

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Northern Pass Transmission, LLC

DE 15-459

**RESPONSE TO NORTHERN PASS TRANSMISSION, LLC OBJECTION TO
PETITION TO INTERVENE OF THE
SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS**

The Society for the Protection of New Hampshire Forests (the “Forest Society”), by and through its attorneys, BCM Environmental & Land Law, PLLC, respectfully responds to the Objection of Northern Pass Transmission, LLC (“Northern Pass”) to the Petition to Intervene of the Forest Society, dated April 18, 2016 (“Objection”), as follows:

1. First, in its Objection, Northern Pass appears to assert that its petition for recognition as a public utility is limited to the PUC’s inquiry into Northern Pass’ “financial, managerial and technical expertise.” Objection, p. 2. While that may be a primary inquiry of the PUC, the actual effect of recognition as a public utility reaches beyond such tangible objectives.
2. For example, Northern Pass has acknowledged that as the proposed project is presented in its application to the Site Evaluation Committee, pursuant to RSA 371:1, Northern Pass cannot avail itself of the eminent domain process. However, since its passage in 2012, RSA 371:1 has not yet been tested in the courts. The potential ramification of conferring public utility designation on Northern Pass is therefore an unknown in at least this application and has the very real potential to affect the Forest Society’s real property rights and interests. Participating in this proceeding gives the

Forest Society a seat at the table to raise such questions and issues and ensure that certain unintended consequences affecting its property rights do not occur.

3. Second, the PUC is charged with determining whether recognition as a public utility would be “for the public good.” RSA 374:26. The SEC, on the other hand, at the end of 2015, adopted new rules that include “Criteria Relative to the Public Interest”; a change that occurred after Northern Pass filed this petition with the PUC. How and whether the public interest criteria are satisfied before the SEC has not yet been either tested or implemented. Accordingly, the Forest Society’s intervention in the public utility petition is important to ensure that these two standards are not conflated in order to protect its rights, duties, privileges, immunities, and other substantial interests.
4. Third, the Forest Society further seeks to ensure its rights and interests are not adversely affected, directly or indirectly, under the Affiliate Transactions Rules given that there are clearly interrelated utility entities, PSNH d/b/a Eversource and Northern Pass, involved in this proposed project.
5. Finally, contrary to Northern Pass’ objection, granting the Forest Society’s petition to intervene at this stage in the PUC’s process will not impair the orderly and prompt conduct of this proceeding. The Forest Society seeks to enter the proceedings in order to participate from this point forward, not to undo or re-visit, for example the discovery process, but rather to participate in any settlement discussions, attend and participate in any pre- or post-hearing conferences, submit relevant testimony, and participate in the hearing. While the Forest Society is not seeking any postponements, the Forest Society also notes, based on a review of the docket filings,

that Northern Pass has consented to a revised schedule and postponement of the hearing on this petition multiple times since its initial filing in October, 2015.

6. In sum, the Forest Society seeks intervention to continue to safeguard its interests from potential unintended consequences under new Rules and laws, ensure that the standard of public interest at the SEC and public good before the PUC are not confused or conflated, and will not interfere in the orderly and prompt process in this matter.

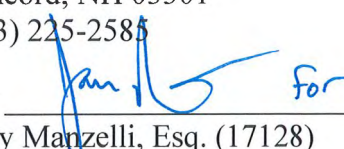
Respectfully Submitted,

**SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS**

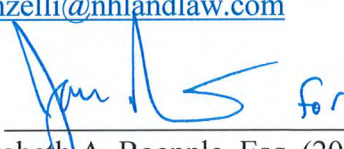
By its Attorneys,

April 21, 2016

BCM Environmental & Land Law, PLLC
3 Maple Street
Concord, NH 03301
(603) 225-2585

By:  for


Amy Manzelli, Esq. (17128)
manzelli@nhlandlaw.com

By:  for

Elizabeth A. Boepple, Esq. (20218)
boepple@nhlandlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this day, April 21, 2016, a copy of the foregoing petition was sent by electronic mail or U.S. Mail, postage prepaid, to persons named on the Service List of this docket.

By:  for

Amy Manzelli, Esq.