

**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 23, 2017

**ORDER DENYING NEPGA'S MOTION TO STRIKE
(Power Purchase Agreement and Related Testimony and Evidence)**

This Order denies the New England Power Generators Association, Inc.'s Motion to Strike the Power Purchase Agreement between Eversource Energy and Hydro Renewable Energy, Inc. and All Related Testimony and Evidence.

I. Background

On April 24, 2017, the New England Power Generators Association, Inc. (NEPGA), filed a Motion to Strike the Power Purchase Agreement between Eversource Energy and Hydro Renewable Energy, Inc. (PPA) and All Related Testimony and Evidence (Motion). The Society for the Protection of New Hampshire Forests joined in NEPGA's request on April 28, 2017. The Applicant objected to NEPGA's Motion on May 4, 2017. The Applicant supplemented its objection on May 9, 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 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. Positions of the Parties

NEPGA relies on the ruling by the New Hampshire Public Utilities Commission (PUC) denying the Applicant's petition to approve the PPA in dispute. The PUC found that the PPA violates the New Hampshire Electric Restructuring Act (RSA 374-F). NEPGA argues that the Commission's decision renders the PPA and any evidence regarding the PPA or the alleged benefits thereof irrelevant in this docket. NEPGA argues further that references to benefits from the PPA would be misleading. NEPGA thus concludes that all such evidence should be stricken from the record.


The Applicant objects to NEPGA's request. The Applicant originally argued that the Subcommittee should consider the pendency of Senate Bill (SB) 128 in the legislature. SB 128, a bill that would amend the restructuring law, in part, was retained for further study by the House of Representatives and is unlikely to become law in any form in 2017.

The Applicants disagree that anyone will be misled if references to the PPA are not stricken. They argue that the Subcommittee is capable of understanding the status of the PPA, considering all information about the PPA in context, and placing appropriate weight on the testimony already presented about the PPA.

IV. Analysis and Order

The Applicant is correct. The Subcommittee is aware of the action taken by the PUC and is capable of considering the impact of that decision. It is unnecessary to strike the PPA and references thereto from the record of this proceeding.

SO ORDERED this twenty-third day of June, 2017.



Martin P. Hennig, Presiding Officer
Site Evaluation Committee