

**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 26, 2017

**ORDER ON COUNSEL FOR THE PUBLIC'S
MOTION TO EXTEND DEADLINE**

I. Background

The current procedural schedule in this docket called for Counsel for the Public and all Intervenorors to submit pre-filed testimony addressing the impact of the Project on aesthetics on or before December 30, 2016. Counsel for the Public filed a report prepared by his aesthetics consultant, T.J. Boyle Associates, LLC (TJ Boyle), and the testimony of his aesthetic experts, Michael Buscher, James Palmer, and Jeremy Owens on December 30, 2016.

On January 6, 2016, Counsel for the Public filed a Motion to Extend Deadline requesting an extension of time to January 20, 2017, to file an addendum to TJ Boyle's report. The Applicant filed a timely objection and Counsel for the Public filed a reply on January 20, 2017.

This Order grants Counsel for the Public's request to modify the Procedural Order.

II. Positions of the Parties

Counsel for the Public explains that his experts determined that the Project will have an unreasonable adverse impact on 29 of the 41 sample scenic resources that were analyzed. Counsel for the Public admits that TJ Boyle provided a detailed written analysis of the Project's impact on only 2 of the 29 specified scenic resources and asserts that his experts were not able to provide a similar analysis for the remaining 27 scenic resources because they needed additional information from the Applicant. According to Counsel for the Public, the additional information was provided to his experts on November 8, 2016, and that his experts did not have sufficient

time to prepare a detailed analysis of the Project's impact on the remaining 27 scenic resources by the December 30 deadline. Counsel for the Public requests an extension of time to supplement the reports describing the impact of the Project on aesthetics and to file an addendum containing a detailed analysis of the Project's impact on the remaining 27 scenic resources no later than January 20, 2017.

The Applicant argues that Counsel for the Public's experts could have prepared their testimony in a timely manner. The Applicant asserts that production of documents addressing the 27 scenic resources in dispute was limited, and that Counsel for the Public's experts could and should have analyzed the Project's impact on aesthetics independent of the Applicant's experts and their conclusions. The Applicant argues that granting Counsel for the Public's request will deprive the Applicant of the opportunity to address the supplemental production in data requests and that the request is untimely because it was made after the deadline in the Procedural Order. The Applicant requests that Counsel for the Public's request to extend the deadline be denied and to strike the pre-filed testimony of Messrs. Buscher, Palmer, and Owens addressing the impact of the Project on the 27 scenic resources.

III. Analysis

Both Counsel for the Public and the Applicant make reasonable arguments. Counsel for the Public's request to supplement his expert's report is not unreasonable given the extent and breadth of the undertaking. The Applicant is correct in its claim that Counsel for the Public should have raised the issue prior to the deadline. The Applicant should also be afforded the opportunity to propound data requests after receipt of the addendum.

It appears that Counsel for the Public's experts attempted, in good faith, to comply with the December 30 deadline. More importantly, submitting a detailed analysis of the Project's impact on the 27 scenic resources will benefit the parties and the Subcommittee in this proceeding. Granting the motion will allow full disclosure of the information relied on and

considered by Counsel for the Public's experts. Counsel for the Public's request can be accommodated without substantially altering the existing procedural schedule and without causing delays in resolution of this docket. Counsel for the Public's request to extend the time to file an addendum to TJ Boyle's report on the effect of the Project on aesthetics is granted. The Applicant's request to strike is denied, but it will be given time to propound data requests.

III. Procedural Schedule

The discovery schedule is modified as follows:

1. Counsel for the Public's and Intervenors' 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. **Counsel for the Public shall file an addendum to the TJ Boyle report on or before January 20, 2017.**
5. Technical Sessions with Counsel for the Public's and Intervenors' witnesses shall be conducted between January 16 and February 15, 2017.
6. **The Applicant shall propound data requests addressing the addendum to the TJ Boyle report on or before February 3, 2017.**
7. 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.
8. 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, **including the addendum to the TJ Boyle report filed by Counsel for the Public**; and (viii) the Deerfield Abutter's pre-filed testimony on historic issues on or before February 15, 2017.

9. Julia Frayer's updated report and testimony shall be provided on or before February 15, 2017.
10. 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, 2017.¹
11. 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.
12. A Technical Session with Julia Frayer addressing Ms. Frayer's updated report shall be conducted between February 25 and February 28, 2017.
13. Counsel for the Public's and Intervenors' pre-filed testimony addressing issues related to the stormwater treatment design for the Deerfield Substation, the Franklin Converter Terminal, and Transition Stations #1 and #5 shall be filed on or before February 28, 2017.
14. Supplemental pre-filed testimony from all parties shall be filed by March 15, 2017.
15. Pre-Hearing Motions and Statements of Stipulated Facts shall be filed on or before March 20, 2017.
16. A Final Pre-Hearing Conference shall be conducted on or before March 28 and March 29, 2017.

SO ORDERED this twenty-sixth day of January, 2017.



Martin P. Honigberg, Presiding Officer
NH Site Evaluation Committee

¹ 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.