

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**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 for the  
Construction of a New High Voltage Electric Transmission Line in New Hampshire**

**SEC DOCKET NO. 2015-06**

**APPLICANTS' RESPONSE TO CITY OF CONCORD'S PETITION TO INTERVENE**

NOW COME Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (the "Applicants") by and through their attorneys, McLane Middleton, Professional Association, and respectfully submit this Response to the City of Concord's Petition to Intervene and state as follows:

1. On October 19, 2015, the Applicants filed an application for a Certificate of Site and Facility with the New Hampshire Site Evaluation Committee ("SEC" or "Committee") to construct and operate a 1,090 MW electric transmission line and related facilities from the international border with Canada in Pittsfield, New Hampshire to Deerfield, New Hampshire. The Committee is currently reviewing the application to determine whether it is administratively complete.
2. On November 17, 2015, the City of Concord filed a petition to intervene in the SEC proceedings.
3. Until an Application has been accepted as administratively complete, and the SEC has issued a procedural order governing, among other things, the intervention process, any requests for intervention are untimely and procedurally improper. *See e.g., Order Determining Application to be Incomplete, Application of Atlantic Wind, LLC, NH SEC, Docket No. 2013-02, at 17 (Jan. 13, 2014) ("All motions to intervene in this docket shall be held in abeyance until such time as a complete Application has been accepted.");* Site 202.11 (a) (requiring that persons

seeking to intervene shall file their petitions with the SEC and with parties identified in the notice of hearing). *See also* Applicants' Response to Intervention Request by Holderness Conservation Commission, Joint Application of Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a/ Eversource Energy, NH SEC Docket No. 2015–06 (Sept. 2, 2015) (requesting that the Committee issue an order holding that petitions to intervene filed in advance of an order of prehearing conference are inconsistent with Site 202.11 and requesting that all petitions to intervene be held in abeyance until a procedural order is issued).

4. It is reasonable to expect that this docket will generate substantial third-party interest and related motion practice. The Applicants believe that such practice should be handled in an orderly manner consistent with established SEC procedures. Therefore, all such motion practice should be held until an Application has been accepted, a procedural order has been issued and deadlines for the filing of petitions to intervene and objections have been established.

5. Once the Application has been accepted and a procedural order is issued, the Applicants do not anticipate objecting to the City of Concord's petition to intervene. The Applicants, however, reserve the right to request that the scope of the City of Concord's participation be appropriately managed consistent with SEC rules and prior practice. *See e.g.*, Site 202.11(d)(1)–(3).

WHEREFORE, the Applicants respectfully request that the Committee:

A. Issue an Order holding that Petitions to intervene filed in advance of an order and notice of prehearing conference are inconsistent with Site 202.11 and therefore, the City of Concord's Petition to Intervene will be held in abeyance until a procedural order has been issued;

B. Post a notice stating that other intervention requests will not be accepted until a procedural order has been issued and appropriate deadlines have been established; and

C. Grant such further relief as it deems appropriate.

Respectfully Submitted,

Northern Pass Transmission LLC and

Public Service Company of New Hampshire

By its attorneys,

McLANE MIDDLETON  
PROFESSIONAL ASSOCIATION

Dated: November 24, 2015


By:  \_\_\_\_\_

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Certificate of Service

I hereby certify that on the 24<sup>th</sup> of November 2015, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was sent via e-mail to the individuals on the SEC distribution list.

  
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Barry Needleman