

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

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

Petition for Approval of Lease Agreement Between Public Service Company of New Hampshire
d/b/a Eversource Energy and Northern Pass Transmission LLC

Docket No. DE 15-464

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY'S OBJECTION
TO MOTION FOR RECONSIDERATION OF LAGASPENCE REALTY, LLC

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and RSA 541:3, Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH" or the "Company") hereby objects to the "Motion for Reconsideration of Order Denying Motion to Dismiss of Interveners Kevin Spencer and Mark Lagasse dba Lagaspence Realty LLC" (the "Motion") submitted by Kevin Spencer and Mark Lagasse through Lagaspence Realty, LLC (the "Movants") on April 19, 2016. In support of this objection, PSNH states the following:

1. On October 19, 2015, PSNH filed a petition for approval of a lease transaction between it and Northern Pass Transmission LLC ("NPT") whereby PSNH would lease to NPT certain real estate rights owned by PSNH. Pursuant to a directive of the Commission PSNH supplemented that filing on December 4 and 7, 2015. On February 10, 2016, the Movants filed a motion to dismiss the proceeding contending that the Commission could not review the proposed lease unless and until a court of competent jurisdiction had addressed the parties' respective rights in the lands or easements covered by the proposed lease. PSNH objected to that motion on February 19, 2016 and, consistent with the approved procedural schedule, supplemented that objection on March 4, 2016.

2. On April 15, 2016, the Commission issued Order No. 25,882 in which it denied the Movants' motion to dismiss. In so ruling, the Commission stated, "We do not believe, as Lagaspence Realty argues, that the superior court must first adjudicate the property rights of Eversource vis-à-vis Lagaspence Realty and similarly situated property owners before we can complete our review of the Lease." Order No. 25,882 at 6. Accordingly, the Commission specifically rejected the Movants' contention that the underlying property rights were required to be adjudicated before the Commission could review the proposed lease.
3. On April 19, 2016, the Movants' submitted the Motion seeking reconsideration of Order No. 25,882. In the Motion, the Movants concede that the Commission's analysis in the Order "may be correct," but that it "misses the purpose" of the proposed lease as it relates to on-going proceedings at the Site Evaluation Committee ("SEC"). Motion at 1. The Movants' further contend that certain showings must be made relative to the parties' property rights prior to this docket being permitted to proceed. Motion at 1-2.
4. Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief. *Public Service Company of New Hampshire*, Order No. 25,361 (May 11, 2012) at 4. Good reason may be shown by identifying new evidence that could not have been presented in the underlying proceeding or by identifying specific matters that were overlooked or mistakenly conceived by the deciding tribunal. *Id.* at 4-5. A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. *Id.* at 5.
5. The Motion provides no good reason for reconsideration and is merely a reassertion of the Movants' prior arguments. In the first place, the Movants' concede that the

Commission's analysis in Order No. 25,882 was correct. Secondly, in their initial motion to dismiss, the Movants contended that a court of competent jurisdiction must hear and decide the issue of the parties' property rights before the Commission could evaluate and rule upon the lease in this docket. *See* February 19, 2016 Motion to Dismiss at 3-4. The Movants reiterated that argument, and made specific reference to the SEC process, in their supplemental motion to dismiss filed on March 4. *See* March 4, 2016 Supplemental Motion to Dismiss at 2. The Commission was aware of the Movants' arguments relative to the underlying property rights and the SEC process and rejected them. The Commission specifically ruled that it was not required to await review by a court before it could complete its review of the proposed lease. The Movants' latest motion is nothing other than a restatement of their prior arguments in search of a different outcome. It raises no new or different issues or evidence and points to nothing that the Commission overlooked or misunderstood. Accordingly, the Motion should be denied.

WHEREFORE, PSNH respectfully requests that the Commission:

- (1) Deny the Movant's Motion for Reconsideration; and
- (2) Order such further relief as may be just and equitable.

Respectfully submitted,

**Public Service Company of New Hampshire d/b/a
Eversource Energy**

April 21, 2016
Date

By: 
Matthew J. Fossum
Senior Counsel
780 North Commercial Street
Post Office Box 330
Manchester, New Hampshire 03105-0330
(603) 634-2961
Matthew.Fossum@eversource.com

CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

April 21, 2016
Date


Matthew J. Fossum