

**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**

August 23, 2017

ORDER DENYING NGO INTERVENOR MOTION TO STRIKE

This Order denies the NGO Intervenor’s Motion to Strike a press release from the record.

I. Background

On July 25, 2017, the Applicant filed a Notice of Withdrawal of the Power Purchase Agreement. Attached to the Notice of Withdrawal was a press release entitled “PSNH and Hydro-Québec Reaffirm Their Commitment to Bring Clean Energy Benefits to New Hampshire Customers.”

On July 31, 2017, the Ammonoosuc Conservation Trust, the Appalachian Mountain Club, and the Conservation Law Foundation (NGO’s) filed a Motion to Strike the press release from the record. The Applicant filed a response.

II. Analysis and Findings

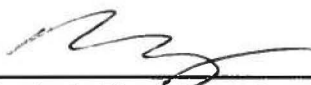
The NGO Intervenor’s assert that the press release was inappropriately introduced in the record as it is not supported by a witness and is not part of the Application. They argue the press release should be struck.

The Applicant objects, arguing that the press release does not constitute part of the “record” under N.H. CODE OF ADMIN RULES Site 202.24 and 202.26 and RSA 541-A:31, VI(b). Consequently, the Applicant says there is nothing to strike.

N H CODE OF ADMIN. RULES Site 202.24 and 202.26 identify evidence as testimony, exhibits, rulings, and arguments as all parts of the “record.” RSA 541-A:31, VI provides that the “record” includes: (i) all pleadings, motions, objections, and rulings; (ii) evidence received or considered; and (iii) a statement of matters officially noticed. RSA 541-A:31, VI(b)-(d).

The Notice of Withdrawal is a pleading and part of the record. The nature of the press release, however, is not as clear. Considering that the press release was filed as an attachment and was referenced in the Notice of Withdrawal, the press release comprises a part of the Notice and a part of the pleading. While it is unclear why the press release was filed together with the pleading, it is clear from the Applicant’s reply that it was not filed as evidence intended for the Subcommittee’s review and consideration. The press release contains a statement that the Applicant and Hydro-Québec will work toward an agreement to provide environmental attributes for the benefit of New Hampshire and the New England Region. At this time, however, no such agreement is before the Subcommittee. There is no need to strike the press release from the record as it is not offered as evidence. The Motion to Strike is denied.

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



Martin P. Honigberg, Presiding Officer
Site Evaluation Committee