

April 24, 2017

**Via Hand-Delivery and Electronic Mail**

Ms. Pamela Monroe, Administrator  
New Hampshire Site Evaluation Committee  
21 Fruit Street, Suite 10  
Concord, NH 03301

**Re: 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—NEPGA Filings**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find the following documents filed on behalf of the New England Power Generators Association, Inc.:

- 1 NEPGA's Exhibit List;
- 2 NEPGA's Witness List;
- 3 NEPGA Ex.-1 (2 copies);
- 4 NEPGA Ex. -2 (Redacted) (2 copies);
- 5 NEPGA Ex.- 3 (Confidential) (2 copies), submitted in a separate sealed envelope;
- 6 8 flash drives containing NEPGA's Exhibits;
- 7 NEPGA's Motion to Strike PPA and Related Testimony; and
8. NEPGA's Motion to Strike Portions of Frayer Testimony and the LEI Report.

Please contact me if you have any questions in this regard. Thank you for your assistance.

Very truly yours,

Carol J. Holahan

cc: Service List 2015-06 (electronic mail only)

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

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 for the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

### **MOTION OF THE NEW ENGLAND POWER GENERATORS ASSOCIATION, INC. TO STRIKE PORTIONS OF THE PRE-FILED TESTIMONY OF JULIA FRAYER AND PORTIONS OF THE LONDON ECONOMICS INTERNATIONAL LLC REPORT**

The New England Power Generators Association, Inc. (NEPGA)<sup>1</sup> moves to strike portions of the pre-filed testimony of Julia Frayer (Frayer Testimony) and the London Economics International LLC Report (LEI Report) submitted by Eversource Energy and Northern Pass Transmission, LLC (Applicants) in support of their application in the above-referenced proceeding. In support of this Motion, NEPGA states as follows:

1. In her prefiled testimony dated October 16, 2015, Julia Frayer describes analysis of the purported savings that will inure from the development of the Northern Pass transmission line. Frayer's testimony, however, is based on calculations made assuming certain demand curves that were in effect when the analysis was performed, not on those that ISO-NE has recently adopted and that will be in effect if the Northern Pass line is approved and ultimately constructed.

2. Similarly, the LEI Report also dated October 16, 2105, analyzes the purported capacity savings from the Northern Pass transmission line based on those same demand curves that were in place at the time the Report was prepared.

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<sup>1</sup> The comments expressed herein represent those of NEPGA but not necessarily those of any particular member.

3. Since that time, however, the Federal Regulatory Energy Commission approved, and ISO-NE has adopted, new zonal demand curves. FERC approved the new curves on June 28, 2016 to take effect beginning with Forward Capacity Auction 11, which ran in February 2017 and corresponds to the commitment period June 1, 2020 – May 31, 2021. It is indisputable that these will be the zonal demand curves in effect if the Northern Pass line is approved and ultimately constructed, not the demand curves that served as the basis for the Frayer Testimony and the LEI Report as originally filed.

4. Based on the approval and impending adoption of those new curves, NEPGA filed and the SEC granted, a motion compelling the Applicants, through Julia Frayer and LEI, to provide an updated economic analysis under the newly adopted market structure. *See Order on NEPGA's Motion to Compel, September 22, 2016.*

5. In response to the SEC's Order on NEPGA's Motion to Compel, Julia Frayer submitted updated testimony and LEI submitted an updated economic analysis relative to the economics of the project based on the newly adopted demand curves on February 15, 2017.

6. While it is unclear whether the Applicants intended that the updated testimony and economic analysis contained in the report replace the prior testimony and portions of the report addressing the capacity savings, there can be no doubt that RSA 541-A, the state's Administrative Procedures Act, and the SEC's rule support striking portions of both the Frayer Testimony and the LEI Report as they relate to and rely upon the outdated market design.

7. The SEC rules provide that the “receipt of evidence shall be governed by the provisions of RSA 541-A:33.” *N.H. Code of Admin. Rules Site 202.24*. RSA 541-A:33, II states that the rules of evidence do not apply. Rather, “[a]ny oral or documentary evidence may be received; but the presiding officer may exclude irrelevant, immaterial or unduly repetitious evidence.” RSA 541-A:33, II.

8. As the SEC recently stated, “[t]he touchstone for admissibility in administrative proceedings is relevance...” *Antrim Wind, 2015-02, Order on Motion to Strike (September 19, 2016)*. Because the Frayer Testimony and the analyses performed by LEI relative to the demand curves contained in the testimony and report dated October 16, 2015, prior to the adoption of the new curves by ISO-NE, that information is not only now irrelevant, it is also immaterial, inaccurate and misleading.

9. Since it is undisputed that the demand curves that will be in place if and when the Northern Pass project is constructed will be the new zonal demand curves adopted by ISO-NE, and that prior market models upon which the Frayer Testimony and LEI Report initially relied are now defunct, any testimony, analysis or reference to information based on those outdated curves can offer no credible evidence in this proceeding and thus must be stricken.<sup>2</sup>

10. Moreover, to the extent that the information in the Frayer Testimony and the LEI Report purports to calculate savings and benefits from the Northern Pass line based on the outdated demand curves, the erroneous information could

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<sup>2</sup> This information includes, but is not limited to Frayer’s prefiled testimony at pages 4-34 and the LEI Report at pages 12-64.

mislead those reading the testimony, including the public, the parties, intervenors and SEC members.

11. The following parties concur in this Motion: Municipal Group 3-North; Grafton County Commissioners; Abutting Property Owners (underground portion) Clarkesville-Stewartstown; Abutting Property Owners (underground portion) Bethlehem to Plymouth; Abutting Property Owners (overhead portion) Dummer, Stark and Northumberland; Non-Abutting Property Owners (overhead portion) Clarksville-Stewartstown; Non-Abutting Property Owners (overhead portion) Stark, Lancaster, Whitefield, Dalton and Bethlehem; Deerfield Abutter Intervenor Group; Abutting Property Owners (overhead portion) Ashland, Northfield, Canterbury Allenstown and Concord; Municipal Group3-South; Society for the Protection of New Hampshire Forests; Appalachian Mountain Club, Conservation Law Foundation, Sierra Club Chapter of NH and Ammonoosuc Conservation Trust; Pemigewasset River Local Advisory Committee; Southern Non-Abutters Ashland to Deerfield; Towns of Dalton, Whitefield-Bethlehem; Bristol; Easton; Franconia, Northumberland; Plymouth, and Sugar Hill.

The following parties object: Applicants.

The remaining parties did not reply to NEPGA's request for concurrence.

WHEREFORE, NEPGA respectfully requests that this Committee:

- A. Strike or disallow certain portions of Julia Frayer's prefiled testimony that refer to or rely on outdated demand curves;
- B. Strike or disallow certain portions of the LEI Report that are refer to or rely on outdated demand curves; and

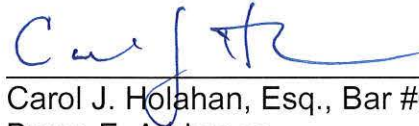
C. Grant such other and further relief as necessary.

Respectfully submitted,

NEW ENGLAND POWER GENERATORS  
ASSOCIATION, INC.

Dated: April 24, 2017

By:



Carol J. Holahan, Esq., Bar #6584

Bruce F. Anderson

33 Broad Street, 7<sup>th</sup> Floor

Boston, MA 02109

Telephone: (617) 902-2354

[cholahan@nepga.org](mailto:cholahan@nepga.org)

[banderson@nepga.org](mailto:banderson@nepga.org)

### **CERTIFICATE OF SERVICE**

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

Dated: April 24, 2017

By:



Carol J. Holahan, Esq.