

MARK E. BELIVEAU

Pease International Tradeport
One New Hampshire Avenue, #350
Portsmouth, NH 03801

P 603.373.2002
F 603.433.6372
C 603.969.6574
mbeliveau@pierceatwood.com
pierceatwood.com

Admitted in: NH

April 10, 2017

By Electronic Mail and First-Class Mail

Pamela Monroe, Administrator
NH Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Northern Pass Transmission LLC and Public Service Company of
New Hampshire d/b/a Eversource Energy
Docket No. 2015-06

Dear Ms. Monroe:

I have enclosed the Objection of Dixville Capital, LLC and Balsams Resort Holdings, LLC to the Society for the Protection of New Hampshire Forests' Motion to Strike Portions of the Applicants' Forward NH Plan for filing in the above matter.

Thank you for your attention to this matter. Please contact me if you have any questions.

Very truly yours,



Mark E. Beliveau

MEB/kmd
Enclosure

cc: SEC, 2015-06 Master Service List, Revised 3.31.17 (by email)

**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 OF DIXVILLE CAPITAL, LLC
AND BALSAMS RESORT HOLDINGS, LLC TO THE SOCIETY FOR THE
PROTECTION OF NEW HAMPSHIRE FORESTS' MOTION TO STRIKE PORTIONS
OF THE APPLICANTS' FORWARD NH PLAN**

Intervenors Dixville Capital, LLC (“Dixville Capital”) and Balsams Resort Holdings, LLC (“BRH”) by and through their undersigned counsel hereby object to The Society for the Protection of New Hampshire Forests’ (the “Forest Society”) Motion to Strike Portions of the Applicants’ Forward NH Plan, dated March 29, 2017 (the “Motion to Strike”), filed in the above-captioned proceeding.

I. Introduction

1. The Forest Society seeks to strike all evidence and testimony regarding the Forward NH Fund, requesting that such evidence and testimony not be considered by the Site Evaluation Committee (“SEC”) in its review of the Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (“Application”). The Forest Society argues, without merit, that the benefits associated with the creation of the Forward NH Fund are not relevant.

2. Dixville Capital and BRH disagree with this central premise of the Motion to Strike. The Forward NH Fund is slated to advance efforts relating to the community, clean energy, economic development, and tourism — all of which are represented in the development of the Balsams Resort, and all of which are applicable to the region in which the Balsams Resort

is located. As demonstrated by the pre-filed testimony of Leslie Otten, the lead developer behind the redevelopment of the Balsams Resort, the benefits associated with the Forward NH Fund are important to the Balsams Resort's redevelopment.

II. Background

3. The Applicants filed an Application to construct a 192-mile electric transmission line and associated facilities on October 19, 2015. At pages ES-3 to ES-5 of the Application, the Applicants discuss how the construction and operation of NPT would be in the public interest, including a description of the Forward NH Fund.

4. Dixville Capital and BRH intervened in this proceeding in light of the fact that the proposed transmission line would run parallel to the eastern boundary of the redeveloped Balsams Resort, at one point, coming within a half-mile of the project boundary. In addition, it is expected that the Northern Pass facility will lower the cost of electricity and increase the availability of power to the Balsams.

III. Discussion

5. Contrary to the Forest Society's contention, consideration of the Forward NH Fund is relevant to the SEC's determination of "whether [the] proposed energy facility will serve the public interest." Site 301.16 [Criteria Relative to Finding of Public Interest]. Notably, the statute provides that SEC "shall" consider whether the "[i]ssuance of a certificate will serve the public interest." RSA 162-H:16, IV(e).

6. The Applicant's Forward NH Plan broadly includes numerous examples of how the operation of the Northern Pass facility will benefit the public interest as it relates to the provision of much needed clean, low-cost energy into the region. But further, the genesis of the Forward NH Fund is to serve the public interest, by utilizing funds generated through operation of the line to advance efforts relating to the community, clean energy, economic development,

and tourism. All of these benefits positively impact the welfare of the citizens of New Hampshire, the location and growth of industry and the overall economic growth of the state.

7. In support of its Motion to Strike, the Forest Society argues that, “the language of RSA 162-H clearly states that the relevant impacts and benefits of a proposed energy facility are those impacts and benefits occasioned by the facility itself.” Motion to Strike ¶ 7.

8. As noted above, the statute more broadly states that the SEC “shall” consider whether the “[i]ssuance of a certificate will serve the public interest.” RSA 162-H:16, IV(e). But in any event, the benefits associated with the Forward NH Fund are directly related to the impacts and benefits of the facility itself, because the Forward NH Fund does not become a reality until such time that the proposed Northern Pass project is sited, constructed, and operational. Without the NPT facility, there will be no Forward NH Fund, and therefore, those benefits are related to and aligned completely with the facility itself.

9. Mr. Otten’s pre-filed testimony references the current economic condition of Coos County, and notes that the Northern Pass project is expected to facilitate the creation of many construction related jobs, helping to stabilize the area, and attract younger generations of work force to the region. As further noted by Mr. Otten, the Forward NH Fund’s commitment to investing in efforts relating to the community, clean energy, economic development, and tourism is expected to play a meaningful role in bettering this region. These benefits are related to the “facility itself,” as they will not be realized otherwise.

10. The Forest Society’s suggestion that the Forward NH Fund will not utilize funds in the North Country is incorrect.

11. In his pre-filed testimony, William Quinlan stated: “The emphasis for the Fund will be on host communities, and in particular, host communities in the North Country.” Prefiled-Testimony of William Quinlan at 6.

12. Further, the Forward NH Fund's advanced investment of \$5,000,000 into the development of the Balsams Resort is a measurable and clear demonstration of this intent and commitment to utilize portions of these future funds in the North Country. In fact, New Hampshire Senate Minority Leader Jeff Woodburn has recently stated that, "the Forward NH Plan has made critical advanced funding available to the Balsams project that will bring major, long-term economic benefits to our region. This demonstrates that the Northern Pass project, and the Forward NH Plan, must deliver substantial benefits to the North Country and the entire Granite state."¹

13. In conclusion, the benefits of the Forward NH Fund are directly related to the proposed energy facility, and cannot come to fruition without the proposed energy facility.

14. As in any administrative proceeding, the Forest Society may raise arguments concerning the weight that the SEC should give specific evidence and testimony. Concerning the Forward NH Fund however, the Forest Society has failed to demonstrate that the evidence and testimony about the Fund is not relevant. Therefore, the Motion to Strike should be denied.

WHEREFORE, Intervenors Dixville Capital, LLC and Balsams Resort Holdings, LLC, respectfully request that the Presiding Officer:

- A. Deny the Forest Society's Motion to Strike Portions of the Applicants' Forward NH Plan; and
- B. Grant such further and other relief as may be just and appropriate.

¹ *Completion of Work Force Study Marks Advancement of Balsams BFA Application Process*, Mar. 22, 2017, at 2.

Respectfully Submitted,

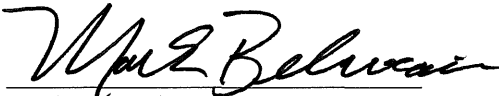
Dixville Capital, LLC and

Balsams Resort Holdings, LLC

By their attorneys,

Pierce Atwood LLP

Dated: April 10, 2017

By: 
Mark E. Beliveau
NH Bar No. 301
One New Hampshire Avenue
Suite 350
Portsmouth, NH 03801
Telephone: (603) 433-6300
mbeliveau@pierceanwood.com

Certificate of Service

I hereby certify that on this 10th day of April, 2017, I caused a copy of the foregoing Objection to be served by electronic mail on persons designated on the Service List of this Docket.


Mark E. Beliveau