

**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 SOCIETY FOR THE PROTECTION OF NEW  
HAMPSHIRE FORESTS' 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 Society for the Protection of New Hampshire Forests' ("SPNHF") Petition to Intervene.

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 19, 2015, SPNHF 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 the 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 SPNHF’s request to participate in these proceedings.

6. The Applicants, however, reserve the right to request that the scope of SPNHF’s participation be limited to those areas in which SPNHF has a substantial interest. *See* Site 202.11(d)(1) (requiring the presiding officer to limit an intervener’s participation to designated issues in which the intervener has a particular interest demonstrated by the motion to promote an efficient and orderly process); RSA 541-A:32, I(b) (requiring intervenors to demonstrate that they have legitimate, concrete, and well-defined interests that will be affected by the proceeding); *Appeal of Stonyfield*, 159 N.H. 227, 331 (2009) (stating that “a party must

demonstrate that [its] rights may be directly affected by the decision, or in other words, that he has suffered or will suffer an injury in fact”) (internal quotations omitted).

7. Likewise, the Applicants expect that other parties will seek to intervene here, and that in some cases such parties may have interests that are substantially similar to SPNHF. To the extent that occurs, the Applicants have the right, in the context of a properly established procedural schedule, to assess all such petitions and request that appropriate steps be taken to manage such interveners, consistent with SEC rules and prior practice. *See e.g.* Site 202.11(d)(2) (limiting an “intervenor’s use of use of cross-examination and other procedures so as to promote the orderly and prompt conduct of the proceeding”); Site 202.11(d)(3) (“requiring 2 or more such intervenors to combine their presentations of evidence and argument, cross-examination and other participation in the proceedings”); *see also* Report of Prehearing Conference and Technical Session and Procedural Order, Application of Groton Wind, LLC, NH SEC Docket No. 2010-01 at 7 (June 25, 2010) (consolidating interveners that were “concerned about the same or similar issues and [we]re similarly situated” and finding that “separate intervention or each [intervener] could lead to unnecessary repetition and interfere with the prompt and orderly conduct of the proceedings”).

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, SPNHF’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