

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

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 for the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

MOTION TO COMPEL

The Town of Easton, NH respectfully moves to compel the applicant to provide the underground Permit Packages SHEB, WMNF, ROCK, WBR3, NRTH and ROT3 with a fundamental and usable scale and to provide hard copy of relevant Permit Packages to any group spokesperson that requests them, in accordance with N.H. Admin. R. Site 202.14, stating as follows:

1. The Town of Easton Select Board, town counsel Christine Fillmore, and Easton Conservation Chairperson Kris Pastoriza have all requested such information with no success, and is now forced to file this motion. The applicant seems unwilling to provide a hard copy or fix the Permit Package in order to provide a functional and usable scale. Without such, there is no way to know the easement widths claimed by the Applicant, as well as other relevant measurements on the Permit Package. In response to questions asked by Kris Pastoriza of the Town of Easton Conservation Commission, Mr. Getz (via phone) from NPT has explained that the 1"=30' scale referenced on the map applies when the drawing is plotted at 24" x 36" size, and that the most accurate way to understand the scale is to interpolate using a known distance represented on the plans such as the UG alignment stationing, which is shown along the route and represents intervals of 100'. He went on to state that hard copies of the map are not available to the town because there are 300 maps, and printing the maps at the scale of 24" x 36" would cost about \$4/map, or \$1200. He suggested that the town could download the file and

bring it to a printer such as Kinkos, who could print any particular pages that the Town would like in hard copy. This puts undue financial and logistical burdens on the Town of Easton for a process that is required of the applicant. As the Town has repeatedly requested this information, it is now forced to file this motion.

2. The Permit Packages NPT submitted to DOT have no usable scale except for the short portions at the end which show HDD drilling locations. Without a functional and usable scale there is no way to know the easement widths claimed by the Applicant, as well as other relevant measurements on the Permit Package. These documents are necessary to permit the Town to evaluate what is actually planned along State Routes 116 and 112 within town limits, affecting not only abutting town property but abutting residential property as well. In jeopardy are wells, historic sites, stone walls, vegetation, wetlands, foundations, and homes that are all in close proximity to the proposed underground line, and the overall character of a town dedicated through its Master Plan to protect the rural character and well being of the town. (*Town of Easton Master Plan*). Also at stake is potential interruption to emergency response from the Easton Fire Department, whose property abuts Route 116, the interruption of school bus service, and operation of Easton's only children's summer camp, Tamarack Tennis Camp, which owns property on both sides of Route 116. Not providing a usable map is a violation of the SEC rules, NH statutes, and the NH and US Constitution. In particular, but not limited to, please note sections 301.03(g), 301.06, 301.07, 301.09 and 301.09 regarding information Applicant is required to provide, and why the maps as provided don't adequately do that. Also pertinent is RSA 162-H: 16, IV (b), (c), and (e) regarding the required findings the SEC must make to issue a certificate. Without the ability to use these maps and plans to determine the true impacts the project will have, none of the intervenors or the public will have a meaningful opportunity to

present information to the Committee regarding those impacts. Without a meaningful opportunity for input from the intervenors, this process will fail to achieve the purposes of public inclusion and confidence in the process that the legislature intended when amending RSA Chapter 162-H last year, and the intervenors will be denied due process.

3. In New Hampshire, “the basic assumption [is] that the orderly dispatch of judicial business is accomplished more efficiently where every plaintiff and every defendant is given adequate opportunity to properly prepare his case before trial.” *Durocher’s Ice Cream, Inc. v. Peirce Const. Co.*, 106 N.H. 293, 295 (1965) (internal quotation omitted).

4. This assumption underlies the conduct of discovery in New Hampshire regarding electronically stored information as well as traditional paper documents. For instance, New Hampshire Superior Court Rule 25(d) provides that electronically stored information may be sought and obtained in discovery and that it may be “stored in any medium from which information could be obtained either directly, or, if necessary, after translation by the responding party into a reasonably usable form.” The Applicants should not be permitted to withhold information from the other parties to this matter by providing it in a format that is unreasonably difficult to view. Furthermore, the fact that this case involves an administrative proceeding before the Site Evaluation Committee does not modify the Applicants’ obligations to provide the Committee and all intervening parties with versions of the application materials that can actually be used to evaluate the proposed project.


WHEREFORE, it is respectfully requested that the Chair of the Site Evaluation Committee:

- A. Grant the motion to compel;
- B. Require the Applicants to provide the requested documents in a usable form; and

C. Grant such other and further relief as may be just.

Respectfully submitted,

TOWN OF Easton, NH



Edward Cutler
Chairman, Town of Easton, NH Selectman

Zhenye Mei
Town of Easton, NH, Selectman



Deborah P. Stever
Town of Easton, NH, Selectman

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Compel has this day been forwarded via e-mail or mail to persons named on the Distribution List of this docket.

Dated: 2/13/17

By:

