



## CITY OF PORTSMOUTH

LEGAL DEPARTMENT

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August 19, 2014

**EMAILED to Jane.Murray@des.nh.gov**

Martin P. Honigberg, Chairman  
Alex Speidel, Acting Chairman  
NH Site Evaluation Committee  
NH Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301

RE: SEC Docket Number 2015 – 01  
Request of SEA-3, Inc. for Exemption from the Approval and Certificate  
Provisions of RSA Chapter 162-H

Dear Chairman Honigberg and Acting Chairman Speidel:

Enclosed for filing is the City of Portsmouth's Assented to Motion To Amend  
Procedural Schedule to Allow Parties to File Supplemental Prefiled Testimony in the  
above-referenced matter.

Thank you for your assistance.

Sincerely



Jane Ferrini, Staff Attorney  
City of Portsmouth

Enclosure

cc:

Jane Murray, NH DES (emailed and mailed)  
Service List (emailed)  
John P. Bohenko, City Manager  
Robert P. Sullivan, City Attorney

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

Docket No. 2015-01

In re:

SEA-3, INC.,

Request for Exemption

**ASSENTED TO MOTION TO AMEND PROCEDURAL SCHEDULE TO  
ALLOW PARTIES TO FILE SUPPLEMENTAL PREFILED TESTIMONY**

Counsel for the City of Portsmouth, by its attorneys, hereby moves the Committee for entry of an order, pursuant to RSA 162-H:4 and 10, amending the Procedural Schedule entered in this case to allow all parties to submit supplemental prefiled testimony after Counsel for the Public's expert, Sebago Technics, submits its report and prefiled testimony to the Committee and data requests to the Petitioner. In support hereof, Counsel for the City of Portsmouth, joined by the Portsmouth Intervenors, represent as follows:

1. On January 8, 2015, Sea-3, Inc. moved the Committee to exempt it from the certification process.
2. On June 18, 2015, the Presiding Officer entered the Procedural Order.
3. On July 6, 2015, Counsel for the Public filed a motion seeking to retain Sebago Technics to conduct a safety study which Sea-3, Inc. objected on July 15, 2015.
4. On August 10, 2015, the Committee granted Counsel for the Public's Motion to retain Sebago Technics to perform a safety study paid for by Sea-3, Inc.
5. Among other things, Sebago Technics will review and report on the following:

- a. Description of rail segments used to transport product between Rockingham Junction and Sea-3 Terminal that would include a review of the Federal Railroad Administration (FRA) accident records for this segment of track;
  - b. Inspection and review of inspection and maintenance record of the segment of track within the Sea-3 Terminal;
  - c. Review Pan Am's and Sea-3's Hazardous Materials Programs and Procedures for deliveries from Rockingham Junction to the Sea-3 Terminal;
  - d. Review FRA Highway Grade Crossing Inventory to review accident history and accident prediction. Visit and photograph all highway grade crossings between Rockingham Junction and Sea-3 to confirm national inventory data;
  - e. Conduct database research into LPG risk assessment (USDOT, NRC, FRA, PHMSA, and NAR);
  - f. Review of USEPA's Risk Management Plan database and USCG's operating and emergency procedures records regarding Sea-3's operation and safety performance. Review improvement plans and proposals and provide analysis concerning potential safety issues of expansion;
  - g. Meet with emergency response staff from Dover, Newington, Portsmouth, Stratham, Greenland and Newfields to assess preparedness and document education and equipment needs to handle potential incidents with LPG;
  - h. Draft report summarizing findings and non-binding recommendations; and
  - i. Drafter of report to attend hearings to answer questions on report.
6. On August 14, 2015 Counsel for the Public filed an Assented To and

Expedited Motion of Counsel for the Public To Amend Procedural Schedule.

7. The proposed deadline for Counsel for the Public's answer to data requests submitted by the Petitioner is September 26, 2015.

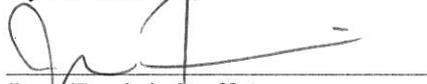
8. The Portsmouth Intervenors join in this Motion.

9. The parties were consulted and assent to this Motion, requesting that they be allowed to submit supplemental prefiled testimony to address information provided by Sebago Technics by September 30, 2015. This testimony may include witnesses not

previously identified on each party's witness list filed with the Committee. The parties who were consulted and assent to this request are Counsel for the Public, the City of Dover, Great Bay Stewards and Sea-3. The Town of Newington was contacted but did not respond.

WHEREFORE, Counsel for the City of Portsmouth respectfully requests that the Committee enter an order adjusting the procedural schedule to include a deadline for all parties to submit supplemental prefiled testimony as set forth above, and to grant such other and further relief as may be just.

Respectfully submitted,  
The City of Portsmouth  
By its Counsel,

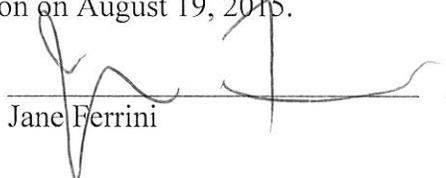


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**CERTIFICATE OF SERVICE**

I hereby certify that all parties on the Service List in this matter have been either emailed or mailed a copy of this Motion on August 19, 2015.



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Jane Ferrini