

STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

May 9, 2014 - 9:59 a.m.  
N.H. Public Utilities Commission  
21 South Fruit Street Suite 10  
Concord, New Hampshire

In re: SEC DOCKET NO. 2014-02  
NEW ENGLAND POWER COMPANY d/b/a  
NATIONAL GRID: Application of  
New England Power Company d/b/a  
National Grid for a Certificate  
of Site and Facility to Construct  
a New 230kV Tap Transmission Line  
in Littleton, New Hampshire.  
*(Prehearing conference)*

PRESENT:

SITE EVALUATION COMMITTEE:

Michael J. Iacopino, Esq.  
(Brennan, Caron,  
Lenahan & Iacopino)

Counsel to the Committee  
(Presiding Officer for  
this prehearing conference)

COURT REPORTER: Steven E. Patnaude, LCR No. 52

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**ALSO PRESENT:**

**Counsel for the Applicant:**

Barry Needleman, Esq.  
(McLane, Graf, Raulerson  
& Middleton)  
Patrick Quigley, Proj. Mgr.

**Counsel for the Public:**

Lauren Noether, Esq.  
Senior Asst. Atty General  
Department of Justice

**OTHER APPEARANCES:**

Iryna N. Dore, Esq.  
(Brennan Caron, Lenehan  
& Iacopino)

Ben Thesing  
(McLane Graf Raulerson  
& Middleton)

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MR. IACOPINO: Okay. Let's get started.

We are here today in Site Evaluation Committee Docket Number 2014-02, the Application of New England Power Company, doing business as National Grid, for a Certificate of Site and Facility for construction of a new 230 tap line in Littleton, New Hampshire. The notice of this prehearing conference was issued by the presiding officer, Amy Ignatius, Vice Chairman of the Committee, on April 28th, 2014. This hearing will be conducted pursuant to the statutory authority set forth at RSA 541-A, Section 31, and New Hampshire Code of Administrative Rules Site 202.10.

Let's start off by taking appearances.

If we could start with you, Mr. Needleman.

MR. NEEDLEMAN: Barry Needleman, from the McLane law firm, representing National Grid.

MR. IACOPINO: And, could you please introduce who you have with you.

MR. NEEDLEMAN: Yes. I have Pat Quigley, from National Grid, who is the Project Manager.

MR. IACOPINO: And, sitting in the back?

MR. NEEDLEMAN: And Ben Thesing, sitting behind me, who is an undergrad at BU, and job shadowing me

1 today.

2 MR. IACOPINO: All right. And, I'm  
3 sorry, what's the last name?

4 MR. NEEDLEMAN: Thesing, T-h-e-s-i-n-g.

5 MR. IACOPINO: Welcome.

6 MR. THESING: Thank you.

7 MR. IACOPINO: Lauren.

8 MS. NOETHER: Lauren Noether, for the  
9 State of New Hampshire -- from the State of New Hampshire,  
10 representing the public.

11 MR. IACOPINO: And, my name is Mike  
12 Iacopino. I am Counsel to the Committee in this docket.  
13 And, with me is Iryna Dore, an associate from my office.

14 The purpose of a prehearing conference  
15 is to try to make sure that the hearing -- that any  
16 hearing in this matter goes as smoothly as possible, by  
17 addressing issues as early as possible, seeing what  
18 matters can be stipulated or settled as early as possible,  
19 and getting together, hopefully, a schedule that satisfies  
20 everybody to bring the docket to a conclusion.

21 There are no intervenors in this case to  
22 date. Nobody has filed a motion to intervene. And, I  
23 have not heard from anybody expressing any interest in  
24 intervening.

1                   So, I guess, probably the best way to  
2 start off is just a general discussion with the parties of  
3 what they see as the major issues that the Site Evaluation  
4 Committee will be addressing in this particular docket. I  
5 understand what the statutory authority is, of course,  
6 but, if there are sticky wicket issues or some issues that  
7 appear to be -- appear to be to the parties more important  
8 or are going to require more litigation or more of the  
9 Committee's time, we'd like to know that in the beginning.  
10 And, then, conversely, if there are issues that we can --  
11 we are likely to reach stipulation or settlement on, we  
12 can identify those. Obviously, we're not going to make  
13 those stipulations today, but at least we can identify the  
14 areas, and maybe set some deadlines, in terms of what  
15 needs to be done going forward.

16                   Anybody have any objection to proceeding  
17 like that?

18                   MR. NEEDLEMAN: Sounds fine with us.

19                   MS. NOETHER: No. That's fine.

20                   MR. IACOPINO: Why don't, Barry, as the  
21 Applicant, why don't you start off, tell me where you  
22 think the most complicated or the issues that rise to the  
23 surface as being the most important in the docket.

24                   MR. NEEDLEMAN: Sure. I think, as you

1 probably recall, when we filed the Application initially,  
2 we requested that, to the extent possible, the Committee  
3 treat it in an expedited manner. It was our expectation  
4 that, in comparison to other projects that this Committee  
5 reviews, this one would be fairly simple and  
6 straightforward. And, I think, thus far, that's proven to  
7 be the case, with absence of intervenors, with a  
8 relatively small number of substantive issues that needed  
9 to be addressed.

10 In the context of those substantive  
11 issues, one of the bigger ones revolved around wetlands  
12 and mitigation. We have met with DES, the Corps, and EPA  
13 recently in a joint meeting. Spoke to them about  
14 mitigation, got their input. As a result of that, we  
15 reached out to the head of the Conservation Commission in  
16 Littleton. And, as a consequence of all of those  
17 consultations, all of those parties agree that a payment  
18 to the appropriate New Hampshire fund, in lieu of any  
19 formal physical mitigation, is the proper way to handle  
20 this Project.

21 And, so, I think that, from a wetlands  
22 standpoint, that certainly takes much of that issue off  
23 the table at this point.

24 MR. IACOPINO: Who was the third agency

1 you said was involved in the discussions? DES, the Army  
2 Corps, and who else?

3 MR. NEEDLEMAN: EPA. I don't believe  
4 there are any other particularly difficult or challenging  
5 issues here.

6 MR. IACOPINO: What's the nature of the  
7 wetlands issue?

8 MR. NEEDLEMAN: Well, it's a very small  
9 permanent impact. The permanent impact is only 64 square  
10 feet, and it's associated with the actual physical  
11 placement of the feet of the structures. There are  
12 temporary impacts that will occur during construction.  
13 And, our proposal was essentially to mitigate those with  
14 the use of traditional approaches, like wood mats and so  
15 forth.

16 For reasons that I can't articulate with  
17 specificity right now, the regulators felt that some  
18 compensatory mitigation was appropriate despite that  
19 proposal, and we have essentially agreed with that. And,  
20 I want to say that the number we've tentatively settled on  
21 for a contribution to the fund for compensatory mitigation  
22 is I think a little bit more than 48,000.

23 MR. IACOPINO: And, is that the Aquatic  
24 Mitigation or whatever?



1 MR. NEEDLEMAN: Yes. Yes. I don't  
2 remember the exact name, but that's the one.

3 MR. IACOPINO: Have you discussed that  
4 with Counsel for the Public?

5 MR. NEEDLEMAN: I think I mentioned this  
6 generally to you last week, Lauren. But we haven't  
7 discussed it at the level of specificity that I just  
8 described it.

9 MS. NOETHER: Right. Agreed.

10 MR. IACOPINO: And, are there other  
11 issues that you identify as rising to the top, may be  
12 important in this docket?

13 MR. NEEDLEMAN: I don't really think so.  
14 I'm sure there are some things that Lauren would probably  
15 like to learn a little bit more about. But, as I think  
16 about some of the issues that traditionally create more  
17 action in other dockets, such as visual impacts, for  
18 example, I don't think that's much of an issue. We have  
19 confirmed we have no issues regarding historic or  
20 archeological resources. We have no issues with abutters  
21 associated with the Project. And, so, those sometimes  
22 "hot button" type issues don't exist with this particular  
23 Project.

24 MR. IACOPINO: How about your

1 assessment, Lauren? I know you're in early. So, --

2 MS. NOETHER: Yes. Well, one of the  
3 things that I was trying to track down is the conservation  
4 easements that is featured in this Project. And, I just  
5 wanted to look through and see if there was any  
6 prohibitions on that that would impact this Project. And,  
7 I haven't seen that yet, but I've gotten a copy of the  
8 actual deed to look through. So, -- and, we have actually  
9 discussed preliminarily some deadlines.

10 MR. IACOPINO: Okay.

11 MS. NOETHER: Understanding that New  
12 England Power wants to expedite this.

13 MR. IACOPINO: Well, just generally, do  
14 you have any kind of concern with expediting the matter?

15 MS. NOETHER: I don't think I do for  
16 this Project, given it's sort of less controversial nature  
17 than others.

18 MR. IACOPINO: And, it's in an  
19 existing --

20 MS. NOETHER: Right.

21 MR. IACOPINO: -- highway of power  
22 lines, --

23 MS. NOETHER: Yes. That's correct.

24 MR. IACOPINO: -- for lack of a better

1 term.

2 MS. NOETHER: Yes.

3 MR. IACOPINO: Okay. Well, let's talk  
4 about the schedule that you guys have talked about then.  
5 I don't know which one of you would like to give me as  
6 best you can. I know, Barry, you had called me with some  
7 dates. I don't know how firm they were, but -- and then  
8 you sent me an email after that.

9 MR. NEEDLEMAN: I can outline quickly  
10 what Lauren and I discussed.

11 MR. IACOPINO: Sure.

12 MR. NEEDLEMAN: We have Lauren serving  
13 discovery on us on or before May 20th.

14 MR. IACOPINO: I'm sorry?

15 MR. NEEDLEMAN: On or before May 20th.

16 MR. IACOPINO: May 20th.

17 MR. NEEDLEMAN: And, we've also  
18 discussed among ourselves informally that, if there are  
19 things Lauren would like to see to help expedite her  
20 review, she doesn't have to wait until May 20th. For  
21 example, we've already provided her with the easement  
22 document she requested. And, if there's anything else  
23 like that, we're happy to do that.

24 MR. IACOPINO: When you say "discovery",

1       though, you mean like data requests and --

2                       MR. NEEDLEMAN:   Yes.   We would then  
3       propose to respond to those on or before May 30th.   We  
4       would then, to the extent that it's necessary, schedule a  
5       technical session for either somewhere from June 4th to  
6       June 6th, depending on what works, one of those days.  
7       And, then, we would provide responses to any record  
8       requests that came during that technical session a week  
9       later.   So, between June 11th and June 13th.

10                      And, then, it was our hope, if it worked  
11       for the Committee and it worked for the State agencies  
12       that are involved in this, that we might have a hearing as  
13       soon as the end of June.   Or, if that couldn't work, we  
14       have some availability issues with our people in the early  
15       part of July, but maybe then a hearing in the middle of  
16       July, if that could work.

17                      MR. IACOPINO:   Does that comport with  
18       your understanding?

19                      MS. NOETHER:   Yes.   My only question is,  
20       being new to this, I feel like a technical session should  
21       happen first, before written discovery.   But I'm just  
22       coming from this like from wanting to learn everything  
23       before I send out any requests, if I even need to send out  
24       written requests.

1 MR. NEEDLEMAN: All right.

2 MR. IACOPINO: But, generally, what  
3 happens, though, Lauren, in these technical sessions, you  
4 send out, I mean, usually you're going to send out  
5 questions that you have based on the prefiled testimony  
6 that they filed on the Application. You get those  
7 answers, you're a little bit more educated than you were  
8 when the Application first came in. You then get to sit  
9 down with their people. And, based upon their answers to  
10 your interrogatories, as well as what's in the Application  
11 and in their prefiled testimony, you can then question  
12 them and get information from them in the nature of  
13 discovery, and request more records. That's the follow-up  
14 date. So that you're not really precluded from -- if the  
15 tech session had come first, presumably, you would say  
16 "Well, tell me this. Well, I need that document." "Okay,  
17 we sent it." So, you still have the right -- you still  
18 have the option to do that. It's just, I think it  
19 actually gives you more options.

20 MS. NOETHER: Their way, okay.

21 MR. IACOPINO: You know?

22 MS. NOETHER: Uh-huh.

23 MR. IACOPINO: The issue I have, and,  
24 you know, I have to raise this, is that in -- I appreciate

1 the compacted schedule, but there's actually two issues.  
2 One is, the State agencies have a role in the process, and  
3 they have deadlines that are statutory. Which, if they  
4 voluntarily comply with them in advance of when they have  
5 to, they can do that. And, obviously, I'm thinking of  
6 DES.

7 MR. NEEDLEMAN: Uh-huh.

8 MR. IACOPINO: Because they're really, I  
9 think, as least as far as my read of the Application,  
10 other than permits that are necessarily obtained during  
11 the course of construction, such as overweight load  
12 permits for trucks and things like that, it appears that  
13 the only State agencies that have permitting authority  
14 would with be in DES. And, that would be, I think, is it  
15 an actual wetlands permit or is it --

16 MR. NEEDLEMAN: Yes. I believe so.

17 MR. IACOPINO: And the Alteration of  
18 Terrain.

19 MR. NEEDLEMAN: Right.

20 MR. IACOPINO: So, I think that, at  
21 least in my head, that's what I identified as the only  
22 ones. It is possible that DES will expedite that. And,  
23 when I say "expedite", I don't mean "expedite" based on  
24 their own calendar, I mean "expedite", because our

1 calendar actually gives them more time than they normally  
2 have if this were a shopping center or some other kind of  
3 project. So, they may expedite it within the SEC time  
4 frame. And, I believe that they would be willing to do  
5 that, having spoken with Craig Rennie, who is sort of  
6 their process guy for these permits.

7 I guess my question is, does Counsel for  
8 the Public anticipate -- so, the first issue is, can the  
9 State agencies comply with any expedited process that has  
10 a hearing as soon as the end of June? Second is, is do  
11 you anticipate the need to employ any kind of expert or --

12 MS. NOETHER: I do not.

13 MR. IACOPINO: Okay.

14 MS. NOETHER: At this point.

15 MR. IACOPINO: And, you're comfortable  
16 with that?

17 MS. NOETHER: Yes.

18 MR. IACOPINO: Okay. All right. Okay,  
19 well, that takes care of the second concern that I had. I  
20 think the first concern we may get some -- we may get some  
21 good cooperation out of DES. I mean, it's not really  
22 going backwards, but it sounds as though they're already  
23 involved in the mitigation negotiation anyway. So, I  
24 assume there's a technical review that has to be

1 accomplished, which they normally would accomplish on a  
2 schedule that's more expedited than what the SEC is.  
3 So, --

4 MR. NEEDLEMAN: I think that's right. I  
5 don't know what they have done in terms of evaluating the  
6 permits, but we filed --

7 MR. IACOPINO: I suspect that they put  
8 it aside, because I sent them a letter saying that  
9 September was when the deadline was.

10 MR. NEEDLEMAN: Okay.

11 MR. IACOPINO: Which I do in every case,  
12 I send a notice to each of the State agencies telling them  
13 when their deadline for their preliminary drafts and  
14 conditions are and when their finalized. And,  
15 unfortunately, because this is not a renewable energy  
16 project, we're on the longer statutory schedule. So, I  
17 think it was September.

18 MS. NOETHER: And, that's for the first  
19 deadline, preliminary?

20 MR. IACOPINO: Yes. I think that's the  
21 draft. But, if they voluntarily provide their permit  
22 earlier, and they often do, in SEC cases, without anybody  
23 even bothering them, just because it comes up in their  
24 queue. But, if they voluntarily provide their permit



1       sooner, I don't see any reasons why we couldn't proceed on  
2       an expedited basis.

3               So, with Counsel for the Public not  
4       anticipating any experts, so, there would be no witnesses  
5       for you to present prefiled testimony or any of that. So,  
6       we don't need to deal with any of that today.

7               I guess the next question in my mind  
8       then is how much do you guys, as parties, think that we  
9       can provide to the Committee in the form of a written  
10       stipulation on this case? And, I'll just give you an idea  
11       of what I'm thinking. Because we have the statutory  
12       requirements, and, in a case like this, where it's a  
13       relatively simple case, a lot of the requirements are  
14       already provided in the Application. I mean, I assume  
15       that -- I assume that the Applicant is relying upon the  
16       Application for many of the requirements that -- statutory  
17       requirements that the Committee must find. And, I assume  
18       that there's not objections to a lot of those, given the  
19       status of this case. So, it might be, the best way to  
20       proceed is if the parties can get together and come up  
21       with a set of stipulations. For instance, the financial  
22       ability, financial, technical, and managerial capacity of  
23       the Applicant. You may very well be able to stipulate,  
24       and when I say "stipulate", I don't mean just stipulate

1 that they have the capacity, but stipulate that "Section  
2 such and such establishes by a preponderance of the  
3 evidence, you know, that the Applicant has sufficient  
4 financial abilities, sufficient managerial capabilities,  
5 sufficient technical capabilities." And, to go through  
6 the statutory requirements and sort of address that. And,  
7 like I say, I'm not just looking and say "yes, I agree  
8 that they met that thing." I'm looking just for a little  
9 nutshell of where the Committee can rely on it. And,  
10 then, to the extent that there is a need for  
11 cross-examination on any leftover issues, we limit the  
12 hearing to that.

13 And, so, does anybody -- I mean, that's  
14 a process that we've used. I know that, in the Nuclear  
15 Decommissioning Finance Authority, many of their hearings  
16 over the years have been done that way. It's simply the  
17 parties, I mean, it's a little bit of a different animal,  
18 but the parties basically get together, they come up with  
19 the numbers, and they basically stipulate them out with  
20 explanations of the stipulation, and they present it to  
21 the Board. In some years, there's been some witness  
22 presentations, but most have just been questions of the  
23 lawyers for things that weren't understood, and the  
24 contribution to the decommissioning fund that has to -- is

1 adopted by that particular committee. So, I know that  
2 that Board works often like that.

3 But I'm just throwing that out as a  
4 possibility to you guys. I'd like to know what you think?

5 MR. NEEDLEMAN: I think it makes a lot  
6 of sense. And, we're certainly happy to do it, if Lauren  
7 is interested in doing it that way. And, you know, we're  
8 happy to creating the first draft that, you know, you and  
9 I can then discuss.

10 MS. NOETHER: I don't have a problem  
11 with it. You know, you drafting something and me looking  
12 at it and seeing if we can agree. Yes.

13 MR. NEEDLEMAN: Okay. We'll do that.

14 MR. IACOPINO: I would recommend that  
15 you do it, go right through, you know, if you look at how  
16 our orders are generally drafted, if you go right through  
17 it with the statutory requirements, alternatives, you  
18 know, because the Committee has to consider alternatives,  
19 then -- I forget the next line -- but then it goes into  
20 the financial -- the factors that are in Section 16,  
21 financial ability, orderly development, adverse --  
22 unreasonable adverse impact on, and then those factors.  
23 But, basically, the statutory factors in Section 16 --

24 MR. NEEDLEMAN: Okay.

1 MR. IACOPINO: -- of our statute. I  
2 think that would be a big help. The Committee has a  
3 number of things on its plate right now. So, that's a --  
4 and, do you have an idea when this process could occur?  
5 And, I'm not looking to be a part of it, unless  
6 specifically requested by both parties to be involved in  
7 it. But I don't see this case as really needing mediation  
8 of any sort.

9 MR. NEEDLEMAN: You mean the stipulation  
10 process?

11 MR. IACOPINO: Yes.

12 MR. NEEDLEMAN: Oh, I think we could do  
13 it pretty quickly. I'm envisioning that we would put  
14 together a draft. I'm sure that we will be  
15 over-inclusive, and there may be places where Lauren will  
16 want to do some discovery before she agrees to some of the  
17 things we include. So, I would hope that maybe somewhere  
18 not too long after the conclusion of the discovery process  
19 we would have some final version of this that would  
20 identify the places where there are still issues that  
21 might have to be explored at the hearing.

22 MR. IACOPINO: Okay.

23 MS. NOETHER: So, you're saying by  
24 June 13th or so?

1 MR. NEEDLEMAN: If not sooner.

2 MS. NOETHER: I have a week where I'm  
3 gone. So, and I'm actually --

4 MR. NEEDLEMAN: End of May, right?

5 MS. NOETHER: Yes. The last week in  
6 May. And, I'm actually on jury duty, too. So, it takes  
7 me out of my office a little bit.

8 MR. NEEDLEMAN: Well, hopefully, we can  
9 at least have a good working draft to start talking about  
10 before you leave.

11 MS. NOETHER: Yes. Okay.

12 MR. IACOPINO: So, what -- should I  
13 stick a date in here for submission of proposed stip -- of  
14 stipulations? I think that I'll be optimistic there will  
15 be "stipulations", not "proposed stipulations".

16 MR. NEEDLEMAN: How about -- how about  
17 June 15th? What day of the week is that?

18 MR. IACOPINO: I left my phone in the  
19 car. Sorry.

20 MR. NEEDLEMAN: I'll tell you in a  
21 minute. No, it's a Sunday. How about June 16th?

22 MR. IACOPINO: And, is that the date  
23 that you were also going to be responding to --

24 MR. NEEDLEMAN: No. We would --

1 MS. NOETHER: June 13th.

2 MR. NEEDLEMAN: We would respond to  
3 record requests no later than June 13, maybe earlier. Is  
4 that --

5 MS. NOETHER: It seems a little tight.  
6 It seems a little tight to me.

7 MR. NEEDLEMAN: Do we want to do it --  
8 I'm just trying to figure out, if the Committee were to  
9 agree to a hearing by the end of June, we would want to  
10 certainly have this in their hands with a little time  
11 before the hearing.

12 MS. NOETHER: Is that feasible with the  
13 DES schedule?

14 MR. NEEDLEMAN: We don't know.  
15 Possibly.

16 MS. NOETHER: Yes.

17 MR. NEEDLEMAN: We hope so.

18 MR. IACOPINO: I suspect that the  
19 technical side, I know you guys are negotiating out the  
20 mitigation side, but I suspect that we could probably  
21 convince DES to get us something by the end of May.

22 MR. NEEDLEMAN: So, Lauren, how about if  
23 we agreed to submit whatever we have by way of a  
24 stipulation by the end of the week of June 16th?

1 MS. NOETHER: So, that would be like the  
2 20th or something?

3 MR. NEEDLEMAN: June 20th. Would that  
4 be enough time for the Committee to digest it before a  
5 hearing the following week, if this were scheduled, or is  
6 that cutting it too close?

7 MR. IACOPINO: I mean, they already have  
8 the Application. And, really, what I'm anticipating  
9 seeing is the parties stipulate that "Section such and  
10 such establishes", you know. So, I don't -- I mean, they  
11 have had the Application since it was filed. And, so, I  
12 don't see that as a problem. Quite frankly, in my view,  
13 the bigger problem is going to be just getting them  
14 together for any particular -- any single particular date.

15 So, let's use the June 20th for the  
16 stipulation filing. And, that's going to be an  
17 obligation, I'm just going to say "parties shall file a  
18 stipulation". I'm not going to put the responsibility on  
19 anybody individually.

20 And, a hearing towards the end of June.  
21 You have your -- so that the 20th is a Monday, is that  
22 right?

23 MS. NOETHER: No.

24 MR. NEEDLEMAN: Twenty-third is a

1 Monday.

2 MR. IACOPINO: The twenty-third is, and  
3 that's the last week of the month?

4 MR. NEEDLEMAN: Yes. Well, June 30th is  
5 also a Monday.

6 MR. IACOPINO: Okay.

7 MR. NEEDLEMAN: So, I guess,  
8 conceivably, we could do the early part of the week of  
9 June 30th before we run into the Fourth of July holiday.

10 MR. IACOPINO: And, is it that first  
11 weekend is the Fourth of July holiday?

12 MR. NEEDLEMAN: Yes.

13 MR. IACOPINO: June 30th is not the  
14 Monday holiday or --

15 MR. NEEDLEMAN: June 30th is a Monday,  
16 and then July 4th is that Friday.

17 MR. IACOPINO: Okay. But is that -- do  
18 we know if -- I don't know, off the top of my head, are we  
19 recognizing the Fourth of July on --

20 MS. NOETHER: Fourth of July.

21 MR. IACOPINO: -- on Monday or on -- on  
22 the 4th or on Monday? In other words, is that following  
23 Monday -- is one of the Mondays, either the one before or  
24 the one after it the actual date that the State offices



1 are closed?

2 MR. NEEDLEMAN: Well, I'm not sure.  
3 But, from our perspective, it doesn't matter. Because, on  
4 July 2nd and afterwards, we have most of our people  
5 unavailable for various vacation and medical reasons. So,  
6 we would need to do it on or before July 1st, I think.

7 MR. IACOPINO: And, if I can't get you a  
8 Committee in there, when does your, like, window of these  
9 vacation and stuff end?

10 MR. NEEDLEMAN: The next window would be  
11 the week of July 21st. And, then, the window closes again  
12 for a few weeks.

13 MR. IACOPINO: Okay. So, the week of  
14 July 21st as backup?

15 MR. NEEDLEMAN: Yes.

16 MR. IACOPINO: Okay. All right. And,  
17 either the week of June 23rd or June 30th. How's that  
18 sound to you, Lauren?

19 MS. NOETHER: I think it's ambitious,  
20 but I think that we can do it.

21 MR. IACOPINO: You don't have to agree.  
22 This isn't -- you know, believe me, I've had Counsel for  
23 the Public not agree to things that he or she has thought  
24 was too ambitious. And, I don't want to pressure you

1 either. I want you to do your job and --

2 MS. NOETHER: Well, I think it's doable  
3 in this case.

4 MR. IACOPINO: Okay. Fair enough. So,  
5 we need to get a room for a tech session on the week --  
6 between June 4th and June 6th. If, for some reason, the  
7 rooms that we usually use, which are right here, if I  
8 can't get them, do you guys have any objection to doing  
9 the tech session either at my office or your office or  
10 your office?

11 MS. NOETHER: That's fine.

12 MR. NEEDLEMAN: That's fine.

13 MR. IACOPINO: And, did you guys want  
14 those tech sessions to be on the record with a court  
15 reporter? We've done them both ways. Lately, they --  
16 lately, we've been putting Steve to work quite a bit on  
17 the tech sessions and other prehearing conferences.

18 MR. NEEDLEMAN: If I could make one  
19 request, I'm seeing now that things have been added to my  
20 calendar on June 5th that weren't there last week. So, if  
21 we could pick June 4th or June 6th for the tech session.

22 MR. IACOPINO: Let's pick it, and we'll  
23 find a place. How's that?

24 MR. NEEDLEMAN: Great.

1 MR. IACOPINO: So, 4th or the 6th?

2 MR. NEEDLEMAN: Either one. How about  
3 the 4th?

4 MS. NOETHER: I was going to say "how  
5 about the 6th?"

6 MR. NEEDLEMAN: Sixth is fine.

7 MS. NOETHER: I think that's my last  
8 week in jury duty.

9 MR. NEEDLEMAN: That's fine.

10 MS. NOETHER: And, that may change, too.  
11 I don't know what's going to happen then.

12 MR. NEEDLEMAN: Okay.

13 MS. NOETHER: If they pick that, the  
14 week before, I think, or the 2nd I think is the last day.  
15 And, it's for a two-week session. So, --

16 MR. IACOPINO: All right. Steve, we can  
17 just take a break.

18 (Brief recess taken.)

19 MR. IACOPINO: So, we were talking the  
20 4th or the 6th. And, you said "the 4th", you said "the  
21 6th"?

22 MR. NEEDLEMAN: Lauren prefers the 6th.

23 MR. IACOPINO: The 6th is better for me,  
24 too.

1 MR. NEEDLEMAN: That's fine.

2 MR. IACOPINO: And, the reason being is  
3 I'm supposed to do a jury trial June 2nd. But, actually,  
4 just before I came here, the prosecutor said we need to  
5 continue it. But I'd rather have it at the end of the  
6 week, in case the judge doesn't agree.

7 So, June 6th for a tech session. We'll  
8 find a place, and I'll send out a notice that will be  
9 published on the website. And, then, obviously, I have to  
10 check with the administrators who run the PUC about a  
11 hearing room, and also I have to canvas my Committee about  
12 dates. But we're going to be looking for an initial date  
13 in that June 23rd through June 30th time frame, with the  
14 backup being July 21, that week.

15 MR. NEEDLEMAN: And, also, we could do  
16 June 30th or July 1st.

17 MR. IACOPINO: So, it's actually from  
18 June 23 through July 1st?

19 MR. NEEDLEMAN: Yes.

20 MR. IACOPINO: Now, Lauren, when --  
21 you're going to be on jury duty next week, is that --

22 (Atty. Noether nodding in the  
23 affirmative.)

24 MR. IACOPINO: Okay. So, that doesn't

1 interfere with anything.

2 MS. NOETHER: I will be sitting on a  
3 case next week.

4 MR. IACOPINO: Okay.

5 MS. NOETHER: And, they have already  
6 picked the juries for next week. So, it's just one case  
7 in the beginning of the week. But, then, I have to go  
8 back the last time, and I go back on June -- is Monday  
9 June 2nd?

10 MR. IACOPINO: June 2nd is a Monday.

11 MS. NOETHER: Yes.

12 MR. IACOPINO: Okay.

13 MS. NOETHER: So, I don't know what's  
14 going to happen that date, but --

15 MR. IACOPINO: That might interfere with  
16 that June 6th. But, since this is a small group, we can  
17 rearrange that here.

18 MS. NOETHER: I think the chances of me  
19 getting picked twice are probably pretty remote.

20 MR. IACOPINO: Okay. Is there anything  
21 else that anybody thinks we need to address?

22 MR. NEEDLEMAN: So, if we have the  
23 technical session on June 6th, then June 13th would be the  
24 response date for record requests?

1 MR. IACOPINO: Right. And, then,  
2 stipulations by June 20th, and then the hearings.

3 MR. NEEDLEMAN: I don't think we have  
4 anything else.

5 MS. NOETHER: I can't think of anything.

6 MR. IACOPINO: Okay. Then, I guess  
7 we're done then. If anything does come up, please give me  
8 a call. If you guys have any issues that you can't  
9 resolve between yourselves, and would like me, you don't  
10 have to have me do it, but would like me to mediate, I'm  
11 more than happy to do so. But this doesn't look like one  
12 of those types of dockets.

13 So, if there's nothing else to address,  
14 we will adjourn.

15 **(Whereupon the prehearing conference was**  
16 **adjourned at 10:34 a.m.)**

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