

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 15-464

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY

Petition to Lease Rights-of-Way to Northern Pass Transmission, LLC

**SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS
AND THE CITY OF CONCORD
JOINT RESPONSE TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY'S RESPONSE TO HEARING EXAMINER'S REPORT**

The Society for the Protection of New Hampshire Forests and the City of Concord (collectively, the "Intervenors") file the following Joint Response to Public Service Company of New Hampshire D/B/A Eversource Energy's Response to Hearing Examiner's Report. In support, the Intervenors state as follows:

1. On October 19, 2015, the Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") filed a petition for approval of a lease agreement between Eversource and Northern Pass Transmission, LLC ("NPT").

2. On November 17, 2015, the PUC issued a Letter of Deficiency requesting submission of copies of deeds, leases and a legal opinion, "For each of the easement deeds listed in the attachment to the petition titled "Lease Agreement" on pages bates numbered 54-92 of the attachment, a legal opinion that the leased use is permitted under the easement and that the easement rights are transferrable to Northern Pass Transmission, LLC by lease."

3. Eversource submitted the additional items on December 7, 2015.

4. From January through April 2016, various parties to the Northern Pass proceeding before the Site Evaluation Committee (Docket No. 2015-06) filed motions to intervene.

Eversource objected to each party's request for intervention.

5. After notifying the Commission that several interested parties failed to receive notice of the application filing, Eversource provided additional publication notice.

6. A pre-hearing conference was held on February 18, 2016 with an initial procedural schedule established permitting any party to submit a response to the Motion to Dismiss filed on behalf of Kevin Spencer and Mark Lagasse by March 4, 2016.

7. On April 15, 2016, the Commission issued Order 25,882 granting or denying motions to intervene and denying the motion to dismiss.

8. On September 15 and 27 of 2016, the Commission directed the parties to brief eight issues relating to the legality of Eversource's lease of easement rights to NPT, a directive it found might be necessary to complete a facial review of the transferability of the easements. *Pub. Serv. Co. of N.H.*, Order No. 25,943 at 2-3 (Sept. 15, 2016), *as clarified by*, Order No. 25,946 (Sept. 27, 2016).

9. The parties timely filed their briefs on the issues and on April 6, 2017, the PUC issued Order No. 26,001.

10. Beginning in early April, Staff Counsel led the effort among the parties and Eversource to try to reach agreement on a procedural schedule. Drafts were circulated and all parties¹ participated in good faith.

11. Dissatisfied with those efforts despite coming very close to an agreement, Eversource filed a Motion to Establish a Procedural Schedule dated May 8, 2017.

12. The Parties continued to attempt to reach agreement on a schedule by modifying and shortening time periods. All parties with the exception of Eversource concurred with the schedule that Staff Counsel submitted and recommended.

¹ Represented parties Kevin Spencer and Mark Lagasse have taken the position that until their property rights claims are resolved through the court, the Commission does not have jurisdiction to review the lease and have therefore declined to agree to a procedural schedule.

13. Eversource's main complaint is that it should not be subjected to two rounds of discovery in large part because that adds a month to the time frame. It was pointed out in the scheduling conference and bears repeating here, had Eversource agreed to the schedule a month ago, that time would have been better used in proceeding with this docket rather than wrangling about it.

14. The Commission can clearly see from the above recitation of the procedure in this docket that the time between the filing of the application and now had nothing to do with the Intervenor or any other interested party causing or creating a delay and that simply because 20 months have elapsed since Eversource filed the application, is not a reason to now rush through the discovery and merits hearing.

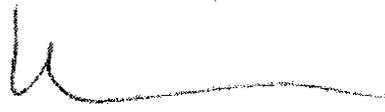
15. Finally, we also concur with all of the well-articulated points in the OCA's response letter to Eversource's Response to Hearing Examiner's Report.

WHEREFORE, Intervenor respectfully request that the Committee:

- A. Adopt the Recommendation by the Hearing Examiner; and
- B. Grant such further relief as it deems appropriate.

Respectfully submitted,

CITY OF CONCORD

 for

By: _____
Danielle L. Pacik, Deputy City Solicitor
Bar No. 14924
41 Green Street
Concord, New Hampshire 03301
Telephone: (603) 225-8505
dpacik@concordnh.gov

June 15, 2017

SOCIETY FOR THE PROTECTION OF NEW
HAMPSHIRE FORESTS

By its Attorneys,
BCM Environmental & Land Law, LLC



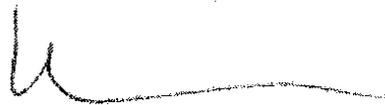
June 15, 2017

By: _____

Elizabeth Boepple, Esquire
Bar No. 20218
3 Maple Street
Concord, NH 03301
Telephone: (603) 225-2585
boepple@nhlandlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing shall be served by hand, by facsimile, by email, or by other method such to ensure that they are received by the parties by 4:30 p.m. on the same day as they are filed with the Commission, pursuant to N.H. Code Admin Rule Puc 203.11(c).



June 15, 2017

By: _____

Elizabeth Boepple, Esquire