

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
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December 1, 2016

Via E-mail & U.S. Mail

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

Re: SEC 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

Dear Ms. Monroe,

Enclosed is a Response of Counsel for the Public to Sabbow and Co., Inc.'s
Motion for Intervention for filing in the above-referenced matter.

Copies of the enclosure have been forwarded via e-mail to all parties listed on the
Distribution List dated November 30, 2016.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Laura L. Maynard".

Laura L. Maynard
Paralegal
Environmental Protection Bureau
(603) 271-3679

/llm
Enclosure

#1558388

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

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

**RESPONSE OF COUNSEL FOR THE PUBLIC
TO SABBOW MOTION FOR INTERVENTION**

Counsel for the Public, by his attorneys the Office of the Attorney General and Primmer Piper Eggleston & Cramer, PC, hereby responds to Sabbow and Co., Inc.'s Late Petition to Intervene (the "Sabbow Petition"). Counsel for the Public supports the Sabbow Petition and urges the Sub-committee to grant Sabbow's request on the condition that it abide by all existing orders and deadlines. In support hereof, Counsel for the Public respectfully represents as follows:

1. Sabbow's Petition clearly states that it has a concrete (no pun intended) interest in this case as an abutter/host and it does not appear to be asking the Sub-committee to resolve property disputes.
2. Sabbow is an important New Hampshire business and employer that has a direct interest in the outcome owing to the presence of the proposed project across its property. Its interest is at least as worthy of protection as any of the *many* other abutters that the Sub-committee has allowed to intervene in this case. *See, e.g., Order On Petitions to Intervene*, dated March 18, 2016, at 43-44 (granting petition of Wagner Forest Management which leased land to the Applicants for right of way finding that it "has a direct economic interest in the outcome of these proceedings").

3. Sabbow's participation is in the interest of justice and will not interfere with the orderly proceeding of the case if Sabbow's participation is conditioned upon being bound by all prior orders and deadlines. *See San Juan County v. United States*, 503 F.3d 1163, 1167 (10th Cir. 2007) (intervention may be subject to conditions protecting the "efficient conduct of the proceedings"); Application of Antrim Wind Energy, no. 2012-01, *Order on Outstanding Motions*, dated Aug. 22, 2012 at 18-19 (allowing Gregg Lake Association's "exceedingly late" petition to intervene subject to limitations); *but see* Application of Groton Wind, no. 2010-01, *Order on Motion Pertaining to the Participation of the Town of Holderness*, dated Feb. 28, 2011 (order by Vice Chair Getz granting Holderness' late petition and amending the procedural schedule).

4. Counsel for the Public does not at this time take any position on the merits of any of the legal and factual issues raised by Sabbow, and only supports its right to participate in this proceeding.

Wherefore, Counsel for the Public prays that the Sub-committee grant the Sabbow Petition subject to reasonable conditions as outlined above and grant such other and further relief as may be just.

Respectfully submitted,

COUNSEL FOR THE PUBLIC

By his attorneys



Dated: December 1, 2016

Peter C.L. Roth
Senior Assistant Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, New Hampshire 03301-6397
Tel. (603) 271-3679

PRIMMER PIPER EGGLESTON & CRAMER PC

/s/ Thomas J. Pappas

Dated: December 1, 2016 By:

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-and

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Certificate of Service

December 1, 2016

I hereby certify that a copy of the foregoing Response has been forwarded this day to persons named on the Service List in this docket.

/s/ Peter C.L. Roth _____
Peter C.L. Roth