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Via Electronic Mail and US Mail

May 22, 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
Contested Motion to Strike Pre-Filed Testimony of Jason Baker on behalf of Fat
Dog Shellfish Co.**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find a Contested Motion to Strike Pre-Filed Testimony of Jason Baker on Behalf of Fat Dog Shellfish Co.

Please contact me directly should you have any questions.

Sincerely,



Adam M. Dumville

AMD:slb
Enclosure

cc: Distribution List

McLane Middleton, Professional Association
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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**

**CONTESTED MOTION TO STRIKE PRE-FILED TESTIMONY OF
JASON BAKER ON BEHALF OF FAT DOG SHELLFISH CO.**

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 respectfully moves to strike the pre-filed testimony of Jason Baker on behalf of Fat Dog Shellfish Co. LLC (“Fat Dog”) for failing to appear at the Technical Session on May 16, 2018. In support of its Motion, the Applicant states as follows:

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, New Hampshire (the “Project”). The Committee accepted the application on June 13, 2016.

2. On July 22, 2016, Jason and Elizabeth Baker filed a Petition to Intervene on behalf of Fat Dog in the proceeding. The Petition was granted on August 24, 2016. On July 30, 2017, Jason Baker filed pre-filed testimony on behalf of Fat Dog.

3. In accordance with the Revised Procedural Schedule dated April 6, 2018, on April 20, 2018, the SEC Administrator issued a technical session agenda requiring Mr. Baker to appear at 49 Donovan Street, Concord, NH on May 16, 2018, at 1:30 to 2:30 PM.

4. On May 15, 2018, twenty-five days after notice of the Technical Sessions was provided—and one day before he was scheduled to appear at the Technical Session—Mr. Baker notified the SEC Administrator that he would not appear. The Applicant intended to question Mr. Baker.

5. This Application has been pending since April 2016. Deadlines have been extended numerous times and the parties have worked in good faith to schedule technical sessions around multiple deadlines and calendars.

6. Mr. Baker's failure to comply with the procedural order has interfered with the orderly and prompt conduct of these proceedings. Scheduling these technical sessions and completing them in a timely manner is a challenging task. Disregard of the procedural order creates enhanced risk of delay which would prejudice the Applicant.

7. Moreover, the Applicant has a right to question all witnesses at a technical session if they provide testimony. If the Applicant are deprived of that right, it may be prejudiced at the final hearings.

8. While the Applicant appreciates that interveners have outside commitments, as voluntary parties to this proceeding, interveners have an obligation to comply with the SEC rules and the procedural order. Failure to do so without any good faith basis impairs the prompt and orderly conduct of the proceedings.

9. Counsel for the Public takes no position on this Motion. The Towns of Newington and Durham/UNH, Fat Dog Shellfish Co., the Nature Conservancy, Mr. Keith Frizzell, Conservation Law Foundation, and Dr. Regis Miller object.

WHEREFORE, the Applicant respectfully requests that this Committee:

- A. Strike the Pre-Filed Testimony of Jason Baker on behalf of Fat Dog Shellfish Co. LLC, treating it instead as public comment; and
- B. Grant such further relief as it deems appropriate.

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

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: May 22, 2018

By:  _____

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Certificate of Service

I hereby certify that on 22nd of May, 2018, the foregoing Motion was electronically served upon the SEC Service List and to the New Hampshire Site Evaluation Committee and a copy was sent via US Mail to the SEC Administrator.



Adam Dumville