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February 27, 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
Response To Various Procedural Schedule Proposals**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of a
Response to Various Procedural Schedule Proposals.

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**

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**

RESPONSE TO VARIOUS PROCEDURAL SCHEDULE PROPOSALS

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, respond to the various pending proposals to amend the procedural schedule. The Applicants support the adoption of the amended procedural schedule proposed by Counsel for the Public (“CFP”) on February 10, 2017, subject to an exception described below that would maintain April 4, 2017, as the start date for adjudicative hearings concerning the testimony of Messrs. Quinlan and Bowes, and incorporate a site visit with respect to the underground portion of the proposed route at the outset of the adjudicatory hearings.

I. BACKGROUND

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 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 established a procedural schedule within the

expanded period of review. Among other things, the procedural schedule contemplated supplemental testimony by March 15, 2017.

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 January 31, 2017, CFP filed a motion for additional site inspections. CFP asked for four additional days that would, among other things, include a tour of the underground portion of the route.

II. PENDING SCHEDULE PROPOSALS

5. 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 propose that supplemental testimony be due 15 days from the end of the technical sessions scheduled to begin on February, 21, 2017, which would appear to be April 3, 2017.

6. On February 6, 2017, the Applicants filed a motion to amend the procedural schedule that, among other things, broke the single deadline for the filing of supplemental testimony into three parts. This proposal would require all parties to file supplemental testimony on Track 1 topics, except for construction issues, on March 15, 2017.

7. On February 10, 2017, CFP filed what it characterized as a compromise proposal that would follow the Applicants’ proposal with respect to phasing supplemental testimony but require all parties to file supplemental testimony on Track 1 topics, except for construction issues, on March 27, 2017. It would also delay the start of adjudicative hearings from April 4, 2017, to April 17, 2017.

8. On February 13, 2017, the Applicants objected to the Towns' motion to extend deadlines and CFP's request to amend the procedural schedule. The Applicants have reconsidered their position in part as set forth in more detail below.

9. On February 16, 2017, the Society for Protection of New Hampshire Forests ("SPNHF") filed a response to the proposals made by the Towns, the Applicants, and CFP. SPNHF supported the Towns' initial proposal and opposed the phased proposals made by the Applicants and CFP.

10. Also on February 16, 2017, the Towns filed an objection to the Applicants' proposed procedural schedule but supported CFP's compromise proposal. The Towns' support for the CFP proposal represents a departure from its initial proposal.

11. On February 24, 2017, the Grafton County Commissioners ("GCC") filed a pleading that it called a further response to motions regarding scheduling and a motion to continue the adjudicatory hearings. Among other things, GCC misconstrues the role of the Department of Transportation ("DOT") and continues to argue that the Application is incomplete.¹

III. APPLICANTS' REVISED PROPOSAL

12. The Applicants accept in large part the compromise schedule proposed by CFP for the adjudicatory hearings. The Applicants propose, however, that the existing schedule be maintained insofar as it would require supplemental testimony by Messrs. Quinlan and Bowes with respect to route selection, etc. on March 15, 2017. All other supplemental testimony on Track 1 topics would be due on March 27, as proposed by CFP, including testimony by CFP and

¹ GCC does not appreciate the relationship of the DOT's regulatory authority over the design of the underground portion of the Project to the Site Evaluation Committee's ("SEC") issuance of a Certificate. The Applicants are complying with the regulatory requirements of the DOT regarding the process for approving a final design. GCC, however, would essentially have the SEC insert itself into the DOT process, but it is up to the DOT to issue its final decision, which the SEC will incorporate into its Certificate. Accordingly, the GCC motion is contrary to RSA 162-H:7 and 16, and the Presiding Officer should therefore deny the GCC motion to continue the adjudicatory hearings. To the extent necessary, the Applicants object to the GCC pleading.

the Intervenor on route selection, etc. Messrs. Quinlan and Bowes would appear at the adjudicatory hearings beginning on April 4, 2017, to present their pre-filed direct and supplemental testimony and be subject to cross examination by the parties and the Subcommittee. Adjudicatory hearings relative to other witnesses would begin on April 17, 2017. The Applicants also specify further deadlines for pre-hearing motions and corresponding pre-hearing conferences. Attachment A sets forth the Applicants' proposal in detail.

13. The Applicants propose as well that the Presiding Officer schedule a two-day site visit for the purposes of touring the underground portions of the Project for either April 6 and 7, or April 13 and 14. The Applicants recommend an approach similar to that used for previous site visits. To the extent the Subcommittee wishes to visit other areas related to, for instance, particular scenic resources, the Applicants suggest that the Subcommittee defer any visits until later in the adjudicatory hearings when it has determined that such visits would assist its deliberations.

14. The Applicants believe that their revised proposal promotes the prompt and orderly conduct of the proceeding, contemplates a reasonable period of time to complete the technical sessions, assures that all parties have sufficient time to prepare supplemental testimony, and reasonably accommodates site visits.

WHEREFORE, the Applicants respectfully request that this Committee:

- A. Amend the procedural schedule 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 its attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: February 27, 2017

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of February, 2017, an original and one copy of the foregoing Response was hand-delivered to the New Hampshire Site Evaluation Committee.


Thomas B. Getz

ATTACHMENT A

REVISED SCHEDULE

1. Supplemental pre-filed testimony from the Applicants on route selection, etc. by Messrs. Quinlan and Bowes shall be filed on March 15, 2017.
2. Pre-hearing motions on Messrs. Quinlan and Bowes testimony shall be filed by March 20, 2017.
3. Supplemental pre-filed testimony from all parties (except for the Applicants on route selection, etc.) on remainder of Track 1 topics, excluding construction, shall be filed on March 27, 2017.
4. Pre-hearing conference on Messrs. Quinlan and Bowes testimony shall be conducted on March 28, 2017.
5. Pre-hearing motions on Applicants' Testimony on Track 1 Topics, except construction issues, shall be filed on or before April 3, 2017.
6. Adjudicative hearings on Messrs. Quinlan and Bowes testimony shall begin on April 4, 2017.
7. Site visits for underground portion of Project Route shall be held on April 6 and 7, or April 13 and 14, 2017.
8. Pre-hearing conference on Applicants' Track 1 Topics, except for construction issues shall be conducted on April 10, 2017.
9. Supplemental pre-filed testimony from all parties on construction related issues shall be filed on April 12, 2017.
10. Adjudicative hearings for Applicant witnesses other than the testimony of Messrs. Quinlan and Bowes shall begin on April 17, 2017.
11. Pre-hearing motions on Applicants' testimony on construction issues shall be filed on or before April 18, 2017.
12. Pre-hearing conference on Applicants' testimony on construction issues shall be held on April 25, 2017.
13. Adjudicative hearings for Applicants' construction panel shall begin on May 1, 2017.

ATTACHMENT A

14. Supplemental pre-filed testimony from all parties on Track 2 topics shall be filed on May 15, 2017.
15. Pre-hearing motions on Applicants' Testimony on Track 2 topics shall be filed on or before May 18, 2017.
16. Pre-hearing conference on Applicants' Testimony on Track 2 Topics shall be conducted on May 22, 2017.
17. Adjudicative hearings for Applicants' Track 2 witnesses shall begin on May 24, 2017.
18. Pre-hearing motions on Counsel for the Public's and Intervenors' Testimony on Track 1 and 2 Topics shall be filed on or before June 5, 2017.
19. Pre-hearing conference on Counsel for the Public's and Intervenors' Testimony on Track 1 and 2 Topics shall be conducted on June 12, 2017.
20. Adjudicative hearings on Counsel for the Public and Intervenor witnesses shall begin after completion of Applicants' witnesses.