

**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**

**May 30, 2017**

**ORDER ON MOTION FOR REHEARING OF ORDER ON MOTION TO COMPEL  
PRODUCTION OF LONDON ECONOMICS INTERNATIONAL, LLC'S  
ECONOMIC MODEL FROM THE APPLICANT, OR,  
ALTERNATIVELY, MOTION TO STRIKE TESTIMONY**

This Order denies a motion for rehearing filed by the Forest Society of an order denying a motion to compel filed by Counsel for the Public.

**I. Background**

On April 12, 2017, the Presiding Officer issued an Order denying Counsel for the Public's Motion to Compel Production of London Economics International, LLC's Economic Model or, Alternatively, Motion to Strike Testimony (Order). On May 12, 2017, the Forest Society filed a Motion for Rehearing of the Order. The Applicant objected on May 22, 2017.

**I. 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. Motions 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 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. N.H. Pers. Comm.*, 117 N.H. 999, 1004 (1977); see also *In re Gas Service, Inc.*, 121 N.H. 797, 801 (1981).

## **II. Position of the Parties**

### **A. Forest Society**

The Forest Society contends that it is “directly affected” by the Order because it denies relief also sought by the Forest Society. The Forest Society also indicates that it is moving for rehearing to preserve its ability to appeal the decision. The Forest Society argues that, it remains unable to test the methodology and conclusions on the Project’s benefits without the LEI model and that cross-examining the Applicant’s witness about a model that has not been provided fails to meet minimal due process requirements and does not promote the orderly conduct of the hearing. The Forest Society argues that the LEI model is necessary in order to assess whether the Project’s benefits outweigh the adverse impacts.

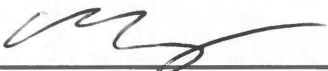
## **B. Applicant**

The Applicant argues that the Forest Society has not demonstrated good cause for rehearing. The Applicant argues that the Motion for Rehearing fails to challenge the findings in the Order or question the analysis. The Applicant argues that the Motion is a mere restatement of previous arguments and that it does not identify any error of fact, law or reasoning in the Order warranting rehearing.

## **III. Analysis**

The Motion for Rehearing does not state good cause for rehearing. The Forest Society has not demonstrated that the Order resulted from any error of fact, reasoning, or law; nor does it demonstrate how any purported error causes the Order to be unlawful, unjust, or unreasonable. The Order specifically noted that Counsel for the Public's request was similar to a request denied by the Presiding Officer's Order issued on September 22, 2016. The Order issued on April 12, 2017, reiterated the prior Order, and found that the Applicant provided both the inputs and outputs LEI employed in its modeling and a description of the approach and the assumptions upon which the model relies in generating the results. The Forest Society's Motion for Rehearing simply re-states the 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 May, 2017:



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Martin P. Honigberg, Presiding Officer  
Site Evaluation Committee