

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

Docket No. 2015-06

Joint Application of Northern Pass Transmission, LLC  
and Public Service Company of New Hampshire  
d/b/a Eversource Energy for a Certificate of Site and Facility

**ORDER ON PROCEDURAL WAIVER REQUEST**

**I BACKGROUND AND DESCRIPTION OF THE PROJECT**

On August 21, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively Applicant) submitted a letter stating that it intended to submit an application for a Certificate of Site and Facility (Application) to construct a 192-mile transmission line with a capacity rating of up to 1,000 MW from the Canadian border in Pittsburg, New Hampshire to Deerfield, New Hampshire with the New Hampshire Site Evaluation Committee (Committee) in accordance with RSA 162-H. On September 8, 2015, the Chairman of the Committee issued a Notice Regarding Requests by Interested Parties for Waiver of Committee Filing Rules (Notice). The Notice stated the Committee would consider requests for waivers filed by interested parties under Site 202.15 and Site 302.04 with respect to the Committee's filing requirements for energy facility certificate applications and other filings, regarding the place of filing and the number of copies to be included with such filings. On October 2, 2015, the Committee received a request for waiver from the Applicant.

**II. APPLICANT'S PROCEDURAL WAIVER REQUEST**

Site 301.01 requires an Applicant for a certificate to file one original and 18 copies of its application and an electronic version in PDF format with the Committee. Further, Site 301.02

provides that the format of the application shall be on standard 8 1/2 x 11 inch sheets, and that plans shall also be folded to that size. In its request, the Applicant stated that the Application in its entirety will total over 25,000 pages, many of which will be printed on oversize paper. To conserve resources and to make it more convenient for the respective agencies, cities and towns, the Applicant requested that the Committee refrain from requiring the Applicant to generate complete paper copies for each recipient, but that it would provide complete copies of the Application in a combination of paper and electronic format as set-forth below. In addition, the Applicant stated that should an individual agency involved in the Committee proceeding or a town where the proposed energy facility will be sited request a paper copy of an electronic report or attachment that the Applicants will comply with such a request.

As an alternative to the requirements in the rules, the Applicant proposed to provide: (1) a complete original paper copy of the Application, pre-filed testimony, and all related appendices and reports to the Committee; (2) 15 paper copies of the application, pre-filed testimony, and all reports; and 15 electronic copies, in .pdf format on a DVD, of the permit applications with attachments, and attachments to expert reports that are extremely lengthy and subject-matter specific. Lastly, the Applicant stated that it anticipates filing numerous project maps, engineering drawings, plan and profile sheets, and a visual impact assessment that includes multiple maps and photo simulations, all of which will be printed on 11 x 17 inch paper and proposed that it provide these documents unfolded in an 11 x 17 binder.

### **III. ANALYSIS AND FINDINGS**

Site 202.15(a) and Site 302.04(a) provide that the Committee shall waive the provisions of Site 100 *et seq.*, upon request be an interested party if the Committee finds that the waiver

serves the public interest; and that the waiver will not disrupt the orderly and efficient resolution of matters before the Committee. In determining the public interest, Site 202.15(b) and Site 304.02(b) provide that the Committee shall waive a rule if compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or the purpose of the rule would be satisfied by an alternative method proposed. Requiring the Applicant to provide paper copies to the Committee and to the affected towns would be an unnecessary waste of resources and significantly burdensome in that space would have to be provided to store the printed materials. The alternative method proposed by the Applicants will satisfy the purpose of the rules by providing electronic copies the entire Application and by providing paper copies upon request by the Committee to the Applicant.

#### **IV. ORDER**

**It is hereby ordered**, that the Applicant shall provide to the Committee: (1) a complete original copy of the Application, the pre-filed testimony, all related appendices and reports in 8 ½ x 11 inch binders, and the Project Maps, visual impact assessment report and related photo simulations shall be provided unfolded in an 11 x 17 binder; (2) one paper copy of the Application and pre-filed testimony; and (3) seven electronic copies of the Application and all associated attachments in .pdf format on a DVD.

**It is hereby further ordered**, that one paper copy of the Application and pre-filed testimony and one electronic copy, in .pdf format on a DVD of the application and all associated attachments and reports be delivered via first-class mail to Patricia Weathersby, Weathersby Law, PLLC, P.O. Box 685, Rye, NH 03870 and Roger Hawk, Hawk Planning Resources LLC, 9 Liberty Street, Concord, NH 03301-2928.

**It is hereby further ordered**, that one paper copy of the Application and pre-filed testimony, one paper copy of any reports or attachments related to historic, cultural or archaeological resources, and one electronic copy, in .pdf format on a DVD of the application and all associated attachments and reports be delivered via first-class mail to the Department of Cultural Resources, Division of Historical Resources, 19 Pillsbury Street, Concord, NH, 03301, Attn: Elizabeth Muzzey.

**It is hereby further ordered**, that one paper copy of the Application, pre-filed testimony, and the NH Department of Environmental Services (NH DES) Alteration of Terrain Permit Application and the Attachments thereto be delivered to the DES offices, 29 Hazen Drive, Concord NH 03302-0095, Attn: Ridgely Mauck, Administrator.

**It is hereby further ordered**, that one paper copy of the Application, pre-filed testimony, and the NH DES Wetlands Permit Application, the attachments thereto and the attachments to the US Army Corps of Engineers Application be delivered to the DES offices, 29 Hazen Drive, Concord NH 03302-0095, Attn: Collis Adams, Administrator.

**It is hereby further ordered**, that the Applicant coordinate with the affected towns and cities to provide “appropriate copies” of the Application in accordance with Site 301.03(h)(7).

**It is further ordered**, that the Applicant provide additional electronic and/or paper copies of any of the documents provided in the Application upon request of the Committee.

**By Order of the Site Evaluation Committee, this fifteenth day of October, 2015.**



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New Hampshire Site Evaluation Committee  
Martin P. Honigberg, Chairman