

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

Docket No. DE 15-459

NORTHERN PASS TRANSMISSION LLC

Petition to Commence Business as a Public Utility

**MOTION TO STRIKE RESPONSE OF
SOCIETY FOR PROTECTION OF NEW HAMPSHIRE FORESTS**

NOW COMES Northern Pass Transmission LLC (“NPT”) by and through its attorneys, McLane Middleton, Professional Association, and respectfully submits this Motion to Strike the Response of the Society for Protection of New Hampshire Forests (“SPNHF”) in the above-captioned docket.

1. On April 12, 2016, SPNHF filed a petition to intervene in the above-captioned proceeding—more than four months after the deadline set for intervention. NPT objected to SPNHF’s late-filed petition on April 18, 2016. SPNHF’s petition was in effect a motion under Puc 203.07, to which NPT objected within the 10-day period set forth in Puc 203.07 (e). NPT moves to strike SPNHF’s latest pleading because it is not compliant with the Commission’s Procedural Rules, which do not provide for responses to objections.

2. SPNHF reframes and adds here further attenuated bases to its late-filed petition to intervene. It summarizes its position as seeking to “safeguard its interests from potential unintended consequences of new Rules and laws,” including the limitation in RSA 371:1 on the use of eminent domain, the public interest standard in RSA 162-H:16, IV (e), and the Affiliate Transaction Rules in Puc Chapter 2100. SPNHF repeats in various sections of its response that allowing it to participate will “ensure” that certain unrelated outcomes will not occur, but it does not yet demonstrate a substantial legal interest that would be affected by the proceeding.

3. As noted in NPT's prior objection, the Commission explained in *Re North Atlantic Energy Corporation*, 87 N.H.P.U.C. 455, 456 (2002), that "merely being interested in such a proceeding is not the same as having a legal interest of some nature that may be affected by the proceeding." Here, SPNHF seeks a "seat at the table" as a prophylactic measure to avert unintended consequences that would presumably result from some Commission error. If affiliate transactions or eminent domain ever become justiciable issues, SPNHF can seek to intervene in the appropriate proceeding, but those issues are not within the scope of this proceeding. As for its concern about the SEC's interpretation of the public interest, the SEC granted SPNHF intervention in SEC Docket No. 2015-06; it can pursue its interests in that case.

4. Finally, SPNHF contends that its participation will not impair the prompt and orderly conduct of the proceeding. SPNHF, nevertheless, submits a filing not contemplated by or provided for in the Commission's Procedural Rules, and offers no good cause for such filing. NPT believes that the prompt and orderly conduct of a proceeding depends on a faithful adherence to such rules.

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WHEREFORE, NPT respectfully requests that the Commission:

- A. Strike SPNHF's Response;
- B. Deny SPNHF's untimely Petition to Intervene; and
- C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

NORTHERN PASS TRANSMISSION LLC

By Its Attorneys,

EVERSOURCE ENERGY and
MCLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: April 22, 2016

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Certificate of Service

I hereby certify that on the 22nd of April, 2016, an original and six copies of the foregoing Motion was hand-delivered to the New Hampshire Public Utilities Commission and an electronic copy was served upon the Service List and the Consumer Advocate.

Adam Dumble for:
Thomas Getz