

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 a Certificate of Site and Facility

**MOTION OF THE SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE
FORESTS FOR REHEARING ON
ORDER ON PENDING MOTIONS (Procedural Schedule)**

The Society for the Protection of New Hampshire Forests (the “Forest Society”), by and through its attorneys, BCM Environmental & Land Law, PLLC, moves to rehear the March 1, 2017, decision on a number of motions regarding the procedural schedule. In support, the Forest Society states as follows:

AUTHORITY FOR REHEARING

1. The Forest Society, as a party to this proceeding, may move for a rehearing of the October 28, 2016, Order. RSA 541:3; N.H. Code Admin. R. Ann. Site 202.29.
2. A motion for rehearing serves a two-fold purpose: first, it permits the reviewing authority to reconsider its decision, and second, it may be a requirement prior to filing an appeal to the New Hampshire Supreme Court. N.H. Code Admin. R. Ann. Site 202.29; N.H. Supreme Court Rule 10.
3. Based on the Administrative Procedures Act, the SEC’s Administrative Rules, and the Supreme Court Rules, to preserve these issues for appeal, the Forest Society files this Motion for Rehearing.

BACKGROUND

4. Eversource Energy and Northern Pass Transmission, LLC (the “Applicants”) applied to the Committee for a Certificate of Site and Facility to construct a 192-mile high-voltage

transmission line, extending from the Canadian border at Pittsburg, New Hampshire to a substation located in Deerfield, New Hampshire, commonly referred to as the Northern Pass Project.

5. The March 1, 2017, Order addressed the following motions, objections, and responses concerning modification of the Procedural Schedule:
 - a. Municipal Groups 1 South, 2, 3 South, 3 North's Motion to Extend Deadline for Supplemental Pre-filed Testimony, filed February 3;
 - b. Applicant's Motion to Amend Procedural Schedule for Supplemental Testimony and Related Deadlines, filed February 6;
 - c. Counsel for the Public's Response to Municipal Groups' Motion to Extend Deadlines and Applicants' Motion to Amend Procedural Schedule, filed February 10;
 - d. Applicant's Objection to Municipal Groups' Motion to Extend Deadline and Counsel for the Public's Request to Amend Procedural Schedule, filed February 13;
 - e. Municipal Groups 1 South, 2, 3 South, and 3 North's Objection to Applicant's Motion to Amend and Support for Counsel for the Public's Response, filed February 16;
 - f. Response of the Society for the Protection of New Hampshire Forests to Applicants' Motion to Amend Procedural Schedule, Municipal Groups' Motion to Extend Deadlines and Counsel for the Public's Response to Said Motions Regarding Scheduling filed February 16; and
 - g. Applicant's Response to Various Procedural Schedule Proposals filed February 27.
6. In summary, the Committee created a new schedule based in large part on the Counsel for the Public's proposed schedule, but with a sequence closer to the timeframe of the June 23, 2016, Procedural Order.
7. In pertinent part, the new schedule adopts a two-track approach that divides the deadlines by topic of the testimony.

LEGAL STANDARD

8. Pursuant to RSA 541:3, "any person directly affected" by an order or decision has the right to file a motion for rehearing.

9. Site 202.29(c) allows such a party to submit a motion for rehearing within thirty days of the decision or order.
10. The Forest Society is directly affected by the SEC's October 28, 2016 Order, as the Forest Society's requested relief was denied.
11. Site 202.29(d) provides as follows:

[a] motion for rehearing shall:

- (1) Identify each error of fact, error of reasoning, or error of law which the moving party wishes to have reconsidered;
- (2) Describe how each error causes the committee's order or decision to be unlawful, unjust or unreasonable; [and]
- (3) State concisely the factual findings, reasoning or legal conclusion proposed by the moving party[.]

N.H. Code Admin. R. Ann. Site 202.29(d).

ANALYSIS

12. As the Forest Society explained in its February 16, 2017, Response, the arguments of which are incorporated herein, the decision to bifurcate the trial infringes on the Forest Society's due process rights. Bifurcation does not allow parties to approach the adjudicative hearings with adequate preparation and in an all-inclusive manner, both of which the SEC statute and rules anticipate.

13. The parties below take the following positions with respect to this request:

- a. Concur:

Pemigewasset River Local Advisory Committee
Abutters Group 1 North – Pittsburg, Clarksville
Abutting Property Owners (overhead portion) – Dummer, Stark, and
Northumberland

- b. The remainder of the parties did not respond to a request for their position.

WHEREFORE, the Forest Society respectfully requests that the Committee:

- A. Grant this Motion;
- B. Expeditiously schedule a rehearing on the Motions concerning the Procedural Schedule; and
- C. Grant such further relief as it deems appropriate.

Respectfully Submitted,

**SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS**

By its Attorneys,

BCM Environmental & Land Law, PLLC



Date: March 9, 2017

By: _____
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CERTIFICATE OF SERVICE

I hereby certify that on this day, March 9, 2017, a copy of the foregoing Motion was sent by electronic mail to persons named on the Service List of this docket.



Amy Manzelli, Esq.