

September 8, 2016

Via Electronic Mail & Hand Delivery

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

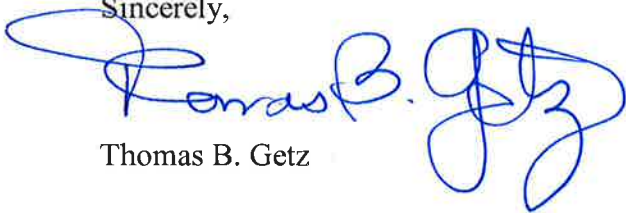
**Re: New Hampshire Site Evaluation Committee Docket No. 2015-06
Joint Application of Northern Pass Transmission LLC and Public Service Company
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of
Site and Facility
Objection to SPNHF Motion to Amend and Postpone**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of an
Objection to Motion to Amend and Postpone by the Society for Protection of New Hampshire
Forests.

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**

**OBJECTION TO MOTION TO AMEND AND POSTPONE
BY THE SOCIETY FOR PROTECTION OF NEW HAMPSHIRE FORESTS**

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 respectfully submit this objection to the September 2, 2016 pleading filed by the Society for the Protection of New Hampshire Forests (“SPNHF”), which it calls a Joinder and Motion for Applicant to Amend and for Limited Postponements (“Pleading”). Through its Pleading, SPNHF makes a number of arguments and requests to the Site Evaluation Committee (“SEC” or, in this case, “Subcommittee”), the most troubling of which would intrude upon the permitting authority of the Department of Environmental Services (“DES”) and cause undue delay.

First, SPNHF asserts, at p. 3, that it is important for it to know “specifically where the underground line is proposed to be located” and joins in the motion filed by Counsel for the Public (“CFP”) on August 15, 2016 seeking to amend the procedural schedule in relation to road crossing issues subject to the jurisdiction of the Department of Transportation (“DOT”). Second, SPNHF seeks to apply the CFP template for road crossings to wetlands issues subject to the jurisdiction of the DES as part of a collateral attack on that process. By urging the SEC to require an amendment to the Application for Site and Facility (“Application”) for wetlands issues, SPNHF is attempting to insert itself, and the Subcommittee, into DES’s internal process for

administering a wetlands application. Third, it argues that the Applicants have not fully responded to data requests by other parties. Fourth, it reargues positions from its August 15, 2016 motion to compel. Fifth, it proposes to amend the procedural schedule beginning with postponing portions of the technical sessions and culminating in a six-month or more further suspension of the timeline for issuing a final decision.

I. JOINDER

1. With respect to SPNHF's argument to amend the procedural schedule with respect to road crossing issues, the Applicants renew the positions they set forth in their August 25, 2016 Objection to Counsel for the Public and Grafton County Commissioners Motions to Compel/Amend Procedural Schedule.

II. WETLANDS

2. As part of SPNHF's collateral attack on the DES process, SPNHF contends, at p. 4, that the Project will have "colossal," "pervasive," "massive" impacts on wetlands and that the Applicants have not sufficiently responded to requests made by DES in its May 16, 2016 Progress Report. It wrongly claims that an amendment should be required because "this docket does not currently contain the information Site 301.03 (d) requires with respect to wetlands." Pleading, p. 10. SPNHF errs in fundamental ways described below. Most notably, as part of its attempt to influence the DES wetlands process, SPNHF tries to create a parallel process through which the SEC would essentially do what DES is already doing. At best, the parallel process would prove redundant, but it could very well conflict with DES permitting authority contrary to provisions of RSA 162-H:7 and 162-H:16, I.

3. First, DES found that it had sufficient information to satisfy its application requirements in a letter dated December 2, 2015, which pertain to alteration of terrain, wetlands

and shoreland. The SEC subsequently found that the Application was complete in an order issued December 18, 2015. Furthermore, DES has since submitted its required Progress Report, and it recently asked that the date for issuing its final decision be suspended until March 1, 2017. Accordingly, there is in place an orderly process, consistent with the requirements of RSA 162-H:7, IV, VI-b and VI-c. DES should therefore be allowed to exercise its permitting authority consistent with its regular practice and in the normal course.

4. Second, SPNHF's proposal, at p.10, to require an amendment that repackages all wetlands information as part of a single submission to the SEC misses the point of the SEC entirely. It seeks to override the role of the DES as part of the integrated review of energy facilities by effectively shifting its regulatory authority to the Subcommittee, which is antithetical to the purpose for which the SEC was established. The procedural implications of the proposed amendment are discussed below.

5. Third, the Application at pp. 69-71, the Pre-filed Testimony of Ms. Carbonneau at pp. 2-9, and Appendix 31 provide a comprehensive, fact-based view of the impact of the Project on wetlands. A fair reading of those documents does not support characterizations of colossal, pervasive, massive impacts.

III. DATA REQUESTS FROM OTHER PARTIES

6. SPNHF contends that the Applicants have not fully responded to certain data requests filed by other parties. SPNHF also asserts, at p. 8, that it and other parties "refrained from propounding certain wetland-related data requests...because the Departments' 5/16/16 progress report asked for the same information." It concludes by stating that it is not making a request to compel further responses but requesting an amendment that would "meet both the data requests made by the parties and the data requests foregone in reliance upon the Department's requests for more information." Pleading, p. 9.

7. SPNHF is wagering on the trifecta here. It would have the SEC disregard that: the wetlands application is complete; DES is administering the wetlands application properly; and, the deadline for propounding data requests has passed. As explained herein, the Application was deemed complete and SPNHF provides no supportable basis for requiring an amendment with respect to wetlands, or any other issue.

IV. MOTION TO COMPEL

8. The SEC's rules do not provide for responses to objections. SPNHF, at p. 11, nevertheless, summarizes and repeats arguments made in the motion to compel it filed on August 15, 2016, to which the Applicants objected on August 25, 2016. To the extent necessary, the Applicants rely on their previous objection.

V. AMENDMENT

9. SPNHF proposes that several issues be removed from the upcoming technical sessions and that an extended procedural schedule similar to that proposed by CFP for road crossing issues be adopted. An additional, entirely separate, multi-step process apart from the DES permitting process is more process than is due, and would needlessly delay adjudicative hearings and a decision in this proceeding, from September 30, 2017, to March 31, 2018, or later. The delay would serve no useful purpose and contravene the SEC's obligation to avoid undue delay.

10. More immediate, the parties could productively pursue the issues identified by SPNHF without postponing those segments of the technical sessions. The Applicants' witnesses will be available at the technical sessions to address testimony, data responses and related follow-up inquiry. In the same manner that the Applicants have provided testimony about wetlands, SPNHF can file testimony in November, 2016.

11. Finally, pursuant to the Presiding Officer's order of August 29, 2016, the DES will issue its decision by March 1, 2017, and supplemental testimony was previously scheduled for March 15, 2017. Given that all the information that the Applicants submit to DES will be available to SPNHF and the other parties, to the extent a party deems it necessary, it may file supplemental testimony on wetlands issues at that time. This approach provides due process to all parties and is in full accord with the "twin purposes of avoiding undue delay and resolving all issues 'in an integrated fashion.'" See *Public Service Company of New Hampshire v. Town of Hampton*, 120 N.H. 68, 71 (Jan. 31, 1980).

WHEREFORE, the Applicants respectfully request that the Subcommittee:

- A. Deny the request to require an amendment for filing wetlands information;
- B. Deny the request to amend the procedural schedule in any respect; and
- C. Grant such further relief as is deemed just and appropriate.

Respectfully submitted,

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

By Its Attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: September 8, 2016

By: 

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Certificate of Service

I hereby certify that on the 8th day of September, 2016, an original and one copy of the foregoing Objection was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the Distribution List.


Thomas B. Getz