

**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

**THE TOWNS OF BRIDGEWATER, BRISTOL, EASTON, FRANCONIA, LITTLETON,  
NEW HAMPTON, NORTHUMBERLAND, SUGAR HILL, WHITEFIELD AND  
WOODSTOCK, THE CITY OF CONCORD AND ASHLAND WATER & SEWER  
DEPARTMENTS' MOTION FOR CLARIFICATION OF CHAIR'S JUNE 23, 2016  
ORDER ON PENDING MOTIONS AND PROCEDURAL ORDER**

The Towns of Bridgewater, Bristol, Easton, Franconia, Littleton, New Hampton, Northumberland, Sugar Hill, Whitefield and Woodstock, the City of Concord and Ashland Water & Sewer Department (“towns”) submit this Motion for Clarification, stating as follows:

1. On June 23, 2016, the Chair issued an Order on Pending Motions and Procedural Order (“Order”) that granted, among other things, the Society for the Protection of New Hampshire Forests (“SPNHF”)’s request for a second round of data requests, limited those requests to issues raised in confidential documents, and required those data requests to be submitted by July 8, 2016. See Order, pgs. 4-6. The towns move for clarification of that aspect of the Order because the towns intended and believed that they had also sought permission from the Chair for a second round of data requests, and so believe they are similarly deserving of the same relief afforded to SPNHF, i.e. the opportunity to submit a second round of remaining data requests limited to confidential information to be submitted by July 8, 2016.

2. The Chair issued the Order partly in response to SPNHF’s Motion to Clarify Order and Temporary Procedural Schedule of April 22, 2016 (“motion”). In this motion, SPNHF sought clarification as to whether the intervenors, including SPNHF and the towns, would have a second opportunity to propound data requests after the then deadline of May 20, 2016 for the

first set, once it was possible to received unredacted copies of reports that were deemed confidential and filed under seal relative to: (1) archeological resources; (2) native plant and animal species and natural communities; and (3) the alleged economic value of the project to New Hampshire and the assessment of the environmental impacts of the proposed project. See Motion, pg. 2.

3. Subsequent to the filing of SPNHF's motion, the towns filed a Notice of Joinder, which sought to join SPNHF's motion, incorporating it by reference, and further echoed the concerns raised in SPNHF's motion that without a second round of requests following access to the confidential information noted above, the towns would be severely prejudiced in their ability to propound data requests on these particular issues. See generally Towns' Notice of Joinder.

4. At the time of the towns' filing of the Notice of Joinder and at all times thereafter, the towns intended and believed the effect of the Notice of Joinder was to support SPNHF's request and to similarly request a second round of data requests for themselves. Otherwise, the towns did not need to *join* SPNHF's motion and could have supported it by merely assenting to the relief requested therein. Instead, the towns filed the Notice of Joinder to join in and be a part of SPNHF's request for a second round of data requests. Moreover, in the Chair's Order, he found that the Applicant's request for confidential treatment deprived SPNHF of an opportunity "to review documentation that addresses issues that are at the center of the Subcommittee's inquiry- the effect of the Project on economy of the region and state, natural environment and historic sites." See Order, pg. 6. The towns would be similarly deprived by not having the same opportunity to propound a second set of data requests on the confidential information.

5. Given the Chair's Order recognizing SPNHF's legitimate need to be afforded a second round of requests on the confidential information, the towns' Notice of Joinder incorporating and

echoing the exact same concerns and bases, and the towns' original intent to request the same relief, the towns move the Chair to clarify the Order to afford the towns the same relief as provided to SPNHF.

6. In addition, the towns understand that SPNHF may soon be submitting a request to extend the July 8, 2016 deadline to propound the second set of data requests as the Committee has yet to authorize access to these confidential materials by agreement with the Applicant and there is limited time to review that information and formulate data requests. Assuming SPNHF does file such a request and the Chair grants the towns the ability to propound a second set of data requests, the towns incorporate by reference SPNHF's motion for an extension and similarly seek the same extension for the towns' second data requests.

7. The Applicants were contacted and assent to the relief requested herein in regards to the towns being afforded a second round of remaining data requests on confidential information to be submitted by July 8, 2016; the Applicants have yet to respond regarding the possible request for an extension of time to submit those requests.

8. The following parties concur with the relief requested herein: Town of Plymouth, Town of Deerfield, Conservation Law Foundation, Mark Orzeck, Neil Lupton & Claire Lupton, David Van Houten, the Clarksville and Stewartstown Non-Abutters Group; the following parties take no position: Cities of Berlin and Franklin; all other parties on the distribution list were contacted but did not respond prior to filing.

WHEREFORE, it is respectfully requested that the Chair of the Site Evaluation Committee:

- A. Clarify the Order as requested herein;
- B. Grant the towns' request for a second set of data requests

C. Assuming SPNHF moves for an extension of the July 8<sup>th</sup> data request deadline and the towns are afforded the ability to propound a second set of data requests, grant the towns' request to extend that timeframe as more particularly requested by SPNHF; and

D. Grant such other and further relief as may be just.

Respectfully submitted,

**CITY OF CONCORD**

By: 

Dated: June 27, 2016

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**TOWNS OF BRIDGEWATER, LITTLETON,  
NEW HAMPTON, WOODSTOCK AND  
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DEPARTMENT**

By and through their attorneys,  
MITCHELL MUNICIPAL GROUP, P.A.

By: 

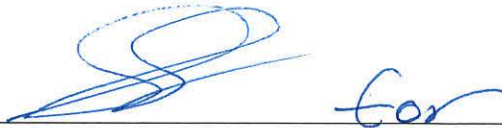
Dated: June 27, 2016

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**TOWNS OF BRISTOL, EASTON,  
FRANCONIA, NORTHUMBERLAND, SUGAR  
HILL AND WHITEFIELD**

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

Dated: June 27, 2016

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

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 27 day of June 2016, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket.

Dated: June 27, 2016

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

Steven M. Whitley