

**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 30, 2017**

**ORDER GRANTING LAGASPENCE REALTY'S MOTION TO COMPEL  
PRODUCTION OF CO-LOCATION STUDY**

This Order grants the Motion Requesting an Order Compelling Applicant to Produce the Study Evaluating the Co-Location of High Voltage Direct Current (HVDC) and Alternating Current Infrastructure with the Portland Natural Gas Transmission System Pipeline by a Date Certain (Motion to Compel Production of Co-Location Study) filed Kevin Spencer and Mark Lagasse dba Lagaspence Realty, LLC (Lagaspence Realty).

**I. Background**

The Applicant represented that a study was commissioned to analyze the interference between and among the existing 115 kV line, the Northern Pass HVDC transmission line, and the Portland Natural Gas Transmission (PNGTS) high pressure gas pipeline (Co-Location Study).

On June 15, 2017, Lagaspence Realty filed the instant Motion. The Applicant objected.

**II. Standard**

Motions to compel responses to data requests shall:

- (1) Be made pursuant to N.H. Code of Admin. Rules Site 202.14;
- (2) Be made within 10 days of receiving the applicable response or objection, or the deadline for providing the response, whichever is sooner;

(3) Specify the basis of the motion; and

(4) Certify that the movant has made a good-faith effort to resolve the dispute informally.

N.H. Code Admin. Rules, Site 202.12(k).

RSA 162-H:10, IV provides:

The site evaluation committee shall require from the applicant whatever information it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

RSA 162-H:10, IV.

### **III. Position of the Parties**

#### **A. Lagaspence Realty**

Lagaspence Realty argues that the co-location of pipelines with high voltage power lines subjects the pipeline to electrical interferences and threatens power line and pipeline personnel as well as members of the public. Lagaspence Realty contends that the co-location may compromise the structural integrity of the pipeline. They request that the Applicant be ordered to produce the Co-Location Study by a date certain so intervenors may review the study.

Lagaspence Realty argues that the study must be produced soon so it can be presented with testimony of its authors and subject to cross-examination if necessary.

Counsel for Lagaspence Realty indicates that he has requested the Co-Location Study from the Applicant without success. Lagaspence Realty indicates that the response to its last inquiry was that the study may be produced “just prior to construction.” *See Motion to Compel Co-Location Study*, p. 1.

## **B. Applicant**

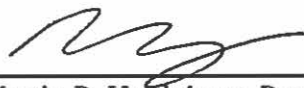
The Applicant argues that Lagaspence Realty misunderstands the role of the Co-Location Study and how it will be utilized by the Applicant to ensure public health and safety. The Applicant contends that Lagaspence Realty's proposal is unnecessary because: (1) the PNGTS pipeline operates alongside PSNH's existing 115 kV electric transmission system and will parallel the new Northern Pass transmission line for a distance of approximately twelve miles; (2) the testimony of Derrick Bradstreet, the lead engineer for the Northern Pass Project, clarifies that the potential interactions between an electric transmission line and a natural gas pipeline are well known and the two can, and do, operate safely together; (3) the purpose of the Co-Location Study is simply to establish the specific parameters that will ensure that the Project is constructed and operated safely; (4) it cannot reasonably be maintained that operating the Project in parallel with PNGTS will have an unreasonable adverse effect on the public health and safety; (5) rather than the Subcommittee reviewing the specific details of the Co-Location Study as part of the adjudicative hearings, the appropriate course is to delegate authority to the Public Utilities Commission (PUC) to monitor the interaction between the Project and PNGTS concerning co-location and for the PUC to exercise its concurrent authority over pipeline safety; (6) the Applicant expects to submit the Co-Location Study by June 30, 2017, and will work with PNGTS to resolve any potential issues once a Certificate is issued; and (7) Lagaspence Realty has not established that the Co-Location Study is required for the Subcommittee to make a finding the Project will not have an unreasonably adverse effect on public health and safety. The Applicant argues that, because Lagaspence Realty has not established that the Co-Location Study is required for the Subcommittee to make a finding that the Project will not have an unreasonable adverse effect on public and health and safety, the Motion should be denied.

#### **IV. Analysis**

While the Applicant argues that Lagaspence Realty has not demonstrated that the Co-Location Study is necessary to determining the Project's impact on public health and safety, the Applicant has indicated that the Co-Location Study establishes the specific parameters that will ensure that the Project is constructed and operated safely. Such information is relevant and/or reasonably calculated to lead to the discovery of admissible evidence in this docket. Lagaspence Realty's request that the Applicant produce the study by a date certain so it may be analyzed and utilized in these proceedings is reasonable. Further, the Applicant has indicated that it expects to submit the Co-Location Study by June 30, 2017.

Lagaspence Realty's Motion to Compel Co-Location Study is granted. The Applicant shall produce the study to the Subcommittee and the parties, if it has not already done so, by July 10, 2017.

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



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Martin P. Honigberg, Presiding Officer  
Site Evaluation Committee