

December 2, 2016

Via Electronic Mail & Hand Delivery

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

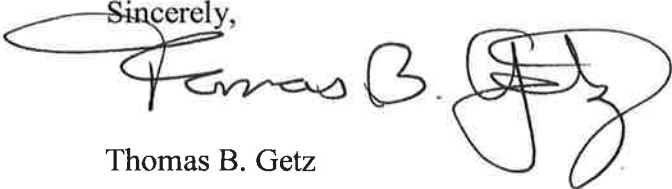
**Re: Site Evaluation Committee Docket No. 2015-06
Joint Application of Northern Pass Transmission LLC and Public Service Company
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of
Site and Facility
Applicant's Objection to Motion for Rehearing Regarding Privilege Log**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of Applicant's Objection to Motion for Rehearing Regarding Privilege Log.

Please contact me directly should you have any questions.

Sincerely,



Thomas B. Getz

TBG:slb

cc: SEC Distribution List

Enclosure

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

SEC DOCKET NO. 2015-06

**JOINT APPLICATION OF NORTHERN PASS TRANSMISSION LLC &
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**APPLICANTS' OBJECTION TO MOTION FOR REHEARING
REGARDING PRIVILEGE LOG**

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 object to the Society for the Protection of New Hampshire Forests’ (“SPNHF”) Motion for Rehearing on Order on Motion to Compel Regarding Privilege Log (“Motion for Rehearing”) filed on November 28, 2016. As the Applicants discuss below, SPNHF fails to meet its legal burden and its request for rehearing should be denied.

1. On October 28, 2016, the Presiding Officer issued an order denying SPNHF’s so-called motion to compel a privilege log, which alleged deficiencies in the log that had been provided by the Applicants. The Presiding Officer found, at p. 5, that SPNHF had not demonstrated that the privilege log was deficient, and he determined that the log “satisfies the requirements of the September 22, 2016, Order on Motions to Compel.”

2. On November 28, 2016, SPNHF submitted a motion seeking rehearing of the Presiding Officer’s October 28, 2016 order. It contends that the Presiding Officer missed the point of the SPNHF motion and it summarizes its original arguments, alleging that identifying which documents were provided in response to which data request involves a laborious effort.

3. A motion for rehearing must (1) identify each error of fact, error of reasoning, or error of law which the moving party wishes to have reconsidered, (2) describe how each error causes the committee's order or decision to be unlawful, unjust or unreasonable, and (3) state concisely the factual findings, reasoning or legal conclusion proposed by the moving party. Site 202.29(d).

4. The purpose of rehearing "is to direct attention to matters that have been overlooked or mistakenly conceived in the original decision ..." *Dumais v. State*, 118 N.H. 309, 311 (1978) (internal quotations omitted). A rehearing may be granted when the Committee finds "good reason" or "good cause" has been demonstrated. *See O'Loughlin v. NH Pers. Comm.*, 17 N.H. 999, 1004 (1977); *Appeal of Gas Service, Inc.*, 121 N.H. 797, 801 (1981). "A successful motion for rehearing must do more than merely restate prior arguments and ask for a different outcome." *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014); *see also Freedom Energy Logistics*, Order No 25,810 at 4 (Sept. 8, 2015).

5. SPNHF does not identify an error of fact, reasoning or law. It simply reprises the arguments it made previously and, at p. 4, contends that the Applicants continue to "resist clarity" and asks for a different outcome.

6. SPNHF overlooks that the Applicants, in an effort to make the privilege log more user friendly, added a column identifying specific documents attached to emails where a privilege was asserted, and updated the privilege log to identify (1) all documents that were provided in response to data requests despite the claim of privilege, (2) the bates number for those documents, and (3) the data request in response to which those documents were provided. The Applicants produced this updated privilege log on October 26, 2016, and attach a copy hereto as Attachment

A. The Applicants recognize that a great number of documents have been provided through discovery, and that both the Applicants and the intervenors are exerting substantial effort to manage those documents effectively, but under the circumstances the Applicants have taken reasonable steps to produce a privilege log.

7. SPNHF seems to be arguing that the Applicants have an obligation to somehow construct a privilege log that reduces SPNHF's efforts. As noted above, however, the Presiding Officer has determined that the Applicants have satisfied the obligation set forth in the September 22, 2016 Order on Motions to Compel, at p. 12, which states that "[t]he Applicant shall produce a privilege log sufficiently identifying what has been withheld and stating the reason for nondisclosure."

8. In summary, SPNHF does not provide a good reason for rehearing; rather, it simply asks for a different result. Thus, inasmuch as the Presiding Officer did not overlook or mistakenly conceive anything in his original decision, the Motion for Rehearing should be denied.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

- a. Deny SPNHF's Motion for Rehearing; and
- b. Grant such further relief as it deems appropriate.

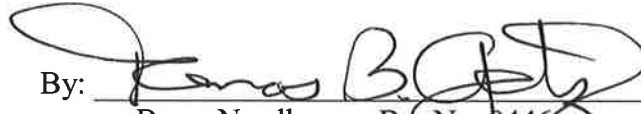
Respectfully submitted,

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

By Their Attorneys,
McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: December 2, 2016

By:



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Certificate of Service

I hereby certify that on the 2nd day of December, 2016 the foregoing Objection was electronically served upon the SEC Distribution List and an original and one copy will be hand delivered to the NH Site Evaluation Committee.


Thomas B. Getz