



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

Robert P. Sullivan, City Attorney – 603-610-7204 (Direct Dial)
Suzanne M. Woodland, Deputy City Attorney – 603-610-7240 (Direct Dial)
Kathleen M. Dwyer, Assistant City Attorney – 603-427-1338 (Phone/Fax)

November 4, 2015

EMAILED TO Pamela.monroe@sec.nh.gov

Martin Honigberg, Chairman
Alex Speidel, Acting Chairman
NH Site evaluation Committee
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Sea-3, Inc
Request for Exemption
NHSEC No. 2015-01

Dear Chairman Honigberg and Acting Chairman Speidel:

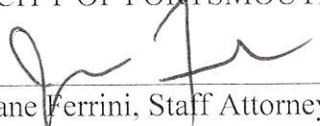
Enclosed for filing in connection with Sea-3, Inc.'s Request for Exemption please find the City of Portsmouth's Partially Assented to Motion to Allow Filing of Rebuttal Testimony and to Amend Witness List, Prefiled Rebuttal Testimony of Terry Desmarais, Jr., P.E. attaching one Exhibit and an Amended Witness List.

The original and three copies of the above documents will be hand delivered tomorrow.

I certify that copies of the above referenced documents have been sent to all parties listed on the SEC's Service List in the above captioned matter.

Very truly yours,

THE CITY OF PORTSMOUTH

By: 
Jane Ferrini, Staff Attorney

Enclosures

cc: Pam Monroe (emailed)
Michael Iacopino, Esq.(hand deliver on Nov. 5th)
John P. Bohenko, City Manager
Robert P. Sullivan, City Attorney
Service List

**Site Evaluation Committee
Of the New Hampshire Public Utilities Commission**

In the Matter of the Application of Sea-3, Inc.

SEC DOCKET NO. 2015-01

(Request for Exemption)

**THE CITY OF PORTSMOUTH'S PARTIALLY ASSENTED TO MOTION TO
ALLOW FILING OF REBUTTAL TESTIMONY AND TO AMEND WITNESS
LIST**

NOW COMES the City of Portsmouth, by its counsel, and respectfully requests that it be allowed to file Rebuttal Prefiled Testimony and to amend its Witness List and in support thereof, the City states as follows:

1. A technical session was held on October 14, 2015.
2. All witnesses were available for questions except one, Joe Rose. A Motion to Excuse Attendance was filed by Sea-3 requesting that this Committee schedule an alternative date for Mr. Rose's technical session. No order on this Motion has yet been issued and no technical session for Mr. Rose has been scheduled.
3. A Report of Technical Session Held October 14, 2015 was issued on October 15, 2015.
4. The Report requested that the Town of Newington provide the following documentation and information to the parties:
 3. Data Check: Please identify the amount of water available through the existing "Portsmouth Water Supply" and whether that is sufficient for a two (2) hour supply."
5. Pursuant to the Report on the Technical Session, the Town of Newington provided information to the parties on October 21, 2015 by way of the following statement:

RESPONSE: According to the 2013 Portsmouth Water Master Plan, the City has a useable storage capacity of 4,766,000 gallons. 2000 gpm for 120 minutes requires

240,000 gallons. Water availability is more than sufficient for a two (2) hour water supply of 2000 gpm.

6. The City's Public Works Department reviewed Newington's statement and has discovered information that, in part, refutes Newington's statement regarding water flow to the site.

7. "The Party asserting a proposition shall bear the burden of proving the truth of the proposition." See N. H. Code R. Site 202.19.

8. The Hearing's Officer may admit relevant evidence. N.H. Code R. Site 202.24

9. The City's Public Works Department information regarding water flow to the site is relevant and material to Sea-3's request for an exemption and Sea-3 and the Town of Newington's representations that there is sufficient water flow to the site.

10. The City requests permission to submit recently acquired Rebuttal Testimony as it is within the Committee's discretion to waive its rules (N.H. Code R. Site 202.15) regarding its deadline to submit prefiled testimony, and as such, the City requests leave to submit its Prefiled Rebuttal Testimony of Terry Desmarais, Jr., P.E., City Engineer for the City of Portsmouth, attached and incorporated as Exhibit A, and to include him as a witness at the hearing and to amend its Witness List attached and incorporated as Exhibit B.

11. The filing of this Motion, the Prefiled Rebuttal Testimony and the Amendment to the City's Witness List are not filed for the purpose of delay, but are filed to promote the orderly and efficient conduct of the proceeding.

12. The Attorney for the Public, Assistant Attorney Peter Roth, Attorney for the City of Dover, Anthony Blenkinsop, Attorney for the Portsmouth Intervenors, Chris Cole, and non-attorney representative Fred Mason for the Great Bay Stewards assent to this Motion.

Given the fact that this testimony rebuts prior testimony of Sea-3 and the Town of

Newington, the assent of their counsel, Alec McEachern and John Rattigan, was not sought.

WHEREFORE, the City of Portsmouth respectfully requests that the Committee:

- A. Grant its Motion to Allow Filing of the Prefiled Rebuttal Testimony;
- B. Accept and file the Prefiled Rebuttal Testimony of Terry Desmarais, Jr., P.E.;
- C. Permit Terry Desmarais, Jr., P.E., to testify as a witness at the upcoming hearing;
- D. Amend the City's Witness List to include Terry Desmarais, Jr., P.E.; or
- E. In the Alternative, continue the hearing and schedule a technical session for Terry Desmarais, Jr., P.E.; and
- F. For such other and further relief as may be just.

Respectfully submitted,

DATE: November 4, 2015

THE CITY OF PORTSMOUTH

By Its Attorneys,


Jane Ferrini, Staff Attorney
N.H. Bar # 6528
1 Junkins Avenue
Portsmouth, NH 03801
Phone: (603) 436-3110
Email: jferrini@cityofportsmouth.com

Certification

I hereby certify that on this 4th day of November, 2015, I caused a copy of the foregoing Motion to Allow Filing of Rebuttal Testimony and to Amend Witness List to be sent via email to the persons on the Service List on this Docket.


Jane Ferrini

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

DOCKET NO. 2015-01

PREFILED REBUTTAL TESTIMONY OF TERRY DESMARAIS, JR., P.E.

November 4, 2015

1. **Q. Please state your name and address.**

A. Terry Desmarais, Jr.
Work address:
680 Peverly Hill Road
Portsmouth, NH 03801

2. **Q. What is your education, work experience and professional background?**

A. I graduated from Worcester Polytechnic Institute in 1999, with a Bachelor's of Science in Civil Engineering. I worked as a consulting Civil Engineer from June 1999 to August 2012 for CDM Smith, Inc., Boston MA, Underwood Engineers, Inc., Portsmouth, NH, and AECOM Technical Services, Inc., Chelmsford, MA.

3. **Q. How are you presently employed?**

A. I have been a City Engineer since 2012. My responsibilities include implementation of the capital improvements program for the Water and Sewer Divisions of the Public Works Department.

4. **Q. Where you asked to review information presented by the Town of Newington relative to the City of Portsmouth's water supply and the rate of water flow to the Sea-3 site?**

A. Yes

5. **Q. What were you asked to review?**

A. I was asked to review the following statement:

“According to the 2013 Portsmouth Water Master Plan, the City has a useable storage capacity of 4,766,000 gallons. 2000 gpm for 120 minutes requires 240,000 gallons. Water availability is more than sufficient for a two (2) hour water supply of 2000 gpm.”

6. **Q. How did you review this statement?**

A. I reviewed the City of Portsmouth's 2013 Water Master Plan to confirm the water storage volume and the 2000 gallon per minute (gpm) fire flow rate.

7. **Q. Was Newington's statements regarding the site's usable storage capacity of 4,766,000 gallons correct?**

A. Yes

8. **What is water storage volume?**

A. It is the total volume of water available for water demand and fire suppression in the Portsmouth pressure zone.

9. **Is storage volume the same as fire flow rate or are they two separate things?**

A. They are 2 separate things.

10. **Can you explain the difference between the two?**

A. Storage volume is the total amount of water stored in the pressure zone's tanks available for demand and fire flow/ fire suppression needs. Fire flow rate is the number of gallons per unit of time that can be available at the site through the piping system.

11. **Is the statement by Newington that "Water availability is more than sufficient for a two (2) hour water supply of 2000 gpm" correct?**

A. The statement is partially correct. The volume of water is adequate but the rate at which water can be supplied under certain demand conditions may not meet the 2000 gpm requirement as show in the City of Portsmouth's Water Master Plan. The 2000 gpm cannot be met under maximum day demand conditions.

12. **What information did you use to come to this conclusion?**

A. Figure 3-8 Model Predicted Available Fire Flow Maximum Day Demand from the 2013 City of Portsmouth's Water Master Plan.

13. **And Figure 3-8 Model Predicted Available Fire Flow Maximum Day Demand has been included as Exhibit 1 to your testimony?**

A. Yes.

14. **According to Figure 3-8, what is the fire flow rate to the site on maximum day demand?**

A. Between 500 and 1000 gpm.

15. And based on a maximum day demand in Figure 3-8, does Sea-3 have sufficient fire flow to the site?

A. No.

16. How can sufficient fire flow rate be achieved at the site during maximum day demand conditions?

A. Sea-3 could provide on-site supplemental water storage volume and a fire flow pump.

17. Q. Does this conclude your testimony?

A. Yes.

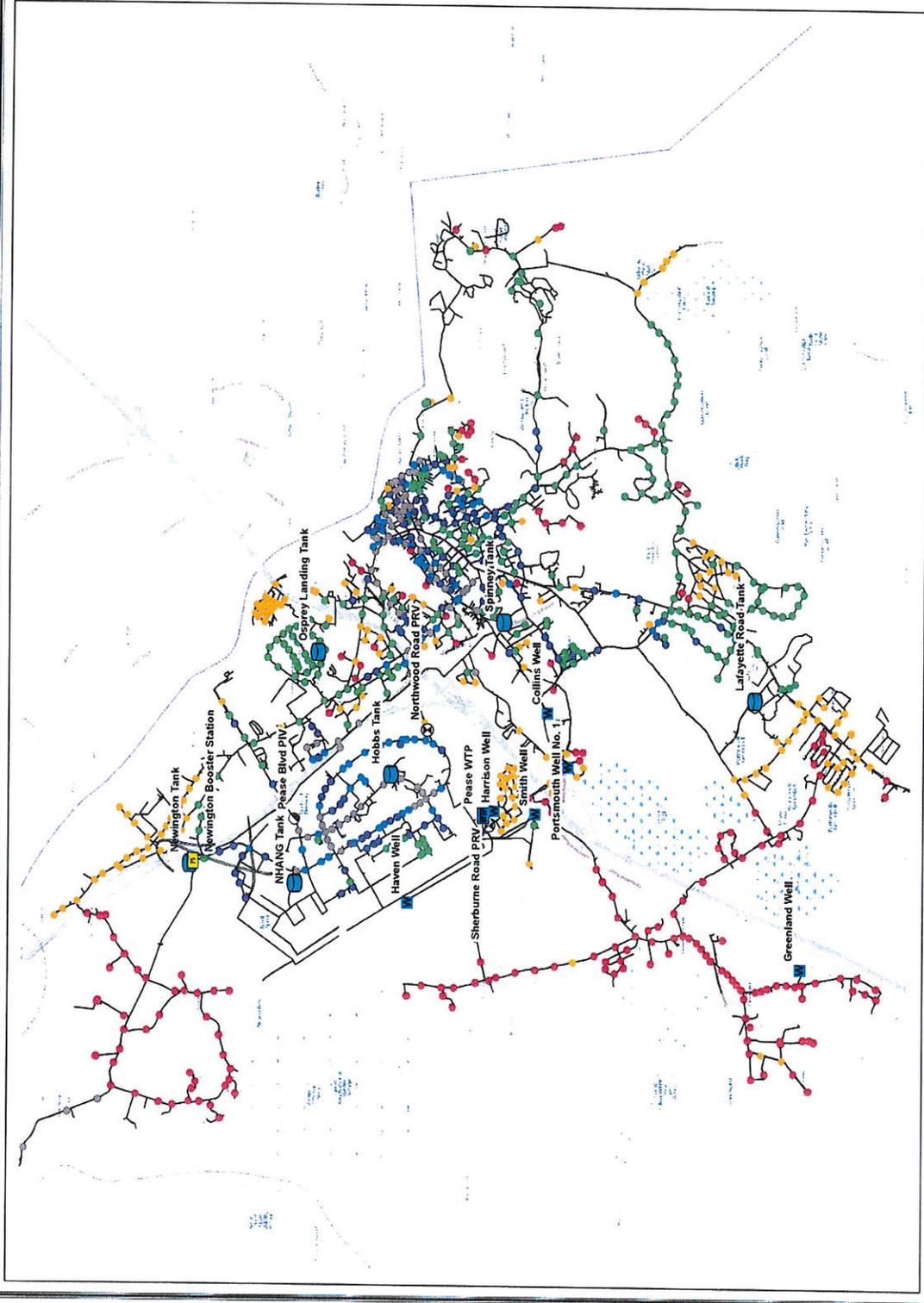
Exhibit 1

Figure 3-8
Model Predicted
Available Fire Flow
Maximum Day Demand
(July 21-22, 2011)
System Demand: 6.7 MG)

- Model Predicted Available Fire Flow (gpm)**
- <500
 - 501 - 1000
 - 1001 - 2000
 - 2001 - 3000
 - 3001 - 3500
 - >3500

- Water Main**
- Water Main
 - ☐ Pump Station
 - Well
 - Tank
 - ⊗ PRV
 - ⊙ PIV
 - WTP

Tighe&Bond
 Portsmouth Water System
 Portsmouth, New Hampshire
 February 2013



STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

DOCKET NO. 2015-01

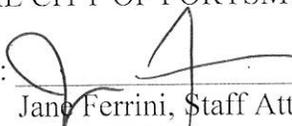
CITY OF PORTSMOUTH'S AMENDED WITNESS LIST
FOR ADJUDICATORY PUBLIC HEARING

NOW COMES the City of Portsmouth, through its attorney, and submits this amendment to its list of witnesses to include Terry Desmarais, Jr., P.E., together with his Prefiled Rebuttal Testimony and exhibits filed herewith, and respectfully requests that its witness list be amended as follows:

- 1) Peter Britz, Environmental Planner
1 Junkins Avenue
Portsmouth, NH 03801
(603) 610-7215
- 2) Steve Achilles, Fire Chief
City of Portsmouth
170 Court Street
Portsmouth, NH 03801
(603) 610-7340
- 3) Terry Desmarais, Jr., P.E.
City of Portsmouth
680 Peverly Hill Road
Portsmouth, NH 03801
(603) 766-1421

Respectfully submitted on this 4th day of November, 2015,

THE CITY OF PORTSMOUTH

By: 

Jane Ferrini, Staff Attorney
NHBA # 6528
1 Junkins Avenue
Portsmouth, NH 03801
Phone: (603) 610- 7256
Email: jferrini@cityofportsmouth.com

CERTIFICATE OF SERVICE

I certify that on this 4th day of November, 2015, I have provided copies of the foregoing Amended Witness List to all parties on the Service List by electronic mail or first class mail.


Jane Ferrini