

THE 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

**MOTION OF THE SOCIETY FOR THE PROTECTION
OF NEW HAMPSHIRE FORESTS TO COMPEL**

The Society for the Protection of New Hampshire Forests (the "Forest Society"), by and through its attorneys, BCM Environmental & Land Law, PLLC, respectfully requests that the SEC order Dixville Capital, LLC and Balsams Resort Holdings, LLC ("The Balsams") to produce to the Forest Society all documents and responses sought by it in its Data Requests on The Balsams dated November 30, 2016 (the "Data Requests"). The Forest Society states as follows in support of its request:

1. Among the benefits claimed by the Applicants that the Project would bring to New Hampshire are those associated with the Forward New Hampshire Fund. The Application states that "NPT will spend \$10 million annually on funding initiatives under the Forward New Hampshire Plan ... through 2039." Application at 86. The Applicants cite this investment as evidence that the Project is in the public interest. Application at 92-93. Mr. Quinlan, in his prefiled testimony stated that:

NPT will establish the Forward New Hampshire Fund, a \$200 million (\$10 million a year for 20 years) fund targeted to support community betterment, clean energy innovation, tourism and economic development. The emphasis for the Fund will be on host communities and, in particular, host communities in the North Country. The Fund will operate through an advisory Board structure including municipal and community leaders, representatives of the business community, environmental organizations, North Country leaders and other key stakeholders.

Prefiled Testimony of Wm. J. Quinlan, dated Oct. 16, 2015, at p. 6.

2. On February 5, 2016, The Balsams petitioned to intervene (which was subsequently granted) and pointed out the value of The Balsams resort redevelopment and the broad public support it enjoyed.¹ The Balsams argued that it had an interest in the availability of power and energy costs and the proximity of the NPT project to the Balsams Hotel and resort property. Petition to Intervene of Dixville Capital, LLC and Balsams Resort Holdings, LLC, dated Feb. 5, 2016. The Balsams did not mention any financial support for its plans from the Forward New Hampshire Fund or NPT in its petition.

3. On March 7, 2016 however, Mr. Otten, who identifies himself as "the lead developer" of The Balsams project, announced at the SEC's Public Hearing in Colebrook that NPT invested \$2 million from the Forward New Hampshire Fund "without strings" in The Balsams redevelopment project. See Transcript of Public Hearing Conducted in Conjunction with the U.S. Department of Energy, Colebrook, NH, dated March 7, 2016 at 194, lines 21-23, attached as Exhibit 1. He also stated that "we're discussing a potential increased investment as the Pass progresses." Id. at 194-95, lines 23 & 1-2. Mr. Otten further argued, "The fund for the future is real. It's \$200 million that's going to be spent in the North Country. That is a significant investment and commitment." Id. at 195-96, lines 23 & 1-3. An employee of The Balsams also spoke that night in favor of the Project and clearly linked the Forward New Hampshire Fund to the "rebirth of the resort." Id. at 199.

4. On March 14, 2016, at the SEC's Public Hearing in Holderness, Mr. Quinlan corroborated Mr. Otten's previous statements in answering a question from the Chair. The Chair asked "Is the Forward NH Fund currently active?" See Transcript of Public Hearing,

¹ In a footnote to the Order on Petitions to Intervene, dated March 18, 2016, the Chair noted the "advance grant of \$2 million from the Forward New Hampshire Fund to the redevelopment of the Balsams Resort." Order on Petitions to Intervene, at 43, note 17.

Holderness, New Hampshire, dated March 14, 2016, at 48, lines 14-15, attached as Exhibit 2.

Mr. Quinlan responded that while "technically" it was not, NPT had recently announced "an advance commitment from the Forward NH Fund." Id. at lines 16-22. He elaborated that the advance was made "in essence, by Eversource and its shareholders. And it was really an opportunity to help make the Balsams redevelopment project in the North Country a reality."

Id. at 49, lines 1-4. Further he argued that the advance from the Fund was:

exactly the type of initiative that the \$200 million Forward NH Fund is intended to target. It's in the North Country, it's for the betterment of communities hosting the line. It would have a positive effect on tourism and economic development in the region. So it's the quintessential initiative for a fund like the Forward NH Fund and we took the opportunity to make the commitment.

(Id. at 49, lines 15-22.)

Mr. Quinlan also informed everyone that the Advisory Board for the Fund had not been established. Id. at 50. Other witnesses that night also stressed the importance of the Fund's contribution to The Balsams. See Holderness Hearing Transcript, at 96 (remarks of Rep. Herb Richardson, Coos Dist. 4):

I support the project's decision that Northern Pass was providing \$2 million in early funding for the Balsams redevelopment. This is another perfect example of how beneficial this fund could be. This is great news for Coos County, and will help to bring the project to completion.

and see also id. at 97 (remarks of Alan McLain thanking the Fund for choosing The Balsams).

5. On March 16, 2016, at the Public Hearing in Deerfield, Mr. Quinlan again identified the \$2 million award that the Forward New Hampshire Fund made to The Balsams as "the single best example" of what the Fund was intended to do. See Transcript of Public Hearing, Deerfield, New Hampshire, dated March 16, 2016, at 55, lines 3-22, attached as Exhibit 3. When queried further by the Chair, Mr. Quinlan said that the \$2 million promised to The Balsams would be deducted from the \$200 million Forward New Hampshire Fund. Id. at

55-56.

6. In data requests, the Clarksville-Stewartstown Non-Abutter Intervenors sought further information about the Applicants' contribution and commitment for the Forward New Hampshire Fund to The Balsams. The Applicants objected on the grounds of confidentiality and relevance and the Intervenors moved to compel. See Order on Motions to Compel, dated Sept. 22, 2016, at 25-26. The presiding officer denied the Intervenors' motion to compel without analysis saying, "The requested information is simply not relevant or reasonably calculated to lead to the discovery of admissible evidence." Id. at 26.

7. The Balsams submitted the Pre-filed Direct Testimony of Leslie Otten on Behalf of Dixville Capital, LLC, and Balsams Resort Holdings, LLC, on November 15, 2016. Mr. Otten's testimony is openly supportive of the Project and voices non-expert opinions concerning the Project's effects on tourism, air quality, real estate values, energy supply and cost, job creation, and the development plans of the resort. Mr. Otten does not reference the Fund's \$2 million gift to his redevelopment project despite his previous public comments in Colebrook.

8. In response to Mr. Otten's testimony, the Forest Society made data requests to The Balsams seeking information as follows:

- (a) Identify all payments made to Dixville Capital, Leslie Otten, or Balsams Resort Holdings by the Applicants or any person affiliated with them specifying the date, the amount, and the purpose for each of such payments. Provide copies of all documents relating to such payments;
 - (b) Identify any financial arrangements that have been discussed or committed to between Dixville Capital, Balsams Resort Holdings and the Applicants;
- and

- (c) To answer whether future funding by the Applicants to Dixville Capital and/or Balsams Resort Holdings was conditioned upon Dixville Capital's or Balsams Resort Holdings support for the Project.

9. In response to the Forest Society's data requests, The Balsams objected in each instance stating "not relevant" and "not likely to lead to the discovery of admissible evidence." Its objection relied primarily upon the September 22, 2016 order on this issue. The objection also claimed confidentiality and over breadth. In no instance, however, did the objection make more than cursory arguments about these objections and provided no factual support for them. The Balsams did not explain why the evidence being sought would be inadmissible in this proceeding.

10. On December 30, 2016, Counsel for the Public ("CFP") submitted testimony and a report in the case claiming economic benefit credit for the Forward New Hampshire Fund. See, e.g., Testimony of Thomas E. Kavet, dated Dec. 30, 2016, at 11 & 12 (showing positive effects of the Forward NH Plan on job creation and Gross State Product.) Mr. Kavet, however, noted some qualifications to the realization of the benefits. See Kavet Testimony at 5 (Fund should be managed and administered by independent economic development professionals following best practices); Kavet & Rockler Assocs., Economic Impact Analysis and Review of the Proposed Northern Pass Transmission Project, dated Dec. 30, 2016, at 52-55 (noting further concerns and uncertainties).

11. Whether particular evidence is "relevant" is a determination as to whether it is material to an issue in the case and has probative value of that issue. It is clear that the value and uses of the \$200 million Forward New Hampshire Fund are material issues in this case. The Fund is held out as evidence of the Project being in the public interest in the Application and as economic benefit in the testimony of Mr. Quinlan. In Mr. Quinlan's

public remarks at the SEC's hearings in Colebrook, Deerfield and Holderness, he very enthusiastically touted the Fund and its award to The Balsams as among the primary benefits of the Project to the State. Mr. Quinlan also said that the Fund will be administered by an as yet unestablished Advisory Board and notably, that notwithstanding the lack of such a board, the Applicants awarded The Balsams \$2 million from the Fund "without strings." Further Mr. Quinlan, Mr. Otten and others publically declared the value of this decision as being "quintessential" and "the single best example" of the purposes and uses of the Fund. Moreover, CFP's witnesses have identified the Fund as an apparently positive economic benefit to the State. With these facts the Fund and the award to The Balsams are unmistakably material issues in this case.

12. Mr. Otten, for The Balsams, submitted testimony supporting the Project and offering opinions on a number of things including economic effects such as job creation, tourism, and the redevelopment of the resort. Consequently, Mr. Otten's credibility and the bias of The Balsams in favor the Project are material issues. The door has been opened both by Mr. Quinlan and Mr. Otten and it is thus appropriate and necessary for the Forest Society to know more details about the uses of the Fund through its award to The Balsams, the terms and conditions attached to the award, including whether it is actually "without strings," and the nature and extent of any future awards committed. Similarly the details can shed light on the motivations, credibility and biases of Mr. Otten and The Balsams in offering their testimony. It appears obvious that the SEC and the public would want to know if, for example, the Applicants committed a significant figure from the Fund to The Balsams, which amount presumably would not be available for other purposes in the North Country or elsewhere.

13. Finally, where Kavet & Rockler have testified that the Fund's effects may be positive if managed and administered properly, it is material to know whether in "the single

best example" of the use of the Fund, the Applicants made the award wisely or otherwise. Similarly, the Applicants' bases and standards for making awards from the Fund should be scrutinized by the SEC in this process and as such are relevant issues for discovery. In addition, a large commitment of the Fund to The Balsams might affect Kavet & Rockler's modeling.

14. Undeniably, information about the "single best example" of the use of the Fund should be highly probative. Whether strings were attached to the award could be highly probative of bias and credibility of Mr. Otten and The Balsams. If the Fund is administered well in this instance might be probative of whether the Fund is some evidence that the Project is in the public interest.

15. The question of relevance is a low bar in the context of discovery, which bar is perhaps even lower in administrative proceedings. Pre-hearing "discovery is by its nature preliminary, remedial and discretionary, so [it is] given a favored, liberal and broad application in order to accomplish its purposes. Its use has been encouraged and its availability has been consistently expanded." G. MacDonald, 4 N.H. Practice - Wiebusch on N.H. Civil Prac. & Proc., at § 22.02 (3d ed. 2010). Under New Hampshire Superior Court Rules, the question of probability of leading to the discovery of admissible evidence is used only protectively to balance an argument that the material sought may be inadmissible; it is an exception to the exception, not the rule. See N.H. Super. Ct. R. 21(b) ("Scope of Discovery").² That standard is not found in the SEC's rules or in RSA 541-A.

² (b) *Scope of Discovery*. Unless otherwise limited by order of the court in accordance with these rules, parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, electronically stored information, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not grounds for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

16. Under RSA 541-A:33, "[a]ny oral or documentary evidence may be received; but the presiding officer may exclude irrelevant, immaterial or unduly repetitious evidence." Cross examination is mandated to provide the parties "a full and true disclosure of the facts." RSA 541-A:33, IV.

17. Under these liberal standards and given the clarity that the Forward New Hampshire Fund's status is a material issue, the clarity that the administration of the Fund is a material issue, the clarity that Mr. Otten's and The Balsams' credibility and possible bias are material issues, the presiding officer should compel the answers and production sought by the Forest Society.

18. The Forest Society respectfully requests that a ruling on this Motion be made as soon as possible following an anticipated Objection from the Balsams. The Forest Society and the Balsams have agreed that the Forest Society will not question The Balsams' witnesses about these topics at the forthcoming Technical Sessions unless a ruling has been issued compelling the Balsams to provide the requested information. So, to maximize the orderly conduct of these proceedings, the parties request a ruling as far in advance as possible of the technical session during which the Balsams' witnesses are scheduled to appear.

19. Pursuant to Site 202.12(k)(4), the Forest Society certifies that it has made a good-faith effort to resolve the dispute informally. The Forest Society and The Balsams have agreed that this Motion is timely filed if filed by today.

WHEREFORE, the Forest Society respectfully asks that the Committee compel Dixville Capital, LLC, and Balsams Resort Holdings, LLC, to produce the information requested and grant such other and further relief as may be reasonable and just.

Respectfully Submitted,

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

By its Attorneys,

BCM Environmental & Land Law, PLLC



Date: January 6, 2017

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that on this day, January 6, 2017, a copy of the foregoing Motion was sent by electronic mail to persons named on the Service List of this docket.



Amy Manzelli, Esq.

EXHIBIT 1

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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
Docket No. 2015-066

Joint Application for Northern Pass Transmission, LLC
and Public Service Company of New Hampshire
d/b/a Eversource Energy for a Certificate of Site
and Facility

AGENDA FOR
PUBLIC HEARING CONDUCTED IN CONJUNCTION WITH THE U.S.
DEPARTMENT OF ENERGY

Colebrook Elementary School
27 Dumont Street
Colebrook, New Hampshire
March 7, 2016
5:00 - 10:30 p.m.

1 entire project underground, not just part of it.

2 Now, listening to the comments tonight, for
3 the most part, it looks like Northern Pass, yes
4 or no, is not the question. The issue is
5 towers, and the issue is an issue because of
6 Northern Pass's stubborn refusal to spend the
7 money to completely bury the lines. Thank you.

8 SPEAKER: Good evening. Thank you for
9 allowing me to speak tonight. My name is Les
10 Otten. I own a renewable energy company and
11 I've been doing business in New Hampshire since
12 2008, wood pellet industry. I've long supported
13 replacing fossil fuels with renewable energy.
14 In fact, that's what my company has been doing
15 and we're a leader in the state. We deliver
16 efficient wood pellet boilers and heating
17 systems so residents and businesses can stop
18 burning oil and propane. I'm also for jobs and
19 growing the North Country economy. I spent the
20 last two and a half years creating a plan for
21 the Balsams Resort that you've heard about
22 tonight that could lift the entire region, if
23 successful. The fulfillment of that plan is my

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1 first responsibility.

2 I also believe that climate change is real.
3 It's our responsibility to mitigate the most
4 potentially damaging activity that man has
5 inflicted on our planet, but this is again also
6 about jobs and the economy. In Dixville, in
7 particular, was where manufacturing, power and
8 tourism thrived for decades. Power has been a
9 central component of the North Country's
10 history. People resist change and they fear the
11 unknown. Many times in my life, I have resisted
12 change and feared it as well so I understand.

13 We have currently a Hydro-Quebec line that
14 is taller than the proposed Northern Pass line
15 which was built in 1986. That line runs
16 directly through major tourism areas without
17 negative impacts. And 33 wind towers were built
18 on the mountain ridges above Dixville, and
19 depending on your perspective and where you are
20 at night, you can see blinking red lights on
21 over 100 spaces on the hilltops over the State
22 of New Hampshire. To some of us, those
23 represent progress. They represent clean

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1 energy, and we like to see them. So often
2 vision is in the eye of the beholder.

3 From a lifetime of developing resorts in
4 New Hampshire, California and Maine, I've never
5 seen tourism negatively affected by low cost
6 renewable energy and the systems derived and
7 built to create them. Views are important. The
8 North Country is also facing serious social and
9 economic issues. The highest unemployment
10 rating is in the North Country of New Hampshire.
11 It's caused our young workers to leave. Our
12 high school graduates can't find professions.
13 We've invested significant dollars in our
14 community only to watch these great assets leave
15 because there are no jobs. We have a drug
16 addiction epidemic in all of the northeast and
17 especially in the rural communities in New
18 Hampshire that many of us don't recognize, but
19 it's there.

20 Northern Pass while not loved, clearly, has
21 created a Forward New Hampshire fund that has
22 invested \$2 million in the project at the
23 Balsams without strings. We're discussing a

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1 potential increased investment with them as the
2 Pass progresses. This will help us fulfill our
3 commitment of restoring the Balsams Resort and
4 revitalizing the North Country's economy. When
5 we reopen with Phase 1, and at its completion,
6 we will employ 1700 people. 600 people will be
7 used over the next ten years in construction.

8 We will also save significantly in our
9 annual energy cost. Those costs are something
10 that a businessman really needs to pay attention
11 to. The price that we're currently paying for
12 power is the highest in the nature and in the
13 continental United States. The possibility of
14 keeping those costs in line and of stopping
15 pollution of our land, our water, our air with
16 hydrocarbons that are being put there from
17 fossil fuels is an important part of our future
18 and may well be the key to preserving our lakes,
19 trees, our ground that we grow our food with.

20 Northern Pass is helping the North Country
21 in a very significant way. Approving the
22 project will bring more investment to our
23 region. The fund for the future is real. It's

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1 \$200 million that's going to be spent in the
2 North Country. That is a significant investment
3 and commitment.

4 In closing, let me say that let there be no
5 doubt that I favor the rebirth of the North
6 Country, and I favor Northern Pass and the
7 opportunities it will create. I hope these
8 opportunities will endure for the next century.
9 I thank you for your time.

10 MR. HONIGBERG: Every speaker up here this
11 evening deserves your respect, and you will not
12 make any more disparaging comments about any
13 speaker here this evening. Thank you.

14 SPEAKER: Good evening. My name is Jeff
15 Stevens, and I am a construction manager working
16 on the Balsams renovation. I live in Dixville
17 and have built large resort projects all over
18 the world. Infrastructure is a necessary
19 component of all development projects, and the
20 Balsams project is no exception. In fact, there
21 are many good aspects to the Balsams project and
22 the Northern Pass including the fact that they
23 will use clean renewable hydroelectric power and

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1 will help Coos County to grow rather than
2 shrink.

3 Exactly 30 years ago I helped to build the
4 Pontook Hydroelectric Project in Dummer, and
5 that has been a boon to Coos County and New
6 Hampshire in terms of its economic,
7 environmental and recreational opportunities
8 with minimized visual impact from the
9 infrastructure and transmission lines. I look
10 forward to doing the same with the Balsams
11 redevelopment. Thank you.

12 MR. HONIGBERG: Andy Pearson. I have been
13 connected to the Balsams property for the
14 majority of my life and have worked at the
15 resort for upwards of 27 years. During this
16 time, I've worked for different owners and
17 several management companies, each of whom
18 brought varying degrees of change, both to the
19 resort's operation as well as the staff and
20 guests. The biggest change and the one with the
21 most impact still to this day was the decision
22 in the fall of 2011 by our then owner, Tillotson
23 Corporation, to close the resort.

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1 Now I'd like to speak briefly about
2 opportunities. Specifically, the opportunities
3 that I've witnessed as countless students all
4 from surrounding communities have experienced
5 working at the resort during their high school
6 and often college years. For decades our local
7 youth have had the privilege of having a wide
8 range of employment options allowing them to
9 acquire skill sets, work alongside others from
10 different parts of the world and recreate at the
11 resort throughout the seasons. This unique
12 opportunity was in their backyard, and for many
13 had the enormous positive impact on their lives.
14 On more than one occasion I received a copy of
15 college papers written bring past employees of
16 the resort on their experience and the
17 importance of that experience during that time
18 in their life.

19 We are now coming to the end of our fifth
20 winter season at the Balsams and the Balsams
21 remains closed. To my point, that represents
22 five graduating classes or half a decade of kids
23 who did not get to experience those types of

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1 opportunities. This is a real concern of mine.
2 I have a 13-year-old who wonders what her future
3 will look like over the next 8 or 9 years.
4 We're very close to realizing the tremendous
5 opportunities that the rebirth of the resort
6 will bring area wide, the opportunity to share
7 in Forward New Hampshire fund to allow
8 especially our local kids the chance to
9 participate in and experience the many
10 attributes and skills that will come with such
11 employment options is a future that I've looked
12 forward to.

13 There is a quote that used to hang in most
14 offices at the resort, it came about from
15 talking to employees about their feelings
16 working at the Balsams, not management. It
17 read, the Balsams is your highest priority. By
18 serving its interests first and for the
19 long-term, you and its guests, staff and
20 community will all benefit the most.

21 SPEAKER: Monique Petrofsky. Thank for the
22 opportunity to speak. I actually have a
23 statement that my son wrote, and he represents

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EXHIBIT 2

1 know, if the aspiration was to be in the top five, you
2 know, we have to dramatically change the energy
3 infrastructure in this region.

4 But Northern Pass is a big step in the
5 right direction. You know, right now, we are the
6 highest in the country, and we're going higher. And,
7 not only are we high, we're very volatile. Which means
8 we're having very significant price swings in the wrong
9 direction during the winter months, which is a critical
10 period for many of our business and homeowners.

11 So, it's a step in the right direction,
12 but much more than Northern Pass will be necessary to
13 become truly competitive with the rest of the country.

14 CHAIRMAN HONIGBERG: "Is the ForwardNH
15 Fund currently active?"

16 MR. QUINLAN: Technically, it is not.
17 So, the ForwardNH Fund is a corporate commitment we
18 introduced last year, when we rolled out our new
19 project route. Technically, it doesn't become
20 effective until Northern Pass goes into service. The
21 funding source for the ForwardNH Fund is the Northern
22 Pass Project.

23 Now, I say "technically", because
24 recently we did announce an advance commitment from the

1 ForwardNH Fund. It was made, in essence, by Eversource
2 and its shareholders. And, it was really an
3 opportunity to help to make the Balsams redevelopment
4 project in the North Country a reality. For those of
5 you who followed that project, it is a transformational
6 project for that portion of the state, which is, you
7 know, somewhat depressed and could use, you know,
8 economic development.

9 The Northern Pass Project, which
10 essentially funds the ForwardNH Fund, was in a position
11 to make a commitment to allow a critical phase of that
12 Balsams redevelopment to go forward. So, it's an
13 advance from the Fund. It's essentially being borne by
14 our shareholders. The reason we selected that project
15 is it's exactly the type of initiative that the
16 \$200 million ForwardNH Fund is intended to target.
17 It's in the North Country, it's for the betterment of
18 communities who are hosting the line. It would have a
19 very positive effect on tourism and economic
20 development in the region. So, it's the quintessential
21 initiative for a fund like the ForwardNH Fund, and we
22 took the opportunity to make the commitment.

23 So, it's not technically in effect, the
24 Fund. But, in essence, we've made an initial

1 commitment.

2 CHAIRMAN HONIGBERG: "How will the Fund
3 be administered? If there's an advisory board, who
4 will be on it? And, how will those people be
5 appointed?"

6 MR. QUINLAN: So, ultimately, when we
7 move forward into construction of Northern Pass and we
8 actually place the Project in service, our anticipation
9 is we'll have an advisory board made up of key leaders
10 from across the State of New Hampshire. So, from the
11 business sector and the environmental community,
12 obviously, representation from the North Country. And,
13 essentially, they will may make the determinations as
14 to which initiatives to fund. We're not at the point
15 where we are selecting advisory board members today.
16 If you think about it, this Project wouldn't go into
17 service until 2019. So, we've got quite a bit of time
18 before we actually stand the fund up fully. But, you
19 know, we're already getting inquiries from potential
20 advisory board members, as well as communities for
21 further investments. So, it's an opportunity to make a
22 real difference here in the State of New Hampshire.

23 CHAIRMAN HONIGBERG: "Are there specific
24 programs of New Hampshire Fish & Game that are

1 the vote of our people. Thank you.

2 CHAIRMAN HONIGBERG: Representative
3 Richardson, to be followed by Neil Irvine, and Martha
4 Richards.

5 REP. RICHARSON: Thank you, Mr.
6 Chairman. My name is Herb Richardson, H-e-r-b,
7 R-i-c-h-a-r-d-s-o-n. I'm the State Representative from
8 Coos District 4, the Towns of Lancaster, Dalton, and
9 the unincorporated place of Kilkenny. And, I am the
10 Vice Chairman of the Science, Technology and Energy
11 Committee, in Concord.

12 I am pleased to be here today in support
13 of the Northern Pass Project and ForwardNH Fund. I
14 believe that I speak for the silent majority of the
15 citizens of my district that want to grow our economy,
16 want opportunities for themselves and their families,
17 and want to see the North Country thrive again.

18 Unfortunately, those who speak up in
19 support of this project find themselves a target of
20 harassment and bullying from the opponent of this
21 project. This is something I have seen affect not only
22 myself, but others as well. This is something I have
23 learned firsthand, a few years ago, and again a couple
24 of years when I spoke against legislation on mandatory

1 burial that project opponents were pushing in the New
2 Hampshire Legislature. I was threatened, as many
3 others were, on this subject. Yes, but the New
4 Hampshire House ITL'ed that bill. Yes, threatened
5 personally, I was. But I can tell you, I'm still here
6 today. And, I will not be silent.

7 I fought burial in Coos County down the
8 state right-of-ways. No one could or would show me
9 these right-of-ways. I learned that abandoned rails
10 have been deeded back to the landowners. What's left?
11 Route 3, creating a disaster for what -- that would
12 only cripple the economy of the North Country,
13 affecting transportation in a negative way for a couple
14 of years.

15 I pass along the story only to encourage
16 you to disregard the threats you will receive.
17 Disregard the antics, the stunts, and the bullying that
18 I have enjoyed. Do your job to do the best of your
19 ability, look for the opportunities to make this a
20 better project, and do your best to mitigate the
21 impacts and make a decision based on facts.

22 I believe this project will bring major
23 benefits and opportunities to Coos County. In addition
24 to lower electric rates, which New Hampshire is one of

1 the highest in the country, this project will only --
2 will provide jobs and economic opportunity for
3 residents and businesses of my district.

4 I support the project's decision to
5 provide \$200 million in funding for economic
6 development and other initiatives. Imagine the
7 possibilities. Imagine the projects, like broadband,
8 that could bring -- that could be completed and the
9 problems that could be solved with these funds.

10 I support the project's decision that
11 Northern Pass was providing \$2 million in early funding
12 for the Balsams redevelopment. This is another perfect
13 example of how beneficial this fund could be. This is
14 great news for Coos County, and will help bring the
15 project to completion. And, hopefully, in my lifetime,
16 attend the ribbon-cutting.

17 I would also like to add that I do not
18 dismiss the concerns of my constituents. These types
19 of projects do have impacts. Over the past several
20 years, I have tried to use my position to facilitate
21 solutions to concerns raised. And, I encourage the SEC
22 to do the same and continue to look for ways to
23 migrate -- mitigate the impact of this project.

24 Ultimately, I believe the SEC can and

1 than five years of lobbying by this Applicant, can see
2 through the fog and still knows that the Northern Pass
3 Project is not needed and should not be permitted as
4 processed. Thank you for letting me speak for New
5 Hampshire.

6 *[Audience interruption.]*

7 CHAIRMAN HONIGBERG: Alan McLain, to be
8 followed by Jim Mason, and Harley Mason.

9 MR. McLAIN: My name is Alan McLain --
10 my name is Alan McLain, spelled A-l-a-n, M-c-L-a-i-n.
11 First, I'd like to thank the Forward Fund for choosing
12 the Balsams. Hoping to get the hotel going and the ski
13 area, and the golf course. It's a big tremendous help
14 to Colebrook, New Hampshire, and they need it. I would
15 encourage the Forward Fund to pick, Mr. Chairman,
16 Berlin, New Hampshire as their second choice of a
17 community that certainly needs your help.

18 Now, I'll read my statement. And, thank
19 you for that. I'm a property owner in Berlin, New
20 Hampshire, and a business owner. On the property side,
21 I'd like to see my electric rates drop, and, on the tax
22 side, get some relief. Northern Pass will have a
23 positive impact on both of these problems. Lower
24 energy costs are also important, if we have any hope of

EXHIBIT 3

1 STATE OF NEW HAMPSHIRE

2 SITE EVALUATION COMMITTEE

3 **March 16, 2016** - 5:09 p.m.

4 Deerfield Fair Pavilion

5 34 Stage Road

6 Deerfield, New Hampshire

7 **IN RE: SEC DOCKET NO. 2015-06**
 8 **JOINT APPLICATION OF NORTHERN**
 9 **PASS TRANSMISSION, LLC, AND**
 10 **PUBLIC SERVICE COMPANY OF**
 11 **NEW HAMPSHIRE d/b/a EVERSOURCE**
 12 **ENERGY FOR A CERTIFICATE OF**
 13 **SITE AND FACILITY.**
 14 *(Public Hearing of the*
 15 *Subcommittee members held pursuant*
 16 *to RSA 162-H:10, I-c)*

17 *[Consisting of a presentation by the*
 18 *Applicants, followed by a Question-and-Answer*
 19 *Session with Subcommittee members, a*
 20 *Question-and-Answer Session from the public,*
 21 *and comments received from the public]*

22 **PRESENT FOR SUBCOMMITTEE:**

23 **SITE EVALUATION COMMITTEE:**

24 Chairman Martin P. Honigberg
(Presiding as Presiding Officer)

Cmsr. Kathryn M. Bailey
 Dir. Craig Wright, Designee
 Christopher Way, Designee

William Oldenburg, Designee
 Patricia Weathersby

Rachel Whitaker

Public Utilities Commission
 Dept. of Environmental Serv.
 Dept. of Resources &
 Economic Development
 Dept. of Transportation
 Public Member
 Alternate Public Member

COURT REPORTER: Steven E. Patnaude, LCR No. 052

1 to show up in the market data.

2 MR. QUINLAN: Thank you.

3 CHAIRMAN HONIGBERG: "Will workers on
4 the Northern Pass Project have an opportunity to
5 continue working for Eversource after the Project is
6 completed?"

7 MR. QUINLAN: So, one of the things that
8 I talked about earlier was the "New Hampshire first"
9 approach. As part of that, one of the things that we
10 have launched, in collaboration with the IBEW, is an
11 Apprentice Training Program, which really is designed
12 to bring individuals who are interested in this trade,
13 to this highly skilled trade, onto our projects,
14 including Northern Pass. Give them an opportunity to
15 receive, you know, state-of-the-art training. And, in
16 some instances, we anticipate, you know, trying to
17 recruit them as future Eversource employees. When we
18 think about the electric worker of the future, projects
19 like these are ideal opportunities to build out the
20 craftsmen and to fully qualify a line worker.

21 So, the short answer is "yes". We do
22 anticipate opportunities for many of the workers on
23 this Project as part of that apprentice feeder program.

24 CHAIRMAN HONIGBERG: "What are some

1 examples of economic development projects that the
2 \$200 million ForwardNH Fund will support?"

3 MR. QUINLAN: So, the four focus areas
4 were outlined on the slide. I won't repeat them.
5 Probably, the single best example of that is our recent
6 commitment we've made to the Balsams redevelopment up
7 in Dixville Notch. You know, it's a project that is
8 pretty far along in its development, from a permitting
9 perspective, and is really working on final project
10 planning and, ultimately, financing.

11 So, we have made an advance commitment
12 to that important project in the North Country, because
13 it's exactly the type of project that the ForwardNH
14 Fund is intended to make a reality. It's in the North
15 Country, it's a host community, it's economic
16 development, it's tourism. It's kind of the perfect
17 project for us to consider, and we've already made a
18 \$2 million commitment to it, in advance of our Project
19 becoming a reality. We felt very strongly that that
20 was the right thing to do. And, it's probably the
21 single best example that I could provide you at this
22 point.

23 CHAIRMAN HONIGBERG: Is that \$2 million
24 in addition to the 200 million or is that the first

1 deduction from the 200 million?

2 MR. QUINLAN: It's the latter. We would
3 ultimately consider it part of the ForwardNH Fund
4 commitment, as an advance commitment.

5 CHAIRMAN HONIGBERG: "Does Eversource
6 support U.S. Representative Kennedy's bill", which is
7 quoted here as "Fair Ratepayer Accountability,
8 Transparency, and Efficiency Standards Act, to
9 determine if Forward Capacity Market structure and
10 policies are actually providing electric reliability at
11 just and reasonable rates for consumers in New
12 England?"

13 MR. QUINLAN: I'm not personally
14 familiar with the bill. I am aware that, you know,
15 capacity markets across this country, including in New
16 England, are under review at a federal level, to look
17 at whether they are really working. Are they incenting
18 the investment they're intended to incent, to ensure
19 that we have a reliable and diverse supply of power in
20 the future? I think this bill is targeted on that very
21 question, as well as, you know, are the rates being
22 charged for capacity just and reasonable?

23 And, I'll give you an example of what's
24 probably triggered this bill. You know, the capacity