

March 11, 2016

**By E-Mail & U.S. Mail**

Pamela G. Monroe, Administrator  
New Hampshire Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429  
pamela.monroe@sec.nh.gov

**Re: 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**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned proceeding is Counsel for the Public's *Assented-to Motion to Extend Deadline and Limited Response to Applicants' Response and Objection to Certain Petitions to Intervene*.

Copies of this letter and its enclosure have been forwarded via e-mail or mail to all parties on the Distribution List.

Thank you.

Sincerely,



Thomas J. Pappas

TJP/scm - 2329704\_1

Enclosure

cc: Distribution List

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

**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

**ASSENTED-TO MOTION TO EXTEND DEADLINE**

Counsel for the Public by his attorneys, Primmer Piper Eggleston & Cramer PC,  
respectfully requests a deadline extension as follows:

1. On February 26, 2016 the Joint Applicant filed Applicants' Response and  
Objection to Certain Petitions to Intervene (the "Response").
2. Objections to the Response were would be due on Monday, March 7, 2016,  
pursuant to Site 202.14(f).
3. Counsel for the Public respectfully requests an extension of the deadline until  
Friday, March 11, 2016.
4. Pursuant to Site 202.14(d), counsel for the Public contacted counsel for the Joint  
Applicants who assents to the extension requested.

WHEREFORE, Counsel for the Public respectfully requests that the deadline for him to  
respond to the Joint Applicants' Response be extended from March 7, 2016 to March 11, 2016,  
and such other relief that is just.

Respectfully submitted,

COUNSEL FOR THE PUBLIC,

By his attorneys,



Dated: March 11, 2016 By:

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Peter C.L. Roth, Senior Assistant Attorney General  
Environmental Protection Bureau  
33 Capitol Street  
Concord, NH 03301-6397  
(603) 271-3679

PRIMMER PIPER EGGLESTON & CRAMER PC,



Dated: March 11, 2016 By:

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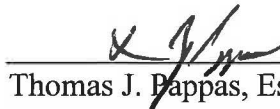
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing ASSENTED-TO MOTION TO EXTEND DEADLINE has this day been forwarded via e-mail or mail to persons named on the Distribution List of this docket.

Dated: March 11, 2016



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Thomas J. Pappas, Esq. (N.H. Bar No. 4111)

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

**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

**LIMITED RESPONSE OF COUNSEL FOR THE PUBLIC TO APPLICANTS'  
RESPONSE AND OBJECTION TO CERTAIN PETITIONS TO INTERVENE**

Counsel for the Public, by his attorneys, the office of the Attorney General and Primmer Piper Eggleston & Cramer PC, hereby responds to Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy's (collectively, the "Applicants"), Response and Objection to Certain Petitions to Intervene as follows:

**I. INTRODUCTION.**

1. On October 19, 2015, the Applicants filed an Application with the New Hampshire Site Evaluation Committee (the "Committee") for a Certificate of Site and Facility to construct a 1,090 MW transmission line to transport hydroelectric energy from Quebec to New Hampshire (the "Project").

2. Over 100 individuals, governmental bodies, and organizations have filed petitions to intervene in this matter.

3. On February 26, 2016, the Applicants filed a response and objection to certain petitions to intervene, including petitions by individuals whose property abuts the Project, and individuals whose property is in close proximity to the Project (the "Objection").

**II. The Applicants' Request to Group Intervenors.**

4. The Applicants essentially acknowledge that individuals whose property abuts the Project, and non-abutting property owners whose property is within 100 feet of the Project, satisfy the standard for intervention in that their rights, duties, privileges, immunities or other

substantial interests may be affected by the proceeding, and the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing their intervention. The Applicants identify this group of individual intervenors as “Abutters and Non-Abutters within 100 feet.”

5. The Applicants request that Abutters and Non-Abutters within 100 feet be combined into one group and that the Committee limit their participation “only to those issues for which the Committee finds they have demonstrated a substantial interest, and that they combine their presentations of evidence and argument, cross-examination and other participation in this proceeding...” Objection at ¶ 12.

6. The Applicants assert that property owners whose property does not abut the Project and whose property is more than 100 feet from the Project (“Non-Abutters”) have not demonstrated substantial interests that would be affected by this proceeding to grant their petitions to intervene, but recognize that the Committee may permit such parties to intervene “in the interests of justice.” The Applicants request conditions on Non-Abutters participation by seeking to group them together in one group and require that the group designate a single spokesperson for the purposes of filing pleadings, conducting discovery, and for examination at evidentiary hearings.

7. Counsel for the Public is sensitive to the rights of Non-Abutters whose property is more than 100 feet from the Project, and does not believe that their rights should necessarily be determined in each instance solely by distance from the Project. The Committee’s rules recognize that a landowner whose property is more than 100 feet from a project may be adversely impacted by the Project. *See* Site 301.05 (Effects on Aesthetics) and 301.08 (Effects on Public Health and Safety); *see also In re: Joint Application of New England Power Company,*

Docket No. 2015-05 (November 30, 2015) (a property owner who resided on a road near one of the proposed transmission lines was permitted full intervention because “[i]t is likely that her home and her general neighborhood will be affected by construction activity and the operation of the Project. Ms. Huard’s photograph ... demonstrate proximity to the proposed transmission line and right of way. This proximity supports Ms. Huard’s contention that she has a direct interest that will be affected by the Project.”).

8. To the extent that a proposed intervenor establishes that their individual rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding, that potential intervenor should be allowed to establish their right to intervene as any other potential intervenor regardless of whether their property is more than 100 feet from the Project.

9. In addition, Counsel for the Public is concerned that attempting to join large numbers of intervenors with dissimilar interests in very limited numbers of groupings may not lead to a more manageable process or proceeding in the long run. In any case, the work to create groups of intervenors is probably best deferred to the Pre-Hearing Conference scheduled to occur in a few days.

### **III. Counsel for the Public’s Role.**

10. The Applicants assert that Non-Abutters whose property is more than 100 feet from the Project are represented by the Counsel for the Public. That is not correct. Under RSA 162-H:9, Counsel for the Public is charged with “seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy.” In carrying out this duty some positions taken by Counsel for the Public may be in harmony with some intervenors; others not. Counsel for the Public’s role is not to represent or address all intervenors’ individual impacts, his duty is to the public generally.

11. It would be inappropriate to assign Counsel for the Public to represent a particular view point or interest in these proceedings. Such would be inconsistent with our statutory role and independence from the Applicants and from the Committee.

**IV. The Petitions to Intervene Should Not Decide Issues in the Proceeding.**

12. In the Objection, the Applicants seek to limit potential issues in this proceeding, including whether the hydroelectric power is renewable power and the impacts of hydropower generation in Canada.

13. Objecting to whether or not any individual, organization, or body has a sufficient interest to intervene should not be used to pre-determine the relevant issues in this proceeding. The determination of whether a proposed intervenor has a substantial interest in the outcome of the proceeding to permit intervention is separate from the determination of whether an issue is relevant to the Committee's consideration of the Application for the Project. The relevance or importance of particular issues, such as impacts outside of New Hampshire, should be left for determination during the merits phase.

Respectfully submitted,

COUNSEL FOR THE PUBLIC,

By his attorneys,




Dated: March 11, 2016 By:

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Peter C.L. Roth, Senior Assistant Attorney General  
Environmental Protection Bureau  
33 Capitol Street  
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(603) 271-3679

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing RESPONSE OF COUNSEL FOR THE PUBLIC TO APPLICANTS' RESPONSE AND OBJECTION TO CERTAIN PETITIONS TO INTERVENE has this day been forwarded via e-mail or mail to persons named on the Distribution List of this docket.

Dated: March 11, 2016

  
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Thomas J. Pappas, Esq. (N.H. Bar No. 4111)



**Northern Pass Transmission LLC and Public Service Company of New Hampshire dba  
Eversource Energy  
SEC 2015-06  
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