

**STATE OF NEW HAMPSHIRE**  
**SITE EVALUATION COMMITTEE**

**Docket No. SEC 2015-06**

Application of Northern Pass Transmission LLC and Public Service Company of New  
Hampshire dba Eversource Energy for a Certificate of Site and Facility

**LIMITED REQUEST FOR REVIEW OF INTERVENTION ORDER**

This Limited Request for Review is filed pursuant to the provisions of RSA-162-H:4(V) and Site 202.11(f) of the Rules of Practice and Procedure adopted by the Site Evaluation Committee (“SEC”) on behalf of:

- (a) Rodrigue J. Beland and Tammy L. Beland (the “Beland”);
- (b) David Schrier (“Schrier”);
- (c) Elaine V. Olson and Eric M. Olson, individually and as co-trustees of the Eric M. Olson Revocable Trust, and Joshua Olson and Elaine V. Olson, individually and as co-trustees of the Elaine V. Olson Revocable Trust (the “Olsons”);and
- (d) Roderick C. Moore, Jr., Joseph John Dunlap, Shawn Patrick Brady and Christopher Thompson ( the “Heath Road Intervenors.”)

1. The Belands, Schrier, the Olsons and the Heath Road Intervenors (collectively, the “Requesting Parties”) are each represented by the undersigned attorney.

2. Under the SEC's Order on Petitions to Intervene issued on March 18, 2016, each of the Requesting Parties was granted intervenor status in this proceeding. The Requesting Parties are not seeking review of that portion of the Intervention Order.

3. The Requesting Parties are, however, seeking review of that portion of the Intervention Order in which they were grouped into three different groups or sub-groups<sup>1</sup> as well as the portions of the Intervention Order that instructed the property owners in those groups or sub-groups that they "must designate a single spokesperson for the purposes of filing pleadings, conducting discovery and for examination at evidentiary hearings."

4. The grouping and single spokesperson requirements of the Intervention Order effectively deprive the Requesting Parties of the intended scope of services of their previously chosen attorney and the attendant ability to have their retained attorney help them navigate the complexities of this Administrative Proceeding. Instead of having one lawyer that they can look to for legal services in connection with this administrative law proceeding, they now "must" have their chosen lawyer work through three different spokespersons which, as a practical matter, would require them to share and waive privileged communications, work product and other legal strategy information with strangers to the attorney-client relationship that they have previously established.

5. The Intervention Order would also effectively deprive the Requesting Parties of their due process rights to a meaningful hearing in having the assistance of their own attorney to protect their property interests and rights against the adverse

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<sup>1</sup> Shrier was placed in Sub Group 1 of the Group denominated "Property Owners Clarksville through Dalton"; the Olsons and the Belands were placed in Sub Group 2 of the Group denominated "Property Owners Clarksville through Dalton"; and the Heath Road Intervenors were placed in the Group denominated "Non-abutters Clarksville to Bethlehem."

impacts of the Applicants' proposed energy facility. The Applicants have the unfettered right to use their seemingly unlimited resources to hire and be represented by as many law firms and experts as they may wish to retain to prosecute this complex proceeding. It is only fair that landowners impacted by the proposed facility should also have the right to retain counsel of their choice to effectively assist them in protecting their property interests, which effective assistance must include the right to file papers, cross examine witnesses and fully participate in discovery.

6. The Requesting Parties share numerous common interests in intervening in this proceeding<sup>2</sup> and they have previously agreed to work together with one lawyer in order to save time and expense by sharing the costs of intervening in this proceeding. For these reasons, they request that they be made into one landowner sub-group with their lawyer being appointed as their common spokesperson. They are willing to be limited to 50 data requests and, through their attorney, they will work with other intervenors to avoid duplication of effort and to avoid unnecessary delay in the conduct of this proceeding.

WHEREFORE, the Belands, Schrier, the Olsons and the Heath Road Intervenors respectfully request that the Intervention Order of March 18, 2016 be modified to make them one landowner intervenor sub-group with one spokesperson being designated by them to file pleadings, conduct discovery and examine witnesses.

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<sup>2</sup> Among the Requesting Parties' common interests are: (1) demonstration that there exist private property disputes between them and the Applicants; (2) protection of their constitutional rights to have those private property disputes with the Applicants resolved in state court by a jury of their peers pursuant to the provisions of Article 20 of the New Hampshire Constitution Bill of Rights; (3) demonstration that construction of this energy facility is not in the public interest; and (4) protecting their real property values and recreational opportunities from the damage that this energy facility would inflict on their properties and on the region.

Respectfully submitted,

RODRIGUE J. BELAND AND  
TAMMY L. BELAND  
DAVID SCHRIER  
ERIC OLSON, ELAINE OLSON, AND  
JOSHUA OLSON, Individually and as  
Trustees  
RODERICK C. MOORE, JR., JOSEPH  
JOHN DUNLAP, SHAWN PATRICK  
BRADY and CHRISTOPHER  
THOMPSON

/s/ Alan Robert Baker  
By \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of March, 2016, a copy of the foregoing has been sent via electronic mail or first class mail to the parties named in the Distribution List for this Docket.

/s/ Alan Robert Baker

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Alan Robert Baker