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January 30, 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 for Protective Order and Confidential Treatment**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of a Joint Motion for Protective Order and Confidential Treatment.

Please contact me directly should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. Getz", with a large, stylized flourish at the end.

Thomas B. Getz

TBG:slb

cc: SEC Distribution List

Enclosure

**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**

**JOINT MOTION FOR PROTECTIVE ORDER  
AND CONFIDENTIAL TREATMENT**

Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (the “Applicants”) by and through their attorneys, McLane Middleton, Professional Association, Municipal Group 1 South, Municipal Group 2, Municipal Group 3 North, Municipal Group 3 South, and The Society for the Protection of New Hampshire Forests (together, “Petitioners”) jointly request that the Site Evaluation Committee (“SEC” or “Subcommittee”) issue a protective order to preserve the confidentiality of information determined in good faith to be confidential and produced by Counsel for the Public or any Intervenor as part of the discovery process, or otherwise, in this proceeding.

1. Governmental records, as defined by RSA 91-A:1-a, are generally made available for public inspection pursuant to the Access to Governmental Records and Meetings Statute (aka the Right-to-Know Law). *See* RSA 91-A:4; *see also* N.H. Admin Rule Site 104.01. There are certain exemptions, however, from the requirement that public agencies or public bodies produce government records. One such exemption applies to “confidential, commercial, or financial information . . . and other files whose disclosure would constitute invasion of privacy.” RSA 91-A:5. In order to promote the efficient and orderly conduct of discovery, the Applicants respectfully request that the Committee issue a protective order covering all documents produced by the Intervenor or Counsel for the Public under claims of confidentiality pursuant to RSA 91-

A:5. *See also* Site 104.01(b) (presiding officer or chairman may protect documents that are exempt from disclosure pursuant to RSA 91-A:5).

2. On May 26, 2016, the Presiding Officer issued an Order on Motion for Protective Order and Confidential Treatment, granting confidential treatment to certain documents produced by the Applicants (“May 26, 2016 Order”). As noted further below, the Presiding Officer also set forth certain provisions governing the treatment of such information. The Petitioners interpret this Order, however, as working in only one direction. That is, it applies to the treatment of confidential documents produced by the Applicants, but not to confidential documents that may be produced by Counsel for the Public or Intervenors.

3. Pursuant to the July 6, 2016 Order Clarifying Access to Confidential Information, the Applicants entered into Agreements for Protective Treatment with numerous parties, which govern the treatment of documents that the Applicants determined in good faith to be confidential. These agreements, however, also work in only one direction. Therefore, there is currently no mechanism governing the treatment of confidential documents that may be produced in response to the Applicants’ data requests or any other information, including pre-filed testimony, submitted by the Intervenors and/or Counsel for the Public.

4. In various objections made on December 12, 2016, to the Applicants’ November 30, 2016 data requests, certain Intervenors raised the possibility that confidential materials might be called for as part of the data responses due December 30, 2016. In order to promote the orderly conduct of the proceeding, the Petitioners request that the Committee issue an order granting confidential treatment to all such documents produced in response to the Applicants’ discovery requests, as part of prefiled testimony, and any other documents or materials determined in good faith to be confidential. Given the number of Intervenors, the request for a

protective order, as an alternative to numerous individual agreements, is intended to expedite the production of confidential documents by the Intervenor or Counsel for the Public and facilitate the sharing of confidential documents among the parties.

5. Among other things, the May 26, 2016 Order provided that:

- a. The parties shall not make any copies of [confidential] information or use the information for purposes other than the preparation for, and conduct of, the proceedings in this docket.
- b. Unless otherwise ordered, the parties shall not reference the confidential information during public proceedings in this docket or at any time in public.
- c. Upon completion of this proceeding and any resulting appeals, the parties shall destroy any notes referencing the confidential information and return all confidential information.

6. The Petitioners ask that the provisions above be made part of a protective order and they request as well that the following provisions be incorporated.

- d. To the extent Counsel for the Public or any Intervenor produces information as part of a data response or includes information in testimony or other pleading that they believe in good faith is confidential, they shall label the information appropriately and provide it, in conformance with the procedural schedule, to the Applicants and other parties, who shall treat the information in the manner described above.
- e. Insofar as Counsel for the Public or any Intervenor believes that information it produces is confidential, it shall file a motion with the Subcommittee seeking confidential treatment. The Applicants and any other party to this proceeding may object to the motion but any information it receives subject to a claim of confidentiality shall be treated accordingly until such time as the Subcommittee determines otherwise and any appeals have been exhausted.

7. The Non-Abutting Property Owners - Ashland to Deerfield, the Cities of Franklin and Berlin, the International Brotherhood of Electrical Workers, and the New England Power Generators Association concur. McKenna's Purchase takes no position. No other responses were received.

**TOWN OF BRIDGEWATER, TOWN OF NEW  
HAMPTON, TOWN OF WOODSTOCK,  
TOWN OF LITTLETON, TOWN OF  
PEMBROKE, TOWN OF DEERFIELD, AND  
ASHLAND WATER AND SEWER  
DEPARTMENT**

By their Attorneys  
Mitchell Municipal Group, P.A.

Dated: January 30, 2017

By: /s/ Steven M. Whitley  
Steven M. Whitley, Esq. (17833)  
25 Beacon Street East  
Laconia, New Hampshire 03246  
Telephone: (603) 524-3885  
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**CITY OF CONCORD**

Dated: January 30, 2017

By: /s/ Danielle L. Pacik  
Danielle L. Pacik, Esq., (14924)  
Deputy City Solicitor  
41 Green Street  
Concord, New Hampshire 03301  
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**SOCIETY FOR THE PROTECTION OF  
NEW HAMPSHIRE FORESTS**

By its Attorneys,  
BCM Environmental & Land Law, PLLC

Dated: January 30, 2017

By: /s/ Amy Manzelli  
Amy Manzelli, Esq. (17128)  
Jason Reimers, Esq. (17309)  
Elizabeth A. Boepple, Esq. (20218)  
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WHEREFORE, the Applicants respectfully request that this Committee:

- A. Issue a protective order as requested herein; and
- B. Grant such further relief as it deems appropriate.

Respectfully Submitted,

Northern Pass Transmission LLC and  
Public Service Company of New Hampshire

By their attorneys,

McLANE MIDDLETON,  
PROFESSIONAL ASSOCIATION

Dated: January 30, 2017

By: 

Thomas B. Getz, Esq. Bar No. 923

Barry Needleman, Esq. Bar No. 9446

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**TOWN OF BETHLEHEM, TOWN OF BRISTOL,  
TOWN OF EASTON, TOWN OF FRANCONIA,  
TOWN OF NORTHUMBERLAND, TOWN OF  
PLYMOUTH, TOWN OF SUGAR HILL AND TOWN  
OF WHITEFIELD**

By their Attorneys,

Gardner, Fulton & Waugh, PLLC

Dated: January 30, 2017

By: /s/ Christine Fillmore

Christine Fillmore, Esq. (13851)

Gardner, Fulton & Waugh, PLLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of January, 2017, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee.

  
Thomas B. Getz