

**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 28, 2016

ORDER ON MOTION FOR REHEARING
(Order on Motion for Protective and Confidential Treatment)

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 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. The Applicant requested that the Subcommittee issue a Protective Order and treat as confidential: (i) archeological resources data; (ii) information on the status, location, and distribution of native plant and animal species and natural communities; and (iii) information that was redacted from Julia Frayer's pre-filed testimony and report titled "Cost-Benefit and Local Economic Impact Analysis of the Proposed Northern Pass Transmission Project."

On May 25, 2016, the Presiding Officer issued an Order granting the Applicant's request, subject to certain conditions.

On June 22, 2016, the Society for the Protection of New Hampshire Forests (Forest Society) and the City of Concord filed a Partially-Assented to Motion for Rehearing of Order on Motion for Protective Order and Confidential Treatment (Motion for Rehearing). On June 29, 2016, the Applicant objected to the Motion for Rehearing.

As explained below, the Motion for Rehearing is denied.


II. Analysis and Findings

The Forest Society and the City of Concord argue that not providing the redacted information contained in Julia Frayer's pre-filed testimony and the report titled, "Cost-Benefit and Local Economic Impact Analysis of the Proposed Northern Pass Transmission Project," to the parties and the public is contrary to the objective set forth in RSA 162-H:1, of providing "full and complete disclosure to the public." They further assert that the availability of such information to the parties after executing a confidentiality agreement does not cure the failure to ensure full disclosure to the public and that the interest of the public in obtaining the information outweighs the Applicant's interest in keeping it confidential. The Forest Society and the City of Concord conclude that the Order granting protective treatment of the information that was redacted is unlawful, unjust, unreasonable, arbitrary and capricious.

The Applicant objects to the Forest Society and the City of Concord's request. The Applicant asserts that the Motion for Rehearing simply reiterates arguments that have already been addressed by the Presiding Officer, and fails to state any facts demonstrating that rehearing is warranted. The Applicant further argues that there is no injury in fact to the Forest Society and the City of Concord, since there is every reason to believe that, as parties to the proceeding, they will have access to the redacted information subject to the conditions in the Order.

The Motion for Rehearing fails to state any error of fact, reasoning, or law that would warrant reconsideration of the decision on the Motion for Protective Order and Confidential Treatment. The Order specifically and in detail considered the interests of the public in disclosing the confidential information and balanced it against the Applicant's need to keep it confidential. Furthermore, as parties to the proceeding, the Forest Society and the City of Concord can gain access to this information, subject to the conditions contained in the Order. The Forest Society's and the City of Concord's Motion for Rehearing is denied.

SO ORDERED this twenty-eighth day of July, 2016 by the Site Evaluation Subcommittee:



Martin P. Honigberg, Presiding Officer
Site Evaluation Committee