

September 2, 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  
Motion for Clarification**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of the Applicants’ Motion for Clarification.

Please contact me directly should you have any questions.

Sincerely,



Barry Needleman

BN: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' MOTION FOR CLARIFICATION**

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 ask for clarification of the Presiding Officer’s August 29, 2016 Order on Motion to Transcribe Technical Session (“Motion”). The Applicants seek clarification of the ground rules for recording of the technical sessions, given that they are open to the public and others may seek to record them.

1. On August 10, 2016, the Applicants filed a Partially Assented-To Motion to Have Technical Sessions Transcribed. The Applicants proposed to have the technical sessions recorded and a transcript prepared by a licensed stenographer.

2. Counsel for the Public (“CFP”) filed an objection on August 16, 2016. Among other things, CFP, citing *Application of Antrim Wind*, Docket No. 2015-02 (July 7, 2016) pointed out that the “purpose of technical sessions is for the parties and their experts to understand the testimony of the witnesses and engage in a dialogue about the testimony. A technical session is not designed to provide an opportunity for cross examination, nor is it designed to allow parties to set up methods of impeachment.” CFP also opined that recording and transcribing the technical sessions “will transform them into more formal proceedings than they are designed to

be” and expressed concern that “it will work to the disadvantage of the many unrepresented parties in this case.”

3. The Presiding Officer, in his August 29, 2016 Order, agreed with CFP that technical sessions present a form of informal discovery. Consequently, he denied the Applicants’ request to record and transcribe the technical sessions.

4. The Applicants do not take exception to the Presiding Officer’s, or Counsel for the Public’s, view of the purpose of technical sessions, and they are hopeful that the technical sessions proceed accordingly, but they do seek to clarify whether the denial of their request to record and transcribe the technical session was intended to preclude them from recording the technical sessions altogether. The Applicants are concerned that there is no bar to parties, members of the public, or the press recording all or portions of the technical sessions. In such circumstances, the Applicants will be at a disadvantage in the event a dispute arises in the proceeding or outside the proceeding as to precisely what was said at the technical sessions.

5. The Applicants do not ask the Presiding Officer to alter his decision to deny production of a transcript of the technical sessions or to use the technical sessions for impeachment purposes. Furthermore, they do not ask that they be allowed to record the technical sessions, so long as the sessions are not recorded by anyone else. They do ask, however, in order to ensure that an accurate record is compiled, that it be clarified that they are allowed to make a recording of the technical sessions if the intention is that others will be permitted to record them.

6. The Applicants sought concurrence for the relief requested from all parties in this proceeding but did not receive any responses.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

- a. Clarify whether and under what conditions recording is permitted 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: September 2, 2016

By: \_\_\_\_\_



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Certificate of Service

I hereby certify that on the 2<sup>nd</sup> of September, 2016 the foregoing Motion was electronically served upon the SEC Distribution List and the original and one copy will be hand delivered to the NH Site Evaluation Committee.



Barry Needleman