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**Via Hand-Delivery**

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

May 7, 2018

**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 NGO Intervenors' Objection to Applicants' Motion for Rehearing of Decision and Order Denying Application and Motion to Strike.

Copies of the attached have 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,

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

**OBJECTION TO APPLICANTS' MOTION FOR REHEARING  
OF DECISION AND ORDER DENYING APPLICATION  
AND MOTION TO STRIKE**

Ammonoosuc Conservation Trust (“ACT”), Appalachian Mountain Club (“AMC”), and Conservation Law Foundation (“CLF”) (collectively, “NGO Intervenors”) hereby object to Applicants’ Motion for Rehearing of Decision and Order Denying Application (“Motion for Rehearing”), as below.

**Background**

1. On February 1, 2018, after more than two years of reviewing evidence, including many thousands of written documents as well as extensive hearings held on 70 days over a period of eight months, the Site Evaluation Committee orally voted 7-0 to reject the Petition of Eversource Energy and Northern Pass Transmission (“Applicants”) to site and construct the 192-mile Northern Pass transmission line from Pittsburgh, NH to Deerfield, NH. On February 28, 2018, the Applicants submitted a Motion for Rehearing and Request to Vacate Decision. On March 13, 2018, the Committee issued an Order Suspending Decision pending the issuance of a written order, effectively putting on hold the February 28 Motion for Rehearing. On March 30, 2018, the Committee issued a 287-page Decision and Order Denying Application for Certificate of Site and Facility (“Order”). Detailing the record at length, the Order concludes that the Applicants failed to provide credible evidence that the project would not unduly interfere with

the orderly development of the region, including its land use and economy. On March 27, 2018, the Applicants submitted a new Motion for Rehearing, to which the NGO Intervenors now object.

### **Standard of Review**

2. Having moved for rehearing, the Applicants bear the burden of establishing that the Committee's Order is premised on an error of fact, reasoning or law, thereby rendering it unlawful, unjust, or unreasonable. *See* N.H. CODE ADMIN. RULES Site 202.29. *See also* RSA 541:3. "A successful motion for rehearing must do more than merely restate prior arguments and ask for a different outcome." *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014); *see also Freedom Energy Logistics*, Order No. 25,810 at 4 (Sept. 8, 2015). The Committee must deny a motion for rehearing where no "good reason" or "good cause" has been demonstrated. *See O'Loughlin v. N.H. Pers. Comm.*, 117 N.H. 999, 1004 (1997); *see also In re Gas Service, Inc.*, 121 N.H. 797, 801 (1981).

### **Summary of Argument**

3. As set forth below, the Applicants have failed in their burden to establish that the Order is unlawful, unjust or unreasonable. To the contrary, the Committee's rejection of the requested certificate of site and facility is well-grounded in an extensive record and is premised on a correct application of the Committee's governing laws and rules. The Committee wisely and lawfully decided to terminate deliberations following a conclusive finding that the Applicants failed to satisfy their burden of proof to show that the Northern Pass Project would not unduly interfere with the orderly development of the region, including its land use and economy. Furthermore, the Applicants' Motion for Rehearing relies on extra-record evidence that, as a matter of law, cannot be considered and must be stricken.

## Argument

### **I. The Applicants Have Failed in Their Burden to Establish That the Order is Unlawful, Unjust, or Unreasonable**

#### **A. The Order is well-founded in a robust administrative record, including testimony directly observed and weighed by the Committee**

4. In deciding whether to issue a certificate of site and facility, the Committee is required to determine whether a proposed energy facility will unduly interfere with the orderly development of the region. RSA 162-J:16, IV(b). In doing so, the Committee must consider: (a) the extent to which the siting, construction, and operation of the proposed facility will affect land use, employment, and the economy of the region; (b) the provisions of, and financial assurances for, the proposed decommissioning plan for the proposed facility; and (c) the views of municipal and regional planning commissions and municipal governing bodies regarding the proposed facility. Site 301.15

5. The Committee, with the benefit of 70 days of hearings, testimony from 154 witnesses, over 2000 exhibits, and lengthy briefing from all parties, properly determined that the Applicants failed to meet their burden of proof with respect to the required showing that the project would not unduly interfere with the orderly development of the region. *See* RSA 162-H:16, IV(b). In rendering its decision, including its detailed 287-page Order, the Committee found key witnesses for the Applicants on the subject of orderly development severely lacking in credibility, their testimony utterly inadequate to establish by a preponderance of the evidence that the project would not unduly interfere with the orderly development of the region. Delib. Tr. Day3 PM at 25-26; Order at 285-86. *See* Site 202.19; RSA 162-H:16, IV(b).

6. In particular, the Committee concluded that the Applicants had not met their burden of proof with respect to the impacts of the facility on land use, property values, tourism,

and the economy of the region. Delib. Tr. Day2 AM; Order at 284-85. *See* Site 301.15(a).

Witnesses that the Committee found wholly lacking in credibility and rigor on these issues include Mr. Chalmers and Mr. Nichols.<sup>1</sup> Mr. Varney, who also testified for Applicants on the subject of orderly development, similarly was found unpersuasive on critical subjects including interference with land use.<sup>2</sup>

7. Ultimately, for these and other well-supported reasons, the Committee members unanimously concluded by oral vote that the Applicants had failed to establish by a preponderance of the evidence that the project would not unduly interfere with the orderly development of the region. Delib. Tr. Day3 PM at 25-26. On this basis, certification could not be granted, therefore the Committee chose to conserve administrative resources and, without further delay, issue an order rejecting the application.

8. The March 30, 2018 Order confirms and memorializes that the Applicants “failed to establish that the Project would not unduly interfere with the orderly development of the region.” Order at 283. *See* RSA 162-H:16, IV(b); Site 202.19. The written order identifies “profound” deficiencies with the Applicants’ evidence regarding interference with the orderly development of the region, including impacts on tourism, property values, and land use. Order at 284. The Order puts in writing the Committee’s consensus concerning the findings expressed by Committee members during oral deliberations that key witnesses testifying on behalf of the Applicants on each of these subjects were not merely unpersuasive, but dispositively lacking in credibility. Order at 284-85.

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<sup>1</sup> The testimony of Mr. Chalmers was found not credible, erroneous, and deficient in necessary information. *See* Delib. Tr. Day2 AM at 112, 114-17. To this end, Commissioner Bailey concluded, “Unfortunately I didn’t find Dr. Chalmers very convincing at all,” *id.* at 115, and Ms. Weathersby summarized, “In addition to the flaws and errors...there were also gaps in his analysis.” *Id.* at 115-16. Likewise, testimony offered by Mr. Nichols was found to be “not credible,” “hardly worth anything,” “completely superficial,” “useless,” and “deficient in many respects.” Delib. Tr. Day2 PM at 87-89, Day3 AM at 18.

<sup>2</sup> Delib. Tr. Day3 AM at 12-17.

9. Consistent with the requirement at RSA 162-H:16, IV(b), the Order also reflects due consideration to “the views of municipal and regional planning commissions and municipal governing bodies.” RSA 162-H:16, IV(b). Carefully noting that “we are not required to give deference” to municipal views, the Order observes that the views of municipalities, as well as the comments of local and regional planning agencies, were “relevant to the issues, thoughtful, and consistent.” Order at 285. The Committee further notes that “the overwhelming majority of those views and comments were vehemently opposed to the Project.” *Id.*

**B. The Committee’s application of the term “orderly development of the region” was not arbitrary**

10. The Applicants incorrectly claim that the Committee’s decision was arbitrary and capricious because it did not define with specificity what threshold would trigger “undue interference with orderly development of the region.” Motion for Rehearing at 22-24, 26. They also falsely claim the Committee unlawfully failed to define the term “region” in “orderly development of the region.” *Id.* at 24-26.

11. The first question – what threshold triggers a finding of undue interference – is a fact-specific one that lies at the core of the Committee’s undertaking. Here the Committee found the Applicants’ evidence wholly lacking credibility on the critical subjects of economic impact and land use. Order at 284-85. In the face of an utter deficiency of reliable evidence on a required element of the statute, no amount of additional legal definition could have rescued Applicants’ case.

12. As for defining the “region,” the Committee largely accepted the Applicants’ own definitions. Each witness testifying on behalf of the Applicants defined the scope of concern

based on context.<sup>3</sup> The testimony of Mr. Chalmers defined the scope of concern for purposes of assessing property values as surrounding properties within approximately 100 feet of the planned transmission line. *See* Tr. Day24 PM 7/31/2017 at 54-81. The testimony of Mr. Nichols treated the scope of concern for addressing tourism impacts as the entire state. *See* App. 31 at 3-5. Ultimately, the Committee found both witnesses' testimony lacking in credibility. Order at 284-85. As explained in the Order, this finding was grounded in months of hearings and analysis, and was not arbitrary. *See id.* The bottom line is that the Applicants failed to meet their burden of proof.

**C. The Committee, in applying facts to the law, was well within its discretion to conclude that existing rights-of-way can become over-burdened**

13. Contrary to the Applicants' argument, the Committee acted reasonably and consistent with its fact-finding obligations by finding that the proposed existing right of way would be over-burdened by the project. The Committee considers, but is not bound by, prior findings and rulings. RSA 162-H:10, III. More to the point, no judicial or quasi-judicial agency is bound to follow precedent blindly without distinguishing based on the facts when necessary—indeed, courts and agencies regularly distinguish from precedent based on the facts, as the Committee did here.

14. On Day 2 of deliberations, the Committee held an extensive discussion about the degree to which rights-of-way could, under certain circumstances, be over-burdened beyond their original intent. In weighing this fact-specific question, the Committee members gave due

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<sup>3</sup> This is consistent with the comments of Chairman Honigberg, who opined on the subject: “[The “region” is] different in different parts of the statute and different parts of our own rules. In some places we are directed to look at what’s going on within the affected municipalities, and in some instances it seems like we’re being directed to talk about a region that may be even larger than the state of New Hampshire, and there are gradations in between.” Delib. Tr. Day2 AM at 39.

consideration to the views of the Applicants' relevant witness, but ultimately found other witnesses and facts more persuasive.

15. Mr. Wright recounted a conversation with Applicants' Witness Varney as follows (Delib. Trans. Day 2 am at 33):

Is there a tipping point when we get to there is a prevailing change in the land use? I think that's a question we specifically asked [Mr. Varney]. I don't think we ever got really an answer, other than a very generic, "It's a right-of-way, it's a right-of-way."

Chairman Honigberg opined that he disagreed with Mr. Varney's stated view (*id.* at 33-34):

[W]ith respect to Mr. Varney's testimony, I agree with you, Mr. Wright, that he had one answer to a number of questions asked by intervenors, Counsel for the Public and members of the Subcommittee, that if it was placed in the existing right-of-way and it was a transmission line, it was consistent with the prevailing land use. And that was the answer to all of those questions. Like Commissioner Bailey, I think that it's different in different places.

Similarly, Commissioner Bailey articulated the crux of the issue but ultimately disagreed with Mr. Varney (*id.* at 38-39):

I think Mr. Varney's position is that the overwhelming precedent from past Site Evaluation Committees has been that if you put a transmission line in an existing right-of-way, that's not inconsistent with orderly development. So I think that's where he was coming from. And I think that's a reasonable argument to make, but I'm not sure it outweighs the overwhelming information that we have from municipal officials.

16. Accordingly, the Order acknowledges Mr. Varney's position regarding the siting of new utility projects, regardless of size and nature, in existing rights-of-way (Order at 237), but ultimately found insufficient facts to adopt the position urged by Mr. Varney. The Order sets forth the following clear-headed and well-informed finding of fact and conclusion of law (at 6):



The Subcommittee found that the Applicant failed to demonstrate by a preponderance of evidence that the Project would not overburden existing land uses within and surrounding the right-of-way and would not substantially change the impact of the right-of-way on surrounding properties and land use.

Although the Applicants may disagree with the Committee's conclusion that the evidence did not adequately support placing a project the size and nature of Northern Pass in the existing rights-of-way, the Committee's conclusion is well-founded, falls within its scope of discretion, and should be affirmed.

**D. The Order is the proper culmination of the Committee member views expressed in public deliberations**

17. The Applicants argue that the deliberations and Order merely reflect the “views” of the Committee members. Motion for Rehearing at 37. The discussion that took place during deliberations necessarily reflected the opinions of individual Committee members—views that were informed by a substantial body of evidence presented over the course of two years— together with their consensus conclusion to ultimately reject the Application, as reflected by the 7-0 oral vote. As required by law and rule, the written order is where the Committee members explain their decision with a single voice, memorializing the evidence, its deficiency, and their joint findings of fact and conclusions of law. *See* RSA 541-A:35 (“[a] final decision shall include findings of fact and conclusions of law”); Site 202.28.

18. As for the Applicants' vacuous claim that the Committee did not deliberate publicly on all findings as required, the Applicants provide no evidence for this. Indeed, the Motion for Rehearing is replete with references to such deliberations. The Committee is required by statute and rule to convene public deliberations (*see* RSA 91-A:2-a), conduct an oral vote, and to issue a written decision that memorializes the “findings of fact and conclusions of law.” *See, e.g.*, RSA 541-A:35; Site 202.28. Here, the Order memorializes and sets forth with a

single voice findings that the Committee members made in public deliberations, and the Applicants provide no evidence to the contrary.

**E. The Applicants attempt to evade the burden of proof mandated by law**

19. The Applicants argue for a diminished burden of proof that is grossly inconsistent with applicable law. Motion for Rehearing at, *e.g.*, 28, 33, 35, 56. Site 202.19 states that “[a]n applicant for a certificate of site and facility shall bear the burden of *proving facts sufficient for the committee or subcommittee, as applicable, to make the findings required by RSA 162-H:16.*”<sup>4</sup> As for “the findings required by RSA 162-H:16,” in order to issue a Certificate, the Committee must find:

- (a) The applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.
- (b) The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.
- (c) The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.
- (d) [Repealed.]
- (e) Issuance of a certificate will serve the public interest.

RSA 162-H:16. The Committee rules at Site 301.13 through 301.16 list specific criteria toward the finding required by RSA 162-H:16. *See also* Site 301.09. Among the criteria enumerated are “[t]he views of municipal and regional planning commissions and municipal governing bodies regarding the proposed facility,” and “[t]he extent to which the...proposed facility will affect land use, employment, and the economy of the region.” 301.15(a),(c).

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<sup>4</sup> Emphasis added. *See also* Site 202.28(a).

20. The Applicants contend their burden of proof does not extend to criteria such as municipal views or impacts on property values and tourism. *See, e.g.*, Motion for Rehearing at 28, 35-37. Yet taken together as cross-referenced, the statute and rules on their face clearly direct that in order to satisfy the burden of proof, an applicant must provide sufficient evidence for the Committee to reach a finding on the elements listed in RSA 162-H:16, each of which is spelled out in detail in Site 301.13 through 301.16.<sup>5</sup> Accordingly, an applicant omits evidence on municipal views at its own peril, and must provide evidence on subjects that, like tourism and property values, clearly impact land use and the economy.

21. Here, the Applicants actually did present evidence on each of the subjects that they now claim fall outside their burden of proof. But because the evidence they proffered was not deemed credible by the Committee, the Applicants now argue *post facto* that they had no burden to provide the evidence to begin with. These arguments are unavailing.

**F. The Applicants’ effort to diminish the significance of municipal views flies in the face of the statute, which directs due consideration of those views**

22. The Applicants also claim that “[m]unicipal views, whether expressed through testimony or comments, are no different from the testimony or comments of other parties to the proceeding.” Motion for Rehearing at 55. Their argument is patently mistaken. The statute directs the Committee to give due consideration to the “views of municipal and regional planning commissions and municipal governing bodies.” RSA 162-H:16, IV(b).<sup>6</sup> No other parties are specifically referenced by statute in this way.

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<sup>5</sup> Site 202.19; RSA 162-H:16. *See also* Site 202.28(a).

<sup>6</sup> Similarly, the Applicants assert that the project is not required to “be consistent with local master plans and zoning ordinances.” Motion for Rehearing at 56. While the project is not *required* to be consistent with those plans and ordinances, the statute expressly requires the Committee to give *appropriate consideration* to the views of the municipal and regional planning commissions that created those plans and ordinances, 162-H:16, IV(b) – and the Applicants are required to provide evidence sufficient to support a positive finding by the Committee in light of that consideration. *See* Site 202.19.

23. The Committee did not, however, *defer* to municipal views or otherwise abdicate its own statutory obligation to review the evidence and draw independent conclusions. The Order expressly states that “we are not required to give deference” to municipal views. Order at 285. At the same time, it goes on to find that municipal views were, in this instance, “relevant, thoughtful, and consistent,” as well as “vehemently opposed to the Project.” *Id.*

**G. The Committee has no obligation to consider every conceivable condition or mitigation measure before rejecting a project**

24. In their Motion for Rehearing, the Applicants suggest that because the Committee is directed to consider “all relevant information,” the Committee was obligated to affirmatively consider each and every possible condition or mitigation measure that could somehow enable the project to meet the statutory criteria. Motion at 10-12. This claim has no basis in law. Although RSA 162-H:16, VI permits the Committee to include reasonable conditions in a certificate, there is no statutory or regulatory requirement that the Committee do so in every case, or that requires the Committee to develop its own conditions to remedy the Applicants’ failure to meet its burden of proof.

25. As a matter of policy, it would be contrary to logic to require the Committee to impose conditions rather than rejecting an inadequate application for certification. If that were the intent of the law, it would render the applicant’s burden of proof meaningless and make the adjudicative process into a mere exercise.

26. The Applicants moreover assume that conditions or project modifications *could* sufficiently cure the deficiencies in their application, yet this assumption is without grounds in the record. Indeed, the inadequacy of the Applicants’ evidence would have made fashioning adequate conditions an impossible feat, as explicitly acknowledged by the Committee in its Order (at 285):

The Applicant's proposed compensation plan was, quite plainly, inadequate, but because the Applicant's analysis of the effects was also inadequate, it was impossible for us to even begin to consider what an appropriate compensation plan might require.

Order at 285. There can be no rule that requires an agency to make rainbows where there is only rain.

## **II. The Committee Was Not Required to Continue Deliberations Once It Was Clear the Project Did Not Meet the Statutory Standards**

27. The Applicants repeat arguments made in their February 28 motion to the effect that the Committee prematurely terminated deliberations contrary to law. Motion for Rehearing at 10. The Applicants have failed to demonstrate that the Committee acted unreasonably or unlawfully in rendering a determination under RSA 162-H:16, IV without deliberating on all four criteria under the statute.

28. RSA 162-H:16 sets forth four major criteria that an applicant must satisfy in order for a certificate to be granted. Accordingly, the statute makes clear that before the Committee can grant a certificate, it must determine that the Applicant has satisfied its burden of proving that the project satisfies all four criteria. If any single criteria is not met, a certificate cannot be granted. The statute, however, does not require the Committee, in determining that a project does *not* satisfy the criteria, to proceed through all four criteria. Consistent with the Committee's proper application of the criteria, the failure of an applicant to satisfy any one of the criteria is fatal.

29. The Committee's rules do not change the approach set forth by statute. Site 202.28(a), on which the Applicants rely in their motion, states that "[t]he committee or subcommittee, as applicable, shall make a finding regarding the criteria stated in RSA 162-H:16, IV, and Site 301.13 through 301.17, and issue an order pursuant to RSA 541-A:35 issuing or denying a certificate." The Committee did just that – it rendered an oral determination regarding

the criteria stated in RSA 162-H:16, IV; namely, that the project fails to satisfy the criteria. The Committee could, and did, exercise its discretion to render this determination based on the Applicants' failure to satisfy all of the criteria. Had the rules contemplated the approach advocated by the Applicants in their motion, they would have specified that even in cases of a denial of a certificate, the committee or subcommittee shall make a finding regarding each of the applicable criteria.

30. In *Antrim Wind I*, the Committee likewise did not reach findings of fact and law on all four elements of the statute; it omitted a final finding on the applicant's financial capability. *Antrim Wind I* Order at 39-40.<sup>7</sup> In addition, in *Antrim Wind I* Chairman Ignatius expressly stated that "there was no requirement [that the Committee] keep on going" after it had rendered a negative decision on one of the required statutory findings. *Antrim Wind I* Delib. Tr. Day3 PM, 73-74.

31. The Committee's decision to terminate deliberations in this instance was not only within its discretion, it was also well-reasoned. After hearing the positions of all of the Committee members, in considering whether to make the orderly development vote official or to continue deliberations, Mr. Way opined, "[O]n orderly development, it's not even close..." Delib. Tr. Day3 PM at 6. Because of the severe deficiencies in the Applicants' case, he reasoned that the Committee should make the vote final and discontinue deliberations because, in his words, "[I]t's not something where we're going to be able to come back and walk out of it." *Id.* Similarly, Commissioner Bailey reasoned, "By statute...we have to make four findings in order to grant the Certificate. I think [from] the conversation we had earlier this morning, it was clear that we can't make one of those findings.... We've reached a point where we know we can't grant the certificate." *Id.* at 4. Ms. Dandeneau reasoned that it was "beyond the point right now"

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<sup>7</sup> *Antrim Wind I*, SEC Docket No. 2012-01.

to consider the final two elements of the statute “if we know that we can’t grant the Certificate[.]” *Id.* at 5. Each of these and other statements in the transcript support a well-reasoned decision to terminate the deliberations per agency discretion, and consistent both with the law and with commonsense principles of efficiency. The Committee neither had an obligation to continue deliberations nor to consider additional conditions.

### **III. The Applicants Improperly Rely on Extra-Record Evidence That Must Be Stricken and Ignored**

32. The Applicants’ motion relies on extra-record information in clear disregard of law and this Committee’s rules. Site 202.26, titled “Closing the Record,” states in pertinent part: “At the conclusion of a hearing, the record shall be closed and no other evidence, testimony, exhibits, or arguments shall be allowed into the record...” RSA 162-H:10, III limits the Committee’s consideration to the “evidence presented at public hearings and ... written information and reports submitted by members of the public before, during, and subsequent to public hearings but prior to the closing of the record in the proceeding.” The record in this proceeding closed on December 22.

33. The purpose of a motion for rehearing “is to direct attention to matters that have been overlooked or mistakenly conceived in the original decision...” *Dumais v. State*, 118 N.H. 309, 311 (1978); the purpose is *not* to introduce new evidence.

34. Despite the foregoing, the Applicants seek to introduce new information – namely, information on the subject of possible conditions and mitigation measures, including discussions with Counsel for the Public; newly adopted positions of the Applicants; and new proposed project modifications – none of which is properly admissible for consideration by the Committee at this late stage of the proceeding. The Applicants seek to introduce this information in a last-ditch attempt to cure its failure to demonstrate by a preponderance of the

evidence that the project will not unduly interfere with the orderly development of the region, among other undue impacts. Although the extra-record evidence offered by the Applicants would achieve no such cure, it is essential that this last-ditch effort to amend and expand the record at the rehearing stage be rejected as contrary to law and the Committee's rules, as well as to fundamental concepts of justice, fairness, and administrative efficiency.

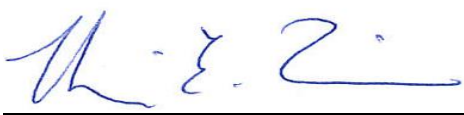
**Conclusion**

35. Based on the foregoing, the Applicants' Motion for Rehearing fails to demonstrate any errors of fact, reasoning, or law that would warrant reconsideration. See RSA 541:3; Site 202.29. Lacking good reason for rehearing, the motion must be denied.

WHEREFORE, the NGO Intervenors respectfully request that the Site Evaluation Committee:

- A. Deny Applicants' Motion for Rehearing; and
- B. Strike all new evidence in the Motion for Rehearing, including attachments provided with the Motion and all associated briefing.

Respectfully submitted,

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

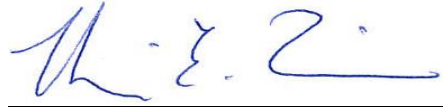
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Dated: May 7, 2018



**CERTIFICATE OF SERVICE**

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



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Melissa E. Birchard