

DE 15-459

NHPUC 7DEC15PM2:33

DEVINE
MILLIMET

ATTORNEYS AT LAW

December 4, 2015

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**VIA ELECTRONIC MAIL AND
FIRST CLASS MAIL**

Debra Howland, Executive Director &
Secretary
NH Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301

Re: DE 15-459; Northern Pass Transmission LLC – Petition to Commence Business
as a Public Utility

Dear Ms. Howland:

Enclosed for inclusion in the record in the above-referenced proceeding is an Affidavit of Publication pursuant to the Order of Notice dated November 24, 2015. In addition, an electronic copy of the Order of Notice was provided to the towns listed in the Petition to Commence Business. Email addresses for the Clerks of the respective Towns were obtained from the Secretary of State's website.

Very truly yours,



Marcia Murphy
Legal Assistant to Thomas B. Getz

TBG:mam

Enclosure

cc: Electronic Service List

UNION LEADER CORPORATION

**P O BOX 9513
MANCHESTER, NH 03108**

**0000047966
DEVINE MILLIMET & BRANCH PA
ATTN: ABIGALE CHESLEY
111 AMHERST ST
MANCHESTER NH 03101**

I hereby certify that the legal notice: (0001705120) DE 15-459
was published in the New Hampshire Union Leader
On:
11/30/2015.

And Tvt 11/30/2015

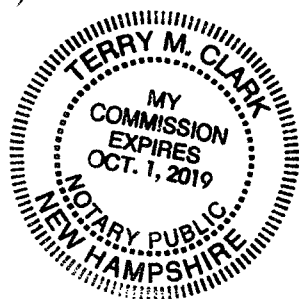
ANDREW THOMPSON
State of New Hampshire
Hillsborough County

Subscribed and sworn to before me this

30th day of November 2015

Terry M Clark

Notary Public



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Legal Notice

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DE 15-459
NORTHERN PASS
TRANSMISSION LLC
Petition to Commence Business
as a Public Utility
ORDER OF NOTICE**

On October 15, 2015, Northern Pass Transmission LLC (NPT) filed a petition requesting the Commission grant NPT permission to operate as a public utility in the state of New Hampshire pursuant to RSA 374:26. NPT filed supporting testimony along with related exhibits and schedules with its petition. The petition and subsequent docket filings, other than any information for which confidential treatment is requested or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2015/15-459.html>.

NPT is a limited liability company registered in New Hampshire. NPT is wholly owned by Eversource Energy Transmission Ventures, Inc., which in turn is a wholly-owned subsidiary of Eversource Energy, a public utility holding company which has its principal place of business in Connecticut. NPT seeks to construct, operate and maintain a 192-mile, high voltage electric transmission line from the international border between New Hampshire and Canada to a substation in Deerfield, New Hampshire. According to the petition, the line would pass through the following towns: Clarksville, Stewartstown, Dixville, Millsfield, Dummer, Stark, Northumberland, Lancaster, Whitefield, Dalton, Bethlehem, Sugar Hill, Franconia, Easton, Woodstock, Thornton, Campton, Plymouth, Ashland, Bridgewater, New Hampton, Bristol, Hill, Franklin, Northfield, Canterbury, Concord, Pembroke, Allenstown, Deerfield, Raymond, Candia, Chester, Auburn and Londonderry.

NPT states that, contemporaneous with its filing with the Commission, it filed an application for a certificate of site and facility from the N.H. Site Evaluation Committee, pursuant to RSA 162-H. The petition states that the proposed construction of the transmission line is related to a transmission service agreement between NPT and Hydro Renewable Energy, Inc. (HRE), a subsidiary of Hydro-Quebec. Under the agreement, NPT will develop, site, finance, construct, own and maintain the electric transmission line, and sell firm transmission service to HRE over a 40-year period.

NPT maintains that it has the financial, managerial and technical capability to operate as a public utility in New Hampshire. NPT points out that, pursuant to RSA 374:26, the Commission shall grant a franchise whenever it finds that such would be in the public good. NPT referred to Docket No. DE 03-186, *Florida Power & Light*, where the Commission granted limited public utility status to Florida Power & Light Company (FP&L) related to its newly-acquired majority ownership of the transmission substation located at the Seabrook nuclear power plant. See Order No 24, 321 (May 7, 2004). NPT states that the scope of regulation exercised with respect to FP&L is also appropriate for NPT.

The filing raises, *inter alia*, issues related to whether NPT qualifies as a New Hampshire public utility pursuant to RSA 362:2; whether NPT has the managerial, financial and technical competency to serve as a public utility in New Hampshire; if NPT qualifies as a public utility, the extent to which NPT should be subject to Commission regulation; and whether it would be in the public good to grant NPT permission to operate as a public utility in New Hampshire, pursuant to RSA 374:26. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on December 9, 2015 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, NPT, the Staff of the Commission and any intervenors hold a Technical Session to review the petition and allow NPT to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, NPT shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than December 2, 2015, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before December 7, 2015; and it is

FURTHER ORDERED, that NPT shall directly provide an electronic copy of this Order of Notice to the towns listed in its petition; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to NPT and the Office of the Consumer Advocate on or before December 7, 2015, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32, (b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before December 9, 2015.

By order of the Public Utilities

Commission of New Hampshire this twenty-fourth day of November, 2015.

Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event. (UL - Nov. 30)