

**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**

June 13, 2017

**ORDER DENYING MOTION OF THE SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS FOR LEAVE TO SUBMIT ADDITIONAL SUPPLEMENTAL
PRE-FILED TESTIMONY OF WILL ABBOTT**

This Order denies the Society for the Protection of New Hampshire Forests' Motion for Leave to Submit Additional Supplemental Pre-Filed Testimony of Will Abbott.

I. Background

On March 1, 2017, an Order on Pending Motions (Procedural Order) was issued in this docket. Pursuant to the Procedural Order, all supplemental pre-filed testimony related to Track 2 should have been filed on or before April 17, 2017.

On April 24, 2017, the Subcommittee received the Society for the Protection of New Hampshire Forests' (Forest Society) Motion for Leave to Submit Additional Supplemental Pre-Filed Testimony of Will Abbott.¹ The Applicant objected to the Forest Society's request on May 4, 2017.

II. Standard of Review

RSA 541-A:33, II provides the foundation for the admissibility of evidence in administrative proceedings:

The rules of evidence shall not apply in adjudicative proceedings. Any oral or documentary evidence may be received; but the presiding officer may exclude irrelevant, immaterial or unduly repetitious evidence. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidence offered may be made and shall be noted in the record. Subject to the foregoing requirements, any part of the

¹ The Supplement to the Motion indicating the parties who concurred with the relief requested therein was filed with the Subcommittee on April 28, 2017.

evidence may be received in written form if the interests of the parties will not thereby be prejudiced substantially.

RSA 541-A:33, II. The touchstone for admissibility in administrative proceedings is relevance and the avoidance of immaterial or unduly repetitious evidence. *See id.*


III. Analyses and Findings

The Forest Society seeks admission of additional supplemental pre-filed testimony of Mr. Will Abbott. The Forest Society proposes to add testimony from Mr. Abbott about the height of a tree situated near the road leading to the parking lot of the building where the Subcommittee is conducting its hearings. The Forest Society argues that this testimony is relevant because it will assist the Subcommittee in visualizing the heights of the Project's towers as compared to the tree in dispute. The Forest Society further argues that introducing this additional testimony at this stage of the proceedings will not prejudice the parties and will not impact the orderly development of these proceedings.

The Applicant objects to the Forest Society's request. The Applicant asserts that Mr. Abbott's additional testimony is irrelevant because the subject tree stands alone and there is no reference or comparison to the Project's structures. The Applicant also argues the testimony will confuse the Subcommittee.

The testimony about the height of a single tree near the parking lot is not relevant to these proceedings. Neither the picture of the tree nor Mr. Abbott's pre-filed testimony explaining how the height of a random object, without context and comparison to the Project in dispute, is relevant to these proceedings. The Forest Society's Motion for Leave to Submit Additional Supplemental Pre-Filed Testimony of Will Abbott is denied.

SO ORDERED this 13th day of June, 2017 by the Site Evaluation Subcommittee:



Martin P. Hönigberg, Presiding Officer
Site Evaluation Committee