

**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**

December 22, 2017

**ORDER ON MOTION FOR REHEARING OF
MOTIONS TO COMPEL UNREDACTED MASSACHUSETTS BIDS**

This Order denies the Society for the Protection of New Hampshire Forests' (Forest Society) Motion for Rehearing of the Order Denying Motions to Compel Applicant's Unredacted Bid into the Massachusetts Request for Proposal.

I. Background

On August 28, 2017, the Forest Society and the NGO Intervenors filed a Joint Motion to Compel Applicant's Unredacted Bid into the Massachusetts Request for Proposals (Mass RFP). On October 25, 2017, the Presiding Officer denied the Motion.

On November 22, 2017, the Forest Society filed a Motion for Rehearing. The Applicant 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. Positions of the Parties

The Forest Society argues that the Presiding Officer erred in ruling that the requested information was not necessary to the proceedings. The Forest Society argues that one of the primary benefits that the Applicant claims will result from the Project’s approval is a positive impact on the wholesale capacity and energy market prices and the associated savings projections for New Hampshire ratepayers. The Forest Society submits that the Applicant also claims that clean, reliable, and plentiful electricity will be transmitted by the Project. Therefore, the Forest Society argues that the type of transmitted generation resource is relevant and

necessary to these proceedings. The Forest Society argues that the necessity of the Mass Bid information in this docket is further evidenced by the discussion of the bid in both William Quinlan's and Julia Frayer's prefiled testimony. Finally, the Forest Society submits that the success of the bid into the Mass RFP process involving the Project will greatly impact the viability of the Project. The Forest Society also argues that the Presiding Officer erred in concluding that the Clarification Order did not require the Applicant to produce an unredacted version of the Tri-State Clean Energy RFP.

The Applicant argues that the Forest Society's Motion for Rehearing merely summarizes prior arguments and fails to demonstrate good cause for rehearing. The Applicant argues that the Presiding Officer did not overlook or mistakenly conceive any point of law, reasoning, or fact warranting rehearing in his Order denying the Motions to Compel and that the Presiding Officer succinctly recognized in the Order that the Applicant was not relying on the Mass RFP bids as evidence of the benefits of the Project, and that the Order did not require production of the unredacted bid. The Applicant argues that the Forest Society's allegations of error lack factual support. Specifically, the Applicant argues that the Forest Society incorrectly links the benefits associated with the Project to the Mass RFP, claiming that Mr. Quinlan and Ms. Frayer "extensively" discussed the bid in their testimony when the crux of the testimony regarding the Mass RFP was that the benefits will not be adversely affected if the Project is successful and that development of the Project is not predicated on success in the Mass RFP.

IV. Analysis

The Forest Society fails to identify any error of fact, reasoning, or law warranting rehearing. The Forest Society's Motion for Rehearing rehashes arguments made in the original Motions to Compel without identifying any error upon which the Order was premised. The

Presiding Officer reiterates that the Mass RFP bids have not been offered as evidence in this proceeding and that the Subcommittee does not have these documents.

The Joint Movants and Counsel for the Public, through their Motions to Compel, failed to demonstrate that the information requested was necessary to assist in the conduct of the hearings.

Further, while the Forest Society suggests error in the Order denying the Motions to Compel, it fails to specifically identify the errors or articulate how those purported errors make the order unlawful or unreasonable. The Motion for Rehearing is denied.

SO ORDERED this twent-second day of December, 2017.



Martin P. Honigberg, Presiding Officer
Site Evaluation Committee