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Admitted in: NH

June 23, 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' Expedited Motion to Compel.

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 6.20.17 (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’
EXPEDITED MOTION TO COMPEL**

Intervenors Dixville Capital, LLC (“Dixville Capital”) and Balsams Resort Holdings, LLC (“BRH”) (Dixville Capital and BRH are jointly referred to herein as the “Intervenors”) by and through their undersigned counsel hereby object to The Society for the Protection of New Hampshire Forests’ (the “Forest Society”) Expedited Motion to Compel, dated June 14, 2017 (the “Second Motion to Compel”), stating as follows:

1. For a second time, the Forest Society seeks an order compelling Intervenors to produce a non-public work force study (the “Work Force Study”) that has been prepared for Intervenors in connection with The Balsams redevelopment project.

2. In its first motion to compel production of the Work Force Study, dated February 14, 2017 (“First Motion to Compel”), the Forest Society sought production of the Work Force Study in both draft and final form. (*See* First Motion to Compel ¶ 1 (underlying data request seeks Work Force Study “[u]pon *finalization*”) (emphasis added); *id.* ¶ 10 (arguing that the current draft should also be produced).)

3. The Forest Society argued that the Work Force Study would be relevant to determining (a) the credibility of Intervenor’s pre-filed testimony as presented by Leslie B. Otten as well as (b) “the relationship between the \$2 million loan and the public interest standard pursuant to RSA 162-H:16, IV(e).” (First Motion to Compel ¶ 9.)

4. Upon consideration of these arguments, the Presiding Officer properly rejected them and denied the First Motion to Compel because the Work Force Study is “neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this docket.” Order on The Society for the Protection of New Hampshire Forests’ Motion to Compel, dated Mar. 10, 2017 (the “Order”) at 2.

5. The Second Motion to Compel seeks a second bite of the apple.

6. Contrary to the Forest Society’s contention, the “rationale for” the denial of its First Motion to Compel was not “that the study [was] not yet complete” at that time. (Second Motion to Compel ¶ 5.)

7. Although the Presiding Officer noted that the Work Force Study was not yet complete, the reason for denying the First Motion to Compel was, more broadly, that the Work Force Study is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. This determination was supported by the findings that (a) even *assuming* the Work Force Study could be useful to assessing Mr. Otten’s credibility, Mr. Otten “could not have relied” on a not-yet-complete Work Force Study in his pre-filed testimony and (b) the Forest Society “fails to articulate how” the Work Force Study “may be relevant to . . . a [public interest] determination.” Order at 2. The Presiding Officer denied the First Motion to Compel outright, and did not leave the door open to a subsequent motion to compel upon finalization of the Work Force Study.

8. The completion of the Work Force Study changes nothing in regard to this matter; it has no impact on the rationales underlying the Order denying the First Motion to Compel.

9. It is still the case that Mr. Otten “could not have relied on” the Work Force Study in his testimony that was filed well before completion of the Work Force Study. The Forest Society’s assertion that the Work Force Study “is probative of any bias of Mr. Otten” falls flat.

(Second Motion to Compel ¶ 12.) Again, the Work Force Study was not complete at the time that Mr. Otten filed his testimony or gave remarks at the technical session on January 19, 2017, and thus, it could not have given rise to some “bias.” Further, the Forest Society does not explain how the completed Work Force Study could possibly give rise to any “bias.”

10. It is also still the case that the Work Force Study is not relevant to the SEC’s analysis under RSA 162-H:16, IV(e). The Applicant does not rely on the Work Force Study, and the Work Force Study is not an exhibit in this matter. The Applicant does not even possess the Work Force Study; it belongs to The Balsams, and it is not currently a public document.

11. The Forward NH Plan Newsletter to which the Forest Society points (*see* Second Motion to Compel, Ex. B) is not in evidence in this matter. Further, this newsletter, while using some content of a press release issued by The Balsams about the Work Force Study, concerns loans made by the Forward NH Plan to The Balsams for purposes of The Balsams’ overall development.

12. In short, the Forest Society continues to fail to show how the Work Force Study itself is germane to the Application.

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

A. Deny the Forest Society’s Expedited Motion to Compel, dated June 14, 2017, in its entirety; and

B. Grant such further and other relief as may be just and appropriate.

Respectfully Submitted,


Dixville Capital, LLC and

Balsams Resort Holdings, LLC

By their attorneys,

Pierce Atwood LLP

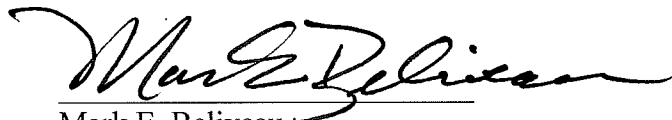
Dated: June 23, 2017

By: 

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Certificate of Service

I hereby certify that on this 23 day of June, 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