

**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**

**August 29, 2016**

**ORDER ON MOTIONS TO TRANSCRIBE TECHNICAL SESSION**

This Order denies Applicant's Partially Assented To Motion to Have Technical Sessions Transcribed.

**I. Background**

On October 19, 2015, Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively, the 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 is to run through New Hampshire from the Canadian border in Pittsburg to Deerfield.

On June 23, 2016, a procedural order was issued in this docket. Pursuant to the procedural order, on August 5, 2016, a Technical Session Agenda scheduling technical sessions for examination of the Applicant's witnesses on September 6, 7, 9, 12, 14, 15, 16, 19, 20, 21, and 30, 2016, was issued.

On August 10, 2016, the Applicant filed a Partially Assented To Motion to Have Technical Sessions Transcribed. Counsel for the Public objected to the Applicant's request on August 16, 2016.

**II. Analysis**

The Applicant asserts that the Committee allowed transcription of technical sessions in prior dockets and requests that the Subcommittee allow the Applicant to record and transcribe technical sessions for the Applicant's witnesses in this docket.

Counsel for the Public argues that technical sessions present a form of informal discovery and recording will transform them into formal and potentially controversial proceedings. Counsel for the Public further asserts that the Rules of the Site Evaluation Committee allow for the Applicant to conduct other forms of more formal discovery, *i.e.* depositions, if warranted. *See* N.H. CODE ADMIN. R. ANN. Site 202.12(1).

Counsel for the Public has the better argument in general. Technical sessions present a form of informal discovery. Their purpose is for the parties and their experts to involve in mutual dialog in order to get a better understanding of their testimony. The dialog and information provided by the witnesses and experts at technical sessions is not designed and should not be used for impeachment purposes. Recording technical sessions may undermine their purpose and effectiveness.

There may be circumstances in which transcribing a technical session is appropriate and one or more parties may file a motion requesting transcription. Such circumstances have not been shown to be present here. In addition, one or more parties may request that the Presiding Officer authorize other methods of discovery to create a formal record if it is demonstrated as necessary, but such a request had not been presented.

For the foregoing reasons, the Applicant's motion to record and transcribe technical sessions is denied.

So ordered this 29th day of August, 2016.



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Martin Honigberg, Chairman  
NH Site Evaluation Committee  
Presiding Officer