

**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 25, 2017**

**ORDER ON SABBOW'S MOTION FOR RECONSIDERATION**

This order memorializes the Subcommittee's denial of the motion of Sabbow and Co. Inc. for reconsideration of an order denying Sabbow's intervention petition.

**I. Background**

On November 16, 2016, Sabbow and Co., Inc. (Sabbow) filed a Petition to Intervene. The Applicant objected to Sabbow's Petition on November 28, 2016. On January 5, 2017, the Presiding Officer denied Sabbow's Motion to Intervene. On January 11, 2017, Sabbow filed a timely Motion to Reconsider. On January 20, 2017, the Applicant objected.

A hearing on pending motions, including Sabbow's Motion to Reconsider, was conducted on April 6, 2017. During the hearing, the Subcommittee denied Sabbow's Motion to Reconsider. This Order memorializes the Subcommittee's decision.

**II. Standard of Review**

The New Hampshire Administrative Procedure Act provides that an administrative agency must allow intervention when:

- (a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing;

(b) The petition states facts demonstrating that the petitioner's rights, duties, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervener under any provision of the law; and

(c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

*See* RSA 541-A:32, I.

The Statute also permits the Presiding Officer to allow intervention, "at any time upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings." RSA 541-A:32, II. The Committee's rules contain similar provisions. *See* N.H. Code Admin. Rules, Site 202.11 (b)-(c).

Pursuant to RSA 162-H:4, V, the Presiding Officer is authorized to rule on petitions for intervention. Any party aggrieved by a decision on a petition to intervene may, within 10 calendar days, request that the Committee review such decision. *See* RSA 162-H:4, V.

### **III. Analysis**

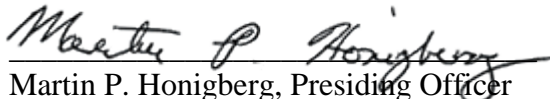
Sabbow asserts that it reviewed portions of the plans filed by the Applicant in this docket and discovered material mistakes that affect Sabbow's interest in property that abuts the right-of-way. Sabbow further claims that its intervention will assist the Subcommittee with issues raised in this docket.

The Applicant objects to Sabbow's request and argues that Sabbow failed to identify an error of fact, reasoning, or law warranting rehearing of the Presiding Officer's Order, but simply reiterates the arguments previously made in its Petition to Intervene.

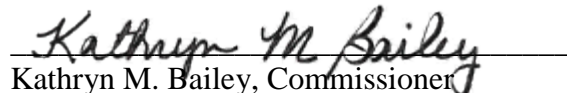
In its initial Petition to Intervene, Sabbow claimed that its interests will be impacted by construction of the Project because it will be constructed within the right-of-way encumbering Sabbow's property. It further claimed that it discovered errors in the plans filed by the Applicant

and such errors directly impact Sabbow's interests in this docket. The Presiding Officer denied Sabbow's Petition to Intervene after finding that Mr. Scott has filed testimony in this docket as a witness for the City of Concord, and because the Petition was untimely and granting it at that stage of the process would impair the orderly and prompt conduct of these proceedings. Sabbow failed to state any fact that would demonstrate that the Presiding Officer committed an error of fact, reasoning, or law when it denied the Motion to Intervene. Sabbow's request to reconsider the Presiding Officer's Decision denying intervention is denied.

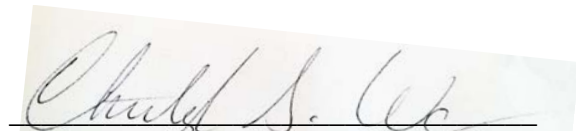
SO ORDERED this twenty-fifth day of April, 2017 by the Site Evaluation Subcommittee.



Martin P. Honigberg, Presiding Officer  
Site Evaluation Committee  
Commissioner and Chair  
Public Utilities Commission



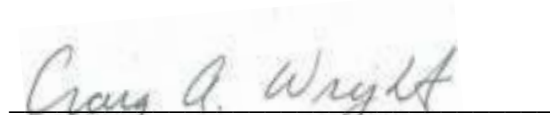
Kathryn M. Bailey, Commissioner  
Public Utilities Commission



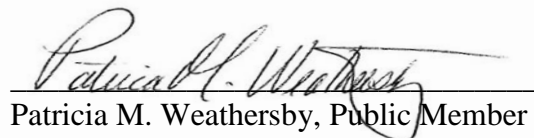
Christopher Way, Designee  
Division of Economic Development  
Department of Resources and Economic  
Development



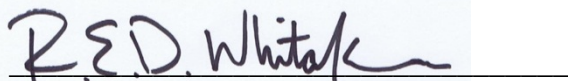
William Oldenburg, Designee  
Assistant Director of Project Development  
Department of Transportation



Craig A. Wright, Designee  
Director, Air Resources Division  
Dept. of Environmental Services



Patricia M. Weathersby, Public Member



Rachel Whitaker, Alternate Public Member