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June 29, 2016

**Via Electronic Mail/Hand Delivery**

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

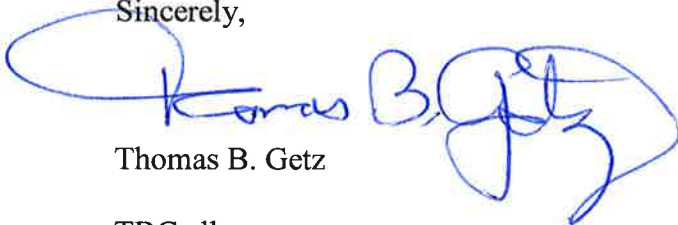
**Re: New Hampshire Site Evaluation Committee Docket No. 2015-06  
Joint Application of Northern Pass Transmission LLC and Public Service Company  
of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for  
Construction of a New High Voltage Transmission Line in New Hampshire**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of an Objection to the Motion for Rehearing by the Society for the Protection of New Hampshire Forests and the City of Concord regarding the May 25, 2016 Order on Motion for Protective Order and Confidential Treatment.

Please contact me directly should you have any questions.

Sincerely,



Thomas B. Getz

TBG:slb

cc: Distribution List

**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**

**OBJECTION TO MOTION FOR REHEARING  
ORDER ON MOTION FOR PROTECTIVE ORDER  
AND CONFIDENTIAL TREATMENT**

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 a Motion for Rehearing filed by the Society for the Protection of New Hampshire Forests (“SPNHF”) and the City of Concord (“City”). As discussed below, the Site Evaluation Committee (“SEC”) has not overlooked or mistakenly conceived anything in its order and, consequently, the SPNHF and City motion should be denied.

1. On May 25, 2016, the SEC, through its Presiding Officer, issued an Order on Motion for Protective Order and Confidential Treatment (“Protective Order”). The Protective Order, among other things, granted the Applicants’ request to protect certain information in Julia Frayer’s pre-filed testimony and report titled “Cost-Benefit and Local Economic Impact Analysis of the Proposed Northern Pass Transmission Project.”

2. On June 22, 2016, SPNHF and the City filed a Motion for Rehearing asking that the SEC disclose the redacted portions of Ms. Frayer’s report and testimony to the public. They reassert that the public benefits of disclosure of the redacted portions of Ms. Frayer’s report and testimony outweigh the competitive interests of the Applicants, and that the entirety of Ms.

Frayer's report and testimony should be publicly disclosed, which they had previously asserted in their respective April 7, 2016 objections to confidential treatment. Furthermore, they "incorporate by reference all prior arguments and statements they have made in support of full disclosure." See Motion for Rehearing, p.2, paragraph 7.

3. The Protective Order, at pp. 11-12, balances the public interest in disclosure and the Applicants' interest in confidential treatment of limited portions of Ms. Frayer's report and testimony, concluding that the public's interest in disclosure is outweighed, pending a resolution of the Tri-State Clean Energy RFP process. The Protective Order recognizes that the Applicants have sought "to protect only the portions of those documents that relate to the assumptions for wholesale power market simulations and related information" and that the protection is to be time-limited, granting protective treatment on a temporary basis.

4. 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 Committee 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).

5. SPNHF and the City do not, as required by RSA 541:4, "set forth fully every ground upon which it is claimed" that the Protective Order is unlawful or unreasonable, and they fail to demonstrate any good reason for the SEC to grant their motion. They incorporate by reference arguments made previously, adding nothing that would justify a different outcome.

Inasmuch as the SEC has not mistakenly conceived or overlooked anything, rehearing should be denied.

6. Furthermore, there is every reason to believe that SPNHF and the City will have access to the redacted information from Ms. Frayer's report and testimony, consistent with provisions of the Protective Order, inasmuch as the Applicants do not oppose such access. Accordingly, there would be no injury in fact to them, nor have they alleged any on rehearing. Rather, they make an argument for public disclosure on behalf of the broad, undifferentiated public, which is not a proper basis for rehearing. See, *Appeal of New Hampshire Right to Life*, 166 N.H. 308 (2014), in which the Supreme Court, in discussing standing under RSA 541:3, cited *Appeal of Richards*, 134 N.H. 154, 156 (1991) and pointed out that "[n]o individual or group of individuals has standing to appeal when the alleged injury caused by an administrative agency's action affects the public in general."

WHEREFORE, the Applicants respectfully request that the Subcommittee:

- A. Deny SPNHF's and the City's motion for rehearing; and
- B. Grant such further relief as is deemed just and 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: June 29, 2016

By: 

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Certificate of Service

I hereby certify that on the 29th of June, 2016, an original and one copy of the foregoing objection was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.

  
Thomas B. Getz