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**STATE OF NEW HAMPSHIRE**

**SITE EVALUATION COMMITTEE**

**January 5, 2016** - 3:06 p.m.  
Public Utilities Commission  
21 South Fruit Street Suite 10  
Concord, New Hampshire

**IN RE: SEC DOCKET NO. 2015-08  
TENNESSEE GAS PIPELINE  
COMPANY, LLC:**  
*(Public meeting of Subcommittee  
members to consider intervention  
in the Federal Energy Regulatory  
Commission proceedings involving  
the siting of high pressure gas  
pipelines in order to protect  
the State of New Hampshire.)*

|   |                                    |
|---|------------------------------------|
| <b>PRESENT FOR SUBCOMMITTEE:</b>                                      | <b>SITE EVALUATION COMMITTEE:</b>  |
| Chairman Martin P. Honigberg<br><i>(Presiding as Chairman of SEC)</i> | Public Utilities Commission        |
| Cmsr. Thomas S. Burack<br><i>(Vice Chairman of SEC)</i>               | Dept. of Environmental<br>Services |
| Cmsr. Kathryn M. Bailey   | Public Utilities Commission        |
| Elizabeth Muzzey  | Dept. of Cultural Resources        |
| William Oldenburg, Designee   | Dept. of Transportation            |
| Patricia Weathersby<br><i>(via teleconference)</i>                    | Public Member                      |

**ALSO PRESENT FOR THE SEC:** Michael J. Iacopino, Esq.  
(Brennan Lenehan)  
Pamela G. Monroe, Administrator

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

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**STATEMENTS/QUESTIONS BY:**

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| Mr. Buonamano        | 8, 10     |
| Director Muzzey      | 9         |
| Chairman Honigberg   | 9, 10, 11 |
| Commissioner Bailey  | 9         |
| Ms. Weathersby       | 10        |

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

1  
2 CHAIRMAN HONIGBERG: All right. Good  
3 afternoon, everyone. We're here in SEC Docket 2015-08,  
4 which is the Tennessee Gas Pipeline Company matter, which  
5 we expect will turn into an application to site a natural  
6 gas pipeline. They are in prefiling processes now, but  
7 the reason we are here today is to fulfill an obligation  
8 under RSA 162-H regarding the possibility or the SEC's  
9 required consideration of intervening in a proceeding at  
10 the Federal Energy Regulatory Commission.

11 Until yesterday, sometime in the  
12 afternoon, the deadline for filing for intervention was  
13 tomorrow. Sometime yesterday afternoon the FERC issued an  
14 order extending that deadline until the end of next week.  
15 But we set this process in motion, appointing a  
16 subcommittee, and calling this meeting prior to the  
17 extension by the FERC. So, we are here. We will do what  
18 business we can, to see if we can make a decision, and, if  
19 not, we do have a little bit more time.

20 So, with that, I will ask the members of  
21 this Subcommittee, who were appointed yesterday, and in  
22 one case designated, to introduce themselves.

23 VICE CHAIRMAN BURACK: Tom Burack,  
24 Commissioner, Department of Environmental Services.

1 CHAIRMAN HONIGBERG: Martin Honigberg,  
2 from the Public Utilities Commission.

3 COMMISSIONER BAILEY: Kathryn Bailey,  
4 Public Utilities Commission.

5 DIRECTOR MUZZEY: Elizabeth Muzzey,  
6 Department of Cultural Resources.

7 MR. OLDENBURG: William Oldenburg,  
8 Department of Transportation.

9 CHAIRMAN HONIGBERG: Mr. Oldenburg,  
10 you've been designated by Commissioner Sheehan, is that  
11 correct?

12 MR. OLDENBURG: That's correct.

13 CHAIRMAN HONIGBERG: And, on the phone  
14 we have?

15 MS. WEATHERSBY: Patricia, public  
16 member.

17 CHAIRMAN HONIGBERG: All right. And,  
18 the other public member who's been appointed to this  
19 Subcommittee is the alternate public member, Rachel  
20 Whitaker. As some of you may know, public member Roger  
21 Hawk submitted his resignation last week from the SEC.

22 I will just add, under RSA 91-A, Ms.  
23 Weathersby's participation on the phone is specifically  
24 allowed by statute, provided that we have a quorum of the

1 Committee present in the room. The quorum required under  
2 the SEC statute for a subcommittee of seven is a quorum of  
3 five, which we have in the room. So, Ms. Whitaker is  
4 considered to be a full participant in the meeting, but  
5 she doesn't make up the quorum.

6 COMMISSIONER BAILEY: Ms. Weathersby.

7 CHAIRMAN HONIGBERG: I'm sorry, Ms.  
8 Weathersby. Correct. It's the W's, that's going to get  
9 to me over and over.

10 All right. With that, we're going to  
11 break, and we're going to have a meeting with our lawyers  
12 in the room behind us, which is a "non-meeting" under RSA  
13 91-A. So, members of the public will not be present.  
14 Counsel from the AG's Office, Brian Buonamano, private  
15 counsel, Iryna Dore, and our Administrator, Pam Monroe,  
16 will join us. So, with that, we'll break for now.

17 *(Recess taken at 3:09 p.m. for*  
18 *Subcommittee members to confer with*  
19 *counsel.)*

20 *(Public meeting resumed at 4:05 p.m.)*

21 CHAIRMAN HONIGBERG: All right. We have  
22 resumed the meeting that we started longer ago than I wish  
23 that break had taken. And, we're here, I'm going to read  
24 from the statute, RSA 162-H:10-b, IV: "The Committee

1 shall consider intervention in Federal Energy Regulatory  
2 Commission proceedings involving the siting of  
3 hypothetical gas pipelines in order to protect the  
4 interest of the State of New Hampshire."

5 Does anyone have any comments or  
6 thoughts on what we should do as we consider intervention?

7 Commissioner Burack, I see your hand  
8 near the button. So, I'm going to ask you to speak first.

9 VICE CHAIRMAN BURACK: Okay. Mr.  
10 Chairman, thank you. I am, at this particular moment, and  
11 I hope I'm not going to incur the wrath of my colleagues  
12 here at this time, I'm going to offer the view that I feel  
13 like I'd like to have further information before making a  
14 final decision on this matter.

15 Among other things, I would really like  
16 to know, if possible, which of the other particularly  
17 underlying state agencies that are involved in this  
18 process may or may not be intervening in this process.  
19 And, that would be helpful to -- helpful to understand,  
20 certainly. And, again, I would also like to have a little  
21 bit of a clear understanding of the distinction between  
22 the extent of the legal authorities and the issues that  
23 we, as the SEC, might consider relative to the legal  
24 authorities and the issues that the Federal Energy

1 Regulatory Commission might be deciding in its process.

2 And, so, my sense is, I'd like to have  
3 some further information before making a final decision.

4 And, understanding that we, in fact, now have until the  
5 15th at least to make a decision as to whether we're going  
6 to intervene by that initial deadline. I know will  
7 probably necessitate us having to have a follow-up meeting  
8 perhaps sometime next week, but I'm thinking that that may  
9 be an appropriate thing to do.

10 I'm also, Mr. Chairman, mindful of the  
11 fact that I believe we've received at least one comment  
12 from a member of the public indicating an interest in  
13 being able to provide comment to the Committee with  
14 respect to this matter. And, taking a few days to be able  
15 to further consider this matter would provide an  
16 opportunity for any interested parties to be able to  
17 submit comments to the SEC on this matter.

18 So, that's where I am at this moment. I  
19 certainly, if others would like to make a motion at this  
20 time, either to intervene or not to intervene, or to  
21 consider the possibility of intervention at a later time,  
22 whatever it might be, I'm certainly willing to entertain,  
23 you know, consideration of such motion at this time. But,  
24 personally, I would like to have a little more time to be

1 able to learn more and consider this before making a  
2 decision.

3 CHAIRMAN HONIGBERG: Mr. Buonamano, you  
4 heard Commissioner Burack, one of the things he said he  
5 was interested in was what other agencies are doing. You  
6 are perhaps uniquely situated to have information that we  
7 would not have regarding that. Do you have -- is there  
8 anything you can share with us regarding what other  
9 agencies -- what other New Hampshire state agencies are  
10 doing with respect to intervention in the FERC proceeding?

11 Off the record.

12 (Brief off-the-record comment regarding  
13 use of the microphone.)

14 MR. BUONAMANO: I know, you know, in an  
15 unofficial, I don't know if anything's -- any final  
16 decisions have been made. But, you know, DRED, the  
17 Governor's Office, and Fish & Game have indicated that  
18 they are planning to intervene. That's the only -- those  
19 are the only ones we know.

20 CHAIRMAN HONIGBERG: Is the Governor's  
21 Office through the Office of Energy & Planning or the  
22 Governor's Office directly?

23 MR. BUONAMANO: I don't know.

24 CHAIRMAN HONIGBERG: Other thoughts,



1 comments, regarding what we might do here?

2 Director Muzzey.

3 DIRECTOR MUZZEY: I would agree with  
4 Commissioner Burack that more information would be helpful  
5 here. Particularly, that analysis of the distinction  
6 between the SEC's legal authorities and considerations  
7 versus FERC's. This is our first time considering whether  
8 to intervene in a FERC proceeding, and it does seem as  
9 though more information would lead to a better decision.

10 CHAIRMAN HONIGBERG: I would note in  
11 that regard that this statute under which we are meeting  
12 today took effect on July 20th of 2015. So, this is, in  
13 fact, the first time this provision has been relevant to  
14 anything that the SEC has done.

15 Any other thoughts? Commissioner  
16 Bailey.

17 COMMISSIONER BAILEY: More homework for  
18 Mr. Buonamano, I'm sorry.

19 MR. BUONAMANO: That's okay.

20 COMMISSIONER BAILEY: But, in gathering  
21 additional information, can you look into whether FERC  
22 generally grants late interventions, and whether we could  
23 intervene after our proceeding is concluded, if that's a  
24 possibility? And, whether the Committee could comment in

1 a FERC proceeding without intervening, if we were through  
2 our process?

3 MR. BUONAMANO: I would be happy to.

4 COMMISSIONER BAILEY: Thank you.

5 CHAIRMAN HONIGBERG: Is it fair to say,  
6 Mr. Buonamano, we actually know the answer to the second  
7 of those questions, because the notices from FERC  
8 themselves make it fairly clear that you do not need to  
9 intervene to provide comments?

10 MR. BUONAMANO: I can tell you right now  
11 that you do not need to intervene in order to make  
12 comments. My understanding is, is that, you know, late  
13 interventions are routinely granted. But that's certainly  
14 something I can make -- you know, actually see some of  
15 that evidence of that.

16 CHAIRMAN HONIGBERG: Other thoughts or  
17 comments? Mr. Oldenburg, do you have anything to offer  
18 here?

19 He's shaking his head, Ms. Weathersby,  
20 so you know what's happening. Ms. Weathersby, do you have  
21 any comments you want to make?

22 MS. WEATHERSBY: Yes. I would be  
23 supportive of the position of Commissioner Burack and  
24 Director Muzzey and Commissioner Bailey to gather more

1 information before we make a decision.

2 CHAIRMAN HONIGBERG: All right. It's  
3 fair to say that given the three members of the people who  
4 are in a position to vote, three of the six who are in a  
5 position to vote, believe that it would make sense for us  
6 to get more information and do this, and come back again  
7 another time before next Friday, is what we're going to  
8 end up doing.

9 That said, I think we're all going to  
10 need to be as flexible as we can, in terms of scheduling.  
11 Everybody's busy, and everything takes longer than you  
12 think it's going to take. So, we will use the modern  
13 technology to send out a meeting notice -- or, meeting  
14 time request for people, so that we can get something  
15 scheduled as quickly as we can.

16 We are going to not adjourn this  
17 meeting, we are going to suspend this meeting, and  
18 reconvene when everybody can get together. I am doing  
19 that, I believe, under a provision of 91-A, or at least an  
20 interpretation of 91-A, that, when we continue a meeting,  
21 new notices are not required. We will post when we will  
22 be reconvening. I just don't want to run us into a  
23 problem of finding out at 8:00 a.m. that we're going to  
24 need to meet at 3:00 p.m. that same day, and having 91-A

1 present an obstacle to our meeting at that time. So, by  
2 suspending this meeting, and to an uncertain time that  
3 we'll specify as soon as we can, we should obviate that  
4 problem under 91-A.

5 Does either my Administrator or either  
6 of the two lawyers out there disagree with what I just  
7 said?

8 MR. BUONAMANO: Not at this time.

9 CHAIRMAN HONIGBERG: You had to think  
10 about that one, don't you?

11 All right. Is there any other  
12 information we feel would be helpful to have in our  
13 possession before we reconvene?

14 *[No verbal response]*

15 CHAIRMAN HONIGBERG: Wow. All right.  
16 Then, watch your emails for something like a *doodle.com*  
17 poll, and we'll get something scheduled as soon as we can,  
18 either the end of this week or sometime in the first part  
19 of next week.

20 Any other things we want to talk about?

21 *[No verbal response]*

22 CHAIRMAN HONIGBERG: All right. With  
23 that, we will suspend this meeting of the SEC. Thank you.

24 ***(Whereupon the public meeting was suspended at 4:15 p.m.)***