

**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**

February 15, 2017

ORDER ON MOTION TO STAY PROCEDURAL SCHEDULE

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 proposed 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.

On June 1, 2016, the Subcommittee reviewed the Application and determined that it contained sufficient information to satisfy the requirement of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and also made an independent determination that the Application contained sufficient information to carry out the purposes of RSA 162-H. *See* RSA 162-H:7, III and IV. On June 13, 2016, the Subcommittee issued an Order memorializing that decision.

On June 23, 2016, the Presiding Officer issued a Procedural Order, and it was revised on December 28, 2016. The Revised Procedural Order set forth the deadlines for submitting an amendment to the Application of no later than January 17, 2017, identified the statutory deadline for the state agencies to issue final permits or conditions, a schedule for discovery, and set the dates for the final adjudicative hearing in this docket as May 15-19, 2017.

On January 20, 2017, the Applicant filed an Uncontested Motion to Stay the Procedural Schedule. Counsel for the Public and the Intervenors assented to the relief sought by the Applicant.

On February 3, 2017, the Division of Historic Resources requested an extension of time until March 31, 2017, to complete its review, due to the receipt of extensive public comment. On February 6, 2017, the Department of Environmental Services also requested an extension of time to a date that is “30 days after the date when Eversource provides all final requests for project impacts to be reviewed by NHDES, or to a date to be determined in accordance with proposed provisions included within the Applicant's Uncontested Motion to Stay Procedural.”

This Order grants the Applicant’s requested Motion and refers the state agency requests to the Subcommittee for its determination.

II. ANALYSIS

A. Applicant’s Motion to Stay Procedural Schedule

The Applicant explains that it wishes to construct the Project underground across the Darius Frink Farm in Newington, and intends to file an amendment to the Application detailing the underground route and construction. To undertake the underground installation, the Applicant must obtain an amendment to a conservation easement currently encumbering the property. The Applicant is required to obtain approvals for the conservation easement

amendment from: (i) the landowner; (ii) the Town of Newington; (iii) the Rockingham Conservation District; (iv) the United States Department of Agriculture; and (v) the New Hampshire Department of Justice. The Applicant asserts that, as of the date of the Motion, it obtained approvals from the landowner, the Town of Newington; the Rockingham Conservation District, and the New Hampshire Department of Justice. The Applicant has submitted a request to amend the conservation easement to the Natural Resources Conservation Service of the United States Department of Agriculture. As of the date of the Motion, however, the Applicant has not received a final determination from that agency. The Applicant asserts that it anticipates receiving a final decision from the Natural Resources Conservation Service in mid-February, and requests suspension of the current procedural schedule to allow it to receive a final approval from the Natural Resources Conservation Service, and amend the Application so that it accurately reflects the property rights acquired prior to continuing the discovery process in this docket.

The Applicant did not specifically request suspending the February 8, 2017, deadline for the state agencies to issue final permits or conditions as set forth in RSA 162-H:7, VI-c, and contained in Paragraph 6 of the Revised Procedural Order; or the suspension of the statutory timeframe as set forth in RSA 162-H:14. The Applicant's request is limited to a temporary postponement of the procedural schedule and may be ruled on by the Presiding Officer. *See* RSA 162-H:4, V.

Granting the Applicant's request will promote the goal of administrative efficiency because it will accommodate a more thorough and efficient process. Granting the agency's request for an extension of time will not cause undue delay, since final permits or conditions cannot be determined until after the amendment is submitted. The Applicant's request is granted

and the procedural schedule is suspended subject to the following conditions:

1. Within one week after filing the Amendment, the Applicant, after consultation with other parties, shall file a new proposed procedural schedule which shall include a schedule for discovery;
2. If the Applicant and other parties disagree on procedural schedule, other parties may file their own proposals; and
3. Upon receipt of one or both of the proposals listed above, either the Presiding Office or the Subcommittee, as appropriate, shall determine a new procedural schedule.

B. State Agency Requests

The requests filed by the Division of Historical Resources and the Department of Environmental Services include a *de facto* suspension of the time frame and deadlines set out in RSA 162-H:7, VI-c. Consideration of such requests are not merely procedural and must be undertaken by the Subcommittee in a public meeting. *See* RSA 162-H: 14. Therefore consideration of the requests filed by the Division of Historical Resources and the Department of Environmental Services are referred to the Subcommittee for its consideration. A public meeting to consider the request shall be scheduled.

SO ORDERED this fifteenth day of February, 2017.



Robert R. Scott, Presiding Officer
NH Site Evaluation Committee