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**Via Electronic Mail**

December 4, 2017

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

**Re: SEC Docket No. 2015-04: Public Service Company of New Hampshire d/b/a  
Eversource Energy for a New 115 kV Transmission Line from Madbury Substation  
to Portsmouth Substation  
Applicant's Objection to Town of Newington's Motion to Consult with ISO-New  
England**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find the Applicant's Objection to Town of Newington's Motion to Consult with ISO-New England.

Please contact me directly should you have any questions.

Sincerely,



Barry Needleman

BN:slb  
Enclosure

cc: Distribution List

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**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**

**APPLICANT’S OBJECTION TO TOWN OF NEWINGTON’S MOTION TO CONSULT  
WITH ISO-NEW ENGLAND**

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”) (the “Applicant”), by and through its attorneys, McLane Middleton, Professional Association, and objects to the Town of Newington’s Motion to Consult with ISO-New England.

**I. Introduction**

1. On April 12, 2016, PSNH filed an Application for a Certificate of Site and Facility before the New Hampshire Site Evaluation Committee (“SEC” or the Committee”) to construct a new 12.9 mile 115 kV transmission line and associated facilities from the Madbury Substation in Madbury through the Towns of Durham and Newington to the Portsmouth Substation in Portsmouth (the “Project”). The Committee accepted the application on June 13, 2016.

1. On November 22, 2017, the Town of Newington (the “Town”) filed a Motion requesting that the Committee “consult” with ISO-New England. The Motion should be denied because it fails to provide any basis on which the Committee could lawfully consult with ISO-New England; it relies solely upon the lay testimony of the Chairman of the Newington Planning Board (which misconstrues the factual record); ISO-New England is not an interested agency; the proposed “Seacoast Solution,” which comprises the Seacoast Reliability Project (the F-107 Line) and other projects already constructed by the Applicant that make up the ISO-New

England preferred solution, is not interchangeable with the Gosling Road Autotransformer and related projects; and the SEC is not in a position to overrule ISO-New England's selection of the preferred alternative to solve reliability issues in the region.

## **II. Regulatory Framework**

2. Pursuant to RSA 162-H:16, the Site Evaluation Committee is charged with reviewing applications for a certificate of site and facility and determining whether an applicant meets the statutory criteria contained in RSA 162-H:16, IV.

3. As part of an Application for a Certificate, an applicant must “[d]escribe in reasonable detail the type and size of each major part of the proposed facility;” and “[i]dentify both the applicant’s preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant’s preferred choice.” RSA 162-H:7, V(a)–(b).

4. To receive a certificate, the Applicant must demonstrate and the Committee must find—“[a]fter due consideration of all relevant information regarding the potential siting or routes of a proposed energy facility, including potential significant impacts and benefits”—that:

- (a) The applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.
- (b) The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.
- (c) The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

...

(e) Issuance of a certificate will serve the public interest.

RSA 162-H:16, IV.

5. In making a decision on whether the Committee shall issue a Certificate, “[t]he committee may consult with interested regional agencies and agencies of border states in the consideration of certificates.” RSA 162-H:16, III.

### **III. Discussion**

#### **A. The Relief Requested by the Town Exceeds the Scope of RSA 162-H**

6. The Town’s Motion is not supported by New Hampshire law and should be denied for four reasons. First, consultation with ISO-New England is not applicable to the pending Application because RSA 162-H requires the Committee to review an applicant’s preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility, not other projects. New Hampshire’s siting statute does not permit the SEC to consider separate, hypothetical projects that are not the subject of the Application. Second, ISO-New England is not an “agency”, it is a corporation; nor has ISO-New England shown that it is “interested” in this proceeding. Third, the Town’s motion ignores the critical fact that the proposed project is only one component of an entire suite of Projects that do not require SEC approval. The Town’s motion fails to account for the fact that the F-107 line and the Gosling Road Autotransformer are not interchangeable substitutes but subparts of entirely different proposed solutions. Finally, the relief sought—namely to alter ISO-New England’s selection of a preferred reliability project—is not properly before the SEC and should have been addressed before ISO-New England. ISO-New England’s priority is to ensure that the regional electric grid operates reliably. The preferred project was selected through ISO-New England Planning Advisory Committee (“PAC”) process as described below.

1. The Gosling Road Suite of Projects is Not an Alternative Properly Before the Committee and Any Information That Would be Garnered from ISO-New England is Not Relevant to the Pending Application

7. The Town asks the Committee “to consult with ISO-NE to determine if ISO-NE continues to agree that proceeding with the Project at this time continues to be the preferred solution to Seacoast Region transmission issues” and to “examine updated cost information regarding the Project and the Gosling Road Solution to determine if the Project remains the less costly alternative.” Motion at □ 9. The Town is essentially asking the SEC to reconsider a matter which has long been decided and acted upon by ISO-New England following a lengthy public process that studied the current electrical grid, identified areas of concerns, and reviewed proposed alternatives after receiving comments from interested stakeholders.

8. As discussed further below, ISO-New England’s three stated goals are to (1) operate the regional electric grid; (2) administer the wholesale electricity market; and (3) conduct power system planning. To conduct power system planning, ISO-New England vets all studies, reports and proposals through the PAC to ensure that the ISO receives input from all stakeholders.

9. The PAC is an open stakeholder forum that provides input and feedback to ISO-New England on the regional system planning process. The process involves: (1) developing and reviewing needs assessments; (2) identifying and prioritizing requests for economic studies to be performed by the ISO; (3) developing solutions studies and competitive solutions; (4) conducting the public-policy transmission study process; (5) developing the Regional System Plan (RSP) and updates to the RSP Project List and Asset Condition List.<sup>1</sup>

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<sup>1</sup> <https://www.iso-ne.com/committees/planning/planning-advisory>.

10. PAC meetings are public and membership is made up of: (1) Generator owners, marketers, load serving entities, merchant transmission owners, and participating transmission owners, including any New England Power Pool (NEPOOL) participant representatives; (2) governmental representatives and representatives of local communities; (3) State agencies, including those participating in the New England Conference of Public Utilities Commissioners (NECPUC); (4) retail customers and public interest groups; and (5) consultants.<sup>2</sup>

11. As described in the Pre-filed Testimony of Robert Andrew, ISO-New England follows standard procedures in identifying needs and solutions that pertain to the regional electric grid:

First, a working a group is formed and a needs study scope is prepared. This document, which lists the study assumptions to be used in the power flow analysis, is vetted by the ISO-NE Planning Advisory Committee (PAC) to ensure that stakeholders' inputs were considered. Second, the working group undertakes additional detailed power flow analyses and develops a needs assessment documenting specific reliability concerns within the study area. This needs assessment is presented to the ISO-NE PAC. As a third step, the working group undertakes additional detailed power flow analysis to identify and evaluate alternative transmission system upgrades that could address the system needs, and to select a preferred solution. This work is documented in a solutions study, which is also presented to the ISO-NE PAC. Finally, the project proponent(s) undertake additional technical analysis for each project to demonstrate that operation of the proposed upgrade would have no adverse impacts on transmission system operation. This analysis is documented in a Proposed Plan Application (PPA), which is presented to ISO-NE planning committees and ultimately accepted by ISO-NE.

Pre-Filed Testimony of Robert Andrew at page 3 lines 3 to 19 (April 12, 2016).

12. The pre-filed testimony unequivocally explains that at each stage of the ISO planning process, all stakeholders are given a chance to provide comments specifically to ensure that stakeholders' inputs are considered, such as those that Newington may have had and currently have. Indeed, both the Gosling Road suite of projects and the Preferred Solution suite

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<sup>2</sup> *Id.* (emphasis added). It cannot be disputed that the Town of Newington, or a representative of the town government or community, could have elected to be a stakeholder in the PAC process.

of projects (including SRP) were presented to the ISO-New England PAC—in fact, each of the major projects, within the suite, was specifically presented to the ISO-NE PAC for comparison and input from all stakeholders.<sup>3</sup>

13. As Mr. Andrew discussed in his pre-filed testimony,

Within the PAC presentation a number of different factors were compared, spanning a spectrum from estimated cost to non-cost factors; such as benefits to system performance. The final selection of the preferred solution, which included SRP, was primarily decided by *reliability impacts* and the fact that it was less costly than the competing alternative.

Pre-Filed Testimony of Robert Andrew at page 5 lines 14 to 18 (April 12, 2016) (emphasis added).

14. The Town is not in a position to second guess the entire PAC process and the preferred solution that was selected out of that process. The Town’s opportunity to address ISO-New England has passed.

15. When considering an Application for a Certificate of Site and Facility, the Committee considers “the potential siting or routes of a proposed energy facility”; however, the Committee does not assess other hypothetical projects that are not proposed in the Application, nor does the Committee conduct cost comparisons of other hypothetical projects. Newington previously asked the Committee to consider a site visit premised on a variation of the current route. *See* Town of Newington’s Motion to Add Stop to Proposed 90-Day Public Information Session, Docket 2015-04 (July 22, 2017). The Committee rejected the request, noting that the sites involved “are not properties that are the subject of a proceeding before the Subcommittee.” Order on Motion to Add Stop, Docket 2015-04 at 3 (July 29, 2016). What Newington requests here is akin to their prior request but, in fact, far broader in its overreach— Newington is not just

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<sup>3</sup> Pre-Filed Testimony of Robert Andrew at page 5 lines 3 to 19 (April 12, 2016).

asking the Committee to consider an alternative route; they are asking the Committee to consider an entirely different project in lieu of the one proposed. Such requests are well beyond the statutory scheme of RSA 162-H and the Committee has previously rejected such efforts. *See* Application of Laidlaw Berlin BioPower, LLC, Decision Granting Certificate of Site and Facility with Conditions, Docket 2009-02 at (Nov. 8, 2010) (holding that the SEC is “not required to consider all available alternatives” and determining that it would be impracticable and beyond the Subcommittee’s authority to “compare the efficacy and competitive positions of the Applicant, existing facilities, and other potential facilities”). Indeed, it is squarely within ISO-New England’s authority, which is under the jurisdiction of the Federal Energy Regulatory Commission (“FERC”) to receive proposals to address reliability issues and determine the preferred solution to address those issues.

16. An application is required to contain information about the “applicant’s preferred choice and other alternatives it *considers available* for the site and configuration of each major part of the *proposed* facility and the reasons for the applicant’s preferred choice.” RSA 162-H:7, V(b) (emphasis added). The statute clearly does not contemplate an applicant describing other hypothetical projects,<sup>4</sup> nor does it require an applicant to demonstrate that a proposed facility is necessarily the “best” or “least impactful” project. Pursuant to the statute, an applicant must only demonstrate that it meets the criteria enumerated in RSA 162-H:16, IV. Consulting with ISO-New England to have them opine if another hypothetical project is better will not produce any relevant information in this proceeding.

17. The Application filed on April 12, 2016 and Amended on March 29, 2017 complies with RSA 162-H and describes in detail the site of the proposed energy facility and

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<sup>4</sup> Particularly those that have been rejected by an entity with responsibility for overseeing the operation of the transmission system.



other alternatives that were available to the Applicant. RSA 162-H:7, V(b); Site 301.03(c); 301.03(h)(2). The Application thoroughly explains the project selection process completed through the Planning Advisory Committee at ISO-New England,<sup>5</sup> the route selection process, the specific reasons the Applicant has chosen its selected route, and the reasons why the Applicant did not consider other alternatives available. *See* Application at pages 48–53. RSA 162-H does not authorize the Committee to consider other possible projects that have not been presented in an Application and the production of any additional evidence on a separate suite of projects that is not before the SEC would be irrelevant in this proceeding.

18. The Town of Newington, however, has historically argued and continues to allege that the Gosling Road Alternative is a better solution to address the needs of the Seacoast Region and that the SEC should consider this hypothetical alternative when deciding whether to issue a Certificate for the *proposed* facility. The Town has not provided expert testimony on this issue, nor have they presented a full picture of the ISO-New England selection process.

19. The so-called “Gosling Road Alternative” and the Preferred Solution suite of projects are both made up of numerous individual projects across the Seacoast Region. As cited by the Town in its Motion, slides 4 and 5 of Attachment DJH-7 to Mr. Hebert’s testimony identify all of the projects that would be necessary in each suite of Projects. *See also* Applicant’s Response to Town of Newington Data Requests Newington 1-1 and 1-2 (Attachment A and B). Therefore, in order for either suite of projects to be effective, all projects must be constructed.

20. As of 2014, the cost for the Gosling Road Suite of projects totaled approximately \$136 million while the Seacoast Reliability Project suite totaled approximately \$110.7 million. The proposed project estimates have since been revised so that the projected cost difference between the two projects is closer to \$90 million. *See* Applicant’s Response to Town of

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<sup>5</sup> *See* Pre-Filed Testimony of Robert Andrew, dated April 12, 2016.

Newington Data Requests Newington 1-3 (Attachment C). Revisiting the potential costs again would not produce any additional or new relevant information.

21. Therefore, any potential information that ISO-New England would provide regarding the Gosling Road Alternative—a completely separate suite of projects that was rejected long ago—is not relevant and not properly before the Committee for consideration.

2. ISO-New England is neither an “agency” nor an “interested” party Under New Hampshire Law

22. RSA 162-H:16, III permits the committee to consult with “interested regional agencies and agencies of border states.” ISO-New England, however, is not an “agency”.

23. The definition of an agency under New Hampshire law clearly contemplates a board, commission, department, institution, officer, or other official or group that is authorized by law to make rules or to determine contested cases. The New Hampshire Administrative Procedure Act defines an “Agency” as “each state board, commission, department, institution, officer, or any other state official or group, other than the legislature or the courts, authorized by law to make rules or to determine contested cases.”<sup>6</sup> RSA 541-A:1, II. Black’s Law also defines “agency” as “an official body, esp. within the government with the authority to implement and administer particular legislation.” Black’s Law Dictionary (10<sup>th</sup> ed. 2014).

24. ISO-New England is a not-for-profit corporation.<sup>7</sup> The corporation has a board of directors and multiple officers.<sup>8</sup> ISO-New England has by-laws and is incorporated as a non-stock corporation under Delaware Law.<sup>9</sup> ISO-New England’s three stated goals are to (1)

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<sup>6</sup> “Contested case” is defined as “a proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after notice and an opportunity for hearing.” RSA 541-A:1, IV.

<sup>7</sup> <https://www.iso-ne.com/about>

<sup>8</sup> <https://www.iso-ne.com/about/corporate-governance/board>; <https://www.iso-ne.com/about/corporate-governance/officers>

<sup>9</sup> [https://www.iso-ne.com/static-assets/documents/aboutiso/corp\\_gov/bylaws/bylaws\\_of\\_ISO\\_NE.pdf](https://www.iso-ne.com/static-assets/documents/aboutiso/corp_gov/bylaws/bylaws_of_ISO_NE.pdf); [https://www.iso-ne.com/static-assets/documents/aboutiso/corp\\_gov/cert\\_inc/Second\\_Restated\\_Certificate\\_of\\_Incorporation.pdf](https://www.iso-ne.com/static-assets/documents/aboutiso/corp_gov/cert_inc/Second_Restated_Certificate_of_Incorporation.pdf)

operate the regional electric grid; (2) administer the wholesale electricity market; and (3) conduct power system planning.<sup>10</sup> ISO-New England is not authorized to independently make rules or decide contested cases. Nor is the corporation given authority to independently implement or administer particular legislation.

25. Moreover, the Town fails to provide support that ISO-New England is “interested” in this proceeding. To have an interest in a proceeding before the Committee, a party, or in this case agency, must have a legally cognizable interest at stake that may be affected by the outcome of the proceeding. *See e.g.*, RSA 541-A:32 (requiring a petition to intervene to “demonstrate that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law”); RSA 541-A:31 (establishing procedures for adjudicative proceedings in “contested cases”, which is defined as “a proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after notice and an opportunity for hearing”) (quotation marks added and quoting RSA 541-A:1, IV). *See also* RSA 162-H:7-a relative to state agencies that do not have permitting authority, which applies the intervention standard under RSA 541-A:31.

26. The Town’s motion is procedurally improper. It has not shown that ISO-New England’s has a regulatory interest that may be affected by this siting proceeding. There is no regulatory overlap between the SEC and ISO-New England that could be affected by the Committee’s determination in this proceeding. ISO-NE and the SEC have clearly demarcated lanes. The SEC addresses whether the project that emerges from the ISO-NE process can be sited in a manner that comports with New Hampshire law. The Town would have the SEC ask

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<sup>10</sup> <https://www.iso-ne.com/about/what-we-do/three-roles>

the ISO-NE to undo the decision it made to endorse the Seacoast Solution separate from the FERC-approved ISO-NE process.

27. ISO-New England is charged with ensuring that the regional electric grid functions reliability at the lowest cost to consumers. ISO-New England does not consider impacts to communities, the environment, or individual properties; that is the job for each state's siting board. The Town's motion is essentially a collateral attack on ISO-New England's decision, which asks the Committee to choose a different project—and have all of New Hampshire (and potentially New England) pay for a much costlier option—than that chosen by ISO-New England because the Town doesn't like what was chosen.<sup>11</sup> Indeed, the Town appears to be asking ISO-New England take into consideration all of the issues that a state siting board must consider and transform the ISO into a mini-siting board of its own.<sup>12</sup> The role of the SEC is to assess the facts before the Committee and determine whether a proposed project has met the statutory requirements. To the extent this Committee determines that the Applicant has not met its burden, the Applicant would be required to go back to ISO-New England. However, at this point, consulting with ISO-New England would not yield any actionable information and is not appropriate in the circumstances.

28. ISO-New England does not qualify as an interested regional agency or an agency of a border state; therefore, the Town's Motion should be denied as a matter of law.

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<sup>11</sup> ISO-New England has not moved to intervene in the proceeding.

<sup>12</sup> Mr. Hebert specifically suggests that ISO-New England should become a mini-siting agency. *See* Pre-Filed Testimony of Denis Hebert at page 39, lines 1 to 4 (stating that ISO-New England should consider other factors like environmental and other impacts on host communities). Mr. Hebert misses the point. There are two separate avenues for projects, like SRP, to be selected and approved. First, the Project is selected based on reliability needs and cost at the ISO level. Second, the project is assessed for Compliance with State law based on potential impacts to the environment, land use, orderly development, etc. The two approval processes are completely separate and should not be comingled.

B. The F-107 Line and the Gosling Road Projects are Not Interchangeable

29. The F-107 project (the Project) and the Gosling Road Auto-Transformer project are not interchangeable. One cannot be substituted for the other. The F-107 Project is designed to work in conjunction with the other projects referenced in the Applicant's Response to the Town's Data Request 1-1, which have already been built. The autotransformer project alone does not address the needs of the region. Indeed, if the Gosling Road Suite of Projects were selected, the Applicant would have had to construct other projects so that the Auto-Transformer would fit into the system and relieve the existing electrical constraints. *Compare* Attachment A, Applicant's Response to Town of Newington Data Request 1-1 (identifying projects approved by ISO-NE for NH Seacoast Solution) and Attachment B, Applicant's Response to Town of Newington Data Request Newington 1-2 (listing the Alternative set of projects that were not selected as the preferred alternative, aka the Gosling Road Solution). The list of projects associated with the Preferred Seacoast Solution, including the F-107 line, are not interchangeable with Gosling Road Alternative.<sup>13</sup>

30. In addition, the ISO process that led to the selection of this suite of projects is a public process. As discussed below, Newington had an opportunity long ago to participate in that process through various paths. For whatever reason, it chose not to do so. It cannot now essentially seek rehearing of that ISO decision, in front of this body, many years after the

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<sup>13</sup> The Town's motion also fails to acknowledge that the Applicant has completed construction on all of the other projects that make up the "Seacoast Solution" suite of projects as selected by ISO-New England as the preferred alternative. Indeed, all projects identified by the Applicant in their Response to Town of Newington Data Requests Newington 1-1 have been completed and are already operational. The only project that remains to be constructed to alleviate the electrical load issues in the Seacoast Region is the new F-107 115 kV line with the Madbury and Portsmouth substation improvements (a.k.a the Seacoast Reliability Project).

decision was made and long after resources have been irretrievably committed to pursue the selected solution.<sup>14</sup>

C. The Town's Requested Relief is Not Properly Before the SEC

31. The Town's Motion mistakenly conflates the overall authority of ISO-New England and the SEC. Newington had an opportunity to participate in the selection of the preferred solution through various paths.

32. The Town seems to allege that "Newington did not receive actual notice about the PAC process," and as a result, the Town has been disadvantaged in the ISO-New England Planning Process. Even if the Town's assertion is accurate, it is not an issue that is properly before the SEC, nor is it something that the SEC should consider in deciding whether to issue a Certificate.

33. The Town's Motion, along with Mr. Hebert, attacks and complains about the ISO-England Process. *See* Pre-Filed Testimony of Denis Hebert at page 38 (complaining that the ISO-New England Process "has failed for three reasons"); Motion at ¶¶ 11–12. Indeed, Mr. Hebert specifically asks the "SEC to request that ISO-NE change its process for selecting reliability projects" and seeks to have ISO-New England alter its ten year planning horizon because it is "short sighted". *Id.*; *see also* Motion at ¶ 12 (requesting that the SEC consult with ISO-NE to "change it processes and rules"). Mr. Hebert further suggests that the Applicant should not have undertaken construction on a number of other projects included in the Seacoast Solution.<sup>15</sup> *Id.* at 39–40. The Town and Mr. Hebert presume to use the SEC as the vehicle for

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<sup>14</sup> The Applicant is mindful of the fact it must still secure approval from the SEC to construct and operate the proposed project. The Applicant certainly does not believe such approval is a forgone conclusion nor is it suggesting that this is the case based on the construction of the other related projects.

<sup>15</sup> ISO's role is to oversee transmission planning. As a Transmission Owner, Eversource is obligated to move forward with permitting and constructing facilities in its franchise territories that are identified by ISO-NE and included in its System Plan.

pursuing their position with respect to ISO-NE rules, policies and procedures; a presumption that should not be indulged.<sup>16</sup>

34. While the Applicant disputes that the Town has been disadvantaged in any way, to the extent the Town seeks to influence ISO-New England's decision that the Seacoast Reliability Project and the related suite of projects is the "preferred solution", the Town could have sought relief from ISO-New England at the proper time. As admitted by the Town in its Motion, "upon learning of the Project, Newington's representatives met several times with Eversource's representatives over the past few years." The Town has had ample time and opportunity to revisit this issue with ISO-New England.<sup>17</sup>

#### **IV. Conclusion**

35. Based on the foregoing, the Town of Newington has failed to establish that consultation with ISO New-England would lead to any end that the Committee could lawfully consider pursuant to RSA 162-H. The Town essentially asks ISO-NE to blithely reconsider its painstaking determination pursuant to a FERC-approved process during a "consultation" as part of a state siting process, and for the ISO-NE to assess specific state requirements outside of its jurisdiction. The Legislature has not authorized the SEC to consult with entities, such as ISO-NE. To the extent the Town wanted to provide input to ISO-NE during the planning process, the time has long passed. Consultation with ISO-NE would not promote the orderly and efficient conduct of the proceeding, would not provide the Committee with evidence that it could act on to make its required findings, and would be contrary to RSA 162-H:16, III.

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<sup>16</sup> To the extent that Mr. Hebert believes that his judgment about regional planning should supersede that of ISO-New England, Mr. Hebert can make that argument directly with the ISO—he should not collaterally attack a decision that is not subject to review by this Committee.

<sup>17</sup> While the Town of Newington disagrees with the selection of the proposed Project to address reliability needs in the region, other abutting and nearby communities are clearly in support of the Project. *See* Town of Madbury Comments on Impacts to Madbury (July 23, 2015); City of Somersworth Comments on Impacts to Seacoast (Sept. 8, 2015); Comment Letter from City of Dover (Oct. 25, 2015); Comment from Dover Chamber of Commerce (Jan. 21, 2016); Comment Letter Greater Rochester Chamber of Commerce (April 28, 2016).

WHEREFORE, the Applicant respectfully asks that the Subcommittee:

- I. Deny the Town of Newington's Motion to Consult with ISO-New England; and
- II. Grant such other further relief as is deemed just and appropriate.

Respectfully Submitted,

Public Service Company of New Hampshire d/b/a  
Eversource Energy

By its attorneys,

McLANE MIDDLETON  
PROFESSIONAL ASSOCIATION


Dated: December 4, 2017

By:  \_\_\_\_\_

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Certificate of Service

I hereby certify that on the 4<sup>th</sup> of December, 2017, an electronic copy of this objection was filed with the Site Evaluation Committee and an electronic copy was sent to the Distribution List.

 \_\_\_\_\_  
Barry Needleman



**Responses**

**Newington 1-1** Please quantify and identify the “number of other projects” referenced on page 14, line 19 of the transcript of Mr. Jiottis’s comments at the Durham Public Hearing held September 1, 2016.

**Response:** The “number of other projects” referenced by Mr. Jiottis refers to the suite of ISO-NE approved projects for the NH Seacoast Solution.

This set or suite of projects consists of the following:

Madbury Substation, add one 115 kV Circuit Breaker

Portsmouth Substation add one 115 kV Circuit Breaker

Madbury – Portsmouth 115 kV line, build new 13-mile 115 kV overhead/submarine line

Scobie Pond – Chester 115 kV line, build new 6-mile 115 kV overhead line and relocate 6 miles existing 115 kV line

Schiller Substation, add six new 115 kV capacitor banks

Chester Substation, build new substation adjacent to existing Chester substation

Three Rivers Substation, add one 115 kV Circuit Breaker

Scobie Substation, terminal upgrades for new 115 kV line

Chester - Great Bay 115 kV line, increase rating on 19-mile existing 115 kV overhead line

Scobie Pond - Kingston Tap 115 kV line, increase rating on 11-mile existing 115 kV overhead line

**Witnesses Available for Cross Examination include: James Jiottis**

**Newington 1-2** Please identify the “suite of projects” referenced on page 51, line 1 of the transcript of Mr. Jiottis’s comments at the Durham Public Hearing held September 1, 2016.

**Response:** The other “site of projects” referenced in the question refer to the Alternative set of projects for Seacoast NH Solutions not selected as the preferred set projects. This suite is referred to the “Gosling Road” solution.

This set or suite of projects consists of the following:

Gosling Road Substation, New Substation, including two 345/115 kV Autotransformers  
Newington Substation, upgrades including new line positions and four new 345 kV  
Dover Substation, addition of two 115 kV Circuit Breakers  
Three Rivers Substation, addition of one 115 kV Circuit Breaker and relocation of the existing 115 kV capacitor banks  
Ocean Road Substation, addition of one 115 kV Circuit Breaker  
Schiller Substation , addition of one 115 kV Circuit Breaker and rebuilding of existing substation.  
Schiller – Three Rivers, Rebuild, 6-mile existing 115 kV overhead line  
Schiller – Ocean Rd. 115 kV, Rebuild, 6-mile existing 115 kV overhead line  
Schiller – Ocean Rd. 115 kV line, Rebuild, 6-mile existing 115 kV overhead line  
Dover – Three Rivers 115 kV line, New 3-mile 115 kV overhead/underground and submarine transmission line

**Witnesses Available for Cross Examination include:** James Jiottis

**Newington 1-3** Please state the cost of each of the projects identified in response to questions 1-1 and 1-2 above.

**Response:** The Applicant objects to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicant has done that. See Application Section 301.03(h)(2) . Other hypothetical alternatives, or alternative projects, are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative). Notwithstanding the objection, the Applicant responds as follows:

The costs referenced in the response are from the 2012 NH/VT Transmission System Solutions Study Update and were utilized as part of the decision process to select the preferred suite of projects to address the Seacoast needs. These were conceptual estimates and used to compare the relative cost of projects. Please refer to the attached document titled “NHVT Solutions PAC 2012-01-18\_Redac.pdf” for additional details on the project selection and alternative evaluation. Please also the Applicant's response to Town of Newington Data Requests 1-1 and 1-2 above.

In June of 2014, with the projected costs of the Project increasing, Eversource reexamined the proposed SRP suite of projects with the leading alternative, the Gosling Road projects. The revised estimates included the most recent actual costs for those projects in the selected suite of Seacoast Solutions. The results of the comparison confirmed the selected set of Seacoast Solutions remained a more cost-effective solution than the Gosling Road alternative with the differential between the overall project estimates increasing to near increasing to \$90M. Please see the attached document titled “SRP Alternative Cost Comparison.pdf” for additional details.

The estimated cost for the Project (The Madbury to Portsmouth 115 kV line and the associated station upgrades) has increased from the 2014 estimate to \$77M. The Gosling Road Alternative is still dramatically more costly than the SRP suite of projects.

**Witnesses Available for Cross Examination include:** James Jiottis