

**THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION**

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY

Petition for Approval of Lease Agreement Between Public Service Company of New Hampshire
d/b/a Eversource Energy and Northern Pass Transmission LLC

Docket No. DE 15-464

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY'S OBJECTION
TO MOTION OF KEVIN SPENCER AND MARK LAGASSE DBA LAGASPENCE
REALTY, LLC FOR LEAVE TO FILE ADDITIONAL DATA REQUESTS BASED
UPON THE SHENEHON APPRAISAL REPORT FILED SEPTEMBER 18, 2017 (DOC.
107)**

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and RSA 541:3, Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource" or the "Company") hereby objects to the "Motion of Kevin Spencer and Mark Lagasse dba Lagaspence Realty, LLC for Leave to File Additional Data Requests Based Upon the Shenehon Appraisal Report Filed September 18, 2017 (Doc. 107)" (the "Motion") submitted by Kevin Spencer and Mark Lagasse d/b/a Lagaspence Realty, LLC (the "Movants") on September 29, 2017. In support of this objection, Eversource states the following:

1. On October 19, 2015, Eversource filed a petition for approval of a lease transaction between it and Northern Pass Transmission LLC ("NPT") whereby PSNH would lease to NPT certain real estate rights owned by PSNH. Following an extensive process reviewing certain legal issues and other matters, a procedural schedule was approved by the Commission on June 20, 2017 setting out dates and deadlines for two rounds of discovery to be served upon and answered by Eversource. That schedule was minimally amended on August 21, 2017 to add an additional technical session relating to discovery

answered by Eversource. Despite having ample opportunity to develop and serve discovery on Eversource, the Movants now seek to issue additional discovery. This request is untimely, inappropriate, and unnecessary, and should be denied.

2. As an initial matter, it is not clear to whom the Motion is addressed. The Motion refers to an appraisal report filed by the Commission Staff with its testimony on September 18, 2017, and the Movants make certain allegations about that appraisal report and the analysis in it. The Movants, however, never served discovery on the Commission Staff or the consultant to Staff who prepared the underlying appraisal report. The Motion then, curiously, argues that information in the Staff's testimony and appraisal report justifies serving discovery on Eversource, though Eversource had not filed any additional testimony. More confusingly, the Motion also requests permission to seek discovery of "the Applicants," despite the fact that Eversource is the only applicant/petitioner in the docket. In that it is not even clear what relief is requested or from what party, the Motion fails to support itself at its inception.
3. If the above issue does not prove fatal to the Motion, Eversource submits that the Movants' issue lies with information and analysis in the Staff's appraisal report and not with Eversource. In that case, the Movants should have, but did not, seek discovery from the Staff by issuing discovery on September 26, consistent with the Commission's September 21, 2017 secretarial letter. The Movants have no cause to serve additional discovery on Eversource. The Movants' choice not to serve discovery on the Staff means that the Motion is now untimely. In that the Movants' request refers to the wrong party and is untimely, it should be denied.

4. Should the Commission determine that Eversource is somehow the proper subject of the Movants' request, the request is even more untimely. Eversource's expert appraisal report has been available to the Movants for nearly two years and was part of the materials that could be evaluated through two rounds of discovery that have concluded. The Movants had more than enough time to conduct their own analysis and to request information relevant to that analysis. That window is now closed. Alternatively, the Movants could have submitted their own expert appraisal report and testimony identifying issues, concerns, or recommendations. The deadline for testimony has come and gone with the Movants submitting nothing. The Movants should not now be permitted to reopen the discovery window on Eversource because they believe another party ought to have done something differently in preparing its testimony.
5. Moreover, the Movants provide no meaningful justification for the untimely request they make. The Motion states only the unsupported claim that the information they desire is material to the docket and should be subject to discovery. If the Movants believed this information material or relevant, they could have asked for it, and did not. The Movants could have sought their own expert appraiser to review the information that person believed relevant, and they did not. If the Movants believed the Staff's analysis was hampered by not reviewing the information, they could have asked the Staff about its choices, and they did not. The conclusory statement that the information is material and necessary is belied by the Movants' own actions. The Movants' repeated choices not to act should not now provide a basis for the unnecessary extension and expansion of discovery in this case.


WHEREFORE, Eversource respectfully requests that the Commission:

- (1) Deny the Movants' Motion, with prejudice; and
- (2) Order such further relief as may be just and equitable.

Respectfully submitted,

**Public Service Company of New Hampshire d/b/a
Eversource Energy**

October 3, 2017
Date

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

October 3, 2017
Date


Matthew J. Fossum