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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 to Strike Pre-Filed Testimony**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of a
Motion to Strike Pre-Filed Testimony of Elmer and Claire Lupton and Eric and Margaret Jones.

Please contact me directly should you have any questions.

Sincerely,



Thomas B. Getz

TBG:slb

cc: SEC Distribution List

Enclosure

**THE 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 CERTIFICATE OF SITE AND FACILITY**

**MOTION TO STRIKE PRE-FILED TESTIMONY OF ELMER AND CLAIRE LUPTON
AND ERIC AND MARGARET JONES**

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 strike the pre-filed testimony of Elmer and Claire Lupton for failing to appear at the Technical Session on January 23, 2017, without good cause, and to strike the pre-filed testimony of Eric and Margaret Jones for failing to appear at the Technical Session on January 26, 2017, without good cause. In support of their Motion, the Applicants state as follows:

1. The Applicants filed an Application for a Certificate of Site and Facility with the SEC on October 19, 2015, for a 192-mile electric transmission line with associated facilities (the “Project”). The Site Evaluation Committee (“SEC” or “Committee”) accepted the Application pursuant to RSA 162-H:7, VI on December 18, 2015.

2. On January 28, 2016, Elmer and Claire Lupton (collectively the “Luptons”) filed a Petition to Intervene in the proceeding. Eric and Margaret Jones (collectively the “Joneses”) filed their Petition to Intervene on January 24, 2016. The Petitions were granted on March 18, 2016. On May 20, 2016, the Luptons were grouped with the Whitefield, Dalton, and Bethlehem Abutting Property Intervenors (overhead portion of the Project). The Joneses were grouped with

the Dummer, Stark and Northumberland Abutters. *See Subcommittee Order on Review of Intervention*, SEC Docket 2015-06, at pg. 33 (May 20, 2016).

3. On January 10, 2017, the Administrator of the SEC issued a technical session agenda establishing, among other things, a date for which all of the Whitefield, Dalton, and Bethlehem Abutting Property Intervenors—including Elmer and Claire Lupton—were required to appear at a technical session. The Order established that the Luptons were to appear at 49 Donovan Street, Concord, NH on January 23, 2017, at 1:30 to 2:30 PM and it established that the Joneses were to appear on January 26, 2017, at 11:00 AM to 12:30 PM.

4. On January 20, 2017, a Revised Technical Session Agenda was issued, which provided that certain members of the Whitefield, Dalton, and Bethlehem Abutting Property Intervenors group, namely, James and Judy Ramsdell and Bruce and Sondra Brekke, were not required to attend the technical sessions because the parties did not have any questions for the Ramsdells or the Brekkes. The Revised Technical Session Agenda further made clear that the Luptons were required to attend the technical sessions on January 23.

5. On January 23, 2017, all of the parties in the Whitefield, Dalton, and Bethlehem Abutting Property Intervenors group (even the parties that were not required to appear, i.e. the Ramsdells and the Brekkes) appeared—except for Elmer and Claire Lupton. At the time, the Applicants were prepared to question the Luptons.

6. Before questioning began, the spokesperson for the group, Mr. David Van Houten, informed the Administrator that he had notified the Luptons of the technical session and told them that their presence was required. Mr. Van Houten stated that he did not receive any notification from the Luptons indicating that they could not make the technical sessions. Moreover, it is the Applicant's understanding that none of the parties received notice from the

Luptons that they would be unable to make the technical sessions; the Administrator also did not receive notice from the Luptons.

7. On January 26, 2017, Ms. Percy and Mr. Beland appeared. The Applicants had previously indicated that they had no questions for Ms. Johnson-Spencer and an accommodation was made with the Olsons for personal reasons. The Joneses failed to appear and no reason for their absence was communicated to the Applicants or the SEC Administrator. At the time, the Applicants were prepared to question the Joneses.

8. This Application has been pending since October 2015. Deadlines have been extended numerous times and the parties have worked in good faith to schedule technical sessions around multiple deadlines and calendars.

9. The Luptons' and Joneses' failure to comply with the procedural order, without any explanation, good cause or previous request for relief, has interfered with the orderly and prompt conduct of these proceedings. Scheduling these technical sessions and completing them in a timely manner is a significant challenge, and ensuring that occurs is of great importance to the Applicants. Disregard of the procedural order creates enhanced risk of delay which would prejudice the Applicant.

10. The following parties and/or groups object to the Motion:

- a. Municipal Group 3 South
- b. The National Trust for Historic Preservation
- c. Sugar Hill Historic Museum
- d. North Country Scenic Byways Council
- e. Non-Abutters: Ashland to Deerfield
- f. Municipal Group 2

- g. Society for the Protection of New Hampshire Forests
- h. Deerfield Abutters
- i. Abutters: Dummer, Stark and Northumberland
- j. Non-Abutters: Stark to Bethlehem
- k. McKenna's Purchase Unit Owners Association
- l. The Abutters and Non-Abutters Group I North Pittsburg, Clarksville,
Stewartstown

WHEREFORE, the Applicants respectfully request that this Committee:

- A. Strike the Pre-Filed Testimony of Elmer and Claire Lupton;
- B. Strike the Pre-Filed Testimony of Eric and Margaret Jones; and
- C. 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 Its Attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: January 30, 2017

By: 
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Certificate of Service

I hereby certify that on the 30th day 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 SEC Distribution List.



Thomas B. Getz