

**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

**COUNSEL FOR THE PUBLIC'S RESPONSE TO MOTION TO TEMPORARILY
SUSPEND DELIBERATIONS PURSUANT TO RSA 162-H:14**

Counsel for the Public, by his attorneys, the Office of the Attorney General and Primmer Piper Eggleston & Cramer PC, hereby responds to the Motion to Temporarily Suspend Deliberation Pursuant to RSA 162-H:14 (the "Motion") filed by the Municipal Intervenor Groups 1 South, 2, 3 South, and 3 North (the "Municipal Groups") as follows:

1. The Municipal Groups request that the Committee temporarily suspend deliberations in this proceeding pursuant to RSA 162-H:14 until resolution of the Massachusetts RFP given the critical importance of the outcome of the Massachusetts RFP to the viability of the entire project.

2. Counsel for the Public does not join in the Municipal Groups' Motion at this time, but Counsel for the Public files this response to express his concerns about the recent developments associated with the public statements by Hydro-Quebec ("HQ") emphatically stating that HQ does not intend to pay for the costs of the Project.

3. Following HQ's statements concerning payment for the Project, Counsel for the Public wrote to the Applicants with several specific questions based on serious concerns he holds that numerous material representations Applicants have made to the Committee in this proceeding appear to be directly contradicted by HQ. *See* Motion at **Exhibit B**.

4. Counsel for the Public sought (1) an explanation for HQ's statements that it "will not pay for the line in the U.S."; (2) clarification as to whether HQ will pay for the costs

associated with undergrounding the Project; (3) an explanation as to how HQ will recover the costs of transmission service for use of the Project if HQ and the Applicants are not successful in the Massachusetts RFP for clean energy; (4) clarification as to whether revenue that HQ earns in the New England electricity markets will be sufficient to pay HQ's cost of transmission service over the Project in addition to the cost of producing the energy products that will flow over the Project transmission line while proving to be sufficiently profitable to HQ; (5) clarification as to whether Applicants have any responsibility to pay costs associated with the development of the Project if the Project never commences operation; and (6) confirmation that the TSA filed in this proceeding is still the governing agreement between NPT and HQ. *See* Motion at **Exhibit B**.

5. In response, Applicants only directly answered one of the requests for information made by Counsel for the Public concerning the continued effect of the TSA and directed Counsel for the Public to Supplemental Testimony filed by NPT on March 24, 2017, which did not address all of the issues raised by Counsel for the Public's March 20, 2017 letter. *See* Motion at **Exhibit B**.

6. Applicants further stated: "To the extent you have further questions about these issues, you will be free to inquire about them during cross examination when the hearings commence in April." *See* Motion at **Exhibit B**.

7. While Counsel for the Public shares the concerns raised by the Municipal Groups on the issues raised in the Motion, he is not seeking postponement of the proceedings. Rather, Counsel for the Public will fulfill his statutory investigatory obligation in this proceeding to cross-examine Applicants' witnesses on these issues and attempt to reconcile the seemingly contradictory statements of Applicants and HQ. In doing so, Counsel for the Public anticipates

that the Applicants' witnesses will be forthcoming in their answers and that he will be given sufficient time and leeway to make the necessary inquiries.

Respectfully submitted,

COUNSEL FOR THE PUBLIC,

By his attorneys,

Dated: April 5, 2017

By:



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Dated: April 5, 2017

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing RESPONSE TO MOTION TO TEMPORARILY SUSPEND DELIBERATIONS PURSUANT TO RSA 162-H:14 has this day been forwarded via e-mail to persons named on the Distribution List of this docket.

Dated: April 5, 2017

By: 
Thomas J. Pappas, Esq. (N.H. Bar No. 4111)