

STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

December 9, 2015 - 10:05 a.m.
Concord, New Hampshire

NHPUC DEC24'15 PM12:44

RE: DE 15-459
NORTHERN PASS TRANSMISSION, LLC:
Petition to Commence Business as
a Public Utility.
(Prehearing conference)

PRESENT: Chairman Martin P. Honigberg, Presiding
Commissioner Kathryn M. Bailey

Sandy Deno, Clerk

APPEARANCES: Reptg. Northern Pass Transmission, LLC:
Thomas B. Getz, Esq. (Devine, Millimet...)
Marvin Bellis, Esq. (Sr. Counsel/Eversource)

Reptg. Residential Ratepayers:
Susan Chamberlin, Esq., Consumer Advocate
Pradip Chattopadhyay, Asst. Consumer Advocate
Office of Consumer Advocate

Reptg. PUC Staff:
Suzanne G. Amidon, Esq.
Thomas C. Frantz, Director/Electric Division
Grant Siwinski, Electric Division
Jay Dudley, Electric Division
Richard Chagnon, Electric Division

Court Reporter: Steven E. Patnaude, LCR No. 52

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P R O C E E D I N G

1
2 CHAIRMAN HONIGBERG: Good morning,
3 everyone. We're here this morning in Docket DE 15-459, a
4 filing by Northern Pass Transmission, LLC, to commence
5 business as a public utility. We're here for a prehearing
6 conference, which will be followed by a technical session
7 of the parties, but won't involve us.

8 As you see, Commissioner Scott is not
9 here. Commissioner Scott has recused himself from
10 participation in this docket. And, so, he will not be
11 participating.

12 Before we go any further, let's take
13 appearances.

14 MR. GETZ: Good morning, Mr. Chairman,
15 Commissioner. I'm Tom Getz, on behalf of Devine, Millimet
16 & Branch, appearing for Northern Pass Transmission, LLC.
17 And, also with me is Marvin Bellis, Senior Counsel for
18 Eversource Energy.

19 MS. CHAMBERLIN: Susan Chamberlin,
20 Consumer Advocate. And, with me today is Pradip
21 Chattopadhyay.

22 MS. AMIDON: Good morning. Suzanne
23 Amidon, for Commission Staff. And, I have Tom Frantz,
24 Director of the Electric Division, to my left, and

1 additional Staff from the Electric Division.

2 CHAIRMAN HONIGBERG: All right. Is
3 there anything in the nature of preliminary matters we
4 need to deal with, before we take positions of the
5 parties? Ms. Amidon?

6 MS. AMIDON: Not that I'm aware of.

7 CHAIRMAN HONIGBERG: Mr. Getz?

8 MR. GETZ: No, Mr. Chairman. Except to
9 note that the required filing of the affidavit of
10 publication was made.

11 CHAIRMAN HONIGBERG: That's probably in
12 here somewhere. But thank you for noting that.

13 I think then we'll ask the parties to
14 briefly state their positions, and what issues they
15 anticipate coming up, and see if there are any questions
16 the Commissioners may have as a result of those
17 presentations. Mr. Getz, you may begin.

18 MR. GETZ: Thank you, Mr. Chairman. As
19 you're well aware, the Application for a Certificate of
20 Site and Facility for the Northern Pass electric
21 transmission project was accepted orally at the Site
22 Evaluation Committee's meeting on December 7. And, with
23 respect to this proceeding, inasmuch as the proposed
24 transmission line qualifies as a public utility under RSA

1 362:2, Northern Pass Transmission seeks permission to
2 commence business as a public utility pursuant to RSA
3 374:22.

4 The Company's position is set forth in
5 much more detail in its Petition, where it lays out the
6 history of the Commission's treatment of electric
7 transmission utilities and the standard for approving
8 petitions to commence business, which are premised on
9 financial, managerial and technical expertise.

10 We note, in particular, in the Petition
11 the Commission's treatment of Florida Power & Light, now
12 NextEra. And, in that case, the Commission determined
13 that the transmission facilities owned by NextEra
14 associated with Seabrook were governed by RSA 362:2, and,
15 in that case, the Commission approved a settlement
16 agreement determining the scope of jurisdiction it would
17 exercise over such facilities. And, Northern Pass
18 proposes a comparable approach in this proceeding.

19 And, it's, you know, prepared to, during
20 the technical session, start to address issues of what the
21 procedural schedule would look like and what type of
22 jurisdiction would be appropriate under the circumstances.

23 CHAIRMAN HONIGBERG: Ms. Chamberlin.

24 MS. CHAMBERLIN: Thank you. The OCA is

1 looking forward to engaging in discovery and participating
2 in the proceeding. We don't have a position at this time.

3 CHAIRMAN HONIGBERG: Ms. Amidon.

4 MS. AMIDON: Thank you. Staff intends
5 to begin to conduct discovery on this docket. We don't
6 have a procedural schedule to recommend to the parties,
7 but we plan to discuss that at the technical session.

8 I will say that Staff does not
9 necessarily agree with the analogy between this filing and
10 the situation of Florida Power & Light and the
11 transmission substation associated with Seabrook. We will
12 probably conduct discovery to determine whether that
13 analysis is appropriate or whether we should have a
14 different kind of analysis of this particular utility.

15 And, we also have some additional
16 questions related to the underlying agreement. And, we
17 will discuss -- begin to discuss that at the technical
18 session as well. Thank you.

19 Oh. And, Staff will report back to the
20 Commission with a proposed schedule and the results of the
21 technical session. Thank you.

22 CHAIRMAN HONIGBERG: I don't think we
23 have any questions of substance. How long do you
24 anticipate this one taking before we would be doing a

1 hearing on the merits? Is this the kind of thing you
2 expect to be done in three months? Six months? Nine
3 months?

4 MS. AMIDON: Three to four. I don't
5 see -- this is a fairly straightforward filing. I think
6 that there may be some legal issues that we need to
7 review.

8 But, I think, otherwise, it's a fairly
9 straightforward filing. And, I would hope that we would
10 be able to work out any differences with Northern Pass
11 Transmission in kind of settlement discussions or
12 something of that nature.

13 I understand that the SEC allows --
14 requires an update on the status of the filing within 150
15 days. And, I think we also have -- are required to -- or,
16 the Commission is required to complete work on it within
17 240 days. I haven't seen any letter from the SEC to
18 confirm that time, but I don't know if it relates back to
19 the day that they made the decision, that would be Monday,
20 or the day that the letter is issued.

21 CHAIRMAN HONIGBERG: I believe the
22 trigger date is the date that the letter is issued. And,
23 I believe that has to be issued within ten days of the
24 vote that was taken. So, I think the working assumption

1 for most people is that the clock is likely to start
2 around the 18th, for deadlines that are SEC -- that are
3 associated with the SEC proceeding.

4 Mr. Getz, is that your understanding as
5 well?

6 MR. GETZ: Yes, Mr. Chairman.

7 CHAIRMAN HONIGBERG: Anybody have any
8 speculation, educated or otherwise, why no one else is
9 here, since we have a docket with "Northern Pass" in the
10 title?

11 MR. GETZ: I would not speculate.

12 CHAIRMAN HONIGBERG: I kind of didn't
13 expect anybody to really want to speculate on the record
14 with that. But it's a little surprising to me that
15 there's no one else here. Maybe not -- not that they need
16 to be, but maybe they're waiting for a more substantive
17 event in this docket before they show up.

18 Is there anything else we need to do
19 before we leave you to your technical session?

20 MS. AMIDON: No.

21 CHAIRMAN HONIGBERG: If not, then I
22 think we will adjourn. Thank you all.

23 ***(Prehearing conference was adjourned at 10:13 a.m., and a***
24 ***technical conference was held thereafter.)***