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November 7, 2016

**Via Electronic Mail & Hand Delivery**

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

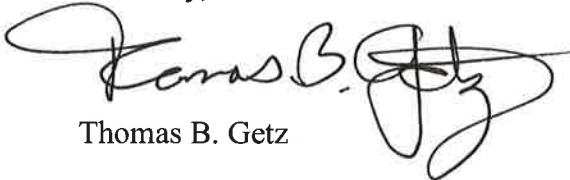
**Re: Site Evaluation Committee Docket No. 2015-06  
Joint Application of Northern Pass Transmission LLC and Public Service Company  
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of  
Site and Facility  
Objection to Motion to Extend Deadline**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of an  
Objection to Deerfield Abutters Motion to Extend Deadline for Testimony

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 DEERFIELD ABUTTERS  
MOTION TO EXTEND DEADLINE FOR TESTIMONY**

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 object to the Deerfield Abutters (“Deerfield”) Motion to Extend Deadline for Certain Items (“Motion”) filed on November 1, 2016, in the above-captioned proceeding. Deerfield seeks to delay filing its testimony on historic resources and property values until 45 days beyond the November 15, 2016 filing deadline. As discussed below, Deerfield has not shown good reason for such delay.

**I. Background**

1. The Applicants filed an Application for a Certificate of Site and Facility with the SEC on October 19, 2015, for a 192-mile electric transmission line with associated facilities (“Northern Pass” or “Project”). The Site Evaluation Committee (“SEC” or, in this case, “Subcommittee”) accepted the Application pursuant to RSA 162-H:7, VI on December 18, 2015.

2. On June 15, 2016, the Subcommittee issued an Order on Motions to Suspend. Among other things, the Subcommittee extended the overall statutory timeframe from 12 months to approximately 21 months, culminating in a decision by September 30, 2017. On June 23, 2016, the Presiding Officer issued an Order on Pending Motions and Procedural Order that,

among other things, set deadlines for discovery, and the filing of Counsel for the Public (“CFP”) and Intervenor testimony by November 15, 2016.

3. On September 22, 2016, the Presiding Officer issued an Order on Requests to Amend Procedural Schedule, extending certain deadlines, and granting CFP’s request that the Applicant be required to provide, on or before December 15, 2016, supplemental responses to data requests addressing (1) the underground portion of the Project and (2) its responses to certain Department of Environmental Services’ (“DES”) requests. The Order also allowed an additional month and a half, until December 30, 2016, for CFP and Intervenors to file testimony addressing various issues, including the underground portion of the Project and the responses to the DES requests.

4. On October 28, 2016, the Presiding Officer issued another scheduling order, titled Order on Requests to Amend Procedural Order (“October 28<sup>th</sup> Order”), which addressed motions from the CFP and the New England Power Generators Association, Inc. (“NEPGA”), along with joinders from the Society for the Protection of New Hampshire Forests (“SPNHF”), the Grafton County Commissioners (“GCC”), the Abutting Property Owners of Pittsburg, Clarksville and Stewartstown, and the Abutting Property Owners from Bethlehem to Plymouth. Among other things, the October 28<sup>th</sup> Order modified the procedural schedule to include the filing of testimony on (i) market economic issues; (ii) local economic issues; (iii) natural resources; and (iv) aesthetics on or before December 30, 2016.

5. In its November 1, 2016 Motion, Deerfield essentially seeks to expand the list of topics for testimony due by December 30, 2016, to include historic resources and property values.

## **II. Discussion**

6. Deerfield asks that it be given additional time to file “three items of pre-filed testimony.” They include the testimony of an historical expert, case studies on real estate transactions, and a report on projects similar to Northern Pass; the latter two of which concern property values. Deerfield says that it needs an extension because recent information from the technical sessions will be used to complete the testimony.

7. With respect to its testimony on historic resources, Deerfield points out that the third technical session with the Applicants’ witness was held on October 27, 2016, at which time CFP’s consultant asked questions. Deerfield also requests “consideration given our need for this subject matter (Historical) to be placed in the hands of a professional expert to prepare testimony to address our concerns.”

8. The Applicants object to an extension of time to file testimony on historic resources. The October 28, 2016 technical session was the last step in a lengthy discovery process, ongoing since May 13, 2016, which was intended to put Deerfield and others in a position to file testimony, if they desired, by November 15, 2016.

9. Deerfield was granted intervention on March 18, 2016. It submitted data requests on June 7, 2016, and data responses were provided to them on July 14, 2016. Deerfield also had available the several rounds of data responses provided to CFP and other intervenors. As for the technical sessions, the first session on historic resources was held on September 15, 2016, and the second was held on October 14, 2016, at which Deerfield asked questions, with the final day of technical sessions, October 28, 2016, being scheduled to accommodate the availability of the

CFP consultant. Of particular note in this regard, CFP, when it was seeking extensions on other topics, did not seek additional time to file its testimony on historic resources.

10. With respect to its testimony on property values, Deerfield states that its real estate case studies will “incorporate recent discovery documents obtained from the Applicant” and that it needs time to “travel to various parts of the State for site visits.” It also says that travel time will be needed to visit the sites of projects that were included in the Applicants’ response to Data Request DA1-5, which was provided on July 14, 2016.

11. The Applicants also object to an extension of time to file testimony on property values. Among other things, Deerfield has not identified what documents it recently obtained, or when, or how they relate to property values, or why they require more time than already provided. More important, Deerfield has had months to conduct its field trips, to the extent they are necessary, to develop case studies and/or view the Eversource projects that are the subject of DA 1-5.

### **III. Conclusion**

12. Deerfield should be in a position to file testimony regarding historic resources and property values on November 15, 2016. It says that it “relied heavily on the technical sessions to help us locate certain information in the original application, along with locating supplements filings and vital information necessary to prepare our pre-filed testimonies.” That may be true, but that is not how the process is designed, and it seems to be in conflict with Deerfield’s statement that information gained in the technical session will help complete its testimony, which is a more apt take on the process. Furthermore, insofar as Deerfield may have had trouble locating information in the Application or elsewhere, the Applicants have assisted parties informally in doing so over the past several months, including Deerfield. Specifically, when

Deerfield had a technical issue regarding access to certain documents produced on ShareFile, the Applicants provided the documents on a thumb drive. The Applicants also worked with Deerfield regarding access to confidential materials and produced follow-up information in response to their data requests.

13. Technical sessions are an informal form of discovery that follow written discovery and which provide the opportunity to refine understandings or resolve misconceptions about particular issues. They are the last stage in the process of preparing testimony; to the extent Deerfield decides to treat the conclusion of technical sessions as the time to place information in the hands of an expert to begin the process of writing testimony, it should be required to accept the procedural schedule as it stands.

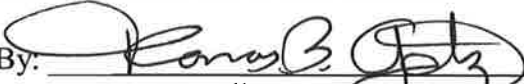
14. The Applicants filed their Application over a year ago and the Site Evaluation Committee extended the statutory review time from 12 months to 21 months. Deerfield has had sufficient time to review the Application, conduct discovery, and prepare testimony on historic resources and property values. Furthermore, it could have and should have filed this Motion a month or more ago, around the time that CFP was asking to extend the deadlines for filing testimony on certain topics. Extending the deadline for filing testimony to even more categories is not warranted at this juncture and would not be in the public interest because it could lead to additional delays. Accordingly, the Applicants respectfully request that the untimely Deerfield Motion be denied.

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: November 7, 2016

By:   
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Certificate of Service

I hereby certify that on the 7<sup>th</sup> day of November, 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 SEC Distribution List.

  
Thomas B. Getz