

**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

MUNICIPAL GROUPS 1 SOUTH, 2, AND 3 NORTH’S NOTICE OF JOINDER IN COUNSEL FOR THE PUBLIC’S MOTION TO COMPEL FURTHER RESPONSES TO EXPERT-ASSISTED DATA REQUESTS AND FOR OTHER RELIEF, AND GRAFTON COUNTY’S MOTION TO ORDER FURTHER RESPONSES TO DISCOVERY REQUESTS AND EXTEND INTERVENOR DEADLINES

Municipal Intervenor Groups 1 South, 2, and 3 North¹ submit this Notice of Joinder to the *Motion to Compel Further Responses to Expert-Assisted Data Requests and for Other Relief* filed by Counsel for the Public (“CFP Motion”), and the *Motion to Order Further Responses to Discovery Requests and Extend Intervenor Deadlines* filed by the Grafton County Commissioners (“GCC Motion”), stating as follows:

1. Counsel for the Public filed a motion on August 15, 2016 to compel further responses to expert-assisted data requests, to require the Applicants to amend the Application to include appropriate pre-filed testimony regarding the exact location of underground portions of the proposed transmission line, and to modify the schedule for this docket. In the motion, Counsel for the Public noted that the Applicants’ response to data requests “indicated that for the underground portion of the proposed transmission line the Applicants have not determined and thus have not identified the exact alignment of the proposed transmission line. Consequently, the Application is not complete and will not be complete until the Applicants identify the exact alignment of the 60 miles of the underground portion of the transmission line.” CFP Motion, ¶7.

¹ The Towns of Ashland and Dalton were contacted for their assent but did not respond by the time of filing.

2. Counsel for the Public moved for three things in its Motion. First, it moved for an Order compelling the Applicants to supplement their response to certain of Counsel for the Public's Expert-Assisted Data Requests related to the information that the Applicants have said is not yet available. As Counsel for the Public asserted in its Motion, this information is necessary, not only for Counsel for the Public and its experts, but also for the Intervenors and the public at large to analyze and assess the proposed transmission line's impacts. CFP Motion, ¶11.

3. Second, Counsel for the Public moved for an Order requiring the Applicants to file an amendment to the Application, including appropriate pre-filed testimony, setting forth the exact location of all underground portions of the proposed transmission line, as required under Site 301.03(c) and (g). Without such information, the Application cannot be considered complete because the rules clearly require that the location of the line be specified, and it is only logical to conclude that this means the Application should state whether the line will be on the right or left side of the roadway or in the roadway itself, as well as the location that the line will cross under rivers, streams and wetlands.

4. Third, Counsel for the Public moved to modify the schedule for this docket to account for the information that is not yet developed. Until such information is available, the parties to this matter, and their experts, cannot complete their analysis of the Application with respect to the underground portions of the transmission line. This means that the various parties will not have a meaningful opportunity to prepare for the technical sessions for the Applicants' witnesses or to prepare pre-filed testimony before the November 15, 2016 deadline. Among other things, Counsel for the Public moved to extend the technical sessions for Applicants' witnesses and the November 15, 2016 deadline for pre-filed testimony until 45 days after the

Applicants file an amendment to the Application with additional pre-filed testimony and file supplemental responses to Counsel for the Public's data requests.

5. Grafton County Commissioners filed a motion on August 15, 2016 to require further responses from the Applicant and to extend certain deadlines. In this Motion, Grafton County Commissioners noted that, in response to data requests regarding the underground portion of the proposed transmission line, the Applicants had responded that "the information responsive to the request was 'preliminary,' that 'geotechnical investigation and utility and ground surveys were underway,' and that a final design was expected by 'late 2016 or early 2017'." GCC Motion, ¶5. This information is critical to meaningful expert analysis of the Application, to an informed decision by the SEC, and to allow the public the opportunity to access information it clearly has a right to know. While the Applicants cannot provide information they do not yet have, the fundamental fairness of the process as a whole mandates that the requested information be provided within a time frame that does not prevent the Intervenors from meaningfully participating in that process and which does not undercut the ability of the SEC to protect the best interests of the State.

6. In its Motion, Grafton County Commissioners moved that the SEC (a) order the Applicant to provide complete and detailed responses to the data requests propounded by all Intervenors that could not be fully answered at this time due to pending site testing and surveys within 30 days after obtaining such information; (b) order that the deadline for all Intervenors for submitting pre-filed testimony be extended to a date at least 60 days after the date of the Applicants' supplemental answers to such data requests; and (c) order that all Intervenors be granted leave to request follow-up discovery by motion filed no later than 10 days after receipt of the Applicants' Supplemental responses.

3. For all of the foregoing reasons, Municipal Intervenor Groups 1 South, 2, and 3 North are filing this Notice to join both Council for the Public's Motion and Grafton County Commissioners' Motion, each of which is incorporated herein by reference. Specifically, each of the three Municipal Intervenor Groups that are a party to this Notice of Joinder seeks, for itself, the same requested relief as set forth in both such Motions.

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

A. Accept this Notice of Joinder in Counsel for the Public's Motion to Compel Further Responses to Expert-Assisted Data Requests and for Other Relief, filed on August 15, 2016, and in Grafton County's Motion to Order Further Responses to Discovery Requests and Extend Intervenor Deadlines;

B. Grant to Municipal Group 1 South, Municipal Group 2, and Municipal Group 3 North the same relief sought by Counsel for the Public and Grafton County Commissioners in their Motions; and

C. Grant such other and further relief as may be just.

Respectfully submitted,

**MUNICIPAL GROUP 1 SOUTH
MUNICIPAL GROUP 2
MUNICIPAL GROUP 3 NORTH**


TOWNS OF BRIDGEWATER, NEW HAMPTON,
LITTLETON, WOODSTOCK and ASHLAND
WATER & SEWER DISTRICT

By and through its attorneys,

MITCHELL MUNICIPAL GROUP, P.A.

Dated: August 30, 2016

By:



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TOWNS OF BETHLEHEM, BRISTOL, EASTON,
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By and through their attorneys,

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Dated: August 30, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August 2016, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket.

Dated: August 30, 2016

By:

