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December 19, 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  
Objection to Motion to Strike Record Response**

Dear Ms. Monroe:

Enclosed for filing in the above-captioned docket, please find an original and one copy of an  
Objection to Motion to Strike Record Response.

Please contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Thomas B. Getz". The signature is stylized with a large, looping "T" and a cursive "G".

Thomas B. Getz

TBG:slb

cc: SEC Distribution List

Enclosure

**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 TO MOTION TO STRIKE RECORD RESPONSE**

NOW COME Northern Pass Transmission LLC (“NPT”) and Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”) (collectively the “Applicants”), by and through their attorneys, McLane Middleton, Professional Association, and respectfully submit this objection to the motion filed by Counsel for the Public (“CFP”) seeking to exclude from the record information submitted by the Applicants in response to a record request made by Commissioner Bailey during the hearing on October 27, 2017. As explained below, CFP’s portrayal of the record is unreasonably restrictive and a full response to the record request would include the views of witnesses for both CFP and the Applicants.

1. Attachment A to this objection is the transcript of Commissioner Bailey’s and Chairman Honigberg’s remarks with respect to their discussion of the record request conducted on October 27, 2017, concerning the reconciliation of Minimum Offer Price Rules (“MOPR”) analyses. CFP selects portions of the transcript to create the impression that only its witnesses, Messrs. Jurgen and Newell, may respond to Commissioner Bailey’s inquiry. A complete reading of the discussion, however, indicates that participation by the Applicants and their witness, Ms. Frayer, was contemplated.

2. Commissioner Bailey’s initial comment was broadly stated: “Mr. Chairman, or perhaps Attorney Iacopino, I really would like them to figure out what the difference between their analysis and LEI’s analysis on the MOPR is. Is that a record request? Do they need to

work with Ms. Frayer? What's the best way to get that information on the record, do you think?" Tr. Day 53, Morning Session (October 27, 2017) at p.80. Commissioner Bailey also followed up to a response from Mr. Newell by asking Mr. Needleman: "Is that something the Applicants might be willing to work with them on?" *Id.*, p. 81.

3. Chairman Honigberg concluded: "So let's get as many heads together as need to be gotten together and then provide a report probably from you, Mr. Pappas, about what's going to be required and when it will happen." *Id.*, pp. 81-82. Despite the Presiding Officer's clear direction that Mr. Pappas work with Mr. Needleman, CFP unilaterally determined to go it alone and filed its witnesses' memorandum, *Explanation of Differences in MOPR Calculation*, on November 1, 2017.

4. The Applicants subsequently filed Ms. Frayer's record response because they did not understand the record response to be solely the province of CFP. Fundamentally, they believe that a fair reconciliation of the Brattle and LEI analyses requires views from both sides, not just one.

5. CFP asserts that "at no time did the Subcommittee request, or infer, that LEI provide a rebuttal response to The Brattle Group's answer." The Applicants believe, however, that it is absolutely a fair inference to draw from the record that 1) Commissioner Bailey was seeking information that might reconcile the difference between the respective witnesses' MOPR analyses and 2) both the Brattle Group and Ms. Frayer would play a role in figuring out the difference.

6. CFP also poses Ms. Frayer's response to Commissioner Bailey's record request as inconsistent with due process. If there is a due process concern here, it is not the one that CFP constructs. It argues its position as if the Applicants simply dropped Ms. Frayer's response in out of the blue as unsolicited re-rebuttal testimony, when the response is clearly to a record

request solicited by the Subcommittee. Contrary to CFP's stance, it would be inconsistent with due process to strike Ms. Frayer's response and allow only one side the opportunity to share its view on how to reconcile the difference in the MOPR analyses.

7. Finally, the motion to strike merely pursues a tactical advantage; it does not promote informed decision making by the Subcommittee nor does it support the prompt and orderly conduct of the proceeding. Moreover, irrespective of CFP's arguments, the Subcommittee has broad discretion over the production and admission of data responses. The Applicants therefore ask that the Subcommittee include Ms. Frayer's response when considering the difference between the respective MOPR analyses.

WHEREFORE, the Applicants respectfully request that the Presiding Officer:

- A. Deny the Motion; and
- B. Grant such further relief as is deemed just and appropriate.

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: December 19, 2017

By: 

Barry Needleman, Bar No. 9446

Thomas B. Getz, Bar No. 923

Adam Dumville, Bar No. 20715

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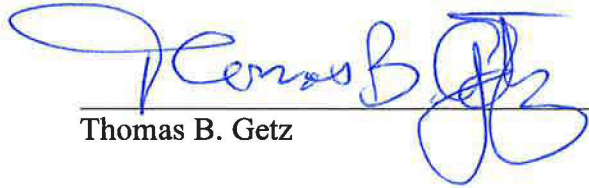
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Certificate of Service

I hereby certify that on the 19<sup>th</sup> of December, 2017, an original and one copy of the foregoing Objection was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the Distribution List.

  
\_\_\_\_\_  
Thomas B. Getz

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**October 27, 2017 - 9:05 a.m. DAY 53**  
49 Donovan Street **Morning Session ONLY**  
Concord, New Hampshire

*{Electronically filed with SEC 11-10-17}*

**IN RE: SEC DOCKET NO. 2015-06  
NORTHERN PASS TRANSMISSION -  
EVERSOURCE; Joint Application of  
Northern Pass Transmission LLC and  
Public Service of New Hampshire d/b/a  
Eversource Energy for a  
Certificate of Site and Facility  
(Hearing on the Merits)**

**PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:**

<b>Chmn. Martin Honigberg</b> <i>(Presiding Officer)</i>	Public Utilities Comm.
<b>Cmsr. Kathryn M. Bailey</b>	Public Utilities Comm.
<b>Dir. Craig Wright, Designee</b>	Dept. of Environ. Serv.
<b>Christopher Way, Designee</b>	Dept. of Business & Economic Affairs.
<b>William Oldenburg, Designee</b>	Dept. of Transportation
<b>Patricia Weathersby</b>	Public Member
<b>Rachel Dandeneau</b>	Alternate Public Member

**ALSO PRESENT FOR THE SEC:**

Michael J. Iacopino, Esq. Counsel for SEC  
*(Brennan, Caron, Lenehan & Iacopino)*  
Pamela G. Monroe, SEC Administrator

*(No Appearances Taken)*

**COURT REPORTER: Cynthia Foster, LCR No. 14**

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{WITNESS PANEL: WEISS, NEWELL}

1 number, but as an indicator, maybe that's  
2 helpful.

3 Q Okay. Thank you.

4 COMMISSIONER BAILEY: Mr. Chairman, or  
5 perhaps Attorney Iacopino, I really would like  
6 them to figure out what the difference between  
7 their analysis and LEI's analysis on the MOPR  
8 is. Is that a record request? Do they need to  
9 work with Ms. Frayer? What's the best way to  
10 get that information on the record, do you  
11 think?

12 PRESIDING OFFICER HONIGBERG: Mr. Iacopino.

13 MR. IACOPINO: I think they're going to  
14 have to tell you what they would have to do to  
15 do that and then we can see if that's  
16 something --

17 A (Newell) I think we'd have to see more details  
18 on what LEI did with that input, and this is  
19 something we noticed and we looked into, and I  
20 don't think we had all the information.

21 First of all, we'd have to go back and  
22 double-check that we really, really don't have  
23 the information. And if we don't, we'd have to  
24 work with LEI to see exactly what they did for



{WITNESS PANEL: WEISS, NEWELL}

1 all their pieces, but it's probably in the  
2 transmission piece.

3 COMMISSIONER BAILEY: Is that something the  
4 Applicant might be willing to work with them on?

5 MR. NEEDLEMAN: I mean, sure. We can  
6 certainly work with them on it. I'm at a  
7 disadvantage because Ms. Frayer is not here  
8 right now, and it may be that there is more  
9 information currently available than I realize,  
10 but we'll figure it out.

11 A (Newell) And maybe there's more than we realize,  
12 too. So I want to first check that, that we  
13 didn't miss something when we looked into this,  
14 and, second, we would be more than happy to  
15 confer with LEI on why they were, all else  
16 equal, getting a higher number than we were.

17 COMMISSIONER BAILEY: And that's a higher  
18 number assuming that LEI added \$4 per kilowatt  
19 month for the cost of transmission?

20 A (Newell) That's what I meant by all else equal,  
21 yes.

22 MR. IACOPINO: So what exactly do you have  
23 to do in order to do that first check? Is that  
24 something you can do from here in the building?

{WITNESS PANEL: WEISS, NEWELL}

1 A (Newell) Oh, that first check meaning do we  
2 already have that information?

3 MR. IACOPINO: Correct.

4 A (Newell) I just don't know because we already  
5 looked into it and didn't think we had the  
6 answer. So we'll have to look deeper at all the  
7 things we got.

8 MR. IACOPINO: So you're not talking about  
9 something that could be answered today?

10 A (Newell) I just don't know. So we can try and  
11 we'll just get back to you as soon as we can.

12 MR. IACOPINO: Thank you.

13 PRESIDING OFFICER HONIGBERG: Well, getting  
14 back to us as soon as you can is an issue. And  
15 I don't, since none of us knows what's going to  
16 be required, I think what I'd like to see happen  
17 is for you to do the work you need to do, confer  
18 with Counsel for the Public, and then have  
19 whatever quick evaluation can be done to  
20 determine how long this is going to take.

21 A (Newell) Sure.

22 PRESIDING OFFICER HONIGBERG: Then make a  
23 judgment about how to proceed in terms of  
24 putting a time limit or putting a deadline in



{WITNESS PANEL: WEISS, NEWELL}

1 for a response. So Mr. Pappas and Mr.  
2 Needleman, in the second instance. The first  
3 instance is the witnesses and Mr. Pappas. The  
4 second instance is Mr. Needleman and Mr. Pappas  
5 conferring about what schedule is going to make  
6 sense and then others who are part of this are  
7 probably going to have to have a say in what  
8 happens after that. But my expectation is we  
9 want to get this information sooner rather than  
10 later. Like in the next week.

11 A (Newell) By the way, one thing you need to  
12 understand is this is not a very complicated  
13 analysis. This isn't doing a whole huge model  
14 run. This is going to come down to this is the  
15 spreadsheet. You know, this is looking at some  
16 costs. It's really just a matter of can we put  
17 our information against theirs, and we have to  
18 see if we have all theirs, and, if not, just ask  
19 for it.

20 PRESIDING OFFICER HONIGBERG: That's what I  
21 was hoping you would be saying. So let's get as  
22 many heads together as need to be gotten  
23 together and then provide a report probably from  
24 you, Mr. Pappas, about what's going to be

{WITNESS PANEL: WEISS, NEWELL}

1 required and when it will happen.

2 MR. PAPPAS: We'll do that.

3 PRESIDING OFFICER HONIGBERG: All right.  
4 Thank you.

5 COMMISSIONER BAILEY: All right. With  
6 that, I don't have any further questions. Thank  
7 you so much.

8 PRESIDING OFFICER HONIGBERG: Who else on  
9 the Committee has questions? Let's take a  
10 ten-minute break.

11 (Recess taken 10:47 - 11:07 a.m.)

12 **QUESTIONS BY PRESIDING OFFICER HONIGBERG:**

13 Q Gentlemen, I want to follow up a little bit on  
14 what Commissioner Bailey was asking you;  
15 specifically, about how CASPR would affect this  
16 situation or could affect this situation. But I  
17 want to back up a little bit and make sure I and  
18 everybody else understands how things would go  
19 in the capacity market, assuming little or no  
20 load growth, which I think is the assumption  
21 generally prevalent in New England what would be  
22 the circumstances going forward as generation  
23 retires, an expectation that capacity prices  
24 would go up. Can you explain a little bit about