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VIA ELECTRONIC MAIL

May 17, 2016

New Hampshire Site Evaluation Committee
Pamela G. Monroe, Administrator
21 South Fruit Street, Suite 10
Concord, NH 03301

**Re: SEC Docket No. 2015-05: Public Service Company of New Hampshire d/b/a
Eversource Energy and New England Power Company d/b/a National Grid: Joint
Application for a Certificate of Site and Facility for the Merrimack Valley
Reliability Project**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find the Applicants' Motion to Compel Intervenor Huard's Response to Data Requests 5, 6 and 7 From the May 5, 2016 Technical Session.

Please contact me directly should you have any questions.

Sincerely,



Barry Needleman

BN:slb
Enclosure

cc: Distribution List

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

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THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-05

**JOINT APPLICATION OF NEW ENGLAND POWER COMPANY
D/B/A NATIONAL GRID &
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANTS' MOTION TO COMPEL INTERVENOR HUARD'S RESPONSE TO
DATA REQUESTS 5, 6 AND 7 FROM THE MAY 5, 2016 TECHNICAL SESSION**

NOW COME New England Power Company d/b/a National Grid ("NEP") and Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH") (collectively the "Applicants") by and through their attorneys, McLane Middleton, Professional Association, and move to compel Intervenor Margaret Huard to respond to the Applicants' data requests from the May 5, 2016 Technical Session or in the alternative, to strike references in her testimony regarding allegations of shock and personal injury associated with exposure to transmission lines. In support of their Motion to Compel, the Applicants state as follows:

1. In Ms. Huard's pre-filed testimony, Ms. Huard has made certain allegations about the Applicants and has alleged that she sustained injuries from existing transmission lines in the same right-of-way where the Project is proposed. More specifically, Ms. Huard has alleged that she sustained a shock in January 2016 while directly under transmission wires "strong enough to cause simultaneous symptoms that often precedes cardiac arrest; chest pain, leg pain, shortness of breath, dizziness, and heart palpitations." *See* Amended Pre-Filed Testimony of Margaret Huard, at p. 5 (April 25, 2016).

2. The Applicants' requested that Ms. Huard produce any documentation that supports these allegations. In response, on May 2, 2016 Ms. Huard filed a Motion for Restrictive

Treatment of Medical Records. The Applicants opposed, in part. By Order dated May 6, 2016, the Presiding Officer ruled that “[t]he Applicant is entitled to receive Ms. Huard’s medical records to verify Ms. Huard’s allegations.” Order Granting In Part, Denying In Part, Motion for Restrictive Treatment of Medical Records, at 2.

3. The day before this ruling, on May 5, 2016, a technical session was held in the above-referenced docket for the parties to inquire of Ms. Huard regarding her pre-filed testimony, including her shock allegations. During that session, Ms. Huard produced one document and the Applicants requested that Ms. Huard provide any additional documentation that supports the claims in her pre-filed testimony.

4. Ms. Huard also indicated that she had communications with the Hudson Fire Department regarding the Project and about a January 2016 incident where Ms. Huard also stated that she had exchanged e-mails with other third-parties regarding the January 2016 incident.

5. At the Technical Session, the Applicants requested copies of all communications regarding the incident described in ¶ 1 of this Motion. During the technical session, Ms. Huard agreed to provide these documents and did not object. *See* Memorandum from Pamela Monroe Re: Technical Session Data Requests, NH SEC Docket 2015-05, May 6, 2016. (“Ms. Huard did not object to any of the requests made by the Applicant.”).

6. Ms. Huard was given until May 12, 2016 to respond to the data requests.

7. On May 12, 2016, Ms. Huard filed three separate motions to object to the requests made by the Applicants at the technical session. Ms. Huard alleges that the requests are “unduly invasive,” “arbitrary, repetitious request for information,” and/or are “confidential communications” as they were sent to the “fire chief in his role protecting the public health of the Hudson community.” *See* Motion to Object, Data Request 5 and 6. Ms. Huard also objects to

providing copies of email correspondences with other members of the community regarding the January 2016 incident. *See* Motion to Object, Data Request 7.

8. The Applicants respectfully request that the SEC compel Ms. Huard to comply with Data Requests 5, 6 and 7.

9. Ms. Huard has specifically and repeatedly alleged that she sustained a shock from an electric transmission line, both in her pre-filed testimony and at the technical session. Ms. Huard's opposition to the Project rests in part on these allegations. Any documents or e-mail correspondence relating to the incident are without a doubt relevant in this matter and are admissible. *Cf.* N.H. Rule Evid. 401 ("Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probably that it would be without the evidence."). The Applicants are unaware of any confidentiality that could possibly attach to communications between Ms. Huard and the Fire Chief. More importantly, Ms. Huard has voluntarily put this issue before the Committee herself. Ms. Huard cannot make these allegations without providing the Applicants a full and fair opportunity to examine any evidence that relate to the allegations. The Applicants are entitled to obtain and examine any and all documents that pertain to the alleged January 2016 incident. Ms. Huard should not be allowed to make such allegations and then object to providing copies of all records relating to the incident.

10. Alternatively, if the subject information is not provided, the Applicants respectfully request that the Presiding Officer strike from the record any and all references made by Ms. Huard that relate to allegations of electric shock and any alleged health effects sustained therefrom.

11. The Applicants certify that they made a good-faith effort to resolve this dispute informally at the technical session. In fact, as mentioned above, Ms. Huard agreed at that time to provide the responses to these data requests.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

- A. Compel Intervenor Huard to provide responses to Data Requests 5, 6 and 7 from the May 5, 2016 technical session;
- B. In the alternative, strike from the record any and all references made by Ms. Huard that relate to allegations of electric shock and any alleged health effects sustained therefrom; and
- C. Grant such further relief as requested herein and as deemed appropriate.

Respectfully Submitted,

New England Power Company and

Public Service Company of New Hampshire

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

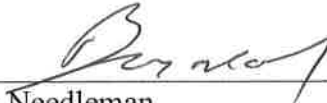
Dated: May 17, 2016

By: 

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Certificate of Service

I hereby certify that on the 17th day of May, 2016 this Motion was sent electronically to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.



Barry Needleman