

**STATE OF NEW HAMPSHIRE
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 for a Certificate of Site and Facility

**COUNSEL FOR THE PUBLIC'S REPLY TO APPLICANTS' OBJECTION TO
MOTION TO EXTEND DEADLINE**

Counsel for the Public, by his attorneys, the Office of the Attorney General and Primmer Piper Eggleston & Cramer PC, respectfully replies to the Applicants' Objection to the Motion to Extend Deadline (the "Motion") as follows:

1. On May 18, 2016, the Sub-Committee entered an order approving the retention of T.J. Boyle as aesthetics consultant for Counsel for the Public pursuant to RSA 162-H:10.
2. On December 30, 2016, Counsel for the Public timely filed the pre-filed testimony of Michael Buscher, James Palmer and Jeremy Owens from T.J Boyle Associates, LLC ("T.J. Boyle"), together with T.J. Boyle's 157-page detailed report and supporting Appendices A through F. T.J. Boyle's report contains a detailed chart and sections describing their methodology to identify, analyze, and evaluate scenic resources. It also includes a table that lists each scenic resource evaluated, T.J. Boyle's opinions and conclusions on each scenic resource evaluated by them, and a discussion of their evaluations. Appendix F of T.J. Boyle's report contains T.J. Boyle's work papers and detailed analysis of each scenic resource as well as photo simulations.
3. In its Motion, Counsel for the Public does not seek to file any additional "reports" as characterized by the Applicants. Rather, Counsel for the Public offers to provide the parties with an addendum to Appendix F which completes the written analysis that summarizes T.J. Boyle's information and criteria that it used in reaching some of the conclusions in its report, all

of which conclusions are contained within T.J. Boyle's report and extensive documentation. Counsel for the Public would like, as set forth in the Motion, to provide T.J. Boyle's remaining scenic resource evaluations that relate to the scenic resources previously identified in its report and appendices, which work was begun in Appendix F of the report but not completed due to unavoidable time constraints.

4. As stated in the Motion, Counsel for the Public believes that it would be more efficient and fair to all parties (and their experts) if they had a summary of T.J. Boyle's evaluation of certain scenic resources before the technical session. In addition, it would provide the Sub-Committee a completed Appendix F to further its access to a full disclosure of the facts.

5. As indicated, the technical session on aesthetics did not conclude until November 8, 2016. Counsel for the Public did not receive Applicants' responses to data requests from the technical sessions until November 28, 2016. T.J. Boyle worked many hours to finish both its review of Applicants' work on aesthetics as well as T.J. Boyle's own independent analysis within the approximate 30-day time period upon receiving the final information from the Applicants and the testimony deadline. T.J. Boyle simply did not have sufficient time to complete that work and to also prepare 29 narrative summaries of its analysis of scenic resources that would be adversely impacted by the Project. It should be noted that the Applicants submitted their own visual impacts assessment under no time constraints whatsoever and still submitted more than 1,500 pages of additional VIA materials on February 26, 2016, four and a half months after their original filings.

6. Providing these summaries would not affect the Applicants' ability to serve data requests by January 15, 2017, and Counsel for Public would agree to a discovery extension on the information submitted on January 20, 2017, if required by the Applicants or any other party.

Any such extension would not prejudice the Applicants or any other party since the technical session for T.J. Boyle will not be held until March 2017. The Applicants provide no support for their assertion that this extension will interfere with the orderly procedure in this case. A similar extension was granted to the Deerfield abutters in November.

7. The Applicants' request to strike portions of the testimony of Messrs. Buscher, Palmer and Owens is frivolous. The Applicants do not argue that the testimony is irrelevant, immaterial, unduly repetitious or legally privileged (see Site 202.24 and RSA 541-A:33). The Applicants cite no authority to support their request to strike this testimony because Counsel for the Public seeks to summarize evaluations and conclusions contained in the report that was timely filed. There is no legal basis or reason to strike the timely filed testimony and the opinions contained therein. Applicants' request to do so should be denied.

WHEREFORE, Counsel for the Public respectfully requests that the SEC:

- A. Grant the Motion and extend to January 20, 2017 the deadline for Counsel for the Public to file an addendum to TJ Boyle's report on aesthetics
- B. Extend the deadline for data requests by the parties with respect to the summaries to January 31, 2017; and
- C. Grant such other and further relief as may be just.

Respectfully submitted,

COUNSEL FOR THE PUBLIC,

By his attorneys,



Dated: January 20, 2017

By: Peter C.L. Roth, Senior Assistant Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3679
Peter.roth@doj.nh.gov

PRIMMER PIPER EGGLESTON & CRAMER PC,



Dated: January 20, 2017

By: Thomas J. Pappas, Esq. (N.H. Bar No. 4111)
P.O. Box 3600
Manchester, NH 03105-3600
(603) 626-3300
tpappas@primmer.com


-and-

Elijah D. Emerson, Esq. (N.H. Bar No. 19358)
PRIMMER PIPER EGGLESTON & CRAMER PC
P.O. Box 349
Littleton, NH 03561-0349
(603) 444-4008
eemerson@primmer.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REPLY TO OBJECTION TO MOTION TO EXTEND DEADLINE has this day been forwarded via e-mail to persons named on the Distribution List of this docket.

Dated: January 20, 2017

By: 
Thomas J. Pappas, Esq. (N.H. Bar No. 4111)