

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

Docket No. DE 15-462

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

**Petition for Licenses to Construct and Maintain Electric Lines
Over and Across Public Waters**

**OBJECTION TO PETITION TO INTERVENE OF
SOCIETY FOR PROTECTION OF NEW HAMPSHIRE FORESTS**

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”), by its undersigned attorney, and respectfully submits the following Objection to the Petition to Intervene of the Society for Protection of New Hampshire Forests (“SPNHF”) in the above-captioned docket:

1. On April 12, 2016, SPNHF filed a petition to intervene in the above-captioned proceeding, thirteen days after the deadline for intervention set forth in the New Hampshire Public Utilities Commission’s (“Commission” or “PUC”) March 10, 2016 Order of Notice. The SPNHF petition is plainly based on a misunderstanding of the locations for which PSNH is seeking licenses to cross public waters in this docket.

2. SPNHF states in its intervention petition that PSNH’s proposed crossing of the Connecticut River will impact SPNHF’s rights, duties, privileges, immunities and other substantial interests. SPNHF Petition at p. 1. Specifically, SPNHF asserts that it seeks intervention because it is a bordering landowner of a proposed PSNH crossing of the Connecticut River in Clarksville, New Hampshire.

3. PSNH does not seek a license to cross the Connecticut River. SPNHF states that it is unclear from PSNH's petition which crossings and abutting lands are implicated, but that "due to the Forest Society's extensive property interests, the potential is great, as in PUC Docket number 15-460, that some portion of the Forest Society's property will be affected." SPNHF Petition at p. 3. The PSNH petition, however, clearly describes the fifteen locations to which the petition applies. *See* PSNH Petition at p. 1. All of the crossings, moreover, are on existing PSNH right-of-way and involve the relocation of existing facilities. No crossing of the Connecticut River is included in PSNH's crossing petition.

4. Furthermore, SPNHF's interest in a river crossing in another proceeding, i.e., PUC Docket No. DE 15-460, does not constitute an interest in all public waters the NPT Project will cross, or the public water crossings covered by the PSNH petition. Such an interest is too generalized to constitute grounds for intervention. As the Commission explained in *Re North Atlantic Energy Corporation*, 87 NHPUC 455,456 (2002), "merely being interested in such a proceeding is not the same as having a legal interest of some nature that may be affected by the proceeding." Moreover, granting intervention here is inconsistent with the New Hampshire Supreme Court's observation in *Blanchard v. Railroad*, 86 N.H. 263, 264 (1933) that standing does not exist if a party cannot establish that it is "affected by the proceedings in some manner differently from the public, citizens, and taxpayers generally."

5. SPNHF also asserts that "it is appropriate" to be allowed to intervene in this docket because it was allowed to intervene at the SEC in Docket No. 2015-06. SPNHF Petition, p. 4. This proceeding before the PUC and the separate proceeding before the SEC are related only insofar as the authority of the SEC applicants to cross public waters is incidental to the SEC's authority to issue a Certificate of Site and Facility. The proceedings, however, are subject

to different statutory requirements and focus on different issues. The fact that the Legislature has determined to address the construction of energy facilities in an integrated fashion does not confer on every intervenor in the SEC proceeding the right to intervene in every collateral proceeding in which another state agency exercises its permitting authority.

6. Finally, the SPNHF petition does not demonstrate why the interests of justice require SPNHF's late intervention. Among other things, SPNHF asserts that it should have received notice of this proceeding because it is an abutter to the Connecticut River where the NPT Project will cross but, as explained above, the PSNH crossings which are the subject of this proceeding do not include the Connecticut River.

WHEREFORE, PSNH respectfully requests that the Commission:

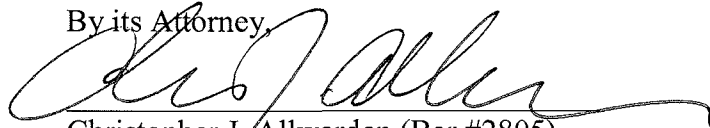
- A. Deny SPNHF's untimely Petition to Intervene; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

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

By its Attorney,

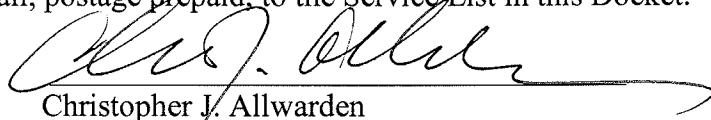
Date: 4/20/16



Christopher J. Allwarden (Bar #2805)
Senior Counsel, Legal Department
Eversource Energy Service Company
780 North Commercial Street
Manchester, NH 03101
603-634-2459
christopher.allwarden@eversource.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on 4/21/16 a copy of the foregoing Objection was served by electronic mail or U.S. Mail, postage prepaid, to the Service List in this Docket.


Christopher J. Allwarden