

1 **STATE OF NEW HAMPSHIRE**

2 **SITE EVALUATION COMMITTEE**

3 **October 25, 2012** - 10:13 a.m.

4 Public Utilities Commission

5 21 South Fruit Street

6 Suite 10

7 Concord, New Hampshire

8 In re: **SITE EVALUATION COMMITTEE:**
9 **DOCKET NO. 2012-01: Application**
10 **of Antrim Wind, LLC, for a**
11 **Certificate of Site and Facility**
12 **for a 30 MW Wind Powered Renewable**
13 **Energy Facility to be Located in**
14 **Antrim, Hillsborough County,**
15 **New Hampshire.**
16 **(Prehearing Conference)**

17 **PRESENT:**

18 Michael J. Iacopino, Esq. Counsel for the Committee
19 (Presiding) (Brennan Caron Lenahan & Iacopino)

20 Christina Munroe, Legal Assistant (Brennan Caron Lenahan...)

21 **COUNSEL FOR THE PUBLIC:** Peter C. L. Roth, Esq.
22 Senior Asst. Atty. General
23 N.H. Attorney General's Office

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

APPEARANCES:**Reptg. Antrim Wind, LLC:**

Susan S. Geiger, Esq. (Orr & Reno)
Douglas L. Patch, Esq. (Orr & Reno)
Rachel A. Goldwasser (Orr & Reno)

Reptg. Antrim Board of Selectmen:

Galen Stearns, Town Administrator
John Robertson, Selectman

Reptg. the Harris Center for Cons. Edu.:

Stephen Froling, Esq.

Reptg. Antrim Planning Board:

Martha Pinello, Member

Reptg. Audubon Society of New Hampshire:

Amy Manzelli, Esq. (BMT)

Reptg. Industrial Wind Action Group:

Lisa Linowes

Reptg. Appalachian Mountain Club:

Kevin Kimball, Director/Research

Reptg. Antrim Conservation Commission:

Peter Beblowski, Chairman

Reptg. Richard Block and Lorraine Block:

Richard Block, *pro se*
Lorraine Block, *pro se*

I N D E X

PAGE NO.

ITEM:	ORDER OF EXAMINATION	10
ITEM:	ORDER OF PRESENTATION OF WITNESSES	17
ITEM:	APPLICANT'S PRESENTATION OF WITNESSES	24
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF APPLICANT'S WITNESSES	27
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF COUNSEL FOR THE PUBLIC'S WITNESSES	36
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF LISA LINOWES (IWAG)	39
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF ANTRIM PLANNING BOARD'S WITNESSES (Pinello & Levesque)	41
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF NORTH BRANCH GROUP'S WITNESSES (R. Block/L. Block/Voelcker~Cleland~Law/Morse/James)	43
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF GEOFFREY JONES (Stoddard Conservation Comm.)	51
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF PETER BEBLOWSKI (Antrim Conservation Commission)	57
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF AUDUBON SOCIETY OF N.H.'S WITNESSES (Foss/Von Mertens/Nickerson/Brown)	58
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF ABUTTERS GROUP'S WITNESSES (Longgood/Schaefer/Craig)	61
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF KATHARINE SULLIVAN	64
ITEM:	GREGG LAKE ASSOCIATION	65

I N D E X

PAGE NO.

ITEM:	AMC WITNESS (Kenneth Kimball)	65
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF KENNETH KIMBALL (AMC)	67
ITEM:	ESTIMATION OF TIME FOR CROSS-EXAMINATION OF EDWARDS/ALLEN PANEL	68
ITEM:	DISCUSSION REGARDING THE PRESENTATION OF TESTIMONY BY WITNESSES (i.e. direct, rebuttal, etc.)	70
ITEM:	ORDER OF PRESENTATION OF WITNESSES AFTER THE PRESENTATION OF THE APPLICANT'S WITNESSES	81
ITEM:	CUMULATIVE AMOUNT OF TIME FOR CROSS-EXAMINATION FOR THE APPLICANT'S WITNESSES	88
ITEM:	TENTATIVE DATES FOR FURTHER HEARING DAYS	90
ITEM:	DAILY HEARING SCHEDULE (end time, etc.)	92
ITEM:	DISCUSSION RE: CONFIDENTIAL SESSION	95
ITEM:	MOTION BY AUDUBON SOCIETY REGARDING LATE-FILED SUPPLEMENTAL TESTIMONY	97
ITEM:	DISCUSSION RE: FURTHER SCHEDULING ISSUES	99

P R O C E E D I N G

MR. IACOPINO: Okay. Let's get it rolling here. Good morning, everybody. We are here in Site Evaluation Committee Docket Number 2012-01, the Application of Antrim Wind Energy, LLC. We're here today for a prehearing conference. My name is Michael Iacopino. I am Counsel to the Committee, and been assigned to oversee this prehearing conference. To my left is my assistant, Tina Munroe. Tina is here primarily to assist me in, when we get to the task of marking the exhibits and moving them from this room to the next hearing room, to the next hearing room, to the next one. So, that's why she is here today.

Before I get everybody on the record with appearances, I just want to give you a general outline of what I hope to accomplish today and the order in which I hope to accomplish it. We need to determine today what the order of presentation of each party's case is going to be. Obviously, we begin with the Applicant, because the Applicant has the burden of proof. But we then have to determine what the order of presentations are going to be thereafter. We also need to determine the order of explanation that's going to be used with this large number of parties. We need to identify the

1 witnesses today, and I identify how they will be
2 testifying. Whether they are witnesses that are going to
3 be -- have to testify on their own or whether they can be
4 put forward as a panel.

5 We're going to ask, with respect, once
6 we've identified the witnesses, I'm going to go around the
7 room, hopefully, in the same order every time, and ask
8 each party how much time they expect to spend with that
9 witness or that panel of witnesses on cross-examination.
10 It's not a promise that you're making. Everybody realizes
11 that it may be more, it may be less, given the
12 circumstances at the time of the hearing. But give me
13 your best estimate as it exists today, and we understand
14 if it doesn't turn out to be that way.

15 After we've done that, I'm going to deal
16 with any outstanding -- well, we'll identify any
17 outstanding motions, any issues, see if there is any
18 dispute regarding any of those outstanding motions or
19 issues. And, when I say "issues", I don't mean
20 substantive issues of how the Committee is going to rule
21 on this, but issues in terms of the conduct of the
22 hearing.

23 And, then, from there, we will move in
24 to getting the exhibits marked. I did send out an e-mail

1 to all of the parties, I hope I got all of the parties,
2 with sort of my idea as to how I would like to see the
3 exhibits marked. I've taken -- yesterday I had
4 approximately 40 emails regarding this, and I've already,
5 before this hearing today, had three or four phone calls,
6 and I'm sorry if I wasn't as clear as could be. Although,
7 most of you who responded, at least by e-mail and
8 overnight, did a pretty good job. So, thank you.

9 So, what I'm going to do now is I'm just
10 going to go around the room, starting with Counsel for the
11 Public, and taking appearances. We'll go to Counsel for
12 the Public first, and then the Applicant thereafter, and
13 then around the room.

14 MR. ROTH: Good morning, Mike. Peter
15 Roth, Counsel for the Public.

16 MR. IACOPINO: Ms. Geiger.

17 MS. GEIGER: Yes. Good morning. Susan,
18 Geiger, Doug Patch, and Rachel Goldwasser, from the law
19 firm of Orr & Reno, on behalf of Antrim Wind Energy, LLC.
20 And, with me today is Jack Kenworthy, from Antrim Wind.

21 MR. IACOPINO: Thank you. Ms. Pinello.

22 MS. PINELLO: Martha Pinello, Antrim
23 Planning Board.

24 MR. IACOPINO: Is Mr. Levesque expected

1 today?

2 MS. PINELLO: No, he is not.

3 MR. IACOPINO: Okay. Mr. Beblowski.

4 MR. BEBLOWSKI: Peter Beblowski, Antrim
5 Conservation Commission.

6 MR. IACOPINO: Mr. Froling.

7 MR. FROLING: Stephen Froling, Harris
8 Center for Conservation Education.

9 MS. MANZELLI: Do I need a mike?

10 MR. IACOPINO: Yes, if you could.

11 MS. MANZELLI: Yes. Okay. That's fine.
12 Good morning. Amy Manzelli, for New Hampshire Audubon,
13 here with Carol Foss and Paul Nickerson.

14 MR. IACOPINO: Are there any other
15 parties in the cheap seats there?

16 (No verbal response)

17 MR. IACOPINO: Okay. Mr. Block.

18 MR. BLOCK: Richard Block, and also
19 Lorraine Carey Block, here for the North Branch Group of
20 intervenors.

21 MR. IACOPINO: Thank you. Mr. Stearns.

22 MR. STEARNS: Galen Stearns, Town
23 Administrator for Antrim, representing the Board of
24 Selectmen. And, with me is John Roberston, Selectman.

1 MR. IACOPINO: Ms. Linowes.

2 MS. LINOWES: I'm Lisa Linowes, with the
3 Industrial Wind Action Group.

4 MR. IACOPINO: Dr. Kimball.

5 MR. KIMBALL: Kenneth Kimball, with the
6 Appalachian Mountain Club.

7 MR. IACOPINO: Okay. And, I did receive
8 phone calls from Geoff Jones, of Stoddard Conservation
9 Commission, telling me that he would not be able to make
10 it, and he sent his exhibits with Mr. Block. I also spoke
11 with Ms. Longgood, from the Abutters Group of Longgood,
12 Schaefer, and Craig, she was not going to be able to make
13 it today. And, I believe she emailed me her exhibits last
14 night. We'll talk about those when we get to the
15 exhibits. And, I did speak with Mary Allen, who also
16 could not be here today. She indicated that, actually,
17 Mr. -- her husband did drop off her exhibits, though,
18 today. She had indicated that Mr. Block would do it, but
19 her husband dropped them off.

20 So, I think that -- and, I have not
21 heard from Katharine Sullivan or Gregg Lake Association.
22 I don't know, just out of curiosity, Peter or Susan, have
23 either of you heard from either of those two intervenors?

24 MR. ROTH: No, sir.

1 MS. GEIGER: No.

2 MR. IACOPINO: Has anybody else heard
3 from Gregg Lake Association or Katharine Sullivan?

4 MS. BLOCK: I thought Katharine was
5 going to be here today. But, obviously, she's not here.

6 MR. IACOPINO: Okay. All right. Why
7 don't we -- let's address something that's fairly easy
8 first, to get rolling. It's not exactly in the order that
9 I gave. But I think that perhaps it would be best to
10 address the order of examination. We know that the
11 Applicant's witnesses are going to be put on -- are going
12 to be tendered first. After the Applicant tenders its
13 witnesses, we then have to determine the order of
14 examination by the parties. And, we are happy to listen
15 to what you all have to say about how you would like that
16 order to go. In the past, it's been fairly traditional
17 that Counsel for the Public has batted clean-up, in other
18 words, gone last. And, I, you know, I think that
19 generally works well.

20 But, as between the tendering of the
21 witnesses, up to -- and unless you object to going last,
22 Peter?

23 MR. ROTH: No.

24 MR. IACOPINO: Okay. The order of the

1 parties, in terms of between the tendering of the witness
2 and Counsel for the Public, is -- I think we should maybe
3 take care of that first, because that should be pretty
4 easy.

5 First of all, let me turn to Counsel for
6 the Public. Did you have any particular order before you
7 that you preferred?

8 MR. ROTH: In what respect?

9 MR. IACOPINO: In terms of the order
10 of --

11 MR. ROTH: Who went ahead of me?

12 MR. IACOPINO: Yes.

13 MR. ROTH: No, I don't care.

14 MR. IACOPINO: Okay. Applicant, does
15 the Applicant have any particular order?

16 MS. GEIGER: No.

17 MR. IACOPINO: No. Ms. Linowes, where
18 would you like to be?

19 MS. LINOWES: I'm trying to understand.
20 Are you talking about --

21 MR. IACOPINO: Just for examination of
22 the Applicant's witnesses.

23 MS. LINOWES: The order in which the
24 people ask questions.

1 MR. IACOPINO: Right, for
2 cross-examination. In other words, the witnesses will get
3 up there, their prefiled testimony will be entered and
4 they'll be sworn in, -- and then tendered for examination.

5 MS. LINOWES: Okay.

6 MR. IACOPINO: -- and then tendered for
7 examination. And, --

8 MS. LINOWES: I have -- I'm fine. I
9 think it works well when I go before Peter, so towards the
10 end. But, other than that, it doesn't matter.

11 MR. IACOPINO: All right. Well, what
12 I'm going to suggest is this: There are some parties who
13 throughout have less questions than others, I'm going to
14 see if we can have them go first. So, I think we'll have
15 the Harris Center goes first, he's volunteering back
16 there. Okay. Mr. Beblowski, do you intend to be here for
17 the entire --

18 MR. BEBLOWSKI: Not for the entire. So,
19 I'd be glad to go second.

20 MR. IACOPINO: Okay.

21 MR. BEBLOWSKI: That would speed things
22 up.

23 MR. IACOPINO: We'll put you in second.
24 How about Mr. Stearns, do you expect to be asking

1 questions?

2 MR. STEARNS: A few, but not many.

3 MR. IACOPINO: And, how about the
4 Planning Board?

5 MS. PINELLO: We'd be fine following
6 after the Board of Selectmen, yes.

7 MR. IACOPINO: Okay. All right. So,
8 we'll do the Town of Antrim third, Planning Board fourth.
9 I don't believe that Mr. -- Actually, you know what?
10 We're going to do the Stoddard Conservation Commission
11 third, Town of Antrim fourth, and -- because I spoke with
12 Mr. Jones, I don't think he plans on being here for the
13 entire time either, and I don't think he's going to be
14 asking a lot of questions.

15 Okay. So, that leaves us at that point
16 with --

17 MS. GEIGER: Mike, may I interrupt
18 please --

19 MR. IACOPINO: Sure.

20 MS. GEIGER: -- for a quick question
21 about Mr. Jones. Does he understand that he needs to be
22 here to proffer his prefiled testimony and subject himself
23 to cross?

24 MR. IACOPINO: Yes. And, I think we're

1 going to address some of that today, because I spoke with
2 him this morning about whether he was going to testify in
3 a panel with others or not.

4 MS. GEIGER: Okay.

5 MR. IACOPINO: Because he's contributed
6 to another testimony, as well as given his own.

7 MS. GEIGER: Okay. Thank you.

8 MR. IACOPINO: So, that's an issue that
9 we'll address with Mr. Block, because it's part of his
10 witnesses as well. So, we'll address that when we get to
11 that part of it. But I don't expect him to be here doing
12 a lot of examining of witnesses. So, we'll put him right
13 after the Antrim Conservation Commission.

14 So, how about the Audubon Society? I
15 know that you have some specific issues.

16 MS. MANZELLI: We can be slated next.
17 That will be fine.

18 MR. IACOPINO: Okay. So, we'll put you
19 in as next.

20 MR. ROTH: Next where?

21 MR. IACOPINO: After the Antrim Planning
22 Board. So far, we've got Harris Center, Antrim
23 Conservation Commission, Stoddard Conservation Commission,
24 Town of Antrim, Antrim Planning Board, Audubon Society.

1 We'll talk about the Abutters Group in a minute. We may
2 put them in right after the Harris Center, too. I don't
3 know. And, then, I'm going to put Edwards and Allen as
4 next, they being seventh in the line-up. And, then, what
5 I'm trying to do is, obviously, there are certain parties
6 that have had far more questions and have issues in far
7 more areas than others, so I'm trying to load them up
8 towards the end, so we get all the really complicated
9 stuff together.

10 So, Edwards/Allen is in seventh
11 position. And, then, Mr. Block would that be a good place
12 for North Branch, followed by Industrial Wind, and then
13 followed by --

14 MR. BLOCK: Possibly. Yeah, I think
15 Katharine Sullivan wanted to go, I think she probably will
16 be brief, and she could be fairly early on, I would think.

17 MR. IACOPINO: All right. Let's hold
18 Ms. Sullivan and the Longgood Group off for a second, and
19 we'll plug them in, okay?

20 MR. BLOCK: Now, in terms of our group,
21 I know Richard Jones is driving from Michigan --

22 MS. BLOCK: No.

23 MR. BLOCK: Richard -- I'm sorry.

24 MS. BLOCK: James.

1 MR. BLOCK: Richard James is driving
2 from Michigan. So, the earliest he can be here is
3 Wednesday afternoon.

4 MR. IACOPINO: Okay. But we're talking
5 just about the order of examination right now.

6 MR. BLOCK: The examination questions,
7 we're going to be here all week. So, we're flexible.

8 MR. IACOPINO: Right. And, you're the
9 spokesperson for your group. So, you'll be doing the
10 questioning, correct?

11 MR. BLOCK: Yes.

12 MR. IACOPINO: Okay. So, we'll put you
13 in eighth, followed by the Industrial Wind Action Group,
14 followed by Counsel for the Public. And, what I'm going
15 to do is put Katharine Sullivan in second in the order --
16 I'm sorry, not second, fourth, after the Stoddard
17 Conservation Commission. And, I'm going to put Ms.
18 Longgood in before the Planning Board, sorry -- I'm sorry,
19 in fifth, before the -- yes, before the Planning Board.
20 So that the order will go Harris Center, Antrim
21 Conservation Commission, Strafford Confirmation --
22 "Confirmation" -- Conservation Commission --

23 MR. PATNAUDE: Stoddard.

24 FROM THE FLOOR: Stoddard.

1 MR. IACOPINO: Stoddard, sorry. I do
2 that all the time, I don't know why. Katharine Sullivan
3 fourth, Janice Longgood fifth, Town of Antrim would be
4 sixth, Planning Board would be seventh, Audubon would be
5 eighth, Edwards/Allen ninth, North Branch tenth,
6 Industrial Wind eleventh, and Counsel for the Public
7 batting clean-up. It's a long batting order. Okay.
8 That's the easy part.

9 Does it make any sense to, generally,
10 and I understand that we may have issues about the
11 scheduling of certain witnesses, but does it make sense to
12 generally do the same order for the presentation by the
13 parties? To me it does, but I don't know if it does to
14 you all. Aside from the fact that, you know, some,
15 obviously, some of these parties don't have any witnesses.
16 But does it -- does that make sense to everybody? Does
17 anybody have any objection to that?

18 MR. ROTH: It's sort of an objection. I
19 have two witnesses, maybe three -- maybe all three of my
20 witnesses would like to be here during the presentation of
21 the Applicant's witnesses. And, to have them then sit
22 around and wait for the rest of the week to be on the
23 stand would be problematic.

24 MR. IACOPINO: All right. All right,

1 let's do this then, because that makes sense. Let's
2 switch gears. Let's identify the witnesses and get an
3 idea on how long we're going to spend with each of them.

4 MR. ROTH: As you remember last time,
5 poor Trevor had the same shirt for three days.

6 MS. LINOWES: Excuse me, Mike? Before
7 we go into the witnesses and the number of minutes for
8 each, I'm wondering if you would consider organizing the
9 presentations based on topic? And, I don't remember if we
10 did that before. But it works very well where you have
11 one day or one period of a day dedicated to noise, one
12 period dedicated to economics, and another on
13 environmental. And, then, it's a little bit odd, but you
14 would have the Applicant present its witnesses, and then
15 the other corresponding witnesses will come after. And,
16 that would give -- the topic would be clear in everyone's
17 mind, rather than have a split.

18 MR. IACOPINO: The concern that I have
19 about that is that there are several witnesses that have
20 -- that would testify in maybe two, three or four times,
21 such as you, because you have testimony to present with
22 respect to different aspects of the Project. And, that
23 makes for an unusual, if not hard-to-follow, record.

24 MS. LINOWES: I appreciate that. And, I

1 wasn't even thinking of that. I was thinking of the
2 invited witnesses. So, I really didn't think of myself
3 getting up there testifying regarding noise. It's really
4 for the purpose of cross-examination.

5 MR. IACOPINO: So, you're talking about
6 more the consultants and experts?

7 MS. LINOWES: Correct.

8 MR. IACOPINO: What do the other parties
9 think about that? Susan.

10 MS. GEIGER: Well, with respect to the
11 visual issue, visual or aesthetics impact issue, I mean,
12 we have -- I raised this subject at the last prehearing or
13 tech session that we had, that Mr. Guariglia is unable to
14 be here next week until Friday. So, I wouldn't have any
15 problem with, you know, on the issue of visuals. I think
16 we're going to have mostly Ms. Vissering, and perhaps Mr.
17 Block --

18 MR. FROLING: Susan, could you turn on
19 your microphone or speak louder?

20 MS. GEIGER: I'm sorry. I'm just
21 talking about the issue -- the issue presented by having
22 Mr. Guariglia available only on Friday. But, generally
23 speaking, I agree with you, Mike, that I think it should
24 go by witnesses, as opposed to topics.

1 MR. IACOPINO: All right. Well, I'm
2 just trying to think in my head what the topical witnesses
3 are. We have, for Counsel for the Public, we have a sound
4 expert, a visual impacts, and an avian expert. For Mr.
5 Block, we have the Susan Morse testimony, and -- there's
6 just not a lot of it, Lisa. I think it's just cleaner to
7 do it by party, because there's just not -- there's not
8 really a lot, it's really just Public Counsel and the
9 Applicant. And, then, however, Mr. Block is going to
10 present Susan Morse, in that -- if it's as a panel.

11 MS. LINOWES: Because, what I'm thinking
12 is, that there is going to be a lot of testimony regarding
13 noise, a lot of testimony regarding environmental, and a
14 lot of noise [sic] regarding visual. And, there are
15 multiple witnesses. So, if the parties -- multiple
16 witnesses from -- or, different parties are bringing their
17 own witnesses. So, each one of those can be -- noise can
18 be a whole day and a half. I could easily see where that
19 might happen, or at least a full day, and the same with
20 the environmental even more.

21 So that, to break up the discussion, it
22 would be -- I think it would be more efficient for the
23 Committee to do that. But, so, I appreciate that not all
24 the topics have multiple witnesses, but three of them, at

1 a minimum, do; noise, visuals, and environmental.

2 MR. ROTH: Mike, I guess, --

3 MR. IACOPINO: Yes.

4 MR. ROTH: -- in terms of -- in general,
5 I don't really care. But what I would object to is, for
6 example, having Jean Vissering appear before Mr. Guariglia
7 has testified.

8 MR. IACOPINO: Oh, no question it has
9 to --

10 MR. ROTH: So, in a way, we're sort of
11 doing a hybrid here. Where we're going to group the
12 visuals for the end of week, and somehow cram them all
13 into one day. And, --

14 MR. IACOPINO: Well, that's another
15 issue we're going to be addressing, whether we're going to
16 be done next week as well. But -- all right. Mr. Block.

17 MR. BLOCK: I concur with Lisa, in that
18 we only have, essentially, the two real issues, and that's
19 the wildlife and the sound, the noise. And, both of those
20 I would like to see, if possible, put together with or
21 immediately following the other presentations on those
22 topics.

23 MR. IACOPINO: I think, as a practical
24 matter, that may be what happens with the visual, because

1 of the -- if Mr. Guariglia cannot be here till Friday,
2 you're not going to put Ms. Vissering on before him.

3 MR. ROTH: No.

4 MR. IACOPINO: So, as a practical
5 matter, assuming everything else got done in the four days
6 preceding, they would be presumably the last two
7 witnesses.

8 So, I think what we're going to do, is
9 we're going to do it by party, with that understanding,
10 that at least the visual will appear to be on the same day
11 and in a block. As we go through this, it may work out
12 that some of the other ones do, too, depending upon
13 availability issues. And, --

14 MR. ROTH: Mike, do any of the other
15 parties have testimony on visual impacts that they're
16 going to present and does that have to be --

17 MR. IACOPINO: I'm sure, Mr. Block, I'm
18 sure you're going to -- well, you've discussed it in your
19 prefiled. But what we were doing is we were really sort
20 of carving out the experts and consultants for that. Not
21 that his testimony will not be listened to or considered,
22 but we were thinking, I think what Lisa was saying is
23 that, with the parties, she wasn't actually thinking of
24 them coming on. Like, she wasn't thinking she would come

1 and testify after each, after visual, after sound, after
2 environmental. You know what I'm saying? She was
3 thinking the parties just would go in order. So, --

4 MR. ROTH: In terms of the dynamic of a
5 witness with testimony and being subject to cross on a
6 particular topic, like, for example, if Mr. Block is going
7 to -- has testified about visual impacts, I don't know
8 that the issue should matter whether he's an expert or
9 not. And, in fact, if he is going to be cross-examined
10 about that issue, it should probably come after Mr.
11 Guariglia as well.

12 MR. IACOPINO: Oh, I agree that the
13 designation of an expert doesn't mean a whole -- a whole
14 lot. But, sort of as what was on the table, what was
15 being suggested by Lisa, was that, I mean, like she
16 referred to them as the "invited witnesses". But, really,
17 what I think she meant is the people who were -- who have
18 been paid to come and do a study, and come in and do them,
19 sort of set them up in what I call the "Judge Barbadoro
20 fashion". Where you get both experts up there and have
21 them, basically, debate, a little bit different than that.

22 But I think that -- I think it's going
23 to happen with respect to visual. I'm more inclined to go
24 the traditional method. And, as we go through, it may

1 turn out that, just because of timing, some of that occurs
2 anyway, Lisa. But, at this point, I think there's just
3 too many variables and too many people to really try to
4 choreograph -- to choreograph that. We know that at least
5 one witness for the Applicant, the visual expert, will
6 have to be taken out of order. We know that Ms. Vissering
7 will not go on before him. So, we know that, assuming, on
8 Friday, we're doing visual, and those two experts will
9 testify on that day.

10 But, with respect to the rest of them, I
11 think we should probably just do it in the more
12 traditional manner. My guess is that, you know, there
13 will be some overlap, but just because of scheduling and
14 things.

15 So, I have the witnesses from the
16 Applicant. Let me tell you who I have as witnesses. And,
17 actually, Susan had emailed me and told me how she
18 proposes to present them. Jack Kenworthy -- this, Susan,
19 I'm sorry, your email was in the order that you were going
20 to present them, is that correct?

21 MS. GEIGER: That's right. Except I've
22 just been informed this morning that Mr. Pasqualini has
23 had surgery, and he's going to be at Mass. General on
24 Monday. And, so, we've listed him and his panel as third.

1 And, I just want to make sure that -- we may need to
2 reverse the order or put Mr. High ahead of the
3 Cofelice/Pasqualini panel, because we don't -- we're not
4 entirely sure that Mr. Pasqualini is going to be out of
5 the hospital Monday afternoon. So, --

6 MR. IACOPINO: All right. Let me go
7 through what I understand your order of witnesses to be
8 then. Your first witness is going to be Jack Kenworthy.

9 MS. GEIGER: Yes.

10 MR. IACOPINO: You're proposing to
11 present him alone. Your second witness would be a panel,
12 consisting of Mr. McCabe, Mr. Segura-Coto, and Mr. Wright,
13 do I have that right?

14 MS. GEIGER: Ms. Wright.

15 MR. IACOPINO: Ms. Wright, I'm sorry.
16 Your third presentation was going to be the Pasqualini and
17 Cofelice panel, but that may be a problem.

18 MS. GEIGER: Right. So, I think, to be
19 on the safe side, we should put Mr. High as number three.

20 MR. IACOPINO: Okay. And, he is alone?

21 MS. GEIGER: Correct.

22 MR. IACOPINO: Followed by Mr.
23 Magnusson, followed by Will and Steven --

24 MS. GEIGER: I think we would put, I

1 think, Cofelice and Pasqualini, because I honestly don't
2 think we're going to get done with the Kenworthy -- Mr.
3 Kenworthy, the McCabe panel, and Dr. High all on Monday.
4 I mean, --

5 MR. IACOPINO: So, you would just
6 switch, you would put Mr. High before Cofelice and
7 Pasqualini, and then --

8 MS. GEIGER: With the understanding that
9 Cofelice and Pasqualini can't go on until Tuesday.

10 MR. IACOPINO: Okay. All right. So,
11 the order then would be Kenworthy, the
12 McCabe/Segura/Wright panel, Colin High, then the
13 Cofelice/Pasqualini panel as fourth, Mr. Magnusson fifth,
14 the Will and Stevenson panel, they're historic, right?

15 MS. GEIGER: Correct.

16 MR. IACOPINO: Okay. And, then, Butler
17 and Martin panel. And, then, is it "Valleau"?

18 MS. GEIGER: "Valleau".

19 MR. IACOPINO: Valleau and Gravel panel.

20 MS. GEIGER: Uh-huh.

21 MR. IACOPINO: And, then, O'Neal and
22 Guariglia. You didn't have them as a panel, did you?

23 MS. GEIGER: No.

24 MR. IACOPINO: I didn't think so. So,

1 followed -- so, Robert O'Neal -- Rob O'Neal would be a
2 sole witness, and then Mr. Guariglia, who cannot be here
3 till Friday.

4 MS. GEIGER: Correct.

5 MR. IACOPINO: Okay. What I'd like to
6 do is just go through, the people who are here, and ask
7 you, with respect to these witnesses, how much time you
8 think you will spend with them. And, let me do it in the
9 order we decided to do the examination.

10 Harris Center, are you expecting to ask
11 any questions of any of the Applicant's witnesses?

12 MR. FROLING: At present, no.

13 MR. IACOPINO: Okay.

14 MR. FROLING: But I would like to
15 reserve the right to do that, if something comes up.

16 MR. IACOPINO: That's not a problem,
17 this is just a prediction. I understand. Mr. Beblowski?

18 MR. BEBLOWSKI: Maybe one or two.

19 MR. IACOPINO: Okay. Mr. Jones is not
20 here. Mr. Stearns?

21 MR. STEARNS: No.

22 MR. IACOPINO: Martha?

23 MS. PINELLO: We have a few.

24 MR. IACOPINO: Okay. Have any idea --

1 let me just go through their witnesses again, you tell me
2 which ones you think you may have some questions for,
3 okay? Mr. Kenworthy?

4 MS. PINELLO: Not at this time.

5 MR. IACOPINO: Okay.

6 MS. PINELLO: But, possibly, let me just
7 add that.

8 MR. IACOPINO: The
9 McCabe/Segura-Coto/Wright panel?

10 MS. PINELLO: You know, it might be
11 helpful for you if I just went directly to it.

12 MR. IACOPINO: Okay. Tell me who?

13 MS. PINELLO: Okay. The historic
14 preservation ones.

15 MR. IACOPINO: Okay. How much time do
16 you think you will spend with that panel?

17 MS. PINELLO: Not much time at all.

18 MR. IACOPINO: Can you give me an
19 estimate, in terms of minutes? Hours? Days?

20 MS. PINELLO: Oh, okay. I would say 15
21 to 20 minutes.

22 MR. IACOPINO: Okay. Any others not?

23 MS. PINELLO: Not at this time.

24 MR. IACOPINO: And, like I said, please

1 don't, you know, if we get to the hearing, and you have a
2 question, even though you said you didn't today, that's
3 fine. We're still going to go through that order of
4 examination. I don't want anybody to be -- to think that,
5 you know, they're bound by what they say today. We're
6 just trying to get an idea. One of the issues we're going
7 to deal with towards the end of this session is whether or
8 not we're going to need to schedule additional days for
9 this. And, I want to get sort of an idea of where we are
10 and whether we'll complete next week. That's really the
11 -- one of the main purposes of this exercise.

12 Audubon Society, you probably have no
13 idea what you're going to do at this point, is that
14 correct?

15 MS. MANZELLI: Thank you for making me
16 not say that. Can you run me through in the order the
17 topics that these panels and individuals are going to hit?

18 MR. IACOPINO: Yes. Okay. Jack
19 Kenworthy is the Project Manager.

20 MS. MANZELLI: Yes. I'm going to say
21 "10 to 30 minutes".

22 MR. IACOPINO: Okay. The
23 McCabe/Segura-Coto/Wright panel testifies about financial,
24 managerial, and technical expertise of the Applicant.

1 MR. PATCH: No, not financial.

2 MS. MANZELLI: Probably not.

3 MR. IACOPINO: Financial, I'm sorry. I'm
4 sorry not --

5 (Court reporter interruption.)

6 MR. IACOPINO: I'm sorry. It's my
7 fault. Not financial. Managerial and technical
8 expertise.

9 MS. MANZELLI: So, probably not.

10 MR. IACOPINO: Okay. Mr. High is air
11 and water quality, am I correct?

12 MS. GEIGER: No, just air.

13 MR. IACOPINO: No?

14 MS. GEIGER: Just air.

15 MR. IACOPINO: Just air.

16 MS. MANZELLI: Ten to thirty minutes.

17 MR. IACOPINO: Okay. Mr. Cofelice and
18 Pasqualini are financial.

19 MS. MANZELLI: Probably not. Thank you.

20 MR. IACOPINO: Mr. Magnusson is on
21 orderly development with respect to real estate.

22 MS. MANZELLI: No thank you.

23 MR. IACOPINO: The Will and Stevenson
24 panel deals with historic sites, both above ground and

1 below ground.

2 MS. MANZELLI: Ten to thirty minutes.

3 MR. IACOPINO: Butler and Martin is -- I
4 have construction, water quality, and public health and
5 safety.

6 MS. MANZELLI: Ten to thirty minutes.

7 MR. IACOPINO: Valteau and Gravel are
8 natural environment, wetlands, avian/bats/wildlife?

9 MS. MANZELLI: Thirty to sixty minutes.

10 MR. IACOPINO: Mr. Rob O'Neal is sound.

11 MS. MANZELLI: Thirty to sixty minutes.

12 MR. IACOPINO: And, Mr. Guariglia is
13 visual impacts.

14 MS. MANZELLI: Thirty to ninety minutes.
15 Thank you.

16 MR. IACOPINO: Thank you. I just
17 realized something. Write it down. I'm not going to be
18 able to read my own writing.

19 MS. MUNROE: I can.

20 MR. IACOPINO: Okay. Edwards/Allen are
21 not here. Mr. Block, I'm going to go through the list of
22 witnesses with you, if you give me your best estimate/
23 prediction.

24 MR. BLOCK: Okay.

1 MR. IACOPINO: Mr. Kenworthy?

2 MR. BLOCK: Let's say 30 to 45 minutes
3 on that.

4 MR. IACOPINO: McCabe, Segura-Coto, and
5 Wright?

6 MR. BLOCK: Probably not. Maybe one,
7 two questions.

8 MS. BLOCK: Maybe ten minutes.

9 MR. BLOCK: Maybe ten minutes.

10 MR. IACOPINO: Okay. I'll put you down
11 for ten. Mr. High?

12 MR. BLOCK: Probably not.

13 MR. IACOPINO: Cofelice and Pasqualini?

14 MR. BLOCK: Probably nothing there.

15 MR. IACOPINO: Mr. Magnusson?

16 MR. BLOCK: Probably about 30 minutes.

17 MR. IACOPINO: Will and Stevenson,
18 historic sites?

19 MR. BLOCK: Maybe 10 to 15.

20 MR. IACOPINO: Butler and Martin,
21 construction?

22 MR. BLOCK: Maybe ten.

23 MR. IACOPINO: Valteau and Gravel?

24 MR. BLOCK: Let's say 30 to 45 on that.

1 MR. IACOPINO: Mr. O'Neal, on sound?

2 MR. BLOCK: Let's say 45 to an hour.

3 MR. IACOPINO: And, Mr. Guariglia, on
4 visual?

5 MR. BLOCK: Let's say an hour on that.

6 MR. IACOPINO: Okay. Ms. Linowes, let's
7 go through the list with you.

8 MS. LINOWES: Okay.

9 MR. IACOPINO: Jack Kenworthy?

10 MS. LINOWES: One hour.

11 MR. IACOPINO: Go ahead, you have
12 something to say?

13 MS. LINOWES: I would qualify that a
14 little bit, because I'm not sure how much, if he's -- how
15 much he's going to talk about anything, because there are
16 a lot of other witnesses that are covering, so it may be
17 less. But I'll just say an hour.

18 MR. IACOPINO: Well, he has filed -- as
19 everybody knows, pretrial testimonies have been filed.
20 So, I'm sure you've all had a chance to read them. So,
21 that's why we ask, because you should have an idea. I'm
22 going to talk a little bit about rebuttal testimony, when
23 we get done going through our estimates here. And, I
24 understand that what I say to you may increase some of

1 these times. But let's just try to get through. So, 60
2 minutes for Mr. Kenworthy, your best estimate right now.

3 MS. LINOWES: Uh-huh.

4 MR. IACOPINO: The next panel is
5 McCabe/Segura/Wright?

6 MS. LINOWES: One hour.

7 MR. IACOPINO: One hour.

8 (Court reporter interruption.)

9 MS. LINOWES: Sorry.

10 MR. IACOPINO: And, then, Mr. High?

11 MS. LINOWES: Ninety minutes.

12 MR. IACOPINO: Cofelice and Pasqualini?

13 MS. LINOWES: Ninety minutes.

14 MR. IACOPINO: Mr. Magnusson?

15 MS. LINOWES: Ninety minutes.

16 MR. IACOPINO: Historic sites panel,
17 Will and Stevenson?

18 MS. LINOWES: Ten to twenty minutes.

19 MR. IACOPINO: Butler and Martin?

20 MS. LINOWES: Say 30 to 45 minutes.

21 MR. IACOPINO: Valteau and Gravel?

22 MS. LINOWES: Seventy-five minutes.

23 MR. IACOPINO: O'Neal?

24 MS. LINOWES: Ninety minutes.

1 MR. IACOPINO: And, Mr. Guariglia?

2 MS. LINOWES: Ten to twenty minutes.

3 MR. IACOPINO: Mr. Roth, your best
4 estimates. Mr. Kenworthy?

5 MR. ROTH: I can't imagine I would have
6 anything to ask these people after several hours.

7 MR. IACOPINO: I find that very hard to
8 believe.

9 MS. GEIGER: Hey, Steve, --

10 MR. IACOPINO: But I'm sure it will be
11 quoted back to you at some point.

12 MR. ROTH: By the time I get to them,
13 they will have been cross-examined for about four hours.

14 MR. IACOPINO: It's looking that way.
15 But let's go through with the exercise, so we at least get
16 an idea of what we're in for. Okay? So, Mr. Kenworthy?

17 MR. ROTH: I'll just, everybody except
18 Guariglia, I expect something like 15 to 20 minutes.

19 MR. IACOPINO: Okay.

20 MR. ROTH: And, then --

21 MR. IACOPINO: And, how about for
22 Mr. Guariglia?

23 MR. ROTH: Guariglia, maybe a half an
24 hour to 45 minutes.

1 MR. IACOPINO: Okay.

2 MR. ROTH: I mean, that's the beauty of
3 coming up last. I get to realize that all the things I
4 would have asked about have already been covered.

5 MR. IACOPINO: Yes, it is.

6 MS. PINELLO: Doubt it.

7 MR. IACOPINO: Though, it doesn't always
8 seem to work out that way, does it? That's okay. With
9 Mr. O'Neal, that's 15 to 20 as well, is that --

10 MR. ROTH: Correct.

11 MR. IACOPINO: Okay. Okay. All right.

12 MR. ROTH: Some of them even less.

13 MR. IACOPINO: Now, I have my listing of
14 the other witnesses, so -- but they're not in the order
15 that they will actually be presented. It's just the way
16 that I listed them here. I'm going to go next to Counsel
17 for the Public's witnesses. And, I have three listed:
18 Jean Vissering, Troy -- Trevor Lloyd-Evans, and Gregory
19 Tocci. And, I did not know if you intended to put anybody
20 on with respect to your Deloitte report?

21 MR. ROTH: No.

22 MR. IACOPINO: Okay. All right. So,
23 what I'm going to do is start with the Applicant. Susan,
24 any idea, can you please give me your best estimate on

1 your cross-examination for Ms. Vissering?

2 MS. GEIGER: Approximately 60 minutes.

3 MR. IACOPINO: And, for Mr. Lloyd-Evans?

4 MS. GEIGER: Twenty to thirty.

5 MR. IACOPINO: And, for Tocci?

6 MR. PATCH: Sixty.

7 MR. IACOPINO: Okay. Harris Center?

8 MR. FROLING: Same answer.

9 MR. IACOPINO: Mr. Beblowski,
10 probably --

11 MR. BEBLOWSKI: None.

12 MR. IACOPINO: Okay. Town of Antrim?

13 MR. STEARNS: None.

14 MR. IACOPINO: Okay. Planning Board, on
15 those three witnesses?

16 MS. PINELLO: None.

17 MR. IACOPINO: Okay. Audubon Society?

18 MS. MANZELLI: Fifteen to thirty, thank
19 you.

20 MR. IACOPINO: On each of them?

21 MS. MANZELLI: Yes.

22 MR. IACOPINO: Okay. Mr. Block, it's
23 Vissering, Lloyd-Evans, and Tocci?

24 MR. BLOCK: Probably, 15 to 30 for the

1 first and last, and probably nothing for Lloyd-Evans.

2 MR. IACOPINO: And, Lisa?

3 MS. LINOWES: Yes. I just want to make
4 the point that none of these witnesses -- I don't want to
5 be considered "friendly cross" on any of these witnesses,
6 okay? That's just --

7 MR. IACOPINO: You can cross them to
8 your heart's content.

9 MS. LINOWES: For Vissering, 10 to 20
10 minutes; for Trevor Lloyd, one hour; and, for Tocci, one
11 hour.

12 MR. IACOPINO: I hope you'll be
13 friendly.

14 MS. LINOWES: Procedural.

15 MR. IACOPINO: Okay. The next, and like
16 I said, the order that my notes are in here is not the
17 order that we're going to do the presentation, it's just
18 as I was trying to get my own arms around this. Peter,
19 other than the fact that Mr. Guariglia has to be taken out
20 of order and will go on Friday, so you want Ms. Vissering
21 to go after him, is there any issue in scheduling with the
22 other two witnesses that you're aware of?

23 MR. ROTH: They have been asking me for
24 weeks when they would come on. And, I've been telling

1 them that I thought it was unlikely that they would be on
2 Monday or Tuesday, or Friday. But, now, I'll have to tell
3 Jean differently with respect to Friday.

4 MR. IACOPINO: She was traveling or
5 something, wasn't she?

6 MR. ROTH: Yes. She's back though.

7 MR. IACOPINO: Okay. All right.

8 MR. ROTH: So, I don't know whether they
9 have relied on that and done things to schedule for Monday
10 and Tuesday or not. I mean, assuming that Monday is still
11 out. I suppose that either Tuesday, Wednesday or Thursday
12 will be fine.

13 MR. IACOPINO: Okay. The next party
14 that I have listed here is the Industrial Wind Action
15 Group. There's one witness, Lisa Linowes. Applicant, an
16 estimate of your time to cross Ms. Linowes?

17 MR. PATCH: Forty minutes.

18 MR. IACOPINO: Okay. Harris Center?

19 MR. FROLING: No. No questions.

20 MR. IACOPINO: Okay. Mr. Beblowski?

21 MR. BEBLOWSKI: No questions.

22 MR. IACOPINO: From the Town, will there
23 be any questions? Okay. Planning Board?

24 (Court reporter interruption.)

1 MR. STEARNS: No.

2 MR. IACOPINO: Planning Board?

3 MS. PINELLO: No.

4 MR. IACOPINO: Okay. Audubon?

5 MS. MANZELLI: No thank you.

6 MR. IACOPINO: Okay. Mr. Block?

7 MR. BLOCK: A half hour, I would say.

8 MR. IACOPINO: Okay. And, Peter? I
9 keep skipping you, don't I?

10 MR. KIMBALL: Me?

11 MR. IACOPINO: Yes. I'm sorry, AMC. I
12 keep skipping you. I just realized that.

13 MR. KIMBALL: No, we will not
14 cross-examine any of the witnesses.

15 MR. IACOPINO: For any of the parties?

16 MR. KIMBALL: For any of the parties.

17 MR. IACOPINO: Okay.

18 MR. PATCH: Mr. Iacopino, can I just
19 raise one issue quickly?

20 MR. IACOPINO: Yes.

21 MR. PATCH: With some of these
22 witnesses, to the extent that there's going to be
23 "friendly cross" of them, then it seems though the
24 Applicant ought to go last, probably, on cross.

1 MR. IACOPINO: I was going to address
2 that once I got through this. The Applicant is going to
3 go last on the cross of all of the other parties.

4 MR. PATCH: Okay. Thank you.

5 MR. IACOPINO: So, and I think my
6 proposal is going to be, and we'll get to it, but my
7 proposal is going to be, we use the same order, but just
8 move you down to the last position.

9 MR. PATCH: Okay.

10 MR. IACOPINO: And, Peter, any cross for
11 Ms. Linowes?

12 MR. ROTH: Thirty minutes.

13 MR. IACOPINO: Okay. The next group of
14 witnesses I have are Mr. Levesque and Ms. Pinello, from
15 the Planning Board. So, let me start with the Applicant,
16 for Ms. -- actually, let me start with you. Are you going
17 to testify as a panel?

18 MS. PINELLO: It will just be me. No,
19 it will just be myself.

20 MR. IACOPINO: So, Mr. Levesque will not
21 be testifying?

22 MS. PINELLO: Yes.

23 MR. IACOPINO: Okay.

24 MS. GEIGER: So, Mike, if he will not be

1 there --

2 MS. PINELLO: Oh, wait a minute, wait a
3 minute. I'm wrong. I'm wrong. Thank you.

4 MR. IACOPINO: Okay.

5 MS. PINELLO: Weeks merge. I'm sorry.
6 Mr. Levesque and I will be testifying as a panel.

7 MR. IACOPINO: Okay. All right.

8 MS. PINELLO: And, I apologize.

9 MR. IACOPINO: Good. You just saved a
10 procedural issue there.

11 MS. PINELLO: Thank you.

12 MR. IACOPINO: Okay. Applicant, for the
13 panel of Levesque and Pinello?

14 MS. GEIGER: Thirty to forty-five
15 minutes.

16 MR. IACOPINO: Harris Center?

17 MR. FROLING: No questions.

18 MR. IACOPINO: Antrim Conservation?

19 MR. BEBLOWSKI: No questions.

20 MR. IACOPINO: The Town?

21 MR. STEARNS: None.

22 MR. IACOPINO: Planning Board is not
23 going to cross-examine yourself. Ms. Manzelli, for
24 Audubon?

1 MS. MANZELLI: None. Thank you.

2 MR. IACOPINO: Mr. Block?

3 MR. BLOCK: I'll say "10 to 15", just to
4 be safe.

5 MR. IACOPINO: Ms. Linowes?

6 MS. LINOWES: Probably, the same, 10 to
7 15 minutes.

8 MR. IACOPINO: And, Counsel for the
9 Public?

10 MR. ROTH: Ten to fifteen.

11 MR. IACOPINO: Okay. Next, on my list
12 here, is the North Branch. Now, let me just identify who
13 I believe, I hope I got everybody, that has filed prefiled
14 testimony: Richard Block, Loranne Block, Elsa Voelcker,
15 Mr. Cleland, and Susan Morse, with the assistance of
16 Mr. Hedin and Mr. Jones, is that right? Did I miss
17 anybody?

18 MR. ROTH: Can you just --

19 MR. BLOCK: Also Richard James.

20 MR. IACOPINO: Richard James, okay.

21 MR. ROTH: Cleland and who? Is that a
22 panel or are those like separate witnesses?

23 MR. IACOPINO: These are just the
24 prefiled testimonies that I got.

1 MR. ROTH: So, Cleland and --

2 MR. BLOCK: Cleland and Law were filed
3 together.

4 MR. IACOPINO: Cleland and who?

5 (Court reporter interruption.)

6 MR. BLOCK: Annie Law and Robert Cleland
7 filed a joint testimony.

8 MR. ROTH: And, who was the last one?

9 MR. IACOPINO: Richard James.

10 MR. ROTH: James. I thought there was a
11 third one.

12 MR. BLOCK: He was the sound --

13 MR. ROTH: Yes, yes, yes. Wasn't there
14 another one after Cleland and Law, and then before James?

15 MS. GEIGER: Morse.

16 MR. IACOPINO: Oh, Susan Morse.

17 MR. ROTH: Morse.

18 MR. IACOPINO: Yes. And, Ms. Morse's
19 testimony, there was contributions to it, at least
20 according to its cover, by Mr. Hedin and Mr. Jones, is
21 that -- am I saying his name right? "Heedin" or "Hedin"?

22 MS. BLOCK: Yes, Bruce. For Bruce, yes.

23 MR. BLOCK: Oh, Bruce. "Hedin".

24 MR. IACOPINO: "Hedin", okay.

1 MR. BLOCK: "Hedin", yeah.

2 MR. IACOPINO: Okay. What was your
3 intention or how did you wish to proceed with respect to
4 your witnesses?

5 MR. BLOCK: In terms of Morse and James,
6 Rick James will be driving in from Michigan. And,
7 therefore, he probably can't make it before Wednesday.
8 Thursday would be preferable. I'm concerned about the
9 weather early in the week. So, Thursday would be better
10 for him. And, Susan Morse is up in the air right now.
11 We'll be speaking to her tonight. She's been traveling.
12 So, it may turn out that she -- we have to do a telephone
13 hook-up possibly with her. But I'm trying to see if we
14 can -- we can discuss this maybe tonight, I can arrange
15 with her to travel down.

16 MR. IACOPINO: Were you planning on,
17 forget about the method of testimony, --

18 MS. BLOCK: Okay.

19 MR. IACOPINO: -- were you planning on
20 any of these testifying as panels?

21 MR. BLOCK: Yes. The additional members
22 of the North Branch Group probably would like to be a
23 panel.

24 MR. IACOPINO: So, that would be --

1 MR. BLOCK: Elsa Voelcker, Annie Law,
2 Bob Cleland.

3 MR. IACOPINO: Okay. And, what about
4 you and Loranne, would you be a panel?

5 MR. BLOCK: We can be a panel. I don't
6 know for certain. We can be here all week, so we're
7 flexible.

8 MR. IACOPINO: Does it make any sense to
9 have all five of you as a panel?

10 MS. BLOCK: I think we have different
11 issues than the other North Branch intervenors.

12 MR. IACOPINO: It's up to you how you
13 want to present your case, but I just want to make it as
14 easy for all of us.

15 MR. BLOCK: Probably be better off if
16 we're separate.

17 MR. IACOPINO: Okay. So, what I -- So,
18 what I understand you then is we're going to have one,
19 two, three, four witness sessions from you: The Block and
20 Block panel, Voelcker, Cleland and Law, and then Susan
21 Morse, and then Richard James.

22 MR. BLOCK: Yes. Sounds right.

23 MR. IACOPINO: Okay. And, there may be
24 a scheduling issue with respect to each of those that

1 we're going to have to deal with. Okay. So, let me turn
2 first to the Applicant and go through these panels. How
3 much time do you believe you would spend with the Block
4 and Block panel?

5 MS. GEIGER: Well, they're -- we're
6 going to do -- they're going to be a panel, they're not
7 going be separate?

8 MR. IACOPINO: Mr. and Mrs.

9 MS. GEIGER: Okay. So, sixty -- an hour
10 to an hour and ten minutes.

11 MR. IACOPINO: Okay. Mr. Froling?

12 MR. FROLING: No questions.

13 MR. IACOPINO: Mr. Beblowski?

14 MR. BEBLOWSKI: No.

15 MR. IACOPINO: Okay. The Town, Mr.
16 Stearns?

17 MR. STEARNS: No thank you.

18 MR. IACOPINO: Okay. Planning Board?

19 MS. PINELLO: No thank you.

20 MR. IACOPINO: Okay. Audubon?

21 MS. MANZELLI: Could you please remind
22 me which of those individuals will be addressing sound?

23 MR. IACOPINO: All right.

24 MR. ROTH: James.

1 MS. PINELLO: Rick James.

2 MR. IACOPINO: Richard James, I'm sorry.

3 MS. MANZELLI: Perhaps about ten minutes
4 for him. Thank you. Nothing for everybody else.

5 MR. IACOPINO: Okay. Lisa, for Mr. and
6 Mrs. Block?

7 MS. LINOWES: Yes. Forty minutes.

8 MR. IACOPINO: And, Peter?

9 MR. ROTH: Fifteen minutes.

10 MR. IACOPINO: Then, the second panel is
11 Voelcker, Cleland, and Law. Should I go right to Audubon?

12 MR. BEBLOWSKI: Yes.

13 MR. IACOPINO: Okay. You have no
14 questions for them, correct?

15 MS. MANZELLI: Correct.

16 MR. IACOPINO: Okay. And, then, that
17 leads me to Lisa?

18 MS. LINOWES: I don't really know. I
19 haven't read their testimony. So, I --

20 MR. IACOPINO: It's all pretty short.

21 MS. LINOWES: Yes. No, no questions.

22 MR. IACOPINO: Peter?

23 MR. ROTH: About ten or fifteen minutes.

24 MR. IACOPINO: Okay. Susan Morse.

1 Susan?

2 MS. GEIGER: Oh, Susan. Do you want --
3 I'm confused, you didn't ask us about --

4 MR. IACOPINO: Oh, did I skip you?

5 MS. GEIGER: Yes.

6 MR. IACOPINO: How long will you spend
7 with Voelcker, Cleland, and Law, I'm sorry?

8 MS. GEIGER: Voelcker, Cleland, and Law,
9 maybe 10 to 15 minutes.

10 MR. IACOPINO: Ten to fifteen?

11 MS. GEIGER: Yes, please.

12 MR. IACOPINO: Did you get that, Mr.
13 Block?

14 MR. BLOCK: Yes.

15 MS. LINOWES: Excuse me, Mike, could I
16 modify mine to ten minutes, just so I have a slot in
17 there?

18 MR. IACOPINO: You've got --

19 MS. LINOWES: I understand.

20 MR. IACOPINO: We've got an order of
21 examination. Everybody will be asked if they have
22 questions. We're just trying to estimate right now, okay?

23 MS. LINOWES: I think it will be safer
24 for me to put that in.

1 MR. IACOPINO: Okay.

2 MS. LINOWES: Thank you.

3 MR. IACOPINO: Ten minutes?

4 MS. LINOWES: Yes.

5 MR. IACOPINO: Okay. Applicant, on
6 Susan Morse?

7 MS. GEIGER: Thirty to forty-five.

8 MR. IACOPINO: Harris Center?

9 MR. FROLING: None.

10 MR. IACOPINO: Antrim?

11 MR. BEBLOWSKI: No.

12 MR. IACOPINO: Mr. Stearns?

13 MR. STEARNS: No.

14 MR. IACOPINO: Ms. Pinello?

15 MS. PINELLO: No thank you.

16 MR. IACOPINO: Nothing from Audubon.

17 Lisa, this is Susan Morse?

18 MS. LINOWES: Yes. Thirty minutes.

19 MR. IACOPINO: And, Peter, Susan Morse?

20 MR. ROTH: Fifteen minutes.

21 MR. IACOPINO: Okay. And, then, the
22 last witness in the Block Group is, or North Branch Group,
23 is Richard James, on sound. Again, to the Applicant?

24 MS. GEIGER: Sixty minutes.

1 MR. IACOPINO: Audubon has already said
2 "10 minutes".

3 MS. MANZELLI: Yes. Thank you.

4 MR. IACOPINO: Anybody before the
5 Audubon?

6 (No verbal response)

7 MR. IACOPINO: No. Okay. Lisa?

8 MS. LINOWES: Forty-five minutes.

9 MR. IACOPINO: Forty-five minutes. And,
10 Peter?

11 MR. ROTH: Thirty.

12 MR. IACOPINO: Thirty minutes for
13 Counsel for the Public. Okay. The next witness that I
14 have, and maybe Mr. Beblowski can help me with this, is
15 Geoffrey Jones. Did you and him talk at all about the
16 potential of the two of you testifying as a panel?

17 MR. BEBLOWSKI: We did not, no.

18 MR. IACOPINO: Do you have any
19 preference one way or another with that?

20 MR. BEBLOWSKI: I do not. My testimony
21 is relatively simple. His may be a little bit longer.
22 I'm fine with going as a panel, if it helps with the
23 scheduling and everything.

24 MR. IACOPINO: Let me go around the

1 room. They both represent conservation commissions. I
2 know that Mr. Jones's -- does have more detailed testimony
3 than Mr. Beblowski. Does anybody have any objection to
4 asking them, if they were to want to, I know they're two
5 separate parties, but if they wanted to testify as a
6 panel, is there any objection to that?

7 MS. GEIGER: I wouldn't object with --
8 so long as it's understood that the Applicant, either
9 Attorney Patch or I, may be asking each one of them
10 separate questions. In other words, I will not be the
11 only person cross-examining that panel.

12 MR. IACOPINO: Sure. I'm just thinking
13 that, in terms of getting it, for efficiency sake, if
14 you've got the two conservation commissions there, --

15 MS. GEIGER: That's fine.

16 MR. IACOPINO: -- and there may be
17 different questions for Antrim than for Stoddard, --

18 MS. GEIGER: There are.

19 MR. IACOPINO: -- but, clearly, you can
20 address those questions to the individual. But I think it
21 might go quicker if we had them both up there at the same
22 time. Mr. Block.

23 MR. BLOCK: Just a comment. In talking
24 to Geoff Jones, I get the sense that he feels he's here

1 representing the Town of Stoddard, perhaps more than the
2 Stoddard Conservation commission. So, I don't know how
3 that plays with the --

4 MR. ROTH: I think, with him not being
5 here, --

6 MR. BLOCK: -- or, as well as.

7 MR. ROTH: -- it would presume too much
8 that he would be willing to do that.

9 MR. IACOPINO: Well, let's keep thinking
10 about that, okay? So, let's deal with Mr. Jones alone.
11 Let me start with the Applicant. How much cross for Mr.
12 Jones?

13 MS. GEIGER: Thirty minutes.

14 MR. IACOPINO: I take it the Harris
15 Center, Antrim Conservation Commission, and Town of Antrim
16 will have no questions for Mr. Jones?

17 MR. STEARNS: Yes.

18 MR. IACOPINO: How about the Planning
19 Board?

20 MS. PINELLO: No.

21 MR. IACOPINO: Audubon Society, none.
22 Okay. Mr. Block?

23 MR. BLOCK: I would say 30 minutes at
24 least.

1 MR. IACOPINO: Lisa?

2 MS. LINOWES: The same, 30 minutes.

3 MS. GEIGER: Excuse me. I don't -- Mr.
4 Jones, didn't he assist Ms. Morse?

5 MR. BLOCK: Yes.

6 MR. IACOPINO: He also did his own
7 testimony, too.

8 MS. GEIGER: Okay. Well, I mean, I
9 think, obviously, that should be dealt with as "friendly
10 cross", but --

11 MR. IACOPINO: Oh. Well, the order of
12 examination, as I said, you're going to get to bat
13 clean-up on all of the other parties, in terms of
14 cross-examination. I'm sure there will be -- I mean, we
15 have friendly cross in every case, you know it's going to
16 happen. Hopefully, it will be done quickly.

17 MS. GEIGER: I mean, I think, in this
18 case, the difference is, though, that there is a North
19 Branch witness who has sort of cross-referenced or
20 incorporated other testimony. It's an unusual situation.

21 MR. IACOPINO: I understand.

22 MS. GEIGER: So, it's essentially the
23 same -- the same party.

24 MR. IACOPINO: I understand. But he

1 does represent the Conservation Commission for Stoddard,
2 even though, lately, it sounds like the Town is chiming in
3 more. But his appearance is on behalf of the Stoddard
4 Conservation Commission. They are -- they have been
5 granted intervenor status. I'm hoping that he'll testify
6 with Mr. Beblowski or, if you all decide it would be
7 better if he testifies with Ms. Morse, I would like to
8 encourage as much paneling as we can, because it -- I
9 think it just makes the hearing more efficient. But I'm
10 not going to get in the way of anybody presenting their
11 own case.

12 MS. GEIGER: I think you just answered
13 the question that I was struggling with, and that is that
14 maybe it might make more sense if Mr. Jones and Ms. Morse
15 were put on as a panel, because --

16 MR. IACOPINO: The difficulty we're
17 going to have is we don't know Ms. Morse's --

18 MS. GEIGER: Okay.

19 MR. IACOPINO: -- availability and how
20 she will be testifying, whether it's going to be over the
21 speaker system, through the phone, or what.

22 MR. BLOCK: But the other issue is that
23 I know Geoff Jones is concerned for the Town of Stoddard,
24 in terms of their particular property values and viewsheds

1 and all that, which is really pretty much a separate issue
2 from --

3 MR. IACOPINO: From Ms. Morse?

4 MR. BLOCK: -- from Ms. Morse's things,
5 yes.

6 MR. IACOPINO: Well, at this point,
7 being a party, we're going to -- I guess it doesn't sound
8 like he's going to be on a panel, with all the different
9 aspects. I have to go back and look at his testimony
10 again.

11 MS. LINOWES: Excuse me, Mike. There is
12 the letter that's on file that the Stoddard Board of
13 Selectmen sent on October 5th, states that Geoffrey Jones
14 will be representing them.

15 MR. IACOPINO: Yes. But, as a practical
16 matter, as we know, different boards in towns take
17 different positions. And, the Town of Stoddard has never
18 actually filed a motion to intervene; the Stoddard
19 Conservation Commission did. I'm not sure that it makes
20 any difference, as a practical matter. But that letter,
21 unless he's going to endorse it as part of his testimony
22 or something, is really just a letter from the
23 municipality, which will be considered under RSA 162-H:16
24 by the Committee as being the view of one of the

1 municipalities. But, as far as for the process, --

2 MS. LINOWES: Uh-huh.

3 MR. IACOPINO: -- they're not actually
4 considered to be a party that's going to have standing to
5 cross-examine or come in and present witnesses, unless
6 they file a motion to intervene and get it granted, which
7 I don't think anybody would want at this late stage. But
8 that's -- so, anyway, we've got, I think the last person I
9 asked with respect to cross-examination of Mr. Jones was
10 Lisa, for Industrial Wind, and that was 30 minutes.
11 Peter, did you have any cross for Mr. Jones?

12 MR. ROTH: Fifteen minutes.

13 MR. IACOPINO: And, again, as I've said
14 probably a dozen times already, probably don't need to say
15 it again, but I will, because I'm a lawyer, is that these
16 are not in any particular order, they're just the order
17 that I happened to write down the parties.

18 The next one I have is the Conservation
19 Commission for Antrim, Mr. Beblowski filed prefiled
20 testimony. My notes say "does a panel of him and
21 Mr. Jones make any sense?" But we've already addressed
22 that issue. So, let's go on and just get the time. From
23 the Applicant, time to be spent with Mr. Beblowski?

24 MS. GEIGER: Approximately 15 minutes.

1 MR. IACOPINO: Harris Center, Town of
2 Antrim, and Antrim Planning Board, any questions for
3 Mr. Beblowski?

4 MR. FROLING: Nothing.

5 MS. PINELLO: No.

6 MR. STEARNS: No.

7 MR. IACOPINO: Audubon Society?

8 MS. MANZELLI: No thank you.

9 MR. IACOPINO: Mr. Block?

10 MR. BLOCK: Ten minutes, maybe.

11 MR. IACOPINO: Ms. Linowes?

12 MS. LINOWES: The same, ten minutes.

13 MR. IACOPINO: And, Mr. Roth?

14 MR. ROTH: Fifteen minutes.

15 MR. IACOPINO: Okay. Next I have is the
16 Audubon Society of New Hampshire on my list. And, I have
17 four witnesses: Carol Foss, Frances Von Mertens, Mr.
18 Nickerson, and Mr. Brown. And, I understand that there
19 may be issues about the late filing of some testimony.
20 But, for right -- for our purposes right now, I want to
21 assume that they're all going to testify. Is your
22 intention for put them on in any sort of panel?

23 MS. MANZELLI: Yes. But let me clarify
24 that Ms. Von Mertens is not going to be present here for

1 the hearing.

2 MR. IACOPINO: Okay.

3 MS. MANZELLI: So, we're going to have
4 the three witnesses, Carol, Paul, and Phil. All of them
5 have filed timely first direct. So, they will all be on
6 the panel, regardless of the late-filed supplemental
7 testimony.

8 MR. IACOPINO: Okay. So, you're going
9 to put them all up as a panel?

10 MS. MANZELLI: Yes.

11 MR. IACOPINO: Okay. So, the Applicant,
12 how much time do you think you would spend with that
13 panel?

14 MS. GEIGER: Well, I think I have
15 estimates for each witness. But, if Ms. Von Mertens is
16 not going to be here, then that will shorten my cross.
17 Because I would move to strike her prefiled testimony, if
18 she's not going to be testifying. So, assuming that
19 motion is granted, then -- if it's not, then --

20 MR. IACOPINO: Let's be conservative
21 here. I'm not going to be able to grant your motion.

22 MS. GEIGER: Okay.

23 MS. MANZELLI: If I can interject,
24 Attorney Iacopino?

1 MR. IACOPINO: Yes.

2 MS. MANZELLI: We are planning to have
3 one of the three witnesses who are able to participate
4 adopt the testimony of Ms. Von Mertens.

5 MR. IACOPINO: Okay. Obviously, you
6 will make a motion at the time of the presentation of the
7 panel to strike her testimony. The Presiding Officer will
8 determine whether to do that or not. There will be -- any
9 argument about it will be at that point. It's not a
10 decision that I can make today.

11 I also know that there's this issue of
12 some late-filed testimony, and I would respectfully
13 suggest that counsel to both of those parties talk and try
14 to resolve any issues. I think that, usually, it's better
15 if you do that that way. But, if, when we get to this
16 particular panel, if Ms. Von Mertens is not there, Ms.
17 Geiger, and you choose to move to strike that testimony,
18 and there will be an objection, I'm sure, and we'll let
19 the Presiding Officer deal with it at that point in time.

20 But let's assume for now that Ms. Von
21 Mertens' testimony will be part of the record. So, if you
22 could give me your best estimate of that panel the amount
23 of time you would be spending on examining them?

24 MS. GEIGER: Probably one and a half to

1 two hours.

2 MR. IACOPINO: Okay. Harris Center?

3 MR. FROLING: No questions.

4 MR. IACOPINO: Mr. Beblowski?

5 MR. BEBLOWSKI: No questions.

6 MR. IACOPINO: Mr. Stearns?

7 MR. STEARNS: No questions.

8 MR. IACOPINO: Ms. Pinello?

9 MS. PINELLO: No questions.

10 MR. IACOPINO: Okay. Mr. Block?

11 MR. BLOCK: Fifteen minutes.

12 MS. LINOWES: Forty-five minutes.

13 MR. IACOPINO: Thank you. And, Peter?

14 Sorry, Mr. Roth?

15 MR. ROTH: Fifteen.

16 MR. IACOPINO: Okay. There is Abutters,
17 and I did speak with Ms. Longgood last night, and then
18 again this morning. Just so everybody knows, her exhibits
19 are simply going to be the prefiled testimony that their
20 group has already filed. She is going -- she may ask to
21 submit one late exhibit, that being the deed to her
22 property. And, she wanted to submit it for the purpose of
23 showing some restrictive covenants that were on it. And,
24 she did not actually have it. She had to get it. I took

1 the liberty of telling her that I didn't think there would
2 be a lot of objection to that, it's a public record
3 anyway. So, it would just -- it would be, I believe that
4 we would put them -- that we would ask them to testify as
5 a panel. I did ask her last night, she did not know even
6 anything about it. But I believe that that's the
7 testimony of Ms. Longgood, Mr. -- I don't know if it's --
8 Mr. and Mrs. Schaefer, I think, and Mr. Craig. But none
9 of the testimony was very long. In fact, I think a couple
10 of them were just two sentences in a letter form. So, let
11 me ask it this way. Does anybody intend to cross-examine
12 the Abutters group?

13 MS. GOLDWASSER: Yes.

14 MR. IACOPINO: Okay. All right. Then,
15 let me go through then.

16 MR. ROTH: Are you going to put them on
17 as a group?

18 MR. IACOPINO: I'm going to assume
19 they're going to go on as a group right now. If they have
20 an objection to it, you know, obviously, I'm not going to
21 -- I don't want anybody to think that, you know, we
22 consider anybody's position in this case any less or any
23 more than anybody else's. If they don't want to testify
24 as a panel, I'm not going to -- I wouldn't force them to.

1 It's their presentation. But I also think they're fairly
2 reasonable, and they have been very -- you know, they're
3 out of their element, as many of the parties are,
4 representing themselves. And, my guess is they're
5 probably going to jump at the opportunity to go up as a
6 team, if you will. I can't speak for them, but that's my
7 guess. So, Applicant?

8 MS. GEIGER: We're not exactly sure.
9 Five to ten minutes.

10 MR. IACOPINO: Okay. I assume that
11 Harris Center, Antrim Conservation Commission, Town of
12 Antrim, Antrim Planning Board, all those parties have no
13 questions for the Abutters?

14 MR. FROLING: Correct.

15 (Court reporter interruption - multiple
16 parties speaking at the same time.)

17 MS. PINELLO: Yes.

18 MR. BEBLOWSKI: Yes.

19 MR. STEARNS: Yes. Which word would you
20 like?

21 MR. IACOPINO: You ready?

22 MR. PATNAUDE: Yes.

23 MR. IACOPINO: Audubon?

24 MS. MANZELLI: No questions.

1 MR. IACOPINO: Okay. Mr. Block?

2 MR. BLOCK: Fifteen minutes.

3 MR. IACOPINO: Ms. Linowes?

4 MS. LINOWES: Five to fifteen.

5 MR. IACOPINO: And, Mr. Roth?

6 MR. ROTH: Five to ten.

7 MR. IACOPINO: Okay. The only other
8 witness I had that I have -- I believe I have prefiled
9 testimony from Ms. Sullivan. And, let me quickly go
10 through. Applicant?

11 MS. GEIGER: Five.

12 MR. IACOPINO: Harris Center, zero;
13 Conservation Commission, zero; Town of Antrim, zero; and
14 Planning Board, zero. Just speak if I'm not correct?

15 (No verbal response)

16 MR. IACOPINO: Okay. Audubon Society?

17 MS. MANZELLI: Five to ten please.

18 MR. IACOPINO: Mr. Block?

19 MR. BLOCK: Fifteen.

20 MR. IACOPINO: Ms. Linowes?

21 MS. LINOWES: I'd say, five minutes.

22 MR. IACOPINO: And, Mr. Roth?

23 MR. ROTH: Five minutes.

24 MR. IACOPINO: Okay. I don't have --

1 there are a couple other -- there's the Gregg Lake
2 Association, they were -- intervened after the deadline
3 for filing of most things. I've tried to keep them in the
4 loop. I've actually called Mrs. Osler, I believe her name
5 is, on a number of occasions. And, she has called me
6 back. But they really haven't participated. So, I don't
7 have any witness testimony from them. I'm not expecting
8 that they're going to come and try to put on a witness.
9 If they do, we'll just deal with it at the time.

10 So, and there is nobody from Gregg Lake
11 Association here, is that correct?

12 MR. BLOCK: No.

13 MR. IACOPINO: Okay. Whew. All right,
14 let me address an issue that I know is going to come up.
15 Yes, sir?

16 MR. KIMBALL: Before you go on, we would
17 like five minutes, just to restate our position. And, I'm
18 assuming that we should be available if the SEC has any
19 questions to AMC, is that correct?

20 MR. IACOPINO: Sure.

21 MR. KIMBALL: And, I don't know whether
22 any other parties have questions to us. You know, you
23 asked me --

24 MR. IACOPINO: Actually, you're right,

1 and I should ask that. And, I don't know why, because you
2 start with an "A", I have you up at the top, and then I --

3 MR. KIMBALL: We stated we weren't going
4 to do any cross-examine. But I just wanted to figure
5 out --

6 MR. IACOPINO: And, so, I assume that,
7 if parties want to cross-examine you, it will be you
8 and --

9 MR. KIMBALL: It will just be myself.

10 MR. IACOPINO: Okay.

11 MS. LINOWES: Mike, I don't want to be
12 difficult, but we've all been instructed in the past that
13 going up on the witness stand to restate our testimony is
14 not appropriate. So, if we can get more clarification
15 about what it means to "restate" their position.

16 MR. IACOPINO: Well, I'm going to treat
17 him as a witness, okay? And, so, really, what I'm trying
18 to see is if anybody is going to cross-examine him.

19 MS. LINOWES: Okay.

20 MR. IACOPINO: Okay? And, we can talk
21 about --

22 MR. KIMBALL: And, I'm assuming the SEC
23 has the right to ask me questions, if they want to. So, I
24 just wanted to know where I fit in.

1 MR. IACOPINO: Yes. But let's just go
2 through the parties, see if anybody will have
3 cross-examination for him, because, actually, I just left
4 him out in our discussion here, because I confused myself.

5 MR. KIMBALL: I'm not inviting it, I'm
6 just --

7 MR. IACOPINO: How about the Applicant,
8 any questions?

9 MS. GEIGER: Fifteen minutes.

10 MR. IACOPINO: Fifteen minutes, okay.
11 The Harris Center?

12 MR. FROLING: None.

13 MR. IACOPINO: Antrim Conservation
14 Commission?

15 MR. BEBLOWSKI: None.

16 MR. IACOPINO: Town of Antrim, Mr.
17 Stearns?

18 MR. STEARNS: No questions.

19 MR. IACOPINO: Antrim Planning Board?

20 MS. PINELLO: No questions.

21 MR. IACOPINO: Audubon Society?

22 MS. MANZELLI: Five to ten minutes
23 please.

24 MR. IACOPINO: Mr. Block?

1 MR. BLOCK: Five minutes.

2 MR. IACOPINO: Ms. Linowes?

3 MS. LINOWES: Five minutes.

4 MR. IACOPINO: And, Mr. Roth?

5 MR. ROTH: Fifteen.

6 MR. IACOPINO: Okay. And, that brings
7 me to something I overlooked. We need to insert the AMC
8 -- well, if you're not going to have any
9 cross-examination, that's fine. But we are going to have
10 to figure out, when we --

11 (Court reporter interruption.)

12 MR. KIMBALL: I said, I'm assuming that
13 we would fit in with visuals, which would be on Friday.

14 MR. IACOPINO: Okay. Let me just -- we
15 need to fit you in with the order of presentation,
16 wherever, okay? And, that's going to be the next thing
17 that we talk about. Now that we have somewhat of an idea
18 of who the larger witnesses are. I'm sorry, go ahead,
19 Doug.

20 MR. PATCH: Edwards and Allen, I don't
21 think we talked about yet.

22 MR. IACOPINO: That's correct. Why
23 don't I have them here. Okay. Let's do Edwards and
24 Allen. Thank you for bringing that to my attention.

1 MS. GEIGER: Forty minutes.

2 MR. PATCH: As a panel?

3 MR. IACOPINO: I think they intend to
4 testify as a panel, --

5 MR. PATCH: Okay.

6 MR. IACOPINO: -- when I spoke with --
7 or actually emailed with Ms. Allen. Harris Center?

8 MR. FROLING: No questions.

9 MR. IACOPINO: Antrim Conservation
10 Commission?

11 MR. BEBLOWSKI: No questions.

12 MR. IACOPINO: Planning Board?

13 MS. PINELLO: None.

14 MR. IACOPINO: Okay. Audubon?

15 (No verbal response)

16 MR. IACOPINO: Mr. Block?

17 MR. BLOCK: Five.

18 MS. LINOWES: Thirty minutes.

19 MR. ROTH: Fifteen.

20 MR. IACOPINO: Okay. Can anybody think
21 if there are any other witnesses that I have forgotten or
22 left out?

23 (No verbal response)

24 MR. IACOPINO: Okay. It's a sobering

1 exercise to do that, because you see how long this may
2 take. And, obviously, we're in for a long, long week, and
3 it's my guess it will probably go beyond that.

4 Before we get into the actual order of
5 the parties, one of the things that I wanted to address
6 is, because of the way that the testimony comes in, with a
7 final supplemental filing deadline, there will be an issue
8 that each party is going to have to grapple with from both
9 ends of the coin. And, that is, when you put a witness
10 on, if that witness had something to say because of the
11 last round of filed testimony. And, sometimes we refer to
12 it as rebuttal. We like the examinations, the direct
13 examinations, to be "is this your testimony?" "Yes, it
14 is." "Do you swear it's true?" "Yes, it is." And, then,
15 tender the witness for cross-examination. We also
16 realize, however, that there may be something,
17 particularly with witnesses who are focused on a
18 particular issue, that you may want your witness to
19 address, because it was addressed by one of the later
20 filings in the case.

21 If you are going to do that, this is how
22 I would like you to do it and how the Presiding Officer
23 would like you to do it. We would like you to first tell
24 the Presiding Officer that you're doing it. "May I ask

1 some rebuttal questions of the witness?" We would also
2 like you to identify, before the series of -- each series
3 of questions, what testimony you're asking them to give
4 testimony -- whose testimony you're asking them to give
5 rebuttal to. So that what I am envisioning here is a
6 nice, clean process, where the Committee members can open
7 up their prefiled testimonies to the one that is being
8 rebutted, and see, hopefully, be as specific as you can,
9 even if it's right down to a question number, if they're
10 numbered, or a page number, you know, a question like
11 "After you filed your testimony, witness X filed
12 testimony, in his rebuttal testimony, on Page 10, witness
13 X said the following. Do you have a response to that?"

14 It's easier for the Committee when you
15 do it that way. It's easier for the record. We want
16 everybody to be able to put in their case. But we also
17 recognize that, because of the way that we do this, with
18 prefiled testimony, to some extent, everybody is at a
19 disadvantage when something comes in at the last minute,
20 and you're not expecting it, and it's within your
21 witness's expertise or their field. So, that's the way we
22 would ask you to deal with what I refer to, it's not
23 technically a correct term, but as "rebuttal testimony".
24 Because the only other alternative is to have other

1 witnesses testify and then recall witnesses, which really
2 is messy and will extend the hearing beyond the time that
3 it should -- that should be necessary to do it, and
4 probably beyond the patience of most of us. So, --

5 MR. ROTH: Mike, this seems to me a
6 situation that's rife with opportunity for people to
7 simply restate their original prefiled testimony. And, I
8 would suggest that perhaps a proffer of what it is that
9 they're intending to go into is to at least lay some
10 groundwork for limitation on what it is that they actually
11 say, and then perhaps a time limit as well. Because I
12 just, you know, --

13 MR. IACOPINO: Well, I'm going to leave
14 the time limit up to the Presiding Officer. She may put a
15 time limit on it. I didn't use the word "proffer", but I
16 am anticipating something very close to what you're
17 saying. And, I tried to spell it out for the folks who
18 aren't lawyers, as basically you're going to be telling
19 the presiding officer what the testimony is that you're
20 asking this witness to respond to. And, then, if that
21 testimony -- if it's not a response, if it's just a
22 restatement of that witness's prior testimony, you can
23 expect to be cut off by the Presiding Officer.

24 MR. ROTH: And, I would expect that

1 there would be an opportunity of the parties to object as
2 well.

3 MR. IACOPINO: Yes. There's always an
4 opportunity for every party to be heard on every request
5 that's made, every motion that's made. There will be an
6 opportunity. But I just -- but what I want to explain is
7 that process, because I know there will be -- people will
8 have questions based on that. It happens all the time.
9 And, we've talked about it. And, that's the way we would
10 like it done. There may actually be a dialogue that goes
11 on. When you say "I would like to ask this witness a
12 question about what was filed in the supplemental prefiled
13 testimony of Mr. Jones, on Page 10." And, the Presiding
14 Officer may say to you, "Well, what is it about that that
15 you're trying to rebut?" She may ask you "Well, what's
16 your witness going to say?" Or, she may not. It depends.
17 Some of it will be very clear, some of it will be unclear,
18 especially to the Committee. So, I'm sure there will be
19 what we would call in court a "proffer" of some sort. But
20 that's the process, that's what I want everybody to follow
21 when we do that.

22 And, Ms. Linowes, you look like you have
23 a question.

24 MS. LINOWES: I just want to make sure I

1 understand the context. So, if Susan -- Ms. Geiger brings
2 up the noise expert, and there has been counter -- there's
3 been supplemental testimony presented by Mr. James, let's
4 say, or Mr. Tocci, it will be in that introduction, before
5 she hands the witness over for cross-examination, at that
6 point she would ask him to respond to --

7 MR. IACOPINO: Yes.

8 MS. LINOWES: Okay. Thank you. Gotcha.

9 MR. IACOPINO: And, if she's doing it
10 correct, which I'm sure she would, and I'm sure everybody
11 will, it will be red flagged, everybody will know that
12 it's happening. You'll have an opportunity to object if
13 you don't believe that it's proper rebuttal or a proper
14 response, you'll have the right to object, and the
15 hearings officer -- the Presiding Officer will rule on
16 that objection at the time.

17 But the way you can make it easier for
18 everybody is clearly identifying and flagging what it is
19 you're about to ask your witness about. And, we'd prefer
20 that you do it by reference to the particular supplemental
21 testimony, or sometimes it might be an exhibit that came
22 in after the fact, but by reference to either the exhibit
23 or the supplemental testimony that your witness has not
24 testified about.

1 Now, if your witness says, you know, the
2 -- I don't know, if your witness, in his or her testimony,
3 says that, you know, "we need more warships, not less",
4 and the response is just to get a, you know, a nice quip,
5 like, "well, we have less bayonets and horses, too."
6 That's not going to be permitted. I mean, that's just a
7 comment on what somebody else has said. That's not a
8 response to it. Okay? So, and by the way, that doesn't
9 say anything about my political leanings at all.

10 But the point being is that, it's not an
11 opportunity to simply comment on, it's an opportunity to
12 respond to something substantive and not to repeat what
13 your witness has already testified about in his or her
14 prefiled testimony.

15 MR. ROTH: Mike, I just want to point
16 out, I don't think we've ever done this before. And,
17 typically, the way this issue gets dealt with is by, you
18 know, the party sits down with their witness and develops
19 questions for cross-examination. And, that's,
20 essentially, the form of rebuttal. And, I feel as though
21 that doing this is, essentially, puts a never-ending kind
22 of loop on, you know, supplemental and rebuttal. And, you
23 know, okay, now we have an opportunity to put my witness
24 on to rebut the rebuttal. I mean, that just -- it just

1 becomes an endless loop of craziness, and we've never done
2 it this way before.

3 MR. IACOPINO: No, but I think the -- I
4 think you get an endless loop of craziness the other way.
5 Because you go through all of the parties, and then, on
6 redirect, there's always the argument, "Is this proper
7 redirect or is this not?" "Is this some kind of
8 rebuttal?" We recognize that the information is going to
9 come in. The way that we would like you to do it is to
10 have it so that we eliminate on the back side. In other
11 words, we're not wading all the way through however many
12 -- we've never had this many parties conducting
13 examinations either. And, so, that's the way that we've
14 decided that is the best way to do it. And, it also tees
15 up the issue, so that everybody who wants to object to it
16 can do it.

17 MR. ROTH: This wouldn't -- this
18 wouldn't have come in on redirect either. I mean, this
19 is, really, the only way that this was done before --

20 MR. IACOPINO: We would have had that --
21 I'm sorry.

22 MR. ROTH: -- was on cross-examination.

23 MR. IACOPINO: But we would have had
24 that argument about whether it's proper redirect or not.

1 This way it brings it right to the forefront right at the
2 beginning, to deal with what information the witness is
3 being permitted to testify about, and the ruling is made
4 and we move on.

5 MR. ROTH: Okay. But, you know, you're
6 legitimizing what has previously not been permitted, and
7 now you're creating an opportunity where, for example, you
8 know, Mr. Guariglia comes in and say "Yeah, I want to
9 rebut, you know, Jean Vissering's testimony." Well, now,
10 I'm going to have Jean Vissering, you know, rebut his and
11 rebut his rebuttal. And, that just -- I don't know why
12 you would want to do that.

13 MR. IACOPINO: It's really no different,
14 it just moves it up to the front end, instead of the back
15 end. We deal with it on the back end all the time. And,
16 ultimately, then we get requests "well, I want to recall
17 my witness." And, we're trying not to go there with this
18 many witnesses and this many parties conducting
19 examination. So, that's going to be what we're asking you
20 to do. If it doesn't -- you know, our Presiding Officer
21 can be flexible, too. If it's not working, she may change
22 the rules, and I'm sure she'll tell you, but she may
23 change the rule. Yes, sir. Mr. Block.

24 MR. BLOCK: I guess I'm still, as a

1 nonlawyer, I'm still a little puzzled. Just as an
2 example, when, say, Mr. James is going to testify, I would
3 introduce him. And, at that point, I can ask him "does he
4 have any comments to make to recent filings?" Is that
5 true? Is that how it works? That he can at that time --

6 MR. IACOPINO: Assuming that there were
7 some filings in his area.

8 MR. BLOCK: Assuming -- okay.

9 MR. IACOPINO: And, I don't have the
10 chronology exactly in my head. But we had a supplemental
11 filing deadline of just like a week ago or something, --

12 MS. LINOWES: October 11th.

13 MR. IACOPINO: Yes. And, let's say that
14 the Applicant's sound, Mr. O'Neal filed something that
15 your client had not addressed --

16 MR. BLOCK: Okay.

17 MR. IACOPINO: -- your "client", your
18 witness had not addressed in his prefiled testimony. And,
19 he had something to say in response to it, okay? Not
20 just, you know, it can't be something he's already said.
21 It's got to be something if it's something new. And, you
22 ask him "I show you on Page 5 of Mr. O'Neal's supplemental
23 testimony filed on October 11th where he said this. Now,
24 you haven't addressed that in your, you know, in your

1 testimony, do you have an opinion or do you agree with
2 this?" Okay? Everybody's going to object. The hearings
3 officer will make a -- may say to you "please tell me what
4 it is you're having him respond to." "Tell me why you
5 think it's relevant." "Tell me why you think it's
6 admissible." Whatever the issue might be. You'll address
7 that. Anybody who objects will have their opportunity to
8 speak their objection. The Presiding Officer will make a
9 decision on the objections, and tell you either to
10 "proceed" or "no, you can't ask that question."

11 MR. BLOCK: Okay. So, part two of this
12 question is, in the instance, say, where I am a witness,
13 and I'm also a party. And, I'm -- how -- do I introduce
14 myself? Do I say "I would like to address something that
15 was filed", *etcetera*?

16 MR. IACOPINO: Yes. You do it the same
17 way. You will tender your prefiled testimony. Usually, I
18 will do that -- usually, I'll do that, have you sworn in,
19 and then I'll ask you the initial questions for the *pro se*
20 witnesses --

21 MR. BLOCK: Okay.

22 MR. IACOPINO: -- *pro se* parties and
23 witnesses. I usually ask you the initial questions, "is
24 this your testimony?" "Did you sign it?" "Is it under

1 oath?" And, then, I tender you for cross-examination.
2 That's your point to say "I do have a request. I would
3 like to address this", what, you know, hopefully, page and
4 verse.

5 MR. BLOCK: Okay.

6 MR. IACOPINO: So that everybody can
7 look at it, see what it is, and we can deal with the issue
8 on the spot.

9 MR. BLOCK: I don't know if there is
10 anything, but I wanted to know what the procedure really
11 is. Thank you.

12 MR. IACOPINO: And, believe me, by all
13 this lengthy explanation of it, I'm not trying to
14 encourage it. I just know -- I just know that it's going
15 to happen, so -- because there have been questions asked
16 of me about some of the supplemental filings. So, I know
17 that's going to happen. So, I did speak with the
18 Presiding Officer about the manner in which we're going to
19 go about that procedurally. And, that's the way we're
20 going to do it.

21 I'm sorry, Susan, did you have a
22 question?

23 MS. GEIGER: No.

24 MR. IACOPINO: No? Okay. Okay. Next

1 issue is the order of presentation. Other than the
2 Applicant going first with the presentation of its case,
3 and other than particular witnesses that might have a
4 scheduling problem, as a general rule for the order of
5 presentation, is there any preference? What I would
6 suggest, we do something fairly similar to the order of
7 examination, and those parties who have perhaps the less
8 number of witnesses to go first, and those parties that
9 have more witnesses, and especially witnesses that are
10 heavy, technical witnesses, go towards the end. Does
11 anybody have any problem with that general theory?

12 MR. ROTH: I don't -- that wouldn't be
13 my preference.

14 MR. IACOPINO: What would yours be?

15 MR. ROTH: My preference would be to go
16 immediately after the Applicant.

17 MR. IACOPINO: How about Industrial
18 Wind, what's your preference?

19 MS. LINOWES: I would like to go at the
20 end of the end.

21 MR. IACOPINO: Okay.

22 MS. LINOWES: So, I think that the more
23 -- the more very technical witnesses, the people with
24 invited witnesses, I think they should go first.

1 MR. IACOPINO: And, Mr. Block, what's
2 your preference?

3 MR. BLOCK: My preference is still to
4 somewhat, if at all possible, keep topics -- similar
5 topics together, so, sound with sound and --

6 MR. IACOPINO: Okay. But let's assume
7 we're going by party, rather than topic.

8 MR. BLOCK: Okay.

9 MS. BLOCK: He can't be here until
10 Thursday.

11 MR. IACOPINO: I think your witness is
12 going to be fine on Thursday, I mean, just given what we
13 just went through, I think -- my guess is, in fact, you
14 may be calling him and telling him it may be a different
15 day altogether. So, --

16 MR. BLOCK: Okay. I know, in terms of
17 that, I know he would like to be around during the
18 testimony of the other sound experts, too.

19 MR. IACOPINO: Okay. Why don't I
20 suggest this then. Why don't we start off, Counsel for
21 the Public will go after. So, basically, doing the
22 reverse of what I was suggesting. Followed by the North
23 Branch Group, because I think that's the next group of
24 witnesses with -- substantial group of witnesses.

1 Followed by the Antrim Planning Board, I guess, would
2 be --

3 MS. MANZELLI: Audubon?

4 MR. IACOPINO: I'm sorry, yes. Audubon,
5 yes. And, then, Antrim Planning Board.

6 MS. GEIGER: Well, how about Edwards and
7 Allen?

8 MR. IACOPINO: There just the one,
9 they're going to be a panel. So, it's a one-witness --

10 MS. GEIGER: Okay.

11 MR. IACOPINO: Actually, we're down --
12 it doesn't make any difference. You want to put
13 Edwards/Allen before Planning Board? Do you have any
14 problem with that, Ms. Pinello?

15 MS. PINELLO: No.

16 MR. IACOPINO: Okay. So, Edwards/Allen,
17 followed by the Planning Board, followed by Mr. Beblowski
18 for Antrim Conservation Commission, Mr. Jones for
19 Strafford Conservation -- Stoddard Conservation
20 Commission, followed by the AMC.

21 MR. KIMBALL: We would ask to be on
22 Friday, if that's possible, which is the visual.

23 MR. IACOPINO: I will make a note of
24 that. And, I lost track of where I was at. I was at AMC,

1 okay. Stoddard, AMC.

2 MS. GEIGER: Longgood panel and Ms.
3 Sullivan.

4 MR. IACOPINO: Yes. The Abutters and
5 Ms. Sullivan. I think I'm missing somebody still, though.

6 MS. BLOCK: Katie?

7 MR. BLOCK: He just said "Ms. Sullivan".

8 MR. IACOPINO: I have her as last.
9 Actually, I'm going to have -- I know who, Industrial
10 Wind.

11 MS. LINOWES: I am last.

12 MR. IACOPINO: You want to go last?
13 Unless there is some major objection --

14 (Court reporter interruption - multiple
15 parties speaking at the same time.)

16 MR. IACOPINO: One at a time please.

17 MS. LINOWES: I will not be covering
18 visuals. So, if you want to put me on before Friday, that
19 would be perfectly fine, if it fits.

20 MR. IACOPINO: Okay. So, we'll have you
21 last, unless we can -- unless it looks like we can move
22 you up to accommodate the visual witnesses. Okay. All
23 right. And, so, that means, essentially, we'll move the
24 AMC down. And, actually, why don't we do that. Do you

1 mind going before the Abutter Group and Ms. Sullivan?

2 MS. LINOWES: That will be fine. That
3 will be fine.

4 MR. IACOPINO: Okay. So, I'm going to
5 put you up where AMC was and move AMC down to last. I'm
6 sure I forgot somebody. Oh, Gregg Lake. But I'll just
7 put them out on the sideline, unless we hear from them.
8 They don't have any witnesses, so -- yes, sir.

9 MR. FROLING: You forgot me. But I
10 don't intend to -- I'd like to be asked, but I don't
11 intend to put any witnesses on.

12 MR. IACOPINO: But you haven't filed any
13 prefiled testimony, have you?

14 MR. FROLING: I have not.

15 MR. IACOPINO: So, you wouldn't have any
16 witnesses then.

17 MR. FROLING: I don't have any
18 witnesses.

19 MR. IACOPINO: You can cross-examine, if
20 you like, but --

21 MR. FROLING: That's right. Okay.

22 MR. IACOPINO: Yes, this is just the
23 order of presentation.

24 MR. FROLING: Thank you.

1 MR. PATCH: Mr. Iacopino, could we try
2 to be a little bit clear about, within each of those
3 groups, as an example, within Public Counsel, does he
4 intend to call Mr. Lloyd-Evans first and what order of
5 witnesses he might call them in? And, with regard to
6 North Branch, what order they might call them in?

7 MR. IACOPINO: Sure. If the parties
8 know, that's -- I know you've given us, and just so
9 everybody knows, the list that I gave you of the
10 Applicant's witnesses is the order that they hope to have
11 them testify in, with the exception that Mr. Guariglia has
12 to go on Friday. And, this issue with Mr. Pasqualini,
13 which is somewhat fluid, but it looks like the schedule is
14 going to take care of itself for him. So, if you want to
15 go down, any idea, Peter, with your witnesses, the order
16 you're going to do them in?

17 MR. ROTH: No, but --

18 MR. IACOPINO: Other than you're going
19 to want Ms. Vissering on the Friday.

20 MR. ROTH: Right, Vissering on Friday.
21 But the reason is, since I don't know what day or how the
22 days are going to break down, and I would like to make it
23 so that nobody has to be here more than one or two days.
24 And, each of them would probably want to be present for

1 the cross-examination of their counterparts. So, I want
2 to sort of be able to orient it in that way.

3 So, once we have a better idea how the
4 schedule is going to line up, then I can make decisions
5 about where to put them.

6 MR. IACOPINO: Maybe this will be
7 helpful, let me just go through. I've got about three
8 hours of cross-examination for Mr. Kenworthy, who is their
9 first witness. I've got, and this is just from my chicken
10 scratch here, an hour and a half for the Segura --
11 McCabe/Segura-Coto panel. I've got, and I'm using the
12 higher numbers where people gave ranges. I've got two and
13 a half hours for Colin High. I've got almost three hours
14 for Cofelice and -- like two hours and 45 minutes for
15 Cofelice and Pasqualini.

16 MR. ROTH: And, it sounds like that
17 those two have to be here on Tuesday only.

18 MR. IACOPINO: Yes.

19 MR. ROTH: Okay. So, --

20 MR. IACOPINO: I'm just trying to get
21 through, so we get an idea -- so, what I'm really trying
22 to get to is when the other witnesses are going to likely
23 be.

24 MR. ROTH: Uh-huh.

1 MR. IACOPINO: So, I've got two hours --

2 MR. PATCH: Could I just point out, it's
3 not taking into account Committee questions.

4 MR. IACOPINO: That's correct. And,
5 there will be Committee questions. But at least we know
6 how much time you guys will take. Let me do this in my
7 head quick, and then tell you what I come up with. It's
8 just with the Applicant's witnesses. And, I'm being
9 conservative, I round up here. Okay. This is what I come
10 up with just on the Applicant's witnesses: Three hours
11 for Mr. Kenworthy; an hour and a half for the
12 McCabe/Segura panel; three hours, and, again, this is all
13 just cross-examination, for the Cofelice/Pasqualini panel,
14 understanding they're going to come after Mr. High; I've
15 got two and a half hours for Mr. High; two and a half
16 hours for Mr. Magnusson; two hours for the Will and
17 Stevenson panel; two hours for the Butler and Martin
18 panel; three and a half hours for the Valteau/Gravel
19 panel; four hours for Mr. O'Neal; four hours for Mr.
20 Guariglia.

21 So, if we add that up, that's a lot of
22 hours. That's 20 hours -- no.

23 FROM THE FLOOR: Twenty-eight hours.

24 MR. IACOPINO: Twenty-eight hours.

1 Somebody's a wiz back there. That's 28 hours of testimony
2 right there, without Committee questions, doesn't count
3 any breaks for our stenographer, who probably needs one
4 right about now, or any of that. So, if you figure we get
5 a good solid six hours in a day of actual testimony, even
6 if we were to go -- even if we were to be scheduled for a
7 full eight-hour day, 9:00 to 5:00, that's pretty close to
8 the first three -- it's more than three full days before
9 we get --

10 FROM THE FLOOR: It's more like four
11 days.

12 MR. IACOPINO: -- to the next group of
13 witnesses, which would be Counsel for the Public. So,
14 we're looking at Thursday -- well, actually, we would take
15 -- have to take four hours off of that, because that's
16 going to be on Friday, Mr. Guariglia. So, 24 hours of
17 testimony. That's three days, right, without Committee
18 questions. So, we would be looking at you starting on
19 Thursday, Mr. Roth.

20 And, which leads me to one of the other
21 issues I've been asked to address, is that there is -- we
22 may not be able to finish next week. I'm sorry,
23 Mr. Froling?

24 MR. FROLING: I recall from the notice

1 of hearing that there was time scheduled for members of
2 the public to come --

3 MR. IACOPINO: There is on Thursday and
4 Friday morning.

5 MR. FROLING: -- and make statements?

6 MR. IACOPINO: Yes. And, we will --

7 MR. FROLING: So, we need to take that
8 into account, too.

9 MR. IACOPINO: Yes. And, we will be
10 doing that. As you heard, I've only added up the first
11 party, the first group of witnesses. And, that's because,
12 just trying to get an idea of how it's going to go.

13 So, one of the things that folks have to
14 think about is what I'm generally calling "overflow
15 dates", and I don't know if these fit with my calendar,
16 but they fit with the Chair's calendar. And, she asked me
17 to tell you to reserve November 5th, 7th, and 8th. And, I
18 don't know why she chose those dates. I'm not even sure
19 if they fit, I mean, I haven't looked at them myself.

20 MS. GEIGER: I can't do the 7th.

21 MR. IACOPINO: Well, look at them, and
22 we're going to have to deal with those issue. I'm pretty
23 sure we're going to need some additional time. The other
24 thing that may happen, and we've done this before, I don't

1 know with this particular Chair, I know, when Mr. Getz sat
2 on these things, he never minded going to 6:00 or 7:00 at
3 night. It's very possible that we'll do that, but that
4 will be in the Chair's discretion, not mine. I'm sure --
5 I'm sure she will address it with folks. We'll probably
6 address those issues right on the very first day, in terms
7 of if there are days that people just absolutely cannot do
8 it. I mean, I think we have Election Day in there. And,
9 I know that we're also working around, once, after next
10 week, we're going to be working around whatever else the
11 Public Utilities Commission is doing, because they -- this
12 is, obviously, their home, their building, and --

13 MS. GEIGER: And, I guess the question I
14 have about the 7th is, I know that there is a multiparty
15 technical session that's occurring on the 7th in this
16 building at this time. And, I don't think this room is
17 big enough to accommodate that. I think that's going to
18 be done in the large hearing room. So, I'm not sure --

19 MR. IACOPINO: But at least you can be
20 in two places at one time, right? At least they're both
21 in the same building.

22 MS. GEIGER: Okay.

23 MR. IACOPINO: My guess is, if something
24 like that is going on, this may not -- these dates may not

1 hold. And, there may be other dates, too. I mean, I'm
2 not limiting it to these. Okay?

3 Is there any question about order of
4 examination? Order of parties? Ideas on how to present
5 your testimony or your witness? Or, the amount of time
6 that this is expected to take? Because I'm going to shift
7 gears and move to a different issue, if Mr. Patnaude is
8 okay. You need to take a break?

9 MR. PATNAUDE: Keep moving.

10 MR. IACOPINO: Okay. I do want to tell
11 you, that I understand there is another hearing in this
12 room at 1:30. So, just so, you know, that's why I want to
13 kind of move it along.

14 MS. MANZELLI: Attorney Iacopino, I have
15 one question.

16 MR. IACOPINO: I'm sorry, yes.

17 MS. MANZELLI: If possible, it would be
18 very helpful, at least for my clients, but I'm assuming
19 for everybody else, if we could have some direction on the
20 length of day that we should anticipate before the first
21 day. In other words, you mentioned perhaps we might go
22 till 6:00, we might go till 7:00. Many of us might
23 welcome that, but it would be nice to have as much advance
24 notice as possible. Thank you.

1 MR. IACOPINO: I will ask, I'll ask the
2 Presiding Officer. I will, you know, be very frank, part
3 of the problem is is that she is going to be concerned
4 with what all the parties' schedules are, and I understand
5 there's family commitments and everything, as I said,
6 we've got an Election Day in there. We've got all sorts
7 of things going on. There's also nine members of this
8 Committee that she has to deal with, too. And, believe it
9 or not, they all have the same everyday problems that all
10 of you have. So, --

11 (Brief off-the-record discussion with
12 court reporter on Day 1 schedule.)

13 MR. IACOPINO: I doubt we would go late
14 on Monday, only because I'm sure Ms. Ignatius will want to
15 address the issue with people before she imposes it on
16 them. So, -- Yes, sir.

17 MR. STEARNS: Will you be putting out a
18 tentative schedule, based off of your timelines, so that
19 we have something that we will be working with?

20 MR. IACOPINO: I'm going to prepare an
21 informal document called an "agenda" for the hearing.
22 It's not meant to be anything in stone. It's going to
23 essentially be part of the report that I write from this
24 hearing today. And, it will have the proposed order that

1 we went through, with the time estimates that I read off,
2 and I'll add up the other ones, too, just so that my
3 Committee members have an idea of the amount of time
4 without their questions. And, yes, that document will be
5 -- will be available probably on Monday. And, that will
6 sort of -- it's meant to be an informal road map. We're
7 not bound to it. And, I'll tell you, the person who's
8 running the hearing might decide that she wants to do
9 something differently and change it. Okay? What I want
10 to -- yes, Mr. Block. I'm sorry.

11 MR. BLOCK: In terms of the scheduling,
12 does that mean we have to wait till Monday to be able to
13 tell people who are traveling when they're going to
14 travel?

15 MS. BLOCK: Like a two-day drive.

16 MR. BLOCK: I mean, like --

17 MR. IACOPINO: Well, I think that what
18 we just did, though, is you know that we're not going to
19 be done with the Applicant's witnesses till probably the
20 end of the day Wednesday, based upon what we have done.
21 And, you know that Counsel for the Public is going to have
22 two witnesses at least that are going to go after that.
23 All I can tell you --

24 MR. ROTH: Are you going to have a

1 confidential session in there somewhere, too?

2 MR. IACOPINO: I don't know what will
3 happen. I assume that there's going to be some issues of
4 confidentiality, given the outstanding orders, in the
5 testimony of Mr. Cofelice and Pasqualini, am I correct?
6 Would they be -- or, would it be Mr. Kenworthy? There may
7 be questions about -- Counsel for the Public may have
8 questions that deal with material that has been subject to
9 protective order.

10 MS. GEIGER: My understanding is that
11 the confidential session just gets done in the context of
12 the regular session. It's just that Mr. Patnaude goes off
13 on a -- goes off on a different record and --

14 MR. IACOPINO: And, that's my point.
15 You're not planning on doing a separate witness session
16 that's going to be confidential?

17 MS. GEIGER: No.

18 MR. IACOPINO: When we get -- when those
19 issues arise, we'll take a break and go in a confidential
20 session.

21 MR. ROTH: Oh, I understand that. But
22 that usually takes additional time on top of --

23 MR. IACOPINO: I understand.

24 MR. ROTH: -- everything else you have

1 there.

2 MR. IACOPINO: I understand. As much as
3 we try, though, we can't calculate everything. I wish I
4 could. But, thank you for bringing it up, because it is
5 something to keep in mind.

6 MS. LINOWES: Mike, I have a request of
7 the Applicant, I was hoping it can be accommodated.
8 Halloween is a really -- I have to be home for Halloween,
9 and I hate to say that, but it's a two-hour ride here.
10 So, I probably can't stay much past 3:30 on Wednesday. If
11 Mr. O'Neal is going to come in late in the day on
12 Wednesday, I'm wondering if there's any chance he can come
13 in at some other point earlier on Wednesday, if that's --

14 MR. IACOPINO: Why don't, well, --

15 MS. LINOWES: That's my own limit next
16 week.

17 MR. IACOPINO: Why don't you think about
18 it, and we can talk, I mean, I think that the -- changing
19 the order of witnesses is -- it's their case and it's
20 their preference on how to present it. If they can
21 accommodate you and they want to, or they choose to, let's
22 talk about it. I don't think that that's a big deal. We
23 still wind up with the same block of witnesses, same
24 amount of time. And, you know, for our purposes today,

1 we'll still dealing with that. I don't know if we can
2 accommodate Election Day and Halloween all in one hearing.

3 MS. GEIGER: I wouldn't object, if
4 Mr. O'Neal is on the stand, and Ms. Linowes needs to leave
5 early, and she's the last one asking questions, I wouldn't
6 object if she asked her questions out of order, as long as
7 the other parties agreed to let her go before them.

8 MR. IACOPINO: There's a couple
9 different ways we can deal with it. And, we won't really
10 know until we get a better feel for how it's going and
11 where is he actually going to be. The Committee questions
12 could go on forever, and he may not be until Thursday,
13 Halloween may not even be an issue.

14 MS. LINOWES: Okay.

15 MR. IACOPINO: You may be sharing your
16 Halloween candy with us.

17 FROM THE FLOOR: That's kind of scary,
18 isn't it?

19 MS. LINOWES: Thank you.

20 MR. IACOPINO: So, the next thing that I
21 wanted to address, though, is any outstanding motions.
22 There was a motion filed yesterday by Audubon Society. I
23 understand that I believe the motion was to late file some
24 supplemental testimony by Mr. Nickerson.

1 MS. MANZELLI: Yes.

2 MR. IACOPINO: I know that -- I know
3 that the Applicant hasn't had a chance to review that
4 testimony yet. I would ask you all to, if you could, find
5 the time to review it as soon as possible. And, let us
6 know if it's actually going to be an issue or not. I
7 encourage you all to work with each other on issues like
8 this. And, you know, if nobody is going to object to it,
9 we'll just put that on the record at the beginning of the
10 adjudicatory hearing and, you know, it will be part of --
11 his supplemental testimony will be part of the record.
12 Given the circumstances, I'd be surprised if it wasn't
13 admitted. But I'm not the one who's going to make that
14 decision. But just from my view of reading the motion
15 yesterday.

16 Are there any other outstanding motions
17 that anybody is aware of that have not been either --
18 there hasn't been an order on or at least an interim order
19 on?

20 MS. GEIGER: Well, --

21 MR. IACOPINO: Was there a motion -- go
22 ahead, Ms. Geiger, I'm sorry.

23 MS. GEIGER: The interim order covered
24 the motion that the Applicant had filed.

1 MR. IACOPINO: There is another order
2 coming out on that.

3 MS. GEIGER: Okay.

4 MR. IACOPINO: A final order on it, if
5 you will. And, that's on the Deloitte report. But, other
6 than that particular issue, is there anything that anybody
7 is aware of that is outstanding?

8 (No verbal response)

9 MR. IACOPINO: Are there any issues that
10 anybody wishes to raise today about the process that we're
11 about to embark on? I want to address one. But, first, I
12 want to hear from -- okay. Yes.

13 MR. KIMBALL: I just want to get
14 clarification on the calendar. The visual is going to be
15 on Friday?

16 MR. IACOPINO: It is sounding like that.

17 MR. KIMBALL: Okay. And, you've got the
18 public hearing, which is Friday morning. So, that's
19 actually going to start afterwards. I'm just trying to,
20 like everybody else, because I've got some other
21 commitments here, and to try to get a sense of where the
22 pieces are.

23 MR. IACOPINO: And, that's part of what
24 we're trying to do here.

1 MR. KIMBALL: Yes. No, I understand
2 that.

3 MR. IACOPINO: And, I think that, you
4 know, I think we're going to reserve the time for the
5 visual on Friday. And, so, --

6 MR. KIMBALL: And, that will start at
7 what time, because you've got the public?

8 MR. IACOPINO: Well, we're probably
9 going to take them out of order. And, assuming that, it's
10 going to depend somewhat where we are, I would -- I would
11 make the recommendation to the hearings officer that we
12 start with, right after whatever members of the public
13 speak, we start the adjudicatory -- restart the
14 adjudicatory portion of the hearing on that day,
15 regardless of where we are at the end of the day Thursday,
16 assuming it's not in the middle of some other witness's
17 travel to be here. But, assuming that, that we'd start
18 right away with the visual witnesses from the Applicant --
19 visual witness from the Applicant, followed by Counsel for
20 the Public, and AMC. I mean, I'm not hearing anybody
21 objecting to having you testify on that day. The only
22 problem is is how far along will we be before Friday.

23 MR. KIMBALL: No, I understand. Like
24 everybody, we're all living multiple lives. And, it

1 sounds like you've got the visual experts from them all
2 set from all parties to be here that day. So, I'm
3 assuming --

4 MR. IACOPINO: Hopefully, that will pan
5 out. That is the plan.

6 MR. KIMBALL: But the public hearing
7 starts at what time in the morning?

8 MR. IACOPINO: Nine. Starts 9:00 on
9 Monday.

10 MR. KIMBALL: And, then, the plan would
11 be to pick up whenever that's --

12 MR. IACOPINO: My recommendation was
13 going to be --

14 MR. KIMBALL: It could be 9:01 or it
15 could be 5:00 p.m. then.

16 MR. IACOPINO: Right. For
17 everybody's --

18 MR. ROTH: But you're not going to pick
19 up Thursday, after the public hearing, you're going to go
20 right to the visual people on Friday.

21 MR. IACOPINO: Yes. But the only
22 concern that I have about that, Peter, is let's say
23 Mr. James has just driven from Michigan, and he's still
24 got another half hour of testimony to go. I don't want to

1 put that party in the position of losing that witness,
2 because he's got to get back to Michigan, if we can fit
3 him in. If it goes perfectly, we'll start with Mr.
4 Guariglia at 9:00, assuming there's no public statements.
5 Which, by my experience, there's usually very few. But
6 we'll start at 9:00 with him. But, if, for instance,
7 we're in a situation where we did get to the Block
8 witnesses, or maybe one of your witnesses, that has to
9 finish, rather than coming back on Monday, we'll try to
10 accommodate that. That's the concern that I have, okay?

11 MR. ROTH: Understood. But I think both
12 the Applicant's visual expert and mine are also traveling.
13 So, kind of dangling them or pushing them out on Friday,
14 after they have driven here from the other side.

15 MR. IACOPINO: And, I'm merely trying to
16 accommodate all of your witnesses. So, it's the best I
17 can tell you right now, you know.

18 MR. KIMBALL: Is there a way, because
19 some of us are not going to be here for every day, finding
20 out the night before, like I'm going to be out-of-state on
21 Thursday, --

22 MR. IACOPINO: 603-496-4455 is my
23 cellphone. You can call me, you can e-mail me.

24 MR. KIMBALL: Okay.

1 MR. IACOPINO: Or, you can text to me on
2 that cellphone. And, I will tell you where we're at.
3 Please don't call after midnight or before 4:00 a.m.
4 That's the only --

5 MR. STEARNS: Would you repeat that
6 number one more time.

7 MR. IACOPINO: 496-4455.

8 MS. GEIGER: Mr. Iacopino, will there be
9 a time limit placed on each member of the public who
10 appears on those mornings?

11 MR. IACOPINO: We generally try to tell
12 them not to speak more than three to five minutes. And,
13 this is a different presiding officer than has handled
14 these things in the past. I think that it will probably
15 be the same, may even be less, I don't know. My guess,
16 though, is that she's going to allow them three to five
17 minutes.

18 MS. GEIGER: And, it's clear that
19 members of the public are, obviously, going to be
20 individuals who are different from those who have appeared
21 as intervenors here, and who are not affiliated with or
22 associated with parties to this proceeding?

23 MR. IACOPINO: That's the plan. But I
24 can tell you, from running the hearing side of it, it's

1 faster just to have the person make their public
2 statement, instead of arguing about it. It's better just
3 to have the public statement made, you know? I mean, that
4 will be up to the Presiding Officer. The plan, however,
5 is that, obviously, parties who are participating, you
6 know, you have plenty of opportunities to speak and make
7 your points known, both in writing and orally during the
8 course of this hearing, through questions, through your
9 prefiled testimony. So, you know, it really doesn't make
10 a lot of sense for participants to make public statements.

11 But, as in many things with hearings,
12 sometimes it's easier just to let it go and get it over
13 with, so -- okay. Unless anybody has any other
14 process-related issues, what I would propose that we do is
15 that we go informal, we won't be on the record, but our
16 stenographer -- our court reporter will help us, and we
17 will try to get exhibits marked for the hearings. I
18 appreciate the work that everybody did in responding to my
19 e-mail and getting the materials to me. I actually have a
20 -- about half of it is done, an electronic file half made
21 with most of these exhibits. And, I'm just going to have
22 to go in and rename things with the exhibit numbers after
23 we're done today. So, I really appreciate everybody in
24 doing that, even those who thought -- I talked to Geoff

1 Jones this morning, he was a little upset when he saw my
2 e-mail, but he didn't actually understand it. And, when I
3 explained it to him this morning, he was relieved. So, if
4 there was any confusion, I apologize. But, if there's no
5 objection, we're going to go off the record and mark some
6 exhibits. Thank you.

7 (Whereupon the prehearing conference
8 ended at 12:07 p.m., thereafter the
9 parties worked with Mr. Iacopino, Ms.
10 Munroe, and Mr. Patnaude on the
11 premarking of exhibits.)
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