"), by and through their attorneys, BLA Schwartz, PC, and submit this Motion for Leave to File Reply in Support of Motion to Intervene in the above-referenced matter. In support thereof the DeCapo Family states that the reply will be limited to addressing the arguments for consolidation of the DeCapo Family with other putative intervenors made in Applicant's Response to Durham Point/Little Bay Abutters, Thomas A. Decapo and Yael D. Decapo and Donna Heald Mccosker Petitions to Intervene ("Applicant's Response") and will aid in the Site Evaluation Committee's resolution of this matter.

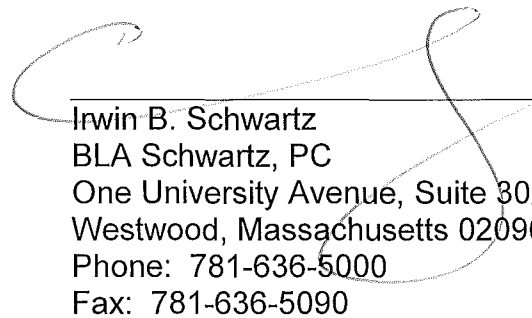
The DeCapo Family seeks to file a reply to object to Applicant's arguments in its Response that the Site Evaluation Committee ("SEC") combine the Durham Point/Little Bay Abutters, Thomas A. DeCapo and Yael D. DeCapo and Donna Heald Mccosker into one intervenor party and require the combined intervenors to designate a spokesperson and combine their presentations of evidence and argument, cross-

examination and other participation in this proceeding. In short, the DeCapo Family has direct bay front ownership interests that will be impaired by the project in a substantially different way from the impairment of interests asserted by the other putative intervenors that the Applicant proposes to lump together, which interests may be in conflict depending on the Applicant's response. Attached as Exhibit A is a true and correct copy of the proposed Reply In Support of Motion to Intervene.

WHEREFORE, the DeCapo Family respectfully requests that the Site Evaluation Committee allow the DeCapo Family leave to file a reply in support of their motion to intervene in the above-captioned matter, grant the DeCapo Family's Motion to Intervene without consolidating the DeCapo Family's interests with other intervenors, and award such further and additional relief as the SEC find just and proper.

Dated: August 4, 2016

Respectfully submitted,

 /ICC
Irwin B. Schwartz
BLA Schwartz, PC
One University Avenue, Suite 302B
Westwood, Massachusetts 02090
Phone: 781-636-5000
Fax: 781-636-5090

Attorney for Intervenor DeCapos

CERTIFICATE OF SERVICE

I, Irwin B. Schwartz, hereby certify that an original and one copy of the foregoing Motion has this 4th day of August, 2016 been sent Federal Express to the New Hampshire Site Evaluation Committee and via electronic mail to the SEC Distribution List.

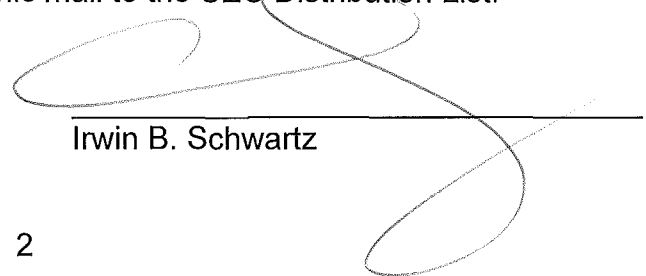
 /ICC
Irwin B. Schwartz

EXHIBIT A

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

DOCKET NO. 2015-04

REPLY IN SUPPORT OF MOTION TO INTERVENE

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Facility for the Construction of a New 115 kV Transmission Line from
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1. The DeCapo Property consists of contiguous parcels having shore frontage on Little Bay, including oyster and clam beds, recreational frontage, conservation frontage, a dock, and tidal boating access, among other features.
2. On July 21, 2016, pursuant to RSA 541-A:32 and Site 202.11, the DeCapo Family filed a Motion to Intervene in this matter as a portion of the Seacoast Reliability Project will pass through a purported easement on the DeCapo Property, will enter Little Bay adjacent to the DeCapo Property, and most importantly, the Seacoast Reliability Project will cross Little Bay adjacent to and in front of the DeCapo Property. (DeCapo Family Motion to Intervene ¶ 4).

3. On August 1, 2016, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) filed Applicant's Response to Durham Point/Little Bay Abutters, Thomas A. Decapo and Yael D. Decapo and Donna Heald Mccosker Petitions to Intervene (“Applicant’s Response”).

4. Applicant’s Response requests that the Site Evaluation Committee group the Durham Point/Little Bay Abutters, Thomas A. Decapo and Yael D. Decapo and Donna Heald Mccosker (the “Property Owner Intervenors”) into one party and require them to designate a spokesperson and combine their presentations of evidence and argument, cross-examination and other participation in this proceeding. (Applicant’s Response ¶ 12).

5. As grounds for this request Eversource argues that “These six property owners are essentially located in the same vicinity and/or abut each other and are also in the same general proximity to the Project and to Little Bay. Each of the six property owners are concerned about the same or similar issues and are similarly situated along the Project route; therefore, these residents should be grouped into one party. Separate intervention and participation of these parties would likely lead to unnecessary repetition and interfere with the prompt and orderly conduct of the proceedings.” (Applicant’s Response ¶ 13).

6. This argument misrepresents the interests of the DeCapo Family and ignores that the Property Owner Intervenors interests are not aligned and in fact may be opposed to one another. Indeed, the DeCapo Property has direct shoreline on Little Bay and is the only Property Owner Intervenor with dock and motor boat access to Little Bay and therefore the DeCapo Property is uniquely impacted. In

addition, the DeCapo Family's concerns are that the Seacoast Reliability Project will disturb and disrupt the Little Bay shore, sea floor and existing tidal flows and depths, likely destroying significant shoreline and oyster and clam beds, thereby having a direct impact on the DeCapo Family's shoreline, access to and enjoyment of Little Bay. Apparently, the other Property Owner Intervenors are concerned with the placement of above ground poles in relation to a 12 ft. dug well (McCosker Motion to Intervene at 1-2) and transmission lines running overhead through property (Durham Point/Little Bay Abutters Motion to Intervene at 1). Accordingly, the DeCapo Family has significantly divergent interests from the other Property Owner Intervenors and the DeCapo Family should not be required to use a common spokesperson with other intervenors that might have divergent interests and seek to downplay the DeCapo Family's concerns in favor of their own concerns.

7. To the degree that the Applicant argues a cost-based justification of its proposed routing and dredging methods, that may place the interests of the DeCapo Family at odds with the interests of the other Property Owner Intervenors and the grouping of them as a single party will impair the DeCapo Family's due process rights, and is arbitrary and capricious.

8. Further, there is no impairment of interests of justice and the orderly and prompt conduct of the proceedings by allowing the DeCapo Family to intervene separately, especially since they are represented by counsel and have been cooperating with the Environmental Protection Bureau.

WHEREFORE, the DeCapo Family respectfully requests that the Site Evaluation Committee:

A. Allow the DeCapo Family to intervene in the above-captioned matter separately; and

B. Grant such other relief as the Site Evaluation Committee deems just and necessary.

Dated: August 4, 2016

Respectfully submitted,



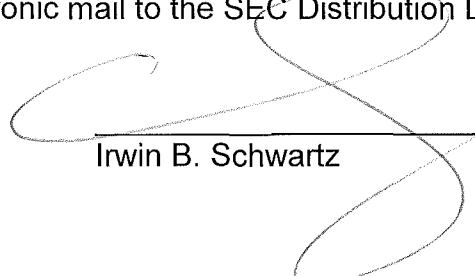
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Irwin B. Schwartz

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