

**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**

**October 9, 2017**

**ORDER GRANTING THE SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE  
FORESTS REQUEST FOR WAIVER OF SITE 202.29(c)  
(Motion for Rehearing of Order on Motion to Clarify)**

This Order grants the Forest Society's Request for Waiver of Site 202.29(c) and allows the Forest Society to file a motion for rehearing after the deadline for such a motion.

**I. Background**

On March 31, 2017, the Society for the Protection of New Hampshire Forests (Forest Society) filed a "Motion to Clarify the Issues Concerning March 1, 2017, DES Decision Preserved in Event of an Appeal of the Final SEC Decision" (Motion to Clarify). On July 20, 2017, an Order was issued, denying the Forest Society's Motion to Clarify. N.H. CODE ADMIN. RULES Site 202.29(c) provides that a motion for rehearing shall be filed within 30 days of the date of the decision or order. Thirty days after July 20, 2017, was Saturday, August 19. A timely motion for rehearing would have been due on Monday, August 21.

On Tuesday, August 22, the Forest Society filed a Motion for Rehearing of the Order. Contemporaneously with the Motion for Rehearing, the Forest Society filed a Request for Waiver of Site 202.29(c). The Applicant assented to the relief requested by the Forest Society in the Waiver motion.

## **II. Standard**

The Subcommittee shall waive any provisions of the Committee's Rules, except where precluded by statute, if the Subcommittee finds that:

- (1) The waiver serves the public interest; and
- (2) The waiver will not disrupt the orderly and efficient resolution of matters before the committee or subcommittee.

*See* N.H. CODE ADMIN. RULES Site 202.15(a)(1)-(2).

In determining the public interest, the Subcommittee shall waive a rule if:

- (1) Compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or
- (2) The purpose of the rule would be satisfied by an alternative method proposed.

*See* N.H. CODE ADMIN. RULES Site 202.15(b)(1)-(2).

## **III. Analysis**

The Motion was filed one day late. The Forest Society asserts that it inadvertently missed the deadline due to a technical error. The Forest Society argues that a waiver of the deadline is in the public interest because it allows the Subcommittee to consider the arguments raised in the Motion for Rehearing. The Forest Society also argues that waiving the application of the rule is not precluded by the statute and that a one-day delay due to a technical error will not disrupt the orderly and efficient resolution of matters before the Subcommittee.

The Subcommittee accepts the Forest Society's representation that it missed the deadline set forth by Site 202.29(c) by one day due to a technical error and the Applicant assented to the relief requested. Waiver of the deadline under these limited circumstances allows the Subcommittee to consider the arguments raised in the Motion for Rehearing. Granting the Request for Waiver of

Site 202.29(c) is in the public interest and will not disrupt the orderly and efficient resolution of matters before the Subcommittee. The Forest Society's Request is granted.

SO ORDERED this ninth day of October, 2017.



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Martin P. Honigberg, Presiding Officer  
Site Evaluation Committee