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August 15, 2016

Pamela Monroe, Administrator
New Hampshire Site Evaluation Committee
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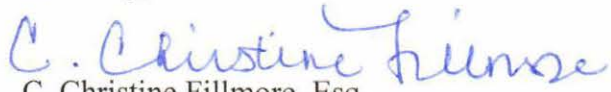
**Re: New Hampshire Site Evaluation Committee Docket No. 2015-06
Northern Pass Transmission Project Application**

Dear Ms. Monroe:

Enclosed for filing with the NH Site Evaluation Committee in connection with the above-referenced docket, please find originals of the following documents, filed electronically this afternoon: (a) Motion to Compel Responses to Data Requests Propounded by Municipal Group 1 South, and (b) Motion to Compel Responses to Data Requests Propounded by Municipal Group 2.

Copies of the enclosed document have been sent by e-mail today to each person listed on the SEC distribution list for this docket as of August 15, 2016. Thank you for your assistance with this matter.

Sincerely,


C. Christine Fillmore, Esq.

cc: Distribution List (e-mail)
Steven Whitley, Esq.

**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

**MOTION TO COMPEL RESPONSES TO DATA REQUESTS PROPOUNDED BY
MUNICIPAL GROUP 2**

Municipal Group 2, consisting of the Towns of Sugar Hill, Franconia, Easton, Woodstock and Plymouth (“Municipal Group 2”), by and through attorneys for Woodstock (Mitchell Municipal Group, P.A.) and attorneys for Sugar Hill, Franconia, Easton, and Plymouth (Gardner, Fulton & Waugh, PLLC), respectfully move to compel responses to data requests in accordance with N.H. Admin. R. Site 202.12(k) and 202.14, stating as follows:

1. On May 31, 2016, Municipal Group 2 propounded its first set of data requests. On July 11, 2016, Municipal 2 received the Applicants’ responses to those data requests. However, those responses were not complete. *See* Exhibit A. The Applicants and representatives of several of the governmental entities and non-governmental entities met on July 26, 2016 to discuss discovery-related issues and some of the incomplete responses. The Applicants sent an email on August 11, 2016 indicating that it would not be providing internal communications relating to the Northern Pass project on the basis that it believes that those documents are not relevant or material to the SEC proceeding. *See* Exhibit B. It is apparent that any effort to obtain such documents will be unsuccessful.

2. N.H. Admin. R. Site 202.12(b) entitles parties to the proceeding to serve data requests, “which may consist of a written interrogatory or request for production of documents.” N.H. Admin. R. Site 202.12(l) further provides that the presiding officer shall authorize “any

other discovery method permissible in civil judicial proceedings before a state court, when such discovery is necessary to enable the parties to acquire evidence admissible in a proceeding.”

3. In New Hampshire, “the basic assumption [is] that the orderly dispatch of judicial business is accomplished more efficiently where every plaintiff and every defendant is given adequate opportunity to properly prepare his case before trial,” and tribunals are therefore empowered to compel discovery responses. *Durocher’s Ice Cream, Inc. v. Peirce Const. Co.*, 106 N.H. 293, 295 (1965) (internal quotation omitted).

4. The fact that this case involves an administrative proceeding before the Site Evaluation Committee does not modify the Applicants’ obligations to provide the requested information and documents. As legal counsel for the Applicants have acknowledged in another case, the standard for discovery before the Site Evaluation Committee is similar to civil litigation, and the ability to obtain documents should be broadly construed. *See* Exhibit C. In that case, New Hampshire Rule of Evidence 401 was referenced to address what type of evidence would be relevant. *Id.* New Hampshire Rule of Evidence 401 defines “relevant evidence” as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”

5. Here, the responses to the data requests are incomplete for a number of reasons. As an initial matter, the responses do not identify the individuals who provided the responsive information. Instruction 7 in the Data Requests specifically requested that, for each response, Applicants “Identify the person who provided the responses and who will be responsible for testimony concerning each request. Also for each response, Identify each individual who

supplied any Information in response to the question.”¹ Each of the data request responses should be supplemented to provide such information. The obligation to identify the individual who provided the response is further addressed by other parties seeking to compel that information, and their legal arguments are incorporated by reference herein.

6. Applicants’ responses are also globally incomplete because the Applicant has not provided internal communications relative to the data requests. Applicants’ counsel has stated that the “Applicants did not produce certain internal communications because such communications are not relevant or material to the SEC’s determination as to whether the Application meets the specific findings required for issuance of a Certificate.” *See* Exhibit B. However, the scope of discovery in this proceeding is, as noted in paragraph 4 above, broad enough to encompass evidence affecting any fact of “consequence.” The data requests seek information regarding the impacts of the Project, and each is relevant to the determination of whether the Applicants have met the standards in RSA 162-H:16, IV(a), (b), (c), and/or (d). The Applicants should be required to produce all information, documents and communications responsive to the requests.

7. In addition, the Applicants’ responses are insufficient because many are in formats that require the requesting parties to purchase costly software simply to read and view them. Following the July 26, 2016 meeting between the Applicants and representatives of several of the intervening parties, the Applicants provided the parties with a list identifying the software required to view the 25 different file types in which the Applicants had produced documents. *See* Exhibit D. However, of these file types, only 9 are readily-available formats. The remaining file types require the purchase of expensive software licenses. Production of

¹ Please note that Municipal Groups 1 South, 2, 3 North, and 3 South included identical Instructions with their data requests.

documents in these formats is simply not compatible with the basic assumption regarding discovery in New Hampshire, namely, that “the orderly dispatch of judicial business is accomplished more efficiently where every plaintiff and every defendant is given adequate opportunity to properly prepare his case before trial,” and tribunals are therefore empowered to compel discovery responses. *Durocher’s Ice Cream, Inc. v. Peirce Const. Co.*, 106 N.H. 293, 295 (1965) (internal quotation omitted). This assumption underlies the conduct of discovery in New Hampshire regarding electronically stored information as well as traditional paper documents. For instance, New Hampshire Superior Court Rule 25(d) provides that electronically stored information may be sought and obtained in discovery and that it may be “stored in any medium from which information could be obtained either directly, or, if necessary, after translation by the responding party into a reasonably usable form.” The Applicants should not be permitted to withhold information from the other parties to this matter by providing it in a format that is unreasonably difficult to view.

8. Many of the data request responses are also incomplete. The following sets forth the specific data requests that need to be additionally supplemented:

(a) Data Request 1:

Do you contend that from residences the Project will be not more visible than the existing lines, and if so State the Basis of your contention.

The response to this data request is incomplete because Applicants’ answer (“The Applicants do not anticipate that the Project will be more visible than the existing lines from all residences.”) misconstrues the request. The intent of the request was to determine whether the Applicants contend that the Project will not be more visible from **any** residences, not **all** of them, as the Applicants phrased it in their response. The Applicants provided no additional documents and referred to Appendix 17 of the

Application and Attachment 8 to the Applicants' Additional Information to Address Revised SEC Rules. The request is incomplete because it provides no additional information or documents beyond the Application itself to address the visual impacts the Project may have on the view from residences.

(b) Data Request 10:

Identify any new SEC filings anticipated that discuss, analyze or illustrate revised impacts due to changes in the Project.

The response to this data request is incomplete because Applicants' response was simply to refer to the Application and Additional Information, and a statement that "[a]t this time, the Applicants do not anticipate filing any additional information that would revise impacts due to changes in the Project. However, should changes be made to the Project during the siting process, the Applicants will submit information as necessary at that time." However, the responses the Applicants provided to Data Requests 4, 5, 6, 7, 16, 18, and 21 each indicate that the Applicants are currently conducting geotechnical investigations to determine the final locations of the Project and that this information is not yet available. This inconsistency in responses indicates that the Applicants do have reason to anticipate that changes may be made to the Project which are likely to affect the impacts that are the subject of the above-listed data requests (wetlands, waterbodies, streams, trees, municipal underground infrastructure, existing structures and buildings). The response fails to account for any of this and is an indication that the Applicants simply do not wish to share that information yet, an option not open to them in this proceeding.

(c) Data Request 11:

RSA 162-H:16, IV(b) prevents the Site Evaluation Committee from issuing a certificate for the Project unless it finds that it “will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and governing bodies.” Please provide all Documents, Information and Communications that evidence, discuss, or relate to Your efforts to learn about the municipal master plans, land use ordinances, and land use regulations of each municipality along the proposed Project route, Your efforts to avoid conflicts between the Project and such plans, ordinances and regulations, and State the Basis for your conclusion that the Application, as submitted, meets the statutory standard.

The response to this data request is incomplete because the Applicants failed to provide internal communications relative to the Applicants’ efforts to learn about such local matters and attempts to avoid conflicts between the Project and such local matters. The Applicant provided referred to Appendix 41, Section 5.7 and Attachment A of the Application, and provided one additional document in response to this request – a summary of selected (and incomplete) portions of some, but not all, of the local land use ordinances, regulations and master plans of the municipalities along the proposed Project route. The response failed to include any communications between the Applicant and those municipalities, documents reflecting analysis of the relationship between the Project and such land use matters, or similar documents.

(d) Data Request 17:

Describe the technical, practical and economic consequences During the Project as they relate to future maintenance of both the Project and municipal infrastructure and resources along the buried portion of the route, including without limitation steps and precautions that will be required to work around the Project; increased cost to work around the Project and possibly relocate municipal infrastructure; any limitations which affected municipalities will be subject to in providing future maintenance, repair, construction, or removal of municipal buried or aboveground infrastructure; nature and extent of any anticipated liability on your part for the expenses associated with these consequences and/or any unforeseen, unanticipated or unintended consequences of the project; plans to compensate municipalities and private owners for the increased expense of construction, operation, and maintenance of infrastructure.

The response to this data request is inadequate. The Applicants stated that they “do not expect that the Project will increase any future maintenance costs relating to municipal infrastructure

and other resources buried along the Project route...do not expect that there will be any increased costs for municipalities to work around the Project or to relocate existing municipal infrastructure. Therefore the Applicants do not anticipate the need to compensate municipalities and private owners for any potential increased expenses related to the construction, operation, and maintenance of the facility....” This response indicates either an unwillingness to provide the information requested (which is relevant to both the public interest and orderly development elements of RSA 162-H:16, IV) or a startling lack of understanding that placing a high-voltage transmission line four feet belowground might have some impact on a municipality’s ability to access existing infrastructure that may be below, above or immediately adjacent to the buried line, the cost for a municipality to bore beneath the line to place future municipal infrastructure, or similar foreseeable situations.

(e) Data Request 21:

Produce Documents and Information, addressing all impacts, consequences, and costs for the Project during all phases (construction, operation and decommissioning) related to the impacts to existing and future infrastructure (including but not limited to storm drainage, water, sewer, electric, telecommunications, cable, internet, fiber optic lines, and any other similar items), including [Request lists 14 categories of Project impacts related to municipal infrastructure].

The Applicants objected to this request “to the extent it seeks to have the Applicants develop additional information, reports, or other documents that are not currently with the Applicants’ care, custody, or control.” This misconstrues the data request, which was for existing information, documents and communications regarding those anticipated impacts. The listed subjects are relevant to the impact the Project will have on each municipality along the Project route. With particular respect to Data Request 21(f) (which requested data regarding impacts of the Project upon “future maintenance, repair, construction and removal of municipal

infrastructure”), the Applicants’ response was incomplete. The response is that “Applicants do not expect that the project will increase any future maintenance costs relating to municipal infrastructure and other resources buried along the Project route. The Applicants will maintain the Project within the existing ROW, whether above-ground or belowground. The Applicants do not expect that there will be any increased costs for municipalities to work around the Project or to relocate existing municipal infrastructure.” However, the Applicants have failed to provide any information regarding how they reached this conclusion with respect to buried portions of the Project and its interaction with underground municipal infrastructure.

(f) Data Request 22:

Please provide all correspondence, specifications, request for information and pricing, vendor pre-qualification and any other communications with outside third-party vendors and contractors requesting pricing, planning, design, construction administration and operation construction proposals, engineering proposals, operation and maintenance proposals and any other services, equipment material or costs related to the construction and operation of the Project.

The Applicants object to this request on the basis of confidentiality; however, Group 2 has entered a confidentiality agreement with the Applicants for the provision and protection of confidential information, but still has not received any documents responsive to this request. The Applicants also objected on the basis of relevance; however, the cost of the project is relevant to the public interest component. Applicants’ response is inadequate, as it refers only to a description of the team of contractors, publicly available on its website. Applicants should be required to produce responsive documents.

(g) Data Request 23:

Please provide all studies, cost estimates, work papers and analyses from You and Your consultants and vendors related to Your analysis and decisions to build above-ground or below-ground electric transmission lines for every portion of the Project.

Applicants objected, in part, to the extent the request “seeks information not relevant to the proceeding and therefore not reasonably calculated to lead to the discovery of admissible evidence.” However, the information on the relative cost to construct the Project above-ground or below-ground is relevant to whether the Project will serve the public interest, and the Applicant’s claim that the complete burial of the Project might make it uneconomic. To the extent the Applicants withheld information, documents and communications that are responsive to this request, including but not limited to the details of the summary studies the Applicant did produce, they should be required to provide them.

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

- A. Grant the motion to compel;
- B. Require the Applicants to provide the requested information and documents; and
- C. Grant such other and further relief as may be just.

Respectfully submitted,

MUNICIPAL GROUP 2

TOWN OF WOODSTOCK

By and through its attorneys,

MITCHELL MUNICIPAL GROUP, P.A.

Dated: August 15, 2016

By: 
For Steven M. Whitley
Steven M. Whitley, Esq., Bar #17833
25 Beacon Street East
Laconia, New Hampshire 03246
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TOWNS OF EASTON, FRANCONIA,
PLYMOUTH AND SUGAR HILL

By and through their attorneys,

GARDNER, FULTON & WAUGH, PLLC

Dated: August 15, 2016

By: C. Christine Fillmore
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Data Requests have this day been forwarded via e-mail or mail to persons named on the Distribution List of this docket.

Dated: August 15, 2016

By: C. Christine Fillmore
C. Christine Fillmore, Esq.

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' RESPONSES TO MUNICIPAL GROUP 2
TOWNS OF SUGAR HILL, FANCONIA, EASTON, WOODSTOCK, AND
PLYMOUTH'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 Municipal Group 2 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

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.

document request relating to materials that are protected as confidential, the Applicants do so without waiving the confidentiality of the respective documents.

Responses

MG2 1-1 Describe with specificity how the Application addresses with respect to visual impact the difference between current conditions and conditions proposed for the Project, for example the different sizes, materials, and heights of structures above tree line.

Response: The Northern Pass Transmission Line Visual Impact Assessment (“VIA”), Appendix 17, provides a description of the existing corridor for each of the municipalities along the route. This includes a general description of the right-of-way width(s); the type(s), voltage, and materials of transmission and distribution structures (where applicable); the topography surrounding the corridor; the vegetation bordering the transmission corridor; and adjacent land use.

For each of the municipalities along the corridor, the VIA also provides a general description of the changes within the existing corridor that will result from the installation of the Project: the type, voltage, materials and locations of new and relocated transmission and distribution structures (where applicable); vegetative clearing required for the installation of the Project.

The VIA provides more specific information regarding views of the Project and the effect that it will have on each of the scenic resources evaluated along the project route:

- Existing Transmission Corridor (where applicable): right-of-way width; width of transmission line clearing; existing transmission structures (height, type, material); visibility of existing structures and corridor clearing.
- Visible changes resulting from the project construction: additional clearing within the right-of-way (where applicable); the type, voltage, materials and locations of new and relocated transmission and distribution structures (where applicable).

The narrative accompanying the visual impact assessment of each scenic resource describes the visual effects of these changes on the individual resource. Where applicable, photosimulations are provided that graphically illustrate the difference between current conditions and the changes that will result from the installation of the Project. Each photosimulation includes a table of technical information showing existing and proposed conditions (structure types and height ranges for existing and proposed structures that may be visible, right-of-way widths).

The viewshed mapping provided in Appendix A of the VIA also demonstrates the difference between the areas with potential visibility of the existing and proposed conditions in the transmission corridor. See Page M-6 of the VIA for the description between the viewshed map types provided in the VIA.

In addition to the information provided in the VIA, the Project Maps in Appendix 1 of the Application provide scaled cross sections throughout the length of the project that illustrate (where applicable) the existing and proposed right-of-way widths; existing and proposed edges of clearing; and existing and proposed transmission and distribution structures. The Project maps identify all existing and proposed transmission and distribution structures, along with a

variety of other natural resource data. Each cross section is keyed to a table that lists the structure identification number and its height.

MG2 1-2 Please state to how many recipients you provided a hard copy of the Application which included photo simulations at the intended 11" x 17" size.

Response: A hard copy of the Application including 11" x 17" photo simulations was delivered to eight (8) recipients. The Applicants provided hard copies of the Application where it was requested, and provided electronic versions of the Application where Towns and agencies preferred to receive them electronically. The recipients of hard copies were as follows:

- Town of Ashland
- Town of Campton
- City of Concord
- Town of Easton
- Site Evaluation Committee
- US Fish and Wildlife Service
- New Hampshire Department of Transportation
- New Hampshire Fish and Game Department

MG2 1-3 Do you contend that from residences the Project will be not more visible than the existing lines, and if so State the Basis of your contention.

Response: The Applicants do not anticipate that the Project will be more visible than the existing lines from all residences. The Applicants' visual experts have conducted a thorough visual impact assessment ("VIA"), which is contained in the Application: Appendix 17. The Applicants also submitted additional photosimulations from representative private property locations along the Project route to determine whether the Project may be visible from those properties. See Attachment 8 to the Applicants' Additional Information to Address Revised SEC Rules filed with the SEC on February 26, 2016 and available on the SEC's website.

MG2 1-4 Shoreland impact to Gale River:

- a. What are anticipated impacts to shoreland south of Coffin Pond in Sugar Hill (Tax Map 206), on Route 18 near the lot identified as 3550 on the preliminary construction plan? Route 18 runs very near the Gale River in that location, but no shoreland permit was requested.
- b. Where will the trench be located along Route 18 next to the Gale River, in the road bed or to the west of the road? What plans are in place to avoid further erosion of the river bank in this area? Will vegetation in this narrow strip of land between the river and Route 18 be disrupted?
- c. What plans exist to address the impact on the project of the major ice dams that occur frequently in this area of the river?

Response:

a. The work within the protected shoreland of the Gale River along Route 18 south of Coffin Pond is included in the Sugar Hill - Gale River Shoreland Application. The table of impacts for that area is:

Sugar Hill Gale River Site 1	0'-50' Waterfront Buffer	50'-150' Natural Woodland Buffer	150'- 250'Shoreland Buffer	Total Impacts at Shoreland Crossing
Temporary Impacts	5,590 sq. ft. trenching	17,988 sq. ft. trenching	2,598 sq. ft.	26,176 sq. ft.
Permanent Impacts	0 sq. ft.	0 sq. ft.	0 sq. ft.	0 sq. ft.
Pre- Construction Impervious Surface Area	12,925 sq. ft.	58,053 sq. ft.	7,809 sq. ft.	78,787 sq. ft.
Post- Construction Impervious Surface Area	12,925 sq. ft.	58,053 sq. ft.	7,809 sq. ft.	78,787 sq. ft.

The shoreland applications are grouped by waterbody and municipality, at the request of the NH DES Shoreland Department, so the application for the Gale River Shoreland in Sugar Hill is separate from the Sugar Hill – Coffin Pond Shoreland Application.

b. The Applicants have created preliminary design alignments for the underground route along Route 18 and Coffin Pond next to the Gale River in Franconia and Sugar Hill. 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 DOT during the design review process. The design will include locations of the splice enclosures, specific distances between the enclosures and the depths of the line. The detailed design is scheduled to be completed by early 2017. The Project will not be constructed in a place that will cause further erosion of the river bank.

c. The Project will not be constructed in or on the banks of the Gale River. Therefore, there are no anticipated impacts to or from ice dams along the river. Due to NH DOT road access restrictions during the winter months, the Applicants will not be performing underground construction during the ice dam season.

MG2 1-5 How will construction cross the two small stream culverts that empty into Coffin Pond in Sugar Hill?

Response: Please see the Applicants' Response to MG2 1-4(b).

MG2 1-6 Trees along Route 18 in Sugar Hill: Route 18 in this area is approximately 24 feet wide. There is limited shoulder on either side, providing a narrow area for equipment and work, particularly from the Bethlehem town line into Sugar Hill to Indian Stream. The area in which the project is proposed to pass here has a very narrow width between the edge of pavement and the adjacent trees and utility poles. How do you plan to avoid damage to the trees, large pines, 12-20 feet in diameter and 50-60 feet high, many of which are within 8 feet of the pavement? What information do you have regarding the choice to run the proposed line through this location, rather than an area less prone to damage the trees?

Response: Please see the Applicants' Response to MG2 1-4(b). Wherever possible, the Applicants will design the Project to avoid and minimize any potential impacts to trees and utility infrastructure along the route.

MG2 1-7 Produce all documents, information, and communications that evidence, discuss or relate to the Project crossing of 1st, 2nd, and 3rd order streams that was not included in the Application and excluding general reference to Best Management Practices, including without limitation, mitigation of potential impacts from heavy equipment. Note that it is not required to produce documents on file and publically available at the N.H. Public Utilities Commission.

Response: All information regarding the crossing of 1st, 2nd, and 3rd order streams was included in the SEC Application, including the Wetlands, Rivers, Streams, and Vernal Pools Resource Report (Appendix 31), the Impact Analysis, Application for State of New Hampshire Department of Environmental Services Wetland Permit for Major Dredge and Fill Project (Appendix 2), and the Natural Resource Mitigation Plan (Appendix 32). Additional information specific to crossing methods that meet the Project commitments to avoiding permanent impacts is expected to be developed by the Contractors for the Project after they perform a pre-construction project walkdown.

MG2 1-8 Produce all documents, information, and communications that evidence, discuss or relate to the use of chemical ground rods in connection with the Project, including without limitation, identification of chemicals likely to be used, locations, manufacturer information, and storage.

Response: The Applicants object to the request as the meaning of “chemical ground rods” is vague and ambiguous.

Notwithstanding the objection the Applicants answer as follows:

The Applicants assume that the data request is asking if chemicals will be utilized in the grounding system design, specifically the use of chemicals in place of conventional ground rods. The Project does not plan to use chemical ground rods in the design of the Project grounding systems.

MG2 1-9 Aside from your February 26, 2016 Request for Partial Waivers Under the Newly Adopted SEC Rules, please produce a complete and detailed list of all waiver, exemption, or similar requests with respect to any legal requirement, including without limitation the specific law at issue, the governmental agency authorized to decide the request, the date the request was or is planned to be made, copy of the request, and reason for the request.

Response: The Applicants have previously submitted all requests for waivers to the Site Evaluation Committee, either as part of its initial filing, *see* Application, Section (d)(4) at Page 21, or as part of its February 26, 2015 submission of Additional Information to Address Revised SEC Rules and Applicants' Request for Partial Waivers Under the Newly Adopted SEC Rules. The Applicants are not seeking any other waiver, exemption, or any other similar request with respect to any legal requirement as part of the Application for a Certificate of Site and Facility.

MG2 1-10 Identify any new SEC filings anticipated that discuss, analyze, or illustrate revised impacts due to changes in the Project.

Response: The Applicants have submitted the original Application with 51 separate Appendices that discuss the Project, potential impacts, and methods to avoid, minimize, and mitigate impacts. Since filing the Application, the Applicants have submitted Additional Information to Address Revised SEC Rules and information to Address Errata in the Application. At this time, the Applicants do not anticipate filing any additional information that would revise impacts due to changes in the Project. However, should changes be made to the Project during the siting process, the Applicants will submit information as necessary at that time.

MG2 1-11 RSA 162-H:16, IV(b) prevents the Site Evaluation Committee from issuing a certificate for the Project unless it finds that it “will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.” Please provide all documents, information and communications that evidence, discuss or relate to Your efforts to learn about the municipal master plans, land use ordinances, and land use regulations of each municipality along the proposed Project route, Your efforts to avoid conflicts between the Project and such plans, ordinances, and regulations, and State the Basis for Your conclusion that the Application, as submitted, meets the statutory standard.

Response: The Project's expert collected, reviewed and evaluated the master plans and zoning ordinances from affected municipalities along the Route. Detailed summaries of these documents were developed and incorporated into the land use descriptions that are presented in the Application: Appendix 41 - Attachment A of the report “Review of Local, Regional and State Planning.” Please see the document uploaded to the ShareFile Site in response to this request. This document is a working draft created by Normandeau to inform both Normandeau’s analysis in Appendix 41 of the Application and the expert Pre-Filed Testimony of Robert Varney.

Please see the Application: Appendix 41 - Section 5.7 for information regarding the basis for the Applicants’ conclusions. Also please take note that the Project route will be underground in the towns comprising the Municipal Group 2.

MG2 1-12 Please state whether you have evaluated the net impact of the proposed transmission line on property tax valuations and revenues, and produce any and all analyses, studies, or reports You prepared or rely upon concerning this issue.

Response: Dr. Shapiro prepared an analysis to estimate the proposed transmission line Project's property valuations and revenues. See the Application: Volume XXXIV, Appendix 44 - NPT Estimated New Hampshire Property Tax Payments Report and Dr. Shapiro's Pre-Filed Testimony. The Applicants also analyzed the possible effect of HVTL on real estate markets in New Hampshire and concluded "there is no evidence that HVTL result in consistent measurable effects on property values, and, where there are effects, the effects are small and decrease rapidly with distance." See James Chalmers Pre-Filed Testimony, at Page 10 and the Application: Volume XXXV, Appendix 46 - High Voltage Transmission Lines and Real Estate Markets in New Hampshire: A Research Report, June 30, 2015.

MG2 1-13 Please provide the names and compensation of your officers and directors.

Response: The Applicants object to this request because it seeks information not relevant to the proceedings. Notwithstanding the objection, the Applicants respond as follow:

The Applicants previously supplied the names of the Applicants' officers and directors in the Application. See Section (b)(4)(c). For information regarding the compensation of the top five officers and directors for Eversource Energy, please refer to Item 11 in the Eversource Energy Form 10-K for the fiscal year ending December 31, 2015, *available at* http://phx.corporate-ir.net/phoenix.zhtml?c=119413&p=irol_sec&secCat01.1_rs=21&secCat01.1_rc=10

MG2 1-14 Please produce copies of all Documents, Communications, Information that evidences, discusses or relates to whether or not to proceed with the proposed Project and/or approving the \$1.6 billion cost estimate, including without limitation: data of any kind and in any form presented at any time by any persons, including but not limited to employees and outside consultant to any Northern Pass LLC, PSNH, NU-Affiliated management persons(s) and board of directors/trustees or corporate committees; and materials which show over time how the cost estimates for the project have increased.

Response: The Applicants object to this request as it seeks to obtain confidential information that is competitively sensitive pursuant to RSA 91-A, IV. The terms 'commercial or financial' encompass information such as 'business sales statistics, research data, technical designs, overheads and operating costs, and information on financial condition." *See Union Leader Corp. v. New Hampshire Housing Finance Authority*, 142 N.H. 540, 553 (1997).

Notwithstanding the objection, the Applicants are prepared to produce certain confidential information, to the extent it is relevant to this proceeding and not business confidential, as soon as the requesting party complies with the requirements of the SEC order governing confidential documents in this proceeding.

MG2 1-15 Please produce copies of all Documents, Information, and Communications that evidence, discuss, or relate to employment impacts of the project, including without limitation those used by You, and those regarding the loss of employment associated with the closure or reduced operations of any New Hampshire or New England generating plant as a result of Northern Pass providing power into the New England regional wholesale or retail market.

Response: LEI's Base Case (without Northern Pass) includes already announced retirements that are shown in Figure 64 of Section 10.5 in the LEI Report. In the Project Case (with Northern Pass), the Northern Pass was not found to induce any additional economic retirements.

MG2 1-16 Produce all documents, information, and communications that evidence, discuss or relate to water, sewer, and stormwater infrastructure, including without limitation: public and private drinking water wells, septic systems, treatment works, main lines, extension lines, in connection to the Project, including without limitation: precautions to be taken; engineering and surveying completed; splice pits; identification of potentially impacted infrastructure; baseline sampling; operations and maintenance plan; avoidance and minimization of conflict or interference between the Project and such existing infrastructure; probability of damage and plan for repair; plan for compensation to owners who are affected; inventory of wells including size, depth, age, and flow rate.

Response: The Applicants do not expect the Project will impact private drinking water wells, septic systems, or other infrastructure during construction and operation. As discussed in Response to Data Request MG2 1-4(b), 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. The engineering survey will also determine the location of existing underground utilities such as water, sewer, storm, gas, electrical, etc. where applicable. Furthermore, a full description of the precautions that will be taken by the Applicants is in the Pre-Filed Testimony of John Kayser, at Pages 7 - 10, and 31.

In the event any damage occurs due to construction of Northern Pass, the landowner should notify the contractor or Project representative. The contractor or Project representative will coordinate with the owner to resolve the issue, typically by repair or compensation for the damage. Please refer to Samuel Johnson's Pre-Filed Testimony for information on Project outreach. Please also see the Applicants' Response to Grafton County Commissioner's Data Request GCC 1-20.

MG2 1-17 Describe the technical, practical and economic consequences During the Project as they relate to future maintenance of both the Project and municipal infrastructure and resources along the buried portion of the route, including without limitation steps and precautions that will be required to work around the Project; increased cost to work around the Project and possibly relocate municipal infrastructure; any limitations which affected municipalities will be subject to in providing future maintenance, repair, construction, or removal of municipal buried or aboveground infrastructure; nature and extent of any anticipated liability on your part for the expenses associated with these consequences and/or any unforeseen, unanticipated or unintended consequences of the project; plans to compensate municipalities and private owners for the increased expense of construction, operation, and maintenance of infrastructure.

Response: The Applicants do not expect that the Project will increase any future maintenance costs relating to municipal infrastructure and other resources buried along the Project route. The Applicants will maintain the Project within the existing ROW, whether above-ground or below ground. The Applicants do not expect that there will be any increased costs for municipalities to work around the Project or to relocate existing municipal infrastructure. Therefore, the Applicants do not anticipate the need to compensate municipalities and private owners for any potential increased expenses related to the construction, operation, and maintenance of the facility. At the appropriate time, the Applicants will work with municipalities, just as Eversource - NH does today, on new underground infrastructure projects to minimize utility conflicts during the design phase.

Should the Site Evaluation Committee impose any conditions on a Certificate of Site and Facility, the Applicants will abide by such conditions. Please see the Applicants' Response to Municipal Group 1 South's Data Request MG1S 1-2. Please also see the Applicants' Response to Grafton County Commissioner's Data Request GCC 1-20.

MG2 1-18 Produce documents, information and communications that evidence, discuss or relate to the potential for the planned construction of the project to cause vibration-related damage to existing building foundations or structures, including without limitation whether and when pre-drilling surveys will be completed for all buildings along the route.

Response: While NPT does not plan to perform pre-drilling surveys as a general rule, NPT does, as outlined in the Application, plan to use several protocols for blasting activities. All work will be performed in accordance with applicable regulations and BMPs. In addition, the Project will proactively notify abutters of the work, and perform relevant pre- and post-blast surveys. The Project team has yet to determine the locations where blasting may be necessary. Such potential locations will be determined after the geotechnical investigations are complete. More detailed information regarding blasting is included in the Pre-Filed Testimony of John Kayser (Pages 10 and 11) and in the Application Section (i) (Pages 68 and 84). Please also see the Applicants' Response to Municipal Group 1 South Data Request MG1S 1-9.

MG2 1-19 Produce all Documents, Information, and Communications, including but not limited to detailed plans, studies, reports, and procedures, regarding emergency response services and plans to guarantee public safety over the life of the Project, including construction, operation and decommissioning phases, including but not limited to maintenance of timely emergency response; traffic management; contingency planning; and the municipal reimbursement mechanisms to train, maintain, continue to update training, provide services, material, equipment and support for such services, equipment upgrades and additional personnel, and how to fund all municipal costs in response to catastrophic failure of any part of the line, whether buried or overhead.

Response: In general, the approach to safety and traffic control during construction is outlined in John Kayser's Pre-filed Testimony starting on Page 31. Additionally, please refer to Lynn Farrington's Pre-filed Testimony regarding traffic management. At this time the Applicants have not develop detailed plans and procedures for the operations phase of the Project. Please see the Application: Volume XXXVII for information regarding emergency response and public safety during operations. The Applicants will coordinate with local officials and local law enforcement prior to commencing construction of the Project.

The Applicants do not anticipate increasing municipal spending as a result of either the construction or operation of the Project. The Applicant will work closely with local law enforcement, safety services, emergency and accident response teams to ensure that the same quality and level of operations and response that exist today are maintained during the construction process. Should the Project require additional law enforcement personnel to reduce traffic impacts during construction, or in the future for any related maintenance or tree clearing, the Project will pay for such necessary costs.

Please also see the Application: Volume XXXVII for information regarding emergency response and public safety during operations. The Applicants will coordinate with local officials and local law enforcement prior to commencing construction of the Project. See also attached Settlement Agreement filed in NHPUC Docket DE 15-459, which provides, at section II. E., for technical training for PUC Safety personnel.

At this point, decommissioning plans have not yet been developed. The Applicants will supply a facility decommissioning plan to the Site Evaluation Committee. Please see the Applicants' Response to MG2 1-26 for additional information relating to this request.

MG2 1-20 Produce all Documents, Information, and Communications, studies, analyses, discussions, scenarios, what-if's, correspondence, and draft contracts and/or contracts regarding any and all future additions to the Project transmission lines, or additional Project transmission lines, owned or to be owned by You or any other potential affiliate or owner.

Response: The responsibility for transmission planning within New England falls under the ISO-NE. There are no other projects planned which will utilize the Project's proposed substation at Franklin or the 345 kV line within the 2015 Regional System Plan, a 10 year forward looking plan. Once the Project is constructed, it is integrated into the New England Electrical system and utilized to support the needs of the system. The NPT transmission line has been designed to deliver 1090 MW to Deerfield. The Project does not have the capability to add an additional transmission circuit to the existing structures while maintaining the necessary electrical clearances as required by the NESC.

Please see document uploaded to the ShareFile site in response to this request.

- MG2 1-21** Produce all documents and information addressing all impacts, consequences, and costs for the Project during all phases (construction, operation and decommissioning) related to the impacts to existing and future infrastructure (including but not limited to storm drainage, water, sewer, electric, telecommunications, cable, internet, fiber optic lines, and any other similar items), including:
- a. Impact on municipal infrastructure during construction;
 - b. Impact on municipal infrastructure post-construction;
 - c. Impact on existing Project infrastructure post-construction;
 - d. Impact on Project infrastructure after construction;
 - e. Impact on maintenance costs during construction;
 - f. Projected annual maintenance cost after construction;
 - g. Relocation of municipal infrastructure;
 - h. Future maintenance, repair, construction and removal of municipal infrastructure;
 - i. Mitigation of liabilities created by the Project to municipalities and their infrastructure;
 - j. Proposed mitigation of unforeseen, unanticipated or unintended consequences of the Project on municipalities and their infrastructure;
 - k. All plans to compensate municipalities for their increased expense of municipal operations and infrastructure, both present and future, as a result of the Project;
 - l. All plans to compensate private landowners for increased expense for accessing and owning private infrastructure; and
 - m. Mitigation of all indirect costs caused by the Project related to maintenance and operation of subsurface infrastructure owned by the municipalities and private landowners.

Response: The Applicants' object to this question to the extent it seeks to have the Applicants develop additional information, reports, or other documents that are not currently within the Applicants' care, custody, or control.

Notwithstanding these objections, the Applicants state as follows:

- a. Regarding impacts related to the Project during construction, 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. Please also see the response to Grafton County Commissioners' Data Request GCC 1-5.

- b. Regarding impacts on infrastructure post-construction, 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 (page 28) addresses this question in more detail. Please also see the response to Grafton County Commissioners request 16.
- c. The Applicants object to this subsection of the request because it is vague with respect to what is meant by the impact on Project infrastructure after construction. Notwithstanding the objection, the Applicants believe that there will be no impact to existing infrastructure as a result of the Project.
- d. The Applicants object to this subsection of the request because it is vague with respect to what is meant by the impact on existing Project infrastructure post-construction. Notwithstanding this objection, the Applicants believe that there will be no impact to Project infrastructure as a result of the Project.
- e. The Applicants object to this subsection of the request because it is vague with respect to what is meant by the impact on maintenance costs during construction. Notwithstanding this objection, the Applicants believe there will be no maintenance costs during construction.
- f. With regard to cost estimates, detailed cost estimates have been prepared regarding this project and are confidential in nature. To the extent the request calls for the confidential information, the Applicants are willing to make high level confidential cost information available as requested as soon as the requesting party complies with the requirements of an SEC order governing confidential documents in this proceeding.
- g. With regard to relocating municipal infrastructure, if, as a result of construction of the Project the existing infrastructure needs to be relocated or repaired, it will be done at the expense of the Applicants.
- h. With regard to future municipal costs, the Applicants do not expect that the project will increase any future maintenance costs relating to municipal infrastructure and other resources buried along the Project route. The Applicants will maintain the Project within the existing ROW, whether above-ground or belowground. The Applicants do not expect that there will be any increased costs for municipalities to work around the Project or to relocate existing municipal infrastructure.
- i. Based on the response to part (h) above, the Applicants do not anticipate the need to compensate municipalities and private owners for any potential increased expenses related to the construction, operation, and maintenance of the facility. If, despite these efforts, a municipality or a property or business owner believes it has been damaged,

please see the Applicants' Response to Grafton County Commissioners' Data Request 1-20 for more information regarding the claims process. At the appropriate time, the Applicants will work with municipalities, just as Eversource - NH does today on new underground infrastructure projects, to minimize utility conflicts during the design phase. Please see also, response to MG1N-24.

- j. Please see response to subpart (i) above.
- k. Please see response to subpart (i) above.
- l. Please see response to subpart (i) above.
- m. Please see response to subpart (i) above.

MG2 1-22 Please provide all correspondence, specifications, request for information and pricing, vendor pre-qualification and any other communications with outside third-party vendors and contractors requesting pricing, planning, design, construction administration and operation construction proposals, engineering proposals, operation and maintenance proposals and any other services, equipment, material or costs related to the construction and operation of the Project.

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 the request as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding these objections, the Applicants answer as follows:

The Applicant has currently selected a world class team of contractors and material supply vendors to construct the Project. A description of the team can be found at www.northernpass.us/clean-energy-rfp.htm. Any and all other details relating to the procurement process are confidential.

MG2 1-23 Please provide all studies, cost estimates, work papers and analyses from You and Your consultants and vendors related to Your analysis and decisions to build above-ground or below-ground electric transmission lines for every portion of the Project.

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 the request as it seeks information not relevant to the proceeding and therefore is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding these objections, the Applicants answer as follows:

The determination of where the underground lines are proposed to be buried has evolved over time; in the North Country, the underground route was determined by securing the necessary property rights to construct the Project. The use of municipal and State-maintained roads in Pittsburg, Clarksville and Stewartstown provided an underground path for the Applicants to construct the Project and to connect to its overhead rights-of-way. The decision to site the Project underground through the White Mountain National Forest area (including Franconia Notch and Appalachian Trail) was based on feedback received from key stakeholders in the state of New Hampshire that included residents, municipalities, environmental groups, business owners, elected officials and legislative members. The State-maintained roads that were selected in Bethlehem, Sugar Hill, Franconia, Easton, Woodstock, Thornton, Campton, Plymouth and Bridgewater represent a feasible and available route.

Detailed cost estimates have been prepared regarding this route and are confidential in nature. The Applicants are providing a redacted copy of “An Evaluation of All UG Alternatives for the Northern Pass Transmission Project” dated 5-31-16. Please see the Evaluation uploaded to the ShareFile Site in response to this request.

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

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

MG2 1-24 Please provide all information and detailed plans to protect all currently-existing abutting and surrounding trees, their root systems, soils, flora, fauna, wetlands, crossing water bodies, river, stream and brook banks from all disturbances caused by all phases of the Project in each municipality through which the proposed Project route passes.

Response: The DES wetland, 401 water quality and Alteration of Terrain permitting plans and applications (Appendix 2, 4 and 6, respectively of the Application) describe the temporary timber mats for wetland crossings, spanning of streams and erosion and sedimentation controls to be used for protection of wetland and aquatic habitats during construction.

In addition, several tables describing the Northern Pass commitments for wildlife and sensitive flora impact avoidance and minimization are found in Appendix B of the Natural Resource Mitigation Plan (Appendix 32 of the Application). This list of NPT commitments is the basis for Project Compliance Work Plans (“PCWPs”) that will include permit conditions, detailed maps, tables and other information for the Contractor to use for different construction tasks. The PCWPs will describe timing restrictions, access limitations, fencing/signage requirements, environmental monitor tasks, restoration details, etc. for every ecologically sensitive location along the Project route. Details will be added as agency consultations continue and permit conditions are issued. NPT intends to take the following steps to ensure that trees are not damaged during construction. Prior to construction, a certified arborist will inspect the proposed route and identify those trees that have potential for roots to be located under the shoulder or pavement. The arborist will also prepare appropriate protection guidance for construction crews to follow at these identified locations. Such guidance method may consist of the following steps: 1. Careful exposure of root system by hand digging or air knife technology; 2. Appropriate pruning of roots where necessary; 3. Wrapping of roots with burlap or other appropriate material and tying back to the side of the trench; and 4. After duct bank installation, the roots will be untied and buried back to their original location.

After construction, the overhead ROW will be maintained following the Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire, which is the standard for all ROW maintenance in New Hampshire. A copy of the BMP manual has been uploaded for review on the ShareFile Site in response to this request.

MG2 1-25 Please provide detailed plans and all other information regarding construction disturbances and restrictions on access caused by the movement and noise of heavy construction equipment, dust, vibrations and blasting and their impacts on (a) municipal services, including but not limited to injury, harm or stress to individuals in proximity to or in contact with disruptions including all staff and volunteers responsible for providing safety and related services; (b) business revenues, property valuations, property taxes, electric utility rates, insurance and other costs; and (c) visitors, tourists, residents, farmers, school children, elderly, contractors, and truckers engaged in moving lumber and materials.

Response: Detailed construction plans for the Project will be developed prior to construction as is typical for construction projects of this nature. In general, the Project will perform the work in accordance with all applicable regulations and BMPs as thoroughly discussed in the Application.

In addition, the Project will communicate and coordinate with municipalities throughout the Project. Please see the Pre-Filed Testimony of John Kayser regarding construction related information and the Pre-Filed Testimony of Samuel Johnson for outreach related information on Pages 10-14.

The Applicants do not anticipate that construction of the Project will have an adverse impact on business revenues, property valuations, property taxes, electric utility rates, insurance or other costs. In fact, as discussed in the Pre-Filed Testimony of Lisa Shapiro and Julia Frayer, the Project will create significant benefits, including an increase in property tax payments to the host communities and a decrease in electric utility rates for the State and region as a whole. Also, see generally the Application: Appendix 44 - NPT Estimated New Hampshire Property Tax Payments; Appendix 45 - High Voltage Transmission Lines and Real Estate Markets in New Hampshire: A Research Report, June 30, 2015; and the Applicants' Response to Grafton County Commissioners' Data Request GCC 1-20.

Lastly, the Applicants anticipate that there may be some minor traffic delays in certain locations due to construction of the Project. However, the Applicants do not anticipate that the construction will have a significant impact on visitors, tourists, residents, farmers, school children, elderly, contractors, and truckers engaged in moving lumber and materials. See generally the Application: Appendix 45 - Northern Pass Transmission and New Hampshire's Tourism Industry and the Pre-Filed Testimony of Lynn Farrington.

MG2 1-26 Please provide all plans and other information regarding the reimbursement to municipalities along the Project route for increased municipal expenses During the Project for management and administration, law enforcement, safety services, traffic congestion, and timely emergency and accident response.

Response: The Applicants do not anticipate increasing municipal spending as a result of either the construction or operation of the Project. The Applicants will work closely with local law enforcement, safety services, emergency and accident response teams to ensure that the same quality and level of operations and response that exist today are maintained during the construction process. Should the Project require additional law enforcement personnel to reduce traffic impacts during construction, or in the future for any related maintenance or tree clearing, the Project will pay for such necessary costs. Please refer to Lynn Farrington's Pre-Filed Testimony and Pages 33 and 34 of John Kayser's Pre-Filed Testimony regarding traffic control. Should the municipality require the "staging" of emergency equipment to maintain the quality and level of operations and response during the construction period, the project will work with the municipalities to ensure that this is accomplished.

MG2 1-27 Please provide all studies, reports, plans, engineering drawings, work papers, diagrams, and documents relating to the possible use of the “Bicycle Path” (constructed when Interstate 93 was first constructed) leading from the Lafayette Bridge Overlook through Franconia Notch and to its terminus at the Flume Visitor Center on Route 3 in Lincoln, as an alternative route for the Project.

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:

The Bicycle Path was not evaluated as a potential cable route through Franconia Notch State Park because using the Path posed numerous technical difficulties similar to using I-93. For construction implications along Franconia Notch State Park, please see a redacted copy of “An Evaluation of All UG Alternatives for the Northern Pass Transmission Project” dated 5-31-16, which has been uploaded to the ShareFile Site in response to MG2 1-23. To the extent the request seeks confidential information, the Applicants will make this confidential information available as requested as soon as the requesting party complies with the requirements of the SEC order governing confidential documents in this proceeding.

MG2 1-28 Please describe, and provide all Documents, Information, and Communications referencing or relating to, all verbal and written offers and/or expressions of intent which have been made or communicated to any New Hampshire municipality, individuals and other entities for funding or payment of any kind of description from the “Forward NH” fund, or from any other such fund (including but not limited to Advance Funding), and please describe in detail what conditions, requirements and/or expectations are associated or related to any such offers, promises or payments.

Response: The Applicants object to this request based on relevance and also object to the extent that it calls for confidential information. See RSA 91-A:5, IV (exempting production of “confidential, commercial, or financial information” from the Public Right to Know Law). The request seeks confidential information pertaining to 3rd parties in this docket (see Applicants’ Response to Counsel for the Public’s Data Request CFP-39) and in Public Utility Commission Docket No. 15-459. The Applicant is not opposed to providing this information to Municipal Group 2, subject to it being treated confidentially, and subject to the 3rd parties agreeing to provide such information to Municipal Group 2. Municipal Group 2 should work directly with the other 3rd parties to secure the information sought.

Notwithstanding the objections, the Applicants answer as follows:

Please see the Applicants’ Response to Counsel for the Public’s Data Request, CFP-33 for a list of early commitments made by NPT as part of the Forward NH Plan.

MG2 1-29 Please provide all plans, projections and other information regarding additional expenses municipalities along the proposed Project route will or may incur During the Project to maintain the same quality and level of operational and emergency response and service that they provided before the Project was begun.

Response: Please see the Applicants' Response to MG2 1-26 above. The Applicants do not anticipate increasing expenses for municipalities along the Project route. Please also see the Pre-Filed Testimony of Robert Varney at Page 7 - 8 ("operation of the [Project] will not place any new demands on local or regional services or facilities.").

MG2 1-30 To the extent you have not already done so in PUC Docket 2105-464, produce documents, information and communications that evidence, discuss or relate to easements, rights-of-way, contracts or any other documents you contend authorize or allow you to construct the Project, and if you contend that any of these preclude you from burying the line, State the Basis of such conclusion.

Response: See the Application, Page 6, Section (b)(4)(6). See also, Applicants' Response to Counsel for the Public's Data Request CFP 1-3 and all relevant documents uploaded to the ShareFile Site in response to that request. As for the easements provided in PUC Docket DE 15-064 regarding the existing PSNH right-of-way, certain of those easements are limited to overhead facilities.

Christine Fillmore

From: Getz, Thomas <Thomas.Getz@MCLANE.com>
Sent: Thursday, August 11, 2016 12:00 PM
To: Jason Reimers; Amy Manzelli; Pacik, Danielle; Christine Fillmore;
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(WPlouffe@dwmlaw.com); Melissa E. Birchard (mbirchard@clf.org);
Isaffo@co.grafton.nh.us
Cc: marvin.bellis@eversource.com; Needleman, Barry
Subject: Discovery Follow-Up Meeting

All,
The meeting with representatives of Group 2 (governmental entities and non-governmental organizations), on July 26, 2016, was very helpful in identifying and resolving a number of discovery related issues and we are hopeful that the information we shared at the time, and the steps we have taken subsequent to the meeting, have been useful as well. The Applicants remain committed to working with intervenor groups to assist in the sharing of information relevant to the subject of this proceeding, and we trust that this e-mail addresses the issues raised at the meeting. Following is some additional explanation regarding technical issues and the Applicants' position on the scope of production in this proceeding.

Technical Issues Accessing Documents Produced

Representatives for particular groups reported that some individuals were having difficulty accessing the documents produced by Applicants on the ShareFile site because of the volume of documents produced. The Applicants had organized the documents in two different ways to accommodate the needs of the different parties involved. For convenience, one zip file was provided for each set of data requests, and those zip files contain all of Applicant's written responses and documents produced in response to each respective set of data requests. Due to the size of each production, Applicants also separated out and provided the individual .pdf documents for each specific data request.

We understand that some group members still had difficulty accessing documents due to the lack of adequate broadband capability. In light of those issues, the Applicants prepared and provided flash drives for Group 2 parties to copy for their members. Each flash drive included non-confidential responses and documents produced by the Applicants. The volume of documents requested and produced is extraordinary, and the Applicants have been willing to take all reasonable steps to accommodate the needs of those accessing the documents. We trust that the flash drives have resolved this issue.

Some group representatives also noted that when documents produced were in native format, they could not access those documents. As we discussed at the meeting, the receiving parties would need to obtain the appropriate software licenses to access documents that are produced in native format. We understand that some group members were not able to identify the software needed based on the names of the files. Accordingly, we provided a list identifying the software that is necessary to access each file type to all parties to the proceeding.

Request for Further Documents

Some group representatives questioned whether the Applicants' production was sufficient or whether it contained all of the Applicants' communications related to the Project. In response, we point out that the

Applicants have undertaken an extraordinary effort to carefully gather, sort, review and produce all relevant, material and non-privileged documents in this proceeding. Indeed, nearly 80,000 pages, including confidential information, have been produced to date in response to Data Requests. This does not reflect, however, the multiple Excel spreadsheets that were provided in native format, and would likely have added thousands of additional pages. Furthermore, this is in addition to the approximately 27,400 pages that were produced by way of the Application and its supporting appendices, as well as the nearly 1,000 pages of Additional Information submitted in February and other material provided in July to comply with the SEC's new rules.

Due to the volume of documents produced, the Applicants also prepared and provided an Excel spreadsheet to facilitate review of the documents produced. The spreadsheet is searchable and sortable, so that the receiving parties can search for e-mails to particular persons, and sort e-mails by date and filename.

It is important to point out that an adjudicative hearing pursuant to RSA 162-H and the Site Evaluation Committee ("SEC") rules is not the equivalent of civil litigation pursuant to state or federal rules. RSA 541-A:33, II makes clear, for instance, that the technical rules of evidence do not apply in administrative proceedings such as this. Moreover, Site 202.19 places the burden of proof on the Applicants, and the SEC must determine whether the Applicants have submitted a sufficient record to establish that the application meets the various criteria for a Certificate of Site and Facility. Accordingly, the SEC's focus is on the application submitted, and the documents supporting the Application. Documents and communications discussing other routes considered, or other information ultimately not submitted as part of the application are irrelevant and immaterial, and the Applicants therefore did not produce that information.

Some representatives suggest that the Applicants should have produced more internal communications relating to the Northern Pass Project. By way of the Application and responses to the numerous data requests, the Applicants have made a good faith effort to produce all relevant and material documents, and many of these included various communications by the Applicants. Indeed, thousands of pages include or relate to communications by NPT personnel, or communications by NPT consultants to various third parties. By way of example only, NPT produced the following categories of documents in response to particular data requests:

- Communications, including e-mail communications, by the Applicants and their consultants with various federal and state government agencies regarding the proposed route for the transmission line. This includes communications with all state and federal agencies, with the exception of DRED for which there were no responsive communications. (See, e.g., Responses to CFP 1 and Supplement to CFP 1);
- Communications, including e-mail communications, by the Applicants and their consultants with various federal and state government agencies regarding the proposed route for the transmission line through the White Mountain National Forest. (See e.g., Response to CFP 5);
- Communications between Normandeau Associates and NH DES regarding applications for wetlands alteration of terrain and shoreland permitting. (See, e.g., Response to MG1S No. 22);
- Communications between the Applicants and NH DES regarding the proposed Project. (See, e.g., Response to MG1S No. 23); and
- Communications between the Applicants and NH DHR regarding the SEC review process for the Project. (See, e.g., Response to HIS No. 18).

The Applicants did not produce certain internal communications because such communications are not relevant or material to the SEC's determination as to whether the Application meets the specific findings required for issuance of a Certificate. What is relevant and material to the SEC's findings are the Application, the

supporting materials, and the communications by the Applicants and their consultants to various governmental agencies and third parties. In sum, the SEC bases its decision on the information submitted in support of the Application, not the Applicants' internal communications regarding the Project.

Moreover, to the extent that there is any likelihood that the internal communications might lead to the production of admissible evidence, any such prospect is substantially outweighed by the undue burden that would be imposed on the Applicants if they were required to gather, sort, review and produce those e-mails. The Applicants have devoted significant time and effort to carefully gather, review and produce relevant communications without simply "dumping" irrelevant and immaterial documents and communications in response to the hundreds of data requests received. The added burden of requiring Applicants to review, sort and produce perhaps thousands of pages of purely internal communications that are completely irrelevant or immaterial to the SEC's determination would impose an unreasonable and undue burden on the Applicants and would not further the SEC's review of the Project as proposed.

We would be happy to discuss any of this with you further, and the Applicants will continue to work with the intervenors to reasonably and efficiently share all information relevant to the proposed Project.

Thanks

Tom



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VIA ELECTRONIC MAIL

May 17, 2016

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

**Re: SEC Docket No. 2015-05: Public Service Company of New Hampshire d/b/a
Eversource Energy and New England Power Company d/b/a National Grid: Joint
Application for a Certificate of Site and Facility for the Merrimack Valley
Reliability Project**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find the Applicants' Motion to Compel Intervenor Huard's Response to Data Requests 5, 6 and 7 From the May 5, 2016 Technical Session.

Please contact me directly should you have any questions.

Sincerely,



Barry Needleman

BN:slb
Enclosure

cc: Distribution List

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

McLane.com

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-05

**JOINT APPLICATION OF NEW ENGLAND POWER COMPANY
D/B/A NATIONAL GRID &
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANTS' MOTION TO COMPEL INTERVENOR HUARD'S RESPONSE TO
DATA REQUESTS 5, 6 AND 7 FROM THE MAY 5, 2016 TECHNICAL SESSION**

NOW COME New England Power Company d/b/a National Grid ("NEP") 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 move to compel Intervenor Margaret Huard to respond to the Applicants' data requests from the May 5, 2016 Technical Session or in the alternative, to strike references in her testimony regarding allegations of shock and personal injury associated with exposure to transmission lines. In support of their Motion to Compel, the Applicants state as follows:

1. In Ms. Huard's pre-filed testimony, Ms. Huard has made certain allegations about the Applicants and has alleged that she sustained injuries from existing transmission lines in the same right-of-way where the Project is proposed. More specifically, Ms. Huard has alleged that she sustained a shock in January 2016 while directly under transmission wires "strong enough to cause simultaneous symptoms that often precedes cardiac arrest; chest pain, leg pain, shortness of breath, dizziness, and heart palpitations." *See* Amended Pre-Filed Testimony of Margaret Huard, at p. 5 (April 25, 2016).

2. The Applicants' requested that Ms. Huard produce any documentation that supports these allegations. In response, on May 2, 2016 Ms. Huard filed a Motion for Restrictive

Treatment of Medical Records. The Applicants opposed, in part. By Order dated May 6, 2016, the Presiding Officer ruled that “[t]he Applicant is entitled to receive Ms. Huard’s medical records to verify Ms. Huard’s allegations.” Order Granting In Part, Denying In Part, Motion for Restrictive Treatment of Medical Records, at 2.

3. The day before this ruling, on May 5, 2016, a technical session was held in the above-referenced docket for the parties to inquire of Ms. Huard regarding her pre-filed testimony, including her shock allegations. During that session, Ms. Huard produced one document and the Applicants requested that Ms. Huard provide any additional documentation that supports the claims in her pre-filed testimony.

4. Ms. Huard also indicated that she had communications with the Hudson Fire Department regarding the Project and about a January 2016 incident where Ms. Huard also stated that she had exchanged e-mails with other third-parties regarding the January 2016 incident.

5. At the Technical Session, the Applicants requested copies of all communications regarding the incident described in ¶ 1 of this Motion. During the technical session, Ms. Huard agreed to provide these documents and did not object. *See* Memorandum from Pamela Monroe Re: Technical Session Data Requests, NH SEC Docket 2015-05, May 6, 2016. (“Ms. Huard did not object to any of the requests made by the Applicant.”).

6. Ms. Huard was given until May 12, 2016 to respond to the data requests.

7. On May 12, 2016, Ms. Huard filed three separate motions to object to the requests made by the Applicants at the technical session. Ms. Huard alleges that the requests are “unduly invasive,” “arbitrary, repetitious request for information,” and/or are “confidential communications” as they were sent to the “fire chief in his role protecting the public health of the Hudson community.” *See* Motion to Object, Data Request 5 and 6. Ms. Huard also objects to

providing copies of email correspondences with other members of the community regarding the January 2016 incident. *See* Motion to Object, Data Request 7.

8. The Applicants respectfully request that the SEC compel Ms. Huard to comply with Data Requests 5, 6 and 7.

9. Ms. Huard has specifically and repeatedly alleged that she sustained a shock from an electric transmission line, both in her pre-filed testimony and at the technical session. Ms. Huard's opposition to the Project rests in part on these allegations. Any documents or e-mail correspondence relating to the incident are without a doubt relevant in this matter and are admissible. *Cf.* N.H. Rule Evid. 401 ("‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probably than it would be without the evidence."). The Applicants are unaware of any confidentiality that could possibly attach to communications between Ms. Huard and the Fire Chief. More importantly, Ms. Huard has voluntarily put this issue before the Committee herself. Ms. Huard cannot make these allegations without providing the Applicants a full and fair opportunity to examine any evidence that relate to the allegations. The Applicants are entitled to obtain and examine any and all documents that pertain to the alleged January 2016 incident. Ms. Huard should not be allowed to make such allegations and then object to providing copies of all records relating to the incident.

10. Alternatively, if the subject information is not provided, the Applicants respectfully request that the Presiding Officer strike from the record any and all references made by Ms. Huard that relate to allegations of electric shock and any alleged health effects sustained therefrom.

11. The Applicants certify that they made a good-faith effort to resolve this dispute informally at the technical session. In fact, as mentioned above, Ms. Huard agreed at that time to provide the responses to these data requests.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

- A. Compel Intervenor Huard to provide responses to Data Requests 5, 6 and 7 from the May 5, 2016 technical session;
- B. In the alternative, strike from the record any and all references made by Ms. Huard that relate to allegations of electric shock and any alleged health effects sustained therefrom; and
- C. Grant such further relief as requested herein and as deemed appropriate.

Respectfully Submitted,

New England Power Company and

Public Service Company of New Hampshire

By its attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

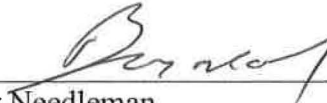
Dated: May 17, 2016

By: 

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Certificate of Service

I hereby certify that on the 17th day of May, 2016 this Motion was sent electronically to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.



Barry Needleman

File Formats Included in Northern Pass Data Request Responses

File Extension	File Type	Category	Software Required
.kmx	Keyman Desktop Compiled Keyboard File		Keyman Desktop
.dwg	Autodesk AutoCAD Drawing	Document File	AutoDesk AutoCAD
.QPH	Quicken Price History	Data File	Intuit Quicken
.spx	Speex Compressed Audio	GIS Files	ArcGIS
.atx	ArcGIS Attribute Index	GIS Files	ArcGIS
.gdbindexes	ArcGIS Geodatabase Index	GIS Files	ArcGIS
.indd	Adobe InDesign Document	Graphic Files	Adobe InDesign
.sdr	SmartDraw Drawing	Document Files	SmartDraw
.shx	ArcView Shape Index	GIS Files	ESRI ArcGIS Desktop
.dbf	Aston-Tate dBASE Database	Database File	Microsoft Excel & Microsoft Access
.shp	ArcView Shape File	GIS Files	ESRI ArcGIS Desktop
.mdb	Microsoft Access Database	Document Files	Microsoft Access
.kmz	Google Earth Placemark File	GIS Files	Google Earth
.sbn	ESRI Spatial Binary File	GIS Files	ESRI ArcGIS Desktop
.sbx	ESRI Spatial Index File	Data Files	ESRI ArcGIS Desktop
.xml	Extensible Markup Language Data File	Data File	Microsoft XML Notepad
.lyr	ESRI Layer File	GIS Files	ArcGIS
.jpg	JPEG Image	Raster Image Files	Microsoft Paint Microsoft Windows Photos
.pptx	PowerPoint Open XML Presentation	Data Files	Microsoft Powerpoint
.sys	Windows System File	System Files	Microsoft DOS Microsoft Windows
.SND	Sound File	Sound File	Microsoft Windows Media Player
.xlsx	Microsoft Excel Open XML Spreadsheet	Spreadsheet File	Microsoft Excel
.htm	Web File	Web File	Web browser
.xyz	PLS-CADD Design File	Document File	PLS-CADD
.dxf	Autodesk AutoCAD Drawing	Document File	AutoDesk AutoCAD