

June 2, 2017

**Via Electronic Mail & Hand Delivery**

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

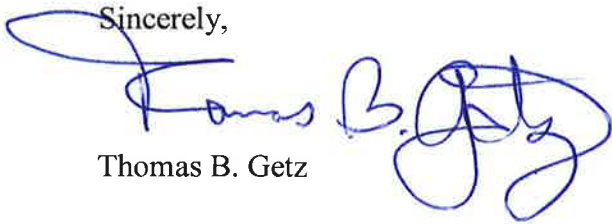
**Re: Site Evaluation Committee Docket No. 2015-06  
Joint Application of Northern Pass Transmission LLC and Public Service Company  
of New Hampshire d/b/a Eversource Energy (the "Applicants") for a Certificate of  
Site and Facility  
Objection to Motion for Rehearing Regarding Suspension of Deliberations**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of an  
Objection to Motion for Rehearing Regarding Suspension of Deliberations.

Please contact me directly should you have any questions.

Sincerely,



Thomas B. Getz

TBG:slb

cc: SEC Distribution List

Enclosure

**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 TO MOTION FOR REHEARING  
REGARDING SUSPENSION OF DELIBERATIONS**

NOW COME Northern Pass Transmission LLC (“NPT”) and Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”) (collectively the “Applicants”), by and through their attorneys, McLane Middleton, Professional Association, and object to the Joint Motion for Rehearing of Order on Motion to Temporarily Suspend Deliberations Pursuant to RSA 162-H:14 (“Joint Motion”) filed on May 25, 2017. As the Applicants explain below, the Joint Motion does not demonstrate good cause for rehearing.

**I. BACKGROUND**

1. On March 29, 2017, Municipal Intervenor Groups 1 South, 2, 3 South, and 3 North (“Municipal Opponents”) filed a motion asking to suspend deliberations pursuant to RSA 162 H:14. The Municipal Opponents made various allegations, including, at p. 3, that “it appears that HQ is prepared to withdraw its support and involvement with the Project.” Based on its unproved allegations, they sought to suspend the proceedings pending resolution of the Massachusetts Clean Energy RFP (“RFP”).

2. The Applicants objected to the motion to suspend the proceedings on March 31, 2017. Among other things, they pointed out that the proper forum for addressing the allegations made by the Municipal Opponents was in the context of the hearings scheduled to begin on April

13, 2017, during which Messrs. Quinlan and Auseré would be available for questioning regarding the status of the Transmission Service Agreement (“TSA”) and the RFP.

3. Counsel for the Public (“CFP”) filed a response to the Municipal Opponents on April 5, 2017. Among other things, CFP indicated that it was not seeking postponement of the proceedings. Instead, CFP said it would cross-examine the Applicants’ witnesses about the issues.

4. The Subcommittee denied the motion to suspend on April 25, 2017. They concluded that the information before them was too limited and too uncertain to suspend the adjudicative hearings. In addition, they pointed out that the status of Hydro-Québec’s (“HQ”) commitment could be addressed during the adjudicative proceedings.

5. The Joint Motion was filed by the Municipal Intervenor Groups 1 South, 2 and 3 North, the Grafton County Commissioners, and the Society for the Protection of New Hampshire Forests (“Joint Opponents”). They say that the Subcommittee erred in concluding that the information presented by the Municipal Opponents was limited.

6. Mr. Quinlan testified on April 13 and 14, 2017, while Mr. Auseré testified on April 14 and 17, 2017. Mr. Pappas, Mr. Reimers, Commissioner Bailey, and Ms. Weathersby asked Mr. Quinlan questions about the TSA, the relationship between NPT and HQ, and the RFP. In addition, Mr. Pappas, Mr. Reimers, and Commissioner Bailey asked related questions to Mr. Auseré. Between them, Mr. Quinlan and Mr. Auseré pointed out that the TSA is in effect, that HQ had confirmed its commitment to the Project, and that the Project did not depend on the RFP. See, for example, Tr. Day 1 (4/13/17) Morning, p. 130-132 and 137-140; Afternoon, p. 133; Tr. Day 2 (4/14/17) Afternoon, p. 72; and, Tr. Day 3 (4/17/17) Morning, p. 117.

## II. DISCUSSION

7. A motion for rehearing must (1) identify each error of fact, error of reasoning, or error of law which the moving party wishes to have reconsidered, (2) describe how each error causes the committee's order or decision to be unlawful, unjust or unreasonable, and (3) state concisely the factual findings, reasoning or legal conclusion proposed by the moving party. Site 202.29 (d).

8. The purpose of rehearing "is to direct attention to matters that have been overlooked or mistakenly conceived in the original decision ..." *Dumais v. State*, 118 N.H. 309, 311 (1978) (internal quotations omitted). A rehearing may be granted when the Committee finds "good reason" or "good cause" has been demonstrated. *See O'Loughlin v. NH Pers. Comm.*, 17 N.H. 999, 1004 (1977); *Appeal of Gas Service, Inc.*, 121 N.H. 797, 801 (1981). "A successful motion for rehearing must do more than merely restate prior arguments and ask for a different outcome." *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014); *see also Freedom Energy Logistics*, Order No 25,810 at 4 (Sept. 8, 2015).

9. The Motion for Rehearing does not identify any error of fact, law, or reasoning but, instead, unsuccessfully parses the Subcommittee's finding that the "limited information" provided by the Municipal Opponents, which "may or may not affect the Applicants' ability to site, construct, and operate the Project," was an insufficient basis for suspending the proceedings. The Joint Opponents themselves make an error of reasoning when they argue, at p. 3, that the Municipal Opponents' "numerous statements and testimony...*establish* that Hydro Quebec's ("HQ") ability to profitably sell power...is dependent on being selected in the Massachusetts RFP at a certain price point." (Emphasis supplied.) The Municipal Opponents did not establish

anything; they merely alleged something, based on nothing but press reports, press releases, and suppositions about HQ's intentions.

10. On June 15, 2016, the Subcommittee suspended these proceedings pursuant to RSA 162-H:14. It found that suspension was in the public interest in order to ensure full and timely consideration of the environmental consequences of the Project and it noted that suspension, until September 30, 2017, would assure that the delay would not become undue or unreasonable. Neither the Joint Motion nor the underlying motion to suspend, however, establishes that suspension is necessary to ensure full and timely consideration of any issue. In fact, full and timely consideration of the issues was ensured by proceeding to the adjudicative hearings and the testimony of Messrs. Quinlan and Auseré. Neither does the Joint Motion, or the underlying motion to suspend, establish that the proposed delay would not become undue or unreasonable. Again, by proceeding to the adjudicative hearings the Subcommittee assured that there would be no undue or unreasonable delay. Accordingly, there is no basis for concluding that a suspension is in the public interest.

11. In summary, the Joint Opponents do not show that the Subcommittee's decision was unlawful or unreasonable and do not provide a good reason for rehearing. Their Motion for Rehearing is simply chaff that diverts from the true target of facts actually established during the adjudicative hearings by the testimony of Messrs. Quinlan and Auseré. Inasmuch as the Subcommittee did not overlook or mistakenly conceive anything in its original decision, the Motion for Rehearing should be denied.

WHEREFORE, the Applicants respectfully request that the Subcommittee:

- a. Deny the Motion for Rehearing; and
- b. Grant such further relief as it deems appropriate.

Respectfully submitted,

Northern Pass Transmission LLC and  
Public Service Company of New Hampshire d/b/a  
Eversource Energy

By Their Attorneys,  
McLANE MIDDLETON,  
PROFESSIONAL ASSOCIATION

Dated: June 2, 2017

By: 

Barry Needleman, Bar No. 9446  
Thomas Getz, Bar No. 923  
Adam Dumville, Bar No. 20715  
11 South Main Street, Suite 500  
Concord, NH 03301  
(603) 226-0400  
barry.needleman@mclane.com  
thomas.getz@mclane.com  
adam.dumville@mclane.com

Certificate of Service

I hereby certify that on the 2<sup>nd</sup> day of June, 2017 the foregoing Objection was electronically served upon the SEC Distribution List and an original and one copy will be hand delivered to the NH Site Evaluation Committee.

  
Thomas B. Getz