

1 STATE OF NEW HAMPSHIRE  
2 SITE EVALUATION COMMITTEE

3 January 29, 2010 - 10:06 a.m.  
4 N.H. Public Utilities Commission  
5 21 South Fruit Street, Suite 10  
6 Concord, New Hampshire

7 In re: SITE EVALUATION COMMITTEE:  
8 Docket No. 2008-02: Application of  
9 Tennessee Gas Pipeline Co. for a  
10 Certificate of Site and Facility for  
11 the Concord Lateral Expansion Project.  
(Hearing regarding complaint of  
Carol M. Desrosiers regarding Noise  
Level Testing.)

12 PRESENT: SITE EVALUATION COMMITTEE:  
13 Thomas S. Burack, Cmsr. Dept. of Environmental Services  
(Chairman of SEC - Presiding Officer)  
14 Thomas B. Getz, Chrmn. Public Utilities Commission  
15 (Vice Chairman of SEC)  
16 Clifton C. Below, Cmsr. Public Utilities Commission  
17 Amy L. Ignatius, Cmsr. Public Utilities Commission  
18 Robert Scott, Dir. Air Resources Division (DES)  
19 Glenn Normandeau, Dir. Dept. of Fish & Game  
20 Joanne Morin, Dir. Office of Energy & Planning  
Brad Simpkins, Dir. Div. of Forests & Lands (DRED)  
Elizabeth Muzzey, Dir. Div. of Historical Resources  
Jeff Brillhart, Asst. Cmsr. Dept. of Transportation  
21 Randall Knepper Public Utilities Commission  
22

23 COURT REPORTER: Steven E. Patnaude, LCR No. 52  
24

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2  
3 ALSO PRESENT: Michael Iacopino, Esq.  
4 Counsel for the Committee

5 TGP-0129.txt  
6 Reptg. Tennessee Gas Pipeline Co.:  
7 Donald J. Pfundstein, Esq. (Gallagher...)  
8 Erik Newman, Esq. (Gallagher...)  
9 David M. Jones, P.E. (HFP Acoustical...)  
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2	I N D E X	
3		PAGE NO.
4	QUESTIONS TO TGP BY:	
5	Mr. Iacopi no	9, 11
6	Chai rman Burack	9, 10
7	Mr. Knepper	10
8	Cmsr. Ignati us	12
9	Di r. Scott	15

10 TGP-0129. txt 16  
11 Cmsr. Below

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14 MOTION BY CMSR. BELOW to accept the response 20  
15 of TGP as outlined in their letter of  
January 19, 2010...

16 SECOND BY DIR. SCOTT 20

17 VOTE ON THE MOTION 20

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1 P R O C E E D I N G

2 CHAIRMAN BURACK: Good morning, ladies  
3 and gentlemen. We are here today for a public meeting of  
4 the New Hampshire Site Evaluation Committee. The Site  
5 Evaluation Committee is established by RSA 162-H. The  
6 membership of this Commission includes the commissioners  
7 or directors of a number of state agencies, as well as  
8 specified key personnel from various state agencies. And,  
9 at this point, I would like to introduce the members of  
10 the Committee who are present at this meeting, starting  
11 with myself. I am Tom Burack. I serve as Commissioner of  
12 the Department of Environmental Services. And, by  
13 statute, in that capacity I also serve as Chair of this  
14 Site Evaluation Committee.

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15 And, I will ask the members of the  
16 Committee sitting here this morning on this first matter  
17 to please introduce themselves, starting with my far  
18 right.

19 DIR. MORIN: Joanne Morin, I'm the  
20 Director of the Office of Energy & Planning.

21 DIR. MUZZEY: Elizabeth Muzzey, Director  
22 of the Division of Historical Resources.

23 DIR. SCOTT: Bob Scott, Air Resources  
24 Division, Department of Environmental Services.

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1 DIR. NORMANDEAU: Glenn Normandeau,  
2 Executive Director of the New Hampshire Fish & Game.

3 CMSR. BELOW: Clifton Below, Public  
4 Utilities Commissioner.

5 CHAIRMAN GETZ: Tom Getz, Chairman of  
6 the Public Utilities Commission and Vice Chair of this  
7 Committee.

8 CMSR. IGNATIUS: Amy Ignatius,  
9 Commissioner with the Public Utilities Commission.

10 DIR. SIMPKINS: Brad Simpkins, interim  
11 Director of the Division of Forests & Lands.

12 MR. KNEPPER: Randy Knepper, Director of  
13 Safety for the Public Utilities Commission.

14 ASST. CMSR. BRILLHART: I'm Jeff  
15 Brillhart, Assistant Commissioner with the Department of  
16 Transportation.

17 CHAIRMAN BURACK: To my immediate right  
18 is Michael Iacopino, who serves as legal counsel to the  
19 Committee for this first matter on today's agenda. I will

20 note that today's public meeting includes two matters.  
21 We're going to have separate transcripts for each of these  
22 two matters, so that we will go through another round of  
23 introductions after we have concluded this first matter  
24 and proceed to the second.

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1 So, the first matter that we will take  
2 up today is in docket number 2008-02, entitled  
3 "Application of Tennessee Gas Pipeline for a Certificate  
4 of Site and Facility for the Concord Lateral Expansion  
5 Project". The second item on our agenda today is docket  
6 number 2009-03, entitled "Petitions of Michael Laflamme  
7 and Howard Jones and Others for Review of a 29 Megawatt  
8 Biomass Power Plant Developed by Clean Power Development,  
9 LLC and Located in Berlin, New Hampshire". As I mentioned  
10 before, we will take that second matter as a separate  
11 matter, and we will now proceed to the first agenda item.

12 And, again, this is docket number  
13 2008-02. On March 19, 2009, the Committee issued a  
14 Certificate of Site and Facility, known as the  
15 "Certificate", to Tennessee Gas Pipeline Company, known as  
16 "Tennessee", to site, construct and operate a new 6,130  
17 horsepower compression station on its line 200 system,  
18 also known as the "Concord Lateral" or "Lateral System" or  
19 "Lateral", in Pelham, New Hampshire. In addition, the  
20 Certificate permitted Tennessee to upgrade its existing  
21 Laconia Meter Station, in Concord, New Hampshire, with  
22 piping modifications to accommodate additional capacity.  
23 The Certificate authorized the Applicant to construct,  
24 operate and maintain the Station so that it remains in

1 full compliance with applicable FERC sound level  
2 regulations. As a condition of the Certificate, the  
3 Committee retained its authority "to monitor the proposed  
4 facility, to investigate complaints, and to enforce the  
5 terms and conditions of the Certificate of Site and  
6 Facility, including the authority to require further sound  
7 level testing or additional remedial measures."

8 On December 23, 2009, Tennessee filed  
9 its noise survey data as required by the Certificate. On  
10 December 26, 2009, Carol M. Desrosiers filed a letter of  
11 complaint with the Committee asserting that the noise  
12 survey was incomplete. At this hearing, the Committee  
13 will determine what action, if any, should be taken with  
14 regard to Ms. Desrosiers' letter of complaint.

15 On January 5, 2010, I issued an Order of  
16 Notice of Public Hearing on this matter. A copy of that  
17 Order was published in the Union Leader on January 14,  
18 2010 and in the Concord Monitor on January 15, 2010.  
19 Tennessee has filed an affidavit of publication with the  
20 Committee. The hearing today is held pursuant to the  
21 authority of the Committee under RSA 162-H: 4.

22 On January 19, 2010, Tennessee responded  
23 to Ms. Desrosiers' letter. In its response, Tennessee  
24 asserts that the methodology and conclusions contained

1 within its sound survey were scientifically valid and  
2 complied with applicable standards published by the  
3 American National Standards Institute standards for

4 measurement of environmental sound. Nevertheless,  
5 Tennessee has also informed the Committee that it will use  
6 its best efforts to take supplemental sound measurements  
7 at two locations for the purpose of satisfying Ms.  
8 Desrosiers' concerns and will provide those results to the  
9 Committee.

10 In this docket, I will first ask  
11 Ms. Desrosiers, if she is present, if she wishes to  
12 address the Committee on the record, or if she is  
13 satisfied that the Committee has sufficient information  
14 from her letter. Once Ms. Desrosiers has had an  
15 opportunity to speak, I will then allow Tennessee to  
16 respond.

17 Is Ms. Desrosiers here, by any chance,  
18 or anyone here on behalf of Ms. Desrosiers?

19 (No verbal response)

20 CHAIRMAN BURACK: Very well. Seeing  
21 that she does not appear to be present, and no one is here  
22 on her behalf, I will now ask Mr. Pfundstein if he would  
23 like to introduce himself for the record and make a  
24 presentation.

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1 MR. PFUNDSTEIN: Thank you, Mr.  
2 Chairman. For the record, my name is Donald Pfundstein.  
3 I have the pleasure of working with Tennessee Gas  
4 Pipeline. To my immediate right with me this morning is  
5 Dave Jones, who's the Senior Project Engineer with the  
6 sound consulting company, and to my far right is Erik  
7 Newman, who is also with my office. Thank you, Mr.  
8 Chairman.

9 CHAIRMAN BURACK: Thank you. Do members  
10 of the Committee have questions for Mr. Pfundstein --  
11 "Pfundstein", I should say? Attorney Iacopino.

12 MR. IACOPINO: Mr. Pfundstein, in your  
13 response you indicate that these additional sound surveys  
14 that you're going to take can be done within 60 days. Is  
15 that still the case?

16 MR. PFUNDSTEIN: Yes, that's still the  
17 case.

18 CHAIRMAN BURACK: Do you anticipate that  
19 you will receive consent of the property owners to be able  
20 to conduct the testing in the locations or has that  
21 process at least begun of seeking their consent?

22 MR. PFUNDSTEIN: We -- No. To my  
23 knowledge, the Company has not attempted to secure consent  
24 at this point. The only thing I could offer that I'm

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1 aware of is, during the construction process itself, there  
2 were no instances that we're aware of or any difficulties  
3 with any of the neighbors. So, we're hopeful that, in  
4 light of that history, that it won't be a problem getting  
5 their consent. But I can't tell that we actually know for  
6 certainty.

7 CHAIRMAN BURACK: Thank you. Other  
8 questions?

9 MR. KNEPPER: Have you -- you have  
10 attempted to get consent?

11 MR. PFUNDSTEIN: Not to --

12 MR. KNEPPER: You haven't attempted, so  
13 you haven't asked?



14 MR. PFUNDSTEIN: Not that -- Not that I  
15 am aware of, no. And, we spoke with the Company  
16 yesterday. So, I would be very surprised if anyone has  
17 attempted so far.

18 CHAIRMAN BURACK: What do you anticipate  
19 to be the end of the 60-day window? In other words, when  
20 did the 60-day period start, based on your representations  
21 to us in your communications?

22 MR. PFUNDSTEIN: Well, we would  
23 anticipate, if -- we're hopeful that the Committee will  
24 accept the offer that was outlined in our letter, and tell

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1 us to go proceed according to what we outlined. We would  
2 assume the 60 days would start running from the date of  
3 your order directing us to do so. And, Mr. Jones's  
4 company, in conjunction with representatives from  
5 Tennessee Gas, would attempt to get that done as quickly  
6 as possible. After that is completed, if it is as we  
7 anticipate it will be, we would file those results with  
8 the Committee to demonstrate what we fully expect to be  
9 continued compliance with the FERC standard.

10 MR. IACOPINO: Don, was there any -- is  
11 there any similar filing made by Ms. Desrosiers, is there  
12 anybody else at the FERC level, do you know?

13 MR. PFUNDSTEIN: I don't -- during the  
14 certification process, there were filings that were made.  
15 But, to my knowledge, nothing was filed with FERC akin to  
16 this response.

17 MR. IACOPINO: But you had to file this  
18 sound survey with the FERC, right?

19 MR. PFUNDSTEIN: Oh, sure.

20 MR. IACOPINO: But, once you filed it,  
21 did Ms. Desrosiers also complain at FERC or did anybody  
22 complain about the noise survey being incomplete?

23 MR. PFUNDSTEIN: No. There was no  
24 activity at all in the FERC docket after we filed the  
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1 resul ts.

2 MR. IACOPINO: So, they don't have any  
3 similar thing going on right now?

4 MR. PFUNDSTEIN: That is correct.

5 MR. IACOPINO: Thank you.

6 CHAIRMAN BURACK: Ms. Ignatius.

7 CMSR. IGNATIUS: Thank you. Mr.  
8 Pfundstein, in your January 19th submission to us, you  
9 talked about one of Ms. Desrosiers' descriptions of sound  
10 being "like an airplane immediately overhead throttling  
11 back when landing." Those were her words. And, that was  
12 so different from the sound levels that your tests were  
13 showing. And, so, you then went on to speculate, and this  
14 is from your letter, "it's possible [she] was referring  
15 either to a short-term station blowdown event or a rare  
16 event of recycling of gas at the station" causing this  
17 unusual sound. She says this occurred "the day of the  
18 test." Do you have records that the day of the test any  
19 of those unusual events were taking place that could have  
20 caused that sound that she heard?

21 MR. JONES: During the day of the test?  
22 No, we don't have any records that would indicate that  
23 those conditions occurred. The day prior to the test,

8 MR. JONES: Very rarely. I can't state  
9 a certain interval. But it's not a standard operating  
10 condition and it's not a normal operating condition of the  
11 station in any way.

15 MR. JONES: Not that I know of.

18 MR. JONES: Well, I think, in this case,  
19 the air testing was certainly a planned event that was, I  
20 think, part of the commissioning process of the station.  
21 You know, it had to do with the start-up procedure and  
22 getting the station as part of the start-up procedure. I  
23 don't think that sort of thing is going to happen again.

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2 concerned about was that homeowners weren't involved in  
3 the testing in advance, and your submission talks about  
4 the pragmatic difficulties, that you can't just pick a  
5 day, it depends on weather conditions and operational  
6 conditions, makes it a little more complicated than that.  
7 But you certainly could involve homeowners in knowing  
8 about the tests and likelihood that they're going to be  
9 occurring. Do you do that, any sort of educational  
10 process, leading up to a testing period?

11 MR. PFUNDSTEIN: Thank you. Thank you  
12 for that question, Commissioner. In fact, what we have  
13 talked about with the Company, for purposes of going back  
14 and doing these supplemental measurements, is that, when  
15 the conditions which need to line up have been anticipated  
16 by the professionals doing the test, we're actually going  
17 to then notify -- we're going to try to get the consent up  
18 front, which we anticipate we'll be able to get. When the  
19 conditions that will enable the test to go forward exist  
20 within that 60-day window, you probably know that a day or  
21 two in advance, at that point we'll be calling the  
22 affected landowner to let them know they're going to be  
23 out there to do those measurements within the anticipated  
24 period. So, we had thought about how we would actually do

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1 that.

2 CMSR. IGNATIUS: Thank you.

3 CHAIRMAN BURACK: Are there other  
4 questions for Attorney Pfundstein? Mr. Scott.

5 DIR. SCOTT: Good morning. I just want  
6 to clarify. So, from your earlier testimony, what I was

7 going to ask you before you testified earlier was, it  
8 sounds like, from your January 19th letter to Commissioner  
9 Burack, that you were voluntarily moving ahead and doing  
10 extra sound measurements. But a few moments ago you  
11 anticipated that we would issue an order requiring you to  
12 do that. Are you waiting for an order from us or is that  
13 something you'll be doing regardless?

14 MR. PFUNDSTEIN: If it's the consensus  
15 of the Committee that you would like us to just go ahead  
16 as we had suggested, we will certainly go ahead and do  
17 that. I don't think we have to wait for an order. If --  
18 we did not, I mean, before arriving here this morning, we  
19 really didn't know how the Committee would react. So, we  
20 figured we'd come, we'd listen to the questions, and then  
21 decide exactly how to proceed. But we can certainly go  
22 ahead as we outlined, if that's what the Committee would  
23 like us to do.

24 CHAIRMAN BURACK: Further discussion?

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1 Attorney Below -- Commissioner Below.

2 CMSR. BELOW: Thank you, Mr. Chairman.  
3 In your letter, you offered to take supplemental  
4 measurements at the recommended distance from her  
5 residence and the NSA 4 Residence, assuming consent can be  
6 obtained. Would you also make a measurement at one of the  
7 same points that you did the previous measurements, so  
8 that there could be a comparison between your sort of  
9 standard reference points that you used in the public  
10 right-of-way with the residence? So that, in the future,  
11 if you're just measuring in the public right-of-way, there

12 could be a sense of how it compares to the measurement  
13 under the same conditions at the residence?

14 MR. JONES: Yes. No, I understand that.  
15 Yes. No, that's definitely something we can do. And,  
16 that would be a good idea. I think that's a very good  
17 idea. We'll put that in our procedure.

18 CMSR. BELOW: Okay. Well, with that  
19 point, I think that I would like to make a motion that we  
20 accept the response of the Tennessee Gas Pipeline Company  
21 in their letter of January 19th and their offer to seek to  
22 take supplemental measurements, provided that necessary  
23 landowner consents can be obtained with the additional  
24 benchmarking measurement to an existing measurement

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1 location included.

2 CHAIRMAN BURACK: And, we would do that  
3 in the form of an order, is that --

4 CMSR. BELOW: Well, if we accept the  
5 motion, I guess that could also be put in an order. I  
6 personally don't care whether it's an order, per se, but  
7 --

8 CHAIRMAN BURACK: My thinking is that it  
9 may be helpful just for the public record in this matter  
10 --

11 CMSR. BELOW: Okay.

12 CHAIRMAN BURACK: -- that it be in the  
13 form of an order, so that there's a clear record out there  
14 for all.

15 CMSR. BELOW: Sure. Sure.

16 CHAIRMAN BURACK: So, if you like to

17 make that in the form of a motion, then we can see if  
18 there is a second?

19 CMSR. BELOW: Okay. Would you -- I'd be  
20 happy to add that to the motion. Would you like me to  
21 restate that?

22 CHAIRMAN BURACK: Would you like?

23 CMSR. BELOW: Okay.

24 CHAIRMAN BURACK: Mr. Scott, did you  
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1 have something else you wanted to raise before we --

2 DIR. SCOTT: I wanted to perhaps offer  
3 an obvious amendment, I suppose, and those results be  
4 reported back to us?

5 CMSR. BELOW: Yes.

6 DIR. SCOTT: And, if that is the case, I  
7 would second that.

8 CMSR. BELOW: Okay.

9 CHAIRMAN BURACK: Would you like to  
10 restate your motion?

11 CMSR. BELOW: Sure.

12 MR. KNEPPER: I wouldn't mind amending  
13 it, too. So, --

14 CHAIRMAN BURACK: Mr. Knepper, what else  
15 would want to see?

16 MR. KNEPPER: Well, I'd like to make  
17 sure it's done when this -- this station is now in  
18 operation, and they know when it's going to be running.  
19 So, when it's done during, you know, operation, I would  
20 assume like today is a perfect day, and I'm assuming it's  
21 running today. But they know ahead of time, based on

22 weather and load and what's ordered, so that it's done  
23 when under actual conditions of what, you know, the  
24 residents would hear.

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1 MR. JONES: Oh, absolutely. Absolutely,  
2 yes.

3 CMSR. BELOW: I think that that kind of  
4 condition is outlined in their letter. So, I think that  
5 is implicit, actually, it may be explicit in their letter,  
6 describing what conditions they would need to do the  
7 testing.

8 MR. KNEPPER: Yes. I think that, under  
9 December 10th, I don't think those were the conditions in  
10 which --

11 CMSR. BELOW: Okay. I see what you  
12 mean.

13 MR. KNEPPER: -- which was when the  
14 tests were taken. It was kind of -- was it full running  
15 for load and --

16 MR. JONES: Oh, absolutely, yes.

17 MR. KNEPPER: It was?

18 MR. JONES: Absolutely. Absolutely.

19 MR. KNEPPER: Hmm. Okay.

20 CHAIRMAN BURACK: Any other thoughts  
21 from any members that would inform a motion on this  
22 subject?

23 (No verbal response)

24 CHAIRMAN BURACK: If not, Commissioner

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1 Below, would you like to state a motion?

2 CMSR. BELOW: Okay. Just one moment  
3 please.

4 CHAIRMAN BURACK: Certainly.

5 CMSR. BELOW: Okay. I move that the  
6 Site Evaluation Committee accept the response of Tennessee  
7 Gas Pipeline Company as outlined in their letter of  
8 January 19th, 2010 to the Committee, and accept their  
9 offer to perform supplemental measurements, sound tests  
10 within the recommended distance from the residence of  
11 Ms. Desrosiers and the NSA 4 Residence, provided that the  
12 necessary landowner consents can be obtained, and that the  
13 tests be performed as described, under actual full  
14 operating conditions, in their January 19th letter. And,  
15 that the test include at least one reference point to an  
16 existing test or the prior test location, and that  
17 responses be reported back to the Committee, and that the  
18 Committee issue an order memorializing this motion.

19 CHAIRMAN BURACK: Is there a second?

20 DIR. SCOTT: Second.

21 CHAIRMAN BURACK: Seconded by Mr. Scott.  
22 Any discussion of the motion?

23 (No verbal response)

24 CHAIRMAN BURACK: If not, all in favor  
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1 please raise your hand?

2 (Multiple members indicating by show of  
3 hands.)

4 CHAIRMAN BURACK: Any opposed?

5 (No show of hands indicated.)

6 CHAIRMAN BURACK: The motion is  
7 unanimous. Thank you. So, that order will be issued.  
8 And, the understanding is that, based on the motion, that  
9 we would expect the work to be completed within 60 days?

10 CMSR. BELOW: Yes.

11 CHAIRMAN BURACK: Because that's the  
12 representation made in the letter. So, 60 days from the  
13 date of the order is when we would expect results back.  
14 And, obviously, if there are any difficulties that arise  
15 in meeting that deadline, we would hope you would inform  
16 us promptly.

17 MR. PFUNDSTEIN: Thank you,  
18 Mr. Chairman.

19 CHAIRMAN BURACK: Thank you. Is there  
20 anything further relating to Tennessee Gas from any  
21 members of the Committee?

22 (No verbal response)

23 CHAIRMAN BURACK: Attorney Pfundstein,  
24 anything else you wish to bring to our attention at this

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1 time with respect to your client's matter?

2 MR. PFUNDSTEIN: No, Mr. Chairman.

3 CHAIRMAN BURACK: Very good. Just want  
4 to confirm Ms. Desrosiers has not appeared, no one on her  
5 behalf is here?

6 (No verbal response)

7 CHAIRMAN BURACK: Very well. Thank you.  
8 With that, we will adjourn this proceeding of the Site  
9 Evaluation Committee, and take a very brief break while we  
10 allow people to set up for the second matter. Thank you.

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11 (Whereupon the hearing regarding SEC  
12 Docket No. 2008-02 was adjourned at  
13 10:29 a.m.)  
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