

**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**

March 30, 2017

**ORDER ON THE SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE
FORESTS' MOTION FOR REHEARING**

This order denies a motion for rehearing on a procedural order filed by the Forest Society.

I. Background

On March 1, 2017, an Order on Pending Motions (Procedural Order) was issued in this docket, establishing the procedural schedule in this docket. The Procedural Order set out the sequence in which the issues in this docket will be heard. On March 9, 2017, the Society for the Protection of New Hampshire Forests (Forest Society) filed a motion for rehearing. The Applicant objected on March 13, 2017.

II. Position of the Parties

The Forest Society asserts that the Procedural Order bifurcated the trial infringes on its due process rights and does not allow the Forest Society to adequately prepare for the hearings in an "all-inclusive manner." The Forest Society incorporates the arguments made in its February 16, 2017, response to the Applicant's motion to amend the procedural schedule.

The Applicant argues that the Forest Society failed to state any facts that the Presiding Officer overlooked or mistakes of law that he made, and that the Forest Society's motion is

inadequate because it recites its prior arguments without asserting any reasons as to why the Procedural Order should be reconsidered and rehearing should be granted.

III. Legal Standard

N.H. CODE ADMIN. RULES Site 202.29, provides that a motion for rehearing shall:

- (1) Identify each error of fact, error of reasoning, or error of law which the moving party wishes to have reconsidered;
- (2) Describe how each error causes the committee's order or decision to be unlawful, unjust or unreasonable;
- (3) State concisely the factual findings, reasoning or legal conclusion proposed by the moving party; and
- (4) Include any argument or memorandum of law the moving party wishes to file.

A request for a rehearing may be made by "any party to the action or proceeding before the commission, or any person directly affected thereby." RSA. 541:3. A motion for rehearing must specify "all grounds for rehearing, and the commission may grant such rehearing if in its opinion good reason for the rehearing is stated in the motion." *Id.* Any such motion for rehearing "shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable." RSA 541:4.

"The purpose of a rehearing is to direct attention to matters said to have been overlooked or mistakenly conceived in the original decision, and thus invite reconsideration upon the record to which that decision rested." *Dumais v. State of New Hampshire Pers. Comm.*, 118 N.H. 309, 311 (1978) (internal quotations omitted). A rehearing may be granted upon a finding of "good reason." *See* RSA 541:3. A motion for rehearing must be denied where no "good reason" or "good cause" has been demonstrated. *See O'Loughlin v. NH Pers. Comm.*, 117 N.H. 999, 1004 (1977); *see also In re Gas Service, Inc.*, 121 N.H. 797, 801 (1981).

IV. Analysis and Findings

The Forest Society does not identify any error of fact, reasoning or law it wishes to have reconsidered, or describe how such purported error causes the Procedural Order to be unlawful, unjust or unreasonable. The Forest Society simply re-states its prior arguments without providing any information indicating that good cause exists for rehearing.

The Motion for Rehearing is denied.

SO ORDERED this thirtieth day of March, 2017.



Martin P. Honigberg, Presiding Officer
Site Evaluation Committee