



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

February 13, 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 Motion to Extend Deadline**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of an Objection to Municipal Groups' Motion to Extend Deadline and Counsel for Public's Request to Amend Procedural Schedule.

Please contact me directly should you have any questions.

Sincerely,

/s/ Thomas B. Getz

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**

**OBJECTION TO MUNICIPAL GROUPS' MOTION
TO EXTEND DEADLINE AND COUNSEL FOR PUBLIC'S
REQUEST TO AMEND PROCEDURAL SCHEDULE**

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, object to the proposals made by Municipal Groups 1 South, 2, 3 South and 3 North, ("Towns") and Counsel for the Public ("CFP"), which would needlessly delay the start of adjudicative hearings. As explained below, the technical sessions can be completed in an orderly fashion, while, at the same time, supplemental testimony can be prepared, pre-hearing motions filed, and pre-hearing conferences conducted in a manner that permits the adjudicative hearings to begin, as scheduled, on April 4, 2017.

I. BACKGROUND

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

2. On June 15, 2016, the Subcommittee issued an Order on Motions to Suspend, determining to extend the statutory timeframe for a decision from December 17, 2016, to

September 30, 2017. Subsequently, on June 23, 2016, the Presiding Officer issued an Order on Pending Motions and Procedural Order that contemplated supplemental testimony by March 15, 2017, followed by dates for pre-hearing motions and a pre-hearing conference.

3. On December 19, 2016, the Presiding Officer issued a Notice of Final Adjudicative Hearings. He scheduled twenty-nine days of adjudicative hearings beginning on April 4, 2017, and extending on various dates to July 21, 2017.

4. On February 3, 2017, Municipal Groups 1 South, 2, 3 South, and 3 North (“Towns”) filed a Motion to Extend Deadline for Supplemental Pre-Filed Testimony. The Towns’ proposal would have all supplemental testimony due on April 3, 2017, and a pre-hearing conference on April 14, 2017. The Towns’ proposal would eliminate at least six and likely all nine of the hearing dates scheduled for April.

5. On February 7, 2017, the Applicants filed a Motion to Amend Procedural Schedule that preserved the hearing dates for April by setting separate deadlines for filing supplemental testimony on specified topics, as the Presiding Officer did with the pre-filed testimony of the Intervenors and Counsel for the Public. Certain testimony was due November 15, 2016, (“Track 1”) and the remainder due December 30, 2016 (“Track 2”). The Track 1 topics include Route Selection, etc. (Messrs. Quinlan’s and Bowes’ testimony), Technical and Managerial Capabilities (Construction Panel), Financial Capability, System Stability, and Public Health & Safety. The Track 2 topics include Orderly Development, Aesthetics, Natural Environment/Resources, Historic Resources, and Economic Benefits.

6. On February 10, 2017, CFP filed a response to the Towns and the Applicants. It concluded, on p. 4, that the problem with the Towns’ approach was that all supplemental testimony would be due on the same date, which is “a considerable and unnecessary burden.” As

for the Applicants' proposal, CFP says that the "Applicants' suggestion to split the deadlines" is reasonable." Nevertheless, it contends that the Applicants' suggested deadlines "put an unreasonable burden on the parties." To support its position, CFP offers that Mr. Sansoucy has a technical session on March 13 and a deadline for supplemental testimony on March 15.

II. DISCUSSION

7. The Applicants, the Towns, and CFP are agreed that the extension of the Track 2 technical sessions, through March 17, 2017, requires changes to the procedural schedule, but they disagree how. The Towns, who would extend the supplemental testimony deadline in whole, nonetheless, state at p. 4 of their motion that their intent is "to avoid postponement or rescheduling of the adjudicative sessions unless absolutely necessary." As the Applicants pointed out in their February 7, 2017 motion, postponement of the adjudicative hearings is not at all necessary if the Presiding Officer phases the supplemental testimony.

8. As noted above, Track 1 testimony was due November 15, 2016, and Track 2 testimony was due December 30, 2016. Correspondingly, technical sessions were scheduled in two phases. CFP agrees as a general matter that extending this phased approach to the filing of supplemental testimony "is advisable and would not prejudice any of the parties."

9. As for CFP's specific proposal, it misses the point. CFP would postpone the adjudicative hearings two weeks, until April 17, arguing at p. 4 that "the Applicants' proposed schedule does not take into account the lack of time the present schedule leaves for preparing for evidentiary hearings." The Applicants' proposal, however, does exactly that by extending the deadline for supplemental testimony on topics that will be reached later in the adjudicative hearings, thus creating time for hearing preparation in a way not accounted for in the present schedule.

10. The delay in the adjudicative hearings advocated by CFP is clearly avoidable. For one thing, it does not appear to register with CFP that the current rounds of technical sessions are intended primarily as a means of discovery for the Applicants or, for another, that the burden on the Intervenor and CFP and their witnesses is eased significantly by the Applicants' proposal. Furthermore, the notion that the procedural schedule should be driven to accommodate a particular individual, Mr. Sansoucy, who has held himself out as an expert on behalf of the Towns on nearly every issue in the proceeding, as well as a number of issues that are beyond the scope of the proceeding, is not well-grounded. Mr. Sansoucy, to the extent the Towns have him submit more testimony on Track 1 topics on March 15, has had sufficient time to prepare such testimony, and the Applicants' proposal gives him additional time to prepare testimony on other topics, which are the subject of the March 13 technical session. Consequently, while CFP has asserted "unreasonable deadlines" and "unreasonable burdens," it has failed to make its case.

11. The Applicants' proposal substantially improves the current procedural schedule by assuring that all parties have sufficient time after the completion of technical sessions to prepare supplemental testimony. The schedule also subdivides the pre-hearing motions and pre-hearing conferences into more manageable components. This approach reduces the burdens for all parties posed by the current schedule, which the Towns' proposal does not, while promoting the prompt and orderly conduct of the proceeding, which the CFP proposal does not.

[Remainder of page intentionally left blank]

