

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

**SEC DOCKET NO. 2015-06**

**JOINT APPLICATION OF NORTHERN PASS TRANSMISSION LLC &  
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
D/B/A EVERSOURCE ENERGY  
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANTS' OBJECTION TO THOMAS N.T. MULLEN'S APPEAL OF THE  
COMMITTEE'S DENIAL OF HIS PETITION TO INTERVENE**

NOW COME Northern Pass Transmission LLC (“NPT”) and Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”) (collectively the “Applicants”), by and through their attorneys, McLane Middleton, Professional Association, and respectfully submit this Objection to Thomas N.T. Mullen’s April 29, 2016 letter to Administrator Monroe appealing the denial of his petition to intervene.

1. On March 18, 2016, the Presiding Officer issued an Order on Petitions to Intervene (Order) pursuant to RSA 162-H:4, V, denying Mr. Mullen’s intervention. On March 21, 2016, Mr. Mullen sought review of the Order, filing a Request for Reconsideration to the Order on Petitions to Intervene with the Site Evaluation Committee (“SEC” or “Subcommittee”). A hearing on this and other outstanding motions was held on April 12, 2016.

2. On April 29, 2016, Mr. Mullen, on behalf of himself, Mr. Peter Powell, and the so-called “Realtors Opposed to Northern Pass” filed a request asking to “appeal the SEC’s denial of intervenor status.” *See* Mullen Letter. Mr. Mullen’s “appeal” was filed before the Subcommittee issued its order memorializing its April 12, 2016 deliberations. On May 20, 2016, the Subcommittee issued its Order on Review of Intervention. Insofar as the Subcommittee

treats Mr. Mullen's "appeal" as a motion for rehearing pursuant to RSA 541:3 and Site 202.29, the Applicants file this objection.

3. The purpose of rehearing "is to direct attention to matters that have been overlooked or mistakenly conceived in the original decision ..." *Damais v. State*, 118 N.H. 309, 311 (1978) (internal quotations omitted). A rehearing may be granted when the Subcommittee finds "good reason" or "good cause" has been demonstrated. *See O'Loughlin v. NH Pers. Comm.*, 117 N.H. 999, 1004 (1977); *Appeal of Gas Service, Inc.*, 121 N.H. 797, 801 (1981). "A successful motion for rehearing must do more than merely restate prior arguments and ask for a different outcome." *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014); *see also Freedom Energy Logistics*, Order No. 25,810 at 4 (Sept. 8, 2015).

4. Mr. Mullen fails to demonstrate any good reason or good cause for the Subcommittee to grant his request. Rather, Mr. Mullen repeats the same arguments he made in prior filings on this matter – the same arguments that the Presiding Officer and the Subcommittee determined to be insufficient. In the Order denying Mr. Mullen's petition to intervene, the Presiding Officer determined that "[i]nterests that are general to all residents of a community, *i.e.* effect on tourism, property values, and business, without more, are not sufficiently specific to warrant intervention." Order at 30. In response, Mr. Mullen filed a motion effectively stating that he has substantial experience as a real estate agent with knowledge of the real estate market. After hearing argument on this motion, the Subcommittee denied Mr. Mullen's petition to intervene, finding that "Mr. Mullen failed to assert any interests, rights and privileges that may be affected by the construction and operation of the Project." Subcommittee Order at 26.

5. Mr. Mullen's current request again fails to provide the needed specificity required in order to establish an interest in this proceeding. His request for rehearing adds nothing to his original petition to intervene nor his subsequent motion requesting intervention. His claims about the New Hampshire real estate market are generalized and unsubstantiated and mirror the claims he lodged in his original petition. Therefore, a rehearing on his petition should be denied.

WHEREFORE, the Applicants respectfully request that the Subcommittee:

- A. Deny Mr. Mullen's request for rehearing; and
- B. Grant such further relief as is deemed appropriate.

Respectfully submitted,

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

By Their Attorneys,

McLANE MIDDLETON,  
PROFESSIONAL ASSOCIATION

Dated: May 27, 2016

By:  \_\_\_\_\_

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Certificate of Service

I hereby certify that on the 27<sup>th</sup> of May, 2016, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.

  
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Thomas B. Getz