

**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 ON JOINT MOTION FOR REHEARING
OF ORDER ON MOTION TO TEMPORARILY SUSPEND DELIBERATIONS
PURSUANT TO RSA 162-H:14**

This Order denies the Intervenors' Joint Motion for Rehearing of Order on Motion to Temporarily Suspend Deliberations Pursuant to RSA 162-H:14.

I. Background

On May 19, 2016, the Subcommittee conducted a public hearing. During the public hearing, the Subcommittee considered motions to suspend the 365-day time frame set forth in RSA 162-H:7, IV-d. Subsequently, the Subcommittee issued an Order granting, in part, the motions to suspend that timeframe and finding that the final decision denying or granting the Applicant's request for a Certificate of Site and Facility should be issued by September 30, 2017. Order on Motions to Suspend (June 15, 2016).

On March 1, 2017, an Order on Pending Motions (Procedural Order) was issued in this docket. Pursuant to the Procedural Order, adjudicative hearings began on April 13, 2017. Following the issuance of the Procedural Order, Municipal Intervenor Groups 1 South, 2, 3 South and 3 North filed a Joint Motion to Temporarily Suspend Deliberations Pursuant to RSA 162-H:14 – March 29, 2017. The Intervenors' Motion was denied on April 25, 2017.

Municipal Intervenor Groups 1 South, 2, 3 South and 3 North, along with the Society for the Protection of New Hampshire Forests and Grafton County Commissioner (Intervenors), filed a timely Motion for Rehearing and the Applicant objected.

II. Standard

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.

See N.H. CODE ADMIN. RULES Site 202.29.

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).

III. Position of the Parties

The Intervenors argue that the Subcommittee based its decision on “an error of reasoning.” The Intervenors argue that the Applicant cannot establish its ability to construct and operate the Project unless it is a successful bidder, at a certain price point, in a Request for Proposals issued by the Commonwealth of Massachusetts (Mass RFP). The Intervenors argue that exhibits filed with the Motion to Suspend clearly demonstrate that ability of Hydro Quebec to comply with the terms of a Transmission Service Agreement (TSA) is dependent on the results of the Mass RFP. The Intervenors claim that the order denying suspension of deliberations misapprehended the ability of Hydro Quebec to perform under the TSA, and should be reconsidered.

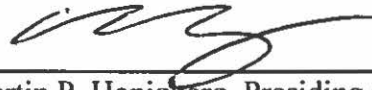
The Applicant argues that the Intervenors have not demonstrated good cause for rehearing. The Applicant argues that the Intervenors’ failed to demonstrate that the Subcommittee’s decision was unlawful or unreasonable. The Applicant further claims that the Intervenors did not and could not demonstrate the need for suspension because testimony of the Applicant’s witnesses, Mr. Quinlan and Mr. Ausere, clearly demonstrated that the Applicant’s ability to construct and operate the Project and Hydro Quebec’s commitments do not depend on results of the Mass RFP.

IV. Analysis

The Intervenors’ Motion for Rehearing does not state good cause. The Intervenors have failed to demonstrate that the Order on the Motion to Temporary Suspend Deliberations resulted from any error of fact, reasoning, or law; nor have they shown how any purported error caused

the Order to be unlawful, unjust, or unreasonable. The Intervenor's assert a disagreement with the Subcommittee's analyses of the information presented and the conclusion reached. The Subcommittee reviewed all of the evidence and arguments presented by the parties. The Subcommittee determined that the Intervenor did not establish that the Applicant will not be able to carry its burden of proof prior to the conclusion of the Mass RFP. Disagreement with the Subcommittee's decision does not establish good cause for rehearing. The Intervenor's Motion for Rehearing is denied.

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



Martin P. Honigberg, Presiding Officer
Site Evaluation Committee