

June 29, 2017

VIA HAND DELIVERY AND EMAIL

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

**RE: New Hampshire 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 for a Certificate of Site and Facility for Construction of
a New High Voltage Transmission Line in New Hampshire**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned matter with the New Hampshire Site Evaluation Committee is the following:

**JOINDER IN OBJECTION AND OBJECTION OF THE SOCIETY
FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS TO
THE APPLICANTS' MOTION FOR ADDITIONAL HEARING
DATES AND EXTENDED HOURS**

Copies of this letter and its enclosures have this date been forwarded via email to all parties on the Distribution List.

If you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,



Virginia Pastuszczak
Clerical Support

Enclosure

cc: Distribution List (Rev. 6/2/17) via email
Client



THE 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

**JOINDER IN OBJECTION AND OBJECTION OF THE SOCIETY FOR THE
PROTECTION OF NEW HAMPSHIRE FORESTS TO THE APPLICANTS' MOTION
FOR ADDITIONAL HEARING DATES AND EXTENDED HOURS**

The Society for the Protection of New Hampshire Forests (the “Forest Society”), by and through its attorneys, BCM Environmental & Land Law, PLLC, respectfully requests that the Presiding Officer of the Site Evaluation Committee (the “SEC”) deny Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy’s (collectively, the “Applicants”) Motion for Additional Hearing Dates and Extended Hours (the “Motion”). The Forest Society joins Municipal Groups 1 South, 2, 3 South and 3 North’s Objection to Motion for Additional Hearing Dates and to Extend Hours and incorporates on its own behalf all of the assertions and arguments set forth therein. The Forest Society also states as follows in support of its Objection:

1. On June 23, 2017, Applicants filed the pending Motion, requesting the Presiding Officer: (1) add 15 hearing days to the scheduling during July, August, and early September; and (2) extend the hours during which hearings are held to the maximum extent possible, including the option for evening sessions when required to maintain the schedule.¹ *Motion for Additional Hearing Dates and to Extend Hours*, ¶¶ 7-9 (June 23, 2017).

¹ Applicants also ask that the Subcommittee and the parties identify and implement other opportunities that may be available to achieve additional administrative efficiencies for the remainder of the hearing schedule. The Forest Society does not object to this specific request.

2. Applicants argue these actions are necessary because the current schedule has caused undue and unreasonable delay contrary to the Presiding Officer's September 30, 2017, Order promising that the suspension of the statutory time period would "assure that the delay would not become undue or unreasonable." *Id.* ¶ 1.

3. Forest Society has and will continue to work with all parties and the SEC to create a reasonable and fair schedule for these proceedings. The two specific requests in Applicants' Motion, however, are neither reasonable nor fair.

Request for Additional Days in July, August, and Early September

4. The request for additional days in July, August, and early September is unreasonable.

5. The delays in this proceeding thus far are an unavoidable consequence of the complications that will inevitably occur in an administrative hearing of unprecedented scale and scope in which many Intervenors represent themselves *pro se*.

6. Further, Applicants' example for why the schedule has been thus far delayed is not accurate. Applicants suggest that one reason for the delay is that cross-examination of the Construction Panel took seven days instead of the estimated four days, implying that Intervenors' estimates of time are at fault. First, some inaccuracy in estimates is unavoidable, especially where many parties are *pro se* and may be conducting a cross-examination for the first time. Second, Applicants omit the fact that many of their witnesses' answers to questions were evasive and time-consuming.

Request to Extend the Hours to the Maximum Extend Possible, Including Evening Sessions

7. Applicants' request to extend to the maximum extent possible the hours during which hearings are held, including the option for evening sessions, is untethered from reality.

8. As has been expressed before,² extending hearings or sessions into the evening places an undue burden on the attorneys, witnesses, and *pro se* Intervenors, many of whom have to travel a considerable distance. While a law firm with dozens of attorneys and staff working on this matter may have the resources to attend back-to-back hearings late into the evenings, this requested schedule ignores the reality that most people involved in these hearings have other professional and personal obligations.

9. As it stands now, approximately six of the hearings have exceeded the 4:30 p.m. to 5:15 p.m. end time discussed in the Report of Prehearing Conference issued by Counsel to the SEC on April 11, 2017. So, the Subcommittee is already extending the time of the hearings to the maximum extent possible.

10. Moreover, it is common practice in New Hampshire for courts to close by 4:30 p.m. or 5:00 p.m., even where a criminal trial has not finished by that time. Surely a presiding officer's commitment of no undue or unreasonable delay in an administrative hearing concerning the siting of a merchant transmission line is not greater than the constitutional right to a speedy trial.

11. As the schedule for most of the remaining months and the end time for hearings has been settled now for months, it would be unreasonable and unfair to now add additional days and/or permit evening sessions. The Forest Society agrees with the Municipalities: rather than maintain the existing decision deadline and attempt to force in more hearings days and/or extend hearings late into the evenings, the SEC should consider extending the decision deadline to a date beyond September 30, 2017.

WHEREFORE, the Forest Society respectfully asks that the Presiding Officer deny the

²*See, e.g.*, Ex. A., Letter from Amy Manzelli, Counsel for the Forest Society, to Pamela Monroe, SEC Administrator (Sept. 15, 2016).

Applicants' requested relief and grant such other and further relief as may be reasonable and just.

Respectfully Submitted,

**SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS**

By its Attorneys,

BCM Environmental & Land Law, PLLC



Date: June 29 , 2017

By: _____

Amy Manzelli, Esq. (17128)
Jason Reimers, Esq. (17309)
Elizabeth Boepple, Esq. (20218)
Stephen Wagner, Esq. (268362)
3 Maple Street
Concord, NH 03301
(603) 225-2585
manzelli@nhlandlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this day, June 29, 2017, a copy of the foregoing Joinder and
Objection was sent by electronic mail to persons named on the Service List of this docket.



Amy Manzelli, Esq.

EXHIBIT A

September 15, 2016

VIA EMAIL ONLY (Pamela.Monroe@sec.nh.gov)

Pamela G. Munroe, Administrator
NH Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**RE: Technical Session Daily Duration
New Hampshire 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 for a Certificate of Site and Facility for Construction of
a New High Voltage Transmission Line in New Hampshire**

Dear Mrs. Monroe:

I write on behalf of the Forest Society of New Hampshire (“Forest Society”) to respectfully request that the daily duration of technical sessions be limited to less than what occurred yesterday. Yesterday, the technical session regarding construction began at 9:00 a.m. and ended at 11:00 p.m. While the nature of this process may necessitate occasionally going beyond an 8-hour session (perhaps until 5:30 or even 6:00), a 14-hour session is far beyond the bounds of reasonableness.

The following list is not meant to be an exhaustive list of the concerns associated with such a long duration, but these concerns give a glimpse into the concerning nature of such duration:

1. The people involved in the technical sessions are of very high capacity to perform their various roles asking questions, answering questions, rendering legal advice, etc. However, it was obvious yesterday that the capacity of the individuals to perform their roles suffered greatly as the day went on, especially into the late evening hours. Of note, it was the *pro se* intervenors who were forced to ask their questions at the latest hours, some of whom reside more than two hours from the location of the technical sessions.
2. Allowing technical sessions to continue through the dinner hour and late into the evening ignores the reality that the people involved in the technical sessions have professional and personal obligations outside of the technical sessions.



3. Many of the technical sessions are schedule back to back. For example, this week had technical sessions on Monday and Wednesday regarding construction, today regarding historic resources, and tomorrow regarding economics. Holding technical sessions until 11:00 p.m. on Wednesday prevents individuals from preparing for the following days' technical sessions.
4. It appears that no party had any notice that the technical session would continue until 11 p.m., or to any time much beyond 5 p.m.

If all of the parties' questions cannot be asked in the time that has been scheduled for any given technical session, the solution should be that an additional technical session will be scheduled. Given the difficulty of scheduling technical sessions, it may be wise to begin scheduling additional technical sessions currently so as to maximize the promptness of completing this round of technical sessions. Thank you for your attention to this request.

Very truly yours,



Amy Manzelli, Esq.
NH Bar No. 17128

cc: Client
SEC Distribution List (Rev. 9/1/16) via email

