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January 9, 2018

**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 Reopen Record**

Dear Ms. Monroe:

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

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 and cursive.

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 REOPEN RECORD**

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 the Town of Bethlehem (“Town”) to reopen the record. As explained below, it is not necessary to reopen the record because it is already sufficient for a full consideration of issues relating to the proposed location of Transition Station No. 5.

1. Site 202. 27 (b) provides: “If the presiding officer determines that additional testimony, evidence or argument is necessary for a full consideration of the issues presented in the proceeding, the record shall be reopened to accept the offered testimony, evidence or argument.”

2. Ms. Jensen, on behalf of the Town, says that when she testified on November 8, 2017, that “the issue of whether Eversource intended to relocate the Transition Station was debated.” She now wants to put into the record screen shots that she found on Facebook of a so-called Q & A interview between a recently formed volunteer group referred to as “Believe in Bethlehem” and Mr. Rudich, a potential hotel developer.

3. Six months earlier, during the testimony of the Applicants’ Construction Panel on May 4, 2017, Ms. Saffo, for the Grafton County Commissioners, asked Mr. Bowes, in reference to a potential hotel development in Bethlehem, whether there had been any changes to the plan

for the location of Transition Station No. 5 and he said that there had not. Tr. Day 9, Afternoon Session (May 4, 2017) pp. 77-78. Later in the month, Mr. Bowes was asked the same question by Mr. Van Houten, for the Whitefield to Bethlehem abutting property owners, and he gave the same answer. In addition, Mr. Johnson testified that “we have had discussions with the landowner that has the hotel. Those discussions will continue to go forward. But, at this time, the transition station is being located where the permit application is, and exactly on that property. Meaning, we’re not planning on moving that transition station at this time.” Tr. Day 10, Morning Session (May 31, 2017) at pp.55-56.

4. Ms. Jensen provided lengthy oral sur-rebuttal testimony on November 8, 2017, arguing the same points that she repeats in her motion to reopen. Among other things, she stated that the engineer for the potential hotel told the Zoning Board that “if the towers were located where they intended to be that Mr. Rudich, the developer, would not go ahead with the Project [the hotel].” Tr. Day 58, Morning Session (November 8, 2017) p. 105.

5. The Town subsequently submitted, as JT MUNI Exhibit 350, the minutes of the Town Planning Board’s November 15, 2017 meeting, which is part of the record. At that time, the engineer, Mr. Eckman, said that the hotel could still be built with Transition Station No. 5 in its proposed location but that it would not be as aesthetically pleasing.

6. Ms. Jensen also submitted what she refers to as a public comment on behalf of the Town on December 22, 2017, that mirrors her motion and addresses the same issue she discussed in testimony on November 8, 2017. Through the artifice of a comment, which circumvents the procedures that parties are afforded to communicate with the Subcommittee, she now seeks to supplement her oral sur-rebuttal testimony by expanding on JT MUNI 350, further characterizing the comments of Mr. Eckman, and making misleading arguments about the orderly development

of the region. See Tr. Day 64, Afternoon Session (December 5, 2017) p.189, where Presiding Officer said that parties should not be filing comments.

7. The whole point of the motion to reopen the record, and its companion comment, appears to be to undo Mr. Eckman's more positive statement to the Planning Board by introducing a statement that the hotel project is in jeopardy. Ms. Jensen says in the motion to reopen that "[i]t was left open [at the Planning Board meeting] as to whether Northern Pass would endanger the project." Motion, p.2. Whether that characterization is a fair one is debatable but ultimately beside the point. More important, the statements in the record attributed to the engineer for the hotel developer suggest that it is not clear whether the hotel will move forward, for any number of reasons. Adding the statement from Facebook that the hotel project is in jeopardy is not necessary for a full consideration of the issue of whether the Project unduly interferes with the orderly development of the region.

8. The Town appears to be caught between theories of how best to oppose the Project. If Transition Station No. 5 were to be moved to accommodate Mr. Rudich, Ms. Jensen said that "the Application that's currently in front of the SEC and that the DES signed off is inaccurate." Tr. Day 58, Morning Session (November 8, 2017) p. 104. If Transition Station No. 5 is not moved, however, Ms. Jensen intimates that the Town will miss out on significant property tax revenues from the hotel, putting aside that such development plans are often not executed for any number of reasons.

9. The Applicants have attempted to work with Mr. Rudich for some time as indicated by Mr. Johnson. Nothing has changed, however, with respect to the proposed location of Transition Station No. 5. If something were to change of the nature postulated by Ms. Jensen, obviously the Applicants would have to address that issue. In the meantime, the location of Transition Station No. 5 as set forth in the Application and approved by DES is before the

Subcommittee and the Applicants are not asking that it be changed. Correspondingly, as the Applicants have stated on more than one occasion, they will work closely with all abutting landowners to mitigate potential impacts from the Project, which includes Mr. Rudich. See, Tr. Day 2, Afternoon Session (April 4, 2017) pp. 90-92.

10. The motion to reopen is superfluous. The Town had ample opportunity to express its position regarding the proposed location of Transition Station No. 5, and it did so. Consequently, its motion to reopen offers nothing new in any material sense and it merely duplicates its preferred argument through unreliable “evidence” drawn from Facebook. Finally, inasmuch as the Applicants have not sought to change the location of Transition Station No. 5, it is not necessary to reopen the record. Further bites of the apple are not justified.

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

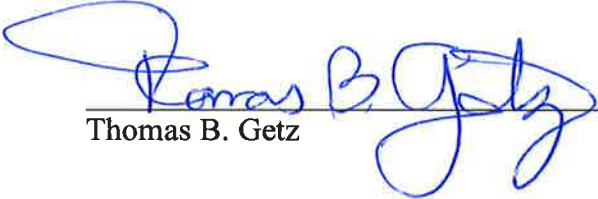
Dated: January 9, 2018

By: 

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Certificate of Service

I hereby certify that on the 9<sup>th</sup> of January, 2018, 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.

  
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Thomas B. Getz