

STATE OF 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

**REQUEST FOR WAIVER OF SITE 202.29(C) REGARDING MOTION FOR
REHEARING ON MOTION OF THE SOCIETY FOR THE PROTECTION OF NEW
HAMPSHIRE FORESTS TO CLARIFY THAT ISSUES CONCERNING MARCH 1,
2017, DES DECISION PRESERVED IN EVENT OF AN APPEAL OF THE FINAL SEC
DECISION**

The Society for the Protection of New Hampshire Forests (the “Forest Society”), by and through its attorneys, BCM Environmental & Land Law, PLLC, pursuant to Site 302.05, respectfully requests the Presiding Officer waive the 30-day filing requirement of Site 202.29 as applied to the Forest Society’s Motion for Rehearing on Motion of the Society for the Protection of New Hampshire Forests to Clarify that Issues Concerning the March 1, 2017, DES Decision Preserved in Event of an Appeal of the Final SEC Decision (“Motion for Rehearing”) that has been simultaneously filed with this request. In support, it states as follows:

1. On March 1, 2017, DES recommended final approval of the Application.¹
2. The Forest Society filed its Motion to Clarify on March 31, 2017.
3. On July 20, 2017, the Presiding Officer denied this Motion.
4. Per Site 202.29(c), the deadline for filing motions for rehearing on this Order was August 21, 2017.
5. Due to an inadvertent, technical error on the part of the undersigned, the above-referenced Motion for Rehearing was not filed on August 21, 2017.

¹ “Application” refers to the Application for Certification of Site and Facility filed by Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy in this Docket.

6. As such, the Forest Society requests a waiver of the 30-day deadline of Site 202.29(c), and proposes as an alternative that the Presiding Officer consider its Motion for Rehearing as timely filed.

7. Waiver is appropriate in this instance for the following reasons.

8. First, the SEC is authorized to waive application of Site 202.29 because it is not precluded by statute from doing so. Site 302.05(a).

9. Second, waiver in this narrow circumstance serves public interest because (1) Forest Society inadvertently missed the deadline due to a technical error and cannot, therefore, comply with Site 202.29(c); and (2) allowing the Motion for Rehearing to be timely filed serves the purpose of 202.29 by permitting the SEC to consider the legal arguments that the Presiding Officer's July 20, 2017, Order is unlawful and unreasonable.

10. Third, as the Forest Society seeks only a one-day delay due to an inadvertent, technical error, the requested waiver will not disrupt the orderly and efficient resolution of the matter before the Subcommittee.

11. Fourth, the Applicant and the Forest Society have agreed that the Applicant will not object to the motion on the basis of timeliness.

WHEREFORE, the Forest Society respectfully requests that the Subcommittee:

- A. Grant this Request; and
- B. Grant such further relief as it deems appropriate.

Respectfully Submitted,

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

By its Attorneys,
BCM Environmental & Land Law, PLLC

Date: August 22, 2017

By: _____


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CERTIFICATE OF SERVICE

I hereby certify that on this day, August 22, 2017, a copy of the foregoing Request for Waiver was sent by electronic mail to persons named on the Service List of this docket.

Amy Manzelli, Esq.

