

**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 Site and Facility for the Construction of a
New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

**THE CLARKSVILLE-STEWARTSTOWN NON-ABUTTERS'
CONTESTED MOTION TO COMPEL FURTHER RESPONSES
TO FIRST SET OF DATA REQUESTS**

The Non-Abutting Property Owners of Clarksville and Stewartstown as a group (the "NA1 Group") hereby move pursuant to Site 202.12(k) for an Order compelling the Applicants to further respond to two of their data requests detailed below:

1. By Procedural Order dated June 23, 2016, the New Hampshire Site Evaluation Committee ("SEC") directed the Applicants to file responses to individual intervenor group Data Requests by July 15, 2016.
2. On July 15, 2016, Applicants filed responses and objections to the Data Requests filed by the NA1 Group. One of the objections raised by the Applicants to several of the NA1 Group Data Requests was that the documents requested contained information that the Applicants deemed to be confidential. The Applicants further represented in their responses that they would produce certain (but not necessarily all) claimed and withheld confidential materials, if the parties entered into a confidentiality agreement.
3. On July 27, 2016, the Spokesperson for the Clarksville-Stewartstown Non-Abutters Group entered into an agreed form of confidentiality agreement prepared by the Applicants and forwarded it to Applicants' counsel via priority mail. By overnight delivery a supplemental production of documents was delivered by the Applicants to the Spokesperson for the NA1 Group on August 4, 2016. No confidential documents were delivered, however, that

were responsive to Data Requests 16 and 19, copies of which requests together with the Applicants objections and responses are attached hereto as Exhibits A and B.

4. NA1 Group Data Request 16 seeks copies of documents that evidence, discuss or relate to agreements (including leases) between Applicants (defined to include affiliates) and Wagner Forest Management or Bayroot LLC regarding the Project and its Proposed Route through property owned by Bayroot LLC. The only documents produced are a copy of a recorded Notice of Lease between Bayroot LLC and Applicants' affiliate and a form of assignment between Applicants affiliate and the Applicants. The underlying Lease Agreement from Bayroot LLC itself has not been produced under claims that it is "not relevant" and that it contains competitive and confidential information.

5. The NA1 Group Spokesperson has obviated the confidentiality and competitive objection by entering into the Confidentiality Agreement. As for relevance, the Bayroot LLC Lease entered into by the Applicants' affiliate is clearly relevant to this proceeding because it contains critically important information about the terms and the consideration paid or to be paid for the proposed route through a very large portion of Coos County that would directly and adversely impact its neighbors and nearby landowners, including those in the NA1 Group. Moreover the publicly filed Notice of Lease references at least one other energy project or development that the parties to the Bayroot Lease contemplate they will work on together under the terms of the Lease. This additional energy project seems to relate to wind turbine development that would or could add extensive cumulative environmental and visual impacts to the entire region and which may use the energy corridors being proposed by Applicants in this proceeding. Those impacts would negatively impact local and regional planning interests and add cumulative impacts that would be of direct and immediate relevance to multiple issues that the SEC is charged with investigating and taking into consideration in this proceeding. At any rate, the final relevance determination cannot be made unless and until the terms of the Bayroot

LLC Lease and any related documents are made known under the terms of the Confidentiality Agreement.

6. NA1 Group Data Request 19 seeks documents that evidence, discuss or relate to the Applicants donating or loaning money to Les Otten or any entity or person associated with the development of the Balsams Resort properties in Coos County. The Applicants objected to this request on the grounds that it calls for confidential information. The NA1 Group spokesperson has entered into a Confidentiality Agreement which should have obviated this objection, however, the Applicants are still declining to produce responsive documents that it admits exist in its possession.

7. The Spokesperson for Group NA1 has made a good-faith effort to resolve this dispute informally with counsel for the Applicants.

8. The Applicants object to this Motion.

9. The following parties concur with this Motion:

- a. Abutting Property Owners Bethlehem to Plymouth Intervenor Group;
- b. Municipal Group 2 Intervenor;
- c. Grafton County Intervenor Group;
- d. Society for the Protection of New Hampshire Forests;
- e. New England Power Generators Association

10. The remaining parties have not responded.

WHEREFORE, the Clarksville-Stewartstown Non-Abutting Property Owners Group respectfully requests that the SEC Order the Applicants to forthwith provide full and complete responses to the Data Requests 16 and 19.

Dated: August 15, 2016

Respectfully submitted,

Non-Abutting Property Owners: Clarksville-
Stewartstown, as a group

By /s/Alan Robert Baker
Alan Robert Baker, Spokesperson for
Non-Abutting Property Owners: Clarksville-
Stewartstown, as a group

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August, 2016, a copy of the foregoing was sent to the parties listed on the electronic Distribution List for this docket.

/s/Alan Robert Baker

Alan Robert Baker

**EXHIBIT A TO CLARKSVILLE-STEWARTSTOWN NON-ABUTTERS'
CONTESTED MOTION TO COMPEL RESPONSES
TO FIRST SET OF DATA REQUESTS**

Data Request No. 16: Please produce a copy of all documents that evidence, discuss, or relate to agreements (including leases) between the Applicants and Wagner Forestry Management or Bayroot, LLC, regarding in whole or in part the Project and its Proposed Route through property owned or operated by Wagner Forestry Management or Bayroot, LLC.

Response: 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. The Applicants also object to this request as 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). Specifically, the lease requested in this data request contains competitive and confidential business information. Broader disclosure of this information would risk placing NPT at a competitive disadvantage and would not serve the public interest. Moreover, the information sought pertains to 3rd parties in this docket, namely Bayroot LLC and Renewables Properties, Inc. The Applicants are not in a position to disclose such information as it relates to 3rd parties.

Notwithstanding the objection, please see the Applicants’ Response to Counsel for the Public’s Data Request CFP 1-3 and the Notice of Lease Pursuant to RSA 477:7-a, recorded in the Coos County Registry of Deeds at Book 1364, Page 40456 uploaded to the ShareFile Site in response to that request.

**EXHIBIT B TO CLARKSVILLE-STEWARTSTOWN NON-ABUTTERS'
CONTESTED MOTION TO COMPEL RESPONSES
TO FIRST SET OF DATA REQUESTS**

Data Request No. 19: Please produce a copy of all documents that evidence, discuss or relate to the Applicants donating or lending money to Les Otten, or any entity or person associated with the development of the Balsams Resort properties in Coos County.

Response: The Applicants object to this request as 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). Moreover, the information sought pertains to 3rd parties in this docket, namely Leslie B. Otten, Dixville Capital, LLC, and Balsams Resort Holdings, LLC. The Applicants are not opposed to providing this information, subject to it being treated confidentially, and subject to the 3rd parties agreeing to provide such information to parties to this proceeding. The Non-Abutting Property Owners Group 1 should work directly with the other 3rd parties to secure the information sought.