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October 17, 2016

Via Electronic Mail

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

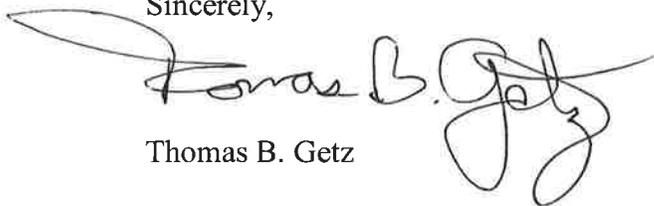
**Re: Site Evaluation Committee Docket No. 2015-06
Joint Application of Northern Pass Transmission LLC and Public Service Company
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of
Site and Facility
Objection to SPNHF Motion to Compel Documents**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an Objection to Society for the Protection of New Hampshire Forests Motion to Compel Documents Produced Informally To Counsel for the Public.

Please contact me directly should you have any questions.

Sincerely,



Thomas B. Getz

TBG:slb

cc: SEC Distribution List

Enclosure

**THE 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 CERTIFICATE OF SITE AND FACILITY**

**OBJECTION TO SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS’
MOTION TO COMPEL DOCUMENTS PRODUCED INFORMALLY
TO COUNSEL FOR THE PUBLIC**

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 Society for the Protection of New Hampshire Forests (“SPNHF”) Motion to Compel Documents Produced Informally to Counsel for the Public (“Motion”), filed on October 6, 2016, in the above-captioned proceeding. The Applicants explain below that the documents provided informally to Counsel for the Public (“CFP”) are not subject to discovery on procedural, substantive, and public policy grounds, and that, in any event, the Presiding Officer denied SPNHF’s request for such documents in his October 4, 2016 Order on Forest Society and Municipal Group 3 (South)’s Motion to Compel Documents Withheld (“October 4th Order”).

I. Background

On October 6, 2016, SPNHF filed the instant Motion, seeking the production of any information that had been informally provided to CFP and not otherwise provided to other parties through discovery in this proceeding. SPNHF also recounts its September 9, 2016 Motion to Compel Production of Documents Withheld, the Applicants’ September 19, 2016 objection thereto, and SPNHF’s unauthorized September 23, 2016 reply. In the resulting

October 4th Order, the Presiding Officer, after addressing SPNHF's request for the production of certain documents provided to CFP as a part of formal discovery, ruled, at p.7: "To the extent the Forest Society and Municipal Group 3 (South) broadly request "all documents" produced to Counsel for the Public, that request is denied." Consequently, the substance of the Motion has been adjudicated.

II. Discussion

As a procedural matter, the Motion is defective because it does not accord with the Site Evaluation Committee's ("SEC") rule on discovery, Site 202.12, which, in the ordinary course, contemplates a data request, a response or objection, and then a motion to compel. Here, SPNHF filed a freestanding motion to compel untethered to any specific data request. It does not make any allegation that the Applicants have failed to provide documents formally requested. Its request is, instead, an untimely, catch-all data request.

As a substantive matter, SPNHF has had ample opportunity to pursue formal discovery by propounding data requests and filing proper motions to compel, and to pursue informal discovery through questioning in the Technical Sessions. As part of that process, SPNHF, consistent with Site 202.12, also followed up with the Applicants in some cases to informally resolve disputes prior to filing motions to compel, as a result of which the Applicants provided certain information to SPNHF. It now seeks access to documents that the Applicants provided informally to CFP, which the Applicants had provided in effort to promote the efficient and orderly conduct of the proceeding. There is no requirement in the SEC rules, or the orders in this proceeding, that requires production of such information to SPNHF.

Furthermore, SPNHF's request here is similar to the request made in its August 15, 2016 motion to compel responses to data requests, in which it sought to compel production of

information responsive to data requests propounded by Municipal Group 1 (North). The Presiding Officer, at p. 35 of his September 22, 2016 Order on Motions to Compel, found that SPNHF had no standing to move to compel responses to requests it did not propound. The approach applied there, applies here as well.

The genesis of the informal production of documents to CFP in this proceeding goes back to the Spring of 2016 and relates in good part to the timing of the retention of experts by CFP, and the Applicants' desire to promote the efficient and orderly conduct of the proceeding by providing information to CFP's experts quickly, minimizing procedural delays. As a policy matter, requiring the Applicants at this juncture to provide documents that it previously provided informally to CFP would pose a disincentive for parties to engage in informal discovery in the future. It should also be noted in this regard that the SEC has effectively recognized that the CFP holds a special status. See, for example, the July 6, 2016 Order Clarifying Access to Confidential Information.

III. Conclusion

SPNHF argues that it "continues to be hindered in its intervention because the Applicants have not produced to the Forest Society the Informal Production to CFP." That is simply not the case. The Applicants have abided by the SEC rules. They have responded to SPNHF's data requests, they have made available through ShareFile and otherwise all information provided in response to any party's formal data request, they have complied with orders compelling production, they have answered questions at the technical sessions, and they have provided responses to the technical session data requests. Consequently, SPNHF has not been hindered nor have its due process rights been diminished.

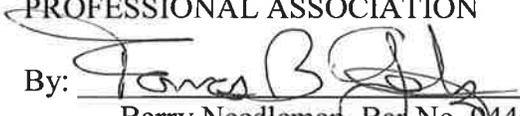
Respectfully submitted,

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

By Its Attorneys,

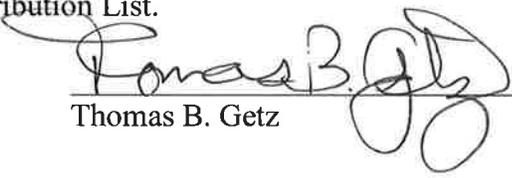
McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: October 17, 2016

By: 
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Certificate of Service

I hereby certify that on the 17th of October, 2016, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.


Thomas B. Getz