

**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

**RESPONSE OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A  
EVERSOURCE ENERGY AND NORTHERN PASS TRANSMISSION LLC  
TO HEARING EXAMINER'S REPORT OF JUNE 8, 2017**

Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") and Northern Pass Transmission LLC ("NPT") respond as follows to the Hearing Examiner's Report of June 8, 2017 recommending the adoption of the procedural schedule attached to it (the "Schedule").

1. As the Hearing Examiner noted, this Commission's Order No. 26,001 (April 6, 2017) directed that the "Staff work with the parties to develop a procedural schedule for this proceeding with the goal of having a final order by year's end, if possible." Order No. 26,001 at 15. The Schedule provides for a hearing to *begin* on November 28, 2017, leaving only three weeks for the Commission to deliberate and resolve this matter before the end of the year, presuming the docket is not otherwise delayed.

2. On May 5, 2017, after it became clear that negotiations among the parties would not yield a consensus, Eversource filed a motion asking the Commission to establish a procedural schedule that called for a hearing in late September or early October. The sticking point then and now concerns the necessity of a second round of written data requests. On May 8, 2017, the Consumer Advocate opposed Eversource's proposed schedule, saying, without

elaboration, that the case “raises novel issues that require thorough discovery and meticulous preparation.” As noted below, this case is not so complex or novel in terms of Commission practice as to justify departure from typical procedure, which includes written data requests and responses, followed by a technical session and written follow-up responses, leading to Staff and intervenor testimony.

3. Eversource proposes a schedule (attached) that calls for a hearing in early November and thus would allow more than six weeks for the Commission to act following the hearing (the “Eversource Schedule”). The Eversource Schedule realistically provides an opportunity for a final order by year’s end, as ordered by the Commission.

4. While there is no disagreement as to the initial dates of the Schedule (June 19-July 31) there was among the parties with respect to the intervenors’ insistence that there be a complete second round of written discovery (actually a third round of discovery given that the schedule calls for oral discovery and written responses to questions posed at the technical session), which adds a full month to the schedule.

5. None of the intervenors offered any justification for this second round of written discovery except to argue that the Northern Pass Project is contentious.<sup>1</sup> Under any circumstances, and given the Commission’s desire to complete this docket by year end, this contention does not justify adding a month to the schedule. Moreover, with respect to pre-filed direct testimony in the allegedly contentious Northern Pass docket, which is far broader in scope, the Site Evaluation Committee (“SEC”) did not provide for a second round of written discovery following technical sessions.

6. This docket has been pending since October 2015. In fact, the issues in this docket are limited. As the Commission has indicated:

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<sup>1</sup> The purpose of this docket is not to consider the merits of the Northern Pass project. See paragraph 6.

Our review here, as we have consistently stated, will be about whether the terms of the proposed lease between Eversource and NPT are reasonable and in the public interest, and whether Eversource's customers are appropriately compensated by NPT for the use of Eversource's rights-of-way. We remind intervenors that we have limited our review, and we will not adjudicate property rights in this proceeding.

Order No. 26,020 at 6. This limited scope of review, largely a matter of expert testimony, does not require multiple rounds of written discovery. The intervenors have had 20 months to prepare discovery and obtain experts of their own, and no explanation for the extended discovery schedule was provided.

7. Notwithstanding the fact that the SEC's review of the Northern Pass project is scheduled to conclude by September 30, 2017, some intervenors also contend that the Eversource Schedule was inconvenient for them because of their participation in the Northern Pass docket at the SEC. Their apparent answer to that issue (which results from their decision to intervene in both dockets) is to impose an inconvenient schedule on the Commission-if this docket is to be completed by year-end.

8. Eversource and NPT concur with the Commission that this docket should be completed by year-end if possible. There are important reasons to do so, including that the SEC docket is to be completed this year. Eversource and NPT take the Commission's statement as a directive, and not, as was suggested at the scheduling conference as "aspirational." The Commission also has other matters on its plate and should not, without substantial justification, be placed in the position of having to resolve this docket in a three-week period. Such justification simply is not present here.

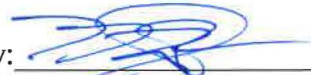
9. It has already been over two months since the Commission issued its Order. Discovery could have begun weeks ago, but will now begin no sooner than June 19, 2017, and still, no good reason has been given for adding an additional round of written discovery to the

schedule proposed by Eversource. Accordingly, Eversource and NPT request that the Commission approve the Eversource Schedule attached to this Response.<sup>2</sup>

Dated: June 13, 2017

Respectfully submitted,

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
d/b/a EVERSOURCE ENERGY

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NORTHERN PASS TRANSMISSION, LLC

By its attorneys,

McLANE MIDDLETON, PROFESSIONAL  
ASSOCIATION

Dated: June 13, 2017

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<sup>2</sup> Eversource and NPT endorse the proposal of the Hearing Officer for the appointment of a hearings examiner to address discovery issues.

### **CERTIFICATE OF SERVICE**

I hereby certify that, on June 13, 2017, I caused the foregoing to be served pursuant to N.H. Code Admin. Rule Puc 203.11.



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Matthew J. Fossum