

# Orr&Reno

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June 14, 2017

**Via Hand Delivery and Email**

Pamela Monroe, Administrator  
New Hampshire Site Evaluation Committee  
c/o New Hampshire Public Utilities Commission  
21 South Fruit St., Suite 10  
Concord, NH 03301-2429

***Re: SEC Docket No. 15-04, 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 –  
Procedural Schedule***

Dear Ms. Monroe:

As a result of a revelation from Eversource witnesses during a technical session on June 7, 2017 that their environmental consultants are doing additional sediment testing in Little Bay and a revised sediment modeling report which will not be completed until July 1, 2017, there is a need to change the procedural schedule. The Applicant will be recommending a new schedule which includes additional technical sessions in July and a bifurcation of the dates for the first round of testimony from intervenors and Public Counsel. The Town of Durham and UNH believe that the procedural schedule proposed by the Applicant, which includes three separate dates for intervenors to file testimony, depending on the nature of that testimony, including one (June 26) that is before the final technical session and very close to the date when responses to record requests from the June technical sessions are due, is unfair, unworkable and counter-productive. We are therefore proposing a different schedule which maintains the same dates for hearing and the issuance of a final order before the end of the year, but which we believe is much fairer to the other parties to the docket. A copy of our proposed schedule is enclosed with this letter. The Town of Newington, the Conservation Law Foundation, the Nature Conservancy, Helen Frink, Nick Smith, Regis Miller, Donna Heald, Jeff and Vivian Miller, and Keith Frizzell support our proposed schedule.

During the technical session on June 12, 2017 the parties who were present discussed the procedural schedule with Mr. Iacopino and Ms. Monroe, but because there was no consensus Ms. Monroe urged the parties to submit their schedule proposals this week.

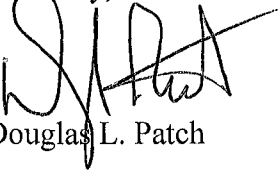
In support of their proposed schedule Durham/UNH would point out the following:

- 1) We have already expended significant resources in this docket, including over \$65,000 for consultants. Delays in the procedural schedule for this docket, including this most recent change, have been caused by the Applicant, not any of the parties to the docket. The schedule proposed by the Applicant includes three different deadlines for submission of testimony by intervenors, which would add significantly to the resources that have to be devoted to this docket.
- 2) The new suspended sediment modeling report will have many spin-off implications for how evaluation of potential ecosystem and public health risks from this project are determined. These implications will require consideration and may impact on other related issues. We submit that it is critical that the intervenors have the freedom to raise issues that will either be informed by or will continue to not be addressed by the new model.
- 3) As a result of technical sessions, record requests have been asked with a deadline for written responses of June 19<sup>th</sup>, only one week prior to the first testimony filing date under the Applicant's proposal. There is still one day of technical sessions in June that has not occurred, so as of the writing of this letter we do not know what the final date for submission of responses to technical session record requests will be. In addition, the Applicant is proposing additional technical sessions in July and there are likely to be record requests made during that technical session that will necessitate written responses. We therefore believe that the deadlines for submission of testimony recommended by the Applicant are unnecessarily restrictive and do not allow enough time to obtain and process responses to record requests from all of the technical sessions. We submit that it is unfair, counter-productive and unnecessary to have such tight deadlines for a project that has been in the works for a number of years and which has been delayed at the Applicant's request.
- 4) Given how close we will be to receiving the recommendations from state agencies (August 1) once we complete the additional technical sessions in July and receive written responses to record requests, we could save time, effort and resources to have the date for submission of all intervenor testimony post-date that state agency deadline. Knowing what the state agencies recommend before the filing of testimony will likely eliminate the need of many parties to file supplemental testimony and could even reduce the need to file any testimony. There is also the possibility that DES could recommend denial of the permit, which would make investing a significant amount of intervenor and Public Counsel resources prior to that time counter-productive.
- 5) Allowing more time prior to the filing of testimony will give the parties more time to work with the Applicant on MOUs (memorandum of understanding) which could save hearing time. During his testimony in the technical session Mr. Quinlan indicated a willingness to pursue MOUs with municipalities.

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We submit that the proposed procedural schedule included with this letter is administratively efficient and fair in that it does not ask for any extension of the hearing dates, but at the same time it provides the intervenors with sufficient time to review what will be new and revised information. Under our proposal the final adjudicative hearing schedule remains intact so there is no delay in the completion of review of the project, yet our schedule provides for a more efficient and fair process. If you have any questions, please do not hesitate to contact me. Thank you for your assistance.

Sincerely,



Douglas L. Patch

DLP/eac

Enclosures

cc (via email): Service List in SEC Docket 2015-04

1823782\_1

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-04

APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
D/B/A EVERSOURCE ENERGY  
FOR A CERTIFICATE OF SITE AND FACILITY

DURHAM/UNH'S PROPOSED REVISED PROCEDURAL SCHEDULE

1. Counsel for the Public and interveners shall propound data requests upon the Applicant regarding the Amendment on or before **April 19, 2017**. The data requests shall relate to the Amendment to the Application and to the Normandeau Associates, Inc. report titled: *Characterization of Sediment Quality Along Little Bay Crossing*, submitted on December 1, 2016. The total number of data requests for any party in this docket shall not exceed 65;
2. The Applicant shall respond to data requests propounded by Counsel for the Public and interveners on or before **May 12, 2017**;
3. Technical sessions with the Applicant's witnesses shall be conducted on **May 30, June 7, and June 12, 2017**. The technical sessions on **June 12** will be held at **49 Donovan Street, Concord**;
4. A technical session with the Applicant's witness, Mr. James Chalmers, shall be conducted on **June 15, 2017**, beginning at **1:00 p.m.** at **49 Donovan Street, Concord**;
5. Applicant shall submit an updated RPS ASA Suspended Sediment Modeling Report for Little Bay on or before **July 1, 2017** to the New Hampshire Department of Environmental Services and the SEC Distribution list;
6. A technical session with the Applicant's witnesses, Sarah Allen and Ann Pembroke, on issues solely related to RPS ASA's Updated Suspended Sediment Modeling Report for Little Bay, shall be conducted on **July 11, 2017**, beginning at **9:00 a.m.** at **49 Donovan Street, Concord**;
7. State agencies shall issue final permits and conditions, if any, on or before **August 1, 2017**;
8. Counsel for the Public and interveners shall provide pre-filed testimony of their witnesses on or before **August 15, 2017**;
9. The Applicant shall propound data requests on Counsel for the Public and interveners on or before **August 29, 2017**;

10. Counsel for the Public and intervenors shall respond to data requests on or before **September 15, 2017**;
11. A technical session with witnesses for Counsel for the Public and intervenors shall be conducted on **September 21 and 22, 2017**;
12. Supplemental pre-filed testimony shall be due from all parties on or before **October 2, 2017**;
13. The parties shall file statements of stipulated facts and any other stipulations on or before **October 6, 2017**;
14. The final pre-hearing conference shall be conducted on **October 10, 2017**; and
15. The final adjudicative hearing (estimated time needed for hearing is 5 days) and deliberations shall take place beginning at 9:00a.m. on each scheduled day, on **October 16, 17, 19, 20, 26, 27, 31, and November 7, 2017**. Any of the dates that are not needed, shall be cancelled by the Presiding Officer.