

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**STATE OF NEW HAMPSHIRE**

**SITE EVALUATION COMMITTEE**

**June 1, 2012** - 10:08 a.m.  
21 South Fruit Street  
Suite 10, Room 103  
Concord, New Hampshire

In re: **SITE EVALUATION COMMITTEE:**  
**DOCKET NO. 2012-02: Motion of**  
**Granite State Gas Transmission**  
**Company for a Declaratory Ruling**  
**Regarding the Little Bay Bridge**  
**Crossing Project Between Newington,**  
**Rockingham County, and Dover,**  
**Strafford County, New Hampshire.**  
*(Public Meeting and Hearing,*  
*including Deliberations)*

<b>PRESENT:</b>	<b>SITE EVALUATION COMMITTEE:</b>
Thomas S. Burack, Cmsr.	Dept. of Environmental Services
( <b>Chairman of SEC</b> - Presiding Officer)	
Amy L. Ignatius, Chrmn.	Public Utilities Commission
( <b>Vice Chairman of SEC</b> )	
Michael Harrington, Cmsr.	Public Utilities Commission
Harry T. Stewart, Dir.	DES - Water Division
Craig Wright, Dir.	DES - Air Resources Division
Elizabeth Muzzey, Dir.	Div. of Historical Resources
Glenn Normandeau, Dir.	N.H. Fish & Game Department
Brad Simpkins, Dir.	Division of Forests & Lands
Phil Bryce, Dir.	Div. of Parks & Recreation
Randall Knepper, Engineer	Public Utilities Commission

COUNSEL FOR THE COMMITTEE: Michael Iacopino, Esq.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**APPEARANCES:**

**Reptg. Granite State Gas Transmission:**

Maureen D. Smith, Esq. (Orr & Reno)

Roger Barham (GSGT)

Thomas Murphy (GSGT)

Mark Wood (Process Pipeline Services)

Brian Kuta (BL Companies)

**Reptg. N.H. Dept. of Transportation:**

Lennart D. Suther, Utilities Engineer

I N D E X		PAGE NO.
1		
2		
3	<b><u>MOTION BY VICE CHAIRMAN IGNATIUS</u></b>	8
4	to designate Randall Knepper as	
5	the Engineer for this proceeding	
6	<b><u>SECOND BY CMSR. HARRINGTON</u></b>	8
7	<b>VOTE ON THE MOTION</b>	9
8	* * *	
9	<b>STATEMENT BY MS. SMITH (GSGT)</b>	9
10	<b>WITNESSES:</b> ROGER BARHAM	
11	<b>SWORN IN</b> THOMAS MURPHY	
12	<b>(Page 11)</b> MARK WOOD	
13	BRIAN KUTA	
14	LENNART SUTHER	
15	<b>PRESENTATION BY WITNESS BARHAM (GSGT)</b>	17
16	<b>STATEMENT BY WITNESS SUTHER (NHDOT)</b>	29
17	<b>QUESTIONS FROM THE COMMITTEE &amp; COMMITTEE COUNSEL BY:</b>	
18	Cmsr. Harrington	31
19	Vice Chairman Ignatius	33
20	Mr. Knepper	36, 44
21	Dir. Muzzey	39
22	Chairman Burack	40, 42, 47
23	Mr. Iacopino	41
24	* * *	
25	<b><u>MOTION BY CMSR. HARRINGTON</u></b> to grant the	49
26	Motion filed by Granite State Gas Transmission...	
27	<b><u>SECOND BY DIR. NORMANDEAU</u></b>	50
28	<b>DISCUSSION OF THE MOTION BY:</b>	
29	Dir. Stewart	50
30	Mr. Knepper	51
31	Vice Chairman Ignatius	52
32	<b>VOTE ON THE MOTION</b>	52

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

1  
2 CHAIRMAN BURACK: Good morning, ladies  
3 and gentlemen. My name is Tom Burack. I serve as  
4 Commissioner of the Department of Environmental Services,  
5 and I also serve as the Chair of the New Hampshire Site  
6 Evaluation Committee. And, I will be the presiding  
7 officer in this docket. We are here today for a public  
8 meeting of the New Hampshire Site Evaluation Committee.  
9 The Site Evaluation Committee is established by RSA 162-H.  
10 The membership of this Committee includes the  
11 Commissioners or Directors of a number of state agencies,  
12 as well as specified key personnel from various state  
13 agencies.

14 At this point, I would like to ask the  
15 members of the Committee who are present at this meeting  
16 to introduce themselves, starting on my far right.

17 DIR. STEWART: Harry Stewart, Water  
18 Division Director, Department of Environmental Services.

19 DIR. WRIGHT: Craig Wright, acting  
20 Director, Air Resources Division, Department of  
21 Environmental Services.

22 DIR. MUZZEY: Elizabeth Muzzey, Director  
23 of the Division of Historical Resources, Department of  
24 Cultural Resources.

1 DIR. NORMANDEAU: Glenn Normandeau,  
2 Director of Fish & Game.

3 VICE CHAIRMAN IGNATIUS: Amy Ignatius,  
4 Chairman of the Public Utilities Commission.

5 CMSR. HARRINGTON: Michael Harrington,  
6 New Hampshire PUC Commissioner.

7 MR. KNEPPER: Randy Knepper, Director of  
8 Safety for the New Hampshire Public Utilities Commission.

9 DIR. SIMPKINS: Brad Simpkins, Interim  
10 Director, Division of Forests & Lands, for the Department  
11 of Resources & Economic Development.

12 DIR. BRYCE: Phil Bryce, Director of the  
13 Division of Parks & Recreation, in the Department of  
14 Resources & Economic Development.

15 MR. IACOPINO: And, my name is Mike  
16 Iacopino. I don't sit on the Committee, but I am Counsel  
17 to the Committee.

18 CHAIRMAN BURACK: Thank you all very  
19 much for those introductions. The agenda for today's  
20 public meeting includes one matter. The matter has been  
21 docketed as Site Evaluation Committee Number 2012-02 and  
22 entitled "Granite State Gas Transmission Company Motion  
23 for Declaratory Ruling on the Little Bay Bridge Crossing  
24 Replacement Project". And, I will now open the matter

1 with a brief summary.

2 Granite State Gas Transmission Company,  
3 which we will refer to as "GSGT", owns and operates a  
4 bi-directional high pressure pipeline of 900 -- I'm sorry,  
5 492 pounds per square inch gauge Maximum Allowable  
6 Operating Pressure that transports natural gas between  
7 Haverhill, Massachusetts, and Portland, Maine. The  
8 pipeline contains a tie-in of 10-inch pipe that consists  
9 of buried pipe on either side of Little Bay channel and  
10 crosses over Little Bay channel between Newington and  
11 Dover, New Hampshire. The tie-in is suspended below the  
12 Little Bay Bridge, U.S. Route 16, and the Spaulding  
13 Turnpike. The pipeline segment extended below the bridge  
14 is approximately 1,500 feet in length.

15 The New Hampshire Department of  
16 Transportation, also known as "NHDOT", plans to remove the  
17 existing Little Bay Bridge and to construct a new bridge  
18 as part of the Newington-Dover Project Number 11238. GSGT  
19 will not be permitted to relocate the pipeline underneath  
20 or along the new bridge. GSGT has been informed that the  
21 existing pipeline will need to be removed before mid 2013  
22 to allow for the removal of the existing bridge.

23 GSGT proposes to replace the existing  
24 pipeline with an underground 10-inch diameter steel pipe

1 that will be approximately 2,500 feet in length and sit in  
2 bedrock 30 feet below the bed of the Little Bay channel  
3 and Piscataqua River. GSGT proposes to install the  
4 replacement pipe through the use of horizontal directional  
5 drilling. The replacement pipe will run parallel to the  
6 Little Bay Bridge and enter and exit the river bed on  
7 state-owned property administered by NHDOT. The Dover  
8 tie-in would be located within Hilton Park. The Newington  
9 tie-in would be located in the area of Shattuck Way.

10 In the Motion, GSGT proposes that the  
11 Committee issue a declaratory ruling pursuant to New  
12 Hampshire Code of Administrative Rules, Site 203.01 and  
13 RSA 541-A:1, Section V, finding that the construction and  
14 operation of the proposed replacement pipeline does not  
15 constitute a sizable addition to an existing bulk power  
16 facility and therefore does not require a Certificate of  
17 Site and Facility under RSA 162-H:5, Section II.

18 On April 27, 2012, the Committee issued  
19 an Order and Notice of Public Hearing and Meeting. The  
20 Order and Notice was published in the Union Leader on May  
21 8, 2012, the Order and Notice was also published in the  
22 Portsmouth Herald on May 8, 2012, and in Foster's Daily  
23 Democrat on May 8, 2012. The Order and Notice was also  
24 posted on the Committee's website. The Committee has

1 received no petitions to intervene in this proceeding. No  
2 public comment has been received to date.

3 The authority for this hearing today  
4 stems from our enabling statute, RSA 162-H: Section 4, and  
5 from our administrative rules pertaining to requests for  
6 declaratory rulings, Site 203.01.

7 At this point, I will turn to  
8 Commissioners Ignatius and Harrington for the designation  
9 of an engineer from the Public Utilities Commission to sit  
10 as a statutory member of the Committee in this proceeding.  
11 Chairman Ignatius.

12 VICE CHAIRMAN IGNATIUS: Thank you very  
13 much, Chairman Burack. RSA 162-H requires the  
14 participation of an engineer when the full Committee sits  
15 and -- excuse me, yes, the full Committee sits. And, so,  
16 I would move that we designate Randall Knepper, the  
17 Director of our Safety Division, as engineer for this  
18 case.

19 CMSR. HARRINGTON: I will second that  
20 motion.

21 VICE CHAIRMAN IGNATIUS: All right.  
22 Thank you. And, Commissioner Scott is not able to be here  
23 today, but he was aware of our intention to do so and  
24 concurs in that decision as well.



1                   CHAIRMAN BURACK: Do you need to take a  
2 formal vote?

3                   VICE CHAIRMAN IGNATIUS: Well, I think  
4 -- all right.

5                   CMSR. HARRINGTON: All in favor? Aye.

6                   VICE CHAIRMAN IGNATIUS: Aye.

7                   CHAIRMAN BURACK: Thank you. We will  
8 proceed today as follows: First, I will take appearances.  
9 We will then turn to Attorney Smith for a presentation  
10 from GSGT. When Attorney Smith has concluded her  
11 presentation, we will then turn to a representative from  
12 the New Hampshire Department of Transportation to see if  
13 NHDOT has any information that it wishes to present today.  
14 Thereafter, I will open the floor to questions from the  
15 Committee. Once the Committee has concluded its  
16 questioning, I will open the floor to public comment, if  
17 there be any. We will then consider our next steps, which  
18 may include deliberations and a final vote of the  
19 Committee on the Motion.

20                   So, with that, Attorney Smith, we will  
21 turn things to you and to introduce folks from your  
22 organization who are here today.

23                   MS. SMITH: Thank you, Chairman Burack  
24 and members of the Committee. I am Maureen Smith, of Orr

1 & Reno, outside counsel to GSGT with regard to this  
2 Motion. With me today are Roger Barham, on my right.  
3 Roger is the Senior Gas Engineer and the Lead Engineer for  
4 this Project in Granite State. To my far right is Thomas  
5 Murphy, who is the Manager of Environmental Compliance for  
6 Granite State. Behind me, and to my right, is Mark Wood,  
7 Professional Engineer and President of Process Pipeline  
8 Services. He is the Consultant Project Manager for the  
9 horizontal directional drill. And, directly behind me is  
10 Brian Kuta, that's K-u-t-a, who is the Director of  
11 Infrastructure Engineering at BL Companies, who is in  
12 charge of the environmental permitting for this Project.

13 CHAIRMAN BURACK: If I may just  
14 interrupt you here. I'm sorry, I couldn't write fast  
15 enough. Mr. Barham's position and title is?

16 MS. SMITH: Mr. Barham's position is  
17 Senior Gas Engineer and Lead Engineer.

18 CHAIRMAN BURACK: With PSGT?

19 MS. SMITH: With GSGT.

20 CHAIRMAN BURACK: GSGT. Thank you.

21 MS. SMITH: "GS". You know, I'll just,  
22 if you don't mind, I'll just say "Granite State".

23 CHAIRMAN BURACK: Sure.

24 MS. SMITH: It's just easier for me to

1 say that. Thank you.

2 And, across the way, at the table across  
3 the way is Lennart Suther, who is the Utilities Engineer  
4 for the Bureau of Highway Design within DOT. We did  
5 request Mr. Suther's attendance today to answer any  
6 questions. And, I understand that he will also speak to  
7 any issues that he is interested in raising from DOT's  
8 perspective.

9 My plan is to just make several  
10 preliminary comments very quickly, and then I would like  
11 to turn the presentation over to Mr. Barham, to give you a  
12 more detailed description of the Project. And, to the  
13 extent you have any questions on the technical aspects of  
14 the Project, all of the gentlemen present here today are  
15 available to answer questions that you have.

16 CHAIRMAN BURACK: Attorney Smith, if I  
17 may, I think it will be helpful for us just to get all of  
18 the witnesses here under oath, so that we've taken care of  
19 that. And, maybe we can just do that right now.

20 MS. SMITH: Thank you.

21 (Whereupon **Roger Barham, Thomas Murphy,**  
22 **Mark Wood, Brian Kuta, and Lennart**  
23 **Suther** were duly sworn by the Court  
24 Reporter.)

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 CHAIRMAN BURACK: All right. Thank you  
2 very much. Please proceed.

3 MS. SMITH: Thank you. First, I'd like  
4 to thank the Committee for scheduling this hearing. We  
5 are on an expedited schedule, and appreciate the  
6 promptness, and respectfully request that that continue  
7 because of the schedule on the Project that Mr. Barham  
8 will describe in more detail.

9 Secondly, in our Motion for Declaratory  
10 Ruling asking the Committee to decline jurisdiction over  
11 this Project, we have reserved the right to raise federal  
12 preemption, because of the FERC -- Federal Energy  
13 Regulatory Commission's certificates that apply in this  
14 case and the authorization to conduct this Project.  
15 However, we do not plan to argue that point. We think  
16 that there's adequate basis under state law for the  
17 Committee to decline jurisdiction under the "sizable  
18 change or addition" test under RSA 162-H.

19 As we set forth in our Motion, we do not  
20 believe that this is a "sizable change or addition". It  
21 is merely a replacement of a pipeline that is currently  
22 suspended from the bridge, to a deep location beneath the  
23 bridge, perform the same function, it will be the same  
24 capacity, substantially the same length of pipeline. So,

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 no increase of capacity, no change in the location, and  
2 exactly the same function. So, we believe that it really  
3 does not trigger the "sizable change or addition" test for  
4 this Committee's jurisdiction to review the Project.

5 I do want to add that there's also no  
6 significant land use impacts, because it is a totally  
7 submerged pipeline. There was an indication in our Motion  
8 that there might be some above-ground structures. But, as  
9 the design has progressed, there will be no above-ground  
10 structures associated with this Project.

11 And, may I add also that I am prepared  
12 to give the Committee a full summary of the status of  
13 other agency reviews, to the extent that becomes relevant  
14 to your determination on jurisdiction. We did submit some  
15 papers this past week on the status of certain approvals.  
16 There have been developments since then, and I would be  
17 happy to update the Committee.

18 We did ask for alternative relief in the  
19 form of an exemption, and we understand that there may be  
20 more submissions required if you decide to go in that  
21 direction. But we urge the Committee to make a ruling on  
22 our Motion, to the extent that we ask you to decline  
23 jurisdiction in the first instance.

24 So, with that, unless you have any

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 questions of me, I will turn the presentation over to  
2 Mr. Barham.

3 CHAIRMAN BURACK: Attorney Smith, if I  
4 may, I think, really, just for interest of completeness of  
5 the record, it would be helpful if you could very quickly  
6 summarize for us what the further developments have been,  
7 in terms of other permitting for this Project, beyond  
8 what's outlined in your initial pleading, as well as your  
9 letter dated May 24, 2012. You don't have to repeat  
10 what's in those documents, but just what has occurred  
11 since that time.

12 MS. SMITH: All right. I'd be happy to  
13 do that. There are two aspects of the Project that  
14 require separate but parallel approvals. One is the  
15 actual drill portion of the Project under the river. And,  
16 because that involves submerged lands that are owned by  
17 the State, and the Attorney General's Office has  
18 determined that an easement from the State would be  
19 required for that, we do have to follow the RSA 4:40  
20 process. At the time that we filed the Motion, that  
21 process had not really begun in earnest. But, since that  
22 time, the Office of Energy & Planning has submitted an  
23 application for the granting of an easement by Governor  
24 and Council. So, the process is that it must go to the

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 Council on Resources and Development. And, that meeting  
2 was held in early May. And, I'll call the Committee  
3 "CORD". Excuse me. CORD conditionally approved and  
4 recommended that the Project go forward to the Long Range  
5 Planning and Utilization Committee, pending a  
6 determination by the Rivers Management Advisory Committee  
7 on its review on river impacts. The Rivers Management  
8 Advisory Committee two days ago forwarded an e-mail to the  
9 Office of Energy & Planning stating that it believes to  
10 have jurisdiction to review the Project. However, because  
11 of *de minimus* impacts from the Project, had decided to  
12 categorically exclude Full Committee review. Therefore,  
13 it was essentially giving a pass for the Project to go  
14 forward. My understanding from CORD is that a Final  
15 Action Memo is in the process of being prepared and will  
16 be sent to the Long Range Planning and Utilization  
17 Committee, which is a legislative committee that must  
18 further review the Project, recommending that the Project  
19 go forward and be approved.

20 So, we are at the next step for the  
21 easement portion of this Project. Therefore, we'll go to  
22 the Long Range Planning and Utilization Committee on  
23 June 26th, which is the next meeting. And, we anticipate  
24 and hope for an approval at that meeting.

{SEC Docket No. 2012-02} {06-01-12}

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1                   The other aspects of the Project involve  
2                   the excavation on either side of the river. And, the  
3                   development in that is, just for purposes of  
4                   clarification, because we did not address this in the  
5                   Motion, the Department of Transportation, DOT, decided  
6                   that it would not grant an easement for those drill  
7                   portions of the Project or land-based portions. However,  
8                   they would permit it under the standard Occupancy and Use  
9                   Agreement that is normally given to projects. And, we are  
10                  in the process of negotiating the terms of that agreement,  
11                  and that is anticipated to be done within the next few  
12                  weeks.

13                   I think that, just to update the  
14                   Committee on where other things stand that were not  
15                   mentioned in our supplemental filings, and which I will  
16                   not repeat here, we have a pending wetlands permit in DES,  
17                   a Minimum Expedited -- or, Expedited Minimum Impact Permit  
18                   pending. It's under review. There is additional  
19                   information being submitted today. And, in discussions  
20                   with the Corps -- U.S. Army Corps of Engineers, we  
21                   understand that the Corps has confirmed that a  
22                   Programmatic General Permit will apply and be granted in  
23                   this case.

24                   We have also confirmed with local



[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 officials that no local zoning or planning ordinances will  
2 be triggered by the Project. And, as we've already  
3 indicated in our papers, the local conservation  
4 commissions have signed off and agreed to any wetlands  
5 impact for the land-based drilling activities.

6 So, I think that gives you a complete  
7 summary at this point of where we stand on everything.  
8 And, we are hoping to wrap everything up by the latest  
9 October, so that we're able to provide Fish & Game with  
10 the notices that they require on the dates of  
11 construction, for purposes of notifying the public that  
12 the boat ramp in Hilton Park will be closed temporarily  
13 during the winter months. And, so, that the schedule that  
14 we're facing is fairly expedited for that reason.

15 I apologize for the long-winded  
16 response, but there are a lot of pieces to this, but they  
17 are coordinated closely and working out fairly well.  
18 Thank you.

19 CHAIRMAN BURACK: Very good. Thank you  
20 very much. That's very helpful. Unless Committee members  
21 have any questions, I would propose that we now ask  
22 Mr. Barham to give a presentation.

23 WITNESS BARHAM: Thank you, Chairman  
24 Burack. As an introduction, I'm Roger Barham. I'm the

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 Senior Gas Engineer at Granite State, and I'm the Lead  
2 Engineer for this particular project. A bit of history,  
3 and just to, you know, clarify a few points. This is a  
4 New Hampshire DOT-driven project, because of the Spaulding  
5 improvements, and the fact that our existing pipeline over  
6 the existing Little Bay Bridge is going to be impacted by  
7 the new construction. And, we were faced a few years ago  
8 with having to design a replacement. And, we looked at  
9 either a new bridge crossing, across the new Little Bay  
10 Bridge, which is now, because they're basically doubling  
11 the highway, the existing bridge is going to become the  
12 northbound highway, and then the new bridge is becoming  
13 the southbound. And, you may want -- I think, in your  
14 package, you've got an Exhibit 4, sort of an aerial  
15 picture showing the overall scope of the Project. And, it  
16 may help to refer to that as I sort of give this brief.

17 CHAIRMAN BURACK: So, you said that's  
18 "Exhibit 4"?

19 WITNESS BARHAM: I believe it's --

20 CMSR. HARRINGTON: It's Attachment 4, I  
21 believe.

22 MS. SMITH: It's the May 24th  
23 submission. It is the last document, "Attachment 4". It  
24 was an aerial photo, with a dotted red line showing where

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 the pipeline will be placed under the river. It's labeled  
2 as "HDD".

3 WITNESS BARHAM: That's the one. Yes,  
4 sir.

5 CHAIRMAN BURACK: Okay. Thank you.

6 WITNESS BARHAM: On the early process we  
7 looked at either put in a replacement pipe across the new  
8 bridge structure, or to consider a horizontal directional  
9 drill. If you look, the existing pipeline goes from  
10 Newington to Dover. And, it's sort of on the west side of  
11 the highway in Newington is the existing pipeline, and  
12 then, once it goes across the bridge, it's then going to  
13 the east side of the highway, in the vicinity of Hilton  
14 Park.

15 So, when we looked at the Bridge  
16 Project, it was slightly cheaper than doing a horizontal  
17 direction drill, but there were some major challenges with  
18 it. One was that our ability to -- we would have to be  
19 three bays into the new pipeline -- sorry, into the  
20 bridge, which meant that future maintenance would be very  
21 difficult. Also, the nature of the New Hampshire DOT sort  
22 of contract was that it was a design-and-build for the  
23 contractor. And, so, we wouldn't get a design of the  
24 bridge structure until very late. So, once we reviewed

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 the relative costs, the horizontal directional drill was  
2 marginally more expensive, but lower maintenance costs.  
3 And, so, we decided to pursue that option.

4 Because the pipeline, existing pipeline  
5 runs on the west side in Newington, through to the east  
6 side in Dover, when it came to horizontal directional  
7 drill, we could either go to the west or to the east of  
8 the existing bridge structures. Our proposed route goes  
9 on the east side, from Shattuck Way, to the east side in  
10 Hilton Park. Primarily, because, on the west side of  
11 Hilton Park, it's a -- it has a very sort of historical  
12 significance. And, it was a case of the state really  
13 didn't want us to pursue the west side option. And, also,  
14 it would have caused us sort of logistical challenges to  
15 get our pipeline from the west side, back over to the east  
16 side. So, that route that we're proposing was the  
17 ultimate sort of "preferred" route, and it's about  
18 2,500 feet in length.

19 We have a construction sort of timetable  
20 of December of 2012 through to the end of March in 2013.  
21 And, that construction schedule is really driven by New  
22 Hampshire Fish & Game, because of the proximity of the  
23 Hilton Park construction in the vicinity of the boat ramp.  
24 And, it was agreed that we could close the boat ramp for

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 the period of this construction.

2 In terms of the schedule, we anticipate  
3 mobilizing at the beginning of December. And, then,  
4 during the course of January, we'll be stringing our  
5 2,500 feet of pipe in Hilton Park and commence drilling.  
6 Then, in February, we will be -- we're having to, because,  
7 on the south side, in Newington, our bore is on the right  
8 side --

9 (Court reporter interruption.)

10 WITNESS BARHAM: The bore, the  
11 horizontal directional drill is on the east side, and our  
12 existing pipeline is located on the west side. We're  
13 going to have to do a Jack & Bore underneath the existing  
14 highway and the proposed additional lanes across Route 16.

15 CHAIRMAN BURACK: So, you referred to  
16 that as a "Jack & Bore"?

17 WITNESS BARHAM: Jack & Bore. We're  
18 basically jackhammering a pipe underneath, underneath the  
19 highway.

20 MS. SMITH: "Jack and Bore", three  
21 words.

22 CHAIRMAN BURACK: Thank you.

23 WITNESS BARHAM: We anticipate sort of  
24 completing all the -- all the pipe work by the middle of

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 the March, to, you know, meet the New Hampshire Fish &  
2 Game's timeline. Then, we're not able to make the final  
3 tie-ins probably until the middle April and May, because  
4 it's an active pipeline, and that it's -- the demand, the  
5 demand on the pipeline is driven by the sort of, you know,  
6 the weather. And, it's not until round about sort of  
7 April/May that we're going to be in the position to be  
8 able to decommission the pipeline for the purposes of  
9 making the tie-in and abandoning the pipe over the bridge.

10 What I would say, though, is that we'll  
11 be laying all the pipe right up until the final tie-ins,  
12 so that, when we finish the horizontal directional drill,  
13 we'll backfill, reinstate all the land, and then, back in  
14 April/May, we'll come back and just make these final  
15 excavations to do the tie-ins.

16 What I want to talk a little bit about  
17 is the -- in a little bit more detail, the horizontal  
18 directional drill process. The first phase, like I said,  
19 at the beginning of December, is the mobilization. And,  
20 that will be preparing the two sites, in Shattuck Way, in  
21 Newington, and on the east side of Hilton Park, in Dover.  
22 In terms of sort of construction and disturbance, there's  
23 going to be some clearing on the south side, sort of --  
24 because it's sort of woods and brush. But, in terms of

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 impact, the horizontal directional drill really only  
2 requires two small excavations, of about 10 foot by  
3 20 feet, about 3 feet deep. And, on completion, it's all  
4 backfilled and restored.

5           Once the sites are set up, then the  
6 horizontal directional bore itself takes place. We start  
7 off from the south, in Newington, and we set a very small  
8 diameter pilot bore, to get the alignment and to get it  
9 through to the other side in Dover. Whilst that bore is  
10 taking place, on the north side we'll be stringing out our  
11 -- all of our pipe, 2,500 feet. Welding it together,  
12 coating it, and checking the integrity of the coating.  
13 And, then, we'll pressure test it. Once the initial pilot  
14 bore has been completed, we then sort of put in a larger  
15 sort of diameter, reverse, basically reverse the bore, and  
16 we ream it to a larger diameter and pull the new  
17 constructed 10-inch diameter pipe back through to  
18 Newington.

19           Once that's completed, we then start on  
20 the additional pipe work on the north and south side to  
21 get us back to the existing -- the existing piping. On  
22 the north side, in Dover, it's fairly straightforward,  
23 because our pipeline is on the east side of the highway.  
24 So, we've got a relatively short distance to tie it over

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 into the New Hampshire DOT land. On the south side, it's  
2 a little bit more complicated, because our pipeline is on  
3 the west side, and we're going to have to do this Jack &  
4 Bore, to take us from the horizontal directional drill to  
5 the existing pipe work in the vicinity of Nimble Hill.  
6 That is just sort of -- it's where we have a existing main  
7 line valve, and that's our local landmark for that.

8 As I said before, this Project is --  
9 sort of has minimal disturbance. There are no  
10 above-ground structures. Everything that we're installing  
11 is going to be buried. Because we're working sort of on  
12 the south side, about 250 feet away from the shoreline, on  
13 the north side, we're approximately just over 100 feet,  
14 there is no water discharge into the estuary. And, the  
15 disturbance is temporary. And, on both sides, we're going  
16 to do a full restoration. In the vicinity of Shattuck  
17 Way, where it's sort of, you know, unpaved surface, you  
18 know, we'll be sort of seeding, you know, and grassing.  
19 And, on the north side, where it's existing pavement,  
20 we'll be, you know, putting new tarmac down.

21 There has been, with horizontal  
22 directional drills, in terms of potential issues, they  
23 talk about potential for "frac-out", which is -- and a  
24 "frac-out" is where, during the drilling process, where



[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 you're pumping a -- sort of a clay slurry, in order to  
2 sort of give lubrication and to be able to aid sort of the  
3 drilling, there is potential for this clay to seep through  
4 the fissures in the ground and end up on the surface.  
5 And, I just want to sort of touch on this a little bit, to  
6 reassure the Committee that, you know, that it's a minimal  
7 potential impact.

8 First of all, these frac-outs generally  
9 occur at the beginning and the end of the bore process,  
10 where the pipe is shallow, and the -- there's easy sort of  
11 migration for this slurry to the surface. In this  
12 particular drill, where our bore points are sort of  
13 250 feet from -- sort of in the direction from the  
14 shoreline, and by the time the bore will get below the --  
15 start to get to the edge of the shore, it's going to be  
16 30 feet below the bedrock. So, in terms of this  
17 particular design, there's very limited potential for a  
18 frac-out to occur.

19 Also, with that particular location of  
20 the estuary, there's very fast-flowing water. So, if  
21 there was any of this clay to sort of rise to the surface,  
22 the current is very fast-flowing and wouldn't -- would be  
23 taking any of these contaminants away.

24 Then, finally, during the bore, we have

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 -- there is well-established horizontal directional drill  
2 best management practices, where there are established  
3 procedures for monitoring the process, monitoring the  
4 pressure of this fluid. And, if pressures rise and become  
5 unsafe, and lead to potential for frac-outs, then there  
6 are mitigating measures to sort of almost reverse the  
7 drill to eliminate the problems.

8 Just want to touch a little bit on sort  
9 of pipeline safety. With this particular bore, we are  
10 using a very high-grade X52 pipeline. Normally, we're  
11 using the X35. X52 is very, very high rated. So that it  
12 is -- has a very high design pressure far greater than our  
13 MAOP of 492. Because where it's a bore, we are installing  
14 additional coating material that is very resilient and  
15 purposefully designed for horizontal directional drills.

16 Also, prior to the -- prior to the  
17 pipeline being sort of pulled back underneath the --  
18 underneath the bed, it will be pressure-tested, so we'll  
19 know that the pipeline is sound before we sort of put it  
20 into place.

21 And, finally, it is designed, because  
22 it's going to be a smooth run, this pipeline is really  
23 designed for internal inspection. I don't know if you  
24 have heard of the new sort of techniques that are used

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 today. But, basically, we can send very sophisticated  
2 internal sort of monitoring tools inside the pipeline, and  
3 it will determine whether there's any anomalies associated  
4 with the pipeline, such as poor coating or external or  
5 internal corrosion. So, this pipeline is designed for  
6 this new technology.

7 In terms -- and, then, finally, where we  
8 are with the overall permitting process, because we have  
9 to have this completed prior to -- prior to I think about  
10 August 2012, because that is when --

11 MR. SUTHER: Excuse me. It's 2013.

12 WITNESS BARHAM: '13, sorry.

13 October 2013. That is when the next phase of the contract  
14 is going to start, where they're going to start  
15 demolishing the existing Little Bay Bridge, where our  
16 existing pipeline is on, and we have to be out of Dodge by  
17 then. So, we're anticipating having all our permits  
18 obtained by the end of June. And, in terms of drawings  
19 and bid documentation, we're looking at being able to go  
20 out to bid the middle of July, with the intention of  
21 awarding the contract round about middle of September, for  
22 commencement beginning of December.

23 And, that's all I have. Thank you.

24 MS. SMITH: Excuse me, Chairman Burack,

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 may I just add one or two points to that?

2 CHAIRMAN BURACK: Please do.

3 MS. SMITH: I failed to mention that we  
4 have submitted a petition for a water crossing license  
5 from the Public Utilities Commission. I doubt that we'll  
6 have that by the end of June. I understand it's under  
7 review at this point, but I really don't know what the  
8 schedule is, so we can't make any representations on that.

9 And, as far as the frac-out issues that  
10 Mr. Barham mentioned, the Wetlands Bureau and the Water  
11 Division within the Department of Environmental Services  
12 is having those issues addressed within the context of the  
13 Wetlands Permit itself. There will most likely be  
14 conditions placed on the issuance of that permit that will  
15 address all of those issues. And, that is part of the  
16 additional information that we are submitting today. Best  
17 management practices, contingency plans, everything that  
18 is being done to prevent frac-out and also everything that  
19 will be done to address any frac-out that would occur.  
20 So, there will be some detailed regulation of that through  
21 the permit itself. Thank you.

22 CHAIRMAN BURACK: Thank you. That's  
23 helpful. Do you have others from Granite State to present  
24 anything at this time?

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 MS. SMITH: Not at this time. If there  
2 are any questions that the Committee has, then any people  
3 can answer, help to answer those questions.

4 CHAIRMAN BURACK: Why don't we do this.  
5 Why don't we hear first from Mr. Suther, from the DOT, and  
6 then we can open this up for questions to any of the folks  
7 who are here. Please proceed, Mr. Suther.

8 MR. SUTHER: Thank you, Chairman and  
9 Committee members. My name is Lennart Suther. I'm the  
10 Utilities Engineer for the New Hampshire Department of  
11 Transportation. I'm representing the Department on this  
12 issue. We have been coordinating with Granite State Gas  
13 since late 2009 on doing this relocation. We were aware  
14 at that point that the rehab of the existing Little Bay  
15 Bridge will require replacement of the deck and removal of  
16 the stringers on the current southbound travelway, the  
17 stringers, the girders that hang -- the pipeline is  
18 hanging on will actually be removed and replaced as part  
19 of our construction. The existing northbound barrel  
20 bridge, the girders on that, we'll do some partial  
21 replacement and connection work, which would then also not  
22 allow the gas main to remain on that bridge.

23 This Project will require the  
24 relocation. We've looked at several different

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 alternatives, as Roger pointed out. And, including  
2 placing it on a new bridge, of which we are building right  
3 adjacent to the existing bridge. But, again, that would  
4 be putting it in the -- basically, in the middle of the  
5 new bridge, which would be very difficult to do  
6 maintenance or any kind of inspection work on it.

7 We did consider they -- Granite State  
8 talked about putting in a catwalk, so they could do the  
9 inspections. But we didn't want to have that available  
10 with the security issues of having a catwalk underneath  
11 the bridge that people could get on to. So, --

12 We did also look at doing a temporary  
13 placement of the pipe on the existing General Sullivan  
14 Bridge, and then moving it back onto the new rehabbed  
15 existing bridge. It would not be able to remain on the  
16 General Sullivan, because this Project ultimately will do  
17 a rehab of the existing General Sullivan, which is a steel  
18 truss bridge. So, again, it was a multiple move, which  
19 didn't make sense.

20 The Department has reviewed the plans,  
21 the proposals. We are working with them on the Use and  
22 Occupancy Agreement for the state-controlled -- the  
23 DOT-controlled properties. And, we concur with their  
24 proposal. We're continuing review of that documents. We

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 have been working with them since late 2009, when this was  
2 known that we needed to do this relocation. And, it is a  
3 relocation of the existing line, and is required on this  
4 Project.

5 CHAIRMAN BURACK: Great. Thank you very  
6 much. I'll now open things up to the Committee for any  
7 questions for any of the folks who are here today?  
8 Commissioner Harrington.

9 CMSR. HARRINGTON: Just a couple of  
10 informational questions, more just so I'm -- I'm not quite  
11 sure I understand this right.

12 BY CMSR. HARRINGTON:

13 Q. Looking at that Attachment 4, it talks about "removal"  
14 of the existing bridge, and then you were talking  
15 about, Mr. Suther, about "refurbishing" the existing  
16 bridge. I'm a little confused. What's actually  
17 happening?

18 A. (By Mr. Suther) It was incorrect that it's -- it's not  
19 a complete removal, but it's a rehab of the existing  
20 bridge, which requires the removal of the entire  
21 decking materials. And, on the southbound lanes, the  
22 girders that's -- that the pipeline is hanging off of  
23 will be completely removed. That existing bridge was  
24 built under two phases; one was built in 1960 and the

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 other was built -- widened in 1980. And, the portion  
2 that's in 1960, which is where the pipeline is hanging,  
3 those -- the girders are going to be completely removed  
4 and replaced.

5 Q. And, there's going to be a new section of bridge built  
6 as well then?

7 A. (By Mr. Suther) Right. And, we're -- currently, right  
8 now, there's a new bridge being built adjacent to the  
9 existing, which will be -- the new bridge will be four  
10 lanes, and, ultimately, that will be the southbound  
11 travelway. And, the existing bridge will be rehabbed  
12 and refurbished and reconstructed to be four lanes to  
13 go northbound.

14 Q. Okay. Thank you. And, one question for Granite State,  
15 on -- you mentioned the tie-in won't take place until  
16 April, due to the cold weather demand for natural gas.  
17 I assume there's some flexibility in that date, if, for  
18 example, we had a very severely cold beginning of  
19 April, could you push that off for a couple of weeks?

20 A. (By Mr. Barham) Oh, yes. We have really until sort of  
21 October to complete that work.

22 Q. Okay.

23 A. (By Mr. Barham) And, just to clarify that earlier  
24 point. It was removal of the pipe, of the existing



[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 pipe off the existing bridge. Because, once they  
2 refurbish it, I believe we're needing to actually  
3 physically remove the pipe.

4 CMSR. HARRINGTON: All right. Thank  
5 you.

6 CHAIRMAN BURACK: Other questions?

7 BY THE WITNESS:

8 A. (By Mr. Suther) And, I'd like to add a little bit on  
9 that. There's been a slight delay in the actual  
10 advertising of the rehab of the existing Little Bay  
11 Bridge. So, if conditions warranted, we could actually  
12 do a tie-in in, you know, through the summer, if the  
13 situation arose.

14 A. (By Mr. Barham) Yes. We would be really anticipating  
15 making the tie-in as soon as the weather permits us, so  
16 that we can really, you know, finalize our work in that  
17 vicinity and close the Project off.

18 CHAIRMAN BURACK: Chairman Ignatius.

19 VICE CHAIRMAN IGNATIUS: Thank you.

20 BY VICE CHAIRMAN IGNATIUS:

21 Q. Mr. Barham, a couple of questions about the  
22 decommissioning necessary for the final tie-in. How  
23 long do you think that would take, that it would have  
24 to be out of commission for the tie-ins to be

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 completed?

2 A. (By Mr. Barham) I was thinking it would be less than a  
3 week, depending on how much welding is to be done.

4 But, basically, we'd be able to take the pipeline down  
5 immediately south and north of that -- of the bridge.

6 And, then, we basically cut the pipe, fabricate the  
7 bends, and make the final tie-ins. It would be  
8 completed within a week.

9 Q. And, are there provisions for service during that time,  
10 some other avenues for customers to obtain gas during  
11 that period?

12 A. (By Mr. Barham) Well, our pipe -- we anticipate that  
13 the customers would not be interrupted at all. We have  
14 three supply points into our pipeline, both north, sort  
15 of central, and to the south. So, although the  
16 pipeline will be cut for approximately half a mile,  
17 customers to the north and to the south will retain  
18 service.

19 Q. Finally, the land where the tie-ins will take place,  
20 are those owned by the State or by private entities?

21 A. (By Mr. Barham) New Hampshire DOT.

22 Q. And, so, when Ms. Smith said that "an easement was  
23 necessary to go underwater", is it also an easement  
24 over the surface lands as well for the tie-ins that's

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 being sought?

2 MS. SMITH: I can answer that. I can  
3 just tell you that we had originally anticipated an  
4 easement to cover all of the lands necessary for this.  
5 But, after further discussion with DOT, DOT preferred not  
6 to grant an easement, but to allow a Use and Occupancy  
7 Agreement for the land-based work. However, for the  
8 submerged lands, because those are subject to the public  
9 trust, the Attorney General's Office opined that an  
10 easement would be necessary for the portions of the drill  
11 from the mean high water mark on either side and going  
12 under the river. So, the answer to your question is "no".  
13 There will be no easement on the land-based work.

14 VICE CHAIRMAN IGNATIUS: But the use  
15 provisions, you just gave a phrase I've forgotten already,  
16 but whatever --

17 MS. SMITH: "Use and Occupancy  
18 Agreement".

19 VICE CHAIRMAN IGNATIUS: All right. Has  
20 that been negotiated? Is there any issue regarding that  
21 approval?

22 WITNESS SUTHER: We are currently  
23 reviewing. We had a meeting. They have submitted a --  
24 they took our standard format, they have submitted some

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 changes. We're in the process of reviewing those, and  
2 working those changes out. So, --

3 VICE CHAIRMAN IGNATIUS: All right.  
4 Thank you. Nothing else.

5 CHAIRMAN BURACK: Mr. Knepper.

6 MR. KNEPPER: I don't have a microphone.  
7 So, if you can't hear me, raise your hand.

8 BY MR. KNEPPER:

9 Q. I'm looking at Attachment 4. And, if I heard things  
10 correctly, there's -- Mr. Suther, there's going to be  
11 basically three bridges there, right now where I see  
12 two?

13 A. (By Mr. Suther) That's correct.

14 Q. Okay. One of these is a pedestrian bridge called the  
15 "General Sullivan", then I see the one that's shown,  
16 and then there will be a future third one shown,  
17 probably east of what's shown, is that correct?

18 A. (By Mr. Suther) The third one, the middle one, in  
19 between the General Sullivan and the existing bridge,  
20 is under construction right now.

21 Q. Okay. All right. So, it will be in between, okay.  
22 So, it will be west. All right. And, if I heard  
23 correctly, you're going to bore underneath the -- I  
24 guess, the river and Little Bay. Are you also boring

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1           underneath the highway, when you do the tie-in on the  
2           south side in Newington?

3   A.    (By Mr. Barham) Yes.  That's going to be a straight  
4           Jack & Bore.

5   Q.    Okay.  So, that's a straight Jack & Bore.  And, the  
6           other one's a horizontally directional drill?

7   A.    (By Mr. Barham) Yes.  Correct.

8   Q.    Okay.  So, you're not drilling, going to be a straight  
9           Jack & Bore.  Okay.  And, then, looking at  
10          Attachment 4, I see the green line, which is the  
11          existing gas line, I believe.  Does it really go  
12          diagonally across the bridge the way it's shown?

13  A.    (By Mr. Barham) No.  I think it must have been --

14  Q.    It doesn't look right.

15  A.    (By Mr. Barham) It's --

16  Q.    They typically go --

17  A.    (By Mr. Barham) Yes.  It's a GIS error, on the way it  
18          was drawn on that.

19  Q.    Okay.  So, it's on one side of the bridge or the other?

20  A.    (By Mr. Barham) Yes, it is.  Looking at that drawing,  
21          it's on sort of the bottom, and it goes parallel.  And,  
22          in fact, we had a session this week to correct that  
23          error.

24  A.    (By Mr. Suther) That pipeline is on the west side,

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 which would --

2 Q. On the west side? Okay.

3 A. (By Mr. Suther) On the west side of that existing  
4 bridge, which would basically -- if, for some reason,  
5 they were to relocate onto the rehab bridge, that would  
6 put them basically in the middle of the two bridges.  
7 And, the only -- they would not have access. The two  
8 bridges will not provide enough space between them for  
9 access to do maintenance.

10 Q. Okay. Another question I had was, you mentioned that  
11 this is going to be designed for internal inspection.  
12 That is a federal requirement to do that on any new  
13 pipelines, is that correct?

14 A. (By Mr. Barham) Yes, it is.

15 Q. So, it's a requirement. Okay. And, one question I had  
16 is, if this gas line leaks in the future, let's say you  
17 do your drill and it's successful, but somehow gas  
18 leaks, because it corrodes or does something. How do  
19 you fix it? How do you -- do you have to get into the  
20 river or what would happen?

21 A. (By Mr. Barham) We would have to complete a new bore.

22 Q. You would have to do another bore in the future? Okay.  
23 And, the last question I have is, do you know if this  
24 -- will the construction of this be inspected by any

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 federal entity or regulated entity? Are you aware or  
2 not?

3 A. (By Mr. Barham) I'm not aware that any federal  
4 inspection will take place.

5 MR. KNEPPER: Okay. That's it's. I  
6 mean, your description on why you wouldn't put it on the  
7 General Sullivan Bridge made sense, because I was looking  
8 at this and saying "well, why don't you just go on the  
9 other existing bridge?" So, thank you for that. That was  
10 helpful. That's all I have.

11 CHAIRMAN BURACK: Thank you. Other  
12 questions? Director Muzzey.

13 BY DIR. MUZZEY:

14 Q. What's the expected lifetime of this installation?

15 A. (By Mr. Barham) I don't know there's any expected  
16 lifetime. But, because it's all buried, rather than  
17 hanging from a bridge, it will be cathodically  
18 protected. And, right now, we have pipe in the ground  
19 that was laid in mid '50s. And, if you dig it up, it  
20 looks like the day it was put in, because it's been  
21 cathodically protected all this time.

22 DIR. MUZZEY: Thank you.

23 CHAIRMAN BURACK: Other questions?

24 (No verbal response)

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1                   CHAIRMAN BURACK: I do have a question  
2 or two. Attorney Smith, if we are to make the finding  
3 that you've asked the Committee to make, which is that  
4 "this is not a sizable change or addition", I just want to  
5 confirm that, in fact, what's occurring here is simply a  
6 change in the location of the pipeline. There's no change  
7 in the capacity of the pipeline. There's no significant  
8 change in the overall length of this pipeline. Is that  
9 correct? Are both those statements correct?

10                   MS. SMITH: Yes. Those states are  
11 correct. Any additional length in the pipeline is only to  
12 accommodate the depth needed to get the bore under the  
13 river. But it really is just to get the gas across the  
14 river, just like it's doing now on the bridge. And,  
15 because of all the practical problems of placing that,  
16 just having to put it under the river. It's the same  
17 function, same capacity, essentially the same length.  
18 And, it's really a replacement, or a "realignment", as  
19 FERC calls it. It's a realignment for the same pipeline.

20                   CHAIRMAN BURACK: Thank you. And, the  
21 diameter of the new pipe will be equivalent of the  
22 diameter of what is there now and what will be on the  
23 north and south ends of this realigned segment?

24                   MS. SMITH: Yes. I believe it's 10-inch



[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 pipe.

2 WITNESS BARHAM: Yes. It's 10-inch pipe  
3 across the bridge, and that's what we're replacing it  
4 with; like for like.

5 BY CHAIRMAN BURACK:

6 Q. And, again, more out of curiosity than anything else,  
7 what's the actual thickness of this pipe?

8 A. (By Mr. Barham) The proposed thickness is 0.365 inch.  
9 And, it's -- in fact, I think the existing pipeline is  
10 0.25. And, we're actually going for a heavier wall  
11 thickness, simply because of the expense of doing the  
12 horizontal directional drill. We basically want to  
13 measure twice and cut once, and want it to last.

14 CHAIRMAN BURACK: Thank you. Attorney  
15 Iacopino has some questions.

16 MR. IACOPINO: My first question is for  
17 Ms. Smith. Ms. Smith, if I understand the filing  
18 correctly, you are not taking the position that has --  
19 that this facility can, if we grant -- if this motion is  
20 granted, that the facility can forgo any further  
21 permitting, correct?

22 MS. SMITH: That's correct.

23 MR. IACOPINO: My next question is for  
24 Mr. Barham.

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 BY MR. IACOPINO:

2 Q. You discuss the type of pipe that's going to actually  
3 be submerged under the bedrock. Will it be the same  
4 time of pipe that will be constructed in the areas of  
5 the two tie-ins or will that be a different type of  
6 pipe?

7 A. (By Mr. Barham) It's basically the same pipe, but  
8 slightly lower grade. We will just tie it in with our  
9 regular standard pipe that we use for construction  
10 elsewhere.

11 Q. And, will the tie-in pipe be subject to the inspection,  
12 internal inspection as well?

13 A. (By Mr. Barham) Yes, it will. The whole -- yes. All  
14 that pipeline will be.

15 Q. And, just to confirm, I'm pretty sure that I know the  
16 answer to this, but there is no blasting required on  
17 either side of the river for the construction of this  
18 realignment, correct?

19 A. (By Mr. Barham) No blasting at all.

20 CHAIRMAN BURACK: Just want to ask one  
21 other thing simply to clarify.

22 BY CHAIRMAN BURACK:

23 Q. You mentioned before that there would be the ability to  
24 put some kind of monitoring equipment through the

1 pipeline, after it's been installed, in order to test  
2 it. Does that mean that there are, in fact, going to  
3 be some ports or portals somewhere on the surface that  
4 would accessible, not just after -- immediately after  
5 construction for monitoring, but also at later times as  
6 well?

7 A. (By Mr. Barham) Yes. At various locations throughout  
8 our pipeline, we have what are known as above-ground  
9 facilities called "pig receivers" and "pig launchers".  
10 "Pig" is sort of the slang for the tools --

11 (Court reporter interruption.)

12 **BY THE WITNESS:**

13 A. (By Mr. Barham) "Pig" is the slang word for internal  
14 inspection tools. I don't know why, but -- and, so, a  
15 good example is we have an existing facility down at  
16 the start of our pipeline in Haverhill, and then it  
17 finishes up in Newfields Road in Exeter. And, we have  
18 got -- we've just put two new facilities along the  
19 Spaulding Turnpike as well.

20 **BY CHAIRMAN BURACK:**

21 Q. So, you would use those new facilities along the  
22 Spaulding Turnpike to access the pipeline in this  
23 segment for monitoring purposes?

24 A. (By Mr. Barham) We have to internally inspect, use

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1           these tools every seven years. And, our seven-year  
2           clock will start ticking once we install the pipeline.  
3           So, it's our intention to, although the line is  
4           pig-capable, we will be constructing additional  
5           facilities in the next few years along our  
6           right-of-way, so that we can access that pipeline and  
7           inspect it, you know, in year -- by year seven in the  
8           future.

9   Q.    But those facilities -- construction of those  
10       facilities is not part of what you're seeking to have  
11       permitted here or, in this case, to have a  
12       determination made on with respect --

13   A.    (By Mr. Barham) No, sir. These will be future, future  
14       projects, beyond the scope of -- beyond the limits of  
15       this particular project.

16                           CHAIRMAN BURACK: Thank you.

17                           MR. KNEPPER: Can I ask one more  
18       question?

19                           CHAIRMAN BURACK: Mr. Knepper.

20                           MR. KNEPPER: Just reading the Petition,  
21       this Granite State Gas pipeline, this is for the attorney,  
22       it hasn't been certified previously under RSA 162-H, has  
23       it?

24                           MS. SMITH: No. I was not able to find

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 any record of that, and I assume it's because the pipeline  
2 was initially constructed in the 1960s.

3 MR. KNEPPER: And, was it certified  
4 pursuant to RSA 162-F?

5 MS. SMITH: If you can, --

6 MR. KNEPPER: I'm just reading the  
7 statute, 162-H:5, II, which you cited. And, I'm just  
8 seeing if that's applicable to this?

9 MS. SMITH: If you could just remind me  
10 of 162-F?

11 MR. KNEPPER: I don't have it in front  
12 of me.

13 MS. SMITH: Or, can you refer me to the  
14 portion of the Petition where you're citing that or a page  
15 number?

16 MR. KNEPPER: Yes. I guess I was  
17 looking at this, the Order of Notice today, under "The  
18 Motion". And, it says, "finding that the construction and  
19 operation of the proposed replacement...does not  
20 constitute a sizable addition...and therefore does not  
21 require a certificate of site and facility under 162-H:5,  
22 II." And, when you go to that, it references "RSA 162-F  
23 or 162-H". And, so, since you said it hasn't already  
24 previously been certificated under 162-H, I was just

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 wondering if it was already previously certificated under  
2 162-F?

3 MS. SMITH: Oh, the earlier version of  
4 the statute? Oh, all right. No. No, I believe that it  
5 was not -- I have not been able to find any record of  
6 that. That's all I can say. I can't say, as a matter of  
7 fact, it has not been. But it's my understanding, just  
8 from the records we've been able to search, that it has  
9 not undergone that. However, it has gone through all  
10 Federal Energy Regulatory Commission processes for a  
11 Public -- Certificate of Public Convenience and Necessity.  
12 And, those orders I believe were cited in the Motion.

13 MR. KNEPPER: Yes, I saw those.

14 MS. SMITH: And, then, further review  
15 under the blanket certificate provisions. And, this  
16 construction project would be subject to all of the  
17 conditions that are contained in that blanket certificate,  
18 including detailed reporting, compliance of all applicable  
19 law. So, there is a federal overlay in terms of, you  
20 know, this Project. But it is deemed to be, again, a  
21 routine project that does not undergo a full federal  
22 review at this point. And, the 162-H certification has  
23 never applied, because the statute was adopted after this  
24 pipeline was constructed. And, under 162-H, an existing

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 facility or any unsizable change or addition to the  
2 facility is not subject to this Committee's review.

3 BY CHAIRMAN BURACK:

4 Q. Just again to seek something confirmatory in nature.

5 Mr. Barham, can you just recite for us the actual  
6 length of this pipeline, where it starts and where it  
7 finishes? And, if by any chance you have made the  
8 calculation of what, as a percentage of the total  
9 distance of the pipeline, what percentage of the  
10 distance is actually being realigned in this Project?

11 A. (By Mr. Barham) Okay. The actual bore itself is about  
12 2,500 feet. And, then, including all the -- then  
13 there's about maybe additional sort of 500 feet to  
14 complete the tie-ins.

15 Q. So, the Project itself is about 3,000 feet. And,  
16 what's the total? This pipeline is some 87 miles in  
17 length?

18 A. (By Mr. Barham) It's 87 miles in length. So, this is,  
19 you know, less than sort of half, you know, half a mile  
20 relative to 87 miles. So, it's just a small portion of  
21 that.

22 CHAIRMAN BURACK: Thank you. Any other  
23 questions from the Committee?

24 (No verbal response)

[WITNESSES UNDER OATH: Barham~Murphy~Wood~Kuta~Suther]

1 CHAIRMAN BURACK: Attorney Iacopino, do  
2 you have anything else?

3 MR. IACOPINO: No thank you.

4 CHAIRMAN BURACK: Ms. Smith, do you have  
5 anything else?

6 MS. SMITH: No, I believe we've  
7 exhausted the points. Thank you.

8 CHAIRMAN BURACK: Thank you. All right.  
9 We will close this portion of the proceeding. And, we  
10 will open for any public comment. Any member of the  
11 public here who wishes to address this matter?

12 (No verbal response)

13 CHAIRMAN BURACK: Seeing none, we have  
14 not received any public comment here today. And, I think  
15 it will now be up to the Committee to consider our next  
16 steps, which, as I indicated before, could include  
17 deliberations, as well as a final vote of the Committee on  
18 the Motion.

19 Before we get to that, I just want to  
20 check with our stenographer and see how he's holding up.  
21 Do you need a break?

22 MR. PATNAUDE: No, keep going.

23 CHAIRMAN BURACK: Keep going?

24 MR. PATNAUDE: Yes.



1                   CHAIRMAN BURACK: Okay. Very good. So,  
2 let's open this up now to deliberations. And, at an  
3 appropriate point, certainly somebody could make the  
4 motion. And, I believe Commissioner Harrington may be  
5 prepared and willing to make a motion. Do you want to  
6 make a motion, then we have a discussion on such a motion?

7                   CMSR. HARRINGTON: Sure. Sure. I'd  
8 just make a comment up front. I think, you know, in the  
9 past we've struggled with "sizable change or addition",  
10 exactly what constitutes that, how big or small. In this  
11 case, I think it's pretty clear. The answer to your  
12 question, it affects about 0.65 percent of the overall  
13 length. And, it really doesn't -- it's not -- it's really  
14 not much of a change. Functionally, it's exactly the  
15 same. In addition, there's a slight change or a slight  
16 addition to it to compensate for the fact that it's not  
17 going over a bridge, but underwater. But, besides that,  
18 is it's almost, it seems to me, a minimal amount of change  
19 or addition that could possibly be done and still allow  
20 the pipeline to physically operate.

21                   So, therefore, having reviewed the  
22 filings from Granite Gas Transmission Company, having  
23 carefully considered the information presented here today,  
24 it appears to me that the proposed replacement project

1 will affect a very short portion of an otherwise extensive  
2 facility, and would constitute nothing more than a  
3 replacement of an existing portion of the facility because  
4 of circumstances that are beyond the control of Granite  
5 State Gas.

6 Therefore, I move that we grant the  
7 Motion filed by Granite State Gas and find the proposed  
8 Project as set forth in this Motion does not constitute a  
9 sizable addition to an existing facility, and therefore  
10 does not require the issuance of a certificate of site and  
11 facility.

12 CHAIRMAN BURACK: Thank you. A motion  
13 has been made. Is there a second to the motion?

14 DIR. NORMANDEAU: I'll second it.

15 CHAIRMAN BURACK: Seconded by Director  
16 Normandeau. Thank you. Discussion of the motion?  
17 Director Stewart.

18 DIR. STEWART: Yes. Just for the  
19 record, the environmental issues, with regard to wetlands,  
20 which would be covered under a Minimum Impact Wetlands  
21 Permit and any possible water quality issues, which are --  
22 I think the frac-out scenario is the issue there, would  
23 also be covered under the Wetlands Permit, which would  
24 include the 401 Water Quality Certificate element.

1 Under the State Programmatic General  
2 Permit that the Corps of Engineers issues to the State of  
3 New Hampshire, the federal wetlands issue would also be  
4 covered by the state Wetlands Permits. And, I think  
5 that's what Attorney Smith was alluding to.

6 So, therefore, I think that the  
7 environmental issues will be covered by the state permits,  
8 and there's no need for Site Evaluation Committee  
9 oversight in that context.

10 CHAIRMAN BURACK: Thank you. Further  
11 discussion?

12 MR. KNEPPER: My comment on the "sizable  
13 addition" is I don't think you measure it in terms of the  
14 overall pipeline length. I think that would be the wrong  
15 way to measure anything. I mean, if you've got a 3,000  
16 mile pipeline that crosses 15 states, and, in that case,  
17 anything would be, you know, *de minimus*. I think what you  
18 look at is the addition for what was existing. And, this  
19 is basically a water crossing, so you would look at it in  
20 terms of the water crossing. And, so, I don't think it's,  
21 in my opinion, "sizable" even in that context, but I think  
22 that's the context that I would look at it as.

23 CHAIRMAN BURACK: Thank you. Chairman  
24 Ignatius.

1                   VICE CHAIRMAN IGNATIUS: Consistent with  
2 Director Stewart's comments about other proceedings going  
3 on, we should note that the Public Utilities Commission is  
4 authorized to consider licenses to cross public bodies of  
5 water. And, we have an Application and we'll review that.  
6 And, if everything is appropriate, we'll issue an order.  
7 It's one more way in which the work to make sure that  
8 things are done safely and appropriately will take place  
9 without the involvement of the Site Evaluation Committee.

10                   And, I agree with Commissioner  
11 Harrington. I don't see a basis for us to have to assert  
12 jurisdiction here. It is not, in my mind, a sizable  
13 addition. It's really a relocation. And, there are other  
14 regulatory steps that have either already taken place or  
15 are still being worked on that will assure that things are  
16 done appropriately, and don't see any particular value  
17 that we would bring by taking jurisdiction.

18                   CHAIRMAN BURACK: Thank you. Other  
19 comments or discussion?

20                   (No verbal response)

21                   CHAIRMAN BURACK: All right. If there's  
22 nothing further, we'll take a vote on the motion. Why  
23 don't we just do this by orally here.

24                   All in favor of the motion, please

1 signify by saying "aye"?

2 (Multiple members indicating "aye".)

3 CHAIRMAN BURACK: Opposed?

4 (No verbal response)

5 CHAIRMAN BURACK: Abstentions?

6 (No verbal response)

7 CHAIRMAN BURACK: All right. The motion  
8 has been adopted unanimously. And, we will proceed to ask  
9 our attorney, Mr. Iacopino, to prepare a draft of an order  
10 that we will review and then issue within probably a  
11 couple of weeks, I would imagine, something within that  
12 time frame.

13 Anything further from anyone?

14 (No verbal response)

15 CHAIRMAN BURACK: Seeing and hearing  
16 nothing, we will stand adjourned. Thank you all.

17 MS. SMITH: Thank you very much.

18 **(Whereupon the hearing & deliberations**  
19 **regarding SEC 2012-02 were adjourned at**  
20 **11:16 a.m.)**

21

22

23

24