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July 21, 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
Supplemental Motion for Protective Order and Confidential Treatment Regarding
Certain Exhibits on Historic Sites**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of the Applicants' Supplemental Motion for Protective Order and Confidential Treatment Regarding Certain Exhibits on Historic Sites.

Please contact me directly should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Adam Dumville".

Adam M. Dumville

AMD:slb

cc: SEC Distribution List

Enclosure

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**

**APPLICANTS' SUPPLEMENTAL MOTION FOR PROTECTIVE ORDER AND
CONFIDENTIAL TREATMENT REGARDING CERTAIN EXHIBITS ON
HISTORIC SITES**

NOW COME Northern Pass Transmission LLC (“NPT”) and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively, the “Applicants”) by and through their attorneys, McLane Middleton, Professional Association, and respectfully request that the Site Evaluation Committee (“SEC” or “Committee”) issue a protective order to preserve the confidentiality of certain exhibits that contain confidential information related to the Section 106 consultation process.

In support of their Motion, the Applicants state as follows:

1. On April 24, 2017 the Applicants filed a Motion for Protective Order and Confidential Treatment Regarding Certain Exhibits (“Motion”) which requested that the Committee issue an order to preserve the confidentiality of, among others, certain exhibits regarding historic sites that were produced pursuant to the ongoing consultation process under Section 106 of the National Historic Preservation Act of 1966. The Applicants reallege and incorporate by reference the same facts and arguments herein. As set forth in that Motion, the U.S. Department of Energy (“DOE”) is the federal agency responsible for carrying out the Section 106 process for this Project. The Section 106 process “requires federal agencies to consider the potential effects of a proposed undertaking that requires federal funding, approvals or permits on historic properties through a collaborative framework called Section 106 consultation.” As part

of this process, “federal agencies identify historic properties, determine potential adverse effects on those historic properties from the proposed undertaking, and determine how the adverse effects should be resolved.” See <http://www.northernpasseis.us/consultations/section106/>.

2. With respect to the Northern Pass Project, the DOE has issued confidential/sensitive information guidance for the Consulting Parties that precludes the distribution of work product documents and communications arising out of DOE’s Section 106 consultation to non-consulting parties. NPT is a Consulting Party in the Section 106 process and is subject to the DOE directives to all Consulting Parties on the confidential treatment of documents.

3. The documents that DOE has directed NPT to maintain as confidential among the Consulting Parties include the above-ground resources eligibility evaluations and effects assessments, and e-mails and related material on Consulting Party input in the Section 106 review process.

4. The April 24, 2017 Motion for Protective Order and Confidential Treatment Regarding Certain Exhibits, specifically requested a protective order for confidential treatment of archeological reports, above-ground inventory forms, New Hampshire Division of Historical Resources (“NHDHR”) review letters relating to the above-ground inventory forms, and lists summarizing the NHDHR’s review of above-ground resources. Those materials were listed on the Applicants’ Exhibit List for Final Hearings Phase II as Applicants’ Exhibits 108, 109, 110, 112 and 119.

5. As described further in that motion, NPT desires to respect the DOE directives while still providing the parties in the SEC proceeding access to the Section 106 material. NPT thus proposed to DOE that these documents be reviewable by the SEC parties in the same manner as Consulting Parties are allowed access to them in the Section 106 process. DOE has agreed to

this approach, and NHDHR also concurs. Furthermore, most of the intervenors in the SEC proceeding with an interest in the issue of historic sites are also Consulting Parties in the Section 106 process. NPT proposed to follow the process in place for Section 106 document review, namely, to allow parties to review the documents at the NHDHR offices at 19 Pillsbury Street, Concord, NH, between the hours of 8:30am and 4:00pm Monday by contacting Tanya Krajcik at Tanya.krajcik@dcr.nh.gov or 603-271-3483.

6. On June 30, 2017, the Presiding Officer issued an *Order Granting Applicant's Motion for Protective Order and Confidential Treatment Regarding Certain Exhibits* ("Order") granting the Applicants' request for protective order and confidential treatment of materials related to the Section 106 process, namely, Applicants' Exhibits 108, 109, 110, 112 and 119. The *Order* also prescribed procedures to be followed if any party to this docket seeks disclosure of those exhibits. Specifically, any party seeking to review those documents must follow the same process for Section 106 document review.

7. The Applicants now seek to extend this confidential and protective treatment to additional documents that are being provided to the Committee—and will be provided to the SEC in the next few weeks—that are also subject to the same confidential DOE consulting party process.

8. The Applicants are contemporaneously submitting Applicants' Exhibits 109a, 110a, 112a, and 113a which are updates to, and contain similar types of confidential information as, Applicants' Exhibits 109, 110, and 112, respectively. In addition, the Applicants are also submitting Applicants' Exhibit 182, a Cultural Landscape Report produced as part of the Section 106 process. All of these new exhibits are subject to the same DOE directives on confidential treatment for the consulting party process under Section 106.

9. Accordingly, the Applicants respectfully request that the Committee issue an order consistent with the terms and conditions contained in its *Order* of June 30, 2017 protecting similar types of information and to grant parties access to the confidential materials contained in App. Ex. 109a, 110a, 112a, 113a and 182 only as described in paragraph 5 above.

10. The Applicants also request that additional Section 106 consulting party documents, which will be completed and provided to the Committee in the upcoming weeks—consisting of above ground resource inventory forms, cultural landscape reports, and effects tables for those properties—be treated in the same fashion as described in the Order of June 30, 2017 and requested herein.

11. The documents that accompany this filing, and the consulting party documents to be provided in the near future, are identical in nature to those for which the Committee has already granted confidential treatment. To promote the orderly and efficient conduct of this proceeding, the Applicants respectfully request that the Committee issue an order that requires the same confidential treatment of the documents accompanying this motion as well as the documents relating to the Section 106 process that will be completed and provided in the future.

Protective Order

12. All of the above-described information in the Applicants' Exhibit List for Final Hearings Phase II, App. Ex. 109a, 110a, 112a, 113a and 182 have been marked confidential and have been only provided to the Committee and Counsel for the Public.

13. The Applicants respectfully request that the Committee issue an order consistent with the terms and conditions contained in its prior Order on June 30, 2017, protecting similar types of information and to grant parties access to the confidential information only as described in Paragraph 5 above.

14. At the time of the filing of this Motion, IBEW concurred with the relief sought. No further responses were received to the Applicants' request for positions.

WHEREFORE, the Applicants respectfully request that this Committee:

A. Grant the Applicants' request that the materials identified in Applicants' Exhibits 109a, 110a, 112a, 113a and 182 be treated as confidential;

B. Grant the Applicants' request for confidential treatment of the above-ground historic resources inventory forms, cultural landscape reports, NHDHR effects tables, and NHDHR and DOE correspondence relating to those documents that will be completed and provided to the Committee in the near future;

C. Issue a protective order identical to the Order of June 30, 2017, that preserves the confidentiality of the documents identified in Applicants' Exhibits 109a, 110a, 112a, 113a and 182 as well as the future exhibits related to the Section 106 process; and

D. Grant such further relief as it deems appropriate.

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Respectfully submitted,

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

By Its Attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: July 21, 2017

By: Adam Dumville

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Certificate of Service

I hereby certify that on the 21st of July, 2017, this Motion was hand-delivered and electronically served upon the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.

Adam Dumville
Adam Dumville