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February 24, 2016

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

Re: New Hampshire Site Evaluation Committee Docket No. 2015-06  
Northern Pass Transmission Project Application

Dear Ms. Monroe:

Enclosed for filing with the NH Site Evaluation Committee in connection with the above-referenced docket, please find the Assent of the following New Hampshire towns to the *Motion of Conservation Law Foundation for Additional or Deferred Public Hearings and Contested Motion for Due Process upon Submission of Additional Information* of the Society for the Protection of New Hampshire Forests:

Bristol  
Easton  
Franconia  
Northumberland  
Sugar Hill  
Whitefield

Copies of the enclosed document have been sent by e-mail today to each person listed on the SEC distribution list for this docket as of February 24, 2016. Thank you for your assistance with this matter.

Sincerely,



C. Christine Fillmore, Esq.

cc: Distribution List (e-mail)  
Bristol Board of Selectmen  
Easton Board of Selectmen  
Franconia Board of Selectmen  
Northumberland Board of Selectmen  
Sugar Hill Board of Selectmen  
Whitefield Board of Selectmen

**THE 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 Transmission Line in New Hampshire

Docket No. 2015-06

**ASSENT OF THE TOWNS OF BRISTOL, EASTON, FRANCONIA,  
NORTHUMBERLAND, SUGAR HILL, AND WHITEFIELD  
TO MOTIONS OF CLF AND SPNH**

The Towns of Bristol, Easton, Franconia, Northumberland, Sugar Hill, and Whitefield (the “Towns”), by and through their attorneys, Gardner, Fulton & Waugh, PLLC, hereby assent to and join the *Motion of Conservation Law Foundation for Additional or Deferred Public Hearings* and *Contested Motion for Due Process Upon Submission of Additional Information of the Society for the Protection of New Hampshire Forests* (the “Motions”), as follows:

1. On October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (the “Applicants”) filed an application for a Certificate of Site and Facility with the Site Evaluation Committee (the “Committee”).
2. On December 18, 2015, the subcommittee of the Committee published a written order memorializing its December 7, 2015 vote to accept the application as complete (the “Completeness Order”). Since that date, the Committee has set the date of several hearings on the application under RSA 162-H:10, I-c, using December 18, 2015 as the date of acceptance.
3. On December 15, 2015 (after the Committee’s vote but before the Completeness Order was published), new rules governing the Committee became effective. These new rules applied to all projects for which an adjudicatory hearing had not yet commenced. RSA 162-H:10, VII.

4. The project at issue in this docket is subject to the new rules because the adjudicative hearing had not yet commenced. RSA 162-H:10, VII. In such a case, “if the rules require the submission of additional information by an applicant, such applicant shall be afforded a reasonable opportunity to provide that information while the processing of the application continues.” *Id.*

5. The Applicants informed the Committee on January 15, 2016 that they intend to file additional such information to comply with the new rules by March 15, 2016.

6. The Completeness Order did not address this situation, and thus the Committee’s acceptance of the application as complete may have been premature. It will not be known whether the application was, in fact, complete until after the Applicants submit additional information.

7. In the meantime, the Committee has scheduled all five of the county-based pre-adjudicative public hearings required by RSA 162-H:10, I-c based on an acceptance date of December 18, 2015. Four of these are scheduled for dates prior to March 15, 2016, and one is scheduled for March 16, 2016.

8. The Towns respectfully suggest that this schedule is contrary to the spirit and intent of the rules governing the process, which provide that “at each such public hearing, members of the public having an interest in the subject matter shall be provided with an opportunity to state their positions.” NH Admin. R. Site 201.03(e). Such a schedule undermines the public’s opportunity meaningfully to review the application and participate in these public hearings.

9. The Committee has at its disposal several methods to address this unusual situation.

10. One option is for the Committee to review the supplemental information under the new administrative rules to “expeditiously conduct a preliminary review to ascertain if the application contains sufficient information to carry out the purposes of” RSA Chapter 162-H, implemented under the new rules. RSA 162-H:7, III. Such a review and determination could be made within 60 days after the Applicants file the supplemental information. RSA 162-H:7, VI.

11. If the Committee determines that the application, as supplemented, is complete under the new rules, then the date on which the Committee makes that determination should become the official date of acceptance of the application for purposes of calculating future statutory deadlines, including the scheduling of all public hearings. This is a logical and appropriate way to handle this unusual situation in which the applicant must file substantial and material additional information because of the new rules adopted after the original application was filed, and will afford the Committee, the public, and others the full amount of time prescribed by statute to move the process forward under RSA Chapter 162-H.

12. The Committee also has authority to postpone the currently-scheduled hearings until well after the Applicants submit the expected supplemental information. To do so, the Committee could (a) as noted above, re-start the 90-day period for pre-adjudicative hearings once the Committee accepts the supplemented application as complete under RSA 162-H:10, I-c, or (b) postpone the hearings to a date 60 to 90 days after the supplemental information is filed, using its authority under RSA 162-H:14 to alter the statutorily prescribed schedule when the Committee “deems it to be in the public interest.”

13. The Towns respectfully suggest that because of the unusual procedural circumstances surrounding this application, along with the scope of the proposed project and the variety of interests it affects, it is in the public interest to postpone the currently-scheduled

hearings until after the Applicants submit supplemental information and the Committee determines whether the application is complete.


14. Preservation of the full 90-day period after the determination of completeness required by RSA 162-H:19, I-c will preserve the ability of the public, all parties, and the Committee, to review, evaluate and respond to the fully-complete application, and will also provide for review of the application without undue delay.

**WHEREFORE**, the Towns of Bristol, Easton, Franconia, Northumberland, Sugar Hill and Whitefield support the Motions to re-evaluate the completeness of the application and to postpone the hearings or suspend the proceedings for a reasonable amount of time after the Applicants submit supplemental information.

Respectfully submitted,  
TOWN OF BRISTOL  
TOWN OF EASTON  
TOWN OF FRANCONIA  
TOWN OF NORTHUMBERLAND  
TOWN OF SUGAR HILL  
TOWN OF WHITEFIELD

By and through their attorneys,  
GARDNER, FULTON & WAUGH, PLLC

Dated: February 24, 2016

By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of February, 2016, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket.

Dated: February 24, 2016

By: C. Christine Fillmore  
C. Christine Fillmore