

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY'S
MOTION TO ESTABLISH A PROCEDURAL SCHEDULE

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07, Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH" or the "Company") hereby moves for the Commission to establish a procedural schedule for the docket as proposed in this motion. In support of this motion, PSNH states the following:

1. On October 19, 2015, PSNH filed a petition for approval of a lease transaction between it and Northern Pass Transmission LLC ("NPT") whereby PSNH would lease to NPT certain real estate rights owned by PSNH. Pursuant to a directive of the Commission PSNH supplemented that filing on December 4 and 7, 2015. On September 15, 2016 the Commission issued Order No. 25,943 requesting legal memoranda relative to certain questions raised in that order pertaining to PSNH's ability to lease the rights it owns.¹ On October 28, 2016, PSNH and others submitted memoranda in response to the Commission's request.
2. On April 6, 2017, the Commission issued Order No. 26,001 where it stated that it could not, and was not attempting to, determine the scope of the underlying property rights. It further concluded that:

¹ Order No. 25,943 was subsequently clarified through Order No. 25,946 (September 27, 2016).

[W]e find no barrier to moving forward *with our consideration of the terms of the proposed lease and the valuation of the easement rights granted thereby, to determine whether the lease is for the public good as required by RSA 374:30.*

Id. at 15 (emphasis added). As part of that order, the Commission required that Staff work with the parties to establish a procedural schedule for the docket with the goal of having a “final order” by the end of 2017.

3. In the month that has elapsed since Order No. 26,001 was issued, and while working with the Commission Staff, the parties to the docket have attempted to negotiate a schedule. However, disagreements on both the timing and scope of the proceeding have hampered that process and it is unclear whether or when the parties could agree to a schedule, and rather than delay the docket further to see whether the parties could agree to a schedule, PSNH has elected to file this motion.
4. In the course of discussions, PSNH has offered scheduling proposals that would result in hearings in the docket in September or early October and which would, allowing for the potential for requests for reconsideration or other adjustments, permit sufficient time for the Commission to issue a final order by the end of the year. Other proposals have provided for hearings later in the year, and those are based on a presumption that additional extensions or accommodations would not be requested over the course of the proceeding. Having hearings in November or December, or perhaps later, would mean that any final order would not come before sometime in 2018, well over two years since PSNH’s filing and beyond the goal set by the Commission.
5. Among the issues in establishing a schedule has been the contention that the scope of the proceeding requires multiple rounds of discovery. Such discovery is not necessary. PSNH’s filing in this docket has been available for review for more than a year and a half

already. Furthermore, the Commission has made very clear the limited scope of its review in this docket. As the Commission stated in Order No. 26,001, its review will cover “the terms of the proposed lease and the valuation of the easement rights granted thereby.” *Id.* The Commission has also reaffirmed that it does not have the jurisdiction to determine individual property rights, and is not empowered to determine the rights of individual landowners. Thus, this docket is limited to the review of the terms of a lease that has been in the public record for a long time and the schedule proposed below recognizes that fact.

6. Additionally, various parties have contended that the requirements of other proceedings, particularly those relating to NPT at the Site Evaluation Committee (“SEC”), are so significant that the schedule here must yield to those requirements. This docket need not be further delayed by proceedings elsewhere. The parties to this docket have elected to participate here with the knowledge and understanding of other obligations that may exist in other forums, including those unconnected to the SEC or NPT. Furthermore, there are nearly a dozen intervenors in the docket, many of which have intervened on essentially identical grounds – that they own property covered by the lease. As noted above, the Commission has made quite plain that the property rights of those parties are not subject to review here. In such a circumstance, it would seem that there is a way for those intervenors to coordinate to ensure that whatever interests they believe may be covered by a review of the terms of the lease will be represented throughout this process, regardless of other events.
7. In light of the above, PSNH requests that the Commission adopt the below schedule for the docket. To the extent reasonable, PSNH would consider, or the Commission may

require, accommodations of specific proposed dates. Nonetheless, PSNH believes that the schedule below is just and reasonable, that it provides adequate process for all parties, and that it will meet the Commission's stated request for a final order by the end of 2017.

Discovery to PSNH	May 22, 2017
Responses Due	June 9, 2017
Technical Session	June 19, 2017
Responses to Tech Session Requests	June 28, 2017
Testimony of Intervenors & Staff	July 21, 2017
Discovery to Intervenors & Staff	August 4, 2017
Responses Due	August 18, 2017
Technical Session	August 24, 2017
Responses to Tech Session Requests	August 30, 2017
PSNH Rebuttal, if needed	September 8, 2017
Technical Session/Settlement Conference	September 14-15, 2017
Hearing on the Merits	Week of September 25 or October 2

WHEREFORE, PSNH respectfully requests that the Commission:

- (1) Approve the procedural schedule as proposed in this submission; and
- (2) Order such further relief as may be just and equitable.

Respectfully submitted,

**Public Service Company of New Hampshire d/b/a
Eversource Energy**

May 5, 2017
Date

By: 

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

May 5, 2017
Date


Matthew J. Fossum