

**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 13, 2017**

**ORDER ON APPLICANT'S MOTION FOR ADDITIONAL HEARING DATES  
AND EXTENDED HOURS**

This Order denies the Applicant's Motion for Additional Hearing Dates and Extended Hours.

**I. Background**

In December 2016, the Subcommittee considering this matter scheduled 29 days of evidentiary hearings in this docket during the months of April, May, June, and July of 2017. In response to various procedural motions and due to scheduling conflicts of members of the Subcommittee, the schedule was modified to 27 days of evidentiary hearings, and 3 days of three-hour public statement hearings. On June 14, 2017, a Notice of Additional Adjudicative Hearing Dates was issued scheduling an additional 15 days of evidentiary hearings and deliberations through September 2017.

The Report of Prehearing Conference dated April 11, 2017, provides that the evidentiary hearings are to begin each day at 9:00 a.m. and adjourn between 4:30 p.m. and 5:15 p.m. The parties were advised that "flexibility may be required to maintain a reasonable schedule and to conclude the hearings within a reasonable amount of time." Report of Prehearing Conference, April 11, 2017, p. 8.

On June 23, 2017, the Applicant filed a Motion for Additional Hearing Dates and Extended Hours. The International Brotherhood of Electrical Workers (IBEW), Cate Street Capital, the Coos County Business and Employers Group, Dixville Capital, LLC, and Balsams Holdings, LLC, concurred. Municipal Intervenor Groups 1 South, 2, 3 South and 3 North (Municipalities), the

McKenna's Purchase Unit Owners Association (McKenna's), and Counsel for the Public objected. The Society for the Protection of New Hampshire Forests joined in the objections.

## **II. Position of the Parties**

The Applicant's argument is based on the numbers: As of the date of the Motion, the Subcommittee had held nineteen days of adjudicatory hearings and, according to the Applicant, based on the first and second Report of Prehearing Conference, the total estimated cross-examination of the Applicant's witnesses would take twenty-eight days. The Applicant expressed its concern that cross-examination of various witnesses was taking more time than was estimated and requested the scheduling of an additional fifteen hearing days in July, August, and early September. The Applicant also asked to extend the hours of each hearing day "to the maximum extent possible."

IBEW, Cate Street Capital, Inc., the Coos County Business and Employers Group, Dixville Capital, LLC, and Balsams Holdings, LLC, argue that without additional hearing dates there will be undue and unreasonable delay that will adversely affect their interests in the economic benefits of the project.

The Municipalities argue that the Applicant's request for additional hearing dates in July, August, and September is unreasonable because the Municipalities do not have the "same unlimited resources" demonstrated by the Applicant and previous commitments will preclude them from attending hearings during these months. The Municipalities claim that extending the hearings later in the evening is unreasonable and unprecedented and would leave no time or resources to prepare for hearings.

Counsel for the Public joins in the Objection filed by the Municipalities and requests that the Subcommittee deny the Applicant's Motion. Counsel for the Public argues that his witnesses have scheduled their business and personal time in reliance on the current schedule and that it will be

burdensome to “backfill the calendar” with additional dates in July, August, and September. As to the Applicant’s request for extended hours, Counsel for the Public argues that after a number of hours each day, the efficiency of the proceeding is diminished and that the Presiding Officer should continue to exercise his discretion as to when to conclude the hearing on any particular day.

McKenna’s argues that scheduling additional days in July will conflict with existing commitments and may deprive it of the opportunity to cross-examine the Applicant’s witnesses.

**III. Analysis**

The adjudicative hearing schedule in this docket is based on the availability of the Subcommittee members and consideration of the scheduling issues for witnesses. The Applicant correctly notes that there are forty additional business days available in July, August, and September; however, based on previous inquiry of the Subcommittee, a quorum cannot be convened for an additional fifteen days during that time period. *See* RSA 162-H: 4-a, II. The Applicant’s request to schedule fifteen additional hearing days in July, August, and September is denied.

The current daily schedule is flexible and may be extended by the Presiding Officer at his discretion. The daily schedule accommodates the logistical and daily preparation needs of the parties, the Subcommittee, and its staff. The Applicant’s request to extend the hours of the daily schedule is denied.

SO ORDERED this thirteenth day of July, 2017.



---

Martin P. Honigberg, Presiding Officer  
Site Evaluation Committee