

March 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

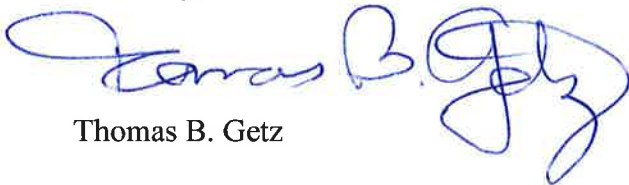
**Re: Site Evaluation Committee Docket No. 2015-06
Joint Application of Northern Pass Transmission LLC and Public Service Company
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of
Site and Facility
Objection to Motion for Rehearing**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of an
Objection To Motion For Rehearing On Order On Pending Motions (Procedural Schedule).

Please contact me directly should you have any questions.

Sincerely,



Thomas B. Getz

TBG:slb

cc: SEC Distribution List

Enclosure

**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 MOTION FOR REHEARING
ON ORDER ON PENDING MOTIONS (PROCEDURAL SCHEDULE)**

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 object to the Society for the Protection of New Hampshire Forests’ (“SPNHF”) Motion for Rehearing on Order on Pending Motions (Procedural Schedule) (“Motion for Rehearing”) filed on March 9, 2017. As the Applicants discuss below, SPNHF’s Motion for Rehearing fails to meet its legal burden and should be denied.

1. On June 23, 2016, the Presiding Officer issued a procedural order in this docket, which has since been amended on a number of occasions. Recently, a number of parties to this proceeding, including SPNHF, submitted pleadings related to the procedural schedule.

2. On February 16, 2017, SPNHF filed a “response” that, among other things, contended that setting separate deadlines for supplemental testimony, pre-hearing motions, and pre-hearing conferences (“Response”) violated due process and was incompatible with the “one-stop shopping” approach of the Site Evaluation Committee (“SEC”). SPNHF also expressed concern over “practical limitations” with the phased approach. Response at 6.

3. On March 1, 2017, the Presiding Officer issued the Order on Pending Motions (Procedural Schedule) (“Order”) in which he amended the procedural schedule by continuing to

segment the schedule by topics, and designated Track 1 and Track 2 topics similar to those used for Counsel for the Public and intervenor testimony and technical sessions. The Presiding Officer found, at p. 6 of the Order, that amending the procedural schedule in this manner was necessary “[t]o ensure that confusion is avoided, that the parties received sufficient time to prepare and present their evidence, and to ensure the orderly conduct of the proceedings without undue delay.”

4. On March 9, 2017, SPNHF filed its Motion for Rehearing, incorporating by reference the arguments it made in its February 16, 2017 Response. It does not cite any specific statute or law to support its position but merely restates its position that the schedule “infringes on the Forest Society’s due process rights.” Motion for Rehearing at 3. SPNHF also claims that the amended procedural schedule “does not allow parties to approach the adjudicative hearings with adequate preparation and in an all-inclusive manner.” Id.

5. RSA 541:3 provides that a party may apply for rehearing by “specifying in the motion all grounds for rehearing” and, correspondingly, RSA 541:4 requires that “[s]uch motion shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable.” The SEC’s rule on rehearing, Site 202.29, supplements RSA Chapter 541, and states that a motion for rehearing must: “(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; (3) State concisely the factual findings, reasoning or legal conclusion proposed by the moving party; and, (4) Include any argument or memorandum of law the moving party wishes to file.” Site 202.29 (d).

6. The New Hampshire Supreme Court, furthermore, has concluded that the purpose of rehearing “is to direct attention to matters that have been overlooked or mistakenly conceived in the original decision ...” *Dumais v. State*, 118 N.H. 309, 311 (1978) (internal quotations omitted). A rehearing may be granted when the Committee finds “good reason” or “good cause” has been demonstrated. *See O’Loughlin v. NH Pers. Comm.*, 17 N.H. 999, 1004 (1977); *Appeal of Gas Service, Inc.*, 121 N.H. 797, 801 (1981). “A successful motion for rehearing must do more than merely restate prior arguments and ask for a different outcome.” *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014); *see also Freedom Energy Logistics*, Order No 25,810 at 4 (Sept. 8, 2015).

7. SPNHF’s Motion for Rehearing does not specify the grounds upon which it claims the Presiding Officer’s procedural order is unlawful or unreasonable, nor does it identify any error of fact or reasoning or law that it wishes to have reconsidered. SPNHF, moreover, fails to describe how any error causes the procedural order to be unlawful, unjust or unreasonable. Instead, SPNHF “incorporates” prior arguments, restates its argument about approaching hearings in “an all-inclusive manner,” and asks for a different result.

8. SPNHF does not provide a good reason for rehearing. It does not direct attention to matters that the Presiding Officer has overlooked or mistakenly conceived. Finally, it misconstrues “one-stop shopping” and its bald assertion about approaching hearings in an all-inclusive manner is misplaced. Accordingly, the Motion for Rehearing should be denied.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

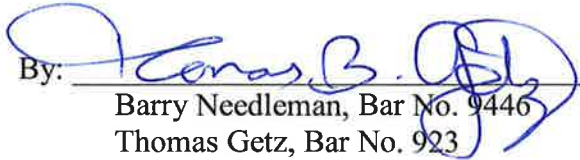
- a. Deny SPNHF’s Motion for Rehearing; and
- b. Grant such further relief as it deems appropriate.

Respectfully submitted,

Northern Pass Transmission LLC and
Public Service Company of New Hampshire d/b/a
Eversource Energy

By Their Attorneys,
McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: March 13, 2017

By: 
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Certificate of Service

I hereby certify that on the 13^h day of March, 2017 the foregoing Objection was electronically served upon the SEC Distribution List and an original and one copy will be hand delivered to the NH Site Evaluation Committee.


Thomas B. Getz