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October 2, 2015

Via Hand Delivery

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


**Re: NH SEC Docket No. 2015-06
Joint Application of Northern Pass LLC and Public Service Company of New
Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the
Construction of a new High Voltage Electric Transmission Line in New Hampshire**

Dear Ms. Monroe:

Enclosed for filing in the aforementioned docket, please find the Applicants' Procedural Waiver Requests Pursuant to Site 302.04. Attachment A contains a list of the documents that the Applicants request permission to provide additional copies only in electronic format. If it would be helpful to work through this list and any issues relating to the procedural waiver request, I would be happy to meet or speak at your convenience.

Please contact me should you have any questions or concerns.

Sincerely,



Barry Needleman

BN:slb
Enclosure

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

**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 for the
Construction of a New High Voltage Electric Transmission Line in New Hampshire**

SEC DOCKET NO. 2015-06

Applicants' Procedural Waiver Requests Pursuant to Site 302.04

NOW COMES Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (the "Applicants"), by and through their Attorneys, McLane Middleton, Professional Association, and submit this request under Site 302.04 to waive certain requirements of the New Hampshire Site Evaluation Committee ("Committee" or "SEC") regarding applications for certificates of site and facility, and state the following:

1. The Applicants will soon file an Application for a Certificate of Site and Facility to construct a 192-mile transmission line with a capacity rating of up to 1,090 MW from the Canadian border in Pittsburg, New Hampshire to Deerfield, New Hampshire (the "Application"). The Applicants herein propose an alternative method to satisfy the purpose of the Committee's procedural rules regarding the filing and formatting of SEC applications.

2. Pursuant to Site 302.04, the Applicants seek: (1) a waiver from Site 301.01(a) and Site 301.02(a) to allow the Applicants to submit electronic copies of certain Application materials; (2) a waiver from Site 301.02(a) regarding the format of certain documents accompanying the Application; and (3) a waiver of the number of Application copies the Applicant is required to submit under the current rule, Site 301.01(a).

Paper Copies of the Application

3. The Applicants seek a waiver from Sites 301.01(a) and 301.02(a) regarding the filing and formatting requirements of the Application. Apart from the one original Application,

the Applicants respectfully request permission to provide certain lengthy permit applications and their attachments and attachments to expert reports in electronic form, as listed on Attachment A, unless specifically requested otherwise by a State Agency involved in the SEC proceedings or by a town where the proposed energy facility will be located.

4. The Applicants anticipate that the SEC Application in its entirety will total over 25,000 pages, many of which will be printed on oversized paper. The Applicants expect and estimate that the number of printed pages, even printed as double-sided, will require approximately 15 to 20 five-inch three-ring binders.

5. To conserve resources and to make it more convenient for the agencies and towns that receive a copy of the Application, the Applicants respectfully request that the Committee refrain from requiring the Applicants to generate complete paper copies of the Application for each recipient. The Applicants, of course, will still provide 15 copies¹ of all Application materials to the Committee and the required number of copies to each town where the proposed energy facility will be located—some materials, however, will be reproduced only in electronic format on a DVD.

6. As an alternative to meet the purpose of the Committee's rules, the Applicants propose 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 (3) 15 electronic copies, in .pdf format, on a DVD, of permit applications and their attachments and attachments to expert reports that are exceedingly lengthy and that are subject-matter specific.² The Applicants will also provide paper copies of

¹ As discussed further herein, the Applicants are also seeking a waiver of the number of copies pursuant to the SEC's Notice Regarding Requests by Interested Parties for Waiver of Committee Filing Rules in Docket 2014-04.

² The Applicants will provide 18 copies if the Committee prefers that the Applicants comply with the existing requirements under Site 301.01(a).

the Application, pre-filed testimony and all reports to each town, along with electronic copies of the lengthy documents described in Attachment A below. Should an individual agency involved in the SEC proceeding, or a town where the proposed energy facility will be sited, request a paper copy of an electronic report or attachment with the SEC, the Applicants will comply with the request.

7. The Applicants also suggest that requiring 15 complete paper copies of the Application would be an unnecessary waste of resources and significantly burdensome to the recipients. By reducing the page count of the paper copies submitted to the SEC and towns, the printing of tens, if not hundreds, of thousands of pages will be avoided and the public interest will be served. The Applicants will also satisfy the purpose of the rule by including electronic copies of all application materials and by providing paper copies when a request is made to the Applicants, as described above.

Format of Materials Accompanying the Application

8. The Applicants seek a waiver from Site 301.02(a) regarding the format of certain documents that will accompany the Application and respectfully request that the Committee allow the Applicants to print certain documents on 11 by 17 inch paper and be placed unfolded into 11 by 17 inch three-ring binders.

9. Site 301.02(a) requires that an application be printed on “standard 8 ½ by 11 inch sheets” and that “plans shall be folded to that size.” The Applicants anticipate filing numerous complete binders that will contain Project maps, engineering drawings, plan and profile sheets, and a visual impact assessment that includes multiple maps and photosimulations, all of which will be printed on 11 x 17 inch paper. The Applicants respectfully request that the SEC waive the requirements of Site 301.02(a) and allow the Applicants to submit large drawings, plans, and

the visual impact assessment in an unfolded 11 by 17 inch format, and place them in 11 by 17 inch binders.

10. More specifically, the Applicants seek a waiver to provide the following documents in an unfolded 11 x 17 format to the Committee: (1) the Project Maps, and (2) the visual impact assessment report and related photosimulations.³

11. The Applicants' request to alter the folding requirement for these documents will not disrupt the orderly and efficient resolution of matters before the Committee. In fact, the Applicants suggest that by submitting these documents in an unfolded 11 x 17 inch format, the reviewing agencies and members of the Committee and towns will be more easily able to access these large oversized plans, drawings and simulations, in one location without having to unfold and refold hundreds or thousands of pages of documents.

12. Strict compliance with Site 301.02(a) would require the Applicants to fold thousands of pages to fit into an 8 ½ by 11 inch binder. Such a requirement would triple the number of binders required and would likely frustrate Committee members by asking them to carry around additional binders and unfolding and refolding hundreds of pages to view their substance. In addition, it is harder to locate a folded document in a full binder; a reviewer may be subjected to a time consuming effort of unfolding many documents to locate only one. By submitting the plans in an unfolded 11 by 17 inch format, the purpose of the rule requiring necessary copies of the Application would be satisfied.

Number of Copies of the Application Required Under Site 301.01(a)

13. Pursuant to the SEC Order in Docket 2014-04, the Applicants request a waiver from the requirements of Site 301.01(a). See SEC Order 2014-04, Notice Regarding Requests by Interested Parties for Waiver of Committee Filing Rules (Sept. 8, 2015) (stating that the SEC is

³ The DES Alteration of Terrain permit application will also include full size (24' x 36') engineering plans.

prepared to consider requests for waivers regarding the number of copies to be included with the filing). The rule as currently written requires that “Each applicant for a certificate for an energy facility or a renewable energy facility shall file one original and 18 copies of its application and an electronic version of its application in PDF format with the committee.” Site 301.01(a). The composition of the SEC was amended in 2014 pursuant to NH SB 245, which decreased the Committee’s size from 14 members to 9 members. Based on the statutory changes, the Applicants request that the Committee waive the requirement that the Applicants provide 18 copies of the Application to the SEC and instead require 15 copies.

14. Site 301.01(a) as currently written is outdated, no longer reflects the current composition of the SEC, and has been superseded by statute. A waiver would serve the public interest because compliance with the old rule is inapplicable given the current make-up of the SEC. The purpose of the rule, namely ensuring that each Committee member receives a copy of the application, would be satisfied by providing 15 copies of the Application to the Committee. 302.04. *See also* Draft Final Proposed Rules for Site 201-2014 Rules of Practice and Procedure of the Site Evaluation Committee, Sept. 1, 2015 (final proposed rule 301.01(a) requires an original and 15 paper copies of the application). Moreover, the waiver will not disrupt the orderly and efficient resolution of matters before the Committee. Strict compliance with the current Site 301.01(a) certain procedural rules of the Committee associated with its filing and formatting requirements would be unnecessarily burdensome on the Applicants.

WHEREFORE, the Applicants respectfully request that the SEC:

A. Grant a waiver request pursuant to Site 302.04 to allow the Applicants to submit the documents listed on Attachment A in electronic form, unless otherwise requested by a State agency in the SEC proceeding or by a town in which the proposed energy facility will be located;

B. Grant a waiver request pursuant to Site 302.04 to allow the Applicants to submit the above-referenced documents in an unfolded 11 by 17 inch format placed in 11 by 17 inch 3 ring binders;

C. Grant a waiver request pursuant to Site 302.04 for the Applicant to file with the Committee an original and 15 copies of the Application; and

D. Grant such further relief as it deems appropriate.

Respectfully Submitted,

Northern Pass Transmission, LLC and
Public Service Company of New Hampshire d/b/a
Eversource Energy

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

Dated: October 2, 2015

By:  _____

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Certificate of Service

I hereby certify that on this 2nd day of October, 2015, the original of the foregoing Waiver Requests Pursuant to Site 302.04 was hand-delivered to the Administrator for the New Hampshire Site Evaluation Committee.

 _____
Barry Needleman

Attachment A

- 1) Attachments to NH DES Alteration of Terrain Permit Application, in excess of 7,500 pages;
- 2) Attachments to NH DES Wetlands Permit Application, approximately 2,000 pages;
- 3) Attachments to US Army Corps of Engineers § 404 of the Clean Water Act Permit Application, in excess of 250 pages;
- 4) Copies of the Petition and permit drawings for the NHDOT regarding Aerial Road Crossings, Railroad Crossings, and Underground Installations in State-Maintained Public Highways, approximately 740 pages;
- 5) Copies of Petitions and Appendices for the NHPUC regarding Public Waters and State Owned Land Crossings, approximately 400 pages;
- 6) Attachments to High Voltage Transmission Lines and Real Estate Markets in New Hampshire: A Research Report, approximately 1,775 pages.