

March 16, 2017

Pamela G. Monroe, Administrator  
New Hampshire Site Evaluation Committee  
21 South Fruit Street, Suite 10 Concord, NH 03301-2429

SEC Docket 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).

RE: Response to Applicant's Motion to Clarify Use of "Friendly" Examination

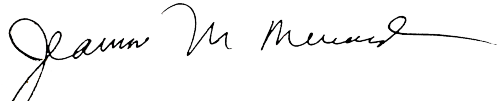
Dear Ms. Monroe:

Attached please find Deerfield Abutters' Response to Applicant's Motion to Clarify Use of "Friendly" Examination.

I certify that on this day, March 16, 2017, a copy of the foregoing Response was sent by electronic mail to persons named on the Service List of this docket.

Thank you for your assistance in this matter.

Respectfully Submitted,

  
Jeanne Menard,  
For Deerfield Abutters

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

**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 Applicant's Motion to Clarify Use of "Friendly" Examination**

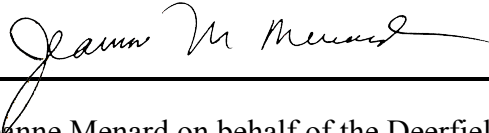
The Deerfield Abutters oppose Applicant's Motion to Clarify Use of "Friendly" Examination and ask that Applicant's attempt to eliminate the use of friendly cross-examination be denied. The Hearing Officer and SEC have balanced the demands of this action by moving the parties along; their oversight will ensure a fair and just hearing without the need for Applicant's draconian measure.

1. The Northern Pass Transmission Project is a **192** mile construction zone with short and long term impacts. It involves many landowners, municipalities and groups – all holding significant and legitimate interests. The party responsible for the size and complexity of the SEC proceeding is the Applicant. By selecting this project and this route, Applicant invited this level of intervention by so many parties.
2. Both abutters and non-abutters are Interveners with significant property interests at stake; their rights, duties, privileges, immunities or other substantial interests may be affected by the case. RSA 541-A:32. As full parties, they have the right to submit testimony, participate in discovery, cross-examine witnesses at hearings and make arguments to the SEC. The SEC may order restrictions only if these are not "so extensive as to prevent the intervener from protecting the interest which formed the basis of the intervention." RSA 541-A:32IV.
3. Since the start of this process, Interveners have operated with the belief that friendly cross would be available to protect their significant interests in this SEC proceeding. To eliminate this option at this time would be unfair and unjust and severely prejudice the Interveners. It is a draconian step that violates the Interveners' due process rights.
4. Deerfield Abutters relied on the availability of cross-examination, both adversarial and friendly, in forming their trial strategy and in deciding whether to obtain additional expert testimony. Frankly the use of friendly cross-examination expedites the entire SEC process. Without it, the Deerfield Abutters may have sought the services of additional experts who would have submitted testimony, attended technical sessions, and appeared at the SEC hearing.
5. Interveners like Deerfield Abutters have differing interests at stake and as such are entitled to protect those interests by questioning the testimony of other Interveners. Many Interveners have worked diligently to prepare testimony and participate fully in the

proceedings to date, and the Applicant's Motion appears to be a back-door effort to sharply limit the continued participation of many such Interveners.

6. Friendly cross offers the party the ability to bring to the SEC relevant evidence. The Hearing Officer and SEC are fully capable of controlling the flow of witnesses in a way that protects the interests of justice and provides an orderly and prompt proceeding.

For these reasons, the Deerfield Abutters respectfully ask that Applicant's Motion to Clarify Use of "Friendly" Examination be DENIED and ask that Applicant's attempt to eliminate the use of friendly cross-examination be DENIED".



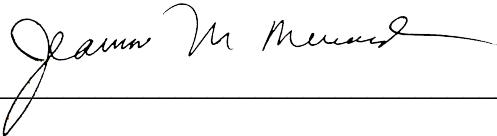
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Dated: March 16, 2017

By: Jeanne Menard on behalf of the Deerfield Abutters

**CERTIFICATE OF SERVICE**

I certify that the above Motion has been forwarded to the persons named on the distribution list of this docket.



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Jeanne Menard

Dated: March 16, 2017

cc: Distribution List