

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

October 2, 2017 - 1:45 p.m. DAY 43  
49 Donovan Street Afternoon Session ONLY  
Concord, New Hampshire

*{Electronically filed with SEC 10-16-17}*

**IN RE:       SEC DOCKET NO. 2015-06**  
**NORTHERN PASS TRANSMISSION -**  
**EVERSOURCE; Joint Application of**  
**Northern Pass Transmission LLC and**  
**Public Service of New Hampshire d/b/a**  
**Eversource Energy for a**  
**Certificate of Site and Facility**  
**(Hearing on the Merits)**

**PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:**

<b>Chmn. Martin Honigberg</b> <i>(Presiding Officer)</i>	Public Utilities Comm.
<b>Cmsr. Kathryn M. Bailey</b>	Public Utilities Comm.
<b>Dir. Craig Wright, Designee</b>	Dept. of Environ. Serv.
<b>Christoper Way, Designee</b>	Dept. of Business & Economic Affairs
<b>William Oldenburg, Designee</b>	Dept. of Transportation
<b>Patricia Weathersby</b>	Public Member

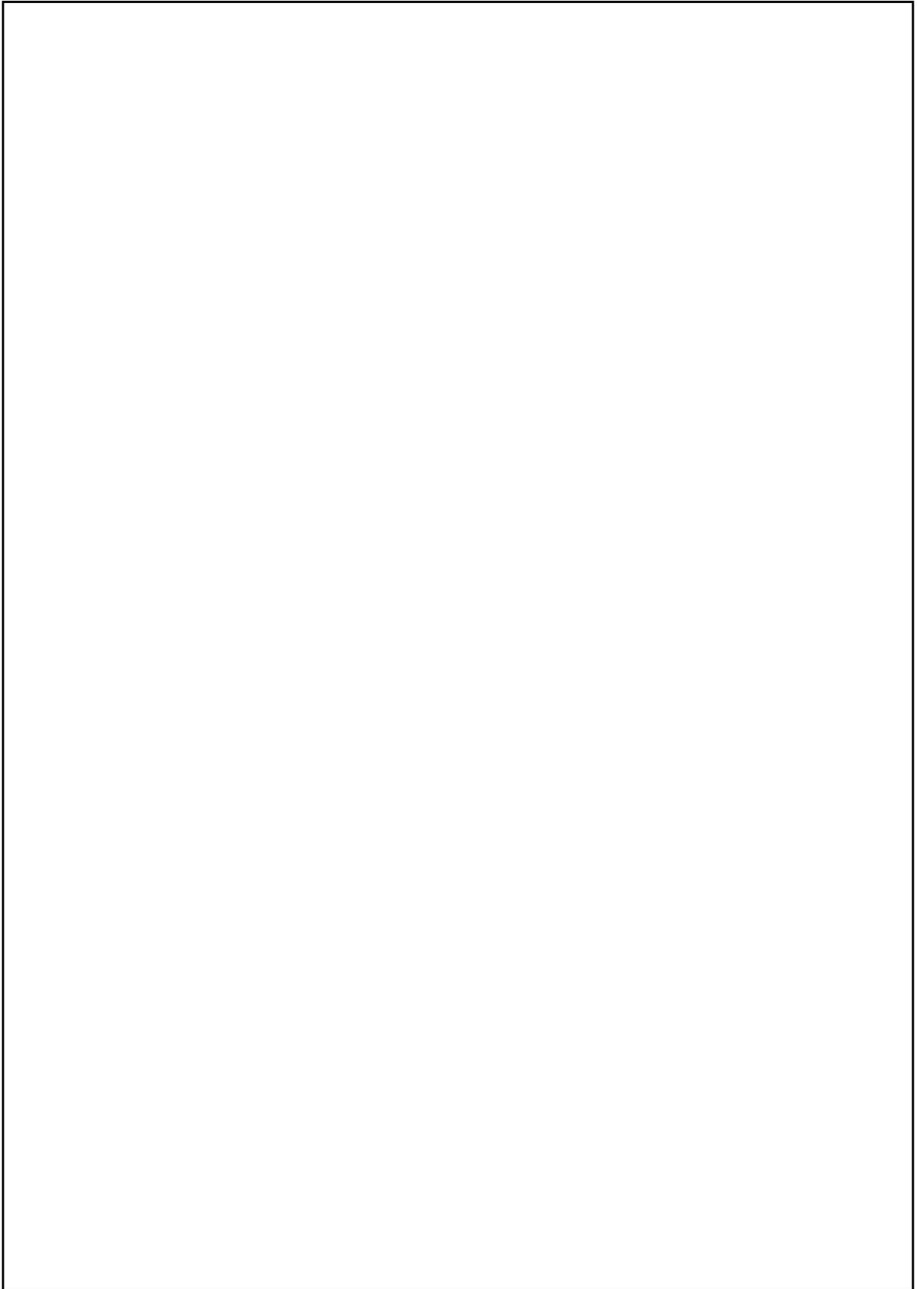
**ALSO PRESENT FOR THE SEC:**

Michael J. Iacopino, Esq. Counsel for SEC  
*(Brennan, Caron, Lenehan & Iacopino)*

Pamela G. Monroe, SEC Administrator

*(No Appearances Taken)*

**COURT REPORTER: Cynthia Foster, LCR No. 14**



I N D E X

WITNESS PANEL

LYNN FARRINGTON FRAZIER  
SAMUEL JOHNSON  
KENNETH BOWES  
JOHN KAYSER

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**P R O C E E D I N G S****(Hearing resumed at 1:45 p.m.)**

PRESIDING OFFICER HONIGBERG: Good afternoon. We're going to resume with the questions from the Subcommittee. I understand Mr. Oldenburg is going to go first.

MR. OLDENBURG: Thank you, Mr. Chairman.

**QUESTIONS BY MR. OLDENBURG:**

Q Good afternoon.

A Afternoon.

Q I have a few questions, and they're not as organized as I would like, but I'll start. I think it was Mr. Bowes, he came up with, he relayed sort of a general process that a typical Project like this goes through, and I think you just reiterated it with Ms. Saffo. So if I understand it right, a typical project, you do a preliminary design. That preliminary design is submitted to like the PUC as an Application. You get a Certificate, and as part of that Certificate the SEC delegates certain things to maybe some other agencies. So the DOT might get the roads, DES might get the environmental, SHPO might get the cultural so there's a delegation

1 process. So these preliminary plan issues and  
2 right-of-way issues and traffic control issues,  
3 all this that we're going through right now, I  
4 think you said are all typical things faced for  
5 a Project for this; is that correct?

6 A (Bowes) Yes and, the sequence you laid out  
7 usually happens, much of the detailed design  
8 work happens after a Certificate is issued.  
9 It's usually for public need and environmental  
10 compatibility, something like that. So you've  
11 met a burden of proof for is there a need for  
12 the Project, can it be done in an  
13 environmentally conscious way, and is the cost  
14 of it, usually cost is a factor because they're  
15 most often Reliability Projects, cost is a  
16 concern because the ratepayers ultimately have  
17 to pay that.

18 So the siting board would balance all of  
19 those things, and then look to the other  
20 regulators to follow up on, if it's a cost  
21 issue, it would be, as you say, the cost  
22 regulator, either FERC or the PUCs. If it's  
23 environmental it would be DEP or DES. And then  
24 the DOTs would have jurisdiction if it were

1 crossing a road or within a road.

2 Q So in a normal typical Project, these, UAM  
3 Exception Requests typically aren't seen by  
4 anybody except the DOT? It's behind the scenes  
5 after the Certificate is issued that all of this  
6 usually happens? So is it, do you say that it's  
7 odd to be airing these Exception Requests in  
8 public like it is?

9 A (Bowes) I would say it is unique here in New  
10 Hampshire under this process. Yes.

11 Q All right. One of the things when we talk about  
12 delegation, I want to go to I think Mr. Baker  
13 asked the question and Ms. Saffo asked the  
14 question about delegation on the town roads.  
15 And you had mentioned having the DOT delegate  
16 the town road issues and Exception Requests and  
17 things like that to the DOT. Is that what the  
18 intent is?

19 A (Bowes) So the intent would be to have the SEC  
20 exert its jurisdiction to allow use of local  
21 roads and then probably delegate, most likely I  
22 think I said, to the DOT because they have the  
23 expertise to review that 3 or 4 miles of local  
24 roads. We would follow the same process using

1 the same type of documentation and ultimately  
2 get approval from the DOT for that limited use  
3 of the local roads.

4 Q But you haven't submitted anything on the local  
5 roads to the DOT to see whether or not they'll  
6 bite at that?

7 A (Bowes) So we've submitted packages to the DOT,  
8 the original package, and they have not ruled on  
9 it. They have said until we've been authorized  
10 to do that, we're going to just put it off to  
11 the side at this point. Our designs continue to  
12 evolve and become more refined, our Exception  
13 Requests are understood, but you're right. They  
14 have not actually acted on the local road issues  
15 to date.

16 Q So what if the DOT doesn't want that  
17 responsibility or could be a liability issue?

18 A (Bowes) So under the stipulations that we have  
19 with the State DOT, I think we talked a little  
20 bit this morning with one of the attorneys about  
21 that type of indemnification, providing the  
22 wording was similar, could extend as well, and  
23 we would indemnify both the DOT and the towns  
24 for use of the those roads. So I think there's

1 a way to --

2 Q Well -- I'm sorry.

3 A I think there's a way to manage through that  
4 process.

5 Q I was thinking of it more, in your Exception  
6 Reports you want, multiple times you want  
7 nothing to do with moving guardrail because then  
8 it would seem to be like you would take  
9 responsibility or liability for putting that  
10 guardrail back and that's a liability or a  
11 responsibility Eversource doesn't want.

12 So I guess my question is, if DOT takes on  
13 that responsibility of making decisions on a  
14 local road, doesn't the DOT take that  
15 responsibility on for making those decisions?  
16 And why wouldn't you just pass or ask that  
17 delegation to be passed on to the town instead  
18 of the DOT?

19 A (Bowes) For one thing there would be resource  
20 issues I'm sure with the town. So probably  
21 involve hiring a third party to do that for the  
22 town. You could have inconsistent means and  
23 methods as well as construction techniques be  
24 approved for the Project.

1           If the New Hampshire DOT does that, it will  
2           be consistent all the way through the entire  
3           life cycle, and if a town decided I don't want  
4           to play, then they could delay the Project  
5           unduly.

6   Q       Okay.

7           MR. WAY:   Quick question?  Bill?  May I?

8           MR. OLDENBURG:  Sure.

9           MR. WAY:  So is it fair to say that DOT is  
10          well aware of this intent?  That it isn't just  
11          buried in a submittal, that they understand that  
12          you want to have the delegation to them from the  
13          SEC?

14   A       (Bowes) That is correct.  Yes.

15          MR. WAY:  Thanks.

16   BY MR. OLDENBURG:

17   Q       So when we talk about this, the Exception  
18          Request.  In a perfect world, you'd come up with  
19          a design, you would check with the folks about  
20          wetlands and archeology and historic impacts and  
21          geotechnical ramifications, and you'd check with  
22          right-of-way folks to make sure everything was  
23          okay.  Then you'd check with the DOT or submit  
24          that plan to the DOT and have it finalized.

1 Correct? Is that --

2 A (Johnson) That's a fair statement of the  
3 process, yes.

4 Q So I guess I, I'm a little confused because I've  
5 heard the answers all morning and all of  
6 yesterday. So when do the abutters get  
7 involved? So you have a final plan, an abutter  
8 objects to it, and you want to move it, so you  
9 start the process all over again to move it?

10 A (Johnson) In effect, that's what would happen.  
11 Yes.

12 Q So one of the things that we also heard sort of  
13 consistently from the folks on wetlands and  
14 archeology and history is that they knew the  
15 design was changing, but they hadn't been  
16 involved in any of the decision making. So I  
17 guess the question is these design changes as  
18 they're happening, some of these folks that did  
19 the wetlands and archeology still aren't under  
20 contract. So I guess are you really checking  
21 with folks on those different aspects?

22 A (Johnson) So all three of the aspects that you  
23 discussed, the environmental, the archeological  
24 and the historic all have provided their

1 background mapping, if you will, so we know the  
2 locations of all of those items when we do our  
3 alignment layouts and when we prepare our  
4 Exception Requests. So we're already as a  
5 Project avoiding as much as possible any  
6 impacts. The one that I will say is potentially  
7 outstanding would be the environmental impacts,  
8 and there is certainly a do loop to go back to  
9 the DES should there been any changes whether  
10 it's temporary or permanent impacts. We'd have  
11 to update those calculations across the board.

12 Q So if it's a wetland impact, you have  
13 information to know whether that's a high level  
14 stream or a wetland or not?

15 A (Johnson) Agreed.

16 Q So you can make that assessment.

17 A (Bowes) And we wouldn't propose an exception  
18 that made that a problem with the new alignment.

19 Q Okay. Originally sort of qualified this  
20 question as a chicken and the egg thing. Which  
21 comes first, the design or the abutter  
22 information. And it seems to be if we call it  
23 an iterative process that seems to be the way  
24 you propose it is you do a design, then somehow

1 yet to be determined there's public outreach on  
2 what that design is, and then if there's  
3 feedback that we need to change that design or  
4 the exception, you go back through and start all  
5 over again.

6 A (Johnson) Agreed. I think part of the issue  
7 with us sort of putting the abutters later in  
8 the process is you want to be able to show them  
9 something, and you want to be able to show them  
10 something that's more common concrete, if you  
11 will, from both the design and the DOT saying  
12 yeah, that makes sense for where it would go.  
13 I've had some of the very early-on  
14 conversations, and it's very difficult to sit in  
15 someone's living room saying well, we think it's  
16 going to be out here somewhere. So it's much  
17 more productive if you actually have a line on a  
18 map that's got some science behind it.

19 Q You have to do some sort of design that you can  
20 show them to say where it's going to be. And  
21 then if you adjust it, then it could, so one of  
22 the, you know, take any of the examples where  
23 somebody showed you a picture, it's in  
24 somebody's driveway. So you move it and it

1           might be on an abutter's driveway so that whole  
2           conversation with that abutter sort of goes away  
3           and you create a new conversation with a  
4           different abutter.

5       A     (Johnson) Correct.  It's no different than the  
6           overhead if we have to move that structure from  
7           property to the next.

8       Q     Sort of like chasing your tail to some degree,  
9           trying to find the optimal location for some of  
10          this.

11      A     (Johnson) Agreed.

12      Q     So you had mentioned that the UAM Exceptions  
13           that you had submitted that hadn't been  
14           approved, you sort of have withdrawn them, but  
15           you're going to resubmit them once the survey  
16           report is done.

17      A     (Johnson) Correct.

18      Q     Do you envision major changes due to that survey  
19           report?

20      A     (Johnson) Ultimately, the Exception Requests are  
21           to put facilities into the roads so by  
22           definition we're away from the edges of the  
23           right-of-way.  So for the most part the  
24           Exception Requests I don't believe will change

1 significantly, other than defining where those  
2 boundaries are now. If we made a mistake and we  
3 need to go from a four-rod layout to a three-rod  
4 layout, that potentially could align more of the  
5 offroad alignments and splice vault locations,  
6 and we'd have to go back and review those and  
7 determine whether those changes would instigate  
8 an Exception Request.

9 Q So of the Exception Requests you've put in, have  
10 you put in Exception Requests specifically to  
11 avoid historic buildings? Like we see the barn  
12 all the time. Pictures.

13 A (Johnson) So there may be a request in to go  
14 from one side of the road to the other, and that  
15 would be crossing the alignment, crossing the  
16 pavement, that would be the Exception Request.  
17 But it might not detail specifically why we  
18 asked to do that, meaning that there's a 500  
19 feet up the road that there's a historical  
20 location.

21 Q So what about --

22 A (Johnson) So, again, as part of the design we're  
23 aware of where those historic places are, and to  
24 the greatest extent we've tried to avoid impacts

1 to them.

2 Q So what about some of these, we saw pictures of  
3 the big trees in people's front yards, the big  
4 shade trees or border trees. Have you put in  
5 Exception Requests to specifically avoid those  
6 type of trees?

7 A (Johnson) So for trees specifically, no. No, we  
8 have not. That's the next layer, if you will,  
9 of Exception Requests.

10 Q So the historic, the Exception Requests to avoid  
11 historic properties or the trees, you don't know  
12 whether the DOT is going to accept those or not.

13 A (Johnson) So if we're basing it on the approvals  
14 that we had to date, if we're crossing over a  
15 right-of-way to avoid some future obstacle  
16 meaning from one side of the road to the other,  
17 they have approved at least one. So if we can  
18 demonstrate that's a viable reason, then we hope  
19 that they would continue that process or at  
20 least consider it as part of their approval  
21 process.

22 A (Bowes) We've also had the discussion around  
23 mature trees, and they seem very receptive to it  
24 at this point. We haven't put the specific in

1 front of them, but they understand the issue  
2 very well because they operate and maintain  
3 these roads. They have not taken these trees  
4 over the years for various reasons, even though  
5 they're fairly close to the highway. So they're  
6 very sensitive to the issue.

7 Q So I guess if there's a mature tree that you  
8 show hitting and don't file Exception Requests,  
9 the DOT isn't going to stand up and say hey,  
10 don't hit that tree. They're just going to  
11 assume that you're going to take that tree.

12 So if there's no Exception Request for it,  
13 the property owner isn't going to know -- I'm  
14 trying to juggle this whole discussion about  
15 property owner impact and they're supposed to be  
16 able to review the exception reports, but if  
17 there's not an Exception Report, you know, how  
18 does someone know?

19 A (Bowes) So one of the ways that the public could  
20 be assured of that is for a condition to be  
21 placed upon Northern Pass to deal with that  
22 issue. Say any mature tree within ten feet of  
23 the pavement. So it could be a condition that  
24 thou shall not remove it, it could be a

1 condition that you shall go back to the SEC or  
2 the DOT for consultation. So I think we can  
3 find a way to alleviate that public concern.  
4 And we have done that with other Projects. I  
5 just sited an underground project that had a  
6 stipulation through a public park, there will be  
7 no tree removals. Zero tree removals.  
8 Regardless of the size. You shall not remove a  
9 tree. You shall trim a tree with consultation  
10 with the town arborist. So they know they have  
11 to maintain -- some of the trees have actually  
12 been damaged by large trucks. They're going to  
13 have us actually clear the envelope for them as  
14 part of our construction. So there's a height  
15 requirement that meets the town guideline and  
16 zero tree removals for that section of the  
17 Project.

18 Q Because I think one of the comments was is that  
19 the DOT would be in charge of the aesthetic  
20 review or something like that or reviewing the  
21 aesthetics on some of these Exception Reports,  
22 and I just, knowing the people at the DOT, some  
23 of them think construction is beautiful and  
24 wouldn't recognize a nice tree if it fell on

1           them. So I just was curious on how that was  
2           going to work.

3       A     (Bowes) So a condition might be a way to deal  
4           with that issue.

5       Q     Okay. Thank you. One of the things that I  
6           noticed in the Exception Reports, and I think it  
7           was one of the Intervenors brought it up. Dawn,  
8           could you bring up the one Exception Report?  
9           There was actually, it's number 4 Revision 3.  
10          Would you go to the second paragraph on page 3  
11          where it says finally. And that paragraph  
12          appears in a number of Exception Reports, and it  
13          appears in Revision 3 of this one but not in  
14          Revision 2 so it seems to be something new  
15          that's been added.

16                 This goes to a discussion that I had with  
17                 the Environmental Panel about the Draft or the  
18                 Draft EIS submission and the APE calculation.  
19                 So if I have this right, let me follow through  
20                 and see. I might be off with some of the dates,  
21                 but this is generally how this occurred. So in  
22                 July of 2015, you submitted the Draft EIS to  
23                 Department of Energy. And that permit or that  
24                 statement only had six miles of underground.

1           Then October of 2015, you submitted the PUC  
2           Application for the Project, and then a month  
3           later, November of 2015, you submitted a  
4           Supplemental EIS information which changed the  
5           preferred alternative to add the 53 miles of  
6           underground from Bethlehem to Bridgewater. And  
7           that Supplemental EIS set the APE at 20 feet off  
8           the edge of pavement.

9           And if I understand this wording right,  
10          this is where the, that decision of setting the  
11          APE at 20 feet off the edge of pavement is where  
12          this wording comes from. So midway down it says  
13          this study area limits the design area available  
14          to Northern Pass Transmission to 20 feet off the  
15          edge of pavement. And the Final EIS was  
16          approved in August. Just two months ago. And  
17          it kept that APE.

18          So the whole Supplemental EIS to Draft EIS  
19          made the assumption that the Project was going  
20          down under the roadway, and now it's not. So  
21          you're using sort of this, the APE that was set  
22          for a Project that you don't plan on building as  
23          justification of not going outside that 20 feet.  
24          Have I got that right?

1       A       (Bowes) So I would say the dates are accurate.  
2               I think the original one actually had 8 miles,  
3               not 6 miles, but take that aside. The 20-foot  
4               issue, I think we always thought it would be  
5               within disturbed areas for the underground  
6               construction, maybe with one or two Exceptions  
7               where we owned the property and it was going  
8               into or out of a Transition Station. But we  
9               assumed in the public way we would always go  
10              through an area that had been previously  
11              disturbed. That was the base assumption made.  
12              So I would agree with that.

13                     What we're doing now is seeking to stay  
14                     within that 20 feet, we still don't want to go  
15                     outside of that 20 feet, but to do that with the  
16                     condition number 12, I think, from the DOT we  
17                     now have to manage within pavement plus or minus  
18                     that 20 feet. So it is another requirement that  
19                     we have to fulfill. And in this case we have  
20                     documented it saying please don't make us go  
21                     outside the 20 feet unless there's a very good  
22                     reason. No adverse environmental impacts is  
23                     really the issue.

24                     There may be areas where it's on DOT

1 property, for example, where we could go out 30  
2 or 40 feet with no aesthetic impacts, no  
3 environmental impacts, and that will be  
4 something we could work through very easily.  
5 But if it's going to put us into a stream or a  
6 brook, we heard the example this morning of  
7 working between a very sharp slope and a stream,  
8 that would give us some problems to meet a  
9 design that doesn't have adverse environmental  
10 impacts.

11 Q It just seems funny that you get approval for a  
12 design that you don't plan to use, and you're  
13 now using that whole design decision to set the  
14 APE as an excuse for not going and meeting the  
15 UAM requirement.

16 A (Bowes) It wasn't made to be an excuse. It was  
17 made to limit the environmental impacts.

18 Q Okay. So in the Exception Reports, some of the  
19 ones that were rejected and need to be  
20 addressed, I mean, some of them were covered  
21 about putting the splice vault in a driveway or  
22 blocking like the entrance to the mobile home  
23 parks and stuff like that. Trees. Drainage. I  
24 mean, it seems like those things should have

1           been ironed out before they were submitted.  
2           That, I mean, that should have been looked at.  
3           And I guess are you okay with the DOT making  
4           those type of determinations, you need to move  
5           this outside of the driveway. And you seem to  
6           be complying. So it's almost like it's the  
7           reverse is the DOT is making some of these  
8           design decisions for you, and I'm hoping that  
9           you're going to say no, we can't do that if you  
10          really can't do that.

11         A     (Johnson) So there are definitely reasons why  
12           things were placed that may look awkward. The  
13           one I recall yesterday is or from Friday is when  
14           we put it across from a driveway on a very  
15           narrow roadway, put a splice vault in. It may  
16           be because to maintain traffic you might need to  
17           use a foot of that driveway to get by. Again, I  
18           don't know the right answer to that, but there  
19           certainly are engineering reasons to do that.

20                     We have had a couple of iterations on  
21           particular requests where we as the Project have  
22           gone back to the DOT and said here's our  
23           rationale behind why something is there. And  
24           then we have that engineering dialogue back and

1           forth so that they understand where we are. We  
2           then talk about it not only from a pure design  
3           perspective but from an operations perspective.  
4           You know, once the road is returned back to the  
5           DOT postconstruction and often come up with a  
6           better solution that's neither what they  
7           proposed or what we proposed. Something in  
8           between.

9           Q    Okay. Little bit about the, going back to the  
10           trees. Are you also analyzing or looking at  
11           trees from a, I mean, when you are going to  
12           directly hit a tree, that's a known. That tree  
13           is going to be taken. But there's also the root  
14           system underneath it. And are you, you know,  
15           we've, I've always heard that if you are  
16           underneath the canopy, you're hitting the roots,  
17           and a tree can only live if you hit so much of  
18           the root system as well. So is that part of the  
19           tree impacts that you're looking at is impacts  
20           to the root system?

21           A    (Johnson) So typically yes, that the way that  
22           our design engineers are viewing it is from the  
23           canopy perspective and seeing where there's  
24           room. I'm certain that there are certain

1 instances where they're going to have to go more  
2 inside that canopy, and in those cases, we have  
3 to be very cognizant of the health of the tree  
4 that remains and do our best not to impact them.  
5 I believe that we've discussed the last time we  
6 were here that should a tree be impacted  
7 postconstruction that we would then go through a  
8 process of either replanting or trying to figure  
9 out the right way to deal with that situation.  
10 I believe on Friday it was determined that it's  
11 hard to value, you know, a 150-year-old tree in  
12 those aspects, but certainly, it would be, it is  
13 part of the design.

14 A (Bowes) One of the things you saw the picture  
15 this morning was it was so definitive on what we  
16 would do there is go back into the roadway.  
17 Historic home with several evergreen trees in  
18 front. If you went off the pavement there, you  
19 would clearly be into the root system. So it  
20 was very easy for me to make the call saying no,  
21 we'd want to be in the pavement there.

22 The one other, in the DOT you probably  
23 recognize as well is that the roots don't like  
24 to migrate underneath the paved area. So that

1 becomes at some point a stopping area for that  
2 root system. So to stay right on the edge of  
3 the pavement or even in the pavement usually you  
4 can avoid the root system even of a mature tree  
5 that's very close to the road.

6 Q So one of the other things that was talked about  
7 was the cranes. So have you looked at having to  
8 limb trees to be able to get cranes in to lift  
9 the vaults and things like that? You might not  
10 have to cut the tree, but when you look up and  
11 the tree is over the roadway, you know, 20 or 30  
12 feet up and the crane isn't going to operate  
13 without cutting trees off, have you looked at  
14 that?

15 A (Bowes) So we're aware of it. We haven't done a  
16 site-by-site analysis yet because we haven't  
17 finalized the splice locations, but there  
18 definitely will be tree trimming as part of this  
19 effort, even to do the duct bank trenching just  
20 off the right-of-way or off the road paved area  
21 there will be some tree trimming needed. We've  
22 had discussions with the constructor already  
23 about what type of equipment they can use for  
24 the trenching operations that will minimize the

1 vertical impact for tree trimming. Usually it's  
2 similar to what you'd see for utility roadside  
3 trimming for distribution. I don't think it  
4 will be in addition or over that except for  
5 maybe some select locations for the cranes and  
6 the vaults.

7 Q Earlier last week, I think it was one of the  
8 Intervenors, Mr. Ahern from Plymouth, talked to  
9 you about Exception Report number 1, Revision 2,  
10 and about a water line that was under Route 3  
11 from, went from I think his, maybe his house  
12 side to his barn. I didn't see that on the  
13 plan. Do you know where that water line is?

14 A (Johnson) We are aware of that, and the next  
15 iteration of plans will definitely have that on  
16 it.

17 Q So you know where it is and you've talked to him  
18 and you know how to miss it or mitigate for it.

19 A (Johnson) Correct.

20 Q Okay. So on the survey information, the main  
21 consultant is BL Companies? Is that Meridian?

22 A (Johnson) So BL Companies was hired by PAR  
23 Electric to do the survey, and they  
24 subconsultant to Meridian and to Arago Land

1 Services.

2 Q Is BL Companies, do they have a New Hampshire  
3 licensed land surveyor?

4 A (Bowes) I believe they do, yes. Mr. Bob Roper,  
5 I believe is his name.

6 Q So in the report it talked about all pertinent  
7 research, and to me that means like title  
8 research, all the information that you gather to  
9 see who owns that property, not necessarily  
10 ground survey. I think someone stated that was  
11 complete? You have all that information?

12 A (Johnson) Correct. Arago Land Services, that  
13 was their primary function to do that.

14 Q The rest of the survey is going to take, is it 6  
15 to 8 weeks?

16 A Yeah. Now 5 to 7.

17 Q And that's for the 50 miles or for the whole 60  
18 mile underground?

19 A (Johnson) The whole 60.

20 Q Ten miles a week? Wow.

21 A (Johnson) They have a lot of people out there  
22 right now.

23 Q Holy cow.

24 A (Johnson) Now, again, it's not a hundred percent

1 survey. They've got the base survey that was  
2 already done. So it is just enhancing that  
3 product and to make it better.

4 Q So some of the information that they're looking  
5 at, so you saw I think it was Mr. Palmer who had  
6 I guess what I would consider like a historic  
7 layout from the 1800s?

8 A (Johnson) Yes.

9 Q That might have been the first layout of that  
10 road. But since the 1800s things could have  
11 happened along that road so the surveyors, if  
12 they start with that historic layout, the first  
13 one, they really have to piece everything  
14 together, correct? So there could have been,  
15 before the 1900s a town could have changed what  
16 the right-of-way width was or a DOT Project,  
17 once the DOT was created in the 1900s, could  
18 have had a Project that changed that width?

19 A (Johnson) Correct. So typically what Arago is  
20 doing is preparing on a section by section  
21 historic layouts, multiple historic layouts, if  
22 you will. Those that have superseded others.  
23 And if there are areas where they can pin to  
24 monuments or not or other features, then the

1 surveyors are made aware of that type of  
2 information as they go out into the field so  
3 they kind of know what they're looking for, if  
4 you will, and know the locations.

5 Coupled with that are the property boundary  
6 surveys of the private landowners which have the  
7 same types of monuments and things so they're  
8 pre-prepared as they go out into the field to  
9 find whatever they're looking for.

10 Q Because any time anybody subdivides a property,  
11 you have to have a survey, and that's recorded  
12 and deeds are created. So at some point  
13 surveyors along for the last 200 years have  
14 created a documentation of where that  
15 right-of-way is.

16 A (Johnson) Sure.

17 Q Not necessarily just the DOT.

18 A (Johnson) Correct. And as you can imagine,  
19 there's conflicting information everywhere.  
20 That's part of the process.

21 Q I think we've heard that, right?

22 A (Johnson) Yes.

23 Q So you've obviously talked about all the survey  
24 issues with the DOT, and you understand what has

1 to be done to comply with their requests?

2 A (Johnson) Correct.

3 Q And you're able to meet all those requirements,  
4 you believe?

5 A (Johnson) We are. Yes.

6 Q One of the other, one of the things that was  
7 discussed and I think it was part of  
8 Mr. Varney's, actually a redirect of  
9 Mr. Varney's testimony about an MOU with the  
10 town of Plymouth Sewer and Water.

11 A (Johnson) Um-hum.

12 Q I wanted to just make sure that in the, it was  
13 mentioned that the sewer and water would be  
14 redone at the same time the Northern Pass was  
15 put in downtown Plymouth so it would only be  
16 ripped up once. But when you were originally  
17 here, I asked that question and you had, Mr.  
18 Johnson specifically said that the transmission  
19 line would be done one summer and then the water  
20 and sewer and any of the road work would be done  
21 the next summer to avoid impacting when the  
22 college kids were there. Could you just confirm  
23 what your plan is there?

24 A (Johnson) Sure. So Plymouth Village Water and

1 Sewer has future plans to do work, and,  
2 obviously, it would make sense for us to open up  
3 the roads once as opposed to multiple times. I  
4 believe my reference at that point was in the  
5 fact that the final restoration or the final  
6 paving of the roads. So we may be working on  
7 one side of the road, they may be working on the  
8 other side of the road, but before we came  
9 through and did our final full restoration or  
10 the restoration of our lane that we would  
11 coordinate our Projects so that we would only be  
12 impacting the final restoration once as opposed  
13 to us fully completing our Project and then  
14 Plymouth Water & Sewer coming back.

15 If there is an opportunity to install both  
16 of our products at the same time, then certainly  
17 we would entertain that. We have to be careful  
18 because we're mixing crews and mixing  
19 installations. But those are the exact kind of  
20 coordinations that the MOU basically discusses  
21 and working together from this point going  
22 forward to ensure that when there are synergies  
23 that we're using them.

24 Q But you don't have a plan, you haven't finalized

1 a plan of you're going to do this, you're going  
2 to put your transmission line in this time and  
3 then Water & Sewer is going to follow a week  
4 later. And the lane restoration, I have to  
5 believe one of the requirements was if you  
6 impact the lane, you have to rebuild the entire  
7 lane. That was a DOT requirement so your lane  
8 restoration is rebuilding half the road, if I'm  
9 reading into it right.

10 A (Johnson) Absolutely correct. Like I said,  
11 we're at the MOU stage so we're in that  
12 preliminary evaluation of both of our design  
13 requirements, and we will be working with them  
14 going forward.

15 Q So the commitment of doing this work in downtown  
16 Plymouth when the college is out might not be  
17 the case anymore. You might have to do this  
18 when -- because that's only two months and are  
19 you going to be able to do all of that work in  
20 two months or is it --

21 A (Johnson) Good question.

22 Q You haven't quite figured that out.

23 A (Johnson) We have not, no.

24 Q Chris?

1 MR. WAY: Mr. Johnson, did you say that  
2 that MOU is currently being drafted or is that  
3 something that's already in place and if it is  
4 in place have we seen it?

5 A (Johnson) It has been executed. I'll defer to  
6 Mr. Needleman.

7 MR. NEEDLEMAN: Yes. It's an exhibit. I  
8 can't tell you, 209, 208, right around there, I  
9 think.

10 MR. WAY: Thank you.

11 MR. IACOPINO: Could you make sure that all  
12 of the MOUs are submitted as well?

13 MR. NEEDLEMAN: Every one that has been  
14 executed is submitted at that point. There are  
15 five of them.

16 MR. IACOPINO: Thank you.

17 A (Johnson) Just for clarification, that  
18 particular one is with the Village Water &  
19 Sewer, not necessarily the town because they're  
20 a separate entity.

21 BY MR. OLDENBURG:

22 Q One of the other things that was mentioned. We  
23 touched on it a little bit with the Exceptions  
24 is working with property owners and time of day,

1 seasonal restrictions, and things like that for  
2 their impacts. So if you have a restaurant that  
3 doesn't open, it's a lunch and dinner  
4 restaurant, you try to do the work in the  
5 morning before they even open in front of their  
6 property. And I know in Mr. Varney's redirect  
7 there was a list of already commitments that Mr.  
8 Karno had developed, and I know you were working  
9 with Mr. Karno to do public outreach. So we  
10 have all these little chess pieces of you can  
11 work here then, but you can't work here, all the  
12 way up and down the road so how do you logically  
13 work this Project without jumping all over the  
14 place and meet all those commitments? Have you  
15 figured that one out?

16 A (Johnson) Certainly when you have conflicting  
17 wants and needs by your neighbors as you  
18 continually go down the right-of-way causes or  
19 potentially could cause issues of skipping  
20 construction and going back and basically the  
21 inefficiencies involved. What we really try to  
22 do is listen to everybody and then come up with  
23 the best solution that fits everyone in that  
24 area.

1           So there may be areas where we choose to do  
2           night construction with permission because it's  
3           better for the businesses in that particular  
4           area. There may be areas where we close up the  
5           streets at five p.m. instead of 7 p.m. because  
6           they're more night-orientated type activities.  
7           So all of that needs to be weighed and judged,  
8           and certainly we're not going to appease  
9           everybody but we're going to try our best to do  
10          what we can.

11        Q    Yes, because it goes beyond just the property  
12           owners. I mean, since you were here the first  
13           time, we've learned about the Karner blue  
14           butterfly, we're talked about doing a lot of the  
15           wetland impacts in winter so you can get on  
16           frozen ground and doing all that. It just seems  
17           like this is a revolving chess board of  
18           restrictions, and it's like when are you ever  
19           going to build it with all the restrictions?

20        A    (Bowes) So the overhead portion that's well  
21           under way of all of those seasonal restrictions,  
22           customer abutter issues, endangered and  
23           threatened species, those periods of work. So  
24           that already has all been laid out. That was

1 something the federal government asked us for.  
2 All that matrix, if you want to call it, of when  
3 we can do certain things along the right-of-way.  
4 Now we're starting to look at the underground  
5 portion and do the same thing. Mostly driven by  
6 the business impacts that we're now going  
7 through with this consulting firm.

8 Q So one of the things that was mentioned that I  
9 think you qualified as this is the only utility  
10 in New Hampshire that's doing it is the concrete  
11 that you're pouring underneath the conduit is  
12 being reinforced so that a utility or a drainage  
13 pipe underneath could be open-trenched? And  
14 that would be used to support, basically span  
15 any trench that went underneath your line? And  
16 that seemed to be a unique thing to New  
17 Hampshire.

18 A (Bowes) Unique thing to us being a utility in  
19 New Hampshire. I believe that's the first time  
20 that that's been worked out as a requirement. I  
21 may be incorrect, but it's clearly something  
22 that may make state or municipal work in the  
23 future much easier to do.

24 Q I would envision that the reason for that is the

1 cost of relocating your line, and you also  
2 don't, you wouldn't want to relocate it. I  
3 mean, one of the things that I went through was  
4 I think it was Mr. Varney was the whole idea of,  
5 you know, it's easier to keep your line where it  
6 is and allow people to work under it, and this  
7 isn't what I asked Mr. Varney, but I'm thinking  
8 the whole reasoning for allowing that is that  
9 someone could actually, whether it be the DOT or  
10 municipality could actually put a pipe  
11 underneath your line without having to make it  
12 move. The point I sort of made with Mr. Varney  
13 was having, at what point can the DOT say, you  
14 know, you need to move your line. I mean, if we  
15 put in a stop sign over your line, we're not  
16 going to make you move that line for a \$500 stop  
17 sign because it's a multi-million dollar move.

18 So at what point does it become a reason to  
19 make you move the line, and to put a pipe  
20 underneath your line, it seems like that's one  
21 of the major reasons to do that is where else is  
22 there a utility that's going to cost us  
23 multi-million dollars to make you move.

24 A (Bowes) That's certainly one of the issues.

1 I'll also say that having that self-supporting  
2 structure makes any work in the future much more  
3 reliable for our facility as well. That's more  
4 than likely when a failure of our line would  
5 occur would be during excavation in and around  
6 our structure. So in some regards we're making  
7 it a more reliable line. At the same time we're  
8 reducing future costs.

9 Q We talked about that, the previous time you were  
10 here we talked about the HDD drilling sites and  
11 some of the requirements with those and the  
12 amount of time that that pit would be open, and  
13 there were a number of things, my memory is, is  
14 that during the, I'm sorry, was it HDD? Yes, it  
15 was the drilling that had, actually it might  
16 have been the splice vaults. Because of the  
17 depth of the hole it could require Jersey  
18 barrier to protect that overnight and it would,  
19 that would, you'd have signal operations,  
20 alternate, one lane with signal operations. Ms.  
21 Frazer, am I remembering this right?

22 A (Frazier) Yes.

23 Q So now I hear this whole plating thing. What  
24 operations are you going to use the plating for

1           versus the signals. Is the plan still to use  
2           the signals and the Jersey barrier for the  
3           splice vault operations?

4           A    (Johnson) So splice vaults, there is a detail in  
5           the new set of plans that has plating that's put  
6           over it every night, whether it's in the road or  
7           just off of the road. And that, it's supported  
8           and basically built flush so that the roadway  
9           can be maintained and operated in a safe manner.

10                    The one caveat I will say is for the HDD is  
11           where we have a drill rig that is stationary  
12           because it's continuing the boring and reaming  
13           as it goes through, that is the location where  
14           we might have Jersey barriers overnight with  
15           alternating traffic signals for those locations  
16           where we would be in the road. Because that  
17           piece of machinery has to stay there while it's  
18           continuing the drilling operation.

19           Q    So clarify something about the HDD. And we  
20           heard it here today was the 30-foot width. And  
21           I guess I'm confused like some of the other  
22           questioners were is if you have a, if you only  
23           can take one lane and so you have a 12-foot lane  
24           and a 4-foot shoulder, that's 16 feet. So 14

1 feet of the operation is going to be outside of  
2 the pavement so keep that lane open. Is that  
3 correct?

4 A (Johnson) So the answer is that every drilling  
5 area will be unique. There are ways to put all  
6 of the equipment in series so basically one  
7 piece of equipment behind each other where we  
8 could limit it to typically the 12-foot plus the  
9 4-foot so we don't need 16 feet. Ideally, if we  
10 had 30 feet by 300 feet that's the best solution  
11 because it gives the contractor the most room or  
12 the most area to move things, but clearly, if  
13 there are a mature tree line that's four foot  
14 off of the edge of right-of-way, we're just not  
15 going to take those trees down. We'll have to  
16 come up with a construction solution as far as  
17 methodologies to allow us to operate in  
18 something less than that 30 feet wide.

19 Q So your optimal is, so your wish is 30 feet.  
20 That will give you all the room you need. But  
21 if there's some restriction, trees?

22 A (Johnson) Exactly.

23 Q Historic buildings, something that limits you,  
24 you're going to work around that.

1 A (Johnson) Correct.

2 Q And lessen that 30 feet.

3 A (Johnson) Correct. And the same thing on the  
4 other side on the pulling end where we're laying  
5 out all that conduit that gets pulled back in,  
6 the conduit is on something of that nature so we  
7 only need about five feet, and I think we've  
8 asked for 20. Again, to give the maximum room  
9 for the contractor to work in. Clearly, if  
10 there's restrictions because of whatever reason  
11 then, they'll just have to make it work as far  
12 as the construction zone.

13 Q Okay. We talked about road closures, and I know  
14 there's a road closure planned in the  
15 Pittsburg/Clarksville, that whole segment up  
16 there, North Road and those areas. But through  
17 the underground route, Plymouth to Bridgewater,  
18 there's no road closures planned. There might  
19 be short-term for like equipment delivery or  
20 something like that where you might have to  
21 close the road for five minutes as you offload  
22 equipment or something like that, but nothing  
23 major, correct?

24 A (Frazier) Plymouth we did have to have some

1 detour area because of the --

2 Q The roundabout?

3 A (Frazier) Yes.

4 Q But there's, for the overhead line when you  
5 string wires across the road, you would close  
6 that road while that operation goes on as well?

7 A (Bowes) We typically ask for, usually it's up to  
8 an hour, and if everything goes well it's  
9 usually around five to ten minutes. We  
10 typically schedule an hour for interstates only.  
11 In the regular roads we put structures up,  
12 bracing structures and just pull over those so  
13 if the line were to fall, it's supported on  
14 those temporary structures. Interstates, we  
15 take the extra precaution and ask for the road  
16 to be closed for that period of time. Usually  
17 two a.m. in the morning on a selected day.

18 Q How about tower construction. Some of the  
19 towers are really close to the road. Do you do  
20 those in sections and lift them into place with  
21 a crane and then bolt them together or is that  
22 typically, you don't do it piece by piece?

23 A (Johnson) Depends on the location.

24 A (Bowes) Correct. But typically the monopoles

1 will come in 2 or 3 sections, be bolted together  
2 a piece at a time. The lattice, usually smaller  
3 structures, smaller components, and then  
4 sometimes a top will be lifted on as a single  
5 piece. But that's probably a much longer  
6 duration process and much smaller pieces for the  
7 lattice structures.

8 Q All right. But would you close the road during  
9 like if you were lifting that with a crane?  
10 Would you close the road just in case while that  
11 operation was being done?

12 A (Bowes) The way we've designed it, there's a  
13 work pad for each one that would work from, but  
14 there could be a situation for one next to a  
15 road where we look at the construction, and  
16 having to get the crane to that location, it's  
17 less impactful to do it from the side of the  
18 road. I don't know of any specific locations  
19 today, but that's a possibility. And we, again,  
20 go back to the DOT, ask for a variance or an  
21 exception for that process that we had  
22 originally filed and work through that. That's  
23 something we do today. I think we have 35  
24 active transmission line projects in New

1 Hampshire right now. So we're doing this on a  
2 daily basis of crossing roads. Same process  
3 would be used for Northern Pass.

4 Q So one of the things that, went through it with  
5 Mr. Varney and he sort of made a commitment and  
6 I think you reiterated that commitment at the  
7 beginning of your testimony this time was about  
8 the impacts to future DOT Projects. And sort of  
9 if the line impacted a future DOT Project that  
10 Eversource would reimburse or make whole that  
11 extra cost.

12 A (Bowes) Only nuance I would say is that it would  
13 be Northern Pass that would indemnify the state  
14 and also we would pay for any future costs.  
15 We're also relocating some of the PSNH lines.  
16 They would be responsible for reimbursing the  
17 DOT for those costs. I'm thinking of an area,  
18 for example, in Concord that crosses a bridge  
19 abutment. The design is as presented to the  
20 DOT. We will not be putting up 160-foot  
21 structures in Concord. It's exactly what's in  
22 the SEC Application. But because of that, we  
23 own, Northern pass owns, and PSNH owns the  
24 future costs of relocating that if the bridge

1 were to be either a major repair or replacement.

2 Q So that's fine for the DOT. When I really  
3 presented it though, I presented it as a,  
4 everybody is impacted by that. So one of the  
5 examples I gave was the Profile School. And if  
6 they ever expanded and had to add a turn lane to  
7 Route 116, that the line could impact that  
8 design and have a final financial impact on the  
9 School District because they had to work around  
10 your line. And another one that came up was  
11 when we did our first site review, I'm not sure  
12 what town it's in but it's North Hill Road. It  
13 was right near Creampoke Road.

14 A (Johnson) Stewartstown.

15 Q Stewartstown. There's an 8-foot CMP culvert  
16 under North Hill Road that -- let me ask you  
17 this first just to verify. That's a town road?

18 A (Johnson) Correct, sir.

19 Q Okay. Good. Because I wouldn't go on if it  
20 wasn't. At some point before the 50-year life  
21 of this Project is up, that culvert's going to  
22 rust and fail. We see it all over the State.  
23 And they're going to have to replace that. So  
24 in both those situations, in this one the town

1 is going to have to work around the line so the  
2 same reasoning follows that the town is going to  
3 have the same issue that DOT does with this  
4 culvert is more than likely due to stream  
5 crossing rules that's going to be a bridge when  
6 it's done so they're going to be building a  
7 bridge instead of replacing the culvert so it's  
8 almost the same issue. And I didn't bring it up  
9 really, I used the DOT example because I know  
10 that, but it was more of a global question of  
11 how, everybody's going to have to deal with the  
12 fact that this line is there. It's too  
13 expensive to have someone just say move it. And  
14 everybody's going to have to pay the price in  
15 the future just because it's there.

16 A (Bowes) So I'll take the last one first. I  
17 think that's an easy condition that for use of  
18 the local roads, if the road had to be changed  
19 or altered, then the Project would be  
20 responsible, same as we are for the State roads  
21 and the State drainage system, and we would go  
22 forward and put the same type of preventive  
23 structure around the duct bank that would allow  
24 that to occur in the future at a reasonable

1 cost.

2 The school, again, is a town facility. Not  
3 quite sure I understand the nuance there of why  
4 they wouldn't just go over our duct bank with  
5 another lane. I don't think there's any reason  
6 that would prohibit that. It would be just the  
7 same as going over any other utility that's out  
8 there today. So I don't think there would be  
9 any additional cost in that case.

10 There could be a circumstance, and I think  
11 we could probably make that some sort of  
12 condition. I just don't know how to word it or  
13 how to commit to that today without  
14 understanding all of the potential nuances of  
15 that.

16 Q I'm just thinking of drainage and things like  
17 that but other utilities. If you hit a water or  
18 sewer line, I mean, it's tens of thousands of  
19 dollars to move. It's not millions of dollars  
20 like the Northern Pass line is going to be, and  
21 I'm assuming that a town doesn't have the  
22 same rights as the DOT does. The line isn't  
23 there by sufferance of the town, it's sufferance  
24 of the State. So you don't have to move, I

1 would have to believe that you wouldn't have to  
2 move at your own cost if the town said move.

3 A (Bowes) I don't know the answer to that. Never  
4 faced that particular issue in the past.

5 Q That's a fair answer. I understand.

6 One of the things -- it's my last sticky  
7 note you'll be happy to know. One of the things  
8 that seems to be on both sides is how is this  
9 going to be built. How is the -- especially the  
10 underground. There's a lot of pictures being  
11 shown. It's going to look like this. No, it's  
12 going to look like that. We see a lot of that.  
13 And I can imagine once you guys step aside and  
14 the Intervenor gets to go, there's going to be  
15 some more of that going on. It's going to look  
16 like this and everything, and I think you saw  
17 that and commented on it when Ms. Saffo was up  
18 with the insets of some of the pictures is you  
19 sort of objected to the picture showing the  
20 splice vault and the trench work. So how do we  
21 really know what equipment is going to be used,  
22 what it's going to look like? Do we have any  
23 examples, true examples, of what it's going to  
24 look like during construction?

1 A (Bowes) We do. We have a very good visual. In  
2 fact, that's the meeting I went to with the DOT  
3 in June which was showing the means and methods,  
4 the equipment we would use, the trench, what it  
5 would look like, the vaults, what they would  
6 look like. We presented that to the DOT and  
7 following that meeting they were much more  
8 comfortable with some of the things that they've  
9 granted us around use of plating, you know,  
10 explained why that was beneficial for speed as  
11 well as for public safety. It's better than  
12 putting up barriers for, and returning a roadway  
13 to its normal condition at night without traffic  
14 signals, things like that.

15 So that is something we could easily share  
16 with the SEC Committee, that presentation which  
17 would give you, this is what the constructors  
18 are saying, they're going to build it, these are  
19 the commitments we're making to the DOT around  
20 means and methods.

21 Q I think that would be very beneficial if we  
22 could see that. Thank you.

23 COMMISSIONER BAILEY: Why haven't you  
24 provided that to us before now?

1 A (Johnson) I personally thought it was on the DOT  
2 website already.

3 A (Bowes) Subsequent to the last time we  
4 testified, I didn't realize it hadn't been  
5 provided, again, as Mr. Johnson said, from the  
6 DOT.

7 COMMISSIONER BAILEY: I think would be very  
8 helpful. Thank you.

9 MR. OLDENBURG: That's all the questions I  
10 have.

11 PRESIDING OFFICER HONIGBERG: Mr. Wright?

12 DIR. WRIGHT: Thank you, Mr. Chairman.

13 **QUESTIONS BY DIR. WRIGHT:**

14 Q I want to try not to be too jumpy, but I have  
15 notes all over my page here. I'm not quite as  
16 organized as Mr. Oldenburg with his stack of  
17 Post-it notes.

18 Mr. Bowes and Mr. Johnson, you both seem to  
19 have settled on this number of 60 percent design  
20 phase. Is that the number you've both kind of  
21 agreed to as to how far along the design of this  
22 Project is?

23 A (Johnson) Sure.

24 A (Bowes) Yes.

1 Q Would you say that applies to the Project as a  
2 whole? Does that apply to the aboveground  
3 section? Does that apply to the underground  
4 section?

5 A (Johnson) That number is specific to the  
6 underground. Every phase of this Project is in  
7 a different phase of development. The  
8 underground tends to be ahead only because  
9 that's the first set of construction that's  
10 going to be done. Having said that, the  
11 overhead design is, from just the structure  
12 perspective is much beyond. It's probably  
13 closer to 80 percent, not including the  
14 foundations because the geotechnical work hasn't  
15 done on the overhead. So depending where you  
16 are and whatever phase of the Project, you're in  
17 different percent completes from an engineering  
18 perspective.

19 Q So you're applying the 60 percent to the  
20 underground portion?

21 A (Johnson) That is correct.

22 Q One of the things you mentioned is that you  
23 envisioned a need to go back to DES and to talk  
24 about potential wetlands impacts as you move out

1 of the center of the road to the side of the  
2 road; is that correct?

3 A (Johnson) That is correct.

4 Q When Ms. Carbonneau was here with the  
5 Environmental Panel, she had mentioned that the  
6 overall wetlands impacts of this Project and  
7 what they put in for in the Application was kind  
8 of an overestimate of what the impacts of the  
9 Project were going to be.

10 A (Johnson) That's correct.

11 Q So when you go back to DES with these final  
12 designs, would you still be within those overall  
13 impacts as originally outlined by Ms. Carbonneau  
14 or would you now be above those impacts?

15 A (Johnson) Not knowing what the buffer, if you  
16 will, that has been permitted is, I'm not able  
17 to answer that question right now. I think it  
18 will also depend on what our underground impacts  
19 are. We haven't done that calculation yet.

20 Q So could these be new additional permit impacts  
21 or just temporary impacts?

22 A (Bowes) We believe they're temporary impacts.  
23 That once the structure is placed at four feet  
24 or six feet under grade that those will not

1           become permanent impacts.

2       Q     But regardless, you'd go back to DES obviously  
3           on those?

4       A     (Johnson) Absolutely.  Yes.

5       Q     We'd heard that there were, for all intents and  
6           purposes your Exception Requests were kind of in  
7           a timeout stage with the DOT while you go out  
8           and re-do the survey work?

9       A     Yes.

10      Q     In one of the tables you presented you'd  
11           indicated there was some 20 Exception Requests  
12           that DOT had already reviewed and granted?

13      A     Correct.

14      Q     Will those need to be revisited in light of the  
15           new survey work?

16      A     (Johnson) Most likely what we'll do is verify  
17           that they don't need to be, but if for some  
18           reason there's some change, we may update the  
19           mapping and resubmit them just so that they have  
20           the latest and greatest.

21      Q     Okay.  Again, I apologize for jumping around  
22           here.  When you mentioned the plating that was  
23           one of the general exemptions that DOT had  
24           agreed to?

1 A (Johnson) That's correct.

2 Q And your position is that that will help speed  
3 the Project along in terms of construction?

4 A (Johnson) And have a safer working environment  
5 or safer in the evenings once we've left the  
6 facilities.

7 Q And there's no weight restrictions associated  
8 with that plating?

9 A (Johnson) Correct. The plating must be able to  
10 withstand, I want to say HD 30. That could be  
11 wrong, but basically a heavy vehicle. Tractor  
12 trailer.

13 Q So a hundred thousand pound tractor trailer  
14 truck?

15 A (Johnson) Yes.

16 Q Okay. There's been, a number of the exemption  
17 requests are obviously related to either  
18 drilling either the HDDs in the roadway or  
19 locating the splice vaults in the roadway. And  
20 it's been mentioned a number, we've seen some  
21 examples. We've seen a gas station. We've seen  
22 the Franconia Inn where people have questioned  
23 the location of those, and you guys seem pretty  
24 confident that you can move some of this

1 equipment up or down. I think, Mr. Bowes, you  
2 drew a, 200 feet or so you can move something up  
3 or down the line.

4 A (Bowes) If it's, I would say in general, yes.  
5 If it's something like the flat terrain that we  
6 have in front of us by the Franconia Inn, that's  
7 clearly. You start getting into road bends and  
8 more constrained areas, I might have to look at  
9 that on a case-by-case basis, but typically ten  
10 percent or so, plus or minus ten percent of the  
11 cable length can be accomplished for any of  
12 those segments.

13 Q I assume there's a maximum obviously. I assume  
14 the cable comes in certain lengths that you  
15 obviously can't go beyond. A roll of cable or  
16 something like that.

17 A (Bowes) Correct. Usually it's constrained by  
18 the weight limit to transport the cable. Not  
19 actually the ability to pull it. Especially  
20 along a flat straight surface. When you start  
21 getting bends or lots of elevation changes, you  
22 start to get more friction within the conduit  
23 system against the outside of the cable, and  
24 that limits how much tension you can put on the

1 cable before it actually damages it. That's  
2 really the limitation is around how much pull  
3 you can pull through that conduit before it  
4 damages the cable.

5 Q I assume there's also a maximum limit between  
6 the distance between the splice vaults as well?

7 A (Bowes) Typically dictated by the transportation  
8 requirements of a cable reel. But 2500 feet, to  
9 1500 feet is probably, again, on a flat terrain  
10 is probably the range we're talking about. So  
11 if the optimum spacing now for vaults is around  
12 2100 feet, moving it a couple hundred feet  
13 either way is well within the limitations of the  
14 cable itself.

15 Q Okay. Just, again, jumping around here. Have  
16 you all been out in the field. Have you  
17 actually witnessed HDD drilling?

18 A (Johnson) Yes, I have.

19 A (Bowes) Yes, I have.

20 A (Kayser) No.

21 A (Frazier) No, I have not.

22 Q What about the installation of splice vaults?  
23 Have you actually been out in the field?

24 A (Johnson) Yes.

1 A (Bowes) Yes, I have.

2 A (Kayser) No, I have not.

3 Q Mr. Kayser, you need to get out of the office  
4 more.

5 A (Kayser) Yes. I do.

6 Q Ms. Farrington?

7 A (Frazier) I need to get out of the office more,  
8 too.

9 Q And, again, there's been a lot of talk about the  
10 size of the crane so I'll ask the same question.  
11 You've seen one of these cranes in action,  
12 you've seen a splice vault lifted off its  
13 flatbed?

14 A (Johnson) Yes.

15 A (Bowes) Yes, I have, and that's why we were  
16 going back and forth with some of the questions  
17 that it really depends on where you are with the  
18 crane, how close you are to the pick and how  
19 close you are to the tractor trailer in order to  
20 make that swing. So we may use a larger crane  
21 because of those tensions that we need to deal  
22 with. That's why I said 30 to 40,000-ton crane.  
23 We may go to the 30 or 40,000-ton for some of  
24 these cranes.

1 A (Johnson) Pounds.

2 A (Bowes) I'm sorry. Pounds. Yes. 30 to 40 tons.

3 Q In all cases, and this has already been covered,  
4 but these are over-the-road cranes, these are  
5 not in the field constructed. These are travel,  
6 normal travel road width cranes?

7 A (Johnson) Correct.

8 A (Bowes) Yes.

9 Q Ms. Bowes, this question is probably for you.  
10 Have you seen the September 26, 2017, letter  
11 that EPA Region 1 just sent to US Army Corps of  
12 Engineers on the potential north part of the  
13 route wetlands impacts?

14 A I saw a newspaper article around it. I have not  
15 seen the letter itself.

16 Q I was kind of curious. That letter seems to  
17 suggest that a hybrid alternative approach needs  
18 to be further examined as part of the Army Corps  
19 of Engineers' review of the wetlands impacts.  
20 So I was going to really ask you do you have any  
21 thoughts or comments on what EPA Region 1 is  
22 suggesting?

23 A (Bowes) I really don't. I'm sorry.

24 Q Nothing?

1 A (Bowes) Well, I saw our company's response to  
2 it. That's about all I know. So I've seen a  
3 newspaper article and the company's response to  
4 it.

5 Q Okay. Thank you. What was the company's  
6 response?

7 A (Bowes) I believe that it would not at all  
8 prohibit the Army Corps from acting, and  
9 although there are fewer impacts or potentially  
10 fewer impacts for an in-road installation, what  
11 we've just heard and gone through there are  
12 certainly other impacts underground  
13 construction. So I think in totality, the  
14 amount of permanent wetland impacts for the new  
15 right-of-way are relatively minor.

16 Q Okay. Thank you.

17 PRESIDING OFFICER HONIGBERG: Mr. Way? Or  
18 Ms. Weathersby next?

19 MS. WEATHERSBY: I just have a followup  
20 question concerning the EPA letter. Does  
21 Northern Pass Transmission at this point have  
22 any plans to consider further undergrounding of  
23 the Project?

24 A (Bowes) We do not.

1 MS. WEATHERSBY: Thank you.

2 PRESIDING OFFICER HONIGBERG: Now Mr. Way?

3 **QUESTIONS BY MR. WAY:**

4 Q Good afternoon. I think most of mine have been  
5 asked. I'm glad to hear about getting some of  
6 the visuals for equipment. We're due for a site  
7 visit tomorrow, and in a couple settings I'm  
8 trying to envision a crane in those settings,  
9 and that would be very helpful.

10 Ms. Farrington -- Frazier, sorry. We're  
11 all learning here. In terms of this morning's  
12 discussion about Bear Rock Road, I think brought  
13 up by Mr. Thompson and you saw some of the  
14 detours. Have you actually driven these  
15 detours? Have you been out to test these out?

16 A (Frazier) Yes. I have.

17 Q So you've been on each one of them?

18 A (Frazier) Yes.

19 Q So the Plymouth one that we're going through,  
20 you've been on that one as well?

21 A (Frazier) Yes.

22 Q So when you look at the type of vehicles that  
23 traverse those roads, those detours, they  
24 accommodate all the types of vehicles, not just

1           what you might see on a regular standard road  
2           but farm-type vehicles that may have limited  
3           transport?

4           A     (Frazier) So one of the conditions or the  
5           comments from the DOT was that we would need to  
6           go through, and we have a computer program that  
7           you put the map down of our detour and you can  
8           actually drive the truck through it. So we do  
9           need to drive that 18-wheeler, hundred thousand  
10          pound load, and make sure it can make the swings  
11          and make all those corners, and we haven't done  
12          that yet, but it is required, and we will have  
13          to show that it works for all of them from Bear  
14          Rock Road to Plymouth.

15          Q     In your experience, when you take those programs  
16          to the real world, and you have different skill  
17          levels of people driving the trucks, driving  
18          them at night, driving them in inclement  
19          weather, lot of different variables, do those  
20          actually prove true?

21          A     (Frazier) I've found that it's usually  
22          conservative, the computer program. There's  
23          always that, there always could be an issue with  
24          the driver error, but for the most part, those

1           guys, drivers, are pretty amazing, and we  
2           usually don't have issues.

3       Q     So when you soay those drivers are usually  
4           pretty amazing, which drivers are you talking  
5           about?

6       A     (Frazier) The licensed CDL drivers, they're just  
7           much better at driving then I am.

8       Q     Well, and I'm also thinking about I saw, I think  
9           it was a hay truck that was on that road, and I  
10          don't know what the license requirements are for  
11          something like that. Is that sort of vehicle in  
12          your radar?

13      A     (Frazier) I think once we do that largest  
14          available truck size that will be covered, but  
15          we have also run smaller trucks because like  
16          with the school bus, they don't always have the  
17          corner and radius because they don't have that  
18          brake like the 18-wheeler would so we can test a  
19          couple options but usually the 18-wheeler is the  
20          most conservative.

21      Q     All right. In terms of the business outreach,  
22          and, Mr. Bowes, we keep coming back to this.  
23          The reason I bring it up is because the last few  
24          weeks we've had several comments and then we

1 brought it up this last week. And trying to get  
2 a sense of how that outreach is going, I think  
3 you mentioned there was like 280-plus businesses  
4 that were going to have additional outreach?  
5 Was that what I heard?

6 A (Bowes) I think it was 248 on the underground  
7 portion of the route and 85 on the overhead  
8 portion of the route.

9 Q How many on the aboveground?

10 A (Bowes) 85. So a total of 333.

11 Q All right. And that next wave of outreach is  
12 going to occur, did I hear Commissioner Varney  
13 say like right now?

14 A (Bowes) I think the letters are going out either  
15 today or tomorrow. It was timed around original  
16 September 30th trigger point, and we have  
17 decided to go forward with that outreach even  
18 though there have been other delays.

19 Q I guess the one question I'd have, too, is if we  
20 get a copy of the most updated letter that's  
21 being sent out? If that would be helpful?

22 A (Bowes) We sure can.

23 PRESIDING OFFICER HONIGBERG: Mr.  
24 Needleman?

1 MR. NEEDLEMAN: We'll get that to you.

2 Q Thank you. What makes this letter writing  
3 process different than what happened before?

4 Because what happened before, and I think in all  
5 fairness to everyone probably wasn't hugely  
6 successful in getting a return. What is  
7 happening with this letter and this process now  
8 that will get you a different result?

9 A (Bowes) So I think a couple things. First is 30  
10 of these businesses we've already met with as  
11 part of preparing the letter.

12 Q Is that aboveground or underground?

13 A (Bowes) Underground.

14 Q Underground. Thank you.

15 A (Bowes) So our consulting firm has met with  
16 these businesses, heard their concerns, talked  
17 with them about out to outreach to the remaining  
18 customers, and that was part of how they crafted  
19 the letter. The letter is just more of an  
20 introduction, I would say, to Louis Karno and  
21 what they plan to do, the services they plan to  
22 offer. And following the letter, we'll start to  
23 knock on doors. So it's really the launch of  
24 the full customer outreach where before I would

1 say it was informational. This is really  
2 announcing the launch of the program. And then  
3 Louis Karno will begin to execute that by giving  
4 to every business and long the route and trying  
5 to schedule a meeting with them. If we can't do  
6 it over the phone, we'll actually knock on the  
7 door and introduce ourselves and start that  
8 conversation, hopefully schedule a meeting to  
9 come back and continue that conversation.

10 Q So every business that's along the route will  
11 have some sort of touch.

12 A (Bowes) That's correct. In most cases multiple  
13 touches because the first meeting will be  
14 introductory to understand some of the needs,  
15 some of the issues, and then we're going to have  
16 to come up with a plan that satisfies as many of  
17 those issues as we can, overlay that with the  
18 adjacent customers and see if we can come up  
19 with an overall plan and strategy to deal with  
20 the segment of the route.

21 Q And the original 30 you mentioned, are these a  
22 new 30 that or are these ones that have  
23 interacted with you in the past as a result of  
24 the previous letter?

1 A (Bowes). No these are ones that Louis Karno  
2 actually outreached to.

3 Q So these are new.

4 A (Bowes) In July of 2017. And they include  
5 entertainment, retail and food service, farm,  
6 market and stores, restaurants, bed and  
7 breakfasts, financial institution, child care  
8 centers, schools, gas stations, auto repair shop  
9 or shops, and beauty/barber shops. So a good  
10 cross-section in the first 30.

11 Q And not to take you beyond the scope here, but  
12 you may know. How do they chose those 30? I  
13 mean, why those 30 as opposed to some other 30  
14 or 40 along the route?

15 A (Bowes) I don't know why those chose those  
16 specific ones. I think to get a cross-section,  
17 but why the specific customers, I don't know.

18 Q All right. In talking about Mr. Allaster and  
19 his milk service, is it fair to say that  
20 regardless of what happens with the design that  
21 his operations are likely to be impacted? The  
22 milk operations?

23 A (Johnson) So I think the transportation of the  
24 milk away from his facility would either be

1 rerouted if there are road closures or could be  
2 slowed down, if you will, as it goes through the  
3 construction zone. But permanently impacted, if  
4 it is shut down, if you will, that would only be  
5 for a very small period of time.

6 Q I'm not actually asking about permanent impacts.  
7 I'm talking about the older plan versus the  
8 newer plan. Regardless of what happens, he'll  
9 probably at least have some temporary impacts  
10 where, for example, you may have to buy some  
11 milk from him or it will impact his operations.  
12 Would you agree?

13 A (Bowes) I think it's possible. Yes.

14 Q And because my point on that one is that there's  
15 a certain segment that you know regardless are  
16 going to be impacted and probably going to being  
17 impacted the same way they would be before the  
18 new design is finalized. So the question is why  
19 aren't we reaching out well even ahead of now.  
20 We know that we're going to impact them one way  
21 or another. That gives them plenty of time to  
22 plan for their customers because I don't think  
23 it's just about buying the milk. There are  
24 customers that plan on the milk, and there's

1 customers that may have a different price impact  
2 from buying their milk in some other place.

3 Mr. Ahern, for example, comes to mind in  
4 terms of getting rid of his straw, although it  
5 would be great if straw could be used for this  
6 Project. Note to Bill Oldenburg. But why are  
7 we not reaching out to them even well before all  
8 of this?

9 A (Bowes) So I'm not sure that there's a really  
10 good answer that will satisfy you. I think we  
11 want to have a plan that's as final as possible,  
12 and we don't want to waste people's time at the  
13 same point. You know, if assuming that we are  
14 granted a Certificate and the conditions are all  
15 met and we go forward and begin construction,  
16 then yes, now is the time to outreach and that's  
17 why we went forward what we thought would be at  
18 the time when the Certificate was issued so  
19 there would be some certainty and people would  
20 realize that it is a real Project now. It's  
21 going to happen. And that tends to have a  
22 different reaction from customers than just it's  
23 not going to happen, it's going to go away, it's  
24 not going to get approvals or whatever.

1           So as we've gone forward this year,  
2           especially, and got approval after approval from  
3           various agencies, both State and federal, I  
4           think it's becoming more realization. We had  
5           timed this to happen this week because we  
6           thought we would have a Certificate at this  
7           point. That was the planning we'd done to  
8           launch forward and begin that. We chose to go  
9           forward with that even though there has been a  
10          delay in the siting on this Project. And now is  
11          the time when we're going to start that  
12          outreach. And I mentioned, it starts with the  
13          letter, but we've also employed this consulting  
14          firm. So we've targeted to go forward  
15          originally was on completion of the siting for  
16          the Project.

17        Q     Just a couple other questions. With regards to  
18           Plymouth, back to the equipment piece that we  
19           talked about and the cranes, how does that work  
20           or are there issues involved? And I think, Mr.  
21           Johnson, you may have even answered this with  
22           Mr. Oldenburg. You're in a community that  
23           hasn't signed an MOU with you. We won't mention  
24           a community. May not have the best of

1 relationships. And you're going to have to have  
2 a crane right on Main Street. It may be trees.  
3 I'm trying to remember if the trees in Plymouth  
4 extend in the green, for example, over Main  
5 Street. There are trees that have to be  
6 trimmed. Is it such that anything that extends  
7 over the roadway is pretty much fair game?

8 A (Johnson) Not necessarily, and I believe in  
9 Plymouth, for example, they extend over the  
10 sidewalk from the green area there. No. It  
11 doesn't necessarily mean that anything is fair  
12 game. Clearly, we would try to position the  
13 crane to be the least impactful from both a  
14 public safety as well as any potential tree  
15 limbing that would have to be done.

16 Ultimately, we want to cooperate with the  
17 town to work with them to assess construction  
18 methodologies and involve them in the decision  
19 making, but as you noted, if there's certain  
20 people that don't want to play ball, if you  
21 will, then we'll have to make those decisions as  
22 we go.

23 Q What if they don't? Going forward, what if they  
24 ultimately don't? How does that impact the

1 Project? I would imagine it puts more decision  
2 making on us.

3 A (Johnson) Sure. That's one phase of it. I  
4 think Mr. Bowes just alluded to it. You find  
5 that as the reality of the Project gets further  
6 and further, people start to be more interested  
7 to get their say in and will tend to work with  
8 you, too, so that you can come up with a  
9 communal agreement, if you will.

10 A (Bowes) So I will say that while there are  
11 certainly relationships that are contentious for  
12 Northern Pass in some of the towns, it's not  
13 uncommon in other locations either. What  
14 happens most often is even if you disagree on  
15 whether the need for the Project is there or  
16 not, you can still go forward and have  
17 productive communications even if the  
18 Certificate never gets approved. That  
19 relationship building is never lost in my  
20 opinion. And then the inevitable, if it becomes  
21 inevitable, than all of that prework is done.  
22 And that's the position we take with many towns  
23 where in some states we have to have a mutual  
24 interaction before we go to state siting. Here

1           it's more the opposite or at least historically  
2           it has been. So I think having those productive  
3           communications and agree that the Project may  
4           never go forward, but still having some of these  
5           things sorted out upfront is always better for  
6           both the town and for the Project.

7       Q     And so when do you anticipate the next real push  
8           to get an MOU, get some sort of discussion  
9           occurring? When will that happen? What's the  
10          next stage?

11       A     (Bowes) So I think many of the towns are in some  
12          part of the process today. I think we'll start  
13          to see more towns agree to MOUs as they realize  
14          the Project is more mature, more understandable  
15          to them. And ultimately, if there's a siting  
16          approval granted, I think there'll be several  
17          more towns that realize that now is the time.  
18          Even though earlier would have been better, now  
19          is the last opportunity we have to get an MOU.

20       Q     So you see that there are additional communities  
21          that are likely to come on board in the near  
22          future, and, obviously, you're saying that there  
23          will be some that will occur after the fact, but  
24          you're seeing additional communities that will

1 have, at least agree to have discussions?

2 A (Bowes) There's certainly activity going on, but  
3 whether it will come to, you know, a final  
4 signed MOU, I can't predict that. But I think  
5 there's an opportunity that we may have some  
6 more.

7 Q So you're actively working with those  
8 communities now?

9 A (Bowes) We are.

10 Q To have that outreach?

11 A (Bowes) Several of them, you know, the  
12 iterations have gone back and forth several  
13 times. A final documentation is prepared, but  
14 it's sitting and waiting for something.

15 Q All right. Plymouth Water & Sewer, I think we  
16 kind of talked about that quite a bit. So just  
17 so I understand because I heard a couple things.  
18 The idea is that if it so works out that you  
19 would work with the district to co-locate within  
20 the Project while the Project is being  
21 developed; is that true? I guess Mr. Johnson?

22 A (Johnson) Yes. So, ideally, we want to sort of  
23 lay our plans on the table, lay their plans on  
24 the table and see if there are synergies so we

1           could have one open trench and one set of paving  
2           so that we're not opening up the streets twice,  
3           if you will.

4       Q     So do they have preliminary designs, do they  
5           have financing, do they see a very near future  
6           for this occurring?  Because that's quite a  
7           process in itself.

8       A     (Johnson) Agreed.  I can't answer the financing  
9           side of that because obviously that's something  
10          outside the bounds of what we would discuss.  I  
11          do believe that they have some preliminary  
12          drawings that their consultant has put together.  
13          But, again, we're at the preliminary stages of  
14          exchanging information so that will be  
15          forthcoming.

16      Q     Because they'd have to get approval from town  
17          meeting in order to execute that, correct?

18      A     (Johnson) Agreed.

19      Q     So year-by-year process.  Just want to make sure  
20          it's not a pipe dream.

21                 I looked at the MOU.  I noticed it wasn't  
22          dated at the top.  Is that by design?  It's a  
23          work in progress?

24      A     (Johnson) I was unaware that it was not dated.

1 Q I didn't see a date on it. This is Exhibit 207,  
2 I believe.

3 MR. NEEDLEMAN: I think if you look at the  
4 end, you'll see it's final and executed.

5 Q I saw signatures. Okay. I'll certainly take a  
6 look and see what I can find. And I think  
7 that's it for me. Thank you.

8 PRESIDING OFFICER HONIGBERG: Ms.  
9 Weathersby?

10 **QUESTIONS BY MS. WEATHERSBY:**

11 Q Just one question on that MOU with Plymouth  
12 Water & Sewer. I noticed that the agreement is  
13 to terminate March 2018. Tell me why that is?

14 A (Johnson) I have no idea why and certainly we'd  
15 be amenable to extending that should March --  
16 13th, did you say?

17 Q March 2018. March 31st, I think it is.

18 A (Johnson) I believe it's because it was the end  
19 of the siting period but that could be  
20 coincidence.

21 Q And the agreement, as I read it, is really an  
22 agreement to negotiate an agreement. There's  
23 not a lot of substance that we're going to redo  
24 your plans and co-locate here. It's let's try,

1 we agree to try to reach an agreement.

2 A (Johnson) Agreed. It's looking for synergies  
3 between the two projects and see what we can  
4 come up with.

5 Q Okay. Thank you.

6 A couple questions for Ms. Frazier. Give  
7 her her fair share. We heard testimony a few  
8 days ago concerning some traffic issues. Just  
9 want to ask you about. As I understand it with  
10 one lane closed and the other lane open, the  
11 travel lane is approximately 12 feet or so.

12 A (Frazier) Yes. Ten to 12 feet.

13 Q Ten to 12 feet. Okay. And that's designed for  
14 vehicles to be roughly 8, 9, 10 feet?

15 A (Frazier) Yes.

16 Q So what then is the Traffic Management Plan for  
17 bicycle traffic?

18 A (Frazier) So bicycle traffic is expected to  
19 follow the same rules of the road as the vehicle  
20 traffic so they would have to stay in the lane  
21 and alternate along with the other vehicles.

22 Q So you envision a bicycle then not traversing  
23 the roadway simultaneously with the vehicle but  
24 going on its own behind a motorized vehicle?

1 A (Frazier) In line. Yes.

2 Q In line. Okay. Has or will your Traffic  
3 Management Plan account for that? Obviously,  
4 most cyclists, myself included, travel less than  
5 20 miles an hour or whatever the speed is that a  
6 vehicle will be traveling. Have your delay  
7 calculations worked into having bicycles on the  
8 roads, particularly on some of the designated  
9 bike routes in summertime traffic? There's a  
10 lot of cyclists, particularly 112, 116, those  
11 roads. So have your plans accommodated the  
12 slower travel speeds?

13 A (Frazier) So the delay calculations wouldn't  
14 take that into account just because it's brief  
15 and random when a bicycle would actually be  
16 inserted into the traffic and it would  
17 eventually average itself out to be the point  
18 where it's negligible. But we do want to  
19 consider a bicyclist's travel speeds for the  
20 clearance times. So in those remaining HDD  
21 spots where we can't do the plating and we will  
22 need a temporary signal during the overnights,  
23 we'll want to consider if a bicyclist is in that  
24 queue to make sure that they clear through

1 safely, but we also have to weigh that against  
2 the delays for normal speed traffic because you  
3 don't want to be sitting in a queue on the time  
4 that there is no bicyclists slowing things down.  
5 So we will take it into account and make sure  
6 that it's a good compromise for everyone  
7 involved.

8 Q So am I hearing there's -- how long is a typical  
9 lane closure?

10 A (Frazier) Length-wise?

11 Q Length-wise.

12 A (Frazier) I think we said it would be around 300  
13 feet for the whole HDD setup but that will  
14 actually be shortened, right? During the night  
15 hour as well, it's just the drive. So 100 feet?  
16 150.

17 Q So then there would be, you'd have a visual on a  
18 cyclist coming through, depending on bends in  
19 the road, et cetera.

20 A (Frazier) Yes.

21 Q So there's not, I'm concerned that there's, you  
22 know, you estimate four minutes and the cyclist  
23 isn't done yet and the other cars start coming  
24 but you will somehow accommodate that in the

1 event there's no visual on the cyclist?

2 A (Frazier) Yes. Yes. We would definitely take  
3 that into account.

4 Q How will you publicize when a bike route, for  
5 example, is closed or is under construction or  
6 we had some testimony that were concerned about  
7 hikers getting to a trailhead and access was  
8 either prevented or slowed or even for vehicle  
9 traffic. How will you publicize the road  
10 conditions so that tourists and locals will know  
11 what areas will be affected?

12 A (Frazier) So that will be part of the public  
13 outreach portion of the Transportation  
14 Management Plan where we'll have to have  
15 outreach through variable message signs.  
16 Website updates. There will be a call-in  
17 number. I think there will be a number of ways  
18 to get that information on a day-by-day basis,  
19 at least described in this plan and then  
20 executed by the public outreach team.

21 Q So you will be reaching out to a website that  
22 lists bike routes in the area and asking them to  
23 post the information or post a place where  
24 people can get the information.

1 A (Frazier) Yes. We just don't take into account  
2 vehicle traffic. We definitely, if there's a  
3 sidewalk, we'll want to find a safe route for  
4 pedestrians. A nearby crosswalk to go to a  
5 sidewalk on the other side or making sure that  
6 they have a safe route through the zone. And  
7 the same for bicyclists, especially if it's on a  
8 bike route.

9 MR. WAY: Just a quick question. Without  
10 looking at the Exception Reports right in front  
11 of me, do they take into account the trail  
12 network along the route that might be impacted  
13 by the request?

14 A (Johnson) The hiking trail?

15 MR. WAY: Yes. Trail networks that may  
16 have to be closed or may have to be shifted or  
17 those that were not slated to be impacted before  
18 the request?

19 A (Johnson) So the Exception Request themselves do  
20 not, however, for instance, the big one we all  
21 discuss is the Appalachian Trail. Clearly,  
22 we're well aware of where that is, and we'll  
23 have preemptively rerouted hikers with signs or  
24 whatever to get around it. The DOT right now,

1 at least to date, has not made that a  
2 requirement, but it's information that we can  
3 easily add as part of the request.

4 MR. WAY: Thank you.

5 **BY MS. WEATHERSBY:**

6 Q Just a little bit more on traffic. You  
7 indicated there's going to be a Traffic  
8 Management Plan Determination Request Memo. Is  
9 that done at this point? And can you tell me  
10 that, as I understand it, first, is that  
11 complete?

12 A (Frazier) Yes.

13 Q And is that a request of DOT to do something  
14 short of a full Traffic Management Plan or can  
15 you tell me what you're requesting in there?

16 A (Frazier) Sure. So it's a just kind of standard  
17 form to introduce the Project to the Traffic  
18 Control Committee, and it has all of the -- AADT  
19 is the Average Annual Daily Traffic volumes --  
20 listed that will be impacting, kind of checklist  
21 questions from federal highway about the  
22 population centers impacted, about the types of  
23 roadways impacted. And we, I believe from that  
24 checklist that a full Transportation Management

1 Plan will be required. We meet the checklist,  
2 and we do, that is our intention going forward,  
3 that it will be developed. The full plan, not  
4 just -- there are some other options for smaller  
5 Projects where you can just do like a memo, but  
6 I don't envision us falling into that category.

7 Q Neither did I so that was my concern. And as I  
8 understand it, you didn't make September, you're  
9 hoping to be on the October agenda and add that,  
10 what plan you need to produce, finalized in  
11 October?

12 A (Frazier) So I believe the October meeting the  
13 intention is for the DOT representative to  
14 introduce the plan and then see where they'd  
15 like to go. So I don't know that we'll get to  
16 actually present any of the details until maybe  
17 the month after. They meet every month. So we  
18 may not get to discuss the details, but she  
19 wants to at least kind of let them know that  
20 it's coming and get the form in front of them so  
21 they can start reviewing and thinking about it.

22 Q So you may have a chance to present Northern  
23 Pass's side in November, and then when do they  
24 tell you you need a full plan, and then how

1 long, sort of what's the process and how do you  
2 see it playing out?

3 A (Frazier) So we were hoping to, and I think I  
4 said in my testimony prior that we would wait  
5 until we had the Certificate and then start  
6 developing it. But considering how the schedule  
7 has been the last few months, we're actually  
8 going, we've gotten started. We're starting to  
9 have meetings with the towns to discuss  
10 festivals, times of year, emergency response,  
11 routes to hospital, routes to and from senior  
12 citizen living communities. So we're starting  
13 that conversation. The public outreach team has  
14 already met with a few of the towns and kind of  
15 introduced the concept of meeting a Traffic  
16 Management Plan, and I expect I'll be going  
17 shortly to get more of the details and at least  
18 start drafting it. We have the outline now, but  
19 to actually start taking their input, suggesting  
20 mitigations and getting the core plan together,  
21 I'm hoping to have that done by the end of  
22 January. And then it will just be a matter of  
23 adding any traffic control plans that need to  
24 be, because of the design exceptions, need to be

1 updated so those are also included in it as well  
2 as the final plans. So those will come later.

3 Q Okay. And am I correct to assume that DOT will  
4 then need to review that and approve it prior to  
5 commencement of operation?

6 A (Frazier) Yes. So the, I expect the DOT team  
7 that we've been meeting with monthly will review  
8 it first, and then we'll present it to the  
9 Traffic Control Committee and they will have to  
10 do their final review and make sure we've done  
11 everything that they expected of us.

12 And then from there, it is still a living  
13 document. There are a lot of names of foremen  
14 and contact people that are going to change so  
15 we expect the document, there will be changes  
16 made as the Project goes on. But we hope to at  
17 least get the final concept approved by the TCC  
18 and for them to say yes, we're doing the right  
19 things.

20 Q I think yesterday we were talking about the  
21 fluidized thermal backfill again, and they said  
22 there were two Exceptions requested relative to  
23 it, and one was for the use of the fill of the  
24 duct bank and that you could, as I understood

1           it, go from the base to the cable but not the  
2           top layer. And then there was a second request  
3           and I don't think we ever got to that. Could  
4           somebody tell me what your Exception Requests  
5           request was concerning fluidized thermal  
6           backfill?

7           A    (Bowes) So I believe one is to use it around the  
8           cable conduits themselves on the lower portion  
9           of the trench and that was approved and above  
10          that would be a concrete cap. And then above  
11          that we'd planned to use fluidized thermal  
12          backfill just to fill the trench in up to where  
13          we'd do the paving. That portion above the  
14          concrete cap was not approved. They want us to  
15          use, in essence, native soil or what was removed  
16          from the trench or something acceptable. Some  
17          of the stuff we removed from the trench may not  
18          be acceptable so I'll caution that. But an  
19          acceptable gravel base for the road building  
20          itself, I would say, so below the road surface  
21          we can use it. But to actually prepare the road  
22          surface for paving, we cannot use it.

23          Q    And you're not asking for an Exception Request  
24          for that. That's been determined?

1 A (Johnson) Correct.

2 Q Okay. I was hoping you could give me an update  
3 concerning laydown areas and access roads,  
4 whether those have all now been identified.

5 A (Johnson) So the access roads as are on the  
6 plans are the same. They have not changed. The  
7 laydown areas, the contractor is out talking to  
8 various commercial, industrial and business  
9 landowners around the area. To my knowledge,  
10 they have not secured any at this time. Again,  
11 that process would have to go back through the  
12 DES to make sure they're comfortable with that  
13 particular site. But to my knowledge, no other  
14 ones have been identified.

15 A (Bowes) Just one minor change. I know in August  
16 we sent a letter after we testified in June  
17 following up on some of those access roads that  
18 were incorrectly shown on the maps. Those have  
19 all been corrected.

20 Q Okay.

21 A (Bowes) That went to the SEC as well.

22 Q But no new laydown areas, and, therefore, of  
23 course, we don't know the environmental impacts,  
24 hence perhaps going back to DES?

1 A (Johnson) Correct.

2 Q And those, too, once identified probably need to  
3 be worked into the Traffic Management Plan,  
4 correct?

5 A (Frazier) Yes.

6 Q Okay. Change of subject. Jumping all around  
7 here. Do you expect tree removal for the  
8 aboveground portion of the Project along scenic  
9 roadways as well? We talked about underground,  
10 but I didn't know if you were asking for  
11 aboveground Exceptions as well.

12 A (Bowes) So at the crossings there is some tree  
13 removal as we widen the right-of-way, the  
14 existing right-of-way. We have committed in  
15 each one of those locations to some sort of  
16 mitigation. Could be visual screening or it  
17 could be as in that letter in August that we  
18 sent back, we did make some adjustments to  
19 structure locations in that. And in my Prefiled  
20 Testimony from April, we went location by  
21 location and discussed what we were doing for  
22 those scenic locations and some nonscenic  
23 locations. So I think we went through the  
24 entire list and dispositioned all of them.

1           There were some where we could not do anything  
2           as far as moving the structure or changing the  
3           structure type. In those locations we agreed to  
4           do visual screening though from the roadway  
5           towards or down the right-of-way.

6       Q     And if it's a State road, you need to get an  
7           Exception Request from the DOT, correct? For  
8           the scenic roads?

9       A     (Bowes) I think in each case it's from the  
10          landowner, not from the DOT.

11      Q     Okay.

12      A     (Bowes) That's as I recall anyway.

13      Q     The prescriptive rights process that we were  
14          talking about, you indicated that Northern Pass  
15          will survey the use and occupancy of the road  
16          and determine its boundaries, correct?

17      A     (Johnson) Correct.

18      Q     So you're going to look at the pavement, the  
19          shoulder, the markers, culverts, other indicia  
20          of where DOT intended the road to be, correct?

21      A     (Johnson) Correct.

22      Q     But you're not surveying the property as far as  
23          the uses by the property owner, right, like  
24          where their garden may be located, that sort of

1 thing. How they're using it. It was strictly  
2 on the point of view of where DOT has been using  
3 the area as a roadway.

4 A (Johnson) Correct. One of the issues is we  
5 can't trespass onto private property so we  
6 certainly can't walk out to somebody's garden,  
7 if you will, and say here's where it is. If  
8 it's something that the surveyors think is  
9 within the right-of-way they may tag it because  
10 that's useful information from a design  
11 perspective. That type of information would be  
12 caught in the design preview process anyways.  
13 If you went out to the field and looked at a  
14 certain alignment and noted that there was an  
15 ornamental garden or a vegetable garden or some  
16 sort of tree, at that point it would be picked  
17 up and taken into the design.

18 Q So that's, I guess, my question. Somebody has  
19 their vegetable garden or a flower garden out  
20 sort of near the road thinking it's just part of  
21 their normal front yard, and yet 50 feet away,  
22 perhaps, there may be a culvert that extends  
23 further into their property, so it would appear  
24 from the road perspective that the right-of-way

1 boundary includes the garden. Kind of what do  
2 you do in those situations and how would a  
3 homeowner be involved in that process?

4 A (Johnson) So it could be an Exception Request to  
5 the DOT that we just note that there's an  
6 established fence line here that the owner has  
7 had for many years. Certainly that's something  
8 we could go forth. The complete opposite of  
9 that is we work with the landowner to install  
10 our facility and then either replant the garden  
11 or some other screening or whatever we would  
12 work with the landowner to do.

13 Q As part of this process, you then petitioned DOT  
14 to establish the boundaries of the right-of-way,  
15 correct? The DOT who makes that final  
16 determination?

17 A (Johnson) So the Project is going to put forth  
18 what it believes to be the right-of-way. We've  
19 asked the DOT to review it and ensure that it  
20 meets condition number 4 per their April 3rd  
21 letter. So the DOT will agree with the  
22 Project's perspective of the right-of-way and  
23 then the Project will build its facilities  
24 within that right-of-way boundary.

1 Q And we talked about this morning how the  
2 property owner may not know that boundary until  
3 it is set, correct?

4 A (Johnson) Correct.

5 Q Is there any type of appeals process or anything  
6 built into the process where the homeowner  
7 learns prior to construction or within, maybe  
8 there's a 30-day time period or is there some  
9 sort of appeal process where the property owner  
10 can still get involved that you know of?

11 A (Bowes) I do not know the process. It's a DOT  
12 process that I'm just not that familiar with.

13 Q Okay.

14 A (Johnson) Certainly the documents will be  
15 published, and I think as Ms. Saffo pointed out  
16 we will, once it's been determined we will  
17 certainly outreach to every person that's  
18 involved in construction and talk to them about  
19 it.

20 Q Just a suggestion. It may be worthwhile just to  
21 contacting municipalities and sending them the  
22 plans and they can help you out with the  
23 outreach, but --

24 In late June or early July we were provided

1 the interference report concerning the pipeline.  
2 Co-location of the pipeline. And that report,  
3 basically, I mean, outlined a lot things, but it  
4 recommended further investigation and evaluation  
5 of the interference. Can you tell me what the  
6 status of that work is at this point?

7 A (Johnson) So the preliminary report basically as  
8 you noted put out some parameters and determined  
9 that further study is warranted. The overhead  
10 design in that area has not progressed to a  
11 point where they've had to reestablish the next  
12 phase, if you will, of that report. However, it  
13 is forthcoming. I'm not sure when that's  
14 scheduled to be, but for sure it will be early  
15 2018 when that gets done.

16 Q Is there a requirement by some agency that that  
17 all be signed off on at some point?

18 A (Johnson) As part of the National Electric  
19 Safety Code, these studies have to be done as  
20 far as working with the pipeline and the  
21 overhead line to ensure that the proper  
22 protection either is in place already or will be  
23 installed prior to operating of the line.

24 Q I think my last question is just I'm trying to

1 get a handle on the time frames here, and I know  
2 we're kind of beating a dead horse a little bit.  
3 But I'm hoping you can kind of walk me through  
4 the timelines. We talked about the surveys  
5 being done, now 5 to 7 weeks so mid/late  
6 November, and then there's also this  
7 prescriptive rights process that's ongoing but  
8 really can't start until the surveys for that  
9 segment are done, correct?

10 A (Johnson) The prescriptive rights will be, as  
11 the Project believes it will be included in the  
12 survey reports that will be submitted.

13 Q Okay.

14 A (Johnson) And, obviously, if people have  
15 challenges or, as you said, appeals or whatever,  
16 then certainly they can bring that forward  
17 either directly to the Project or through the  
18 DOT. The DOT will be reviewing those, and,  
19 again, either agreeing or disagreeing with our  
20 interpretations and will have worked that out by  
21 the time the official survey report is  
22 submitted.

23 Q Okay. So then DOT reviews the surveys,  
24 prescriptive rights, all of that, and we talked

1 about maybe a February/March decision by the DOT  
2 accepting that.

3 A (Johnson) That would include the final design so  
4 the survey report should be approved by the end  
5 of this year and then because it all overlaps  
6 each other --

7 Q Right.

8 A (Johnson) -- as you recall. And then the final  
9 designs will be submitted to them in the  
10 February/March time frame for them to review and  
11 approve.

12 Q And the final designs will include your final  
13 Exception Requests?

14 A (Johnson) Correct.

15 Q So then they review and make sure all the survey  
16 information is correct, weigh in on all of your  
17 Exception Requests, and that process will take  
18 them a month or two? What do you guess for --

19 A (Johnson) The Exception Requests will be again  
20 like the survey reports sort of submitted on an  
21 ongoing basis so they have time to review. The  
22 designs itself, again, we will be phasing those  
23 in as well so as we're submitting the Exception  
24 Requests, we'll also give them some detail on

1 the rest of the alignment that's out of the  
2 right-of-way that really is not part of an  
3 Exception Request but at least they get a sense  
4 of where the line is, and then when we submit  
5 the full design packages for their consideration  
6 they'll at least have had several touches along  
7 the way and provided comments that we can  
8 include in a continuous package. Ultimately,  
9 how long they take to review is up to them and  
10 the thoroughness that they have to do.

11 Q Right. So easily into April at least at this  
12 point.

13 A (Johnson) Most likely. Yes.

14 Q And you anticipate things like the temporary,  
15 the laydown areas and all that obviously have to  
16 be located and surveyed and environmentally  
17 inspected, all that prior to your final plans.

18 A (Johnson) So the laydown areas aren't  
19 necessarily tied to the alignment and the HDD  
20 plans, but they'll certainly be a condition of  
21 the DES more than the DOT. There is some  
22 component there, but it's not like as part of  
23 the alignment we have to then submit the laydown  
24 areas. That typically is done separately.

1 Q But you will need them for DOT signoff for the  
2 traffic management plan.

3 A (Johnson) Correct.

4 Q I know this is such a complex process, and you  
5 have my sympathy in that regard. So I think Mr.  
6 Bowes said earlier that he expected a use and  
7 occupancy agreement with the DOT this March,  
8 coming March, and that seems to be, with all due  
9 respect, a little unrealistic here. So are we  
10 looking at more like August, May, June?

11 A (Johnson) We're hoping to converge everything by  
12 the end of March or early April and put them all  
13 together. The good news is that the initial  
14 Permit Applications for the use and occupancy  
15 has been filed as part of our original  
16 Application and really it's more just attaching  
17 the final documents to those use and occupancy  
18 permits. Clearly, it will have to be reviewed  
19 by everyone right up through the Commissioner so  
20 there is that process as well, but, ultimately,  
21 we're hoping that everything comes together in  
22 time for the construction season in 2018.

23 Q So I guess that was my question because then  
24 once all this is in place you have to get your

1 supplies and everything mobilized and what are  
2 we looking at for commencement of construction?  
3 A year from now or --

4 A (Johnson) Ideally, we'd like to get it going  
5 when the DOT restrictions on construction end  
6 for the winter season so beginning in April.  
7 Ultimately, it's all dependent on everything you  
8 just said is do we have the material, do we have  
9 the approvals, do we have everything ready to  
10 go. So we're hoping as early as possible, but  
11 we're cognizant of the fact that the process is  
12 what the process is.

13 Q Nothing further. Thank you.

14 PRESIDING OFFICER HONIGBERG: Let's take a  
15 ten-minute break.

16 (Recess taken 3:43 - 4:05 p.m.)

17 PRESIDING OFFICER HONIGBERG: Commissioner  
18 Bailey, you may proceed.

19 COMMISSIONER BAILEY: Thank you.

20 **QUESTIONS BY MS. BAILEY:**

21 Q So the conversation that you were just having  
22 with Ms. Weathersby about the survey report, is  
23 that survey report only going to apply to State  
24 roads?

1 A (Johnson) So the information will be updated for  
2 the entire route and will be submitted to the  
3 DOT similar to what they did last time is they  
4 commented on everything but the local roads.

5 Q So you're going to resurvey and do prescriptive  
6 rights, if you have to, on the town roads in  
7 Pittsburg, Clarksville and Stewartstown?

8 A (Johnson) Correct.

9 Q Are there any other municipalities impacted by  
10 where the roads are local roads and not State  
11 roads or is it just those three?

12 A (Johnson) It's actually just two. Clarksville  
13 and Stewartstown. Pittsburg, Old Canaan Road I  
14 believe is a DOT-maintained road.

15 Q Okay. So I think, Mr. Bowes, you said that the  
16 Committee has approved similar requests on town  
17 roads in other Projects to delegate to DOT?

18 A (Bowes) Yes.

19 Q Was it the New Hampshire Site Evaluation  
20 Committee that you were referring to?

21 A (Bowes) Yes.

22 Q Can you give me an example?

23 A (Bowes) It was the MVRP Project. Docket  
24 2015-05.

1 Q Were there town roads that that was going to be  
2 buried in?

3 A (Bowes) Wasn't burial. It was across local  
4 roads. Overhead crossing.

5 Q Oh. So it was just an overhead crossing.

6 A (Bowes) That's correct.

7 Q You would agree that's a little different than  
8 buried in the road.

9 A (Bowes) It is definitely different, but we're  
10 also asking for overhead crossings of local  
11 roads in this proceeding.

12 Q Oh. So is that what you were referring to more?

13 A (Bowes) I was referring to both. Just that  
14 there is a precedent where you've done that in  
15 the past.

16 Q Okay. When you did your initial plans, did you  
17 assume that all roads were four rods?

18 A (Johnson) No. I don't believe so. So the  
19 original survey reports had variable widths  
20 along the route based on the information, the  
21 research that the Arago Land Services had done.

22 Q Is there a distinction between locally  
23 maintained roads and State roads?

24 A (Johnson) Yes, in a sense, that each road has

1           its own unique layout. If those records still  
2           exist.

3       Q     So where most of the State roads assumed to be  
4           or not assumed to be, did you believe most State  
5           roads were four rods?

6       A     (Johnson) State rods were all a combination of  
7           three rods or four rods. There may have been  
8           one small area that was more or less, I think,  
9           and then, obviously, the White Mountain National  
10          Forest at 500 feet along Route 112 and a little  
11          bit on 116. But for the most part, they were  
12          either three or four-rod roads.

13      Q     So when you say, when, Mr. Bowes, for example,  
14           when you said that you'd be willing to accept a  
15           condition that you wouldn't go more than five  
16           feet beyond the disturbed area which was maybe  
17           the shoulder or maybe the ditch, is that five  
18           feet beyond -- tell me how that corresponds to  
19           the width of the right-of-way?

20      A     (Bowes) It wasn't even correlating the two at  
21           that point.

22      Q     Sorry. Could you say that again?

23      A     (Bowes) It wasn't correlating the two at that  
24           point. It was just a general condition that we

1 would, I think ultimately it becomes ten feet  
2 off edge of pavement or five feet off, say, edge  
3 of ditch line. So that ten feet is an area that  
4 we could limit our construction activities to,  
5 and it really wasn't even in relationship to the  
6 width of the right-of-way. It was really to  
7 stay as close to the road as possible.

8 Q Okay. So do you believe that there are any  
9 locations where 10 feet off the edge of the  
10 right-of-way is less than the width of the  
11 right-of-way? Ten feet off the pavement is less  
12 than the width of the right-of-way?

13 A (Johnson) So if there's a road that is two rods  
14 wide, I believe that's less than, so if you did  
15 12 plus 10 on both sides it's 48 feet. If I do  
16 the math right.

17 Q Two rods is 16 and a half and 16 and a half is  
18 33?

19 A (Johnson) Correct. So if we did a 12-foot lane  
20 plus ten feet, that's 22 feet. It would depend  
21 where the centerline of the road was. So there  
22 may be -- and clearly we have no authority to  
23 build our facilities outside of the DOT  
24 right-of-way. So we'd have to make a judgment

1 to bring the Project back into the boundaries of  
2 the right-of-way.

3 A (Bowes) So maybe to say it another way. If  
4 there was a location where the road width is two  
5 rods, we might have to redesign the duct bank in  
6 that location. But if it's a three-rod road or  
7 a four-rod road or 500-foot right-of-way, there  
8 would be no impact to that 10 foot discussion we  
9 had. I think it's only when it's less than  
10 three rods that we have the discussion.

11 Q Okay. So in a right-of-way where it's three  
12 rods, even if the property owner believed that  
13 they owned to the edge of pavement, you could do  
14 anything you needed to do in the right-of-way?

15 A (Johnson) So I wouldn't say "anything." It  
16 would be subject to the Exception Request around  
17 the mature trees and all the things that we've  
18 been discussing over the last couple of days,  
19 but we could potentially within that ten-foot  
20 work zone be either five feet off the road from  
21 the permanent, where the infrastructure is going  
22 to be, plus another five feet for the work zone  
23 that we would be able to work within that area.

24 Q As long as you didn't cut down mature trees?

1 A (Johnson) Correct.

2 Q Is that the only thing that you would agree not  
3 to do in that 10-foot work zone, temporary  
4 impact?

5 A (Johnson) I think we'd have to look at all the  
6 other things like historical or ecological or  
7 wetland impacts before we agreed to a blanket --  
8 you'd have to categorize it, if you will, or put  
9 further conditions on the conditions, if you  
10 will.

11 Q Okay. So let's go back to the town roads. And  
12 you said you're going to give DOT a survey  
13 report on the details of the width of the town  
14 roads in Clarksville and Stewartstown.

15 A (Johnson) Correct.

16 Q But DOT doesn't establish those widths like they  
17 do in the State right-of-way; is that right?

18 A (Johnson) That's my understanding, yes.

19 Q So what happens when you give that to them if  
20 they don't do anything with it?

21 A (Johnson) Well, that's part of the request to  
22 delegate the authority to at least review the  
23 documents either by the SEC themselves or by  
24 delegating to the DOT.

1 Q And would you accept a condition perhaps, and  
2 I'm just thinking out loud here.

3 A (Johnson) Sure.

4 Q That we delegate that to the towns? Could we do  
5 that to Clarksville and Stewartstown?

6 A (Johnson) Yes, I believe Mr. Bowes spoke about  
7 that a little bit earlier. As long as there's  
8 a, they can't withhold, they actually have to  
9 review it. They can't just not get it done, if  
10 you will.

11 Q Okay. And what happens if there's a dispute  
12 between your survey and what they believe is the  
13 actual width of the right-of-way? Then that  
14 could hold you up a lot.

15 A (Johnson) That's exactly the issue.

16 Q Pam, can we look at, this is Counsel for the  
17 Public's North Hill Road in Stewartstown, I  
18 believe.

19 This is Counsel for the Public Exhibit 130.  
20 It's Bates page CFP 002992. This is a local  
21 road, and I believe it's in Stewartstown. Do  
22 you recognize that road?

23 A (Johnson) I do.

24 A (Bowes) Yes.

1 Q How wide would you say that road is?

2 A (Johnson) Probably 12 feet total. Ten feet  
3 total.

4 Q And I believe you're going to put an HDD drill  
5 site here.

6 A (Bowes) Yes. I think there is one, further  
7 along the picture I think there's a stream.

8 Q Can we have the next page in that exhibit which  
9 is 002993?

10 So this is from Counsel for the Public's  
11 witness on what this construction area would  
12 look like. Oh, and that's not even an HDD drill  
13 site. That's just trenching, right?

14 A (Johnson) No. The proposed work zone to the  
15 left is 28 feet by 300 which is similar to the  
16 30 by 300 we were talking about earlier.

17 Q That's where I got HDD from.

18 A (Johnson) Again, this is a, as we discussed  
19 earlier, a location where if we had the room it  
20 would make sense to use it all. Clearly, this  
21 is right up against somebody's house and  
22 foundation. There's no way we'd want to be that  
23 close. We'd have to optimize our equipment and  
24 our drill rigs to be more linear in fashion here

1 so that we weren't affecting this particular  
2 landowner's property in the manner that's  
3 displayed here.

4 Q Could you do it in 12 feet if the road is only  
5 12 feet?

6 A (Johnson) We can, and I believe the presentation  
7 you'll see of the means and methods does show an  
8 example of a drill continually in line with all  
9 equipment laydown in a single lane.

10 Q Clearly, that road has to be closed when you're  
11 working on it.

12 A (Johnson) Absolutely, and this is one of the  
13 areas we've identified as having detours.

14 Q As having detours. Okay. So you've testified a  
15 number of times that there won't be any road  
16 closures except for in downtown Plymouth at the  
17 rotary. Did you mean that on State roads?

18 A (Johnson) Correct. In our Application we've  
19 addressed this particular road which is North  
20 Hill Road and then Old County Road as it goes  
21 into Clarksville as just not having the width at  
22 all.

23 Q Okay.

24 A (Johnson) So we would close both of these roads

1 in a sequential fashion as we worked our way  
2 down the road.

3 Q And you're asking the Site Evaluation Committee  
4 rather than DOT to give you authority to close  
5 those roads?

6 A (Johnson) We are. However, if you choose to  
7 delegate to the DOT, then it would fall on them  
8 to make that determination. But again, that's  
9 the purview of the Committee.

10 Q Is there any way you could do this Project  
11 without closing those roads?

12 A (Johnson) Right now, no.

13 MR. IACOPINO: Can I ask one question about  
14 the picture while it's up? Is it your  
15 understanding that, for instance, where the two  
16 gentlemen are standing in the photograph and  
17 where the excavator is that that is all within  
18 the right-of-way?

19 A (Johnson) No. As we discussed earlier, what  
20 Dewberry has done here is just taken our  
21 standard 28 by 300-foot work zone and just laid  
22 it out here. I think purposely to show that it  
23 potentially could expand into somebody else's  
24 yard.

1 Q Can you confirm whether this is an area that you  
2 would need this much space? In other words, is  
3 this an area where you would have an HDD pit?

4 A (Johnson) So it is area where we'd have an HDD  
5 pit. But as I mentioned earlier, this would be  
6 the optimal area. We could certainly compress  
7 that and still get the same amount of, still get  
8 the construction done.

9 Q Is there maybe another area on the road where  
10 you could do the pit that's not right in front  
11 of somebody's house?

12 A (Johnson) We can certainly evaluate that. No  
13 question. Just looking at this potentially  
14 farther down the hill, part of the problem here  
15 is that you're going down such a steep grade and  
16 then having to come back up. You have to be far  
17 enough away to start the drill bit to go down  
18 and get the curvature to come back up. So that,  
19 again, this is one of those where the engineers  
20 have put forth a design that's optimal, if you  
21 will, and then we'd have to refine that based on  
22 local impacts. Things like this.

23 Q And if we don't have the authority to assign  
24 review of this to DOT, then who's going to

1 review your final for-construction plans?

2 A (Bowes) Just so it's clear. If you don't think  
3 you have authority to delegate to DOT?

4 Q I'm not sure. Assume for the purposes of the  
5 question we don't.

6 A (Bowes) Then the SEC would have that  
7 responsibility.

8 Q So we would have to review the final. Okay. Or  
9 maybe we could delegate it to the town.

10 A (Bowes) So, again, delegating to the town has  
11 other issues associated with it. Unduly  
12 withholding permission, the expertise to look at  
13 it, and the resources to look at it. Three of  
14 the things I mentioned before.

15 Q Okay. All right. And one of the benefits of  
16 this Project might be that this road end up  
17 better off than it is right now. But pretty  
18 much the same width, right?

19 A (Bowes) It wouldn't have to be the same width,  
20 but, again, that's, in our minds we would build  
21 it to the DOT standards and specifications. It  
22 could be a wider road at this point. The town  
23 may not see it that way. They may want to keep  
24 it a small dirt road that's got seasonal use.

1 Q And if it becomes a wider road, then this person  
2 whose house is here will lose some of what he at  
3 least thinks is his property, right?

4 A (Bowes) That is correct.

5 Q Do you have any idea whether, Mr. Iacopino  
6 started to ask you that, but do you have any  
7 idea what you think the right-of-way width is  
8 here?

9 A (Johnson) Off the top of my head, no. I can go  
10 to the old survey reports and take a look.

11 Q Well, if the road itself is only 12 feet, it's  
12 probably not more than two rods.

13 A (Johnson) I would agree.

14 Q And we don't know where the center of that two  
15 rods is either, right?

16 A (Johnson) That's the other issue. Yes. To  
17 reestablish this, they shoot the centerline of  
18 this road and then put a rod on either side,  
19 typically, if there's no historical layout on  
20 this particular road.

21 Q Well, if there's no historical layout, I thought  
22 you would go with prescriptive rights.

23 A (Johnson) You're right. Prescriptive rights, if  
24 there is a historical layout and that says two

1 roads, then it would be one on each side of the  
2 centerline.

3 Q How do you figure out where the centerline is?

4 A (Johnson) Unfortunately, a lot of historical  
5 deeds are described by from Farmer Joe's tree to  
6 the blacksmith's wall to the, you know, so all  
7 of that infrastructure has long since gone and  
8 moved. The roads meander over time as  
9 improvements are done. So typically you would  
10 measure the width of the road and take the  
11 centerline all the way down because that's its  
12 current use.

13 Q Oh, I see. Okay.

14 Okay. Pam, can we look at the next picture  
15 which I believe is Applicant Exhibit 73. Bates  
16 page 41776. This is a picture of the  
17 intersection that we talked about earlier this  
18 morning with the triangle, and I believe this  
19 is --

20 A (Johnson) So this is actually all the way north  
21 from there. This is the intersection of Route  
22 145 and Old County Road.

23 Q Right.

24 A (Johnson) The one we were talking about before

1 was North Hill Road and Bear Rock Road.

2 Q No. I meant -- oh. The one that we were  
3 talking about this morning?

4 A (Johnson) That had that triangle piece.

5 Q So this is a similar configuration but a  
6 different area.

7 A (Johnson) Correct.

8 Q Oh, thank you. Okay. Are there business in  
9 this area like McAllaster that you're concerned  
10 about with this road being closed?

11 A (Johnson) There's a former gas station, I  
12 believe, just off on the left.

13 Q But it's not in operation right now?

14 A (Johnson) Not in operation now. Nothing in the  
15 sense that I'm aware of that's a commercial  
16 operation such as the dairy farm. Clearly there  
17 are some fields in this area so there could be  
18 some agricultural-type operations. And actually  
19 to the south you can just see where there is  
20 some sort of haying or straw being done just by  
21 the way the field is laid out.

22 Q Is 145 a State road?

23 A (Johnson) It is. Yes.

24 Q But Old County Road is a town road?

1 A (Johnson) That's correct.

2 Q So we would have jurisdiction over Old County  
3 Road? The Site Evaluation Committee?

4 A (Johnson) We would ask that, yes.

5 Q Okay. I think that's all I have. Thank you.

6 PRESIDING OFFICER HONIGBERG: Mr. Iacopino.

7 MR. IACOPINO: Thank you.

8 **QUESTIONS BY MR. IACOPINO:**

9 Q First question, when Ms. Weathersby was asking  
10 you about the things you're going to ask from  
11 the Department of Transportation, she referenced  
12 petitioning the Department of Transportation to  
13 essentially approve your new survey that you're  
14 working on, and she used the term petitioning,  
15 and I just want to make sure that we understand  
16 exactly what you're talking about.

17 You're asking them to agree that your  
18 survey is accurate or show you where it's  
19 inaccurate so you know where the right-of-way is  
20 that you can use, correct?

21 A (Johnson) Correct. So there's really two  
22 things. The first thing that we hope they vote  
23 on today or come to some agreement today is the  
24 methodology of establishing the right-of-way,

1 and that was the memo from the September 5th  
2 meeting that we presented and September 19th  
3 meeting.

4 The second piece with them when we have a  
5 final product to submit to them that they would  
6 review that and find that it meets the  
7 conditions of condition number 4, that it meets  
8 the intent.

9 Q But I asked the question because I want to make  
10 sure one thing. You're not asking the  
11 Commissioner of the Department of Safety to  
12 reestablish highway boundaries under RSA 228:35?

13 A (Johnson) That is correct.

14 Q It's not that type of petition?

15 A (Johnson) It is not that type of petition.

16 Q Okay. Mr. Bowes, you're probably the best  
17 person to answer this. Actually, Mr. Johnson,  
18 you probably are, too. My question is about  
19 other states and their siting committees or  
20 similar bodies to the Site Evaluation Committee.  
21 Can you, first of all, tell me in which states  
22 you've installed an underground transmission  
23 line or distribution line, it doesn't make any  
24 difference for the purposes of this question,

1 that was subject to Siting Committee approval in  
2 the state.

3 A (Bowes) Massachusetts and Connecticut.

4 Q Okay. Let's take Connecticut first. Is there  
5 requirements for when you file an Application  
6 for siting approval, are there requirements with  
7 respect to the underground plan similar to ours  
8 in New Hampshire or are they different?

9 A (Bowes) So I would say the Siting Applications  
10 for the underground portion are very similar.  
11 You have to have a route selected. In the case  
12 of Connecticut, you have to have a preferred and  
13 an alternate route and people along those routes  
14 are noticed. And there's a public information  
15 session. Municipal consultation filing actually  
16 goes out to the municipalities involved. Public  
17 meetings are held in each one of the towns  
18 affected. And then a few months later, an  
19 Application is filed with the Connecticut Siting  
20 Council which includes any of the public and  
21 town comments.

22 Q Does Connecticut require that your plans be at  
23 any certain portion of completion? I think we  
24 mentioned in this case when you originally filed

1           your underground plans you were at 30 percent.  
2           Now they're 60 percent. Does Connecticut have a  
3           rule or regulation that requires your plan to be  
4           at a certain level of completion?

5       A     (Bowes) They do not. Following the Certificate,  
6           it goes into a development and management plan  
7           process which goes into the detailed design  
8           permitting process so it's a two-page approach.  
9           Not a single stage.

10      Q     What about in Massachusetts. Do they have a  
11           requirement that you must be at a certain level  
12           of completion of your plans?

13      A     (Bowes) They do not. Again, it's a routing, a  
14           preferred and alternate and town consultations  
15           before we go to the energy facility siting  
16           board.

17      Q     Okay. I understand that we've been told that  
18           you estimate that your current plan is 60  
19           percent complete. Did I hear that correct?

20      A     (Johnson) Yes.

21      Q     We started at 30 percent and now it's 60  
22           percent. Would you say, though, that the field  
23           has gotten longer than you're playing on? In  
24           other words, you've gone through filing 100 and

1           some odd Exceptions, addressing the requirements  
2           of the April letter, and now have withdrawn  
3           those Exceptions while you redo your survey or  
4           redo your study. Have we taken a 100-yard field  
5           and turned it into a 200-yard field that we're  
6           talking about here?

7           A     (Johnson) I wouldn't say necessarily we've gone  
8           to 200-yard field. If I can use a football  
9           analogy back at you, I would say that we've gone  
10          from playing the JV team to the varsity team,  
11          meaning that there are more requirements, more  
12          things that need to be included. The distance  
13          isn't changed. The route for the most part  
14          hasn't changed, but there are more requirements.

15          Q     That's kind of my point. Really we should be  
16          seeing how far you have to go, shouldn't we,  
17          rather than how far you've gone? Because if you  
18          take 30 percent of a hundred yard field, you've  
19          got 70 yards to go. If you take 60 percent of a  
20          200-yard field, you've got 80 yards to go. So  
21          where are we in that? I'm trying to get a sense  
22          of do we have a lot longer ways to go than we've  
23          actually come?

24          A     (Johnson) Excellent question. I think I'll

1 answer it by going through the process, if you  
2 will. So we are doing the survey report  
3 followed by Exception Requests. We've got  
4 preliminary alignments already drawn. That's  
5 how we came up with the numbers that were out of  
6 road versus inroad, et cetera. Packaging that  
7 all up and doing all the reviews and everything,  
8 as we noted, will be done by the February time  
9 frame.

10 Part of that is also all of the details  
11 that need to be added at the end. So if you  
12 noticed that with all these packages, taking not  
13 only alignment and the construction piece but  
14 then adding in all the construction details of  
15 when you come across this, this is the type of  
16 cross-section you're going to have or the  
17 methodology that you'll be using. That  
18 typically is that last ten percent that takes  
19 you from 90 to 100, and really that will be a  
20 lot of iteration at the back and forth with the  
21 DOT regarding that.

22 Q Where do you see you reaching that ten percent  
23 left to go?

24 A (Johnson) That last ten percent will probably be

1 worked out over that sort of February through  
2 April time frame.

3 A (Bowes) I would say, again, to use your football  
4 analogies, I would say the referees that we have  
5 are highly skilled and competent and know how to  
6 make the right decision to balance all the  
7 impacts. I think the work so far with the DOT,  
8 they're highly qualified and push back, as they  
9 should, on linear projects in the State roads.

10 Q I appreciate your reference to the referees  
11 because that's what my next question is about  
12 although I hadn't thought about it in those  
13 terms, but you have a table full of referees  
14 sitting here. And with respect to the town  
15 roads now, I'm only discussing the town roads,  
16 you're asking them to do something that has not  
17 actually been done in the past as far as I know  
18 which is to delegate a substantial amount of a  
19 transmission line, underground transmission  
20 line, to the Department of Transportation.  
21 That's what I understand your request to be, and  
22 that delegation includes, as I understand your  
23 request, to include the town roads that aren't,  
24 they're not laid out as State roads. Is that

1 correct?

2 A (Bowes) That is correct.

3 Q So when I think about that, I think about what  
4 are the options that the Committee that I  
5 counsel has before it. And I've come up with a  
6 list of them, and I'm going to go through them  
7 with you, and you tell me if I've missed any.  
8 Okay?

9 One option which may or may not be  
10 available is to approve the Application with a  
11 final plan and say no exceptions, and then  
12 enforcement would be up to the Committee under  
13 its statute if you fail to comply with the  
14 Certificate.

15 The second is to approve the Application as  
16 planned and provide a process that the Site  
17 Evaluation Committee would oversee that's  
18 similar to the state exception process. Do you  
19 agree that that's an option as well?

20 A (Bowes) Yes.

21 Q Do you agree that the "approve a final plan with  
22 no exceptions" is an option?

23 A (Bowes) Yes.

24 Q A third option is to approve as planned and hire

1 a contractor to oversee, and I'm now only  
2 talking about the town roads, to oversee your  
3 planning and construction of the Project in the  
4 town roads. That person would, obviously, be  
5 answerable to the Site Evaluation Committee or  
6 its Administrator. You see that as an option?

7 A (Bowes) Yes.

8 Q Another option is to approve -- a fourth option.  
9 Sorry. I'm terrible at math. A fourth option  
10 is to approve it as you've asked and delegate  
11 the authority over the town roads to the  
12 Department of Transportation. You obviously  
13 agree that that's an option because you've asked  
14 us to to do that.

15 A (Bowes) Yes.

16 Q And then another option that's come up is to,  
17 it's been called delegating the authority to the  
18 town, although I would look at that more as  
19 established a condition as part of the  
20 Certificate that the town must approve of your  
21 plan. Do you agree that that's an option?

22 A (Bowes) Yes.

23 Q Okay. Are there any other options that you're  
24 aware of that I haven't referenced here that you

1 can assist us with?

2 A (Bowes) I think that covers all that I can think  
3 of right now.

4 Q Is it fair to say with respect to the first  
5 option I named which is to approve a plan as  
6 final, realistically the Committee is not going  
7 to be able to do that with our time frames.  
8 Because you're not going to have a final plan  
9 within the time frame set by the Committee to  
10 come to a final decision.

11 A (Bowes) I would agree with that. It would also  
12 preempt the New Hampshire DOT.

13 Q Correct. Okay. Actually, I'm talking about the  
14 town roads.

15 A (Bowes) This is just for town roads then.

16 Q Yes.

17 A (Bowes) Got it.

18 Q You've been asked some questions about the  
19 delegation of the authority over the town roads  
20 to the State DOT. Do you envision any problems  
21 that might occur given that, especially  
22 considering the cross-examination you've heard  
23 here today?

24 A (Bowes) So they would be working outside their

1 normal jurisdiction. That would be the issue I  
2 see. I think their processes, their personnel,  
3 the technologies they use are all up to the task  
4 of doing a few miles of the town roads. The  
5 issue would be it's new territory for them.

6 Q Let me move on to my next option. Do you see  
7 any difficulty with Eversource working with a  
8 contractor engaged by the Site Evaluation  
9 Committee at your cost to oversee the process on  
10 the town roads?

11 A (Bowes) I do not. Just there would need to be a  
12 qualified contractor.

13 Q Have you ever had that experience in a similar  
14 situation? Obviously, it doesn't have to be  
15 exactly the same, but where the regulatory body  
16 has engaged a contractor to oversee your work?

17 A (Bowes) Certainly for environmental aspects of a  
18 Project, yes. That's a common stipulation  
19 requirement in other states.

20 Q And you've indicated that you don't prefer that  
21 final option which is essentially a condition  
22 that the construction in the town roads be  
23 conditioned upon approval by the towns because  
24 of the three reasons you mentioned before, Mr.

1 Bowes, correct?

2 A (Bowes) So those three reasons plus the  
3 precedent it would set. I don't think having a  
4 state siting board and then delegating approvals  
5 to a town --

6 Q Well, we're not really delegating. We're making  
7 a condition that the town approve of your, I  
8 mean, assuming that the Committee were to do  
9 that. It's a condition. It's not a delegation  
10 of authority. Sort of puts the onus on you.  
11 Not the town.

12 A (Bowes) Correct, but then a single town could  
13 stop a linear project from occurring.

14 Q I don't have any other questions.

15 PRESIDING OFFICER HONIGBERG: Mr. Iacopino  
16 did better what I was planning on doing. I love  
17 sports, and I love metaphors, and I would have  
18 been doing that for a long time.

19 Do any of the other members of the  
20 Subcommittee have further questions for this  
21 Panel?

22 Mr. Needleman, do you have any followup,  
23 redirect?

24 **REDIRECT EXAMINATION**

1 **BY MR. NEEDLEMAN:**

2 Q Mr. Johnson or Mr. Bowes, I want to go back to  
3 something we spoke about earlier regarding a  
4 proposed condition. There seems to be some  
5 confusion at least in my mind about what you  
6 would find acceptable as a condition with  
7 respect to disturbance of the side of the road.  
8 We talked at one point about five feet from edge  
9 of shoulder. We talked at one point about five  
10 feet from the opposite end of the edge of the  
11 ditch. We talked about ten feet from edge of  
12 shoulder. Can you just clarify exactly what you  
13 had in mind?

14 A (Johnson) Sure. So if we look at the  
15 installation either from the edge of the road,  
16 the edge of the shoulder or the edge of the  
17 ditch line, again, depending where you were, it  
18 would take five feet to install the edge of the  
19 alignment or the duct, and it would take five  
20 feet further to have a work zone that the  
21 contractor would work or walk around.  
22 Obviously, you don't want to be sort of  
23 trenching and having no room to even drop a  
24 piece of dirt on the other side because it was

1 outside of the work zone so we would request  
2 five feet further beyond.

3 Again, if there are limitations up against  
4 right-of-way width or a mature tree line or  
5 wetlands, all those other conditions would  
6 apply.

7 Q A moment ago Commissioner Bailey was asking you  
8 questions about that Dewberry Exhibit Photo 1 B.  
9 The location is at North Hill Road facing south.  
10 And my recollection was when that was originally  
11 presented, I think we objected to it. You may  
12 not recall, but I want to call up the map from  
13 the Application, and this is Applicant's Exhibit  
14 1, Appendix 10, I believe, and I'm looking at  
15 APP page 13138. And I believe, and you'll tell  
16 me if I am wrong, that that gold structure in  
17 the upper left corner on this map is also the  
18 structure that was depicted on that Dewberry  
19 drawing. Is that right?

20 A (Johnson) Yes.

21 Q And I also think that immediately to the left of  
22 that structure here is the intersection of  
23 Creampoke Road where on the site tour the  
24 Committee stopped and got out and then actually

1 walked down this road; is that right?

2 A (Johnson) I was not part of the site tour so I  
3 can't tell you whether they did or not, but I'll  
4 take your word for it.

5 Q Well, I'm not positive. That's why I'm asking.

6 But most importantly, as depicted on this  
7 plan, is there actually an intention to have the  
8 sort of construction zone in front of that house  
9 that was depicted on the Dewberry exhibit?

10 A (Johnson) No. Again, as we discussed earlier  
11 that 28 or 30 by 300 foot is a general laydown  
12 area. That clearly, if you look to the right  
13 where it basically says See General Note 14 and  
14 the arrow, that seems to me to be where the  
15 construction or the HDD would actually start.  
16 And then we could work within the road alignment  
17 as we've discussed earlier to stay within the,  
18 in this case, town road right-of-way.

19 Q I want to go back a moment ago to I think it was  
20 Ms. Weathersby was just asking for clarification  
21 about the MOUs and the exhibits that have been  
22 executed. So Exhibit 146 is the executed  
23 Lancaster MOU. Exhibit 206 is the executed  
24 Canterbury MOU. 207 is the executed Plymouth

1 Water & Sewer MOU. I'll come back to that in a  
2 minute. 208 is Thornton. And 209 is Franklin.  
3 And I think Mr. Way asked about the first page  
4 of the Plymouth one being dated, and we've gone  
5 back and looked. We do have a dated copy which  
6 I think we'll substitute, but it's the same  
7 document.

8 I want to go to a question that Mr. Pappas  
9 asked you about Exception Request 108 which  
10 relates to the microtunnel shafts at the Gale  
11 River crossing in Franconia. He asked you about  
12 impacts in this area, and I think that  
13 precipitated the discussion about a conceptual  
14 redesign that might reduce impacts. Do you  
15 recall that?

16 A (Bowes) Yes. I do.

17 Q Mr. Bowes, when I did a redirect of the  
18 Construction Panel the first time, I believe you  
19 testified that there also was an opportunity in  
20 this area to further reduce impacts if you had  
21 access to some property that was, I think, owned  
22 or overseen by the town of Franconia. Do you  
23 recall that?

24 A (Bowes) Yes, I do.

1 Q What is the status of gaining access to that  
2 property?

3 A (Bowes) So the Project is still open to having  
4 those discussions with the town of Franconia.  
5 We have not progressed at all at this point.  
6 But it certainly would minimize both the  
7 construction impacts and the traffic impacts  
8 going across the bridge on the Gale River.

9 Q If you were to be successful in this conceptual  
10 redesign that you've talked about that would  
11 minimize impacts from the current proposal,  
12 could you still further minimize those impacts  
13 if you got access to that property?

14 A (Bowes) Yes. We could bring the HDD that  
15 crosses underneath the Gale River up onto the  
16 town property and virtually eliminate the  
17 traffic impacts at that bridge location.

18 Q Yesterday Mr. Baker was asking about, I think it  
19 was indemnification in locally maintained roads,  
20 and I want to talk about this in relation to  
21 State roads for a minute. I believe as part of  
22 our Application, and, Dawn, I'll ask you to call  
23 this up. Exhibit 1, Appendix 9, Bates number  
24 12424. We included DOT excavation permits. And

1 in those sample permits, it provides that,  
2 quote, "additional cost that the state may incur  
3 due to the maintenance, operation, renewal or  
4 extension of the facilities within the highway  
5 limits would have to be indemnified by the  
6 Applicant," is that correct?

7 A (Bowes) Yes.

8 Q To the extent that there was any concern about  
9 such costs in these local roads, would the  
10 Applicant agree to a similar condition like the  
11 language here?

12 A (Bowes) Yes.

13 Q I want to go next to the EPA letter that  
14 Mr. Wright asked about. When you were being  
15 questioned about that, Mr. Bowes, you said you  
16 thought that the Project had provided a  
17 response, but you didn't have, you couldn't  
18 recall what that response said. Do you remember  
19 that?

20 A (Bowes) Yes.

21 Q Did you have an opportunity to review that  
22 response at the break?

23 A (Bowes) Yes, I did.

24 Q So I'm going to mark that as Exhibit 224 and ask

1           that it be called up. And just to be clear,  
2           this is the Applicant's response as published on  
3           their website to that letter. Is that right?

4           A     (Bowes) Yes, it is.

5           Q     And when you look at this, is it correct that  
6           it, first of all, asserts that the Army Corps of  
7           Engineers is the wetland permitting authority  
8           here?

9           A     (Bowes) That is correct.

10          Q     And the comments that were sent by EPA are  
11          comments to the Army Corps of Engineers; is that  
12          right?

13          A     (Bowes) Yes.

14          Q     And on this particular issue, EPA is not the  
15          permitting authority?

16          A     That is correct. It's the Army Corps.

17          Q     And this also asserts that the comments repeat  
18          what EPA said last year regarding wetlands  
19          issues; is that right?

20          A     (Bowes) Yes. That's right.

21          Q     And about halfway through that first paragraph  
22          in blue, it makes reference to the Project's  
23          October 2016 response to EPA. Do you see that?

24          A     (Bowes) Yes, I do.

1 Q And so I'm not going to call that up, but we're  
2 going to put that in as Exhibit 225 just so the  
3 record is complete on this issue. And I want to  
4 call your attention to the third line here. It  
5 says Eversource has confirmed. Can you just  
6 read that line?

7 A (Bowes) Eversource has confirmed with the US  
8 Army Corps of Engineers that the letter will not  
9 affect the decision regarding the required ACOE  
10 Wetlands Permit.

11 Q Okay. Thank you. I want to turn next to a  
12 question that Mr. Way asked. I think it related  
13 to ongoing discussions with communities about  
14 efforts to get MOUs in place. Do you recall  
15 that?

16 A (Bowes) Yes, I do.

17 Q I want to call up, Dawn, Exhibit 155,  
18 Applicant's Exhibit 155, which we put in last  
19 time which was a summary of those efforts. Do  
20 you recall seeing this?

21 A (Bowes) Yes.

22 Q And the second line from the bottom says number  
23 of towns with executed MOUs. At the time we  
24 used this back in June it was two. And now

1           it's -- I'm sorry. It's four and five if you  
2           count the Plymouth Water & Sewer; is that  
3           correct?

4       A     (Bowes) It would be four towns now, correct, and  
5           one.

6       Q     And, again, my understanding is that the Project  
7           continues to work with towns to try to get  
8           additional MOUs in place; is that right?

9       A     (Bowes) Yes, that is correct.

10      Q     And then finally I want to put up what will be  
11           Applicant's Exhibit 226. I think Mr. Way asked  
12           about this. It's the letter that's being mailed  
13           out today to various communities or I think it's  
14           businesses seeking additional input. Do you  
15           recall that?

16      A     (Bowes) Yes, I do.

17      Q     Do you recognize this as that letter?

18      A     (Bowes) Yes, it is the letter.

19      Q     I think I said this will be 226, and there's  
20           actually a second page to this letter. Is that  
21           right? Can you put this side-by-side, Dawn?  
22           I'm sorry. Again, do you know how many  
23           businesses or I think it's businesses are  
24           getting this letter?

1 A (Bowes) So it is 248 along the underground  
2 portion of the road and 85 along the overhead  
3 portion.

4 Q All set, Mr. Chair.

5 PRESIDING OFFICER HONIGBERG: Mr.  
6 Needleman, I don't believe that the letter from  
7 the EPA that people have been discussing is an  
8 exhibit that anyone has put in. Am I right  
9 about that?

10 MR. NEEDLEMAN: I don't recall seeing it.

11 PRESIDING OFFICER HONIGBERG: So that the  
12 response is not like the sound of one hand  
13 clapping, would you also mark as an exhibit,  
14 even though I know it's not your favorite  
15 document, the letter from the EPA?

16 MR. NEEDLEMAN: We will. I'm just looking  
17 over to make sure we have it. Do we actually  
18 have the letter? Okay. Yes, we do, and we'll  
19 do that.

20 PRESIDING OFFICER HONIGBERG: Thank you.  
21 All right. I think we are done again with this  
22 Panel, and I think there's nothing else we're  
23 going to be able to do today. So that completes  
24 our work, I believe, for the Applicant's case.

1 Is that right, Mr. Needleman?

2 MR. NEEDLEMAN: That's generally correct,  
3 yes.

4 PRESIDING OFFICER HONIGBERG: So we are  
5 together tomorrow morning for site visits  
6 leaving here at?

7 ADMINISTRATOR MONROE: 8 a.m.

8 PRESIDING OFFICER HONIGBERG: Eight  
9 o'clock. Don't be late if you're supposed to be  
10 on the bus. Anything else we need to do, Ms.  
11 Monroe? Or anyone else? All right. We are  
12 adjourned.

13 (Hearing adjourned at 4:50 p.m.)

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**C E R T I F I C A T E**

1  
2 I, Cynthia Foster, Registered Professional  
3 Reporter and Licensed Court Reporter, duly authorized  
4 to practice Shorthand Court Reporting in the State of  
5 New Hampshire, hereby certify that the foregoing  
6 pages are a true and accurate transcription of my  
7 stenographic notes of the hearing for use in the  
8 matter indicated on the title sheet, as to which a  
9 transcript was duly ordered;

10 I further certify that I am neither  
11 attorney nor counsel for, nor related to or employed  
12 by any of the parties to the action in which this  
13 transcript was produced, and further that I am not a  
14 relative or employee of any attorney or counsel  
15 employed in this case, nor am I financially  
16 interested in this action.

17 Dated at West Lebanon, New Hampshire, this 14th  
18 day of October, 2017.

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20 \_\_\_\_\_  
Cynthia Foster, LCR  
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22  
23  
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