



ADAM M. DUMVILLE
Direct Dial: 603.230.4414
Email: adam.dumville@mclane.com
Admitted in NH and MA
11 South Main Street, Suite 500
Concord, NH 03301
T 603.226.0400
F 603.230.4448

VIA ELECTRONIC MAIL

October 26, 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:
Applicants' Objection to Intervener Huard's Motion for Rehearing**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find the Applicants' Objection to Intervener Huard's Motion for Rehearing.

Please contact me directly should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Adam Dumville".

Adam M. Dumville

AMD:slb
Enclosure

cc: Distribution List

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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' OBJECTION TO INTERVENER HUARD'S
MOTION FOR REHEARING**

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 submit this Objection to Intervener Huard's Motion for Rehearing (the "Motion") and respectfully request that the Committee deny the Motion because it fails to set forth good cause for a rehearing. Specifically, it does not raise any issue that was overlooked or mistakenly conceived by the Committee in its Decision and Order Granting Application for Certificate of Site and Facility nor does the Motion present any new evidence that was not before the Committee during the adjudicative hearing.

I. Background

On July 23, 2015, the Applicants filed their Application for a Certificate of Site and Facility to site, construct and operate a new 345 kV electric transmission line within the existing transmission right-of-way ("ROW") between the NEP-owned Tewksbury 22A Substation in Tewksbury, Massachusetts and the PSNH-owned Scobie Pond 345 kV Substation in Londonderry, New Hampshire (the "Project").

On December 8 and 9, 2015, the Committee presided over statutorily required public hearings in Rockingham County and Hillsborough County. At the hearing, the Applicants presented information about the Project and received comments from interested members of the public.

On June 13 and 14, 2016, the Committee presided over an adjudicative hearing, during which time the Committee heard from 21 witnesses—20 witnesses proffered by the Applicants and Intervener Huard herself—considered over 40 exhibits for the Applicants and approximately 50 exhibits from Intervener Huard, and received oral and written statements from interested members of the public. The Committee also received and considered Stipulated Facts and Requested Findings of the Joint Applicants and Counsel for the Public (May 20, 2016). Upon completion of the adjudicative hearing, and after closing the record, pursuant to Site 202.26, the Committee began deliberations.

The Committee deliberated on both June 14 and July 11, 2016. In between the two deliberations days, after the record was closed, Intervener Huard filed a Motion to Request Site Visit. The Applicants objected. Intervener Huard's Motion was denied on July 11, 2016, after deliberation, because the Committee found that a site visit would not aid the Committee in making a decision about whether to grant a Certificate.

On October 4, 2016 the Committee issued its Decision and Order Granting Application for a Certificate of Site and Facility and Order and Certificate of Site and Facility with Conditions. The Committee's Decision, which addressed each and every concern raised by Intervener Huard during the adjudicative hearing, was well-reasoned, and thoroughly supported by the comprehensive record.

On October 19, 2016, Intervener Huard filed a Motion for Rehearing making all of the same arguments that she made during the adjudicative hearing. The Motion also exhibits the signature of approximately 20 other residents, presumably all from Hudson, New Hampshire.

II. The Additional Signatories on the Motion Fail to Demonstrate Standing Pursuant to RSA 541:3 and Their Request for Rehearing Should be Denied.

As an initial matter, the Motion contains signatures from approximately 20 other residents of Hudson, New Hampshire, but fails to clearly articulate how each signatory meets the standing requirements of RSA 541:3 required to file a motion for rehearing. Pursuant to RSA 541:3, “any party to the action or proceeding before the commission, or any person directly affected thereby, may apply for rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order.”

None of the Motion’s signatories, aside from Intervener Huard, were parties to the original proceeding. Therefore, to establish standing under RSA 541:3, each signatory must show that they are directly affected by the Committee’s decision, namely, that each petitioner “has suffered or will suffer an injury in fact.” *Appeal of New Hampshire Right to Life*, 166 N.H. 308, 314 (2014). To show an injury in fact, the alleged harm cannot be speculative. *Id.* (citing *Hannaford Bros. v. Town of Bedford*, 164 N.H. 764, 769 (2013) (stating that the alleged injury was, at most, speculative and did not give rise to a definite interest in the outcome of an appeal)). Nor can the injury be a mere potential harm. *See Appeal of Stonyfield Farm*, 159 N.H. 227, 231–32 (2009) (stating that potential or future harm is insufficient, as a matter of law, to convey standing upon the petitioners to appeal the Public Utilities Commission’s decision). Another way of formulating the “injury in fact” requirement is that “[n]o individual or group of individuals has standing to appeal when the alleged injury caused by an administrative agency’s action affects the public in general.” *Id.* (quoting *Appeal of Richards*, 134 N.H. 148, 156 (1991)).

Moreover, when considering whether a petitioner is “directly affected” by an administrative action the petitioner must establish his or her right to claim relief by demonstrating that it has “some direct, definite interests in the outcome of the action or proceeding.” *Hannaford Bros. v. Town of Bedford*, 164 N.H. 764, 767–68 (2013). “Standing will not be extended to all persons in the community who might feel that they are hurt by a local administrator’s decision.” *Id.*

Here, none of the additional 20 signatories have made any factual claims that would demonstrate that they have a direct, definite interest in the outcome of this SEC proceeding. The motion makes no reference as to whether the signatories are in fact abutters to the Project, live a few houses away from the Project, or just reside generally in the Town of Hudson. The petitioners bear the burden of establishing that they have standing to file a motion for rehearing. All of the additional 20 signatories have failed to meet that burden. Therefore, the fact that there are additional signatories on this Motion should have no weight on the Committee’s consideration of the Motion and their request for rehearing should be summarily denied. Furthermore, even if the additional signatories had established standing, the Motion still fails to establish good cause for rehearing, as explained below.

III. The Motion Fails to Identify Any Issue That Was Overlooked or Mistakenly Conceived by the Committee and Does Not Introduce Any New Evidence That Was Not Before the Committee During the Adjudicative Hearings.

The purpose of a rehearing “is to direct attention to matters said to have been overlooked or mistakenly conceived in the original decision, and thus invites reconsideration upon the record upon which that decision rested.” *Dumais v. State of New Hampshire Pers. Comm.*, 118 N.H. 309, 311 (1978). RSA 541:3 provides that the commission “may grant such rehearing if in its opinion good reason therefor is stated in said motion.” The Committee may grant rehearing or

reconsideration for “good reason” if the moving party shows that an order is unlawful or unreasonable. RSA 541:3, RSA 541:4; *Rural Telephone Companies*, N.H. PUC Order No. 25,291 (Nov. 21, 2011). A successful motion must establish “good reason” by showing that there are matters the Commission “overlooked or mistakenly conceived in the original decision,” *Dumais*, 118. N.H. at 311; or by presenting new evidence that was “unavailable prior to the issuance of the underlying decision.” *Hollis Telephone Inc.*, N.H. PUC Order No. 25,088 at 14 (April 2, 2010). A “good reason” for rehearing is not established where, as here, the movant merely restates prior arguments and asks for a different outcome. *Public Service Co. of N.H.*, N.H. PUC Order No. 25,676 at 3 (June 12, 2014). A motion for rehearing must be denied where no “good reason” or “good cause” had been demonstrated. *O’Loughlin v. State of New Hampshire Pers. Comm.*, 117 N.H. 999, 1004 (1977); *Order on Pending Motions*, Docket 2012-01, Application of Antrim Wind, at 3 (Sept. 10, 2013).

The Motion should be denied because it fails to identify how any finding made by the Committee is unlawful or unreasonable, it fails to identify any issue that was overlooked or mistakenly conceived by the Committee, and it fails to identify any new evidence, let alone evidence that was not available during the adjudicative hearing. The Motion simply rehashes all of the arguments previously made by Ms. Huard in her pre-filed testimony and during the adjudicative hearing. The Committee correctly determined that the Applicants met their burden of proof pursuant to Site 202.19, and established by a preponderance of the evidence that it satisfied all of the requirements of RSA 162-H:16 to receive a Certificate of Site and Facility.

The Motion mistakenly argues that the Committee “negligently disregarded much of Intervener Huard’s testimony and exhibits, referring to her testimony as lay testimony.” Motion at 2. However, the Committee correctly determined that Intervener Huard’s testimony was, in

fact, lay testimony as Ms. Huard has not had any formal training in the elements of RSA 162-H: 16. *See generally*, Transcript, Hearing Day 2 Afternoon, p. 117–120. The Committee further noted that while Ms. Huard “opposes the Application in its entirety,” “with the exception of her own lay testimony, she did not present testimony from an expert.” Decision and Order, at 21. The Committee, acting as the trier of fact in this administrative proceeding, was entitled to give Ms. Huard’s testimony the weight that it felt was appropriate given the nature of her education, training, and experience. From the transcript of the deliberations and the written Decision and Order, it is clear that the Committee considered Ms. Huard’s testimony and gave it the weight that it deserved.

A. Property Rights

The Applicants provided sufficient evidence to demonstrate that both PSNH and NEP “have a current right, an option, or other legal basis to acquire the right, to construct, operate, and maintain the facility on, over, or under the site.” Site 301.03(c)(6). Ms. Huard argues that the Committee failed to consider whether the Applicants have the “legal right to construct the project on the private property it proposes to construct on.” Motion at 4. However, the Applicants met their burden of providing evidence that they have the necessary legal right to construct, operate, and maintain the facility. *See Applicants’ Supplemental Testimony of David Plante and Bryan Hudock*, at 2 (Feb. 19, 2016).

Contrary to Intervener Huard’s arguments, the Committee clearly considered the evidence presented by the Applicants, and the stipulation between the Applicants and Counsel for the Public, *see* Stipulation at ¶ 58. The Committee accurately determined that the Applicants had the necessary rights to construct the Project and that “[t]he Applicants don’t have to acquire any private property to construct this project because it is on an existing right-of-way.”

Deliberations Day 2, page 72. The Committee heard and received numerous pieces of evidence presented by Ms. Huard and was entitled to give it whatever weight the Committee felt appropriate. The Motion must fail because it does not raise any new issue regarding property rights, does not raise any issue overlooked or mistakenly conceived by the Committee, and does not identify any new evidence.¹

B. Property Values

An applicant for a certificate must establish that “the site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.” RSA 162-H:16, IV(b). In making such a determination, the Committee is charged with considering the effect of the siting, construction, and operation of the proposed facility on land use, employment, and the economy of the region. While the Committee’s rules require an application for a certificate to include an assessment of “the effect of the proposed facility on real estate values in the affected communities,” *see* Site 301.09(b)(4), the rules do not specifically require the Committee to consider “private property” when analyzing whether a Project would unduly interfere with the orderly development of the region. *See* Site 301.15. To the extent Site 301.15 and the “economy of the region” embraces the effect of a proposed project on real estate values, including private property, or to the extent 301.16(b) requires the Committee to consider the effects of real estate values on private property, the Applicants demonstrated that the Project will not have a discernable effect on property values or marketing times in local or regional real

¹ Moreover, it is important to point out that RSA 162-H does not confer power upon the Committee to litigate property rights or the validity of easements.

estate markets and Ms. Huard has not articulated any issue that was overlooked or misconceived by the Committee.²

The Committee received compelling evidence from Dr. James Chalmers, who prepared a report titled High Voltage Transmission Lines and New Hampshire Real Estate Markets: A Research Report (the “Research Report”). *See* Appendix AK of the Application. As part of the Research Report, Mr. Chalmers reviewed existing literature on the effect of high voltage transmission lines on property values, conducted state-specific case and subdivision studies in New Hampshire, and reviewed market research of sale prices to list prices and days on the market for residential sales relative to high-voltage transmission line corridors. The Research Report found that “there is no evidence that [high-voltage transmission lines] result in consistent measurable effects on property values, and, where there are effects, the effects are small and decrease rapidly with distance.” Pre-filed Direct Testimony of James Chalmers at 14. Dr. Chalmers concluded, that “there is no basis in the published literature or in the New Hampshire specific research initiatives as described in the Research Report to expect that the Project would have a discernible effect on property values or marketing times in local or regional real estate markets.” Pre-filed Direct Testimony of James Chalmers at 19. *See also* Decision and Order, at 52–55. Predict

² Site 301.09(b) does require the Applicant to assess six different factors to forecast the effect of a project on the “economy of the region,” namely: (1) The economic effect of the facility on the affected communities; (2) The economic effect of the proposed facility on in-state economic activity during construction and operation periods; (3) The effect of the proposed facility on State tax revenues and the tax revenues of the host and regional communities; (4) The effect of the proposed facility on real estate values in the affected communities; (5) The effect of the proposed facility on tourism and recreation; and (6) The effect of the proposed facility on community services and infrastructure. To the extent there are minor adverse impacts to real estate values caused by the construction of the Project, the advantageous economic effects significantly outweigh any potential negative impacts. *See* Decision and Order, at 52 (discussing positive economic effects from the Project including, a \$62.8 million increase in State GDP, \$32.8 million increase in personal income, and \$1.2 million increase in state tax revenue, and over \$1.5 million increase in local property tax payments).

Counsel for the Public, Intervener Huard and the Committee conducted an extensive cross-examination of Dr. Chalmers. While Dr. Chalmers stated that some properties, namely, those properties within generally 100 feet of the corridor that will have new views of the corridor, may be affected by the existence of high voltage transmission lines, he consistently found that such impacts would not have a significant impact on local or regional real estate markets. See Transcript, Hearing Day 2 Morning, pp. 89–100.

Further, Intervener Huard did not present any credible evidence to the contrary, nor did she hire an expert in the real estate field. Ms. Huard simply refers to her Exhibits, 34 – 49 to support her proposition that the Project will have an impact on private property. Motion at 7. *See also* Decision and Order, at 56 (“Ms. Huard disagrees with the assertion that the Project will not have a negative effect on the value of real estate in the region. . . . Her conclusion is based on her own lay opinion. She did not present any expert testimony or analysis to support her opinion.”). Intervener Huard failed to make any link between her testimony, Exhibits 34 to 49, and the effect that the Project would have on property values. Moreover, Intervener Huard is admittedly not an expert on real estate or property valuation and the Committee was entitled to give Intervener Huard’s testimony the weight it deemed appropriate. *See* Transcript of Ms. Huard Technical Session Redacted, App. Ex. 25, at p. 15. Finally, overall, the Committee aptly concluded that the Project will have a positive effect on the local economy by providing new employment during the construction phase of the Project and by generating additional significant property tax payments to local governments. *Decision and Order*, at 58.

Because Intervener Huard merely asks the Committee to reach a different conclusion on this issue on the same record evidence and fails to point to new evidence that could not have been introduced during the proceeding, her Motion should be rejected.

C. Aesthetics

The Motion fails to account for the Committee's rules regarding aesthetics, which require the Committee to focus their analysis on publically accessible "scenic resources." As defined by the Committee's rules, "scenic resources" include only those "resources to which the public has a legal right of access"; private property is unquestionably excluded from the definition of "scenic resources." *See* Site 102.45. Therefore, pursuant to the Committee's own rules, the Committee is not at liberty to analyze private property in its assessment of whether a proposed project may have an unreasonable adverse effect on aesthetics.

In compliance with the SEC's rules, the Applicants submitted a Visual Impact Assessment ("VIA") prepared by Environmental Design & Research, which analyzed scenic resources and found that the Project generally would not be visible from locations beyond one-half mile from the right-of-way and for those limited numbers of potential scenic resources within one-half mile of the right-of-way, that views of the Project would be distant and/or substantially obscured from a majority of the resources. The VIA concluded that the overall visual impact of the Project would be minimal.

In addition, Intervener Huard did not present any evidence, studies, or expert testimony regarding the impact of the Project on aesthetics. Ms. Huard only provided her personal opinions about the aesthetic impacts of the Project and her opinion, alone, was insufficient for the Committee to reject the systematic analysis contained in the VIA. *See Decision and Order*, at 64.

To the extent the Motion argues that the Committee failed to consider "private property" under the public interest prong of the rules, *see* Site 301.16(b), the Committee clearly received sufficient evidence and considered private property.

David Plante testified about the Applicants' extensive outreach efforts and its dedication to working with abutters along the Project ROW to avoid, minimize, and mitigate potential impacts to private property as a result of tree clearing and the subsequent construction of the Project. *See* Transcript, Hearing Day 1 Afternoon, pp. 101–106. Mr. Plante also testified that PSNH reached out “to all of the direct neighbors of the project” and that “if some of our neighbors have legitimate concerns that their view or the aesthetics of their property is being unreasonably affected by our proposal, if they come to us, we’re willing to work with them and consider solutions that might work.” Transcript, Hearing Day 1 Afternoon, pp. 105–106.

During deliberations, the Committee commended the Applicants' willingness to work with private landowners to address potential impacts caused by the construction of the Project. *See* Transcript, Deliberations Day 1, pp. 48–56. In fact, the Committee found that the Applicants made a concentrated effort to mitigate the loss of potential tree clearing on private property by providing landscaping and other measures. *Id.* at p. 48. Specifically, the Committee found it especially noteworthy that the Company had “brought in a landscape architect to work with some of the property owners” and that they “try to leave strips of trees when possible.” *Id.* at 53. *See also Decision and Order*, at 64–65 (acknowledging efforts made by the Applicants to work with residents to mitigate the effect of the Project on views from residences and concluding that the Project will not have an unreasonable adverse effect on aesthetics).

As the Motion for rehearing fails to raise any aesthetics issue that has been overlooked or mistakenly conceived by the Committee, and because it fails to identify any new evidence not already before the Committee that could not have been introduced during the proceeding, the Motion should be denied.

D. Public Health and Safety

The Applicants demonstrated through numerous witnesses, appendices, and reports that the construction and operation of the Project will not have an unreasonable adverse effect on public health and safety. The record is replete with information contrary to the unfounded claims and allegations made by Intervener Huard. The Committee was entitled to review the evidence before it and give each piece of evidence and testimony the weight it deserved. Here, the Committee aptly concluded that the testimony proffered by David Plante, Bryan Hudock, Garrett Luszciski, Mark Suennen, Dr. William Bailey, and Dr. Gary Johnson unquestionably set forth evidence that the Project will not have an unreasonable adverse effect on public health and safety.

The record is clear that there will be no unreasonable adverse effects on public health and safety during construction of the Project. Mr. Suennen testified, and the Committee accurately found, that the Applicants will take all necessary precautions as they relate to construction and road safety by using flaggers and traffic control equipment. *See* Transcript Deliberations Day 2, p. 53. *See also Decision and Order*, at p. 34 (requiring Applicants to comply with all condition and requirements of NH DOT permits and approvals). The Project will be constructed in accordance with all National Electrical Safety Code guidelines, which will ensure necessary clearances for all roadways and will protect the public against harmful shocks from vehicles, equipment, or buildings near high-voltage power lines. *See* Pre-filed testimony of Gary Johnson at p. 11; Pre-filed testimony of Jessica Farrell and Garrett Luszciski at p. 10. *See also Decision and Order*, at 19–20 (acknowledging numerous safety measures to be followed by the Applicants).

The Motion raises concerns about the safety of workers underneath existing transmission lines in the ROW. However, Dr. Bailey clearly testified that workers underneath existing transmission lines do not face a risk. *See* Transcript, Afternoon Day 2, p. 103 (when questioned whether an individual standing under high-voltage transmission line would face any health risks, Dr. Bailey responded “I don’t think that there's scientific evidence that would indicate that there, in fact, is a risk.”).

Both Dr. Bailey and Dr. Johnson further testified that post-construction, the Project would not have an unreasonable adverse effect on public health and safety. Dr. Johnson and Exponent modeled the pre- and post- construction electric and magnetic fields in the Project ROW. Dr. Bailey conducted significant research regarding the potential for health effects associated with electric and magnetic fields. Based on the modeling for the Project and the research, Dr. Bailey concluded as follows:

The modeled EMF levels associated with the operation of MVRP are below limits on public exposure recommended by two international agencies derived from their assessments of health research studies. The WHO and other scientific and health agencies also have thoroughly considered research on EMF and have concluded that, on balance, the scientific weight of evidence does not support the conclusion that EMF causes any long-term adverse health effects. Our review of recent research does not provide evidence to alter this overall conclusion. The conclusions of the WHO and other agencies apply to all sources of ELF EMF in our environment, including power distribution lines, transmission lines, and electrical appliances. Thus, based on all of the information I have evaluated, my conclusion, to a reasonable degree of scientific certainty, is that the EMF associated with the operation of MVRP transmission line will not be harmful to human health and, therefore, will not result in an unreasonable adverse effect on public health and safety.

Pre-filed Testimony of Dr. Bailey, p. 14–15.

The Motion simply argues that the Committee disregarded Intervener Huard’s testimony and that the Committee failed to consider her unsubstantiated allegations relating to certain sensations or ill effects caused by the existing high-voltage transmission lines in the Project

ROW. However, it is clear that the Committee considered all of the evidence and testimony put forth by Intervener Huard. *See* Transcript Deliberations, Day 2, pp. 51–55. Specifically, the Committee discussed that

we had very strong testimony from Dr. Bailey and Dr. Johnson that the lines in the right-of-way are at a height that is consistent with the National Electrical Safety Code and that the level of magnetic field and electro -- electric field was very unlikely to cause health impacts. And I concluded from that testimony, which I found very credible, that Ms. Huard may have experienced a health issue at that moment in time, but that it was not likely, in my opinion, due to electromagnetic fields.

Transcript Deliberations, Day 2, p. 51. Moreover, the Committee noted that the Applicants designed the Project to mitigate any potential adverse effects of electric and magnetic fields by “plac[ing] the lines in certain positions to have the fields offset with the fields of existing lines so that in some areas at the edge of the right-of-way the fields were reduced.” Transcript Deliberations, Day 2, p. 52.

Intervener Huard admittedly has no formal training in the study of electrical engineering, civil engineering, electric and magnetic fields, and medicine (aside from basic first aid and CPR). *See* Transcript of Ms. Huard Technical Session Redacted, App. Ex. 25, at pp. 12–16. Intervener Huard did not present any credible evidence indicating that the operation of high voltage transmission lines would have an adverse effect on public health and safety. The Committee was entitled to give Intervener Huard’s testimony and the evidence she submitted the weight it deserved.

Moreover, to further protect the public and ensure that the Project will not have an unreasonable adverse effect on public health and safety, the Committee has required the

Applicants to coordinate with the New Hampshire Public Utilities Commission to conduct pre- and post-construction measurement of electric and magnetic fields.³

Finally, Intervener Huard argues that the Committee “negligently disregarded other effects associated with the collapse of a tower, pole or other structure besides the potential to land on the abutting home” and that “a charged collapsed structure and its related energized conductors would send an electric charge across the ground for miles.” Motion at 13. However, the Applicants’ Supplement #3 to address the new SEC rules specifically speaks to Intervener Huard’s concerns. *See* Application Supplement #3, at 14 (“should a structure fail, the system is configured with relaying systems that detect faults and de-energize the line”).

The Committee, therefore, did not overlook or misconstrue any issue or fact in the record and Ms. Huard has failed to introduce any new evidence in the Motion that establishes good cause for a rehearing.

E. Public Interest

The Merrimack Valley Reliability Project is a reliability Project identified and selected by ISO-NE that is needed to ensure the safe, reliable, and adequate delivery of electricity across the region. As demonstrated during the deliberations and the extremely thorough Decision and Order, the Committee properly balanced all of the factors in Site 301.16 to find that the Project as a whole is in the public interest. The Committee deliberated and fittingly determined that the Project is needed to upgrade the regional electric grid in order to provide reliable electric service throughout the region, which in turn supports growth of industries and the overall economic growth of the state or welfare of the population. Even if there are minor impacts, the Project on balance, is in the public interest. Intervener Huard has failed to point out any issue that has been overlooked or misconceived by the Committee and has not provided any new evidence.

³ On October 19, 2016, the Applicants moved for clarification of this condition.

IV. The Committee Properly Denied Intervener Huard's Late Motion for a Site Visit After the Record Was Closed.

Intervener Huard filed a Motion for a Site Visit after the record was closed and just prior to Day 2 of the Committee's deliberations and the Committee fittingly denied Ms. Huard's motion. The Applicants filed its Application in July 2015. Ms. Huard moved to intervene on November 5, 2015 and was granted intervenor status on November 30, 2015. Intervener Huard had from November 30, 2015 until the hearings in June 2016 to request a site visit. During arguments on the motion, Ms. Huard admitted that while the site visit was "talked about early in the proceedings" Ms. Huard "lost track of it." Transcript, Deliberations Day 2, at pp. 7–8. Significantly, Ms. Huard filed her Motion for a Site Visit after record was closed pursuant to Site 202.26 and she did not ask to open the record pursuant to Site 202.27.

The Committee correctly determined that the motion was not properly before the SEC and that the Applicants should not be penalized and prejudiced for Ms. Huard's failure to file a timely motion requesting a site visit. Moreover, in considering the motion, the Committee appropriately determined that it did not need to visit the Project ROW. Pursuant to Site 202.13 the Committee could have made a motion to have a site visit on their own "if the committee or subcommittee determines that the site visit will assist the committee or subcommittee in reaching a determination in the proceeding." (Emphasis added). Here the record is abundantly clear that such a site visit would not aid the Committee in reaching a determination on whether to issue a certificate. *See* Deliberations Day 2, page 23–27. Ms. Huard, therefore, has not presented any issues that have been overlooked or mistakenly conceived by the Committee.

V. Conclusion

Based on the foregoing, Intervener Huard and the additional 20 signatories on the Motion have not met the standard for a rehearing pursuant to RSA 541:3. As a threshold matter, the 20

additional signatories fail to articulate how they meet the standing requirements of RSA 541:3. Neither Intervener Huard nor the additional signatories has presented any issue that the Committee has overlooked or mistakenly conceived. Moreover, the Motion fails to articulate any new evidence that was not before the Committee during the adjudicative hearings. Because the Motion merely asks that the Committee reach a different conclusion on the same evidence it should be denied.

WHEREFORE, the Applicants respectfully request that the Committee:

- A. Deny the motion for rehearing; and
- B. 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: October 26, 2016

By: Adam Dumville
Barry Needleman, Esq. Bar No. 9446
Adam Dumville, Esq. Bar No. 20715
11 South Main Street, Suite 500
Concord, NH 03301
(603) 226-0400
barry.needleman@mclane.com
adam.dumville@mclane.com

Certificate of Service

I hereby certify that on the 26th day of October, 2016 this Motion was sent electronically to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.

Adam Dunt for:
Barry Needleman