



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 THE POWER PURCHASE AGREEMENT BETWEEN EVERSOURCE ENERGY  
AND HYDRO RENEWABLE ENERGY, INC. AND ALL RELATED TESTIMONY AND  
EVIDENCE**

The New England Power Generators Association, Inc. (NEPGA)<sup>1</sup> moves to strike the Power Purchase Agreement (PPA) between Eversource Energy and Hydro Renewable Energy, Inc. (Hydro Renewable) and any and all testimony, evidence and references relative to. In support of this Motion, NEPGA states as follows:

1. On June 28, Public Service Co. of N.H. d/b/a/ Eversource Energy (Eversource or Applicant) filed a petition at the N.H. Public Utilities Commission (PUC or Commission) seeking approval for a 20-year PPA with Hydro Renewable for 100 MW of power to be delivered over the proposed Northern Pass transmission line.

2. The Applicant also filed a copy of the PPA and supporting testimony, in redacted form, with the Site Evaluation Committee (SEC) in this proceeding, which provided that, under certain, but not all, scenarios, the PPA would provide some benefits to New Hampshire ratepayers if the Northern Pass line were approved and constructed. *See Testimony of James Daly.*

3. In the docket before the Public Utilities Commission, DE 16-693, the parties filed Initial Briefs on November 21, 2016, and Reply Briefs on December 5,

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

2016. On March 27, 2017, the Commission dismissed the Petition, concluding that it contravened the express provisions of New Hampshire's Restructuring Act, RSA 374-F, in that the proposed PPA "goes against the overriding principle of restructuring, which is to harness the power of competitive markets to reduce costs to consumers by separating the functions of generation, transmission, and distribution. Allowing Eversource to use the SCRC mechanism as a ratepayer financed 'backstop' for its proposed 20-year PPA would serve as an impermissible intermingling of a generation activity with distribution rates." *Order 26,000 at 7.*

4. On April 3, 2017, Eversource moved for Rehearing. On April 10, 2017, parties to the docket, including NEPGA, filed Objections. On April 20, 2017, the Commission denied the Eversource's Motion for Rehearing, thus concluding the docket.

5. Both RSA 541-A, the state's Administrative Procedures Act, and the SEC's rules, support striking the PPA, supporting testimony and any other references to it in this proceeding.

6. 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.

7. 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 PPA has been dismissed as an impermissible violation of the Restructuring Act, supporting testimony and any analysis

of purported savings or benefits conducted in connection with it is not only irrelevant and immaterial, but have no legal foundation on which to stand.

8. Moreover, to the extent that the information related to the PPA purports to calculate savings and benefits from the Northern Pass line that will ostensibly benefit New Hampshire ratepayers, this information, if not stricken from the record, will potentially mislead those reading it, including the public, the parties and SEC members.

9. To allow the Applicants to introduce as evidence in the SEC proceeding a PPA that the Commission has found to be unlawful, for the purpose of seeking to establish that the PPA will result in economic benefits to New Hampshire ratepayers or for any other purpose, is improper and contravenes the SEC's rules.

10. The Commission has spoken and rejected any notion that the PPA is lawful under New Hampshire law. Accordingly, any testimony, analysis, evidence or other reference to it in the SEC proceeding must be stricken from the record in this proceeding, since it is clear that it cannot and will not provide any benefits to New Hampshire citizens.

11. If the SEC grants this motion, NEPGA will withdraw the prefiled testimony of its witness James A. Ginnetti, whose testimony addresses issues related to the PPA.

12. The following parties concur in this motion:  
Municipal Group 2; Municipal Group 3-North; Municipal Group 3-South; Grafton County Commissioners; Abutting Property Owners (underground portion) Clarkesville-Stewartstown; 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; Abutting Property Owners (overhead portion)  
Bethlehem to Plymouth; Deerfield Abutter Intervenor Group; Abutting Property Owners  
(overhead portion) Ashland, Northfield, Canterbury Allenstown and Concord; 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 to this motion: Applicants.

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

WHEREFORE, NEPGA respectfully requests that this Committee:

- A. Strike or disallow any and all testimony, evidence and references to the PPA  
in this proceeding; and
- B. Grant such other and further relief as necessary.

Respectfully submitted,

NEW ENGLAND POWER GENERATORS  
ASSOCIATION, INC.

Dated: April 24, 2017

By:   
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**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.