

**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**

**July 6, 2016**

**ORDER CLARIFYING ACCESS TO CONFIDENTIAL INFORMATION**

This order grants two motions to clarify the process for the parties to share confidential and protected information.

**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 for a Certificate of Site and Facility (Application) to construct a 192-mile transmission line. The transmission line 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.

Contemporaneously with the Application, the Applicant filed an Unassented-To Motion for Protective Order and Confidential Treatment. On May 26, 2016, an Order on Motion for Protective Order and Confidential Treatment was issued. Two motions were filed seeking clarification of that Order:

- Counsel for the Public's Partially Assented-To Motion to Clarify the May 25, 2016 Order on Motion for Protective Order and Confidential Treatment; and
- Applicant's Collaborative Motion to Clarify/Amend Order on Confidential Treatment.

For the reasons set forth below, both motions are granted.

## **II. Analysis and Findings**

### **A. Counsel for the Public's Motion to Clarify**

Counsel for the Public argues that he should not be required to execute a confidentiality agreement to receive copies of confidential documents. In support, Counsel for the Public argues that the Office of Attorney General is a “public agency” as defined by RSA 91-A:1-a(V) and is subject to RSA 91-A:4 and RSA 91-A:5 (Right to Know law). Counsel for the public claims that, unlike any other party, Counsel for the Public is a statutory party in these proceedings. As an officer of a “public agency” and a statutory party, he argues he should not be required to execute a confidentiality agreement to get access to the confidential documents. Counsel for the Public also asserts that he has not been required to execute confidentiality agreements in other Site Evaluation Committee dockets and is concerned that he may be prohibited from executing the agreement under RSA 9:19. The Applicant assents to Counsel for the Public's request.


The motion is granted. Counsel for the Public shall have access to the confidential and protected information without having to execute a confidentiality agreement. Counsel for the Public shall not disclose confidential or protected information to third parties other than his expert witnesses without approval from the Site Evaluation Committee.

### **B. Applicant's Motion to Clarify/Amend**

The Applicant requests clarification or amendment of the Protective Order so that it specifically states that its conditions and requirements do not apply if “otherwise agreed by the Applicants and a party seeking access to confidential information.” The Applicant asserts that the prompt and orderly conduct of these proceedings would be promoted if it could arrange disclosure of confidential documentation directly with the parties seeking such disclosure.

The Applicant's request is reasonable. The Applicant's Motion to Clarify/Amend Order on Confidential Treatment is granted. To promote the prompt and orderly conduct of these proceedings, the parties may have access to confidential documentation subject to conditions and restrictions set forth in the Order on Motion for Protective Order "unless otherwise agreed by the Applicants and a party seeking access to confidential information."

SO ORDERED this sixth day of July, 2016, by the Site Evaluation Subcommittee.

  
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Martin Honigberg, Presiding Officer  
Site Evaluation Committee