

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

DE 15-460

NORTHERN PASS TRANSMISSION LLC

Petition to Cross Public Waters

OBJECTION TO PETITION TO INTERVENE OF KRIS PASTORIZA

NOW COMES Northern Pass Transmission LLC (“NPT”) by and through its attorneys, McLane Middleton, Professional Association, and respectfully submits this Objection to the Petition to Intervene of Kris Pastoriza in the above-captioned docket.

1. On March 31, 2016, Ms. Pastoriza emailed a late petition to intervene to a number of individuals at the Public Utilities Commission (the “Commission” or “PUC”) and to attorneys for NPT and Public Service Company of New Hampshire (“PSNH”). At the prehearing conference on April 1, 2016, the Commission addressed properly-filed petitions to intervene by the Town of Franconia and the City of Concord. The Commission was made aware that Ms. Pastoriza had circulated an email but it was noted that the late petition had not been filed with the Public Utilities Commission, and it was therefore not addressed.

2. Subsequently, on April 6, 2016, eight days after the March 29, 2016 intervention deadline set forth in the March 10, 2016 Order of Notice, an entry appeared on the Commission’s website, described as Ms. Pastoriza’s petition to intervene. The filing appears to consist of Ms. Pastoriza’s previous email and a hand written “cover letter” alleging that cover letters constitute a discriminatory practice. It does not appear that Ms. Pastoriza notified NPT or anyone else of this submittal.

3. The petition is unclear as to the capacity in which Ms. Pastoriza is claiming an interest. On the one hand, it appears that she is seeking standing as a representative of the Town of Easton, as well as the Easton Conservation Commission. On the other hand, it appears that she is petitioning in her individual capacity.

4. Ms. Pastoriza is not a representative of the Town of Easton and therefore has no capacity to represent its interests in this docket. While Ms. Pastoriza may be the Vice-Chair of the Easton Conservation Commission, she has not demonstrated that she is authorized to act on its behalf in this docket.

5. Neither does the petition demonstrate how any of Ms. Pastoriza's individual rights, duties, privileges, immunities or other substantial interests are affected by the proceeding, nor that the interests of justice require intervention. *See* RSA 541-A:32. Ms. Pastoriza contends that she has "[a]n interest in the crossings because they will substantially [a]ffect the public rights in public waters with the Town and will harm both the Town and the public to an extent not necessary for reasonable provision of service to the public." Petition to Intervene at 1. Such a claim is too generalized to constitute grounds for intervention in a PUC proceeding. General allegations of harm are not sufficient. *See Blanchard v. Railroad*, 36 N.H. 263, 264 (1993) (finding that standing does not exist if a party cannot establish that it has an "interest[] in or [is] affected by the proceedings in some manner differently from the public, citizens, and taxpayers generally"). As Ms. Pastoriza herself acknowledges, her interest in this docket is in regard to the interest of the public, not herself.

6. Ms. Pastoriza further contends that she is "[t]he only person with the knowledge and resources at this time, to intervene on behalf of the Town of Easton." Petition to Intervene at 2. Ms. Pastoriza asserts that she has a deep level of expertise in the watershed and its associated

environment, as well as historic resources in the Town of Easton and that she co-authored two reports to the Section 106 historic review process. She concludes that her knowledge and expertise may assist the Subcommittee with reaching its decision. Ms. Pastoriza filed a similar petition to intervene in the Northern Pass proceeding before the New Hampshire Site Evaluation Committee (“SEC”), SEC Docket No. 2015-06. The Presiding Officer denied her petition in the SEC proceeding after finding that her claimed “levels of expertise and knowledge” did not constitute a right, duty, privilege or other substantial interest that is affected by the proceedings. *See* Order on Interventions, Docket No. 2015-06 (March 18, 2016) at 22. NPT asks the Commission to apply the same reasoning here.

7. Finally, granting Ms. Pastoriza’s petition is not in the interests of justice. Ms. Pastoriza has conducted herself in a manner that interferes with the orderly conduct of the proceedings in SEC Docket No. 2015-06. She has demonstrated a lack of appreciation for the rules of practice and procedure governing administrative proceedings, including ignoring the explicit instructions of Counsel to the SEC regarding the improper use of the distribution list as a means of discussing the issues in the case. In an e-mail to which Ms. Pastoriza was an addressee, Counsel to the Committee stated “*Please do not use this list for the purposes of communication with other parties or for the purpose of posting an argument for or against the project.*” [Emphasis added]. Ms. Pastoriza’s refusal to comply with SEC practice and procedures, and her approach to filing in this case, are evidence that her intervention is not in the interests of justice and that it would disrupt the orderly conduct of the proceedings.

8. Ms. Pastoriza’s petition also states that the “Town of Easton and the Easton Conservation Commission have an interest in the proposed crossings but the Town found out

about them only yesterday and the Conservation Commission has not been notified.” Petition to Intervene at 1.

9. Ms. Pastoriza’s claim that the Town did not receive adequate notice is not accurate. The Affidavit of Notice filed with the Commission on March 29, 2016, includes, in Exhibit A, a return receipt from the Easton Town Clerk’s Office. Furthermore, as required by the Commission’s Order of Notice, NPT caused a copy of the Order of Notice to be published in a newspaper with general circulation. Therefore, Ms. Pastoriza’s claims regarding inadequate notice are without merit.

WHEREFORE, NPT respectfully requests that the Commission:

- A. Deny Ms. Pastoriza’s late-filed Petition to Intervene; and
- B. Grant such other and further relief as may be just and equitable.

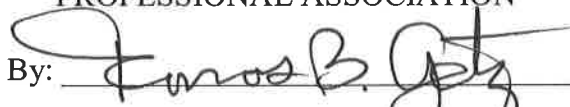
Respectfully submitted,

NORTHERN PASS TRANSMISSION LLC

By Its Attorneys,

EVERSOURCE ENERGY and
MCLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: April 15, 2016

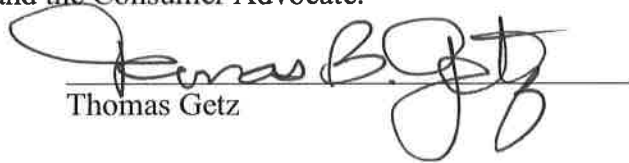
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Certificate of Service

I hereby certify that on the 11th of April, 2016, an original and one copy 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