

**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**

January 22, 2018

**ORDER ON THE TOWN OF BETHLEHEM'S MOTION
TO REOPEN THE RECORD**

This order denies the Motion to Reopen the Record filed by Cheryl Jensen, on behalf of the Town of Bethlehem.

I. BACKGROUND

The record of this proceeding was closed on December 22, 2017. On January 4, 2018, Cheryl Jensen, Co-Chair of the Bethlehem Conservation Commission, filed a Motion to Reopen the Record on behalf of the Town of Bethlehem. The Conservation Commission and the Town are members of the intervenor group, Municipal Group 1 South. The Applicant objected.

Ms. Jensen is a witness in the proceeding. She filed testimony on December 30, 2016, and supplemental testimony on April 17, 2017, Exh. JT MUNI 96 and 97; and was cross-examined on November 8, 2017. In her supplemental testimony, Ms. Jensen discussed property owned by Presidential Mountain Resort LLC (Presidential) that is slated for redevelopment as a hotel. The property is referenced as Tax Map 201, Lot 27. It abuts the existing PSNH right-of-way in the area where Northern Pass proposes constructing Transition Station 5. In her supplemental testimony, Ms. Jensen attached a letter from a representative of Presidential to the Site Evaluation Committee indicating that Eversource and Presidential were working cooperatively on the impacts of the Project on the proposed hotel. *See* Exh. JT MUNI 98. Ms. Jensen concluded in her supplemental testimony (p. 7) that the letter demonstrated that the Project would interfere with the orderly development of the region.

During her testimony at the hearing, Ms. Jensen presented a notice of option granted from Presidential to Northern Pass. Exh. JT. MUNI 306, Tr. 11/8/17, Morning Session p. 103-104. According to Ms. Jensen, the option agreement meant there would likely be a land swap and that the current configuration of the Project near Transition Station 5 would change. *Id* p. 104. Ms. Jensen acknowledged that Mr. Bowes, Vice President of Engineering for Eversource, testified on May 4, 2017, that he was aware there was discussion of a “land swap,” but that no plans to do so were finalized and that the Project is seeking a Certificate for the configuration in the Application, including Transition Station 5. *Id* p. 105.

Standard

Site 202.27 (a) provides that: “[a] party may request by written motion that the record in any proceeding be re-opened to receive relevant, material and non-duplicative testimony, evidence or argument. While the rules of evidence do not apply in an administrative proceeding; irrelevant, immaterial or unduly repetitious evidence may be excluded. *See* RSA 541-A:33, II; N.H. CODE ADMIN. RULES Site 202.24 (b). If the presiding officer determines that additional information is necessary for a full consideration of the issues presented, then the record shall be re-opened to accept the offered information. *See* Site 202.27 (b).

II. Positions of the Parties


In the pending motion, Ms. Jensen states there is new information demonstrating that the hotel complex will not be built if Transition Station 5 is constructed as planned. Ms. Jensen seeks to reopen the record because a representative of the owner of Presidential purportedly made statements in an “interview” conducted via e-mail between Mr. Rudich, a member of Presidential, and a volunteer group named “Believe in Bethlehem.” Ms. Jensen provided “screen shots” from this interview suggesting that the hotel is in jeopardy if Transition Station 5 is approved in its current configuration. Ms. Jensen also seeks to admit information stemming from a Facebook page purporting to contain similar views expressed by Mr. Rudich.

The Applicant objects to the motion and points out that a representative for Presidential did not say that the hotel would not go forward if the transition station was built, but simply indicated it would be less aesthetically pleasing. *See* JT MUNI 350. The Applicant argues that it is unnecessary to reopen the hearing because nothing has changed. The location of Transition Station 5 remains where it was originally planned as depicted in various portions of the Application. The Applicant claims that reopening the hearing would offer nothing new for the Subcommittee to consider.

III. ANALYSIS

Additional testimony, evidence, or argument is unnecessary for a full consideration of the issues surrounding Transition Station 5. There has been no change in the proposed location of Transition Station 5 since the filing of the Application in 2015. Bethlehem's proffered new evidence is repetitive, second-hand information, some of which was obtained from a Facebook page. The Subcommittee has extensive plans, maps and photographs depicting the area of Transition Station 5. The Subcommittee knows the size of the proposed transition stations and has ample evidence about the aesthetic, environmental, and economic effects Transition Station 5 may have on abutting properties. *See, e.g.,* Exh. App. 1, Appdx. 17, p. 2-69; Exh. App. 36; Exh. CFP 606 and 608. Reopening the record to allow the introduction of the information provided by Bethlehem with the Motion is not necessary for a full consideration of the issues. The Motion to Reopen the Record is denied.

SO ORDERED this twenty-second day of January, 2018.



Martin P. Honigberg, Presiding Officer
Site Evaluation Committee