

**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 29, 2016**

**ORDER DENYING APPLICANT'S MOTION TO STRIKE  
IMPROPER FILING OF THOMAS A. DECAPO AND YAEL D. DECAPO**

**I. BACKGROUND**

On April 12, 2016, the Public Service Company of New Hampshire d/b/a Eversource Energy filed an Application for a Certificate of Site and Facility (Application) with the Site Evaluation Committee (Committee). The Application seeks the issuance of a Certificate of Site and Facility approving the siting, construction, and operation of a new 115kV electric transmission line between existing substations in Madbury and Portsmouth (Project.) The new transmission line will be approximately 12.9 miles in length. The Project is comprised of a combination of above ground, underground, and underwater segments. The Project will be located in the Towns of Madbury and Durham in Strafford County, and the Town of Newington and the City of Portsmouth in Rockingham County.

Along with the Application, the Applicant filed a Motion to Partially Waive Site 301.03(c)(3)-(5). That motion requested a waiver from administrative rules requiring the identification and/or mapping of certain structures and property boundaries, wetlands and surface waters and historic resources. *See generally* N.H. CODE ADMIN. RULES, Site 301.03(c)(3)-(5).

Pursuant to a procedural order issued on June 23, 2016, the deadline for filing motions to intervene in this docket was July 22, 2016. On August 24, 2016, the Presiding Officer granted, in part, the Petition to Intervene filed by Thomas A. DeCapo and Yael D. DeCapo

(the DeCapos). The Presiding Officer also ruled that the DeCapo's participation in this docket must be combined with other intervenors referred to collectively as the Durham Residents. Pursuant to RSA 162-H:4, V, the DeCapos sought review by the full Subcommittee of the Presiding Officer's decision on intervention. The Applicant objected to that motion on September 12, 2016.

On October 10, 2016, a Notice of Hearing on Pending Motions and Deadline for Filing was issued, setting October 20, 2016 as the deadline for filing objections or responses to the Applicant's pending motions and scheduling a deliberative hearing on intervention and the motion for waivers on November 2, 2016. The DeCapos filed an objection to the Applicant's waiver motion in accordance with the deadline. At that time, the DeCapo's request for statutory review of the intervention decision was pending a hearing. The Applicant filed a Motion to Strike Improper Filing of Thomas A. DeCapo and Yael D. DeCapo on October 26, 2016. The DeCapos objected to that motion on November 1, 2016.

## II. ANALYSIS

The Applicant argues that the DeCapo's objection to the waiver requests should be stricken from the record because the DeCapos are part of the Durham Residents intervenor group and have not been designated as the spokesperson for that intervenor group. The Applicant admits that no spokesperson has been designated for the Durham Residents.

At the time that the DeCapos filed their objection to the waiver motions their status as intervenors was under statutory review. The issue under review was whether they should be combined with the Durham Residents intervenor group. At the time of filing the objection, that issue had not been resolved.

The intervenor grouping issue had not been finally resolved at the time that the DeCapos

filed their objections to the waiver request. They could not know the ultimate outcome of the Subcommittee's review of the intervention grouping. Under these circumstances it cannot be found that their filing was improper. The motion to Strike is denied.

SO ORDERED this twenty-ninth day of November, 2016.

A handwritten signature in black ink, appearing to read "Robert R. Scott", is written above a horizontal line.

Robert R. Scott, Presiding Officer  
NH Site Evaluation Committee