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**STATE OF NEW HAMPSHIRE**  
**SITE EVALUATION COMMITTEE**

**June 1, 2016 - 8:52 a.m.**  
Public Utilities Commission  
21 South Fruit Street Suite 10  
Concord, New Hampshire

NHPUC JUN27'16 AM11:36

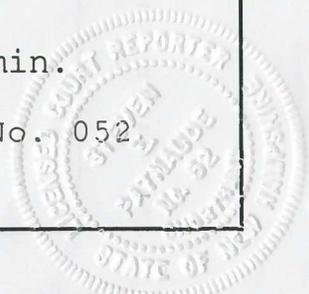
**IN RE: SEC DOCKET NO. 2015-04**  
**APPLICATION OF PUBLIC SERVICE**  
**COMPANY OF NEW HAMPSHIRE d/b/a**  
**EVERSOURCE ENERGY FOR A**  
**CERTIFICATE OF SITE AND FACILITY.**  
*(Public Meeting of Subcommittee*  
*members to determine whether the*  
*Application as filed contains*  
*sufficient information to carry*  
*out the purposes of RSA 162-H.)*

**PRESENT: SITE EVALUATION COMMITTEE:**

- |  |  |
|--|--|
| Cmsr. Robert R. Scott<br><i>(Presiding as Presiding Officer)</i> | Public Utilities Comm.                             |
| Dir. Elizabeth Muzzey  | Dept. of Cultural Res./<br>Div. of Historical Res. |
| David Shulock  | Public Util. Comm./Legal                           |
| Michele Roberge, Designee  | Dept. of Environmental<br>Services                 |
| Charles Schmidt, Designee  | Dept. of Transportation                            |
| Patricia Weathersby  | Public Member                                      |

**ALSO PRESENT FOR SEC:** Michael J. Iacopino, Esq.  
Iryna Dore, Esq.  
(Brennan Lenahan)  
Pamela G. Monroe, Admin.

**COURT REPORTER:** Steven E. Patnaude, LCR No. 052



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**OTHER APPEARANCES NOTED:**

***COUNSEL FOR THE APPLICANT:***

Barry Needleman, Esq.  
(McLane Middleton)

Christopher Allwarden, Esq.  
(Eversource Energy)

Elizabeth Maldonado, Esq.  
(Eversource Energy)

**COUNSEL FOR THE PUBLIC:**

Christopher G. Aslin, Esq.  
Asst. Atty. General  
N.H. Department of Justice

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**P R O C E E D I N G**

1  
2 PRESIDING OFFICER SCOTT: Good  
3 morning, everybody. My name is Robert Scott.  
4 I'm a Commissioner with the New Hampshire  
5 Public Utilities Commission. I've been  
6 designated as Presiding Officer for this  
7 Subcommittee, which sits on Docket Number SEC  
8 2015-04, the Application of Public Service  
9 Company of New Hampshire, doing business as  
10 Eversource Energy, for a Certificate of Site  
11 and Facility for the construction of a new 115  
12 kilovolt transmission line between existing  
13 substations in Madbury, New Hampshire, and  
14 Portsmouth, New Hampshire. The proposed  
15 transmission line will be approximately  
16 12.9 miles in length and comprised of a  
17 combination of aboveground, underground, and  
18 underwater segments.

19 The Project will be located in the  
20 Towns of Madbury, Durham, Newington, and the  
21 City of Portsmouth, and cross both Strafford  
22 and Rockingham County.

23 At this point, I'd like to allow  
24 members of the Subcommittee to introduce

1 themselves. I note for the record we also have  
2 one member who's not here, which is Ms. Rachel  
3 Whitaker. But we still have a quorum I note.  
4 So, we'll proceed.

5 So, I'll start to my left.

6 MR. SCHMIDT: Good morning. I'm  
7 Chuck Schmidt. I work for the New Hampshire  
8 Department of Transportation. I am the  
9 Administrator for the Bureau of Right-of-Way.

10 DIR. MUZZEY: Elizabeth Muzzey,  
11 representing the Department of Cultural  
12 Resources.

13 MR. SHULOCK: David Shulock,  
14 representing the Public Utilities Commission.

15 MS. ROBERGE: Michele Roberge,  
16 representing the Department of Environmental  
17 Services.

18 MS. WEATHERSBY: Patricia Weathersby,  
19 public member.

20 PRESIDING OFFICER SCOTT: Mike, you  
21 want to introduce yourself.

22 MR. IACOPINO: Yes. My name is  
23 Michael Iacopino. I'm from Manchester, New  
24 Hampshire. And I represent the Site Evaluation

1 Committee as counsel.

2 PRESIDING OFFICER SCOTT: Thank you  
3 all again. And, as I mentioned, seeing a  
4 quorum, we'll proceed.

5 By way of background, on April 12th,  
6 2016, the Public Service Company of New  
7 Hampshire, again, doing business as Eversource  
8 Energy, filed an Application in this docket.  
9 On April 29th, 2016, in accordance with RSA  
10 162-H:4, the Chairman of the Committee  
11 appointed a Subcommittee. Subsequently, under  
12 authority granted under RSA 162-H, the Chair of  
13 the Public Utilities Commission, the  
14 Commissioner of the Department of Environmental  
15 Services, and the Commissioner of the  
16 Department of Transportation appointed  
17 designees to be on the Subcommittee that you  
18 see before us.

19 The purpose of the meeting here today  
20 is to determine whether the Application, as  
21 filed -- as filed, excuse me, contains  
22 sufficient information to carry out the  
23 purposes of 162-H.

24 To start, I'll note that copies of

1 the Application were forwarded to state  
2 agencies with permitting and regulatory  
3 authority. To date, we've received responses  
4 from the State Fire Marshal's Office of the  
5 Department of Safety; the Public Utilities  
6 Commission; the Water Division of the  
7 Department of Environmental Services; the  
8 Division of Historical Resources of the  
9 Department of Resources and Economic  
10 Development; and we have not received any  
11 response from the Department of Transportation.

12 I'll start with, while the Division  
13 of Historical Resources initially deemed the  
14 Application as incomplete, they have  
15 subsequently filed a memo with the Committee  
16 indicating, and I'll look at Ms. Muzzey here,  
17 that "the Application is not insufficient". Is  
18 that a fair characterization?

19 DIR. MUZZEY: Yes. I'd agree with  
20 that as well.

21 PRESIDING OFFICER SCOTT: Okay. And,  
22 again, while we have not received a response  
23 from the Department of Transportation, we have  
24 gotten no indication of any issues with the

1 Department of Transportation, and I'll look at  
2 Mr. Schmidt?

3 MR. SCHMIDT: That's correct.

4 PRESIDING OFFICER SCOTT: Okay.

5 Thank you.

6 At this point, it appears that no  
7 state agency has indicated that it has any  
8 preliminary review issues with the Application.  
9 I'd want to ask first, I'll stop now, ask if  
10 there's any discussion on the state agency  
11 responses that we would like to talk about?

12 *[No verbal response.]*

13 PRESIDING OFFICER SCOTT: Okay.

14 Seeing none, I'll also note that the  
15 Subcommittee is obliged to perform its own  
16 review of the Application to "ascertain if the  
17 Application contains sufficient information to  
18 carry out the purposes of 162-H".

19 I'd like to note that the Counsel for  
20 the Committee, Attorney Iacopino, to my right,  
21 has submitted to the Committee a 457-element  
22 checklist, that goes over both what's required  
23 to be contained in the Application by statute  
24 and what's required under the administrative

1 rules.

2 And, I'll start, before I ask  
3 Attorney Iacopino to comment on the checklist,  
4 I'll note that there are certain items in the  
5 checklist that the Applicant has requested to  
6 be waived. And I'll note that, under our  
7 administrative rules, as the current rules,  
8 that's allowable. I suggest that consideration  
9 of these waivers will take place during the  
10 proceedings, once we've established the  
11 proceeding and have participating parties, that  
12 way they have an opportunity to weigh in on  
13 what we do with the waivers. So, that's my  
14 input on that end.

15 So, before we turn to Attorney  
16 Iacopino, maybe we should discuss the waivers.  
17 Any concerns? Questions? Anybody?

18 *[No verbal response.]*

19 PRESIDING OFFICER SCOTT: Okay. All  
20 right. That was easy. Hearing none, Attorney  
21 Iacopino, are there any concerns moving forward  
22 with the checklist that we should discuss?

23 MR. IACOPINO: No. As you indicated,  
24 Mr. Chairman, myself and Ms. Dore, from my

1 office, have reviewed the Application. We  
2 don't review it in the substantive manner in  
3 which you all as members of the Committee  
4 review it, but we do review it to make sure  
5 that it contains the information that is  
6 required by our administrative rules and by the  
7 statute.

8 We have provided you, as part of our  
9 attorney/client communications, our results of  
10 the review of that checklist. And it appears  
11 that, with the exception of those areas that  
12 the Applicant seeks waivers, we, in fact, have  
13 an application that contains all of the  
14 components that are required under both our  
15 administrative rules and the statute. That  
16 does not mean that the Application is in a form  
17 that it should be granted. All it means is  
18 that the Application contains the components  
19 that our rules and the statute deem necessary  
20 for this -- for this Subcommittee to go forward  
21 and to consider the Application in the course  
22 of your normal procedure.

23 And, so, that's essentially what  
24 we've determined. And, again, that's not a

1 substantive determination. It's simply a  
2 checklist that we've developed, in order to  
3 make sure that applications that come before  
4 the Committee do, in fact, comply with all of  
5 the rules or contain the appropriate waiver  
6 requests.

7 I will, just for a moment, address  
8 the legality of the waiver issue. The granting  
9 of, if this Subcommittee were, just so  
10 everybody on the Subcommittee is clear on this,  
11 if you deem to accept the Application today,  
12 that is not granting the waivers that are  
13 requested. It is essentially you're accepting  
14 the Application with the waiver requests. It  
15 is my understanding that the Committee would  
16 prefer to -- or, that at least the Chair would  
17 prefer to let those parties who may seek to  
18 intervene, including Counsel for the Public and  
19 any other intervenors, to weigh in and either  
20 file assents or objections to the motions to  
21 waive. And that the decision on whether or not  
22 the waivers will be allowed would occur at a  
23 subsequent point in time. If any of those  
24 waivers were to be denied, the Applicant would

1 be required to bring the Application into  
2 compliance with the rules, at the risk, if they  
3 do not do that, at the risk of the Application  
4 being dismissed. So, that's sort of the  
5 process, the legal process going forward, with  
6 respect to the waivers.

7 And the one thing I want my Committee  
8 members to understand is that granting -- or,  
9 accepting an application today is not granting  
10 the waivers. There will be a subsequent  
11 hearing on that issue.

12 With one exception. There was a  
13 procedural waiver, regarding the number of  
14 copies and whatnot that had to be filed, which  
15 was already granted by the Chair at the time of  
16 the filing of the Application, which is not the  
17 same type of waiver that is requested by the  
18 Applicant.

19 So, if there's any questions about  
20 either the checklist or the waiver situation?

21 And, for the general public's  
22 information, this is the very first application  
23 that we have had that was filed after the new  
24 rules have gone into effect. So, it's the

1 first time that the Site Evaluation Committee  
2 has received an application and a request for  
3 waivers at the same time. All of our prior  
4 applications were filed prior to our new  
5 administrative rules being readopted, so that  
6 there was sort of a clawback process that went  
7 on in those cases, where the applicant was  
8 requested to bring previously filed  
9 applications into compliance with the new  
10 rules, and, at that time, it then filed motions  
11 to waive certain rules.

12 In this particular case, we received  
13 the Application and the motions to waive at the  
14 same time. So, this is -- I mean, for what  
15 it's worth, I don't -- people who are more into  
16 this process than others, it is the first time  
17 that these rules are being used in this  
18 fashion, with the filing and the motion being  
19 filed at the same time as the filing of the  
20 application.

21 Probably too much information, sorry.

22 PRESIDING OFFICER SCOTT: Thank you.  
23 We don't pay you by the word, that's true.

24 I'll now open the floor to the

1           Committee for any discussion of whether the  
2           Application contains sufficient information for  
3           us to carry out the purposes of 162-H. Are  
4           there any concerns? Comments?

5                     Ms. Weathersby.

6                     MS. WEATHERSBY: I just have a  
7           question for the Applicant.

8                     My review of the Project and the  
9           checklist -- or, the Application and the  
10          checklist, I noticed there wasn't much  
11          information about access roads. Could you tell  
12          me and tell the Committee whether access roads  
13          have been identified? And whether or not those  
14          are new access roads or whether they are  
15          existing?

16                    PRESIDING OFFICER SCOTT: Before the  
17          Applicant answers, so, I'll remind everybody  
18          here that, so, what we're doing right now is  
19          deliberation of the Committee, so that's why  
20          I've not taken appearances. And it looks like  
21          it's a good thing I'm talking, I'm giving the  
22          Applicant time to develop their answer.

23                    So, having said that, and again it's  
24          a deliberation -- today it's a deliberation for

1 the Committee. There will be, while the  
2 Applicant is talking amongst themselves, I'll  
3 remind everybody in the audience that there  
4 will be multiple occasions where there will be  
5 chances for public comment, and there will be a  
6 whole bunch of process moving forward.

7 So, does the Applicant wish to  
8 respond?

9 MR. NEEDLEMAN: If you'd like me to?

10 PRESIDING OFFICER SCOTT: Please.

11 MR. NEEDLEMAN: Barry Needleman, from  
12 McLane Middleton, representing the Applicant.

13 I think the answer, Ms. Weathersby,  
14 is that the access roads that we require, I  
15 believe, are identified in the Application.  
16 This is a project where there are numerous  
17 locations along the Project route that coincide  
18 with existing roads. And, to the extent that  
19 we can't get access in certain places, we are  
20 also going down the right-of-way in various  
21 places. So, my understanding is, as of this  
22 point, the access roads that we need have been  
23 identified.

24 PRESIDING OFFICER SCOTT: Any other

1 questions for -- Ms. Muzzey.

2 DIR. MUZZEY: A similar question.

3 How would you also characterize the marshalling  
4 yards, as well as the laydown areas. Have  
5 those been identified or will that information  
6 be forthcoming?

7 MR. NEEDLEMAN: That's a common issue  
8 in a number of these different kinds of  
9 projects, as you might know. There is a  
10 tension, at this point in the process, between  
11 trying to identify all of those locations this  
12 early, versus looking to the contractors that  
13 will do the work at a later point, who  
14 typically identify those locations.

15 And, so, what we have done is try,  
16 where we know we've got such locations  
17 identified, to indicate that in the  
18 Application. And, then, where we have not been  
19 able to identify all those locations, to  
20 indicate that more may be forthcoming to  
21 describe what we think the characteristics of  
22 those locations will look like. And the  
23 principal one is to try to identify previously  
24 disturbed places that will not have any

1 environmental or other impacts. And then ask  
2 for the Committee to delegate to DES in the  
3 future the right to review those additional  
4 locations as we identify them.

5 DIR. MUZZEY: Thank you.

6 PRESIDING OFFICER SCOTT: Any other  
7 concerns, questions from the Committee?

8 *[No verbal response.]*

9 PRESIDING OFFICER SCOTT: Okay.  
10 Hearing none, I would entertain a motion.  
11 Would anybody like to make a motion?

12 *[No verbal response.]*

13 PRESIDING OFFICER SCOTT: This may be  
14 a long meeting.

15 DIR. MUZZEY: I'll do it.

16 PRESIDING OFFICER SCOTT: Ms. Muzzey.

17 DIR. MUZZEY: I would make the motion  
18 that we deem the Application sufficient to  
19 satisfy the purposes and requirements of RSA  
20 162-H.

21 PRESIDING OFFICER SCOTT: Do I have a  
22 second?

23 MR. SCHMIDT: I'll second it.

24 PRESIDING OFFICER SCOTT: Thank you.

1 Any discussion?

2 *[No verbal response.]*

3 PRESIDING OFFICER SCOTT: Okay.

4 Hearing none, we'll move forward with the vote.

5 All in favor please say "aye"?

6 *[Multiple members indicating*

7 *"aye".]*

8 PRESIDING OFFICER SCOTT: Okay.

9 Then, the Application is accepted as complete.

10 I want to thank the Committee.

11 Moving forward, again for the public here, all

12 that this does is accept the Application.

13 We'll issue a written order. And there will be

14 a procedural schedule developed. There will be

15 opportunities for intervention requests. There

16 will be, if I understand it, correct me if I'm

17 wrong, Attorney Iacopino, there will be at

18 least two public information sessions in the

19 community, there will be two public hearings

20 in -- one in each county, Rockingham and

21 Strafford County, whereby which we'll take

22 public comments. And, then, of course, we'll

23 have all the proceedings, which will be public

24 also.

1           So, this is just the very beginning  
2           of a lot of public process. I want to make  
3           sure people understand that. So, where today  
4           was basically for the Committee to talk, with  
5           maybe some questions, there will be ample  
6           opportunity for people to weigh in.

7           Are there any questions from the  
8           Committee before we adjourn?

9           MR. IACOPINO: Mr. Chairman, I just  
10          probably would ask you to have the record note  
11          that the ayes were unanimous.

12          PRESIDING OFFICER SCOTT: I will do  
13          so.

14          MR. IACOPINO: Okay.

15          PRESIDING OFFICER SCOTT: I note that  
16          the ayes were unanimous.

17          MR. IACOPINO: And, then, with  
18          respect to any members of the public here who  
19          may be unfamiliar with the process, I will be  
20          hanging around, and you can come up and chat  
21          with me, if you need any guidance, in terms of  
22          where to find things or how to use our website  
23          or anything like that. There's myself here,  
24          Ms. Dore is here, and our Administrator, Pamela

1 Monroe, is seated to the left, my left, your  
2 right. Thank you.

3 PRESIDING OFFICER SCOTT: Any last  
4 second thoughts from the Committee?

5 *[No verbal response.]*

6 PRESIDING OFFICER SCOTT: Okay.  
7 Hearing none, this concludes our meeting of the  
8 Site Evaluation Committee on Docket Number  
9 2015-04. Thank you. We are adjourned.

10 ***(Whereupon the Public Meeting***  
11 ***was adjourned 9:09 a.m.)***

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