

**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**

**June 8, 2018**

**ORDER ON PENDING MOTION**

This Order denies, with conditions, the Applicant's Contested Motion to Strike Pre-filed Testimony of Jason Baker filed on behalf of Fat Dog Shellfish.

**I. BACKGROUND**

On April 12, 2016, Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant) applied to the Site Evaluation Committee to construct a new 115kV electric transmission line approximately 12.9 miles in length between existing substations in Madbury and Portsmouth (Project).

On August 24, 2016, the Subcommittee granted a request to Intervene from Jason and Elizabeth Baker as members of Fat Dog Shellfish Co., LLC (Fat Dog) as a single party. Various procedural schedules have been issued in this docket requiring the intervenors to submit pre-filed testimony and to attend technical sessions. Consistent with the procedural schedules, Jason Baker submitted pre-filed testimony on behalf of Fat Dog. On April 20, 2018, the Administrator issued a Technical Session Agenda scheduling Mr. Baker for a technical session on May 16, 2018. On May 15, Mr. Baker, on behalf of Fat Dog, notified the Administrator that he was unable to attend the technical session.

On May 22, 2018, the Applicant filed a Contested Motion to Strike. Fat Dog objected.

**II. POSITIONS OF THE PARTIES**

The Applicant asserts that it has a right to question all witnesses provide testimony at a technical session and if it is deprived of that right, it may be prejudiced at the final hearings. The Applicant

argues that the failure of Fat Dog to comply with the procedural order has interfered with the orderly and prompt conduct of the proceedings.

Fat Dog argues that as a small business, it is impossible to break away during certain times of the year, particularly May through September, and that it will respond to any additional data requests or follow-up questions submitted by the Applicant.

### **III. ANALYSIS**


In determining whether to allow intervention in a particular docket, the presiding officer must assess whether: “such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.” N.H. CODE ADMIN. RULES, Site 202.11. In this instance, Fat Dog was granted intervenor status with the understanding that it would participate as required and would not impair the orderly and prompt conduct of the of the proceedings.

To ensure that the Applicant and the Intervenors have an opportunity to conduct discovery of witnesses through a technical session without causing unnecessary delay, the Motion is denied, subject to the following conditions:

- Mr. Baker, on behalf of Fat Dog, shall attend a technical session on **July 10, 2018**, beginning at 9:00 a.m. at the Public Utilities Commission, 21 South Fruit Street, Concord; and
- Fat Dog shall respond to Technical Session Data Requests no later than **July 16, 2018**.

**If Fat Dog fails to comply with any of these conditions, its testimony shall not be allowed.**

SO ORDERED this eighth day of June, 2018.

  
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Patricia M. Weathersby, Presiding Officer  
Site Evaluation Committee