

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

**MOTION TO ORDER FURTHER RESPONSES TO DISCOVERY REQUESTS
AND EXTEND INTERVENOR DEADLINES**

Now come the Grafton County Commissioners, [hereinafter "Intervenor"] by and through Grafton County Attorney Lara J. Saffo, as spokesperson, joined by the Clarksville-Stewartstown Non-abutters Intervenor Group and move for an order from the Site Evaluation Committee to compel Northern Pass Transmission LLC, *et al.* [hereinafter "the Applicants"] to supplement answers to data requests propounded by the Grafton County Commissioners when the applicable information is known, and further, to extend and adjust deadlines applicable to all Intervenor until a reasonable time after meaningful answers to the data requests are received, and more particularly, states as follows:

1. The factual and procedural history of the data request efforts by the Intervenor to the Applicants is set forth in the August 2, 2015 SEC Orders on Motion to Extend Deadlines for Filing Motion to Compel.

2. In pertinent part, the August 2, orders established a deadline of August 15, 2016 for the Intervenor Forest Society, and all other Intervenor, to file a motion to compel responses from the Applicants.

3. The Intervenor has determined that a standard *Motion to Compel*, standing alone, would not advance its interests, given the existing circumstances. As is detailed below, the central issue is that the Intervenor seeks detailed information of the exact path of the proposed lines, including details of location to the right or the left of roads, homes, rivers and structures, to enable it to assess the impact of the project on the environmental, historical, recreational, and economic health of particular areas, as well as homes, farms, businesses and other structures.

4. Specifically, the Intervenor sought, as part of its data request, documents which detail the specific path of the buried lines in relation to roads, sidewalks, and buildings in Grafton County, as well as information relating to the expected interference with infrastructure and the plans to mitigate the interference. *(These interrogatories are included in the shared documents provided by the Northern Pass to all parties. The*

Grafton specific interrogatories will be provided under seal to the SEC as an exhibit to this pleading to ensure no inadvertent violations of the confidentiality agreement).

5. The Applicant timely responded, referring the Intervenor to "preliminary design alignments" and referenced specific sections of the Application. The Applicant emphasized, however, that the information responsive to the request was "preliminary," that "geotechnical investigation and utility and ground surveys were underway," and that a final design was expected by "late 2016 or early 2017." (See *Exhibit 1.*)

6. Existing materials outline affected roads in Grafton County, including, but not limited to, Routes 116 through Franconia and Sugar Hill and Route 112 toward Lincoln, as well as portions of Route 3. Existing information does not specify location to the right or left of these routes and omits many other details regarding the specific path to be used. The depending on the ultimate choice, the impact on houses, wetlands and rivers will be drastically different.

7. All Intervenor have an existing deadline of November 15, 2016 to submit pre-filed expert testimony on the potential or expected impact on the public interest as well as those of abutters. Accurate and detailed information about the actual path of the line is critical to meaningful expert analyses, an informed decision by the SEC on the Application, and to allow the public the opportunity to access information it clearly has a right to know.

8. The Intervenor appreciates that the Applicant cannot provide information is does not yet possess. Nonetheless, it asserts that fundamental fairness of the process as a whole, and affording the Intervenor and the public information vital to protecting the best interests of the State mandate that the requested information be provided within a time frame that does not undercut those interests and disenfranchise the Intervenor from meaningful participation.

9. Counsel for the Public concurs. The New England Power Generators Association, Inc. ("NEPGA"), NGO Intervenor, comprised of Conservation Law Foundation, Ammonoosuc Conservation Trust, and Appalachian Mountain Club, do not object. The Forest Society, the Towns of Bridgewater, New Hampton, Woodstock, Littleton, Deerfield, and Ashland Water and Sewer concurs. The Non-Abutting Property Owners: Ashland – Deerfield (overhead portion of the Project) concur. Municipal Group 3 South and Municipal Group 2 concur.

10. As noted above, the Clarksville-Stewartstown Nonabutting Property Owners join in the motion.

11. Northern Pass Transmission, LLC and the Public Service Company of New Hampshire objects to this motion.

WHEREFORE, the Intervenor seeks the following relief:

A. Order the Applicant to provide complete and detailed responses to the data requests propounded by all Intervenor's that could not be fully answered at this time due to pending site testing and surveys, particularly but not limited to GCC 1-1 through 1-3, 1-5, 1-8, 1-13 and 1-17 and 18 within thirty days after obtaining information from the completed testing referred to in the response to GCC-1;

B. Order that the deadline for all Intervenor's for submitting pre-filed expert testimony be extended to a date at least sixty days from the date of the Applicant's supplemental answers to the Intervenor's data requests;

C. Order that all Intervenor's be granted leave to request follow-up discovery by motion filed no later than ten days after receipt of the Applicant's Supplemental responses;

D. Grant such other relief as the SEC deems appropriate.

Dated August 15, 2016



Lara J. Saffo, Esquire
Grafton County Attorney
Grafton County Commissioner Spokesperson
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has this day been forwarded via e-mail or mail to the persons named in the distribution list of this docket.

Dated: 8/15/16

BY 

Lara Saffo, Esquire
Spokesperson Grafton County Commissioners

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

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**JOINT APPLICATION OF NORTHERN PASS TRANSMISSION LLC &
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FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANTS' RESPONSES TO GRAFTON COUNTY'S
DATA REQUESTS AND INTERROGATORIES – SET 1**

Preliminary Statement and General Objections

The responses provided were prepared by Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (the "Applicants"). All responses contained herein are subject to the following general objections.

The Applicants object to each data request to the extent the data request seeks information that is irrelevant to the Site Evaluation Committee's determination of whether issuance of a Certificate will serve the objectives of RSA 162-H and is therefore not reasonably calculated to lead to the discovery of admissible evidence. The Applicants further object to each data request to the extent that the data request is vague and/or ambiguous, overbroad and unduly burdensome, or seeks information that is not within the Applicants' possession custody or control; calls for attorney-client privilege and/or work product privilege protected information; seeks business confidential information and/or information that is either fully contained in the Application or information that is in the public domain and equally available to the Grafton County and the Applicants.

To the extent any data or document request herein seeks to obtain prior drafts, notes, or edits of any expert or consultant report, drawings, diagrams, photosimulations, or any other information contained in the Application, pre-filed testimony, and attached appendices, the Applicants object as the request is unduly burdensome, duplicative, irrelevant and not likely to lead to admissible evidence, and/or is attorney/client privileged or protected as work-product pursuant to state and federal law. *See* RSA 541-A:33 (stating that the "presiding officer may exclude irrelevant, immaterial or unduly repetitious evidence" and providing that "[a]gencies shall give effect to the rules of privilege recognized by law"); RSA 516:29-b (requiring a witness retained or specifically employed to provide expert testimony to only disclose "the facts or data considered by the witness in forming the opinions"), which was recently amended to remove the requirement that an expert disclose such "other information" and to make the New Hampshire expert disclosure law consistent with recent amendments to Fed. R. Civ. Pro. 26, which explicitly protects prior draft reports from experts. *See also* Fed. R. Civ. Pro. Rule 26(b)(4)(B) (protecting drafts of any report or disclosure required under the general witness disclosure rules regardless of the form in which the draft is recorded).

To the extent any data or document request herein seeks Critical Energy Infrastructure Information (“CEII”), the Applicants object as this information is not discoverable. *See* RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). *See also* 18 C.F.R. § 388.11 (CEII means “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (i) Relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) Could be useful to a person in planning an attack on critical infrastructure; (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and (iv) Does not simply give the general location of the critical infrastructure”).¹ The Applicants are not in a position to disclose information that is deemed CEII. Any person seeking such CEII is required to sign a non-disclosure agreement consistent with the applicable requirements of ISO-NE, NERC and any other relevant standards. Should any party enter into the required non-disclosure agreement, the Applicants will provide copies of the requested CEII information if the requesting party demonstrates a required need to obtain such information.

If NPT inadvertently produces or discloses a document or information to another party (the “Receiving Party,” which term is intended to include all parties receiving such disclosure) that is allegedly privileged or otherwise immune from discovery, once it learns of the inadvertent production, NPT will so advise the Receiving Party in writing, state and substantiate the basis for the alleged privilege or immunity, and request that the item or items of information be returned. If these conditions are met in a timely manner, the Receiving Party will return such inadvertently produced item or items of information and all copies thereof within ten (10) calendar days of the written request and shall refrain from utilizing said items in any manner or form. Inadvertent production of documents or information that is allegedly privileged or otherwise immune from discovery shall not automatically constitute a waiver of any privilege or immunity.

To the extent that any data or document request herein seeks to obtain information that is protected as confidential pursuant to the Committee’s May 25, 2016 Order on Motion for Protective Order and Confidential Treatment, or otherwise qualifies for protective treatment pursuant to PSA 91-A:5, the Applicants object to production unless a party has complied with the requirements of an SEC order or agreement for protective treatment governing confidential documents in this proceeding. To the extent that a Data Response refers to a document that has been afforded confidential treatment or otherwise provides information in response to any data or document request relating to materials that are protected as confidential, the Applicants do so without waiving the confidentiality of the respective documents.

¹ Confidential infrastructure information includes, but is not limited to, CEII information, critical infrastructure information as defined by the Department of Homeland Security (“DHS”), including any Protected Critical Infrastructure Information (“PCII”), to the extent certified as such by the DHS, pursuant to the Critical Information Act of 2002 (See Final Rule at 6 C.F.R. Part 29, Sept. 1, 2006); Confidential information regarding critical assets and critical cyber assets, which are subject to the North American Electric Reliability Council (“NERC”) Critical Infrastructure Protection (“CIP”) standards (CIP-002 through CIP-009) pertaining to the reliability and availability of the Bulk Electric System in North America (“Confidential CIP”); any other infrastructure information designated by an Applicant as proprietary and confidential, whether furnished before or after the date hereof, whether oral, written or recorded/electronic, and regardless of the manner in which it is furnished; and all reports, summaries, compilations, analyses, notes or other information which contain the foregoing information.

Responses

GCC 1-1 Please provide any and all surveys, plans, communications, and engineering documents, current at the time of Applicant response which detail the planned specific path of the buried lines in quantified relation to the current road, sidewalks, and buildings (including the location of the splice pits, specific distances and depths of the line) within Grafton County, including information regarding the extent of interference with and plans for mitigation of said interference with existing infrastructure.

Response: The Applicants of the Northern Pass Transmission Project (“Project”) have created preliminary design alignments for the underground route within Grafton County. These can be found in the Project’s Application: Volume X – Appendix #9 Petition for Aerial Road Crossings, and Underground Installations in State-Maintained Public Highways pages 331 – 733.

It should be noted that this alignment is preliminary in nature. The Project is currently conducting geotechnical investigations and utility and ground survey which will help refine the overall project design including determining the exact alignment in relation to roads, sidewalks and buildings. Part of this engineering survey will also determine the location of existing underground utilities such as water, sewer, storm, gas, electrical, etc. where applicable.

The final design will be developed over the next several months in accordance with the NH Department of Transportation Utility Accommodation Manual and will include comments received from the NH DOT during the design review process. The design will include locations of the splice pits, specific distances between the pits and the depths of the line. It is expected that the detail design will be completed by late 2016 / early 2017.

GCC 1-2 Please provide the specific location of where the lines for the Proposed Route will be located along roadways in Grafton County. In your answer, please state the distance from each roadway that the lines will be buried and which side of the road the lines will be buried. Please produce any documents that relate to your answer.

Response: Please see the Applicants' Response to GCC 1-1.

GCC 1-3 Please state how deep the underground lines will be buried, as well as the width of the lines to be buried.

Response: Please see the Applicants' Response to GCC 1-1.

In addition, the actual depth of the underground line will vary along the route and will be determined by site specific conditions including depth of rock and any utility interferences. The current design of the duct bank and encasement is 1 foot 3 inches in height, a width of 2 feet 9 inches, and will be buried a minimum depth of three feet below grade. A detail of the trench is shown in the Application: Appendix 9, Page 731.

GCC 1-4 With respect to any intermittent chambers associated with the buried lines in Grafton County, please state the dimensions (including depth and width) of these chambers.

Response: The current design of a splice enclosure has a length of 30 feet, a width of 10 feet and a height of 6 feet. A detail of a splice enclosure is shown in the Application: Appendix 9, Page 731.

GCC 1-5 Please specify how the Applicants plan to address any conflicts between the Proposed Route and existing infrastructure including but not limited to existing and abandoned utilities (including water, sewer, electrical lines, cable, and building footings) and hazardous waste of any kind located in Grafton County. Please provide complete documentation of any plan(s) to avoid or mitigate damage and disruption of this infrastructure and to avoid hazardous waste dispersal.

Response: Please see the Pre-Filed Testimony of Nathan Scott at Page 9, the Pre-Filed Testimony of John Kayser at Page 24, 26–27, 31 and the SEC Application at Page 32.

As explained in response GCC 1-1, the Applicants are currently conducting geotechnical investigations and utility and ground survey which will help refine the overall project design including determining the exact alignment in relation to roads, sidewalks and buildings. Part of this engineering survey will also determine the location of existing underground utilities such as water, sewer, storm, gas, electrical, etc. where applicable. The final design will be developed over the next several months in accordance with the NH Department of Transportation Utility Accommodation Manual and will include comments received from the NH DOT during the design review process. The design will include the locations of existing utilities and will accommodate them wherever possible. Accommodation shall include the protection of existing utilities in place wherever possible. It is expected that the detailed design will be completed by late 2016 / early 2017.

During the construction process there may be instances where an abandoned or unknown utility is discovered. Field changes to the design will be made to accommodate these utilities wherever possible and to adapt to the unknown field condition.

In the unlikely event that contaminated or hazardous material is encountered during the construction process, the Project will characterize the material and dispose of it at the appropriate disposal facility. Material handling guidelines will be prepared prior to the start of construction in cooperation with the Department of Environmental Services.

GCC 1-6 Please explain what will happen if private property is impacted by the burial of the lines, including how the landowners will be notified?

Response: In the event any damage occurs to private property due to construction of Northern Pass the landowners will be notified of the event. This is typically performed by the responsible contractor or a project representative. They will coordinate with the landowner to resolve the issue, typically by repair or compensation for the damage. Please see the Pre-Filed Testimony of Samuel Johnson for additional information on project outreach. For additional information on blasting and notification procedures, please see the Pre-filed Testimony of John Kayser (Pages 10 and 11) and the SEC Application at Section (i) (Pages 68 and 84). If a property owner believes it has been damaged, please see the Applicants' Response to GCC 1-20 for a description of the claims process.

GCC 1-7 In the event that private property is negatively impacted and/or damaged by the construction (such as china falling off a wall and breaking during construction, a tree having to be cut down, a private well being impacted), please identify the process a landowner must follow in order to be compensated. In your answer, please exactly what will be the burden of the landowner to prove the impact and how damages would be calculated.

Response: If a property owner believes it has been damaged, please see the Applicants' Response to GCC 1-20 for a description of the claims process.

GCC 1-8 Please provide projected dates, duration, timeline and daily itinerary of the planned construction within the borders of Grafton County. In your answer, please provide the current status and any anticipated developments of a detailed plan for traffic management which will clarify how the Applicants will manage traffic in the various towns in Grafton County to avoid disruptions to traffic flow, including, but not limited to, main streets and high traffic areas. Please provide all documentation relating to your answer, including but not limited to all traffic flow studies (with supporting documents), anticipated impacts on traffic flow, correspondence or summaries of any communications with the municipalities in Grafton County.

Response: Construction is anticipated to occur during the seasons designated by the NH DOT, i.e., April to November. Anticipated construction years are 2018 and 2019. The construction rate is presumed to be within a range of 20 linear feet to 100 linear feet per day per crew. Construction progress is dependent on subsurface conditions, which have not been fully refined. The specifics for a daily itinerary related to the planned construction will be developed prior to construction and vetted with the municipalities in Grafton County.

Moreover, each traffic control plan will be submitted to NH DOT within the overall traffic management plan and reviewed, revised and approved per the defined NH DOT process. Detailed traffic management and control plans are location specific and will be developed based on construction staging and work area needs determined when construction is imminent. The general traffic control method and process that will be followed is outlined in the Pre-Filed Testimony of Lynn Farrington. Please also see the Applicants' Response to GCC 1-18 for more information pertaining to the traffic control plan.

GCC 1-9 How are landowners being informed of construction plans impacting their property, including how and when the construction will impact their property?

Response: Please refer to the Pre-Filed Testimony of Samuel Johnson on Page 10 for a full description of the pre-construction outreach plan.

GCC 1-10 Please provide the results of any study, survey, other research and resultant plans related to economic impacts expected in the towns located in Grafton County as a result of the proposed construction, describing in detail any anticipated extent of financial impact, any plans Applicants have to ensure that Grafton County businesses are not financially harmed by the construction, the means by which any such claimed harm is to be evaluated and by whom, and the plan to compensate businesses if such harm occurs.

Response: The Applicants have performed an extensive analysis of the economic benefits associated with the Project. See the Application: Appendix 43 - Cost Benefit and Local Economic Impact Analysis of the Proposed Northern Pass Transmission Project as well as the Pre-Filed Testimony of Julia Frayer.

The Applicants will take all reasonable and necessary precautions to limit the potential for any adverse impact to towns in Grafton County as a result of the proposed construction, including, all the precautions identified in the Application on Pages 32-33 and 82-84.

More specifically, the Project will take a proactive approach to mitigate impacts to traffic and businesses to the extent practicable. The Project will take into consideration businesses requirements for operation such as delivery access as well as patron access by both vehicle and pedestrian means. The project team intends to maintain access to all businesses during advertised business hours for the duration of the construction whenever practical. Closing urban roadways by use of detours will generally be avoided to encourage travel by local businesses. Optional routes to avoid the construction area may be suggested to the public in order to maintain traffic flow during peak hours. Pedestrian routes adhering to current Americans with Disabilities Act (“ADA”) standards will be provided for all existing pedestrian routes impacted. The Pre-Filed Testimony of Samuel Johnson, on Pages 13 and 14, John Kayser, on Page 10, 27, 33 and 34, and the Pre-Filed Testimony of Lynn Farrington provide more detailed information regarding traffic control.

The Applicants do not anticipate that there will be adverse financial impacts to businesses within Grafton County as a result of the construction of the Project; however, please refer to the Applicants' response to GCC 1-20 below.

GCC 1-11 Please describe in detail any precautions which will or have been taken by the Applicants (or their contractors and engineers) to prevent contamination of municipal and private wells including but not limited to baseline sampling and follow-up sampling protocols. In your answer, please also identify the procedure by which a private individual or municipality will need to follow in the event wells has been impacted by the Northern Pass Project.

Response: The Application outlines several protocols the Project will use to mitigate the risk of contaminating groundwater and wells. These include, but are not limited to, performing the work in accordance with applicable regulations and best management practices. In addition, the Project will proactively notify abutters of the work, and perform relevant pre and post blast testing. More detailed information regarding blasting is included in the Pre-filed Testimony of John Kayser (Pages 10 and 11) and in the Northern Pass Transmission LLC Public Service Company of New Hampshire NH SEC Application for a Certificate for Site and Facility, Section (i) (Pages 68 and 84). If, despite these efforts, a property owner believes it has been damaged, please see the Applicants' Response to GCC 1-20 for a description of the claims process.

GCC 1-12 Please describe the possible impacts of the project to existing water and sewer infrastructure, bearing in mind that some water, sewer and drainage system are old and not in good repair. In your answer, please describe in detail whether it is probable or likely that the planned construction will damage any public or private water, sewer and/or drainage system, and what the extent or nature of such damage may be. Please also describe whether and how the Applicants will immediately repair any such damage. Please provide copies of any engineering, surveys, studies and/or documentation of any kind or nature related to this request.

Response: The Applicants will avoid and protect existing utility infrastructure and mitigate potential impacts during the construction process. The process of identifying existing utility infrastructure, such as sewer, water or drainage systems and incorporating that data into the design is outlined in the Applicants' Response to GCC 1-5. This process is also described in in the Pre-Filed Testimony of Nathan Scott at Page 9 and John Kayser at Pages 31-33. Similar to the Applicants' Response to GCC 1-6, in the event there are construction related impacts to the existing infrastructure, the responsible contractor will address the issue.

GCC 1-13 Please provide a copy of all documents (including blueprints, detailed plans and results of surveys) that identify all existing and abandoned utilities, infrastructures (including water, sewer, electrical lines, cable, and building footings), and hazardous waste of any kind that may or will be impacted by this project in Grafton County.

Response: Please see the Applicants' Response to GCC 1-1.

The Applicants are not aware of any hazardous waste of any kind that will be impacted by the Project's construction in Grafton County.

GCC 1-14 Please state the expected timeframe that it will take to install the underground lines. The purpose of this request is to determine the length of time that businesses and/or private properties may be impacted (i.e., one day versus one week).

Response: Please see the Applicants' Responses to GCC 1-8 and GCC 1-10.

GCC 1-15 Please describe the process a private landowner or municipality needs to follow if you and the private landowner or municipality disagree about how or when the construction should occur on or near their property.

Response: As is described in Samuel Johnson's Pre-Filed Testimony starting on Page 10, a comprehensive plan for notification to landowners and municipalities will be executed prior to and during the construction process. The Applicants will work with landowners and municipalities to accommodate their requests where practical and reasonable. All reasonable efforts will be made to identify and address potential issues prior to the start of construction.

GCC 1-16 Please describe the consequences of the Project as they relate to future maintenance of both the Northern Pass infrastructure and Grafton County infrastructure, as well as the nature and extent of any anticipated liability on the part of the Applicant for the expenses associated with these consequences and/or any unforeseen, unanticipated or unintended consequences of the project.

Response: Once constructed, the underground line will be similar to other existing infrastructure, such as a water or sewer line. If project maintenance requires excavating in local roads, the project will be responsible for restoring the road. The Pre-filed Testimony of John Kayser at Page 28 addresses this question in more detail.

GCC 1-17 Please provide detailed plans for completion of any pre-construction surveys which are to be carried out in the towns in Grafton County, to include, but not limited to: a pre-construction condition survey of the towns' utilities in the area of the proposed structure (in relation to catch basins and water and sewer pipes) and pre-drilling surveys for all buildings/footings (with substantiated evaluation of risk for vibration damage)

Response: As previously noted in the Applicants' Response to GCC 1-5 and GCC 1-12, the survey performed to identify the existing utilities is currently underway and expected to be complete by late 2016 / early 2017. In the event blasting is required for construction, the details for pre-blast surveys is described in John Kayser's Pre-Filed Testimony at Pages 10 and 11. Additionally, blasting is described in the SEC Application, Section (i) Pages 68 and 84.

GCC 1-18 Please describe in detail any plans by the Applicants to mitigate or avoid impacts on the provision of safety services and emergency management to the towns in Grafton County ' served by the following listed entities during construction, with provision of copies or records of any related communications with these entities: Hospitals, Fire Departments, Police Departments, schools and universities, and Offices of Emergency Management.

Response: Please see the Applicants' Response to GCC 1-8. The described process includes preparation to avoid disruptions to emergency services. Each Town or City will have an opportunity to discuss expected impacts to safety services and mitigation of such impacts during the development of the traffic control plans and traffic management plan. Correspondence with the Hospitals, Fire Departments, Police Departments, schools and universities, and Offices of Emergency Management has not occurred at this time. Once more specifics are known, communications are expected to begin.

GCC 1-19 Please provide a detailed description of any plan of how the Applicants (or their contractors) will deal with concrete under roadways, driveways and/or sidewalks in Grafton County that will be impacted. In your answer, please include any plans for removal, disposal, noise mitigation and potential damage mitigation to existing structures.

Response: As is noted in the Applicants' Response to GCC 1-6, in the event any damage occurs to private property including driveways and sidewalks due to construction of Northern Pass, the responsible contractor or a project representative will coordinate with the landowner to resolve the issue, typically by repair or compensation for the damage.

In the case where there is concrete under the roadways that is impacted by the Project's construction activities, the road sub-base will be rebuilt in kind to ensure its integrity. Disposal of material excavated will be at an approved facility. Please also see the Pre-Filed Testimony of Douglas Bell at Pages 7-8 for a discussion of noise mitigation during construction.

GCC 1-20 Please state whether there will be compensation available to businesses if there is a negative impact to a business as a result of construction, and if so, the manner in which the business should make a claim.

Response: NPT believes that potential damage to a business is unlikely to occur as NPT will contract with qualified and experienced contractors in the execution of the work and will work cooperatively with businesses to avoid disruptions and mitigate impacts to the greatest extent practicable. Moreover, the construction methods and traffic control measures to be used for the Project will be like those for other standard road construction and/or road repair projects.

If, despite these methods and measures, a municipality or a property or business owner believes it has been damaged, a claim can be brought to NPT's attention in a number of ways. For a municipality, a municipal representative can contact NPT directly through its primary points of contact, the Community Relations representative or the Project Manager. Residents, property owners, and/or business owners, can initiate the process by contacting the Project Outreach representative, calling the Project Hotline or sending an email as outlined on the Project Website. Communication of these methods of contact for any questions or concerns about the Project, including construction activities, are a fundamental component of our outreach program and communications.

NPT will evaluate each claim it receives and, if related to contractor activities, refer it to the contractor for resolution as required by its contract with NPT. For claims referred to the contractor, the NPT Project Outreach or Community Relations representative would act as a liaison between the municipality or property or business owner and the contractor, and would monitor the contractor's resolution of the claim to ensure that any damage caused by Project activities is promptly addressed. If the damage is something that can be and is readily remedied, the matter will be considered resolved when the repair/replacement has been made.

If the municipality, or property or business owner, does not agree with the contractor's resolution and/or denial of a claim, then the decision can be challenged with a request to NPT for further investigation. After concluding that investigation, NPT would seek alternative resolution through the contractor, resolve or otherwise settle the claim itself, or provide the reasons for a denial.

If a claim is not directly based on contractor construction or related activities, NPT will perform a thorough review of the claim and will either accept the claim with a proposed course of action to resolve it or will provide the reasons for denying the claim.

GCC 1-21 What state whether there will be any negative impacts to businesses or private property due to view disruption, and if so, whether there will be compensation to the property owner(s) if there is an impact on their property value.

Response: Based on the extensive professional literature and on the New Hampshire-specific research initiatives fully described in “*High Voltage Transmission Lines and Real Estate Markets in New Hampshire: A Research Report*,” June 30, 2015, Chalmers & Associates, LLC (Appendix 46, the “Chalmers Report”), the effects of the Project on residential property values will be rare. They will be limited to a small number of cases where homes are located very close to the existing corridor and are presently screened from the lines but will have clear visibility of the lines once the Project is constructed. Based on his field review of properties with homes located within 100 feet of the ROW boundary, Dr. James Chalmers estimates that approximately 10 properties could be affected.

Further, mitigation of visual effects is often possible and Eversource has worked, and will continue to work, with individual property owners to discuss ways to address any such effects.

No New Hampshire-specific studies were performed to assess potential impacts on commercial/industrial property. But the literature, as surveyed in the Chalmers Report, indicates that value effects are unlikely unless development restrictions imposed by the utility corridor reduce the income producing potential of a site.

GCC 1-22 As of the date of your answer, please describe any and all verbal and/or written offers which have been communicated to New Hampshire municipalities, individuals and/or other entities for funding or payment of any kind or description from the so-called "Forward NH" fund or otherwise (including but not limited to Advance Funding), describing in detail what conditions, requirements and/or expectations are associated with any such offers or payments.

Response: Please see all documents uploaded to the ShareFile Site in response to this requests and the Applicants' Responses to Counsel for the Public's Data Requests CFP 1-33.

GCC 1-23 Please provide detailed cost estimates, including all specifications, material quantities, direct costs, material costs, labor costs, indirect construction costs, engineering, overheads, and all owners costs used and developed to provide the estimate of the above ground DC line in the northern, central and southern portions of the Project. Include in these costs the individual tower specifications for each tower and the cost for each tower as part of these estimates. Also include in accordance with FERC accounting principles, the required estimated costs for site preparations, first clearing, access ways, laydown areas, environmental mitigation, foundations, soils work, grounding, etc. and all other costs necessary to construct the overhead line proposed for the Northern Pass Project and supporting the current town-by-town cost estimates.

Response: The Applicants object to this data request to the extent it seeks to obtain confidential, commercial and financial information or communications. *See* RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). *See, e.g.,* Application of Laidlaw Berlin BioPower, *Order on Partially Assented-to Motion for Protective Order and Confidential Treatment for Certain Confidential, Commercial, and Financial Documents, Application of Laidlaw Berlin BioPower, LLC*, NH SEC Docket 2009-02 (June 9, 2010) (granting confidential treatment for business plans and financial models because disclosure of the information could negatively affect the applicant’s competitive position in the renewable energy market); Application of Antrim Wind, *Order on Outstanding Motions*, Docket 2012-01, 4 (August 22, 2012) (denying motion to compel the production of information that “is highly confidential and could negatively affect the competitive interests of the Applicant.”).

Notwithstanding the objection, the Applicants answer as follows:

As is noted in the Pre-Filed Testimony of Samuel Johnson on Page 14, the total Project costs are approximately \$1.6 billion. The cost estimates for the Project have been developed based on the results of a competitive bid process coupled with a cashflow model that incorporates contingency, escalation and AFUDC. Because of the structure of the contractual arrangements that resulted from the competitive bid process, the requested detailed cost information is not available; however, that type of information will be developed during the construction phase.

The Applicants possess certain additional high level cost information that can be made available subject to the requester’s compliance with the confidentiality order issued by the Site Evaluation Committee.

Details of the above-ground DC line can be found in the Application: Volume IV, Appendix 1 - Project Maps, Plan and Profile Drawings and Typical Structure Designs.

GCC 1-24 Please provide a detailed description(including all calculations, tables and charts used to determine the interest on construction, the timeframe of the interest, and the escalation factors used to escalate the cost estimates) from the date of unit cost selection to the date of completion for the entire Northern Pass Project.

Response: Allowance for Funds Used During Construction (“AFUDC”):
AFUDC is an accounting principal whereby the costs of debt and equity funds used to finance plant construction are credited on the statement of income and charged to construction in progress on the balance sheet. The actual AFUDC amount calculated is based on the debt to equity ratio used on the project and the associated borrowing costs associated with each. Additionally, the amount of time that the project is under the construction phase directly impacts the final AFUDC amount.

For this Project, Northern Pass is using a 50:50 debt to equity ratio for all three estimates. The debt portion is based on the borrowing strength of Northern Pass and is currently in the 1% range. This rate changes on a month to month basis. The equity portion of the AFUDC is calculated based on the average FERC approved base return on equity for New England Utility plus approved basis points. The value of this is approximately 12.56% during the development phase and construction phase of the Project and will be reduced to 11.74% after commercial operation.

GCC 1-25 Please provide the current costs and remaining completion estimates for all permitting costs, engineering, legal, scientific, and overhead costs, home office allocations, and all other support costs, both direct and indirect, for the permits being sought from all agencies, both state and federal, of all kinds, for the Northern Pass Project to date.

Response: The Applicants object to the question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding the objection, the Applicants answer as follows:

The Applicants have spent \$139.3 million to date (through April 2016) on the development of the permitting process. The Applicants estimate that it will take approximately \$40.1 million to complete the state and federal permitting process.

To the extent this request calls for confidential information, the Applicants will make this confidential information available if the requesting party complies with the requirements of the SEC order governing confidential documents in this proceeding.

GCC 1-26 Please provide under FERC accounting rule 350, a detailed description of all land and land right costs incurred to date with an estimate of remaining cost to complete the Northern Pass Project for its land and land rights acquisitions. Please break this answer down into the various FERC required categories of costs required for capitalization under FERC accounting rules for the overhead.

Response: The Applicants object to the question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. The Applicants further object to the question to the extent it requires the Applicants to develop additional information that is not currently in the care, custody, or control of the Applicants.

Notwithstanding the objection, the cost of the land and land rights for the overhead line portion of the Project is \$18,097,491.

Additional land and land right cost for the transition stations are provided in the Applicants' Response to GCC 1-30.

GCC 1-27 Please provide the detailed accounting, description, and explanation of all land and land rights held by PSNH, Properties, Inc., or any other subsidiary of PSNH or Eversource that are being sold to, rented to, or given to the project from properties previously held by the company for future use, or properties purchased recently for the entire Northern Pass line.

Response: The Applicants object to the question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding the objection, the Applicants answer as follows:

Information and documents regarding land rights for the Project have been provided in response to Counsel for the Public's Data Request CFP 1-3. Please see the Applicants' Response to Counsel for the Public's Data Request CFP 1-3 and all documents uploaded to the ShareFile Site in response to that request.

GCC 1-28 Please provide the detailed table of rents of any kind being proposed for the Northern Pass Project use of property owned by Eversource or PSNH and any and all of its subsidiaries, including the amounts, terms, length of leases, upfront cash payments, etc. for the entire Northern Pass Project.

Response: The Applicants object to this request to the extent it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding the objection, the Applicants have already produced information responsive to this request and it is publicly available in the PSNH-NPT Lease Docket, NHPUC Docket DE 15-464.

GCC 1-29 Please provide detailed cost estimates, specifications, material quantities, direct costs, material costs, labor costs, indirect construction costs, engineering, overheads, and all owners costs used and developed to provide the estimate of the underground DC line in the north central part of the Northern Pass Project. Please provide the estimate which includes the underground manholes, pull boxes, splice boxes, turning boxes, drilling access boxes, etc. which are anticipated and expected as part of the underground construction. Also include in accordance with FERC accounting principles, the required estimated costs for site preparations, first clearing, access ways, laydown areas, environmental mitigation, foundations, soils work, grounding, etc. and all other costs necessary to construct the underground line proposed for the Northern Pass Project and supporting the current town-by-town cost estimates.

Response: The Applicants object to this data request to the extent it seeks to obtain confidential, commercial and financial information or communications. *See* RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). *See, e.g.,* Application of Laidlaw Berlin BioPower, *Order on Partially Assented-to Motion for Protective Order and Confidential Treatment for Certain Confidential, Commercial, and Financial Documents, Application of Laidlaw Berlin BioPower, LLC*, NH SEC Docket 2009-02 (June 9, 2010) (granting confidential treatment for business plans and financial models because disclosure of the information could negatively affect the applicant’s competitive position in the renewable energy market); Application of Antrim Wind, *Order on Outstanding Motions*, Docket 2012-01, 4 (August 22, 2012) (denying motion to compel the production of information that “is highly confidential and could negatively affect the competitive interests of the Applicant.”).

Notwithstanding the objection, the Applicants answer as follows:

As is noted in the Pre-Filed Testimony of Samuel Johnson on Page 14, the total project costs are approximately \$1.6 billion. The cost estimates for the Project have been developed based on the results of a competitive bid process coupled with a cashflow model that incorporates contingency, escalation and AFUDC. Because of the structure of the contractual arrangements that resulted from the competitive bid process, the requested detailed cost information is not available; however, that type of information will be developed during the construction phase.

The Applicants possess certain additional high level cost information that can be made available subject to the requesting party’s compliance with the confidentially order issued by the Site Evaluation Committee.

Details of the below ground DC line located in Grafton County can be found in the Application: Volume X, Appendix 9 - Petition for Aerial Road Crossings, and Underground Installations in State-Maintained Public Highways, Pages 331-733.

GCC 1-30 Please provide under FERC accounting rule 350, and FERC accounting rules, a detailed description of all land and land right costs incurred to date with an estimate of remaining cost to complete Northern Pass for its land and land rights acquisitions. Please break this answer down into the various FERC required categories of costs required for capitalization under FERC accounting rules for the underground.

Response: The Applicants object to the question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. The Applicants further object to the question to the extent it requires the Applicants to develop additional information that is not currently in the care, custody, or control of the Applicants.

Notwithstanding the objection, the cost of the land and land rights for the transition stations is \$4,995,922. There has been no land or land right cost incurred, or estimated to be incurred, for the underground line construction.

The high voltage underground transmission lines require transition stations wherever the underground cable connects to overhead transmission. Therefore, these parcels represent a mixed use.

The underground transmission line will cross private property owned and/or leased by NPT at the transition stations; the land costs are included in the cost of the transition stations.

GCC 1-31 Please provide detailed specifications including manufacturer's specifications of the underground cable being utilized in the upper central portion of the Northern Pass Project. Include the specifications for the wire, the turning radius, the trench specifications, backfill, manholes, depths, and all other construction details related to the burial of the line.

Response: Please see the Applicants' Response to GCC 1-1.

In addition, the cable system proposed for this project is a ± 320 kV Direct Current (DC) Cross-Linked Polyethylene (XLPE). The cable has a copper conductor, XLPE insulation, an aluminum radial moisture barrier, and a High-Density Polyethylene (HDPE) cable jacket. Each cable has an outside diameter of approximately 4.53 inches and a weight of approximately 19.1 lbs/ft. The maximum operating temperature of the conductor under normal operation is 70°C. The minimum bending radius of the cable system near terminations shall be approximately 7 feet. The maximum side wall pressure of the cable system is approximately 1,000 lbs/ft of radius. The minimum bending radius of the cable longitudinally installed in duct bank shall be approximately 50 feet, to allow for cable pulling through conduit.

GCC 1-32 Please provide a detailed analysis of the operating line losses of the Northern Pass Project at various levels of capacity from 10% to 100% for the overhead DC portion, the underground DC portion, and the overhead AC portion. Please convert the line losses to kilowatt hours per mile per hour of operation, and the total miles of each type of line so as to convert to total line losses for the entire project cabling system.

Response: The Applicants object to the question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. The Applicants further object to this question to the extent it requires the Applicants to develop additional data or calculations that are not presently in the care, custody, or control of the Applicants.

Notwithstanding the objection, the Applicants answer as follows:

The total line loss for the entire DC section of the Project, beginning at Des Cantons Substation in Quebec and ending at the Converter terminal in Franklin, at the full load rating of 1090 MW, is approximately 23 MW. The loss for the overhead line section is approximately 18 MW; the loss for the underground cable section is approximately 5MW. The entire DC line length from Des Cantons to Franklin consists of 147 miles of overhead line and 60.5 miles of underground cable. The Applicants have not previously calculated line losses for the overhead DC portions of the line separate and apart from underground DC portions of the line.

The total AC line loss for the Project at the full load rating of 1090 MW is approximately 12 MW for the 33.7 mile overhead line.

GCC 1-33 Please provide the operating temperature of the 3 types of lines referenced above at the various operating loads referenced above and the BTU line loss calculations per hour per mile of line.

Response: The Applicants object to the question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. The Applicants further object to this question to the extent it requires the Applicants to develop additional data or calculations that are not presently in the care, custody, or control of the Applicants.

Notwithstanding the objection, the Applicants answer as follows:

At the full load rating of 1090 MW the DC Overhead line is rated at 55°C, DC Underground line is rated at 70°C and the 345kV AC Line is rated at 62°C. The Applicants have not created BTU line loss calculations per hour per mile of line.

GCC 1-34 Please describe in detail any discussions, meetings, correspondence or efforts of any kind or nature whatsoever undertaken with NH DOT and/or others concerning the possible use of the I-93 corridor as an alternate route, and please provide copies of any resulting or related documentation.

Response: The Applicants object to this data request to the extent it seeks to obtain confidential, commercial and financial information or communications. See RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). See, e.g., Application of Laidlaw Berlin BioPower, LLC, *Order on Partially Assented-to Motion for Protective Order and Confidential Treatment for Certain Confidential, Commercial, and Financial Documents*, NH SEC Docket 2009-02 (June 9, 2010) (granting confidential treatment for business plans and financial models because disclosure of the information could negatively affect the applicant’s competitive position in the renewable energy market); Application of Antrim Wind Energy, LLC, *Order on Outstanding Motions*, NH SEC Docket 2012-01, 4 (August 22, 2012) (denying motion to compel the production of information that “is highly confidential and could negatively affect the competitive interests of the Applicant.”). Moreover, the Applicants object to this question as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence. RSA 162-H:7, V(b) requires the Applicant to “identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.” The Applicants have done that. See Application Section 301.03(h)(2) . Other hypothetical alternatives are not subject to consideration under RSA 162-H:7 (application requirements for a certificate) or 162-H:16 (findings required for issuance of a certificate) and therefore are not relevant. See also *Decision Granting Certificate of Site and Facility with Conditions*, Application of Laidlaw Berlin BioPower, LLC, NH SEC Docket 2009-02 (Nov.8, 2010) at 36–40 (finding that RSA 162-H does not require the subcommittee to review all “available alternatives” and does not require consideration of every possible alternative).

Notwithstanding these objections, the Applicants answer as follows:

NPT representatives have had numerous meetings and discussions with NH DOT regarding the project and it is possible that I-93 came up in passing during one or more of those meetings or discussions.

On September 11, 2014, NPT representatives met with NH DOT personnel including then Assistant Commissioner Jeffrey Brillhart. NPT informed NH DOT that it would be studying alternatives to the proposed overhead route, including using public highways for undergrounding. NH DOT expressed its strong preference that the traditional highways, such as Rt. 3, be considered for such purposes. NH DOT affirmed its long-held policy preference that Limited Access Facilities like I-93 not be disturbed or impacted for utility use except in extreme circumstances. NPT was advised to consult the NH DOT’s Utility Accommodation Manual (“UAM”) as any application would have to comply with its requirements.

On March 1, 2016, NPT representatives met with NH DOT and discussed the possible use of I-93. NH DOT reiterated its concerns, indicating that it was aware of NPT’s public statements

regarding NH DOT's policies. NH DOT also expressed serious concern regarding any use of Franconia Notch due to the binding agreement restricting further construction. Without waiving the attorney-client privilege or work product privilege, the Applicants upload the Conference Report and Meeting Minutes associated with these discussions to the ShareFile Site in response to this request.

NH DOT has consistently stated, as set forth in the UAM, that even in the rare event any longitudinal use of I-93 were considered, it would have to be away from the roadway as close to the fenceline (edge of right of way) as possible. Furthermore, access during construction and maintenance would not be allowed, except in extreme situations, from the highway or ramps for safety reasons.

GCC 1-35 In relation to your assertion that DOT will not approve the use of interstate corridors for utility lines, please explain entry #8 in the SEC docket, a map titled "NHDOT Recommended Energy Infrastructure Corridors on Transportation Rights of Way" which identifies 1-93 (among others) as such a corridor and appears to have been submitted to the SEC by DOT.

Response: The Applicants object to this request to the extent it misstates the Applicants' positions and statements. The map in question was not submitted to the SEC by NH DOT.

Notwithstanding the objection, the Applicants answer as follows:

The document in question was submitted to a legislative subcommittee as part of a study process in August and September 2012. The map notably is labelled "for discussion purposes only" and excludes Franconia Notch from consideration. The document in question has been uploaded to the ShareFile Site.

GCC 1-36 Since NP has no public contracts below market rates we must assume power will be sold on the day-ahead market. How then can NP say there will be rate savings?

Response: As explained in the first and the second paragraphs of Section 5 of the LEI Report, entities selling power via Northern Pass (“NP”) would be expected to sell on the day-ahead energy market. However, in order to maximize sales volumes and revenues, they would rationally act as “price takers” in the ISO-NE wholesale electricity market. Price taking means that the entities selling power would be willing to accept the market clearing price in the day-ahead market. The conclusions in the LEI Report are not premised on “public contracts” below market rates and, as explained below, rate savings do not require such contracts.

Once power is scheduled into the ISO-NE day-ahead (or real-time) energy market, by virtue of the supply-demand equilibrium, certain more expensive generation will no longer be necessary to clear the market, and, therefore, the market clearing price (locational market prices of energy) would be lower. This effect is illustrated in Figure 14 of the LEI Report, which shows that energy sales on NP will shift the supply curve to the right from the Base Case curve to the Project Case curve, setting a lower market clearing price.

Rate savings are measured by looking at the change in market clearing prices relative to a situation where the NP project is not built. In such a situation, the day-ahead market would still face the same level of demand, but without the power associated with NP, that is, 1,090 MW per hour on average during on-peak periods and 545 MW on average during off-peak periods.

GCC 1-37 Are there contemporary third-party data available to accurately assess the true cost installation and total cost of ownership of buried transmission line using best available practices?

Response: True installation and operating costs are specific to each project and its location. As noted in the Applicants' Response to Municipal Group 1 South's Data Request MG1S 1-3, the Applicants have provided "LIFE-CYCLE 2012 Connecticut Siting Council Investigation into the Life-cycle Costs of Electric Transmission Lines, Final Report November 2012."

GCC 1-38 If the marginal cost of burial is less than the incremental cost to supply the power, is the only reason for not burying to increase profits for the developers? Why would this be in the interest of the state or ratepayers?

Response: The Applicants object to the request as it is vague and ambiguous as to what is meant by "if the marginal cost of burial is less than the incremental cost to supply the power." The Applicants further object to the request to the extent that the request presents a hypothetical and, therefore, calls for speculation. Finally, the Applicants object to the premise of the request because it calls for the assumption of an improper conclusion about the Project's economics.

Notwithstanding these objections, the Applicants answer as follows:

No. Please refer to the Applicants' Response to Conservation Law Foundation, Appalachian Mountain Club, New Hampshire Sierra Club, and Ammonoosuc Conservation Trust's Data Request ENV 1-1 for more details regarding economic considerations of additional burial.

GCC 1-39 Since HVDC has significantly lower line losses, why isn't it being utilized for the entire length of NP?

Response: HVDC typically has lower line losses when compared to HVAC; however, line losses were just one of the factors considered during the planning of Northern Pass. Other technical factors that influence the Project design and associated costs including losses, are the operating voltage of the AC and DC line sections, conductor selection, electrical effects (corona), construction costs for each associated design under consideration, and the ability to locate an appropriate site for the converter terminal.

Please see the documents uploaded to the ShareFile Site in response to this request.

GCC 1-40 What would happen if the Applicants decide to discontinue the Project after construction has commenced.

Response: Hydro Renewable Energy Inc. (“HRE”) is obligated to pay all costs of decommissioning funding pursuant to Section 9.3 of the Transmission Service Agreement (“TSA”) between NPT and HRE.

Termination rights are outlined in Section 3.3. Section 3.3.8 provides that HRE may terminate for convenience during construction subject to the condition that NPT recovers certain identified costs. The TSA does not provide for termination by NPT for convenience during construction. Article 15 of the TSA addresses the rights and obligations of NPT and HRE in the event of a default, while Article 16 addresses force majeure events.

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VIA EMAIL AND US MAIL

dfm *August*
April 15, 2016

Ms. Pamela G. Monroe, Administrator
New Hampshire Site Evaluations Committee
21 South Fruit Street
Suite 10
Concord, NH 03301-2429

Re: NH Site Evaluation Committee Docket No, 2015-06

Dear Ms Monroe:

Please find enclosed for filing in Docket No 2015-06 please find Exhibit 1 to the Grafton County Commissioners Motion to Orfor Further Responses to Discovery Requests. The motion noted that we were filing it under seal in an abundance of caution, but counsel for the Northern Pas, Thomas Getz, Equire, agrees withthe Grafton County Commissioenrs that it does not need to be filed under seal.

Copies have been forwarded via email to all parties on the Service List.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Lara Saffo

Cc: Docket No 2015-06 Service List