



THOMAS B. GETZ
Direct Dial: 603.230.4403
Email: thomas.getz@mcclane.com
Admitted in NH
11 South Main Street, Suite 500
Concord, NH 03301
T 603.226.0400
F 603.230.4448

December 22, 2017

Via Electronic Mail

Pamela Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**Re: 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 (the “Applicants”) for a Certificate of
Site and Facility
Applicants’ Response to APOBP December 21, 2017 Revised Exhibit List**

Dear Ms. Monroe:

This letter responds to the Abutting Property Owners Bethlehem to Plymouth (“APOBP”) intervenor group’s revised exhibit list, dated December 21, 2017 and submitted to the Site Evaluation Committee (“SEC”) on the same day. The Applicants spoke to Mr. Walter Palmer, spokesperson for the group, in an effort to reach agreement with respect to the exhibits. Although Mr. Palmer indicated a willingness to reach an agreement on certain exhibits, he was unable to do so without speaking to other members of his group first. Therefore, the Applicants are submitting this letter in order to preserve their position on the APOBP group exhibits prior to the close of the record.

As a threshold matter, the Applicants note that the revised exhibit list includes exhibits that, according to the Applicants’ records, were not used during the course of hearings. i.e., APOBP exhibits 13, 14, 15, 18, 19, and 25. After speaking with Mr. Palmer, the Applicants agreed not to object to APOBP 14 or 15. Mr. Palmer indicated he could not state at the time whether APOBP 13, 18, 19, or 25 were in fact used. In accordance with the Presiding Officer’s prior rulings on exhibits that were marked for identification but not introduced, the Applicants ask that these exhibits not be included in the official record if APOBP cannot show that they were used.

Furthermore, it appears that the APOBP revised exhibit list seeks to introduce approximately sixty (60) new exhibits. Of these, the Applicants note that approximately seventeen (17) exhibits (APOBP 42A, 43A, 44A, 45A, 46A, 47A, 48A, 49a, 51a, 52, 53, 54, 55, 56, 93, 100, and 101) are photographs or other images that seem to have been offered to prove the truth of the matter depicted. For example, APOBP 51A is labeled “Photograph of Route 116 showing no room to accommodate crane dimensions. In discussions with Mr. Palmer the Applicants stated that they

would agree not to object to the above-listed exhibits provided they were included subject to the following proviso: “The images are not being offered as evidence to prove of the truth of the matter depicted.” Mr. Palmer indicated that he would speak to the rest of his group about whether this would be acceptable.

The Applicants have identified six (6) exhibits that are excerpts from the transcript in this proceeding (APOBP 65, 66, 72, 73, 75, and 104), as well as seven (7) exhibits that appear to be excerpts from the Application, the pre-filed testimony of Counsel for the Public’s and the Applicants’ experts, or are duplicative of exhibits that are already in the record (APOBP 67, 68, 69, 81, 86, 105, and 106). Finally, there are three (3) exhibits (APOBP 14, 90 and 107) that are chapters of the New Hampshire Revised Statutes or copies of house bills. The Applicants do not have specific objections to the above-listed exhibits, but note that they are 1) already effectively part of the record through the transcripts; 2) duplicative of exhibits already in the record; and 3) the SEC can take administrative notice of others.

For the remainder of the “new” exhibits included in the revised list, the Applicants do not object provided that the exhibits were in fact introduced during the course of hearings. If any exhibits were marked but never used, the Applicants ask that the SEC exclude them from the final record. The Applicants believe that a good number of the exhibits were used during oral sur-rebuttal but the transcripts are not yet available to confirm that belief.

As discussed above, the Applicants are filing this letter in order to preserve their positions with respect to the exhibits filed by the APOBP intervenor group prior to the closing of the record. To the extent that the Applicants and the APOBP come to some agreement with respect to the exhibits discussed above, the Applicants will notify the SEC.

Please contact me directly should you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas B. Getz". The signature is stylized and cursive.

Thomas B. Getz

TBG:vcf

cc: SEC Distribution List