

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

SEC 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

**PEMIGEWASSET RIVER LOCAL ADVISORY COMMITTEE'S OBJECTION  
TO THE APPLICANTS' MOTION TO REHEARING OF DECISION  
AND ORDER DENYING APPLICATION**

May 7, 2018

The Pemigewasset River Local Advisory Committee (PEMI), a pro se intervenor group in this docket, hereby objects to the Applicants' Motion for a Rehearing of the Decision and Order Denying Application for Certificate of Site and Facility. The referenced motion was filed by the Applicants on April 27, 2018.

**Summary**

On March 30, 2018, the Site Evaluation Committee for Docket No. 2015-06 issued its written Order denying a certificate of site and facility for the joint application of Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy ("Applicants") to build a 192-mile high voltage transmission line from Pittsburg, New Hampshire to Deerfield, New Hampshire ("NPT" or "Project").

This written Order followed the February 1, 2018 oral decision by the Committee to deny a certificate to this Project. The Committee's oral vote (7-0) indicated unanimous agreement that the Applicants failed to satisfy their burden to establish by a preponderance of the evidence that the proposed project would not unduly interfere with the orderly development of the region, with due consideration to the views of municipal and regional planning commissions and municipal governing bodies, as required by RSA 162-H:16, IV(b).

This vote came after more than two years of reviewing evidence, including many thousands of written documents and visual records as well as extensive hearings held on 70 days over a period of eight months. The official record closed on December 22, 2017 and the Committee began open deliberations on January 30.

The Applicant has previously submitted a Motion for Rehearing and Request to Vacate Decision on February 28, 2018 -- before the final decision was issued. The SEC met March 12, 2018 in

response to this Motion and suspended its decision. The SEC ruled it will follow the procedure of: Written Order, Opportunity for Motions seeking a rehearing, Opportunity for Objections, and a Hearing to deliberate motions and other relief sought.

### **Argument**

Pemigewasset River Local Advisory Committee objects to the Applicants' motion as follows:

1. The flaws in the Application for the Northern Pass Project, including testimonies and written evidence, are *fundamental* to the SEC certification criteria. For example:

- incomplete information at the time the Application was submitted (Oct. 15, 2015) to the time the record was closed (December 22, 2017).<sup>1</sup>
- unresolved issues over ROW dimensions on local roads (underground sections)
- overbearing requests to State agencies for waivers, exceptions and requests to “preempt” local authority (i.e. over roads in Plymouth)<sup>2</sup>
- ”tunnel vision” interpretations and misinterpretations of the Project’s responsibilities and impacts( i.e. extent and intensity of damage and change in wetlands functions and restoration within the *watershed*, not limited to the ROW)<sup>3</sup>
- misuse of outdated manuals and information (i.e. “Best Management Practices”)
- utter lack of credibility of Applicant “experts”
- assumptions made by the Applicant that proved to be its downfall.

2. Fundamental flaws are not conditions that can be “mitigated” -- especially “mitigated by money” or mitigated as last ditch efforts to make up for indefensible decisions made by the Applicants when they conceived this Project and all through the intervening years.

3. Fundamental flaws continue to be consequences of the Applicants’ assumptions that something is true or certain to happen, but without proof. The Applicants seem to assume the outcome of this Project was assured from the beginning, thus the “shock and outrage” at the SEC decision to deny the Certificate, even when based upon a “preponderance of evidence” that supported denial.

The Applicants continue to assume the outcome can be changed through moving the Forward NH Funds from one area to another or “increasing mitigation” in areas where they previously balked. Such assumptions attempt to bring new information to the proceedings which is prohibited by SEC Committee rules and law.

---

<sup>1</sup> SEC Decision and Order Denying Application for Certificate of Site and Facility. March 30, 2018. pp.113-115.

<sup>2</sup> *ibid.* pp. 119.

<sup>3</sup> Applicant Motion to SEC for Rehearing. April 27, 2018. Attachment C. #68 p. 14.

4. The lack of credibility in Applicants' experts is a fundamental flaw that will not be mitigated nor does it support any further discussion of the Northern Pass Project. In fact, the Applicants continue to defend the testimonies, analysis and investigations carried out by Mr. Nichols (tourism), Mr. Varney (orderly development) and Mr. Chalmers (property values).<sup>4</sup>

Despite overwhelming testimony and challenges against its witnesses, the Applicants continue to make no explanations for obvious shortcomings in the work done by these experts on the Project's behalf.

For example: -Mr. Chalmer's report contained errors which he failed to correct.

-Mr. Varney failed to consider details such as the changes in new tower heights over existing poles in the Overhead Section; failed to study impacts of construction in the Underground sections on businesses.

-Mr. Varney testified he only considered public opinion given before the Application was filed.

-Mr. Nichols failed to do his own surveys and did not include tourist surveys done by local planning organizations (i.e. Lakes Region Planning Commission)<sup>5</sup>

WHEREFORE, the PEMI Intervenors respectfully request the Site Evaluation Committee:

- A. Deny Applicants' Motion for Rehearing; and
- B. Strike all new evidence in the Motion for Rehearing, including attachments and associated briefings; and
- C. Grant such further relief as may be deemed appropriate.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
 Max Stamp Spokesperson for PEMI Intervenor Group  
 2110 Summer St.  
 Bristol, NH 03222

#### **CERTIFICATE OF SERVICE**

I hereby certify a copy of the foregoing motion has this day been forwarded by electronic mail to the persons named in the Service List of this docket.

Dated: May 7, 2018 by \_\_\_/s/\_\_\_\_ Gretchen D. Draper for the PEMI Intervenors

<sup>4</sup> ibid. pp. 13-53.

<sup>5</sup> SEC Decision and Order Denying Certificate for Site and Facility. March 27, 2018. pp.196-198, 201-203, 235-244.