

**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**

April 7, 2017

**ORDER ON LAGASPENCE MOTION TO
POSTPONE MERIT HEARINGS AND TO BAR TESTIMONY**

This order denies a motion to postpone the adjudicative hearings and to strike testimony of the Applicant's witness.

I. Background

On March 1, 2017, an Order on Pending Motions (Procedural Order) was issued in this docket. Pursuant to the Procedural Order, Final Adjudicative Hearings will begin on April 13, 2017. On March 20, 2017, the Subcommittee received a Motion from Kevin Spencer and Mark Lagasse d/b/a Lagaspence Realty, LLC (Lagaspence). On March 30, the Applicant objected.

II. Positions of the Parties

Lagaspence asks that the Subcommittee: (i) postpone the final merit hearings; and (ii) strike the testimony of the Applicant's witness, Kenneth Bowes. Lagaspence requests postponement of the adjudicative hearings to allow it the opportunity to receive an order from a court that would determine the property rights of the Applicant to construct and operate the Project within an easement encumbering Lagaspence's property. Lagaspence further requests an order striking the pre-filed testimony of Kenneth Bowes. Lagaspence argues that Mr. Bowes' testimony should be struck because he did not execute the lease granting the Applicant rights to

use the easement encumbering Lagaspence's property and did not participate in the route selection for the Project.

III. Analysis and Findings

Lagaspence's request to postpone the adjudicative hearings is based on the same grounds as its request that was denied in the Order dated April 7, 2017. The instant motion fails to state any new facts or arguments warranting postponement of the hearings. Lagaspence's request to postpone the adjudicative hearing is denied on the grounds articulated in the Order dated April 7, 2017.

Lagaspence fails to state any fact that supports the argument that Mr. Bowes failed to develop personal knowledge of the Applicant's right to construct the Project within the identified corridor. The Applicant has the right to present the testimony of Mr. Bowes regarding the easement corridor and the parties have the right to cross-examine him about his understanding of the easement corridor. Lagaspence's request to strike Mr. Bowes' testimony is denied.

SO ORDERED this seventh day of April, 2017.



Martin P. Honigberg, Presiding Officer
Site Evaluation Committee