

VIA EMAIL

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

Dear Ms. Monroe:

Re: SEC Docket No. 2015-06
Joint Application of Northern Pass Transmission, LLC and Eversource

Please find enclosed the Response of the Nonabutting Property Owners: Ashland-Deerfield to the Applicants' Motion for Protective Order and Confidential Treatment.

Electronic copies are being sent by email to the Docket Service List.

I am submitting this on behalf of Thomas Foulkes, Temporary Spokesperson for the Nonabutting Property Owners: Ashland-Deerfield

Respectfully,

Charlotte Crane
Member, Webster Family, part of the Nonabutting Property Owners: Ashland-Deerfield Intervenor Grouping

RESPONSE OF NON ABUTTING PROPERTY OWNERS: ASHLAND - DEERFIELD TO THE APPLICANTS' MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT

On October 19, 2015, Northern Pass filed a request for a Protective Order and for confidential treatment of certain information necessary to the consideration of its application for a Certificate of Site and Facility, now pending before the Site Evaluation Committee. On March 28, 2016, Northern Pass filed its Appendix 43, Cost-Benefit Analysis of its proposed project along with the prefiled testimony of Julia Frayer, both of which contained substantial redactions. We assume that these redactions reflect Applicant's view of the appropriate implementation of its request for confidentiality with respect to these documents.

After the October 19 request was filed, on October 28, 2015, the Counsel for the Public requested that sufficient time be allowed to pass after the final determinations regarding intervention have been made by the SEC. The SEC issued an order addressing various petitions for intervention on March 18, and the first implementations of its approach to the appropriate level of confidentiality was filed on March 28. The SEC order, furthermore, anticipated that intervenors would be grouped and become organized among themselves, a process that was unlikely to have begun before the prehearing conference on March 22. Even if there is no change in the identity or organization of those who will be treated as parties to this proceeding, we suggest that it is still premature to be making any determinations about the extent of confidentiality that Applicant will be granted, or the appropriate mechanisms that should be put in place to monitor Applicant's implementation.

Request for more time to respond relating to confidentiality. Because of the lack of time, and because of the other items that were to be dealt with in the short time between the SEC orders regarding intervention and the apparent deadline for submissions regarding confidentiality, our principal request is for an extension of that deadline.

Tentative responses regarding the scope of confidentiality and the methods for its implementation. If such an extension cannot be granted, we offer the following substantive concerns both about the potential acceptance by the SEC of heavily redacted documents including those filed on March 28, about the extent of the requested confidentiality reflected in those redactions, the nature of any additional action taken by the SEC protective order.

First, the proposed redacted version of the Applicant's "Cost Benefit and Local Impact Analysis of the Proposed Northern Pass Transmission Project" is not a reasonable substitute for an unredacted version, as a document shared with the parties to the case.

Northern Pass has repeatedly asserted that the benefits of the project will greatly outweigh not only the cost of the project to it, but also the burdens it imposes on those affected. It is not reasonable to present such claims, but effectively to omit the evidence which is supposed to back them up. Nor is it reasonable to make a series of assumptions for an analysis, then present the "outcome" of the analysis, without sharing the underlying assumptions.

More specifically, the March 28 document contains information and calculations regarding wholesale market benefits contained in Sections 2, 5, and Appendix C of the Applicant's Cost Benefit Economic Analysis are integral to its argument. The assumptions that are made for the purposes of modelling changes to the wholesale

market are necessary to understand how the analysts arrive at claims of positive impact upon New England energy markets for the years 2020-2029. Claims such as the idea that Northern Pass transmission lines would “provide insurance to consumers against real world uncertainties” are made, but the data that in theory would back up those claims has been omitted. The “key modelling inputs & assumptions” for the analysis (5.4 in the document) have mostly been omitted, as have the assumed projected fuel prices in 5.5, the assumed projected carbon allowance prices, supply-side assumptions, demand-side assumptions, and other energy market modeling & assumptions. Sections on price impacts of Northern Pass transmission lines, and production cost savings have likewise been omitted. Claims as to the benefits in a Summer stress case & a Winter stress case are made, but the evidence for the claims omitted. Even a Figure (43) which is intended to illustrate local economic benefits to New England states does not appear in this pdf, although it has not been blacked out, like other omitted text. The entirety of Appendix C, “Detailed assumptions for wholesale power market simulations,” has been omitted.

Parties to the case need to be able to see the evidence for the claims, and the assumptions upon which the analysis is based. In order for us to even understand the claims, we need to understand the manner in which they were determined. Parties to the case have the right to argue against claims by the Applicant as to the benefit of their proposed lines. Parties to the case have the right to cross-examine witnesses making claims as to the benefit of the proposed lines. But it is impossible for us to do so, if we do not have access to the data that is fundamental to those claims. It’s like handing us a mechanical watch and expecting us to accept the time it shows, without being able to look at the mechanism, know how it was set, or even listen to whether it ticks.

Second, even if some measure of confidentiality is appropriate for some discrete portions of Applicant’s March 28 filing (or any future filing), we are concerned that there is no process in place for determining whether the Applicant’s redactions are consistent with the scope of confidentiality awarded. We understand that an unredacted version of the material has been filed with Counsel for the Public. It may be appropriate to assign to him a role in verifying the appropriateness of the redactions made by the Applicant. But at this point we do not understand the terms under which this information was made available to him, his role in the determination of the appropriateness of the redactions, or our ability to interact with him with respect to the information he now has.

Finally, we believe even if protective actions, including acceptance of redacted documents, are appropriate, measures should be adopted that allow parties access to even the protected material if circumstances change. We urge the SEC to make such procedures available before such circumstances develop.

In sum, we hope that more time will be allowed to elapse before any final determination on the confidentiality of Applicant’s information is made.

Nevertheless, in the very short time between the clarification of our status in this proceeding and the apparent deadline regarding submissions on confidentiality, we have agreed upon some tentative substantive positions. We object to the proposition that all material relating to the economic impact of the project should be confidential. We further object to any process that, assuming that some material should be kept confidential, effectively allows the Applicant to determine unilaterally which parts of the information in its filings should be kept confidential, and therefore effectively to determine which portions of the statements made in support of its application will remain unchallenged.

Date: April 7, 2016

Respectfully Submitted,

Joanna and Robert Tuveson

Nina and Elisha Gray

Rodney Felgate and Laura Felgate

Webster Family Group

Lawrence Phillips and Maxine Phillips

Lisa Wolford and Pamela Hanglin

F. Maureen Quinn;

Madelyn and Thomas Foulkes

Jeanne M. Menard

NON ABUTTING PROPERTY OWNERS: ASHLAND - DEERFIELD

