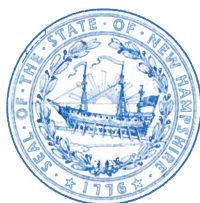


STATE OF NEW HAMPSHIRE

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May 16, 2016

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Ms. Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301-7319

RE: Docket No. DE 15-459, Northern Pass Transmission LLC  
Petition to Commence Business as a Public Utility

Dear Ms. Howland:

Please treat this letter as my office's response to two pending matters in the above-referenced docket: (1) the request submitted by Commission Staff on May 13, 2016 to reschedule the hearing currently set for May 17, 2016 and (2) the motion filed on May 5, 2016 by the Society for the Protection of New Hampshire Forests ("Forest Society") for rehearing of the Commission's decision denying the Forest Society's petition to intervene.

The Office of the Consumer Advocate ("OCA") agrees with the request to continue the hearing but cannot concur with Staff's suggestion to reschedule the hearing to the "earliest possible date." Staff's letter refers to the existence of an "agreement in principle" reached between the petitioner and Staff, suggesting the matter is non-controversial. Letter of Suzanne G. Amidon to Debra A. Howland of May 13, 2016. The OCA is not a party to the agreement in principle, which was negotiated without our involvement.

When the Commission conducted its prehearing conference in this proceeding on December 9, 2015, the parties clearly assumed this case raised no issues that required a contested hearing and, accordingly, agreed to streamlined procedural schedule consisting of a technical session followed by a merits hearing to be held on March 29, 2016. The Commission duly approved this request. However, on the eve of the hearing date, Staff requested a continuance to April 7, 2016 so Staff and the petitioner could finalize a "settlement in principle." Letter of Suzanne G. Amidon to Debra A. Howland of March 28, 2016. Next the petitioner requested a postponement, indicating that "[t]he parties continue to discuss the terms of the settlement agreement . . . and additional time is required in order for the parties to conclude those discussions." Motion to Postpone Hearing of Northern Pass Transmission LLC on April 6, 2016. In other words, what is pending now is the third request to postpone a previously scheduled

hearing on the ground that Staff and the petitioner need more time to finalize an agreement – one to which the the Office of Consumer Advocate) is not a signatory.

At the prehearing conference, Chairman Honigberg said he found it “a little surprising” that there appeared to be no public interest in the docket given that “we have a docket [here] with ‘Northern Pass’ in the title.” Prehearing Conference Tr. At 8, lines 7-17. But public interest has now manifested itself in the form of the late intervention motion from the Forest Society, which the petitioner has aggressively and successfully resisted, at least to date. *See* Objection to Petition to Intervene filed by Northern Pass Transmission LLC on April 18, 2016 at 3 (claiming that “the matter has progressed steadily” and late intervention would therefore impair the prompt and orderly conduct of the proceeding, contrary to RSA 541-A:32, II); Motion to Strike Response of Society for Protection of New Hampshire Forests filed by Northern Pass Transmission LLC on April 22, 2016 at 2 (contending that when the Forest Society responded to the petitioner’s objection to the intervention request the Forest Society was manifesting a lack of “faithful adherence” to Commission rules that belied the Forest Society’s claim that granting it party status would not impair the prompt and orderly conduct of the proceeding).

In these circumstances, the OCA supports the request of the Forest Society for rehearing of the denial of its intervention request. In its motion to intervene, the Forest Society notes that it owns property that is directly affected the petitioner’s proposed transmission project and holds conservation easements with respect to other property subject to such effects. As the Forest Society sets forth in its motion, its interest in party status is grounded in a concern that “its property rights do not become impacted by a settlement or as a result of an order recognizing Northern Pass as a public utility without conditions or limitations on what that means.” Forest Society Motion for Rehearing, filed on May 5, 2016, at 2. These concerns are not frivolous and, indeed, it would be unfair for the Commission to have expressed surprise at the prehearing conference about a lack of public interest only to rebuff that interest when it arose as the settlement discussions between Staff and the petitioner dragged on.

Given the progress of this case since the prehearing conference, it is appropriate for the Commission and the parties to reconsider the assumption at the prehearing conference that this matter is noncontroversial. Accordingly, the OCA requests that the Commission grant the Forest Society’s request for rehearing of its intervention motion, provide the Forest Society with full party status, and schedule a second prehearing conference at which the parties and the Commission can revisit the question of what subsequent proceedings are necessary in order to bring this case to an appropriate conclusion.

Sincerely,



Donald M. Kreis  
Consumer Advocate

cc: Service List and Amy Manzelli, Esq., via electronic mail