

**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**

July 12, 2017

**ORDER ON MOTION FOR REHEARING
(Alternative Routes)**

This Order denies the Applicant's Motion for Rehearing of the Order on Motion to Strike.

I. Background

On March 29, 2017, the Applicant filed a Motion to Strike Certain Track 1 Testimony requesting, that the Subcommittee strike portions of the testimony filed by George Sansoucy, Sharon A. Penney, and Will Abbott addressing alternative routes for the Project.

The Applicant's Motion was denied on April 24, 2017.

The Applicant filed a timely Motion for Rehearing. The City of Concord; the Towns of Bethlehem, Bristol, Easton, Franconia, Northumberland, Plymouth, Sugar Hill, Whitefield, New Hampton, Littleton, Deerfield, Pembroke; and the Ashland Water & Sewer Department (Intervenors) 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 Applicant argues that the Subcommittee erred when it determined that the Intervenors’ testimony addressing alternatives for the Project may be relevant to resolution of issues raised in this docket. Specifically, the Applicant asserts that, under RSA 162-H:7, V(b), it must identify the “preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility” in its Application. The Applicant


argues this language and legislative history indicate that the Subcommittee may address and consider only the alternatives that the Applicant identifies as available. The Applicant concludes that it was an error to allow testimony about alternatives that, according to the Applicant, are not available.

The Intervenor argues that the Subcommittee committed no error of law and interpreted the law correctly when it found that it may consider the Intervenor's testimony addressing other alternatives because it must consider "all relevant information regarding the potential siting or routes" under RSA 162-H:16, IV.

IV. Analysis

The Applicant's Motion for Rehearing does not state good cause. The Applicant has identified no issue overlooked or mistakenly conceived in the original decision. The Applicant also failed to demonstrate that the Order on Motion to Strike resulted from any error of fact, reasoning, or law. The Applicant simply disagrees with the Subcommittee's interpretation of the requirements of RSA 162-H:16, IV and RSA 162-H:7, V(b). The Subcommittee reviewed the statutory and regulatory arguments presented by the parties. RSA 162-H:16, IV requires the Subcommittee to consider all relevant information regarding the potential siting or routes, including information about alternatives, if such information is relevant. Disagreement with the Subcommittee's statutory interpretation and decision does not establish good cause for rehearing. The Applicant's Motion for Rehearing is denied.

SO ORDERED this twelfth day of July, 2017.



Martin P. Honigberg, Presiding Officer
Site Evaluation Committee