

**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**

January 18, 2017

ORDER ON APPLICANT'S MOTION FOR ADDITIONAL TIME

I. Background

On March 16, 2016, the New Hampshire Department of Environmental Services ("DES" or "the Department") asked the Applicant to provide additional information, including: (1) stormwater redesign; (2) a wetlands permit modification to address stream crossings along certain access roads; and (3) final baseline data reports for the mitigation parcels. On August 12, 2016, DES filed a Request to Suspend Deadline with the Subcommittee. DES advised the Subcommittee that the Applicant required additional time to respond to the Department's requests. As a result, the Procedural Schedule was amended to allow the Applicant to provide information requested by DES on or before December 15, 2016. On December 7, 2016, the Applicant filed a Motion for Additional Time to File Supplemental Responses Provided to the Department of Environmental Services. On December 19, 2016, the Subcommittee received a partial Objection of the Society for the Protection of New Hampshire Forests (Forest Society) to the Applicant's request.

This Order grants the Applicant's request to modify the Procedural Order. It also denies the Forest Society's requests for relief that were included in its Partial Objection to the Applicant's Motion.

II. Analysis

The Applicant requests additional time to provide responses to DES's requests relating to the stormwater treatment design for the Deerfield Substation, the Franklin Converter Terminal, and Transition Stations #1 and #5. The Applicant asserts that it diligently and in good faith attempted to comply with the deadline set forth for production of said documents, but was not able to do so. The Applicant states that it requested an expedited review by DES of the wetland permit applications required for the geotechnical boring work that had to be performed in order to gather information required for completion of its responses. The Applicant further asserts that it completed geotechnical boring work on November 18, 2016. The Applicant asserts, however, that it needs additional time to analyze the data received as a result of the geotechnical boring work and to complete the redesign of the stormwater treatment measures for certain locations. The Applicant requests that the Subcommittee allow it to provide responses to requests addressing the stormwater treatment design for the Deerfield Substation, the Franklin Converter Terminal, and Transition Stations #1 and #5 on or before January 25, 2016.

The Forest Society does not object to the Applicant's request. The Forest Society, however, argues that the subsequent delay in the discovery process could be substantial and significant. The Forest Society further asserts that it was required to pre-file testimony on December 30, 2016. To avoid bifurcation and confusion, the Forest Society requests that the Subcommittee allow it to file all of its testimony by February 9, 2017.¹

The Applicant's request for additional time for filing responses to DES's requests addressing the stormwater treatment design for the Deerfield Substation, the Franklin Converter

¹ On December 30, 2016, the Forest Society pre-filed the Testimony of Raymond Lobdell (addressing impacts to wetlands and associated environmental impacts) and the Amended Testimony of Harry Dodson.

Terminal, and Transition Stations #1 and #5 is reasonable. The Applicant's request addresses limited and specific information. The Applicant further demonstrated that it attempted, in good faith, to comply with the deadline currently in effect. The Applicant's request to extend the deadline and to allow it to file responses to requests related to the stormwater treatment design for the Deerfield Substation, the Franklin Converter Terminal, and Transition Stations #1 and #5 is granted. To avoid interference with the orderly conduct of these proceedings and to allow the Intervenor sufficient time to address information that will be provided by the Applicant, the Applicant shall provide responses to the DES's requests related to the stormwater treatment design for the Deerfield Substation, the Franklin Converter Terminal, and Transition Stations #1 and #5 on or before January 25, 2017.

The Forest Society's request to extend the December 30, 2016, deadline for pre-filed testimony is denied. The extension of the deadline granted to the Applicant is for production of limited and specific information. It is unnecessary to extend the deadlines for pre-filed testimony addressing other issues. The Applicant's additional production can be addressed, on a limited basis, by the Intervenor at the time of technical session and by submission of supplemental pre-filed testimony.

III. Discovery Schedule

The discovery schedule is modified as follows:

1. Counsel for the Public's and Intervenor's pre-filed testimony addressing issues related to: (i) the Applicant's production pursuant to the Order on Motion to Compel and Order on NEPGA's Motion to Compel; (ii) the underground portion of the Project; (iii) the Applicant's response to the Department of Environmental Services' requests; (iv) market economic issues; (v) local economic issues; (vi) natural resources; and (vii) aesthetics shall be filed on or before December 30, 2016.
2. The Applicant shall propound data requests addressing: (i) the Applicant's production pursuant to the Order on Motion to Compel and Order on NEPGA's Motion to Compel; (ii) the underground portion of the Project; (iii) the Applicant's

response to the Department of Environmental Services' requests; (iv) market economic issues; (v) local economic issues; (vi) natural resources; (vii) aesthetics; and (viii) the Deerfield Abutter's pre-filed testimony on historic issues upon Counsel for the Public and Intervenors on or before January 15, 2017.


3. **The Applicant shall respond to the Department of Environmental Services' requests related to the stormwater treatment design for the Deerfield Substation, the Franklin Converter Terminal, and Transition Stations #1 and #5 on or before January 25, 2016.**
4. Technical Sessions with Counsel for the Public's and Intervenors' witnesses shall be conducted between January 16 and February 15, 2017.
5. **Technical Sessions with the Applicant's witnesses addressing the stormwater treatment design for the Deerfield Substation, the Franklin Converter Terminal, and Transition Stations #1 and #5 shall be conducted between February 10 and February 15, 2018.**
6. Counsel for the Public and Intervenors shall respond to data requests addressing issues related to: (i) the Applicant's production pursuant to the Order on Motion to Compel and Order on NEPGA's Motion to Compel; (ii) the underground portion of the Project; (iii) the Applicant's response to the Department of Environmental Services' requests; (iv) market economic issues; (v) local economic issues; (vi) natural resources; (vii) aesthetics; and (viii) the Deerfield Abutter's pre-filed testimony on historic issues on or before February 15, 2017.
7. Julia Frayer's updated report and testimony shall be provided on or before February 15, 2017.
8. Technical Sessions with the Applicant's witnesses addressing issues related to: (i) the Applicant's production pursuant to the Order on Motion to Compel and Order on NEPGA's Motion to Compel; (ii) the underground portion of the Project; (iii) the Applicant's response to the Department of Environmental Services' requests shall be conducted between February 20 and February 28, 2017.²
9. Technical Sessions with Counsel for the Public's and Intervenors' witnesses addressing issues related to: (i) market economic issues; (ii) local economic issues; (iii) natural resources; (iv) aesthetics; and, (v) the Deerfield Abutter's pre-filed testimony on historic issues shall be conducted between February 20 and February 28, 2017.
10. A Technical Session with Julia Frayer addressing Ms. Frayer's updated report shall be conducted between February 25 and February 28, 2017.
11. **Counsel for the Public's and Intervenors' pre-filed testimony addressing issues related to the stormwater treatment design for the Deerfield Substation, the**

² The technical sessions for Applicant's, Counsel for the Public's, and Intervenors' witnesses are addressed in two separate paragraphs to avoid confusion and to clarify the Procedural Order currently in effect.

Franklin Converter Terminal, and Transition Stations #1 and #5 shall be filed on or before February 28, 2017.

12. Supplemental pre-filed testimony from all parties shall be filed by March 15, 2017.
13. Pre-Hearing Motions and Statements of Stipulated Facts shall be filed on or before March 20, 2017.
14. A Final Pre-Hearing Conference shall be conducted on or before March 28 and March 29, 2017.

SO ORDERED this eighteenth day of January, 2017 by the Site Evaluation Subcommittee:



Martin P. Honigberg, Presiding Officer
NH Site Evaluation Committee