

STATE OF NEW HAMPSHIRE
BEFORE THE
SITE EVALUATION COMMITTEE

Petition Requesting Jurisdiction and Oversight of Eversource's Proposed X-178
Transmission Line Replacement Project

Docket No. 2024-02

Contested Motion of the Office of the Consumer Advocate for
Clarification or Rehearing of
"Procedural Order Re: Proposed Procedural Schedule and Pending Motions for
Rehearing"

NOW COMES the Office of the Consumer Advocate ("OCA"), the state agency tasked with representing the interests of New Hampshire's residential utility customers, and moves pursuant to RSA 541:3 and N.H. Code Admin. Rules Site 202.29 for clarification or rehearing of the Order entered by the Site Evaluation Committee ("SEC" or "Committee") on October 23, 2024 captioned "Procedural Order Re: Proposed Procedural Schedule and Pending Motions for Rehearing" ("October 23 Order").

In the October 23 Order, the SEC scheduled what it described as the "final hearing" in this proceeding for December 20, 2024. In the same Order, the SEC ruled that immediately prior to this merits hearing, the Committee would hear the pending rehearing motions of the OCA and the Maine Office of the Public Advocate ("Maine OPA"), our counterpart agency in Maine. The two pending rehearing

motions challenged the SEC's prior decision to deny intervenor status to both the OCA and the Maine OPA. The October 23 Order stated that the decision on the two intervention requests had been "suspended" pending the proceedings on December 20.

The instant motion requests clarification and, as necessary, rehearing of the question of what will occur on December 20. For the reasons stated in the pleadings filed on October 18 (tab 20), the OCA continues to assert that both it and the Maine OPA are entitled to party status -- a proposition to which no party objected within the ten days specified by the applicable rule of the SEC, Site 202.14(f).

Nevertheless, because the provision of the Administrative Procedure Act governing interventions, RSA 541-A:32, requires by its terms the affirmative action of the presiding officer on intervention requests, the SEC having suspended its prior denial does not make either the OCA or the Maine OPA a party. Therefore, neither the OCA nor the Maine OPA participated in the development of the procedural schedule governing the docket (nor any other informal discussions that may have taken place among the parties), nor have the two ratepayer advocate offices had an opportunity to conduct discovery or assert any other rights commonly invoked by litigants in a contested administrative proceeding in preparation of an evidentiary hearing.

In these circumstances, it would be manifestly unfair, and inconsistent with due process, for the SEC to grant the OCA and/or the Maine OPA intervenor status

and then expect the ratepayer advocates to proceed directly to a merits hearing as is apparently contemplated by the October 23 Order. We therefore respectfully request an order clarifying that in the event the SEC grants the pending intervention requests it will continue the merits hearing to some future date, thereby giving the OCA and/or the Maine OPA reasonable opportunities to conduct discovery (and/or access any discovery that may already have been exchanged among the parties) and otherwise prepare for hearing. Please be assured that it is not the intention of the OCA to interpose significant delays in the proceeding; rather, what we request is a relatively brief period to prepare. We reiterate our previously expressed willingness to work with other parties whose positions align in whole or in part with ours so as to avoid unnecessary duplication or effort, redundant or repetitive evidence, or anything else calculated to cause this docket to take longer than it otherwise would to reach finality.

Pursuant to Rule Site 202.14(e), the OCA has reached out to the parties to this proceeding, and the Maine OPA, to ascertain their positions on the motion. We are authorized to represent that the Maine OPA concurs and that Eversource does not. . . Counsel for the other parties did not respond to our query.

WHEREFORE, the OCA respectfully request that this honorable tribunal:

- A. Clarify and/or grant rehearing of its Order of October 23, 2024 as described above, and

B. Grant such further relief as shall be necessary and proper in the circumstances.

Sincerely,



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November 7, 2024

Certificate of Service

I hereby certify that a copy of this pleading was provided via electronic mail to the individuals included on the Site Evaluation Committee's service list for this docket.



Donald M. Kreis