

**THE STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE SITE EVALUATION COMMITTEE**

DOCKET NO. 2024-02

**PETITION REQUESTING JURISDICTION AND OVERSIGHT OF
EVERSOURCE PROPOSED X-178 TRANSMISSION LINE
REPLACEMENT PROJECT**

**RESPONSE TO OFFICE OF THE CONSUMER ADVOCATE'S
MOTION FOR CLARIFICATION**

Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource"), by and through its attorneys, McLane Middleton, Professional Association, hereby responds to the November 7, 2024 Motion for Clarification or Rehearing ("Motion for Clarification") filed by the Office of the Consumer Advocate ("OCA"). With respect to the Site Evaluation Committee's ("SEC") October 23, 2024 Procedural Order Re: Proposed Procedural Schedule and Pending Motions for Rehearing ("Procedural Order"), the OCA asks the SEC to clarify "that in the event the SEC grants the pending intervention requests it will continue the merits hearing to some future date." Motion for Clarification, p. 3. As explained below, Eversource opposes any deferral of the scheduled hearing on the merits; however, it does not oppose re-scheduling argument on the OCA and Maine Office of Public Advocate ("MOPA") motions for rehearing to an earlier date so long as the schedule is otherwise preserved.

1. On October 1, 2024, the SEC issued its Order on Pending Motions to Intervene ("Intervention Order"), denying the motions to intervene filed by the OCA and MOPA, both of whom filed motions for rehearing on October 18, 2024. Five days later, in its Procedural Order, the SEC suspended its Intervention Order pursuant to RSA 541:5 and scheduled a hearing for December 20, 2024, to hear arguments on the motions for rehearing, prior to holding a hearing on the merits of the underlying petition of the Towns of Easton

and Bethlehem (“Towns”) to assume jurisdiction over the X-178 transmission replacement project (“Project”).

2. In its Motion for Clarification, the OCA, among other things, states that no party objected to the motions for rehearing “within the ten days specified by the applicable rule of the SEC, Site 202.14 (f).” Unlike Puc 203.07 (f), the SEC does not establish a deadline for objections to motions for rehearing, nor does RSA 541 establish such a deadline. In the event the OCA is suggesting that Eversource is precluded from arguing in opposition to the motions for rehearing, it is mistaken because the SEC scheduled a hearing on the motions for rehearing and as a party to the proceeding Eversource has a right to participate in that hearing pursuant to RSA 541-A:31, IV, which states: “Opportunity shall be afforded all parties to respond and present evidence on all issues involved.” Furthermore, by suspending its Intervention Order prior to the ten-day deadline for action under RSA 541:5, any other deadlines that might apply to filings associated with rehearing of the Intervention Order would logically be suspended as well.

3. As to the underlying motions for rehearing, Eversource objects inasmuch as the OCA and MOPA have failed to demonstrate good reason for rehearing. They merely restate prior arguments, asking for a different outcome, and do not direct attention to matters that the SEC overlooked or mistakenly conceived. As shown in greater detail in the separately-filed Memorandum in Support of Order Denying Petitions to Intervene, the SEC properly determined that neither the OCA, nor MOPA, have demonstrated a substantial interest in this siting proceeding. As ratepayer advocates, they have focused instead on rate-related issues that fall within their authority, but which are beyond the scope of the SEC’s jurisdiction. Their respective concerns about how the costs of the X-178 Project may ultimately be assessed simply

do not provide a good reason for granting rehearing to allow them to participate in a proceeding that addresses siting issues.

4. Given the lengthy passage of time since the Towns filed their petition on May 29, 2024, Eversource opposes any change to the procedural schedule that would defer a hearing and decision on the merits of the Towns' petition. Nevertheless, Eversource does not oppose scheduling a hearing on the motions for rehearing on an earlier date if it would preserve the December 20, 2024 hearing on the merits.¹

WHEREFORE, Eversource respectfully requests that the SEC:

- A. Deny the Motion for Clarification insofar as it would delay the hearing on the merits of the Towns' Petition scheduled for December 20, 2024; and
- B. Grant such further relief as is deemed just and appropriate.

¹ Alternatively, the SEC has the authority to schedule a public meeting, as opposed to a hearing, at which it could deliberate the motions for rehearing on the papers without additional oral argument.

Respectfully submitted,

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

By Its Attorneys,

McLANE MIDDLETON
PROFESSIONAL ASSOCIATION

A handwritten signature in blue ink, appearing to read "Barry Needleman", is positioned above the typed name and contact information.

Dated: November 12, 2024

By: _____
Barry Needleman, NH Bar No. 9446
Thomas Getz, NH Bar No. 923
Rebecca S. Walkley, NH Bar No. 266258
11 South Main Street, Suite 500
Concord, NH 03301
(603) 226-0400
barry.needleman@mclane.com
thomas.getz@mclane.com
rebecca.walkley@mclane.com