

# Orr&Reno

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August 11, 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 –  
Response to Applicant's Motion to Postpone Final Adjudicative Hearings***

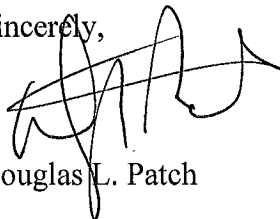
Dear Ms. Monroe:

Enclosed, on behalf of the Town of Durham and the University of New Hampshire in the above-captioned docket, is a Response to the Motion to Postpone Final Adjudicative Hearings filed by the Applicant on August 10, 2017. Copies are being provided electronically to the Site Evaluation Committee and the Service List.

If you have any questions, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,



Douglas L. Patch

DLP/eac  
Enclosure

cc (via email): Service List in SEC Docket 15-04

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**STATE OF NEW HAMPSHIRE**  
**BEFORE THE**  
**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**

**Response to Motion to Postpone Final Adjudicative Hearings**

The Town of Durham (“Durham”) and the University of New Hampshire (“UNH”), an intervenor in the above-captioned proceeding (“Durham/UNH”), by and through their attorneys, respectfully submits this Response to the Motion to Postpone Final Adjudicative Hearings (“Motion”) filed by Public Service Company of New Hampshire d/b/a Eversource Energy (“Applicant”) on August 10, 2017. In support of this Response, Durham and UNH state as follows:

1. On June 20, 2017 the Presiding Office approved a revised schedule. This new schedule replaced one that had already been revised a number of times as a result of the Applicant’s need for additional time to provide important information about this Project. That new schedule called for Counsel for the Public and Intervenors to submit testimony by July 31, 2017 and state agencies to issue final permits and conditions by August 1, 2017. Durham/UNH and others submitted testimony on or before July 31, 2017 in accordance with this schedule. On August 1, 2017 Rene Pelletier, Assistant Director of the Water Division at the Department of Environmental Services (“DES”) filed a letter with the Site Evaluation Committee (“Committee”) which said that DES “has been continually reviewing information submitted by the applicant and interested

parties relative to the subject project” and that as “a result of the amount of additional information submitted after June 30, 2017 the DES is unable to complete its final review of the project at this time.” Attached to the letter was a “detailed description of items requiring additional response/information from the applicant.” The list attached to the letter includes eight “issues of concern” and then notes a list of four topics of information that DES needs from the Applicant “to better understand the potential impacts of the proposed submarine cable crossing across Little Bay on surface water quality, and to determine appropriate project operation and monitoring conditions.”

2. On August 10, 2017, early in the morning, counsel for the Applicant sent an email to the parties indicating it intended to file a motion to postpone the adjudicative hearings “until after the NHDES indicates that its concerns—as raised in the August 1, 2017 letter to the SEC—have been addressed by the Applicant and that NHDES is prepared to move forward with the submission of its final permits and recommended conditions in this proceeding.” The email indicated that they wanted a response by 1:00 PM on that day on whether the parties assented to the Motion. Counsel for Durham/UNH was not able to contact the necessary representatives in order to obtain a position on the Motion in time to meet the deadline established by counsel for the Applicant so we are filing this Response.

3. The Motion which the Applicant filed on August 10, 2017 proposes that the Committee issue an Order that postpones the final hearing dates, but does not postpone any of the other dates in the schedule issued by the Presiding Officer on June 20, 2017. Those other dates are as follows: August 14 – Applicant to propound data requests on Public Counsel and intervenors; August 28 responses to those data requests;

September 6 and 7 technical session with witnesses for Public Counsel and intervenors; October 2 filing of supplemental pre-filed testimony; October 6 filing of stipulations; October 10 pre-hearing conference.

4. Durham/UNH believe that the fairest, most efficient way to proceed in this docket at this time, given this latest development, is to postpone everything in the schedule issued on June 20, 2017 that was supposed to occur on or after August 1, 2017. Since DES is, understandably, unable to complete its review and issue its recommendations by that date, the rest of the schedule should be suspended until that happens. It makes no sense to stick with an aggressive schedule of deadlines for discovery and supplemental testimony when the hearing itself is indefinitely postponed. Once DES has submitted its recommendations the parties can reconvene to establish a new schedule. Since there is no deadline for the Applicant to respond to the DES request and since there is no deadline for DES to submit its recommendation, Durham/UNH submit this is the best way to proceed at this time.

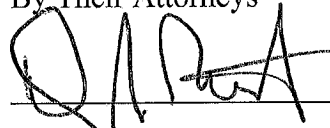
5. Durham/UNH also submits that postponing the entire schedule is the best way to promote the efficient and orderly process of the proceeding. Sticking to the rest of the schedule, other than the adjudicative hearings, before we know what the Applicant is going to submit and when, and what DES is going to recommend and when that will happen, in our opinion is likely to result in a duplication of effort and expending of additional resources that may not be necessary. Durham/UNH has already spent considerable resources meeting a schedule that has been prolonged a number of times by the Applicant's failure to submit complete information pertaining to the impacts of the crossing of Little Bay and other issues. Having to continue to expend additional

resources prior to knowing what DES will recommend is unjust and unreasonable and penalizes intervenors. The burden is on the Applicant to provide the necessary information and comply with agency requests. When it does not meet that burden it is appropriate, at a minimum, to suspend the schedule until it does comply.

**WHEREFORE**, Durham and UNH respectfully request that the Committee suspend the entire schedule for the remainder of this docket until the DES recommendations have been filed.

Respectfully submitted,

Town of Durham and University of New  
Hampshire  
By Their Attorneys



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Dated: August 11, 2017

**Certificate of Service**

I hereby certify that a copy of the foregoing Petition has on this 11<sup>th</sup> day of August 2017 been sent by email to the service list in SEC Docket No. 2015-04.

By:   
Douglas L. Patch