



THOMAS B. GETZ
Direct Dial: 603.230.4403
Email: thomas.getz@mcclane.com
Admitted in NH
11 South Main Street, Suite 500
Concord, NH 03301
T 603.226.0400
F 603.230.4448

January 20, 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
Objection to Sabbow's Motion for Reconsideration**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of the Applicants' Objection to Sabbow's Motion for Reconsideration.

Please contact me directly should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Thomas B. Getz". The signature is stylized with a large, looping "T" and a cursive "G".

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**

OBJECTION TO SABBOW MOTION FOR RECONSIDERATION

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 Sabbow and Co., Inc.’s (“Sabbow”) Motion for Reconsideration of the Presiding Officer’s Order on Late Petitions to Intervene (“Motion for Reconsideration”) filed on January 11, 2017. As the Applicants discuss below, Sabbow fails to meet its legal burden and its request for rehearing should be denied.

1. On January 5, 2017, the Presiding Officer issued an order denying Sabbow’s Petition to Intervene, finding, at p. 5, that “[a]llowing Sabbow to intervene, at this stage of the proceedings, would impair the orderly and prompt conduct of these proceedings.” He also found that Sabbow “was on notice of pending issues, but chose not to request intervention in this docket.”

2. On January 11, 2016, Sabbow submitted a motion seeking rehearing of the Presiding Officer’s January 5, 2017 order. It contends that the Presiding Officer’s “[r]easoning overlooks the point that it is precisely because Sabbow does not know the impact of the project on his property that it has filed its petition.” Motion for Rehearing at 1.

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. Sabbow does not identify an error of fact, reasoning or law. It simply reprises the arguments it made previously and, at p. 2, contends that "[a]llowing Sabbow to intervene will only assist in the application process, not impede it," and asks for a different outcome.

6. Sabbow reiterates that it has "[o]nly reviewed two pages of the plans" and that it "does not know the impact of the project on its property." Motion for Reconsideration at 1. Sabbow, which waited until 285 days after the deadline for intervention to submit its petition, nevertheless asks the Presiding Officer to excuse its untimely request, but neither Sabbow's inaction, or lack of understanding, constitutes good cause for rehearing.

7. Finally, while pointing out that Sabbow will testify as part of the City of Concord's presentation, Sabbow states, incongruously, at p. 1 of its motion, that "it is not evident that any existing party will pursue the issue, either generally or with respect to the Sabbow property." That makes no sense whatsoever, and it belies the Presiding Officer's recognition in his January 5, 2017 Order on Late Petitions to Intervene, at p. 4, that "Sabbow has a voice in this matter even without intervenor status."

8. Sabbow 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 Reconsideration should be denied.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

- a. Deny Sabbow'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: January 20, 2017

By: 

Barry Needleman, Bar No. 9446
Thomas B. Getz, Bar No. 923
Adam Dumville, Bar No. 20715
11 South Main Street, Suite 500
Concord, NH 03301
(603) 226-0400
barry.needleman@mclane.com
thomas.getz@mclane.com
adam.dumville@mclane.com

Certificate of Service

I hereby certify that on the 20th day of January, 2017 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