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January 9, 2017

Via Electronic Mail & Hand Delivery

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

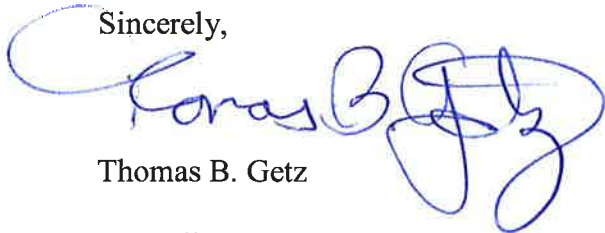
**Re: Site Evaluation Committee Docket No. 2015-06
Joint Application of Northern Pass Transmission LLC and Public Service Company
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of
Site and Facility
Motion to Compel--SPNHF**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of a Motion to Compel for Data Request 1-2 to the Society for Protection of New Hampshire Forests.

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**

MOTION TO COMPEL

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 move to compel the Society for the Protection of New Hampshire Forests (“SPNHF”) to produce documents sought by Data Request 1-2, propounded on November 30, 2016. In support of the Motion, the Applicants state as follows:

1. On November 30, 2016, the Applicants propounded data requests on SPNHF.
2. In response to the Applicants’ Data Request 1-2, SPNHF objected to producing documents on the grounds that the information requested is not relevant to the proceeding. Data Request 1-2 reads as follows:

Please produce all internal and external documents and communications regarding NPT or the Project between and among members of SPNHF, including, but not limited to all documents and communications between the Forest Society Board of Trustees regarding NPT or the Project from the time when the initial Northern Pass project proposal was first announced in 2010 to present. Included in your response, please produce all documents and communications relating to the Forest Society Board of Trustees vote in January 2011 to “oppose the Northern Pass project as proposed” and the Board’s decision to update its position on the Project in September 2013.

3. SPNHF contends that the data request “ seeks information that is not relevant to the proceeding as it is not relevant to whether the Applicants can satisfy the criteria of RSA 162-

H:16, IV and, therefore, is not reasonably calculated to lead to the discovery of admissible evidence.” See Attachment A. It is not entirely clear whether SPNHF objects categorically to the production of internal communications and documents, or whether it objects to the substance of the documents requested. In either case, the Applicants move to compel.

4. The Committee previously ruled on the relevance of internal communications in this proceeding when a number of intervenors, including SPNHF, filed motions to compel, which, among other things, asked the Committee to require the Applicants to produce internal communications and e-mails responsive to various data requests. In its September 22, 2016 Order on Motions to Compel, the Committee ruled that “[i]nternal communications, including drafts, that are within the scope of discovery, responsive to the requests, and not subject to a work product or attorney-client privilege are discoverable.” *Order on Motions to Compel*, Docket 2015-06 (September 22, 2016) at 9. Accordingly, the Applicants produced thousands of internal communications. The Order on Motions to Compel is dispositive regarding the discoverability of internal communications.

5. With regard to the subject matter of the documents requested, SPNHF argues that they are not relevant to whether the Applicants can satisfy the criteria of RSA 162-H:16, IV. SPNHF is a full party to this proceeding with the same rights and responsibilities as the Applicants, including being subject to cross-examination at final hearings. It has made numerous assertions regarding various components of the Application, the proposed route, and other aspects of the Project, including whether the Applicants satisfy the criteria of RSA 162-H:16, IV. The documents requested are therefore discoverable.

6. The Applicants’ data request seeks to discover information that would lead to an understanding of the positions and assertions in SPNHF’s pre-filed testimony and supporting

materials as they relate to SPNHF's overall position on the Project. Such information is discoverable because it may assist the Committee in understanding the validity and merit of SPNHF's assertions. Moreover, denying the Applicants access to such information may undermine the Applicants' ability to effectively cross-examine SPNHF's witnesses.

7. Pursuant to Site 202.12(k)(4), the Applicants made a good-faith effort to resolve the dispute informally. Although the Applicants and SPNHF were able to resolve a number of subsidiary matters concerning the data request at issue, they were unable to resolve the main issue regarding the relevance of internal communications.

WHEREFORE, the Applicants respectfully request that the Site Evaluation Committee:

- A. Issue an Order requiring SPNHF to produce documents responsive to Data Request 1-2; and
- B. Grant such further relief as is deemed just and appropriate.

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

By: 

Dated: January 9, 2017

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Certificate of Service

I hereby certify that on the 9th of January, 2017, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.



Thomas B. Getz

ATTACHMENT A

Applicants 1-2

Please produce all internal and external documents and communications regarding NPT or the Project between and among members of SPNHF, including, but not limited to all documents and communications between the Forest Society Board of Trustees regarding NPT or the Project from the time when the initial Northern Pass project proposal was first announced in 2010 to present. Included in your response, please produce all documents and communications relating to the Forest Society Board of Trustees vote in January 2011 to “oppose the Northern Pass project as proposed” and the Board’s decision to update its position on the Project in September 2013.

Response:

The Forest Society objects to this data request because it seeks information that is not relevant to the proceeding as it is not relevant to whether the Applicants can satisfy the criteria of RSA 162-H:16, IV and, therefore, is not reasonably calculated to lead to the discovery of admissible evidence.

The Forest Society further objects because the data request is vague and ambiguous at least with regard to its use of the term “members.” If the Applicants intend the term “members” to mean the approximately 10,000 current member-families of the Forest Society, the data request is overly broad and unduly burdensome in that it seeks all communications with all members. The Forest Society understands the Applicants’ use of the term “members” to refer to employees, trustees, and others holding official positions in the Forest Society. The data request is also vague and confusing, as it is unclear, for example, what would constitute “*external* documents and communications . . . *between and among* members of SPNHF.”

The Forest Society further objects to this data request because it is overly broad and unduly burdensome to the extent that it seeks “all . . . documents and communications . . .” (Emphasis added.)

The Forest Society has not prepared a log of all privileged documents and communications because the data request is objectionable on several grounds. If the Applicants narrow the scope of the data request, it may not be unduly burdensome to produce a privilege log.