

STATE OF 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 for a Certificate of Site and Facility

**JOINT PARTIAL OBJECTION TO MOTION RE TREATMENT
OF MATERIAL PRODUCED INADVERTENTLY**

The Society for the Protection of New Hampshire Forests (“Forest Society”), by and through its attorneys, BCM Environmental & Land Law, PLLC, and the City of Concord, by and through its attorneys, the City Solicitor’s Office, partially object to the Applicants’ Motion Regarding Treatment of Material Produced Inadvertently filed on October 7, 2016 (“Motion”). Any order relative to material produced inadvertently should require the Applicants to: (1) notify the receiving parties within thirty days after the production which documents are privileged; (2) provide a timeframe by which the Applicants must provide instructions to a receiving party who contacts the Applicants to let them know that they received a document that appears to be privileged; and (3) allow the receiving parties to challenge claims of privilege and/or documents that have not been produced.

1. First, the Applicants are in the best position to appreciate what documents may be protected by a privilege. Therefore, the Applicants should bear the initial burden of identifying the documents produced inadvertently. Tasking other parties with each having to perform a document- by-document review of the documents produced to make such determination would be unreasonable and unduly burdensome. Accordingly, the Applicants should be ordered to make a reasonable sorting of the documents beyond what they have described in the Motion, using specialized discovery software if needed, so that inadvertent production is minimized.

2. To expedite this matter, it would be reasonable for the Applicants to produce the documents as suggested in their Motion, without any further sorting, and subject to the requests below, and then within thirty (30) days after that production to notify the receiving parties which documents, if any, the Applicants believe are privileged and/or which do not respond to a discovery request.

3. Second, in the event a receiving party notifies the Applicants that it believes that a document is privileged and asks for instructions on how to proceed, the Applicants should be required to provide notice *within three business days* indicating whether the document in question constitutes inadvertently produced privilege materials. This deadline is necessary to ensure that the Applicants review and provide instructions within a reasonable timeframe.

4. Lastly, the Movants request the right to challenge any of the Applicants' claims of privilege with respect to any documents associated with this production, including both documents produced inadvertently and documents not produced but noted on the privilege log associated with this production.

WHEREFORE, the Forest Society and the City of Concord respectfully ask that the Committee:

- A. Grant Applicants' Motion subject to the requests set forth in this Partial Objection;
- B. Grant such other and further relief as may be reasonable and just.

Respectfully Submitted,

**SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS**

By its Attorneys,
BCM Environmental & Land Law, PLLC

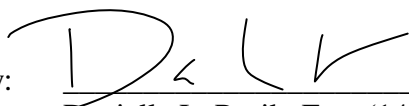


Date: October 17, 2016

By: _____

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Date: October 17, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this day, October 17, 2016, a copy of the foregoing Partial
Objection was sent by electronic mail to persons named on the Service List of this docket.



By: _____

Amy Manzelli, Esq.