

**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

**OBJECTION TO MOTION FOR REHEARING 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, pursuant to Puc 203.07 (f) and 202.03 (c), this objection to the motion for rehearing of the Society for Protection of New Hampshire Forests (“SPNHF”) in the above-captioned docket.

On April 12, 2016, SPNHF filed a petition to intervene in this proceeding more than four months after the deadline for intervention set by the New Hampshire Public Utilities Commission (“Commission” or “PUC”). NPT filed an objection to SPNHF’s late-filed petition to intervene on April 18, 2016. SPNHF then filed a pleading on April 21, 2016, not permitted by the Commission’s rules, which it titled a response to NPT’s objection. On April 22, 2016, NPT filed a motion to strike SPNHF’s response. The Commission denied SPNHF’s petition to intervene on April 25, 2016, finding that SPNHF had not demonstrated how its intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceeding.

On May 5, 2016, SPNHF, taking a third bite at the apple, filed a motion for rehearing of the Commission’s denial of its petition to intervene. SPNHF states again arguments made in its previous two filings about not disrupting the procedural schedule, which the Commission has

found unavailing. In addition, it asks that the Commission, in the event it denies rehearing, make a series of legal rulings in this docket regarding property rights, eminent domain and affiliate transactions that it raised before, all of which are beyond the scope of this proceeding.

The purpose of rehearing “is to direct attention to matters that have been overlooked or mistakenly conceived in the original decision ...” *Damais v. State*, 118 N.H. 309, 311 (1978) (internal quotations omitted). A rehearing may be granted when the Committee finds “good reason” or “good cause” has been demonstrated. *See O’Loughlin v. NH Pers. Comm.*, 117 N.H. 999, 1004 (1977); *Appeal of Gas Service, Inc.*, 121 N.H. 797, 801 (1981). “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 at 4 (Sept. 8, 2015).

SPNHF restates arguments it has made before, some of them twice, and asks for a different outcome. The Commission has not overlooked or mistakenly conceived anything. SPNHF’s collateral attacks conflate a variety of potential proceedings and seek to interject here issues that are clearly not relevant, failing to demonstrate good cause for rehearing. By asking the Commission to make rulings in a proceeding to which it would not even be a party, moreover, SPNHF demonstrates a disregard for the Commission’s practices and procedures.

WHEREFORE, NPT respectfully requests that the Commission:

- A. Deny SPNHF’s Motion for Rehearing; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

NORTHERN PASS TRANSMISSION LLC

By Its Attorneys,

MCLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: May 11, 2016

By:  _____

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Certificate of Service

I hereby certify that on the 11th of May, 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.



Thomas B. Getz