

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

**OBJECTION OF NON-ABUTTING PROPERTY OWNERS BETHLEHEM TO PLYMOUTH TO
APPLICANTS' MOTION FOR REHEARING OF DECISION AND ORDER DENYING APPLICATION
AND MOTION TO STRIKE**

The Non-abutting Property Owners Bethlehem to Plymouth (NAPOBP), a pro se intervenor group, respectfully requests that the Site Evaluation Committee ("Committee" or "SEC") deny the Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy's ("Applicants'") Motion for Rehearing of the Decision and Order Denying Application ("Motion") for the following reasons.

At the crux of the Applicants' second motion for rehearing are two causally related allegations: 1) the SEC concluded deliberations prematurely; and 2) the SEC thus wrongly precluded any opportunity to consider mitigating conditions proposed in the evidentiary record or to craft "expanded" conditions not in the record. "One component of the economy criterion of the ODR finding, about which members of the Subcommittee expressed concerns in their deliberations, was the potential negative effect on property values. It therefore stands to reason that imposition of an expanded PVG might have addressed that concern" (Motion, 13; emphasis added). Neither claim has legal merit. Further, the Applicants' introduction of new or expanded mitigation in their Motion is offensive to justice, blatantly contrary to SEC rules, and would make a mockery of the statutory SEC process.

Allegation 1. The SEC is not required by the terms of RSA 162-H:16 to deliberate all four statutory criteria as a matter of course or of law. A single unmet criterion is a fatal flaw, sudden death. Once the Committee had determined on the basis of its careful, fair deliberation that the Applicants failed to demonstrate that the project would not have undue adverse impact on the orderly development of the region, the Committee had discharged its duty legally and was well within its rights to end deliberation. This was not a premature action.

Allegation 2. The SEC is allowed by the terms of RSA 162-H:16 to consider and impose reasonable conditions proposed by other parties or devised by the Committee itself in order to grant a certificate. But it is not required to do so. Further, the Committee made a logical explanation of why it did not consider conditions concerning orderly development.

Introduction of post-record evidence. The Applicants' introduction of new or expanded conditions in its Motion of April 27, 2018, well after the close of the evidentiary record on December 22, 2017, clearly violates SEC rules against the introduction of new evidence after the record closes. Inclusion of this new evidence in the Motion apparently stems from the Applicants' belief that, "while the SEC process is an adversarial one, it is also a permit proceeding" (Motion, 12), suggesting that now that the "trial" is over, the Applicants and the Committee are free to get down to work as exclusive partners to craft a permit based on new mitigation measures. This flies in the face of what is fair, what is just, and what, in the State of New Hampshire, is legal.

WHEREFORE, NAPOBP respectfully requests that the SEC:

- A. Deny the Applicants' Motion for Rehearing; and
- B. Strike all post-record evidence in the Motion for Rehearing.

Respectfully submitted on behalf of NAPOBP,

Susan Schibanoff
Spokesperson

Dated: May 7, 2018

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent by email on May 7, 2018 to the current service list for Docket No. 2015-06.

Susan Schibanoff