



By Email and First Class Mail

November 1, 2017

Department of Energy Resources  
c/o Judith Judson  
Commissioner  
Massachusetts Department of Energy  
Resources  
100 Cambridge Street, Suite 1020  
Boston, MA 02114  
[judith.judson@state.ma.us](mailto:judith.judson@state.ma.us)

Unitil  
c/o Lisa Glover  
Energy Analyst  
Unitil Service Corp.  
6 Liberty Lane  
Hampton, NH 03842-1720  
[glover@unitil.com](mailto:glover@unitil.com)

Eversource Energy  
c/o Jeffery S. Waltman  
Manager, Planning & Power Supply  
247 Station Drive, NE220  
Westwood, MA 02090  
[Jeffery.Waltman@eversource.com](mailto:Jeffery.Waltman@eversource.com)

National Grid  
c/o Corinne DiDomenico  
Manager, Environmental Transactions  
100 East Old Country Road  
Energy Procurement, 2<sup>nd</sup> Floor  
Hicksville, NY 11801  
[corinne.didomenico@nationalgrid.com](mailto:corinne.didomenico@nationalgrid.com)

**Re: The Clean Energy Generation RFP Pursuant to Section 83D of Chapter 169 of the Acts 2008, as amended by Chapter 188 of the Acts of 2016**

Dear Selection Committee:

I am writing to provide important information for you to consider as you review bids submitted pursuant to Section 83D of Chapter 169 of the Acts 2008, as amended by Chapter 188 of the Acts of 2016 (the “Energy Diversity Act”). I am the President of Conservation Law Foundation (“CLF”), a region-wide environmental advocacy organization based in Massachusetts and working to solve the most pressing environmental and climate issues facing the people of the Commonwealth and New England.

Based on our involvement in the New Hampshire siting process and the federal Presidential Permit process for the project, we believe there is a serious and material misrepresentation in the bid submitted in Massachusetts by Eversource Energy (through its subsidiary Northern Pass Transmission, LLC), Hydro-Québec (through its subsidiary Hydro Renewable Energy), Gaz Métro Limited Partnership, and Boralex Inc (“Northern Pass: Hydro + Wind proposal”).

As you are aware, the Energy Diversity Act directs that preference shall be given in the bid review and selection process to those bid proposals combining new RPS Class I resources with firm hydroelectric generation (“blended proposals”) over proposals that include only firm hydroelectric generation.<sup>1</sup> CLF strongly supported the inclusion of this preference in the Act and trusts that DOER

---

<sup>1</sup> Section 83D(d) (“The department of energy resources shall give preference to proposals that combine new Class I renewable portfolio eligible resources and firm hydroelectric generation”).

and the Committee will faithfully and carefully adhere to this required hierarchy. Class I RPS resources have proven themselves to be reliable and cost-effective and stand alone in their ability to provide true zero-carbon electricity with a minimum of environmental impact. They have been—and should remain—the Commonwealth’s preferred clean energy resource. To that end, we are pleased to see that every developer group proposing new transmission pursuant to Section 83D has put forward at least one project that includes Class I RPS resources, either as its exclusive energy supply or as part of a blended proposal.<sup>2</sup>

Among the blended proposals received, however, the Committee should be aware that the Northern Pass: Hydro + Wind proposal misrepresents its permitting status. The bid claims to be nearly done with permitting and ready for an in-service date of 2020 when, in fact, there are no major permitting applications pending that include the Northern Pass: Hydro + Wind proposal.<sup>3</sup> The Eversource Energy-Northern Pass Transmission LLC application to the U.S. Department of Energy for a Presidential Permit and petition to the New Hampshire Site Evaluation Committee are devoid of any mention of a hydro plus wind blended supply, nor do they rely on a generic characterization of their energy supply. Instead, Northern Pass Transmission, Inc.’s Presidential Permit application and Site Evaluation Committee petition identify the proposed project’s energy supply as approximately 98 percent hydropower,<sup>4</sup> and the project’s argument and evidence regarding public benefit is framed—and has been for the many years the project has been seeking federal and state approvals—on the assumption of an almost exclusively hydroelectric supply that cannot reasonably be held to include the new Hydro + Wind supply portfolio.

Both the Department of Energy and the New Hampshire Site Evaluation Committee apply a public benefit standard. In the New Hampshire proceeding, Northern Pass Transmission LLC has sought to satisfy that standard by emphasizing the potential consumer electric price effects from Forward Capacity Market participation of a hydropower-only electric supply conveyed over its transmission line. The Application filed in the New Hampshire proceeding explains that the provision of hydropower is the direct benefit of the proposed project: “the provision of 1,090 MW of clean,

---

<sup>2</sup> Meaningful analysis of all bids is virtually impossible given the level of redaction found in the publicly available bid documents, most of which grossly exceed the standard set for redactions in RFP Section 1.7.4 (“Only legitimate non-public proprietary or sensitive information may be considered confidential, and bidders should not designate any portions of their proposal confidential that do not merit confidential treatment”).

<sup>3</sup> See Northern Pass Transmission: Hydro + Wind Overview document at 3, 9 (“Shovel-ready, with a 2020 in-service date”; “Positioned Years Ahead of Competing Projects”; “all state and federal permits expected in 2017”).

<sup>4</sup> See Northern Pass Transmission LLC, Presidential Permit Amended Application, DOE Docket No. PP-371 (July 1, 2013) at 1 (describing the application’s purpose and need to include delivery of: “baseload power (approximately 98 percent hydropower) from Quebec to New Hampshire and the rest of New England.”); *id.* at 6, n. 1 (“The electricity delivered over the Project will consist of ‘system’ power comprised of approximately 98% hydroelectric generation, including both run-of-the-river and large hydro, with the balance made up of a combination of other sources of generation.”); Final Northern Pass Transmission Line Project Environmental Impact Statement, U.S. Dept. of Energy (August 2017), Vol. I at 1-5 (“Purpose: The purpose of the Project is to build and operate a participant-funded electric transmission line to deliver 1,090 MW of low-carbon, non-intermittent power (approximately 98 percent hydropower). . . .”); see also Joint Application of Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility, NH SEC Docket No. 2015-06 (Oct. 19, 2015) at 40 (“Northern Pass is a 192-mile, high-voltage electric transmission line, with associated facilities, proposed to carry 1,090 MW of renewable hydroelectric power from Canada into New Hampshire”).

competitively priced, renewable hydropower to customers in New Hampshire and the rest of New England is the most direct benefit of the Project...".<sup>5</sup> While there may be a similar public benefit argument for a different supply mix, like that in the Northern Pass: Hydro + Wind proposal, no such argument or evidence has been submitted in the New Hampshire proceeding. Similarly, as part of the U.S. Department of Energy's public interest determination in the Presidential Permit process, the Final Environmental Impact Statement is premised upon the Project's stated purpose to build and operate a participant-funded electric transmission line to deliver 1,090 MW of low-carbon, non-intermittent power (approximately 98 percent hydropower) and analyzes and relies upon the purported electricity supply benefits of hydroelectricity.<sup>6</sup> The Presidential Permit environmental review process has not included any consideration of a blended project like the one proposed for your consideration.

We believe these misrepresentations are material to the Selection Committee's assessment of the relative merits of the bids before it, particularly among the blended proposals. Bidders were required to submit information regarding the status and credibility of their plan to obtain required permit approvals.<sup>7</sup> To the best of our knowledge, only one blended proposal, the New England Clean Power Link: Hydro + Wind proposal, which locates its transmission underground and underwater and uses existing rights of way, has secured both its state siting approvals and its Presidential Permit.<sup>8</sup>

The Selection Committee has been presented with a wide variety of proposals to choose among, and the number of blended hydropower and Class I RPS proposals as well as Class I RPS-only proposals submitted in response to the Section 83D Request for Proposals is a testament to the cost-competitiveness of renewable energy. Thank you for considering this letter.

Regards,



Cc: Independent Evaluator  
c/o Paul Gromer  
Peregrine Energy Group  
2 Oliver Street, 8<sup>th</sup> Floor  
Boston, MA 02109  
[pgromer@peregrinegroup.com](mailto:pgromer@peregrinegroup.com)

---

<sup>5</sup> Joint Application of Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility, NH SEC Docket No. 2015-06 (Oct. 19, 2015), Executive Summary, at ES-3.

<sup>6</sup> Final Northern Pass Transmission Line Project Environmental Impact Statement, U.S. Dept. of Energy (August 2017), Vol. I at 1-5 - 1-8.

<sup>7</sup> RFP Section 2.3.2.iv.

<sup>8</sup> CLF was one of the parties to the New England Clean Power Link transmission project's settlement in the Vermont Public Service Board siting docket. It should also be noted that the New England Clean Power Link: Hydro + Wind bid documents contain relatively few unnecessary redactions, compared to the dearth of unredacted content in the Northern Pass: Hydro + Wind submission. In particular, the Northern Pass: Hydro + Wind public document redacts Section 7.4.3, which should contain important information regarding the public opposition to the project, including the fact that over 130 citizens, municipalities, and other entities have intervened in the NH Site Evaluation Committee docket in opposition to the project.