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October 14, 2016

Via Electronic Mail & Hand Delivery

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

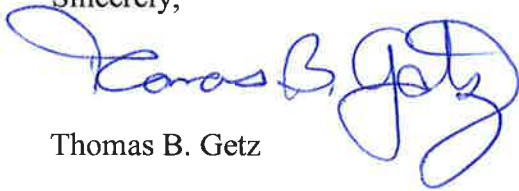
**Re: Site Evaluation Committee Docket No. 2015-06
Joint Application of Northern Pass Transmission LLC and Public Service Company
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of
Site and Facility
Applicant's Objection to Motion to Compel Data Requests**

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 to Compel Responses to Data Requests Directed to Applicants' Witness Julia Frayer.

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 TO COMPEL RESPONSES TO DATA REQUESTS
DIRECTED TO APPLICANTS' WITNESS JULIA FRAYER**

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 (“Petitioner”) Motion to Compel Responses to Data Requests Directed to Applicants’ Witness Julia Frayer (“Motion”). The Motion is procedurally improper and substantively in error.

1. On October 6, 2016, the Petitioner filed its Motion requesting that the Committee direct the Applicants to produce various materials associated with the Applicants’ responses to the September 19, 2016 Technical Session Data Requests.

2. The Motion is procedurally improper as it violates the Presiding Officer’s March 18, 2016 Order on Petitions to Intervene (“Intervention Order”). The SEC granted Lagaspence’s intervention, grouping Lagaspence with the Abutting Property Owners from Clarksville to Dalton. The Intervention Order clearly requires each intervenor group to “designate a single spokesperson for the purposes of filing pleadings, conducting discovery and for examination at evidentiary hearings.” *Id.* at 17. Attorney Cunningham is not the designated spokesperson for

this group. To maintain compliance with the Intervention Order, and to “promote the efficient and orderly process of the proceeding,” the Applicants ask that the Committee deny the Motion.

3. The Petitioner’s substantive arguments are likewise misguided, either by misstating the facts or otherwise failing to substantiate its claims. The Petitioner first argues that the Applicants’ response to Technical Session Data Request, TS2-2, is a “useless data dump.” TS2-2 requires the Applicants to: “Provide the *bibliography list* of the source material contained in the Retail Electricity Cost Savings Report, Appendix D, on Page 111-113.” [emphasis supplied]. Accordingly, the Applicants provided a comprehensive list of documents and other sources in bibliography format. The majority of the sources include links to the referenced documents. The Applicants explained that this list represents the sources LEI used for purposes of gathering information as part of its research of long-term energy contracts. The Petitioner has not in any way demonstrated that the response to the data request is inadequate but, instead, seems not to appreciate the nature of a bibliography.

4. The Petitioner next argues that the Applicants withheld certain confidential documents under a claim of attorney-client privilege. This statement is inaccurate. To the contrary, the Applicants only withheld the confidential documents at issue from those few parties who have not signed an Agreement for Protective Treatment (“Protective Agreement”). As the Applicants explained in their response, the requested excel spreadsheet contains information that is confidential in nature and would be provided to any party subject to compliance with an executed Protective Agreement. Indeed, the spreadsheet was provided to all parties who were party to a Protective Agreement, at the time the responses were filed. Although the Applicants have spoken to Attorney Cunningham about signing a Protective Agreement, he has declined, as

has the spokesperson for the Petitioner's group. Should the situation change, the Applicants will make the confidential documents available.

5. Finally, the Petitioner requests that the Committee order the Applicants to disclose the identities of the Eversource personnel who worked with Ms. Frayer regarding the redaction of her report and testimony. The Applicants objected on the basis of relevance and that the information is protected by the attorney client and/or work product privilege. The decisions regarding the redaction of Ms. Frayer's report and testimony were based on discussions with, and the advice of, legal counsel. Therefore, any information regarding such redactions is privileged.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

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

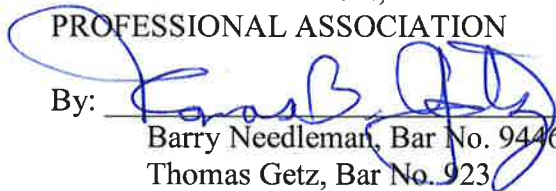
Respectfully submitted,

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

By Their Attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: October 14, 2016

By: 
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Certificate of Service

I hereby certify that on the 14th of October, 2016 the foregoing Objection was electronically served upon the SEC Distribution List and the original and one copy was hand delivered to the NH Site Evaluation Committee.



Thomas B. Getz