



BARRY NEEDLEMAN
Direct Dial: 603.230.4407
Email: barry.needleman@mcclane.com
Admitted in NH, MA and ME
11 South Main Street, Suite 500
Concord, NH 03301
T 603.226.0400
F 603.230.4448

Via Electronic Mail and Hand Delivery

March 16, 2018

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 Partially-Assented To Proposed Procedural Schedule**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find the Applicant's Partially-Assented To Proposed Procedural Schedule Following the Presiding Officer's Order on Applicant's Motion to Postpone Final Adjudicative Hearings.

Please contact me directly should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Needleman".

Barry Needleman

BN:slb
Enclosure

cc: Distribution List

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

McLane.com

**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 PARTIALLY-ASSENTED TO PROPOSED PROCEDURAL SCHEDULE
FOLLOWING THE PRESIDING OFFICER'S ORDER ON APPLICANT'S MOTION
TO POSTPONE FINAL ADJUDICATIVE HEARINGS**

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 submits a partially assented-to Proposed Procedural Schedule Following the Presiding Officer’s Order on Applicant’s Motion to Postpone Final Adjudicative Hearings.

Applicant’s Proposed Schedule

1. Counsel for the Public and interveners shall respond to data requests on or before **April 11, 2018**;
2. Technical sessions with witnesses for Counsel for the Public and interveners shall be conducted on **May 15, 16, and 17 2018**;
3. Counsel for the Public and Intervenors shall respond to Technical Session Data Requests on or before **May 28, 2018**;
4. Supplemental pre-filed testimony shall be due from Counsel for the Public and all Intervenors on or before **July 20, 2018**;
5. Rebuttal pre-filed testimony shall be due from the Applicants on or before **July 27, 2018**;
6. The parties shall file statements of stipulated facts and any other stipulations on or before **August 15, 2018**;
7. The final pre-hearing conference shall be conducted on **August 27, 2018**;
8. The final adjudicative hearings shall take place between **September 5 and September 14, 2018 (excluding September 10)**;

9. Final briefs for Counsel for the Public and interveners shall be due **within 14 days of close of the record;**
10. Final Briefs for the Applicant shall be due within **21 days after the close of the record;**
11. Deliberations shall commence on **October 9, 2018; and**
12. A written decision will be issued on or before **November 30, 2018.**

Positions of the Parties

The Applicant has made a good faith effort to seek the concurrence of all parties. The positions of each party are summarized below.

Counsel for the Public (CFP) indicated that the proposed schedule is generally acceptable, but has not been able to confirm the availability of its experts at various points. The Applicants will work with CFP if there are scheduling issues for its experts.

CFP requested that hearings not occur on September 10, so as to avoid Rosh Hashanah. The Applicant agrees and has noted that.

CFP and the Town of Newington prefer to have the submission of final briefs by all parties simultaneously. The Applicant disagrees. As the party with the burden of proof, the Applicant believes it is appropriate and fair for the Applicant to be able to respond to the arguments raised by other parties in their briefs. In recent proceedings, the SEC has taken that approach and Applicant believes that should happen again here. *See* Procedural Order, Joint Application of Northern Pass Transmission, LLC, Docket No. 2015-06 at 5 (Sept. 12, 2017) (establishing that “Counsel for the Public and the intervenors shall file their closing briefs within 14 calendar days of closing the record” and that “the Applicant shall file its reply brief within 7 calendar days thereafter.”); *see also* Transcript Day 9 PM at 61–63; Transcript Day 13 PM at 55, Application of Antrim Wind Energy, Docket No. 2015-02 (determining that the Applicant “who

has the burden of proof” would have additional time to file its brief after all other parties have submitted their briefs).

CFP, the Town of Newington, and Conservation Law Foundation have asked whether the Applicant intends to conduct an analysis of horizontal directional drilling in response to the February 28, 2018 NHDES Final Decision. The Applicant interprets the HDD portion of the DES Final Decision as a recommendation regarding a potential condition that the Subcommittee should consider imposing as part of a final approval; not as a requirement to do a further study now prior to the final hearing.¹ Nevertheless, because other parties have raised the HDD issue in this proceeding during the discovery process² and in their testimony,³ Applicant does intend to address it in its rebuttal pre-filed testimony.

The Town of Newington agrees with most of the proposed procedural schedule, except as noted above. The Town of Newington also noted that the Applicant’s original proposal would have the parties responding to technical session data requests on May 27 (Memorial Day). Newington asked for this deadline to be extended to May 31st. Applicant changed it to May 28 to avoid Memorial Day and to remain generally consistent with prior SEC deadlines of 10 days for such responses.

As of the date of this filing, Counsel for Donna Heald indicates Ms. Heald is unavailable so she could not consult with her. Counsel further stated that she will be unavailable for the

¹ The NHDES Final Decision suggests that the SEC “consider” having the Applicant conduct an initial study as a certificate condition and if such a condition is imposed, that the evaluation should be submitted to the NHDES at least 90 days prior to any proposed work in Little Bay. See NH DES Final Decision, Docket 2015-04, at 1–2 (Feb. 28, 2018).

² The Applicant understands that the Town of Durham and UNH are in the process of filing a motion seeking an Order from the Committee that would, in part, require an evaluation of HDD now. The Applicant intends to file a partial objection. The parties have already had the opportunity to conduct discovery on HDD. In fact, the Town of Durham and CLF served data requests on HDD and the topic was discussed in-depth at the technical sessions. There is no need for additional discovery. The Applicant will elaborate on its position in its Partial Objection to the Town of Durham/UNH’s Motion.

³ See Pre-Filed Testimony of Todd Selig at 2; 7 – 11; Pre-Filed Testimony of Fat Dog Shellfish at 6.

technical sessions. The Applicant agrees to work with Counsel for Ms. Heald regarding that conflict to find another date for Ms. Heald to appear at a technical session if necessary, or in the alternative, will agree to have Counsel present via telephone during the technical sessions.

Counsel for CLF has not indicated disagreement with the schedule, except as noted above. In addition, he has plans to be out of the country starting September 7 through September 21. Therefore, the Applicant has agreed to work with CLF to try to schedule its environmental panel before Counsel for CLF becomes unavailable.

The Town of Durham / UNH do not support the proposed procedural schedule and plan to file their own proposed schedule.

The other parties have not responded to our request for concurrence.

WHEREFORE, the Applicant respectfully asks that the Committee:

- A. Adopt the Applicant's proposed procedural schedule; and
- B. 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,

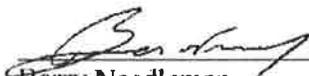
McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: March 16, 2018

By: 
Barry Needleman, Bar No. 9446
Adam Dumville, Bar No. 20715
11 South Main Street, Suite 500
Concord, NH 03301
(603) 226-0400
barry.needleman@mclane.com
adam.dumville@mclanc.com

Certificate of Service

I hereby certify that on the 16th day of March, 2018, a hard copy and an electronic copy of this Proposed Schedule was filed with the Site Evaluation Committee and an electronic copy was sent to the Distribution List.


Barry Needleman