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Via Hand-Delivery and Email

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

December 4, 2017

Re: 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, NH Site Evaluation Committee Docket No. 2015-06

Dear Ms. Monroe:

Please find enclosed for filing in the above-referenced matter an original and eight (8) copies of NGO Intervenors' Reply to Applicants' Objection to Motion for Declaratory Ruling.

Copies of this letter and the attached have this day been forwarded via email to all parties on the Distribution List.

Thank you for your attention. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. E. Birchard", is written over a light blue horizontal line.

Melissa E. Birchard

cc: Distribution List

**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

**REPLY TO APPLICANTS' OBJECTION TO
MOTION FOR DECLARATORY RULING**

Ammonoosuc Conservation Trust (“ACT”), Appalachian Mountain Club (“AMC”), and Conservation Law Foundation (“CLF”) (collectively, “NGO Intervenors”) respectfully reply to Applicants’ Objection to the Motion for Declaratory Ruling (“Objection”), as follows:

1. On November 15, 2017, the NGO Intervenors filed a motion (“Motion”) requesting that the Committee issue a declaratory order making clear that the only project at issue in Docket No. 2015-06 is “a 192-mile, high-voltage electric transmission line, with associated facilities, proposed to carry 1,090 MW of renewable hydroelectric power from Canada to New Hampshire,” Application at 40, and that any order resulting from Docket No. 2015-06 will pertain only to the all-hydroelectricity proposal described in the Application dated October 19, 2015 and amended February 26, 2016.

2. In its November 27, 2017 Objection, the Applicants attempt to seek dismissal of the Motion on procedural grounds. The Committee has ample authority to decide such a discrete and highly pertinent question, in response to a motion by a party or *sua sponte*. The Committee maintains a responsibility to ensure clarity as to the subject under review in any certification proceeding.

3. The Objection suggests that a mixed-resource project is “hypothetical,” but does not say why it is any more hypothetical than the project described in the Application. In any event, the Applicants have not asked the State of New Hampshire for approval of a mixed-resource project, and if they do not seek such approval in this proceeding, then there is no basis for objection to the Motion.

4. The Objection declines to acknowledge that the record built over two years in this proceeding pertains to a project that was expressly described in the certified Application and throughout sworn testimony as a transmission project to bring 1,090 MW of hydroelectricity into regional energy and capacity markets. The Applicants now argue that applications to the SEC are not required to include information describing the source of generation. In fact, an application seeking a certificate for an electric transmission line must include information regarding “[a]ny associated new electric generating unit or units.” Site 301.03(g)(8). But it is irrelevant whether or not information about the generation resource is generically required to be included in all cases. In this case, the Application in Docket No. 2015-06 *affirmatively states* that the source of generation will be hydroelectric power produced by Hydro-Quebec. *See* Motion (citing Application). Moreover, the Application asserts that the type of generation is *central* to the Committee’s review, because the claimed benefits that Applicants project will accrue, including alleged regional electricity market impacts and associated New Hampshire bill reductions, are a result of factors including the cost, availability, capacity value, emissions profile, and pre-existing character of Hydro-Quebec’s hydroelectric generation resources.¹ As a result of these affirmative claims, the

¹ Applicants are required to state and document the impacts, including claimed economic benefits to New Hampshire, of any proposed project. *See, e.g.*, Site 301.16; 301.15.

parties have now spent nearly two years trading discovery, analyzing data at technical sessions, providing written and oral testimony, and cross-examining witnesses regarding the project as described in the Application, including many hours dedicated to speculating on the purported regional electricity market impacts of 1,090 MW of hydroelectricity produced in Canada and bid into the ISO-NE capacity market by Hydro-Quebec.

5. The Applicants assert that the NGO Intervenors have made incorrect assumptions about a mixed hydroelectric-wind project. Contrary to the Applicants' claims in the Objection, capacity value is specific to the type and availability of a generation resource, and it is highly unlikely that a project comprised of 790 MW of contracted-for hydropower and 300 MW of contracted-for wind would be deemed to have the same capacity value as a project that is 1,090 MW of contracted-for hydroelectricity. For this reason, it is also probable that a mixed hydro-wind project would have capacity market impacts that differ from an all-hydroelectricity project. Consequently, the impact of these different projects on New Hampshire electricity bills would not be identical. The NGO Intervenors also do not agree with the Applicants' position that hydroelectricity and wind have the same greenhouse gas impacts, regardless of what the Applicants may have claimed in a discovery response. But more importantly, the Applicants' objection to the Motion's factual characterizations raises exactly the point that the NGOs are making – there has been no information provided in this lengthy proceeding regarding a mixed hydroelectric-wind project, and consequently no opportunity for the airing of positions, data, or information relevant to the Committee's evaluation of relevant issues that would be in dispute had such an opportunity been made available to the parties. Any Committee

decision based on such a complete dearth of information and due process would be fatally flawed. Therefore, the Committee should reject the notion that there is – *or could be* – a project before it that is different from the one described in the Application, as amended.

6. At the same time that the Applicants object that the Motion should be dismissed because a mixed-resource project is merely “hypothetical,” in their Objection at pages six through eight they attempt for the first time to build a record that a mixed-resource project would have impacts similar to the project proposed in this proceeding. Attempting to cobble together citations supportive of a “hypothetical” project from a record that is devoid of any evidence regarding a mixed-resource project is out of order and is absurd. The record that has been painstakingly developed – and that has consumed so much of our time – does not support such a project, because no evidence has been offered. The Application in this proceeding does not contemplate such a project, and neither does the testimony provided by the Applicants in the hearing that has been ongoing for the better part of a year.

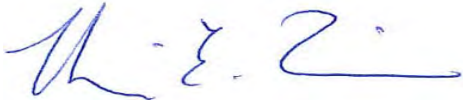
7. Because the Applicants continue the pretense that there is no elephant in the room, there also can be no elephant in the record – so to speak. The parties in this proceeding have had no opportunity to investigate the potential impacts and benefits of any project other than the one described in the Application and by Applicants’ witnesses at hearing.

8. Again, it is the Applicants who have made the generation resource a central concern in Docket No. 2015-06. They have alleged that the primary benefits of the project to New Hampshire derive from the generation resource and its projected

market impacts. They have been explicit from day one as to the generation portfolio to be transmitted.

9. For all of these reasons, the NGO Intervenors request that the Committee issue an order making clear that the only project at issue in Docket No. 2015-06 is “a 192-mile, high-voltage electric transmission line, with associated facilities, proposed to carry 1,090 MW of renewable hydroelectric power from Canada into New Hampshire, where it will enter the New England electric grid.” Application at 40.

Respectfully submitted,

By: 
Melissa E. Birchard
Designated Spokesperson for the
NGO Intervenors

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Dated: December 4, 2017

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has on this 4th day of December, 2017
been sent by email to the service list in Docket No. 2015-06.



Melissa E. Birchard