

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 15-459

NORTHERN PASS TRANSMISSION LLC

Motion for Reconsideration by Terry Cronin

Order Denying Motion for Reconsideration

ORDER NO. 25,936

August 18, 2016

In this Order, the Commission denies Terry Cronin's motion for reconsideration of the Commission's decision to deny his request for intervention in this proceeding.

I. PROCEDURAL BACKGROUND

On October 19, 2015, Northern Pass Transmission LLC (NPT) filed a petition to commence business as a public utility. 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 with a principle 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. 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 (Northern Pass Project).

The Office of Consumer Advocate (OCA) filed a letter of participation on November 12, 2015, pursuant to RSA 363:28. An Order of Notice was issued on November 24, 2015. On April 12, the Society for the Protection of New Hampshire Forests (Forest Society) filed a petition to intervene which was denied by the Commission by secretarial letter dated April 25, 2016.

NPT and Commission Staff filed a Settlement Agreement on June 10, 2016. On June 30, 2016, the Commission issued a secretarial letter scheduling a hearing for July 20, 2016. Terry Cronin petitioned to intervene on July 20, 2016. At the hearing, the Commission determined that the petition was late and denied the petition. Mr. Cronin moved for reconsideration of the decision to deny him intervenor status, alleging in part that the OCA did not participate in the negotiation of the Settlement Agreement, and without the OCA representation, Mr. Cronin's rights "have been nullified in this case." The OCA filed a letter on August 4, 2016, in which the OCA explained its involvement in this proceeding.

II. POSITION OF THE PARTIES

A. Terry Cronin

In his petition to intervene, Mr. Cronin questioned the fitness of NPT to be a public utility. He cited an investigation by the Federal Energy Regulatory Commission (FERC) into whether certain high transmission rates in New England were unjust and unreasonable. Because Eversource is a public utility company that owns transmission, and because NPT is a wholly owned subsidiary of Eversource, Mr. Cronin concluded that it was appropriate to question NPT's ethical standard of fitness to operate as a public utility. He argued that because the OCA is not a party to the agreement, there is no assurance that the Settlement Agreement between NPT and Staff is in the public interest.

In his motion for reconsideration, Mr. Cronin acknowledged his lack of familiarity with the Commission's website as an excuse for his late-filed petition to intervene. He then repeated his assertion that the OCA did not participate in discovery or negotiations in the docket, and that absent such action, the rights of residential ratepayers "have been nullified in this case." He referred again to the FERC investigation and requested that he be permitted to proceed as a full intervenor in this proceeding.

B. Office of Consumer Advocate

In its August 4, 2016, letter, the OCA said it takes no position on Mr. Cronin's motion. The letter clarified the OCA's participation in this docket. The OCA said that it conducted discovery, received and reviewed copies of the discovery conducted by Staff, and participated in the informal conversations among the parties that preceded and followed the negotiation of the Settlement Agreement. In addition, the OCA stated that it was given an opportunity to sign the Settlement Agreement but declined. The OCA said that it had a full and fair opportunity to participate in all aspects of the proceeding and exercised its right responsibly. Through such participation, the OCA expressed confidence that the interests of residential utility customers were represented effectively. Finally, the OCA pointed out that Staff said that its signing of the Settlement Agreement did not constitute a recommendation of approval of the Northern Pass Project.

III. COMMISSION ANALYSIS

The Commission may grant rehearing or reconsideration for "good reason" if the moving party shows that an order is unlawful or unreasonable. RSA 541:3, RSA 541:4; *Rural Telephone Companies*, Order No. 25,291 (Nov. 21, 2011). A successful motion must establish "good reason" by showing that there are matters the Commission "overlooked or mistakenly conceived

in the original decision,” *Dumais v. State*, 118. N.H. 309, 311 (1978) (quotations and citations omitted); or by presenting new evidence that was “unavailable prior to the issuance of the underlying decision,” *Hollis Telephone Inc.* Order No. 25,088 at 14 (April 2, 2010). A successful motion for rehearing must do more than merely restate prior arguments and ask for a different outcome. *Public Service Co. of N.H.* Order No. 25,676 at 3 (June 12, 2014); *see also Freedom Energy Logistics*, Order No. 25,810 (Sept. 8, 2015).


Mr. Cronin’s motion for reconsideration does not present any new information, nor does it suggest that the Commission overlooked or mistakenly conceived his original petition for intervention. In addition, the OCA’s letter confirms that the OCA participated in this proceeding on behalf of residential customers.

Accordingly, we deny Mr. Cronin’s motion for reconsideration.

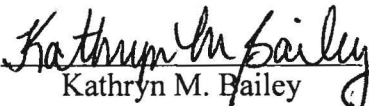
Based upon the foregoing, it is hereby

ORDERED, that Mr. Cronin’s motion for reconsideration is hereby DENIED.

By order of the Public Utilities Commission of New Hampshire this eighteenth day of August, 2016.

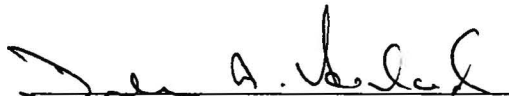


Martin P. Honigberg
Chairman



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director