

**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**

May 20, 2016

SUBCOMMITTEE ORDER ON REVIEW OF INTERVENTION

I. Background

On October 19, 2015, Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively Applicant) submitted an Application to the New Hampshire Site Evaluation Committee (Committee) for a Certificate of Site and Facility (Application) to construct a 192-mile transmission line. The transmission line, sometimes referred to herein as the Project, is proposed to have a capacity rating of up to 1,090 MW, and to run through New Hampshire from the Canadian border in Pittsburg to Deerfield.

On November 2, 2015, pursuant to RSA 162-H:4-a, the Chairman of the Committee appointed a Subcommittee (Subcommittee) to consider the Application.

The Subcommittee received over 160 petitions to intervene. On March 18, 2016, the Presiding Officer issued an Order on Petitions to Intervene granting intervention and combining intervenors in the following groups:

1. **Towns, Town Governing Bodies, Municipal Sub-Units, Conservation Commissions, Grafton County Commissioners, Rick Samson, Local Government Entities**
 - a. **Towns, Bodies, Municipal Sub-Units and Conservation Commissions**
 - **Municipal Group 1** – Pittsburg, Clarksville, Stewartstown, Colebrook, Northumberland, Whitefield (Board of Selectmen and Planning Board), Dalton (Board of Selectmen and Conservation Commission), Bethlehem (Board of Selectmen, Planning Board and Conservation Commission); and Littleton – as a group;

- **Municipal Group 2** –Sugar Hill, Franconia (Board of Selectmen, Planning Board, and Conservation Commission), Easton (Board of Selectmen, Planning Board, and Conservation Commission), Woodstock, and Plymouth – as a group;
 - **Municipal Group 3** - Holderness (Board of Selectmen and Conservation Commission), Ashland (Board of Selectmen, Conservation Commission and Water & Sewer Department), Bridgewater, New Hampton, Bristol, Canterbury, Concord, Pembroke (Board of Selectmen and Conservation Commission), and Deerfield (Board of Selectmen, Planning Board, and Conservation Commission) – as a group.
 - City of Franklin – as a full party.
- b. Grafton County Commissioners and Coos County Commissioner Rick Samson – as a group
- Grafton County Commissioners; and
 - Commissioner Rick Samson.

2. **Individual Parties**

- a. Abutting Property Owners: Clarksville – Dalton
- i. *Clarksville-Stewartstown Abutting Property Intervenors (underground portion of the Project), as a group*
- Charles and Donna Jordan;
 - Sally A. Zankowski;
 - Jon and Lori Levesque;
 - Roderick and Donna McAllaster;
 - Lynne Placey;
 - Arlene Placey;
 - Brad and Daryl Thompson;
 - David Schrier; and
 - Nancy L. Dodge.
- ii. *Dummer, Stark, Northumberland, Whitefield, and Dalton Abutting Property Intervenors (overhead portion of the Project), as a group*
- R. Eric Jones and Margaret J. Jones;
 - Elmer C. Lupton and Claire C. Lupton;
 - Mary Boone Wellington;
 - Bruce and Sondra Brekke;
 - Elaine V. Olson;
 - Eric M. Olson;
 - Joshua Olson;
 - Elaine V. Olson;
 - Kevin Spencer;

- Rodrigue J. and Tammy L. Beland;
- Susan E. Percy for Percy Summer Club;
- Mark Lagasse and Kevin Spencer for Lagaspence Realty, LLC;
- Robert Heath;
- James and Judy Ramsdell;
- Charles and Cynthia Hatfield;
- Donald and Betty Gooden; and
- Tim and Brigitte White.

b. Non-Abutting Property Owners: Clarksville – Bethlehem¹, as a group

- Robert Martin;
- Roderick C. Moore, Jr., Joseph John Dunlap, Shawn Patrick Brady and Christopher Thompson;
- E. Martin Kaufman, Bradley J. Thompson, and John Petrofsky on behalf of 44 residents of Stewartstown and East Colebrook (Dixville Notch-Harvey Swell Location residents);
- Mark W. Orzeck and Susan Orzeck;
- John W. Davidge for Prospect Farm-Lancaster, LLC;
- Linda Upham-Bornstein;
- Rebecca Weeks Sherrill More, PhD for the Weeks Lancaster Trust;
- Richard M. McGinnis;
- Frederic P. Fitts;
- Gerald and Vivian Roy;
- Edward A. Piatek;
- Frank and Kate Lombardi;
- Marsha J. Lombardi;
- Alexandra M. Dannis and James G. Dannis;
- David Van Houten;
- Wendy Doran; and
- Andrew D. Dodge.

c. Abutting Property Owners: Bethlehem² – Plymouth, as a group

- Nigel Manley and Judy Ratzel;
- Russel and Lydia Cumbee;
- Walter Palmer and Kathryn Ting;
- G. Peter and Mary S. Grote;
- Paul and Dana O’Hara;
- Virginia Jeffreys;
- Carol Dwyer;
- Gregory and Lucille Wolf;
- Susan Schibanoff;
- Ken and Linda Ford;
- Campbell McLaren, M.D.;

¹ Bethlehem – overhead portion of the Project.

² Bethlehem – underground portion of the Project.

- Eric and Barbara Meyer;
 - Robert W. Thibault;
 - Dennis Ford;
 - Carl Lakes and Barbara Lakes;
 - Bruce D. Ahern; and
 - Frank Pinter.
- d. Non-Abutting Property Owners: Bethlehem – Plymouth, as a group³
- Lee Sullivan and Stephen Buzzell;
 - Timothy and Rebecca Burbank, Edward Cenerizio and Deborah Corey; and Matthew Steele, individually and as owners of 41 Dyke Road, LLC.
- e. Abutting Property Owners: Ashland – Deerfield, as a group
- Carol Currier;
 - Mary A Lee;
 - Craig and Corinne Pullen;
 - McKenna’s Purchase Unit Owners Association;
 - Taras and Marta Kucman;
 - Kelly Normandeau;
 - Laura M. Bonk;
 - Philip H. Bilodeau and Joan C. Bilodeau;
 - Erick B. Berglund Jr. and Kathleen A. Berglund;
 - Rebecca Hutchinson;
 - Torin Judd and Brian Judd;
 - Jo Anne Bradbury;
 - Jeanne M. Menard as a General Partner of the Menard Forest Family Limited Partnership;
 - Jeanne M. Menard for Peter F. Menard and Anne K. Burnett;
 - Kevin and Lisa Cini;
 - Bruce A. Adami and Robert J. Cote; and
 - Eric and Sandra Lahr.

³ Easton and Sugar Hill.

- f. Non-Abutting Property Owners: Ashland – Deerfield, as a group
 - Joanna and Robert Tuveson;
 - Nina and Elisha Gray;
 - Rodney Felgate and Laura Felgate;
 - The Webster Family Group;
 - Lawrence Phillips and Maxine Phillips;
 - Lisa Wolford and Pamela Hanglin;
 - F. Maureen Quinn;
 - Madelyn and Thomas Foulkes; and
 - Jeanne M. Menard as a managing member of Pawtuckaway View, LLC.

3. Non-Governmental Organizations

- a. Society for the Protection of New Hampshire Forests – as single party;
- b. Appalachian Mountain Club, Conservation Law Foundation, Sierra Club Chapter of New Hampshire, and Ammonoosuc Conservation Trust – as a group; and
- c. Sugar Hill Historical Museum, New Hampshire Preservation Alliance and National Trust for Historic Preservation, North Country Scenic Byways Council – as a group.

4. Businesses and Organizations with Economic Interests

- a. Cate Street Capital, Inc. and City of Berlin – as a group;
- b. International Brotherhood of Electrical Workers – as single party;
- c. Coos County Business and Employers Group – as single party;
- d. North Country Chamber of Commerce – as single party;
- e. Dixville Capital, LLC and Balsams Resort Holdings, LLC – as single party; and
- f. Wagner Forest Management – as single party.

5. Pemigewasset River Local Advisory Committee - as single party.

II. Intervention

A. Standard for Intervention

The New Hampshire Administrative Procedure Act provides that an administrative agency must allow intervention when:

- (a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing;
- (b) The petition states facts demonstrating that the petitioner's rights, duties, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervener under any provision of the law; and

(c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

See RSA 541-A:32, I. The statute also permits the presiding officer to allow intervention “at any time upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.” RSA 541-A:32, II. The Committee’s rules contain similar provisions. *See* N.H. CODE ADMIN. R. ANN. Site 202.11 (b)-(c).

Pursuant to RSA 162-H:4, V, the presiding officer is authorized to rule on petitions for intervention. The Administrative Procedure Act and our procedural rules also allow the presiding officer to place limits on an intervenor’s participation. *See* RSA 541-A:32, III; N.H. CODE ADMIN. R. ANN. Site 202.11(d). The presiding officer may limit the issues pertaining to a particular intervenor, limit the procedures in which a particular intervenor may participate, or combine intervenors and other parties for the purposes of the proceeding so long as the limitations placed on intervenors do not prevent the intervenor from protecting an interest that formed the basis of intervention. *See* N.H. CODE ADMIN. R. ANN. Site 202.11(d). Any party aggrieved by a decision on a petition to intervene may within 10 calendar days request that the committee review such decision. *See* RSA 162-H:4, V.

Following the issuance of the Order on Petitions to Intervene, (Order) the Subcommittee received numerous motions to correct and clarify the Order and have the Subcommittee review the Presiding Officer’s Order under RSA 162-H:4, V, regarding groupings and denials, and motions to clarify and address procedural issues associated with intervenors participation in the groups. The Subcommittee also received additional untimely petitions to intervene.

On April 7, 2016, the Applicant objected to various motions.

On April 12, 2016, the Subcommittee conducted a hearing on pending motions. During the hearing, the Subcommittee reviewed and addressed petitions to reconsider the groupings of

intervenors and denials or requests to intervene, additional requests to intervene, requests to correct the Order, and requests to clarify procedural issues raised in this docket. This Order memorializes the Subcommittee's decisions.

B. The Motions to Review Groups of Intervenors

The Subcommittee received motions to review the groupings of intervenors from the intervenors that were combined in the following groups: (i) Municipal Group 1; (ii) Municipal Group 2; (iii) Municipal Group 3; (iv) Grafton County Commissioners and Coos County Commissioner Rick Samson; (v) Abutting Property Owners: Clarksville-Dalton – underground portion of the Project; (vi) Abutting Property Owners: Dummer-Dalton – overhead portion of the Project; (vii) Non-Abutting Property Owners: Clarksville-Bethlehem; (viii) Abutting Property Owners: Bethlehem-Plymouth; (ix) Abutting Property Owners: Ashland-Deerfield; (x) joined motion filed by individuals from various groups of intervenors; (xi) Appalachian Mountain Club, Conservation Law Foundation, Sierra Club Chapter of New Hampshire, and Ammonoosuc Conservation Trust; and (xii) Cate Street Capital, Inc. and City of Berlin. This Order will address each motion within each identified group.

1. Municipal Group 1

The Bethlehem Board of Selectmen, Planning Board, and Conservation Commission each filed motions to allow them to participate in these proceedings as one group of intervenors. They argue that their interests are unique because the transition station, as well as underground and overhead portions of the Project, will be located within the Town. They further argue that they have a unique interest in addressing the effect of the Project on the Ammonoosuc River, Miller/Baker Brook Pond, and wetlands. They further assert that the municipalities that were combined in Municipal Group 1 are geographically separated and located so far away from each other that it makes it impractical and impossible for the Town of Bethlehem to represent its interest in this docket.

The Town of Bethlehem Board of Selectmen, Planning Board, and Conservation Commission's concerns are similar to the concerns raised by other municipalities combined in Municipal Group 1 in this docket. The Towns of Pittsburg, Clarksville, and Stewartstown will also have transition stations and overhead and underground portions of the Project located within them. They are also concerned about the effect of the Project on wetlands, the economy, and property values. The Bethlehem Board of Selectmen, Planning Board, and Conservation Commission's ability to represent and protect their interests will not be diminished by the grouping with other municipalities. The Bethlehem Board of Selectmen, Planning Board, and Conservation Commission's request to designate them as single group of intervenors is denied.

It is apparent, however, that the towns in the northern portion of the Project are significantly removed and geographically separated from the southern towns included in Municipal Group 1. The Subcommittee finds that it is prudent to grant the Bethlehem Board of Selectmen, Planning Board, and Conservation Commission's request to review the grouping of municipalities in Municipal Group 1 and re-group Municipal Group 1 in two groups, each of which can participate as a single group in this docket:

- **Municipal Group 1 North** – Pittsburg, Clarksville, Stewartstown, and Colebrook; and
- **Municipal Group 1 South** – Northumberland, Whitefield (Board of Selectmen and Planning Board), Dalton (Board of selectmen and Conservation Commission), Bethlehem (Board of Selectman, Planning Board and Conservation Commission), and Littleton.

The Subcommittee finds that the consolidation of Towns into two groups of intervenors will not impair the ability of any Town from protecting any interests that formed the basis of their intervention.

2. **Municipal Group 2**

The Subcommittee received a motion to review from the Easton Conservation Commission (ECC). ECC asserts that Municipal Group 2 is too large and it will be extremely difficult and time consuming to coordinate participation of all municipalities in this group. ECC further expresses its concerns that the grouping of the intervenors in Municipal Group 2 will deprive them of their due process rights and will unduly burden the spokesperson for the group. ECC requests that the Subcommittee allow it to participate in these proceedings as a group consisting of the Easton, Sugar Hill, and Franconia Conservation Commissions.

The Sugar Hill Conservation Commission (SHCC) did not request and was not granted intervention status. ECC's participation in this docket cannot be combined with a non-intervenor. The ECC's request to be grouped with the SHCC is denied.

ECC failed to state any facts that would indicate that it will be precluded from asserting and protecting its rights and interests as a part of Municipal Group 2. Municipal Group 2 consists of nine intervenors representing the interests of five towns. All intervenors in this group express substantially similar concerns about the effect of the Project on natural resources, orderly development, aesthetics, health, economy, tourism, and property values. Nothing precludes ECC from stating and defending its interests as a part of the group. As to the practical concerns, it is undisputed that municipalities in this group will have to coordinate their participation and it may entail some level of inconvenience. The inconvenience associated with the grouping, however, does not rise to a level that makes it impossible for ECC to assert its rights and interests. ECC's motion is denied.

3. Municipal Group 3

The Subcommittee received petitions to review the grouping of intervenors in Municipal Group 3 from the following intervenors: (i) Ashland Conservation Commission (ACC); (ii) Water & Sewer Department of the Town of Ashland; and (iii) City of Concord.⁴

a. Ashland Conservation Commission and Water & Sewer Department

The Water & Sewer Department of the Town of Ashland argues that its interests are unique and it should be allowed to intervene as a separate party because of the Project's close proximity and effect on the Towns' well fields and the wastewater treatment facility. The ACC did not request participation as an individual intervenor in this docket. It asserts, however, that Municipal Group 3 should be reconfigured because the group is excessively large and impractical.

The Project will have some effect on wetlands and surface water in all towns combined in Municipal Group 3. Both the ACC and the Ashland Water & Sewer Department may raise their concerns about the Project's impact on wetlands and surface waters of the Town of Ashland as members of the Municipal Group 3 of intervenors. Similarly, nothing precludes ACC and the Water & Sewer Department from addressing their concerns about the impact of the Project on the Town's well fields and the wastewater treatment facility as a part of the Group's participation and representation. The ACC's and the Ashland Water & Sewer Department's motions are denied.

b. City of Concord

The City of Concord requests separate and independent intervenor status. Concord argues that it will be precluded from protecting its interests if it must coordinate its participation with other members of the group. In support, it asserts that its interests are unique and independent because the Project will have a greater impact on Concord than any other municipality in New

⁴ The Subcommittee also received a motion to review filed by the Deerfield Conservation Commission requesting status as an independent intervenor. The Motion was withdrawn, however, and requires no further consideration.

Hampshire. Specifically, the City of Concord asserts that 8.1 miles of the Project will cross heavily populated residential and industrial sections of the City and will affect residents and businesses of the City. Concord claims that the Project will affect property values and may have a negative effect on the environmental surrounding of Turtle Pond and on the threatened Karner Blue butterfly. Concord argues that it owns real estate that will be affected by the Project and should be allowed to intervene as a separate and independent intervenor. Concord also asserts that other municipalities in Municipal Group 3 have different and unique concerns that cannot be addressed by the City. Concord states that the grouping will effectively limit its participation because it is not feasible to collaborate with municipalities that are unrepresented and remotely located. Concord also argues that its Counsel will not be able to act as a spokesperson for the group. Concord states that the grouping of municipalities is unprecedented and that municipalities have historically been allowed to participate in the adjudicatory process as separate parties.

The City of Concord failed to demonstrate that its interests are so unique that they cannot be addressed if it is required to participate as a member of Municipal Group 3. All the towns in Municipal Group 3 raise substantially similar concerns about the effect of the Project on residents, the natural environment, wetlands, aesthetics, orderly development of the region, and property values. Concord may address concerns that are more specific for the City as a part of its participation with the other municipalities that were combined in Municipal Group 3.

Furthermore, although it may be difficult for the representatives of Concord to collaborate with other towns that are unrepresented, that alone is not a basis for granting independent intervenor status. However, Concord's argument that the grouping of a large number of municipalities that are geographically remote from each other may preclude it from effectively protecting its interests in this docket is valid. Concord's request is denied to the extent that it requests

participation as an independent intervenor in this docket and granted to the extent the City requests reconfiguration of Municipal Group 3. The Subcommittee finds it reasonable to reconfigure Municipal Group 3 to ensure that all municipalities will have an opportunity to address the issues raised in this docket in the following groups:

- **Municipal Group 3 North** – Holderness (Board of Selectmen and Conservation Commission), Ashland (Board of Selectmen, Conservation Commission, and Water & Sewer Department), Bridgewater, New Hampton, and Bristol; and
- **Municipal Group 3 South** – Canterbury, Concord, Pembroke (Board of Selectmen, and Conservation Commission), and Deerfield (Board of Selectmen, Planning Board, and Conservation Commission).

4. Joint Motion – Bristol, Easton, Franconia, Northumberland, Sugar Hill, Whitefield, Bridgewater, Littleton, New Hampton, and Woodstock

The Towns of Bristol, Easton, Franconia, Northumberland, Sugar Hill, Whitefield, Bridgewater, Littleton, New Hampton, and Woodstock filed a joint motion asking the Subcommittee to allow each town to participate as an independent intervenor in this docket. The Towns assert that their grouping with other municipalities is unnecessary and unfair. They argue further that grouping will prevent them from protecting their individual interests. Finally, the Towns assert that a single spokesperson requirement places unnecessary and unfair restrictions on their ability to effectively use legal counsel.

The New Hampshire Code of Administrative Rules Site 202.11(d) specifically authorizes the presiding officer to group intervenors to ensure the orderly conduct of the proceedings so long as the limitations placed on intervenors do not prevent the intervenors from protecting an interest that formed the basis of intervention. *See* N.H. CODE ADMIN. R. ANN. Site 202.11(d). The Towns of Bristol, Easton, Franconia, Northumberland, Sugar Hill, Whitefield, Bridgewater, Littleton, New Hampton, and Woodstock failed to demonstrate that they will be precluded from asserting their interests if they are grouped with other municipalities. As indicated below,

nothing precludes the Towns that disagree with the position of other intervenors within their groups from advising the Subcommittee of the disagreement and from filing pleadings stating their position. To ensure the orderly conduct of these proceedings, however, the Towns should be combined with other Towns with substantially similar interests and should coordinate the representation of their interests with other members of the group. The argument that the New Hampshire Code of Professional Conduct prevents the Towns' attorneys from collaborating with other Towns is equally unpersuasive. The Towns' representatives can and are required to represent the interests of their clients. Their ability to represent the interests of their clients is not affected by the grouping. The motion filed by the Towns of Bristol, Easton, Franconia, Northumberland, Sugar Hill, Whitefield, Bridgewater, Littleton, New Hampton, and Woodstock is denied.

5. Grafton County Commissioners and Coos County Commissioner Rick Samson

The Grafton County Commissioners assert that they cannot be combined in a group with Coos County Commissioner Rick Samson because their representative is not authorized to represent the interests of Coos County. The Grafton County Commissioners are concerned that a spokesperson will be viewed as a spokesperson for Commissioner Samson and that will be misleading to the public.

Similarly, Commissioner Samson argues that his participation cannot be combined with the Grafton County Commissioners because he represents the interests of citizens of his District that is located in Coos County. Although both the Grafton County Commissioners and Commissioner Samson asked to participate in this docket as independent intervenors, Commissioner Samson also indicated that, in the alternative, he would agree to be grouped with Municipality Group 1 North because the Towns comprising this group are located within his District.

The orderly development of these proceedings will not be disrupted by joining Commissioner Samson with intervenors from Municipal Group 1 North and allowing the Grafton County Commissioners to proceed as an independent intervenor. While not necessary, joining Commissioner Samson with intervenors from Municipal Group 1 North tends to avoid confusion as to which interests and Towns are represented by Commissioner Samson. Similarly, allowing the Grafton County Commissioners to proceed as an independent party, while not necessary, will avoid confusion as to which interests they represent in this docket. The Grafton County Commissioners' motion to reconsider is granted. Commissioner Samson's motion to reconsider is granted in part and denied in part. Commissioner Samson is not allowed to proceed in this docket as an independent intervenor. His, participation, however, shall be combined with intervenors from Municipal Group 1 North.

6. Abutting Property Owners: Clarksville-Dalton

a. Underground Portion of the Project

Jon and Lori Levesque assert that they co-signed a petition presented by the Dixville Notch-Harvey Swell Location residents and support their position. It is unclear whether Jon and Lori Levesque want the Subcommittee to allow them to participate as independent intervenors in this docket. It is further unclear what standing they have to assert the position of residents of Stewartstown and Colebrook while residing in Clarksville. To the extent that Jon and Lori Levesque seek reconfiguration of their group, they failed to state any facts warranting such reconfiguration. Their motion is denied.⁵

b. Overhead Portion of the Project

⁵ Daryl Thomson is an intervenor whose participation was combined with other intervenors in the Abutting Property Owners: Clarksville-Dalton group of intervenors. His motion asks only that the Subcommittee correct the grouping. It will be addressed, therefore, in a different section of this Order. Furthermore, David Schrier filed a joint petition with intervenors from other intervenor groups. His petition will be addressed in a different section of this Order.

The Subcommittee received motions from the following individual intervenors: (i) R. Eric Jones and Margaret J. Jones; (ii) Bruce and Sondra Brekke; (iii) Susan E. Percy for Percy Summer Club; and (iv) Mark Lagasse and Kevin Spencer for Lagaspence Realty, LLC. The intervenors assert that it is unfair and not practicable for them to be combined with other intervenors. They further assert that grouping them with other intervenors will preclude them from asserting their interests, because their property and the impact of the Project on their properties is substantially different from properties owned by other intervenors in the group.

Although the intervenors own different pieces of real estate, the effects of the Project on their properties are not so substantially different that they will be precluded from representing their interests while being a part of the group. It is apparent, however, that the group includes intervenors from Towns that are geographically remote from each other. As a matter of convenience, the Abutting Property Owners: Clarksville-Dalton (overhead portion of the Project) group of intervenors shall be reconfigured into the following two groups of intervenors:

- i. Dummer, Stark, and Northumberland Abutting Property Intervenors (overhead portion of the Project), as a group*
 - R. Eric Jones and Margaret J. Jones;
 - Elaine V. Olson;
 - Eric M. Olson;
 - Joshua Olson;
 - Elaine V. Olson;
 - Kevin Spencer;⁶
 - Rodrigue J. and Tammy L. Beland;
 - Susan E. Percy for Percy Summer Club;
 - Mark Lagasse and Kevin Spencer for Lagaspence Realty, LLC; and
 - Robert Heath.

- ii. Whitefield, Dalton, and Bethlehem, Abutting Property Intervenors (overhead portion of the Project), as a group*
 - Elmer C. Lupton and Claire C. Lupton;
 - Mary Boone Wellington;
 - Bruce and Sondra Brekke;

⁶ On February 4, 2016, Kevin Spencer withdrew his motion to intervene individually in this docket.

- James and Judy Ramsdell;
- Charles and Cynthia Hatfield;
- Donald and Betty Gooden;
- Tim and Brigitte White; and
- David Van Houten.

Therefore, motions filed by R. Eric Jones and Margaret J. Jones, Bruce and Sondra Brekke, Susan E. Percy for Percy Summer Club, and Mark Lagasse and Kevin Spencer for Lagaspense Realty, LLC are denied to the extent they seek independent intervenor status. To the extent said motions request reconfiguration of the Abutting Property Owners: Clarksville-Dalton (overhead portion of the Project) group, they are granted.

7. Non-Abutting Property Owners: Clarksville-Bethlehem

The Subcommittee received motions from the following intervenors that were combined in the Non-Abutting Property Owners: Clarksville-Bethlehem Group: (i) E. Martin Kaufman, Bradley J. Thompson, and John Petrofsky on behalf of 44 residents of Stewartstown and East Colebrook (Dixville Notch-Harvey Swell Location residents); (ii) Mark Orzeck and Susan Orzeck (Stark); (iii) Linda Upham-Bornstein (Lancaster); (iv) Rebecca Weeks Sherrill More, PhD, for the Weeks Lancaster Trust (Lancaster); (v) Frederic P. Fitts (Whitefield); (vi) Alexandra M. Dannis and James G. Dannis (Dalton); (vi) David Van Houten (Bethlehem); and (vii) Andrew D. Dodge (Bethlehem).

Each intervenor asked the Subcommittee to allow him/her to participate in this docket as an independent intervenor. They all argue that they will be precluded from asserting and protecting their individual interests because the group is excessively large and contains too many intervenors from towns that are too remote from each other. They further assert that combining them in such a large group of intervenors will deprive them of their constitutional rights. In addition, Mr. Dodge argues that he will not be able to represent his interests as a part of the group because his interests relate to particular effects of a specific tower on his property.

Finally, Mr. Van Houten advised the Subcommittee that he purchased real estate that the Project

will cross and asked the Subcommittee, in the alternative, to combine his participation with the abutting property owners group of intervenors.

The intervenors in this group share substantially similar interests and express substantially similar concerns. However, the group encompasses towns that are fairly distant from each other. The grouping also contains intervenors who own property along an existing right-of-way and intervenors that would live along a new right-of-way. Therefore, the Subcommittee finds that although individual intervention is not warranted in this docket, the group of Non-Abutting Property Owners: Clarksville-Bethlehem intervenors should as a matter of convenience be reconfigured in a manner that will better support collaboration. The Non-Abutting Property Owners: Clarksville-Bethlehem group of intervenors shall be reconfigured as follows:

- i. *Non-Abutting Property Owners: Clarksville and Stewartstown, as a group*
 - Robert Martin;
 - Roderick C. Moore, Jr., Joseph John Dunlap, Shawn Patrick Brady and Christopher Thompson; and
 - E. Martin Kaufman, Bradley J. Thompson, and John Petrofsky on behalf of 44 residents of Stewartstown and East Colebrook (Dixville Notch-Harvey Swell Location residents).

- ii. *Non-Abutting Property Owners: Stark, Lancaster, Whitefield, Dalton, and Bethlehem⁷, as a group*
 - Mark W. Orzeck and Susan Orzeck;
 - John W. Davidge for Prospect Farm-Lancaster, LLC;
 - Linda Upham-Bornstein;
 - Rebecca Weeks Sherrill More, PhD for the Weeks Lancaster Trust;
 - Richard M. McGinnis;
 - Frederic P. Fitts;
 - Gerald and Vivian Roy;
 - Edward A. Piatek;
 - Frank and Kate Lombardi;
 - Marsha J. Lombardi;
 - Wendy Doran;
 - Alexandra M. Dannis and James G. Dannis; and
 - Andrew D. Dodge.

⁷ Bethlehem – overhead portion of the Project.

The motions filed by Bradley J. Thompson on behalf of 44 residents of Stewartstown and East Colebrook (Dixville Notch-Harvey Swell Location residents), Mark Orzeck and Susan Orzeck, Linda Upham-Bornstein, Rebecca Weeks Sherrill More, PhD, for the Weeks Lancaster Trust, Frederic P. Fitts, Alexandra M. Dannis and James G. Dannis, David Van Houten, and Andrew D. Dodge are denied to the extent they request independent intervenor status. The motions filed by Rebecca Weeks Sherrill More, PhD, for the Weeks Lancaster Trust, Linda Upham-Bornstein, Mark W. Orzeck and Susan Orzeck, Frederic Fitts, and Bradley J. Thompson on behalf of 44 residents of Stewartstown and Colebrook are granted to the extent they request reconfiguration of the Non-Abutting Property Owners: Clarksville-Bethlehem group of intervenors into two groups: (i) residents of Clarksville and Stewartstown; and (ii) residents of Stark, Lancaster, Whitefield, Dalton, and Bethlehem.

David Van Houten's motion is granted to the extent that it asks to be put into the Abutting Property Owners: Clarksville – Bethlehem (Whitefield, Dalton, and Bethlehem Abutting Property Intervenors (overhead portion of the Project) group of intervenors.

8. Abutting Property Owners: Bethlehem-Plymouth⁸

Walter Palmer, as a speaker for the Abutting Property Owners: Bethlehem-Plymouth group, filed a motion requesting the Subcommittee exclude Bruce Ahern from the group. Mr. Ahern filed his own motion making a similar request. Both Mr. Ahern and Mr. Palmer state that Mr. Ahern's interests are too different from the interests of other members of the group, and that he will be precluded from asserting his interests as a member of the group. Mr. Ahern also states that he disputes the Applicant's right to construct the Project within the right-of-way that encumbers his property and that other intervenors in his group reside in different locations and their interests concern different portions of the right-of-way.

⁸ Bethlehem – underground portion of the Project.

Although Mr. Ahern resides in a different location, his interests are substantially similar to the interests of other intervenors in this group. Neither Mr. Palmer nor Mr. Ahern state any facts that would demonstrate that Mr. Ahern, in fact, will be precluded from stating and protecting his interests as a member of the group. Mr. Palmer's and Mr. Ahern's motions are denied.

The Subcommittee also received a motion from Carl and Barbara Lakes. The Lakes do not explicitly ask the Subcommittee to allow them to participate as independent intervenors. They state their position that intervenors should be grouped by town and that intervenors that are represented by lawyers should not be combined in the same group with unrepresented individuals. The Lakes do not state any facts that would demonstrate that their interests will be restricted as a result of grouping with other intervenors. Carl and Barbara Lakes' motion is denied.

9. Abutting Property Owners: Ashland-Deerfield

The Subcommittee received motions from the following intervenors that were combined in the Abutting Property Owners: Ashland-Deerfield group: (i) McKenna's Purchase Unit Owners Association; (ii) Philip H. Bilodeau and Joan C. Bilodeau; (iii) Erik B. Berglund Jr. and Kathleen A. Berglund, Rebecca Hutchinson, Torin Judd and Brian Judd, Jeanne M. Menard as a General Partner of the Menard Forest Family Limited Partnership, Jeanne M. Menard for Peter F. Menard and Anne K. Burnett, Kevin and Lisa Cini, Bruce A. Adami and Robert J. Cote, and Eric and Sandra Lahr; and (iv) Jo Anne Bradbury.

a. **McKenna's Purchase Unit Owners Association**

The McKenna's Purchase Unit Owners Association asks to participate as an independent party in this docket. In support, the McKenna's Purchase Unit Owners Association states that it

represents 148 individual property owners who have profound and substantial interests that can be fully addressed only if it can participate as an independent intervenor.

The McKenna's Purchase Unit Owners Association's interests are substantially similar to the interests asserted by others in the Abutting Property Owners: Ashland-Deerfield group. There is nothing in the record that would indicate that the McKenna's Purchase Unit Owners Association's ability to represent and address its interests will be impaired as a result of grouping with other intervenors. The McKenna's Purchase Unit Owners Association's motion is denied.

b. Philip H. Bilodeau and Joan C. Bilodeau

Philip H. Bilodeau and Joan C. Bilodeau state that they should be allowed to intervene as an independent intervenor in these proceedings because their property interest will be uniquely affected as a result of construction and operation of the Project. Specifically, the Bilodeaus state that the Deerfield Substation that the Applicant seeks to upgrade and expand, is located in close proximity to their property and will have a substantial adverse effect on their property. The Bilodeaus agree to limit the scope of their participation to the effect of the Project on their property.

Pursuant to the Subcommittee's request, the Applicant filed a map depicting the Bilodeau property in relation to the Deerfield Substation. It is clear from the map and testimony that the construction of an expanded substation adjacent to the Bilodeau property will have a substantial effect on the Bilodeau property. The Bilodeau's interest in protecting their property is specific and very limited in scope. These interests will be better presented if Philip H. Bilodeau and Joan C. Bilodeau are allowed to intervene as an independent intervenor in this docket on a limited basis. Therefore, Philip H. Bilodeau and Joan C. Bilodeau's motion is granted in part and denied in part. Philip H. Bilodeau and Joan C. Bilodeau may participate as an independent intervenor. Their intervention, however, shall be limited to the effect of the Project on their property.

- c. Erik B. Berglund Jr. and Kathleen A. Berglund, Rebecca Hutchinson, Torin Judd and Brian Judd, Jeanne M. Menard as a General Partner of the Menard Forest Family Limited Partnership, Jeanne M. Menard for Peter F. Menard and Anne K. Burnett, Kevin and Lisa Cini, Bruce A. Adami and Robert J. Cote, and Eric and Sandra Lahr

The following intervenors residing in the Town of Deerfield filed a joint motion requesting to participate as an independent group of intervenors: (i) Erik B. Berglund Jr. and Kathleen A. Berglund; (ii) Rebecca Hutchinson; (iii) Torin Judd and Brian Judd; (iv) Jeanne M. Menard as a General Partner of the Menard Forest Family Limited Partnership; (v) Jeanne M. Menard for Peter F. Menard and Anne K. Burnett; (vi) Kevin and Lisa Cini; (vii) Bruce A. Adami and Robert J. Cote; and (viii) Eric and Sandra Lahr.

The Deerfield residents state that they share common concerns about the effect of the Project on their properties, the natural environment, and wetlands and that their interests will be better protected if they can participate as an independent group.

The Deerfield residents, to date, have demonstrated a cohesiveness and unity of purpose. The orderly and prompt conduct of these proceedings will not be impaired by allowing the Deerfield residents to intervene as a separate group. The joint motion is granted.

- d. Jo Anne Bradbury

Jo Anne Bradbury states that she should be allowed to intervene as an independent party because her interests cannot be adequately addressed if she is required to participate as a member of a group. Specifically, Ms. Bradbury asserts that she is responsible for the maintenance and repair of the road that the Applicant seeks to use to access the Project. She further submits that, as a person who is responsible for the repair and maintenance of the road, she will be substantially impacted by the Applicant's use of the road and that the Project will have a substantial negative financial impact on her. She concludes that she can protect her rights, privileges, and interests only if she is allowed to participate as an independent intervenor. Ms.

Bradbury objects to the limitation of the scope of her intervention in this docket and, in the alternative, requests that she is grouped with the Deerfield residents.

The Applicant responds that it will be required to restore all roads to original condition once the Project is constructed. The Applicant further submits that it is not aware of any facts that would preclude it from treating Ms. Bradbury's road any differently from any other road it is going to use and restore.

Ms. Bradbury failed to demonstrate that she will be precluded from asserting and protecting her interests, including the effect of the Project on the road, if she is not allowed to participate as an independent intervenor. Considering, however, that she resides in Deerfield and shares substantially similar interests with other Deerfield residents, the orderly and prompt conduct of the proceedings will not be impaired by allowing Ms. Bradbury to be part of the Deerfield residents group. Ms. Bradbury's motion is denied to the extent she requests to participate as a separate, independent intervenor and granted to the extent she seeks to be combined with the Deerfield residents group.

10. Joint Motion Filed by Individuals From Various Groups of Intervenors

The Subcommittee received a joint motion from the following intervenors: (i) Rodrique and Tammy Beland; (ii) David Schrier; (iii) Roderick C. Moore, Jr.; (iv) Joseph John Dunlap; (v) Shawn Patrick Brady; (vi) Christopher Thompson; and (vii) Eric, Elaine and Joshua Olson. These intervenors request that the Subcommittee allow them to participate in this docket as an independent group. They state that they have mutually retained an attorney to represent them and that the current grouping deprives them of the intended scope of services of their attorney. They further argue that the current grouping deprives them of their due process rights to a meaningful hearing in having the assistance of their own attorney to protect their interests.

The intervenors' ability to protect their interests is not limited because they retained an attorney who represents the interests of other intervenors from other groups. The attorney may and is required by the New Hampshire Rules of Professional Conduct to represent the interests of his/her clients regardless of their designation in different groups of intervenors. Rodrique and Tammy Beland, David Schrier, Roderick C. Moore, Jr., Joseph John Dunlap, Shawn Patrick Brady, Christopher Thompson, and Eric, Elaine and Joshua Olson, failed to demonstrate that they will be deprived of the opportunity to protect their interests as part of their respective groups. Their motion is denied.

11. Appalachian Mountain Club, Conservation Law Foundation, Sierra Club Chapter of New Hampshire, and Ammonoosuc Conservation Trust

The Appalachian Mountain Club, Conservation Law Foundation, and Ammonoosuc Conservation Trust filed a joint motion requesting that they should be allowed to intervene as independent intervenors. The Sierra Club Chapter of New Hampshire (Sierra Club) also filed a motion asking that it participate as an independent intervenor.

The Appalachian Mountain Club, Conservation Law Foundation, Ammonoosuc Conservation Trust, and Sierra Club did not demonstrate that they would be precluded from representing their interests if they participate as a group. The motions are denied.

12. City of Berlin

The City of Berlin states that it should be allowed to participate as an independent intervenor. Berlin asserts that it cannot be grouped with Cate Street Capital, Inc., because Berlin cannot pay for representation of Cate Street's interests and is concerned about future conflicts of interest that may preclude the City from representing its interests.

The City of Berlin did not demonstrate that there is a current conflict between Berlin and Cate Street. The City of Berlin's motion is denied to the extent it requests to allow the City to participate as an independent intervenor. The Subcommittee acknowledges however, that the

City, as a municipality, may have different interests from Cate Street Capital. Therefore, the City of Berlin's motion is granted to the extent the City requests not to be grouped with Cate Street. However, the City of Berlin and the City of Franklin both support the Project and have similar interests. To ensure the orderly conduct of the proceedings, the City of Berlin shall be grouped with the City of Franklin.

C. Motions to Review Orders Denying Intervention

The Subcommittee received motions from the following parties that were originally denied intervention: (i) the New Hampshire State Legislators; (ii) New England Power Generators Association; (iii) Kris Pastoriza; (iv) Peter W. Powell and Thomas Mullen; and (v) James Page.

a. New Hampshire State Legislators

The Legislators ask to intervene so that they can address the "public interest" standard in these proceedings. Specifically, the Legislators state that they represent the interests of their constituents, who are concerned about the impact of the Project. The Legislators argue that they should be allowed to intervene because "nobody else" can represent and address their constituents' interests in this docket. In the alternative, the Legislators state that they should be allowed to intervene as an exercise of discretion.

The Legislators, like any other potential intervenors, are required to demonstrate that they have rights, interests, and privileges that will be impacted by the Project. The Legislators' generalized interests in representing their constituents do not warrant intervention in this docket. The Legislators may file public comments that may be helpful to the Subcommittee. RSA 162-H:10, III allows the filing of public comment until the closing of the record and requires the Subcommittee to weigh and consider all public comment and reports submitted as part of public

comment. The public comment process is a sufficient vehicle for the State Legislators to express their concerns. The New Hampshire Legislators' motion is denied.

b. NEPGA

NEPGA filed a motion requesting to intervene on a limited basis. Specifically, NEPGA asserts that it represents the interests of existing power generating facilities and its members will be directly affected by the Project generally, and specifically by the Power Purchase Agreement associated with the Project. NEPGA states that the Power Purchase Agreement will significantly impact the wholesale market and its members. Therefore, NEPGA asserts that it should be allowed to intervene to ensure that the interests of its members are adequately represented.

The Applicant relies, in part, on the Power Purchase Agreement as support that the construction and operation of the Project will be in the public interest. NEPGA's members' interests directly relate to the Power Purchase Agreement and its effect on the energy market. NEPGA will be allowed to intervene to protect its members' interests. NEPGA's motion is granted and NEPGA is allowed to intervene in this docket on the following limited basis: (i) to address the public interest so far as it relates to economic impacts on the competitive energy market; and (ii) to present information related to the Power Purchase Agreement, so far as it relates to the effect on the electric generation market.

c. Kris Pastoriza, Peter W. Powell, Thomas Mullen, and James Page.

The Subcommittee received motions filed by the following individuals: (i) Kris Pastoriza; (ii) Peter W. Powell; (iii) Thomas Mullen; and (iv) James Page.

Ms. Pastoriza asserts that she should be allowed to participate because her property is located on an alternative route. The Applicant filed maps identifying the alternative route pursuant to the rules. The Applicant does not seek to site the alternative route. The Project that is subject to the review in this docket does not affect Ms. Pastoriza's rights, interests, and privileges. Ms. Pastoriza's motion is denied.

Peter W. Powell and Thomas Mullen filed a motion stating that they have substantial experience as real estate agents and that their knowledge of the real estate market may assist the Subcommittee if they are allowed to participate. Mr. Powell and Mr. Mullen failed to assert any interests, rights and privileges that may be affected by the construction and operation of the Project. The motions filed by Mr. Powell and Mr. Mullen are denied. While their knowledge may qualify them as witnesses, they have not expressed a sufficient interest to be intervenors. Consistent with our administrative rules, Mr. Powell and Mr. Mullen may provide their testimony to the Subcommittee if called as witnesses by any party or intervenor in this docket. They also may file public comments with the Subcommittee advising the Subcommittee of their findings and determinations. The motion to intervene filed by Mr. Powell and Mr. Mullen is denied.

James Page asserts that he should be allowed to intervene because he owns a driveway that will abut a portion of the road under which the Applicant seeks to construct the Project. The Applicant responded by stating that Mr. Page does not own the driveway. It is unclear whether Mr. Page in fact owns the driveway. Regardless of whether Mr. Page owns the driveway, it appears that his property is located in close proximity to the Project and may be affected by

construction and operation of the Project. Mr. Page's motion is granted. Mr. Page's interests, however, are similar to other non-abutting property owners in Easton. To ensure the orderly conduct of the process, Mr. Page's participation in this docket is combined with the Non-Abutting Property Owners: Bethlehem-Plymouth group.

D. Untimely Motions to Intervene

The Subcommittee received additional untimely motions to intervene from the following individuals: (i) Gerald R. Beck; (ii) John and Martha Richards; (iii) Gail S. Beaulieu as Trustee of The Richard A. Dearborn Revocable Trust; (iv) Judith Dearborn; (v) Michael Marino and Lee Ann Moulder; (vi) Nancy and Carl Martland; (vii) Douglass and Martha Evelyn; (viii) Roy and Deborah Stever; (ix) Timothy T. Egan; (x) Susan Schibanoff; (xi) Robert and Joanna Tuveson; and (xii) Normand and Kathleen DeWolfe.⁹

These individuals base their motions on the proximity of their real estate to an alternative route that is no longer part of the Project.

The Applicant argues that these intervenors failed to demonstrate interests, rights and privileges that will be impacted by the Project because the Applicant does not seek certification of the alternate route.

The Project that is currently before the Subcommittee will have no effect on interests, rights, and privileges of individuals who own real estate near the alternative route. The alternative route is not subject to certification in this docket. The petitions are denied.

E. Motions to Clarify and Correct.

a. Substantive Orders

⁹ Ms. Schibanoff is an intervenor based on her ownership of real estate in Franconia. The pending motion requests that she also be allowed to participate, based on her ownership of real estate in Easton.

Robert and Joanna Tuveson were allowed to intervene as members of the Non-Abutting Property Owners: Ashland-Deerfield group. They now request that the Subcommittee grant another motion to intervene based on the impact of an alternative route on their real estate.

Daryl Thompson filed a motion stating that the Order on Petitions to Intervene issued by the Presiding Officer mistakenly identified the following individuals as residents of Whitefield: (i) Jon and Lori Levesque; (ii) Roderick and Donna McAllaster; (iii) Lynne Placey; (iv) Arlene Placey; (v) Brad and Daryl Thompson; (vi) David Schrier; and (vii) Nancy Dodge. Mr. Thompson asserts that these intervenors reside in Stewartstown. A review of the Order confirms that these individuals were incorrectly identified as residents of Whitefield. Mr. Thompson's Motion is granted.

Lee Sullivan and Stephen Buzzell assert that their names were not mentioned in the body of the Order on Petitions to Intervene and requests clarification. Lee Sullivan's and Stephen Buzzell's motion to clarify is granted and Lee Sullivan and Stephen Buzzell are grouped with the Non-Abutting Property Owners: Bethlehem-Plymouth.

b. Procedural Orders

The Subcommittee also received a number of motions requesting clarification regarding how the groupings of intervenors should participate in these proceedings. The Subcommittee finds that it is a matter of internal governance as to the process for group decisions and how to communicate with the Subcommittee, the Applicant, and the other parties. All groupings of intervenors should attempt, in good faith, to reach decisions on representation, discovery, pleadings and other issues raised in this docket. Any individual intervenor, however, if unable to agree with the group, has a right to file a motion stating its disagreement and a motion for alternative relief.

F. Businesses and Organizations with Economic Interest

Each of the following businesses and organizations were granted independent intervenor status: (i) International Brotherhood of Electrical Workers; (ii) Coos County Business and Employers Group; (iii) North Country Chamber of Commerce; (iv) Dixville Capital, LLC and Balsams Resort Holdings, LLC; and (v) Wagner Forest Management. Cate Street Capital, Inc., was initially grouped with the City of Berlin. Above, the Subcommittee grouped the City of Berlin with the City of Franklin, another municipality. In this section, the Subcommittee groups Cate Street, Inc., with the other business entities.

Apart from Wagner Forest Management and North Country Chamber of Commerce, all of these parties express their concerns about the impact of the Project on the economy and employment of the region. They also state their general support of the Project. The Subcommittee finds that, to ensure orderly development of proceedings in this docket, these parties shall be combined in one group of intervenors. In addition, although North Country Chamber of Commerce states that it takes no position regarding the Project, the Subcommittee finds that its participation can and should be combined with other businesses and organizations with economic interests in the Project. Finally, the Subcommittee finds that Wagner Forest Management's interests are different from interests of other businesses and organizations where the Project seeks to cross a substantial portion of the land owned by the Wagner Forest Management. Therefore, the Subcommittee finds that Wagner Forest Management's participation cannot be combined with other businesses and organizations with economic interests in this docket. Wagner Forest Management shall participate as an independent intervenor in this docket.

IV. Orders

It is hereby ordered that the motions filed by the following parties are granted:

- Grafton County Commissioners;
- Erik B. Berglund Jr. and Kathleen A. Berglund, Rebecca Hutchinson, Torin Judd and Brian Judd, Jeanne M. Menard as a General Partner of the Menard Forest Family Limited Partnership, Jeanne M. Menard for Peter F. Menard and Anne K. Burnett, Kevin and Lisa Cini, Bruce A. Adami and Robert J. Cote, and Eric and Sandra Lahr; and
- NEPGA—subject to limitations set forth in the Order.

and;

It is hereby further ordered that the motions filed by the following parties are granted in part and denied in part:

- Bethlehem Board of Selectmen;
- Bethlehem Planning Board;
- Bethlehem Conservation Commission;
- City of Concord;
- City of Berlin;
- Coos County Commissioner Rick Samson;
- Philip H. Bilodeau and Joan C. Bilodeau, subject to limitations set forth in the Order;
- E. Martin Kaufman, Bradley J. Thompson, and John Petrofsky on behalf of 44 residents of Stewartstown and East Colebrook (Dixville Notch-Harvey Swell Location residents);
- Mark Orzeck and Susan Orzeck;
- Linda Upham-Bornstein;
- Rebecca Weeks Sherrill More, PhD for the Weeks Lancaster Trust;
- Frederic P. Fitts;
- Alexandra M. Dannis and James G. Dannis;
- David Van Houten;
- Andrew D. Dodge;
- Jo Anne Bradbury;
- James Page;
- Bruce and Sondra Brekke;
- Susan E. Percy for Percy Summer Club; and
- Mark Lagasse and Kevin Spencer for Lagaspense Realty, LLC.

and;

It is hereby further ordered that the motions filed by the following parties are denied:

- Easton Conservation Commission;
- Ashland Conservation Commission;
- Ashland Water & Sewer Department;
- Towns of Bristol, Easton, Franconia, Northumberland, Sugar Hill, Whitefield, Bridgewater, Littleton, New Hampton, and Woodstock;
- Jon and Lori Levesque;
- Walter Palmer, as a speaker for Abutting Property Owners: Bethlehem-Plymouth group of intervenors;
- Bruce Ahern;
- Carl and Barbara Lakes;
- McKenna's Purchase Unit Owners Association;
- Rodrique and Tammy Beland, David Schrier, Roderick C. Moore, Jr., Joseph John Dunlap, Shawn Patrick Brady, Christopher Thompson, and Eric, Elaine and Joshua Olson;
- Appalachian Mountain Club, Conservation Law Foundation, and Ammonoosuc Conservation Trust;
- Sierra Club Chapter of New Hampshire;
- New Hampshire State Legislators;
- Kris Pastoriza;
- Peter W. Powell; and
- Thomas Mullen.

and:

It is hereby further ordered that the untimely petitions to intervene filed by the following parties are denied:

- Gerald R. Beck;
- John and Martha Richards;
- Gail S. Beaulieu as Trustee of The Richard A. Dearborn Revocable Trust;
- Judith Dearborn;
- Michael Marino and Lee Ann Moulder;
- Nancy and Carl Martland;
- Douglass and Martha Evelyn;
- Roy and Deborah Stever;
- Timothy T. Egan;
- Susan Schibanoff;
- Robert and Joanna Tuveson; and
- Normand and Kathleen DeWolfe.

and:

It is hereby further ordered that the motions filed by the following parties are granted:

- Daryl Thompson; and
- Lee Sullivan and Stephen Buzzell.

and:

It is hereby further ordered that the following groups of intervenors are designated in this docket:

1. **Towns, Town Governing Bodies, Municipal Sub-Units, Conservation Commissions, Grafton County Commissioners, Rick Samson, Local Government Entities**
 - a. **Towns, Bodies, Municipal Sub-Units, and Conservation Commissions**
 - **Municipal Group 1 North** – Pittsburg, Clarksville, Stewartstown, Colebrook, and Coos County Commissioner Rick Samson, as a group;
 - **Municipal Group 1 South** – Northumberland, Whitefield (Board of Selectmen and Planning Board), Dalton (Board of Selectmen and Conservation Commission), Bethlehem (Board of Selectmen, Planning Board and Conservation Commission), and Littleton, as a group.
 - **Municipal Group 2**–Sugar Hill, Franconia (Board of Selectmen, Planning Board, and Conservation Commission), Easton (Board of Selectmen, Planning Board, and Conservation Commission), Woodstock, and Plymouth, as a group;
 - **Municipal Group 3 North**–Holderness (Board of Selectmen and Conservation Commission), Ashland (Board of Selectmen, Conservation Commission, and Water & Sewer Department), Bridgewater, New Hampton, and Bristol, as a group;
 - **Municipal Group 3 South**–Canterbury, Concord, Pembroke (Board of Selectmen and Conservation Commission), and Deerfield (Board of Selectmen, Planning Board, and Conservation Commission), as a group.
 - City of Franklin and City of Berlin, as a group.
 - b. **Grafton County Commissioners**, as single party.

2. Individual Parties

a. Abutting Property Owners: Clarksville–Bethlehem

i. *Clarksville-Stewartstown Abutting Property Intervenors (underground portion of the Project), as a group*

- Charles and Donna Jordan;
- Sally A. Zankowski;
- Jon and Lori Levesque;
- Roderick and Donna McAllaster;
- Lynne Placey;
- Arlene Placey;
- Brad and Daryl Thompson;
- David Schrier; and
- Nancy L. Dodge.

ii. *Dummer, Stark, and Northumberland Abutting Property Intervenors (overhead portion of the Project), as a group*

- R. Eric Jones and Margaret J. Jones;
- Elaine V. Olson;
- Eric M. Olson;
- Joshua Olson;
- Elaine V. Olson;
- Rodrigue J. and Tammy L. Beland;
- Susan E. Percy for Percy Summer Club;
- Mark Lagasse and Kevin Spencer for Lagaspence Realty, LLC; and
- Robert Heath.

iii. *Whitefield, Dalton, and Bethlehem Abutting Property Intervenors (overhead portion of the Project), as a group*

- Elmer C. Lupton and Claire C. Lupton;
- Mary Boone Wellington;
- Bruce and Sondra Brekke;
- James and Judy Ramsdell;
- Charles and Cynthia Hatfield;
- Donald and Betty Gooden;
- Tim and Brigitte White; and
- David Van Houten.

b. Non-Abutting Property Owners: Clarksville–Bethlehem (overhead portion of the Project):

i. *Non-Abutting Property Owners: Clarksville and Stewartstown, as a group*

- Robert Martin;
- Roderick C. Moore, Jr., Joseph John Dunlap, Shawn Patrick Brady and Christopher Thompson; and

- E. Martin Kaufman, Bradley J. Thompson, and John Petrofsky on behalf of 44 residents of Stewartstown and East Colebrook (Dixville Notch-Harvey Swell Location residents).
- ii. *Non-Abutting Property Owners: Stark, Lancaster, Whitefield, Dalton, and Bethlehem, as a group*
- Mark W. Orzeck and Susan Orzeck;
 - John W. Davidge for Prospect Farm-Lancaster, LLC;
 - Linda Upham-Bornstein;
 - Rebecca Weeks Sherrill More, PhD for the Weeks Lancaster Trust;
 - Richard M. McGinnis;
 - Frederic P. Fitts;
 - Gerald and Vivian Roy;
 - Edward A. Piatek;
 - Frank and Kate Lombardi;
 - Marsha J. Lombardi;
 - Wendy Doran;
 - Alexandra M. Dannis and James G. Dannis; and
 - Andrew D. Dodge.
- c. Abutting Property Owners: Bethlehem (underground portion of the Project) – Plymouth, as a group
- Nigel Manley and Judy Ratzel;
 - Russel and Lydia Cumbee;
 - Walter Palmer and Kathryn Ting;
 - G. Peter and Mary S. Grote;
 - Paul and Dana O’Hara;
 - Virginia Jeffreys;
 - Carol Dwyer;
 - Gregory and Lucille Wolf;
 - Susan Schibanoff;
 - Ken and Linda Ford;
 - Campbell McLaren, M.D.;
 - Eric and Barbara Meyer;
 - Robert W. Thibault;
 - Dennis Ford;
 - Carl Lakes and Barbara Lakes;
 - Bruce D. Ahern; and
 - Frank Pinter.
- d. Non-Abutting Property Owners: Bethlehem (underground portion of the Project) – Plymouth, as a group
- Lee Sullivan and Stephen Buzzell;
 - Timothy and Rebecca Burbank, Edward Cenerizio and Deborah Corey, and Matthew Steele, individually and as owners of 41 Dyke Road, LLC; and
 - James Page.

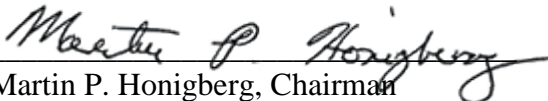
- e. Abutting Property Owners: Ashland–Deerfield
 - i. *Deerfield, as a group:*
 - Erick B. Berglund Jr. and Kathleen A. Berglund;
 - Rebecca Hutchinson;
 - Torin Judd and Brian Judd;
 - Jo Anne Bradbury;
 - Jeanne M. Menard as a General Partner of the Menard Forest Family Limited Partnership;
 - Jeanne M. Menard for Peter F. Menard and Anne K. Burnett;
 - Kevin and Lisa Cini;
 - Bruce A. Adami and Robert J. Cote; and
 - Eric and Sandra Lahr.
 - ii. *Ashland, Northfield, Canterbury, Allenstown, and Concord, as a group:*
 - Carol Currier;
 - Mary A Lee;
 - Craig and Corinne Pullen;
 - McKenna’s Purchase Unit Owners Association;
 - Taras and Marta Kucman;
 - Kelly Normandeau; and
 - Laura M. Bonk.
 - iii. *Philip H. Bilodeau and Joan C. Bilodeau–limited intervention.*
- f. Non-Abutting Property Owners: Ashland–Deerfield, as a group
 - Joanna and Robert Tuveson;
 - Nina and Elisha Gray;
 - Rodney Felgate and Laura Felgate;
 - The Webster Family Group;
 - Lawrence Phillips and Maxine Phillips;
 - Lisa Wolford and Pamela Hanglin;
 - F. Maureen Quinn;
 - Madelyn and Thomas Foulkes; and
 - Jeanne M. Menard as a managing member of Pawtuckaway View, LLC.

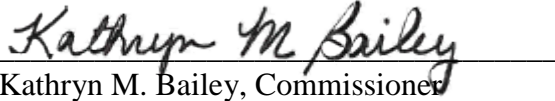
3. Non-Governmental Organizations

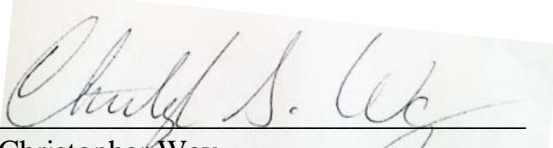
- a. Society for the Protection of New Hampshire Forests – as single party;
- b. Appalachian Mountain Club, Conservation Law Foundation, Sierra Club Chapter of New Hampshire, and Ammonoosuc Conservation Trust, as a group; and
- c. Sugar Hill Historical Museum, New Hampshire Preservation Alliance and National Trust for Historic Preservation, North Country Scenic Byways Council, as a group.


4. **Businesses and Organizations with Economic Interests** - Cate Street Capital, Inc.; International Brotherhood of Electrical Workers; Coos County Business and Employers Group; North Country Chamber of Commerce; and Dixville Capital, LLC and Balsams Resort Holdings, LLC, as a group;
5. **Wagner Forest Management**, as single party.
6. **Pemigewasset River Local Advisory Committee**, as single party.
7. **NEPGA-limited intervention**.

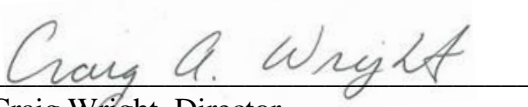
It is further ordered that each group of intervenors shall designate a spokesperson that will be responsible for communicating with the Subcommittee, the Applicant, and other parties in this docket with respect to conducting discovery and filing pleadings. SO ORDERED this twentieth day of May, 2016 by the Site Evaluation Subcommittee:

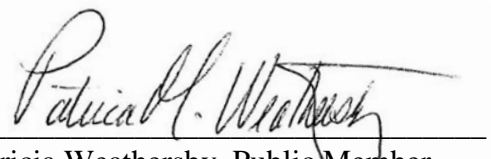

 Martin P. Honigberg, Chairman
 N.H. Public Utilities Commission
 Presiding Officer


 Kathryn M. Bailey, Commissioner
 Public Utilities Commission


 Christopher Way
 Division of Economic Development
 Department of Resources and Economic
 Development


 William Oldenburg
 Assistant Director of Project Development
 Department of Transportation


 Craig Wright, Director
 Air Resources Division
 Dept. of Environmental Services


 Patricia Weathersby, Public Member