

STATE OF NEW HAMPSHIRE

BEFORE THE

PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire

**Petition for Approval of Lease Agreement between PSNH dba Eversource Energy
and Northern Pass Transmission LLC**

Docket No. DE 15-464

**Objection to Lagaspence Realty, LLC's Motion for Leave to File Additional Data Requests
Based on the Shenehon Appraisal Report Filed September 18, 2017**

NOW COMES the Staff of the Public Utilities Commission and objects to the Motion of Lagaspence Realty, LLC (Lagaspence) for leave to file additional data requests well after the deadline for making such requests. Staff states as follows:

1. On October 19, 2015, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition for approval of a lease agreement between Eversource and Northern Pass Transmission LLC (NPT). Under the proposed lease agreement, NPT would lease certain rights-of-way from Eversource, and use the rights-of-way to construction and operate a transmission line known as the Northern Pass Project. For the complete procedural history of this docket, please see <http://www.puc.nh.gov/Regulatory/Docketbk/2015/15-464.html>.

2. Lagaspence is an intervenor in this proceeding.

3. After a scheduling conference attended by the parties, including Lagaspence, on June 8, 2017, the Commission issued a secretarial letter approving a procedural schedule which

provided for discovery in this proceeding. In relevant part, the schedule approved a second set of data requests to Eversource regarding its petition, to be filed by August 11, 2017.

4. On September 29, 2017, Lagaspence filed a motion for leave to file additional data requests based on the appraisal report attached to the testimony of Staff's expert, Shenehon Company.

5. In its motion, Lagaspence acknowledges that the Procedural Schedule required it to file any second round of data requests on or before August 11, 2017, but notes that the Shenehon Appraisal Report (Appraisal Report) was not filed until September 18, 2017.

6. As an intervenor in this proceeding, Lagaspence, like other parties, is required to comply with all discovery deadlines set forth in a procedural order. *See* N.H. Code of Admin. Rules Puc 203.09(a)-(b).

7. Requests for extension must be made "before the expiration of the period originally prescribed." Puc 202.04(a).

8. The Commission shall grant a request for an extension of discovery deadlines if the party requesting the extension shows that: (1) "circumstances would cause undue hardship or inconvenience unless the request were granted; **and** (2) [t]he extension would not unduly delay the proceeding or adversely affect the rights of any party." Puc 202.04(c) (emphasis added).

9. Lagaspence was required to request any extension of the August 11, 2017 deadline **before** this deadline expired. Moreover, it either knew, or should have known, that the Appraisal Report had not been filed by August 11, 2017.

10. As an Intervenor, Lagaspence is obligated to abide by the procedural schedule. The procedural schedule is clear. The last opportunity to ask questions of Eversource's witnesses was August 11, 2017. The motion for leave to file an additional data request was

made by Lagaspence on September 29, 2017. The Commission should not allow intervenors to pick and choose which deadlines that they will adhere to when they are allowed to intervene in proceedings before the Commission

11. Further, Lagaspence had ample opportunity to ask the question posed in its motion before Staff filed the testimony of its expert. Parties to this docket have known all along that Eversource had acquired the underlying rights-of-way through easement deeds or quitclaim deeds, and that information was provided by Eversource in a filing made December 7, 2015. *See* Docket De 15-464 Tab 7.

12. The data request is as follows:

Please provide information for each and every acquisition of property for the construction of the Northern Pass from Dummer, New Hampshire, to the Canadian border. The information should include the names of the sellers; the names of the buyers; a description of the property; the form of the conveyance, e.g., easement, deed in fee, etc.; and, the purchases price. Please also include a copy of each conveyance as recorded and for instruments not recorded, if any, a copy of the instrument as executed.

13. It is not clear how the requested information is relevant to the subject matter of the petition, or would lead to the discovery of evidence relevant in this proceeding; however, if Lagaspence wished to compile information contained in the deeds as proposed in its question, Lagaspence has had almost two years to do so. To now ask Eversource, or Staff, to compile the information as by Lagaspence's proposed question is not only untimely, but burdensome, and could be construed as seeking to further delay this case which has been before the Commission for the past two years.

14. As Lagaspence's motion for extension is not only untimely, but fails to demonstrate sufficient grounds for an extension under Puc 202.04(c), it should be denied.

WHEREFORE, Staff respectfully requests that this Commission DENY the motion for leave filed by Lagaspence Realty, LLC to make an untimely data request in this proceeding, and grant any other such relief as it deems appropriate.

Sincerely,



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October 3, 2017

Certificate of Service

I hereby certify that a copy of this Objection was provided via electronic mail to the individuals included on the Commission's service list for this docket.



Suzanne Amidon, Esq.