

**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**

**September 14, 2018**

**ORDER ON RECORD REQUESTS**

This order sets deadlines for record requests made during the first two days of the adjudicative hearing and provides ground rules for future record requests.

**I. Background**

The Subcommittee began the adjudicative hearing in this docket on August 29, 2018, and continued on August 30, 2018. During cross-examination of the Applicant’s witnesses, intervenors made approximately fourteen (14) “record requests.” Some requests were for information already in the record. Some requests sought information that should have been requested during the lengthy discovery period in this docket and/or at technical sessions attended by the parties. The Applicant did not object to most of the requests. Absent an objection, the Presiding Officer granted the requests.

**II. Purpose of Record Requests**

Record requests should be used only when they are necessary for a witness to fully answer a question of concern to the Subcommittee. Record requests are not discovery tools and should not be used for “rounding out” or extending a cross-examination or seeking discovery to be used by future witnesses.

Many if not all of the 14 record requests made by the parties during the first two days of the hearing appear to be nothing more than discovery requests that could have been resolved in

the discovery phase or during the technical sessions.<sup>1</sup> Many of the record requests seek information already contained in the record.

In the future, the Presiding Officer will be discriminating between requests actually designed to allow a witness to fully answer a question of concern to the Subcommittee and those that are discovery requests or made for other tactical reasons. All future record requests will come from the Presiding Officer or members of the Subcommittee. If a party believes a record request from the Subcommittee would be helpful, they should inform the Presiding Officer on the record.

### **III. Deadline for Responses to Record Requests**

The record requests made during the testimony of **William Quinlan** are:

1. Provide a description of demand/load growth in the Seacoast region over the last ten years. (Tr. Day 1, A.M. p. 37)
2. Provide a citation to the ISO NE tariff or other documents containing reasonableness standards referenced on page 13, line 12 of Mr. Quinlan's pre-filed testimony. (Tr. Day 1, A.M. p. 51)
3. Provide any guidelines for ISO NE cost allocations (something more specific than the citation in the testimony.) (Tr. Day 1, A.M. p. 52)
4. Please calculate the impact of localization of the \$7M cost increase to PSNH ratepayers in NH and to all ratepayers in NH. (Tr. Day 1, P.M. p. 15)

The record requests made during the testimony of the **Construction Panel** are:

5. Provide the provisions of the National Electric Safety Code applicable to construction in Little Bay. (Tr. Day 1, P.M. p. 74)
6. Provide protocols for trenching in tidal flats. (Tr. Day 1, P.M. p. 97)
7. Provide the spill plan – see Item 48 in AOT Permit. (Tr. Day 1, P.M. p. 101)

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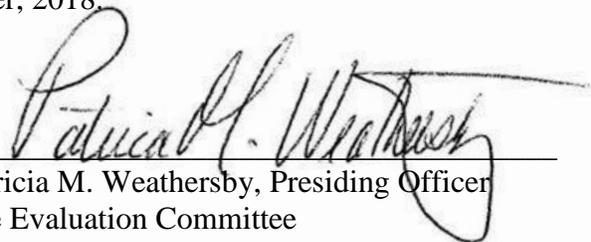
<sup>1</sup> All parties were provided extensive discovery opportunities. Consistent with the ordinary practice before the Committee, all parties were allowed to propound written data requests to all other parties. In addition, all parties were afforded the opportunity to conduct in-person questioning of all other witnesses during technical sessions. The parties were afforded the opportunity to request additional documents and information at the technical sessions with the Applicant's witnesses that were held on May 30, June 7, June 12, June 15, and July 11, 2017 and July 10, 2018.

8. Provide more information about the point at which the “necking in” less than 30 feet of separation will occur. (Tr. Day 1, P.M. p. 105)
9. Provide a method of procedure for cable removal. (Tr. Day 1, P.M. p. 112)
10. Describe the deeded driveway access to the Getchell property and is it consistent with commercial purposes? (Tr. Day 1, P.M. p. 145)
11. Provide the draft MOU with Town of Durham. (Tr. Day 2, A.M. p. 129)
12. Provide the marine calculations and analysis supporting three single core cables rather than a three-core cable. (Tr. Day 2, P.M. p. 47)
13. Provide the 1949 Easement to use the driveway to the Getchell property and the deeded access for the Getchell property purchase. (Tr. Day 2, P.M. p. 110)
14. Any documents providing evidence related to the rights to cross Little Bay for purposes of the cable installation and any documents related to approval for the use of concrete mattresses in Little Bay. (Tr. Day 2, P.M. p. 30)

The Applicant shall respond to the requests 8 and 12 above, before the environmental witness panel is seated. The information surrounding the “necking in” to less than thirty (30) feet of separation and the marine calculations and analysis supporting three single core cables are important for the Subcommittee to have before cross-examination of the environmental witness panel.

The remaining responses shall be filed with the Subcommittee before the conclusion of the evidentiary phase of the adjudicative hearings. This will allow the Subcommittee sufficient time for review before we begin the deliberative phase of the adjudicative hearing.

SO ORDERED this 14<sup>th</sup> day of September, 2018.

  
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Patricia M. Weathersby, Presiding Officer  
Site Evaluation Committee