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August 25, 2016

Via Electronic Mail & Hand Delivery

Pamela Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**Re: New Hampshire Site Evaluation Committee Docket No. 2015-06
Joint Application of Northern Pass Transmission LLC and Public Service Company
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of
Site and Facility
Objection to Motion Regarding Technical Sessions**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of the Applicant's Objection to Kevin Spencer and Mark Lagasse d/b/a Lagaspence Realty Motion Requesting Order Allowing Arthur B. Cunningham To Represent His Clients Kevin Spencer and Mark Lagasse d/b/a Lagaspence Realty, LLC At The Technical Sessions As Their Attorney.

Please contact me directly should you have any questions.

Sincerely,

Thomas B. Getz

TBG:slb

cc: SEC Distribution List

Enclosure

**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' OBJECTION TO KEVIN SPENCER AND MARK LAGASSE D/B/A
LAGASPENCE REALTY MOTION REQUESTING ORDER ALLOWING ARTHUR B.
CUNNINGHAM TO REPRESENT HIS CLIENTS KEVIN SPENCER AND MARK
LAGASSE D/B/A LAGASPENCE REALTY, LLC AT THE TECHNICAL SESSIONS AS
THEIR ATTORNEY**

NOW COME Northern Pass Transmission LLC ("NPT") and Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH") (collectively the "Applicants"), by and through their attorneys, McLane Middleton, Professional Association, and object to Kevin Spencer and Mark Lagasse d/b/a Lagaspence Realty's ("Lagaspence" or "Petitioner") Motion Requesting an Order Allowing Arthur B. Cunningham to Represent His Clients Kevin Spencer and Mark Lagasse d/b/a Lagaspence Realty, LLC at the Technical Sessions as Their Attorney (the "Motion").

1. On August 15, 2016, the Petitioner, through its attorney, submitted a blanket motion requesting that the Chairman of the Site Evaluation Committee ("SEC" or "Committee") issue an order allowing the Petitioner to be represented by its attorney at the Technical Sessions, apparently for all witnesses and under all circumstances. The Petitioner argues that the Agenda for the Technical Sessions, issued August 5, 2016, interferes with the intervenor's right to be represented by an attorney and interferes with the attorney's duties owed to his client.

2. The motion is procedurally improper. In the May 20, 2016 Subcommittee Order on Review of Intervention, it stated at p. 28:

The Subcommittee also received a number of motions requesting clarification regarding how the groupings of intervenors should participate in these proceedings. The Subcommittee finds that *it is a matter of internal governance as to the process for group decisions* and how to communicate with the Subcommittee, the Applicant, and the other parties. *All groupings of intervenors should attempt, in good faith, to reach decisions on representation, discovery, pleadings and other issues raised in this docket. Any individual intervenor, however, if unable to agree with the group, has a right to file a motion stating its disagreement and a motion for alternative relief.* (Emphasis supplied.)

The Subcommittee has set forth a clear process, which the Petitioner has not followed. The motion is premature, and it is therefore not ripe for consideration until such time as the Petitioner has made a good faith effort within its group to reach a decision on representation in specific instances and is unable to agree with the group. A blanket approach does not suffice.

3. By way of further background on the role of the spokesperson, at the Subcommittee's hearing on April 12, 2016 on this issue, Counsel for the SEC, Michael Iacopino said:

When we have groups as intervenors or intervenors that are formed into groups, it has been the practice of the Committee to allow them to break up the work. And, even though there may be somebody who is designated as the group leader or somebody who will generally speak for the group, we have always allowed the work to be broken up, so that, for instance, if one member of a particular intervenor group is --you know, has a particular interest or has done research or has been assigned the task of dealing with a particular issue, that member of the group may, for instance, do the cross-examination of that subject matter expert. (Tr. p. 322-323)

4. Finally, the Subcommittee has already dismissed the Petitioner's underlying argument. On March 27, 2016, the Petitioner filed a motion requesting, among other things, that it be granted individual intervenor status. In that motion, it argued that the Rules of Professional Conduct would somehow be compromised by grouping intervenors, and it reiterates that argument here. In the May 20, 2016 Subcommittee Order on Review of Intervention, at p. 15, the Subcommittee denied the Petitioner's request after finding that "the effects of the Project ... are not so substantially different that [the Petitioner] will be precluded from representing [its] interests while being a part of the group." The Petitioner did not seek rehearing of that order and

has thus not preserved the issue for appeal. It cannot now blithely ignore the process established by the Subcommittee and revive the argument by resurfacing it in the context of the Technical Sessions.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

- a. Deny Petitioner's Motion and
- b. Grant such further relief as it deems appropriate.

Respectfully submitted,

Northern Pass Transmission LLC and
Public Service Company of New Hampshire d/b/a
Eversource Energy

By Their Attorneys,
McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

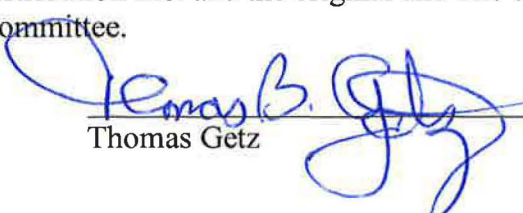
Dated: August 25, 2016

By: 

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Certificate of Service

I hereby certify that on the 25th of August, 2016 the foregoing Objection was electronically served upon the SEC Distribution List and the original and one copy will be hand delivered to the NH Site Evaluation Committee.


Thomas Getz