

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

**MOTION OF THE SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE
FORESTS FOR DEPOSITIONS OF JAMES A. CHALMERS AND MITCH NICHOLS**

The Society for the Protection of New Hampshire Forests (the “Forest Society”), by and through its attorneys, BCM Environmental & Land Law, PLLC, respectfully moves the Committee, pursuant to N.H. Admin. R. Site 202.12(l) to require Messrs. James A. Chalmers and Mitch Nichols (“Chalmers and Nichols”) to appear for separate depositions at times and locations that are agreed upon by the Committee and the Forest Society. In support of this Motion, the Forest Society states as follows:

1. The Forest Society, as an Intervenor in this docket, has the right to conduct discovery pursuant to N.H. Admin. R. Site 202.12. *See* N.H. Admin. R. Site 202.12(a) (“any person granted intervenor status shall have the right to conduct discovery in an adjudicative proceeding pursuant to this rule and in accordance with an applicable procedural order”).

2. Pursuant to N.H. Admin. R. Site 202.12(l), “[t]he presiding officer or any hearing officer designated by the presiding officer shall authorize other forms of discovery, including ... depositions ...when such discovery is necessary to enable the parties to acquire evidence admissible in a proceeding.”

3. The Forest Society moves to depose Chalmers and Nichols because the information they presented at a technical session conducted on September 19 and September 21

lacked clarity, and therefore the evidence to be admitted in the proceeding is unclear and currently unavailable.

4. Having the ability to conduct a brief deposition of each witness, during which the record will be able to be read back to clarify exactly what question was asked and confirm the witness's answer, will greatly enhance the adjudicative hearing in this matter. Otherwise, it is likely that great amounts of time will be used at the adjudicate hearing itself to ferret out precise answers.

5. It is anticipated that the Forest Society will have between 30 and 90 minutes of questions for each witness, the variability depending upon the duration and nature of the witnesses' answers.

6. The Forest Society therefore respectfully requests that the Committee exercise its authority concerning discovery, pursuant to N.H. Admin. R. 202.12(l) or its subpoena power pursuant to RSA 365:10 and issue an order requiring the depositions of Chalmers and Nichols.

7. The information Julia Frayer provided also lacked clarity. However, given that she is due to submit revised analysis by February 15, 2017, it seems premature to seek to depose her. In the event that her revised analysis, and any technical sessions or other discovery subsequent to her submittal of revised testimony, do not clarify the information she presented, the Forest Society reserves the right to request her deposition at that time.

8. No party should be prejudiced by the granting of this motion nor is it anticipated to cause any delay of the proceedings per the current procedural schedule.

9. The following parties take the following positions with respect to this request:

a. Concur

Grafton County Commissioners
New England Power Generators Association, Inc.
Ammonoosuc Conservation Trust

Appalachian Mountain Club
Conservation Law Foundation
Pemigewasset River Local Advisory Committee
Town of New Hampton
Town of Littleton
Town of Ashland Water & Sewer
Town of Woodstock
Town of Deerfield
Town of Bridgewater
Town of Pembroke
Town of Easton
Town of Franconia
Town of Plymouth
Town of Sugar Hill
Town of Woodstock
Town of Bethlehem
Town of Bristol
Town of Northumberland
Town of Whitefield

- b. Object
Applicants
- c. Take No Position
The Cities of Berlin and Franklin

WHEREFORE, the Forest Society respectfully requests that the SEC:

- A. Order the depositions of Messrs. Chalmers and Nichols at a time and location that is agreed upon by the Committee and the Forest Society; and
- B. Grant such other and further relief as is just and equitable.

Respectfully Submitted,

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

By its Attorneys,

BCM Environmental & Land Law, PLLC

Date: November 18, 2016

By: _____

Amy Manzelli, Esq. (17128)
Jason Reimers, Esq. (17309)
Elizabeth A. Boepple, Esq. (20218)
3 Maple Street
Concord, NH 03301
(603) 225-2585
manzelli@nhlandlaw.com
reimers@nhlandlaw.com
boepple@nhlandlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November , 2016, a copy of the foregoing Motion was sent by electronic mail to persons named on the Service List of this docket.

Amy Manzelli, Esq.