

November 6, 2018

VIA EMAIL ONLY (Pamela.Monroe@sec.nh.gov)
Pamela G. Munroe, Administrator
NH Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**RE: New Hampshire Site Evaluation Committee Docket No. 2015-04
Application of Public Service Company of New Hampshire d/b/a Eversource
Energy for a Certificate of Site and Facility**

Dear Ms. Monroe:

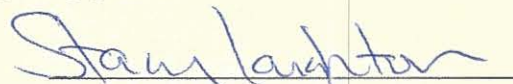
Enclosed for filing in the above-referenced docket is the following:

**TOWN OF NEWINGTON'S MOTION FOR
EXTENSION OF DEADLINE TO FILE BRIEFS**

Copies of this letter and the enclosure have this date been forwarded via email to all parties on the Distribution List.

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

Very truly yours,



Stacy Laughton,
Paralegal

/sl

Encl (1)

cc: Distribution List (rev. 10/23/18) via email



**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-04

**Application of Public Service Company of New Hampshire
d/b/a Eversource Energy for Certificate of Site and Facility**

November 6, 2018

MOTION FOR EXTENSION OF DEADLINE TO FILE BRIEFS

NOW COMES the Town of Newington, New Hampshire ("Newington") by and through its undersigned attorneys, and respectfully files this Motion for Extension of Deadline to File Briefs and states as follows in support:

1. On October 31, 2018 the New Hampshire Site Evaluation Committee ("SEC") issued an Order on Exhibits and Schedule for Final Briefs (the "Order") in this matter. Per the Order, Counsel for the Public ("CFP") and the Intervenors shall file final briefs no later than November 13, 2018. Applicant shall file its final brief no later than November 20, 2018.
2. Two days later, on November 2, Applicant filed a Motion to Reopen the Record.
3. On that same date, CFP filed a Motion to Strike NHDES's Post-Final Decision Recommendations and Related Testimony.
4. On October 24, Newington, University of New Hampshire/Town of Durham ("UNH/Durham") and Conservation Law Foundation ("CLF") jointly filed a Motion to Strike NHDES's Post-Final Decision Recommendations and Related Testimony.
5. Newington's legal team throughout this proceeding has been led by Attorney Susan Geiger. However, due to an unexpected death in Attorney Geiger's family over this past

weekend her attention during the week of November 5 is understandably diverted from this matter.

6. For the Sub-committee's convenience, the following are additional considerations of pending motions and responses to same that implicate both the substance and timing of the Parties post-hearing legal memorandum. Of note is that responses to substantive Motions that could impact the content of the Parties briefs are due on the same date as CFP and Intervenors briefs are currently due.

- On November 2, 2018 CFP filed a Motion to Strike NHDES's October 29, 2018 Revised Final Decision.
- Applicant's response to this Motion is due Tuesday, November 13 (due to the holiday on November 12).
- On November 2, Applicant filed a Motion to Re-open the Record.
- CFP and Intervenor responses to this Motion are due Tuesday, November 13, 2018 (again, due to the holiday on November 12).

7. The uncertainty of whether the Sub-committee will decide to grant the Applicant's Motion to re-open, further argues for a delay. A delay will, 1) allow the Sub-Committee time to make decisions on the pending motions after due consideration of all the Parties' positions, and 2) provide greater clarity of the record for both the Parties' use in their legal briefs and the Sub-Committee's considerations in its deliberations.

8. Finally, if the Sub-committee grants the Motion to Reopen, additional time will be needed before filing briefs to allow CFP and Intervenors to submit additional testimony and evidence in response to or rebuttal to the newly submitted evidence pursuant to Site 202.27 (c). New deadlines for briefing will need to be set. That said, the Sub-committee could utilize at

least one of the currently scheduled deliberation dates for a hearing on the new testimony, evidence and rebuttal to same so as not to lose time in the Subcommittee's calendar.

9. Accordingly, for all of these reasons, Newington respectfully requests, on its own behalf and on behalf of CFP and Intervenors, an extension of the November 13, 2018 deadline for filing legal memorandum until at least Tuesday November 27, 2018 or until such time as the Committee decides the pending motions. In the event the Motion to Re-open the Record is granted, then Newington requests an extension of time for all Parties to file legal memorandum, until 14 days after the re-closure of the record.

10. Counsel for Applicant received this request but as of the filing was not able to respond and will submit a reply.

11. CFP and Intervenors take the following positions on this request:

CFP:	Concur
CLF:	Concur
Durham Residents:	Concur
Durham/UNH:	Concur
Durham Historic Association:	Concur
Helen Frink:	Concur
Fat Dog Shellfish:	Did not respond to a request for their position.
Keith Frizzell:	Concur

WHEREFORE, Newington respectfully requests that the Committee:

A. Grant an extension until Tuesday, November 27, 2018 for Counsel for the Public and Intervenors to file briefs; and

B. Grant such further relief as the Committee deems appropriate.

Respectfully submitted,

Town of Newington
By Its Attorneys
BCM Environmental & Land law, PLLC

Dated: November 6, 2018



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Certificate of Service

I hereby certify that on this 6th day of November, 2018, a copy of the within Motion was sent to the Service List via electronic mail.



Elizabeth A. Boepple, Esq.