

THE STATE OF NEW HAMPSHIRE



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November 16, 2017

Re: DE 15-464, Public Service Company of New Hampshire d/b/a Eversource Energy Petition for Approval of Lease Agreement with Northern Pass Transmission LLC
Denial of Petition for Rehearing

To the Parties:

On September 29, 2017, Kevin Spencer and Mark Lagasse d/b/a Lagaspence Realty LLC requested leave to propound a data request “upon Applicants” regarding the Shenehon Company’s appraisal report. In particular, Lagaspence Realty asked for “information for each and every acquisition of property for the construction of Northern Pass from Dummer, New Hampshire, to the Canadian border.” Lagaspence Realty argued that the appraisal report was filed after the August 11 deadline propounding discovery on Eversource.

On October 30, the Commission issued a Secretarial Letter denying Lagaspence’s request. The Commission determined that Lagaspence Realty’s request for extension was untimely under Puc 202.04(a) and that Lagaspence Realty’s motion failed to demonstrate sufficient grounds for extension under Puc 202.04(c). The Commission found that (1) the particular data request proposed by Lagaspence Realty, which asks for information regarding the acquisition of property rights, could have been asked of Eversource by August 11, before Staff filed the Shenehon Company’s report and (2) that to the extent the request related to the Shenehon Report, Lagaspence Realty should have propounded the request on Staff or sought an extension of time by September 26. Accordingly, the Commission denied Lagaspence Realty’s motion for leave to file additional data requests.

On November 3, Lagaspence petitioned for rehearing. Lagaspence argued that the Commission applied the wrong deadline because the deadline for intervenors to propound discovery on Eversource was August 11, and that September 26 was the deadline for the applicants to file data requests on Staff. According to Lagaspence, Staff filed the Shenehon Company’s appraisal report in time for applicant’s discovery but not intervenors’ discovery. Eversource objected to rehearing. Eversource argued that Lagaspence presented no new information or any other basis for demonstrating error by the Commission.

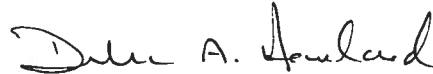
The Commission may grant rehearing or reconsideration for “good reason” when the moving party demonstrates that the decision is “unlawful or unreasonable.” RSA 541:3, RSA 541:4. Good reason exists if there are matters that the Commission overlooked or mistakenly conceived

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in the original decision. The Commission has determined that it applied the appropriate discovery deadlines to discovery propounded by Lagaspence – August 11 if to Eversource and September 26 if to Commission Staff. *See* Secretarial Letter Approving Proposed Procedural Schedule (June 20, 2017) and Secretarial Letter Approving Modification to Procedural Schedule (September 21, 2017). After Staff filed the Shenehon appraisal report on September 21, Lagaspence sought leave to conduct additional discovery regarding acquisition of parcels and easement rights on Eversource. Lagaspence was bound to ask for such information from Eversource by August 11, the date by which data requests directed at Eversource were due. To the limited extent that Lagaspence's data request related to the Shenehon appraisal report, data requests to Staff were due September 26. Accordingly, the Commission has denied Lagaspence's petition for rehearing.

Sincerely,

A handwritten signature in cursive script that reads "Debra A. Howland".

Debra A. Howland
Executive Director

cc: Service List (Electronically)
Docket File