

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DE 15-460

NORTHERN PASS TRANSMISSION, LLC

Petition to Cross Public Waters

MOTION TO REVISE PROCEDURAL SCHEDULE

NOW COMES Northern Pass Transmission LLC (“NPT”) by and through its attorneys McLane Middleton, PA and respectfully requests that the New Hampshire Public Utilities Commission (“PUC” or “Commission”) revise the procedural schedule in Docket DE 15-460 to allow NPT additional time to notify abutting property owners within 100 feet of the eight underground crossings of public waters. In support of its request, NPT states as follows:

1. NPT filed a Petition to Cross Public Waters on October 19, 2015. The Petition requested approval from the Commission to cross 25 public waters—17 overhead crossings and 8 underground crossings.
2. Pursuant to the Commission’s Order of Notice dated March 10, 2016, NPT was required to send notice to abutters within 100 feet of either side of each crossing on affected state waters by sending a copy of the Order of Notice to each abutter.
3. Copies of the Order of Notice were sent by United States Certified mail, return receipt requested, to the Attorney General, the towns where the crossings will be constructed, and owners of land within 100 feet of the crossings by March 21, 2016, as identified in an affidavit of notice filed on March 29, 2016.
4. NPT, however, just discovered that the list it created for purposes of identifying abutters within 100 feet of public water crossings, whom the Commission directed be notified of

this proceeding pursuant to RSA 371:19, included only the seventeen overhead crossings in Attachment B, Part A, to its Petition, but did not include the eight underground crossings in Attachment B, Part B.

5. Attached is the list of the underground abutters that should have received notice of the proposed underground crossing of public waters. See Exhibit A (list of all underground abutters).

6. To remedy this error, NPT proposes to provide notice to these underground abutters by including a copy of the March 10, 2016 Order of Notice accompanied by a revised procedural schedule or letter, to be issued by the Commission, by United States Certified mail, return receipt requested no later than April 15, 2016. Notice will be documented by an affidavit listing the name and address of persons to whom notice was sent, along with copies of the return receipts, filed with the Commission no later than April 22, 2016.

7. Consistent with the timing of the March 10, 2016 Order of Notice, abutters would have until April 23, 2016, to file a Petition to Intervene. NPT does not object to the intervention of such parties but does not concede that a party abutting the parcel on which the crossing occurs is affected by the crossing.

8. On April 7, 2016, the Commission approved a partial procedural schedule. NPT proposes that the schedule be suspended until April 23, 2016, and revised. Under the revised schedule, briefs would be due on April 29, 2016. Data Requests to NPT would be due within one week of the Commission's decision on the parties' briefs, with data responses from NPT due within two weeks.

9. The lack of notice given to the underground abutters in Docket DE 15-460 does not affect the Crossing Petitions filed by NPT in Docket DE 15-461 or by Public Service

Company of New Hampshire d/b/a Eversource Energy ("Eversource") in DE 15-462 and DE 15-463 inasmuch as these crossings will only be overhead on its existing right-of-way.

10. NPT and Eversource are also in receipt of the City of Concord's Notice of Position on Motion to Stay. Both NPT and Eversource Object to this motion and will file a formal Objection by the deadline of April 18, 2016.

WHEREFORE, NPT respectfully requests that the Commission:

- A. Revise the procedural schedule in Docket DE 15-460 described herein;
- B. Take such other appropriate steps in Docket DE 15-461, 15-462, 15-463 as necessary to accommodate the procedural schedules in those dockets; and
- C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

NORTHERN PASS TRANSMISSION LLC

By Its Attorneys,

EVERSOURCE ENERGY and
MCLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: April 11, 2016

By: 

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Certificate of Service

I hereby certify that on the 11th of April, 2016, an original and six copies of the foregoing Motion was hand-delivered to the New Hampshire Public Utilities Commission and an electronic copy was served upon the Service List and the Consumer Advocate.



Thomas Getz