

**In Re:**

*SEC DOCKET NO. 2014-15: PETITION FOR JURISDICTION  
OVER A RENEWABLE ENERGY FACILITY BY ANTRIM WIND, LLC*

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*DAY 2 - MORNING SESSION ONLY  
July 7, 2015*

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STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

July 7, 2015 - 9:08 a.m. DAY 2  
Public Utilities Commission MORNING SESSION ONLY  
21 South Fruit Street  
Concord, New Hampshire

IN RE: SITE EVALUATION COMMITTEE:  
DOCKET NO. 2014-05: Petition for  
Jurisdiction Over a Renewable  
Energy Facility by Antrim Wind, LLC  
and Others.

PRESENT: SITE EVALUATION COMMITTEE:

Chrmn. Martin P. Honigberg	Public Utilities Comm.
(Presiding as Chairman of SEC)	
Cmsr. Robert R. Scott	Public Utilities Comm.
Dir. Eugene Forbes, Designee	DES - Water Division
Cmsr. Jeffrey Rose	Dept. of Resources & Economic Dev.
Dir. Elizabeth Muzzey	Div. of Historical Resources
Patricia Weathersby	Public Member
Roger Hawk	Public Member

COUNSEL TO THE COMMITTEE: Michael Iacopino, Esq.  
(Brennan Lenehan)

COURT REPORTER: Susan J. Robidas, N.H. LCR No. 44

1 APPEARANCES: Reptg. Antrim Wind, LLC:  
2 Barry Needleman, Esq. (McLane, Graf)  
3 Patrick Taylor, Esq. (McLane, Graf)  
4 Jack Kenworthy (Antrim Wind)  
5 Henry Weitzner (Walden Green Energy)  
6 David Raphael (LandWorks)

7 Reptg. Counsel for the Public:  
8 Mary Maloney, Esquire  
9 Senior Asst. Atty. General  
10 N.H. Atty. Gen. Office  
11 Jean Vissering

12 Reptg. Antrim Board of Selectmen:  
13 Justin Richardson, Esq. (Upton &  
14 Michael Genest, Chairman Hatfield)  
15 John Robertson, Selectman  
16 Gordon Webber, Selectman

17 Reptg. Harris Center for Conservation  
18 Education:  
19 James Newsom

20 Reptg. Audubon Society of N.H.:  
21 David M. Howe, Esq.  
22 Carol Foss

23 Reptg. the Wind Action Group:  
24 Lisa Linowes

25 Reptg. Lorraine C. Block and  
Richard Block  
(Non-Abutters Group):  
Lorraine Carey Block, pro se  
Richard Block, pro se

1 APPEARANCES (CONT'D):

2 (Abutters Group)

3 Janice Duley Longgood, pro se

4  
5 (Non-Abutters Group)

6 Charles Levesque, pro se

7 Dr. Fred Ward, pro se

8 Elsa Voelcker, pro se

9 Annie Law, pro se

10 Robert Cleland, pro se

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## P R O C E E D I N G S

CMSR. HONIGBERG: Good morning everyone. We're going to resume the hearing in Docket 2014-05, which is Antrim Wind, LLC's Petition for Jurisdiction. I should have mentioned yesterday it was also a petition from the Town for the SEC to take jurisdiction, and it's all being heard together.

Is there any business we need to take up before we hear from Ms. Vissering? Ms. Maloney.

MS. MALONEY: Thank you. Just for recordkeeping, I'd like to mark her prefiled testimony as Public Counsel Exhibit 1. Can we do that?

CMSR. HONIGBERG: We can do that.

(Exhibit PC 1 marked for identification.)

CMSR. HONIGBERG: Go ahead, Mr. Richardson.

MR. RICHARDSON: I was going to suggest that I only have a couple of questions that I intended to ask of Ms. Vissering. I think that Antrim Wind is going



1 to cover those same areas. So I was going to  
2 ask if we could change the order, to the  
3 extent there is an order. I would go after  
4 Antrim Wind, and it's likely in that case I  
5 won't have any questions, and we might speed  
6 things up in that manner.

7 CMSR. HONIGBERG: Mr.  
8 Needleman, I assume you don't have a problem  
9 with that?

10 MR. NEEDLEMAN: That's fine  
11 with us.

12 CMSR. HONIGBERG: So we'll  
13 just go through the order that I expect to  
14 have people doing the cross-examination of  
15 Ms. Vissering. We're going to go with --  
16 after Ms. Maloney's done, we'll go with Ms.  
17 Linowes, Mr. Howe, Ms. Longgood, Mr. Block,  
18 Mr. Newsom, Mr. Needleman and then Mr.  
19 Richardson. So it sounds like you can  
20 proceed, Ms. Maloney. Thank you.

21 MS. MALONEY: Thank you.

22 Ms. Vissering you have in  
23 front of you Public Counsel Exhibit 1 --

24 CMSR. HONIGBERG: Wait. Do  
25 you want to have her sworn in?

1 MS. MALONEY: Yes. Thank you.

2 (WHEREUPON, JEAN VISSERING was duly sworn  
3 and cautioned by the Court Reporter.)

4 DIRECT EXAMINATION

5 BY MS. MALONEY:

6 Q. Ms. Vissering, you have in front of you  
7 Public Counsel Exhibit 1, which is your  
8 prefiled testimony in this matter. Do you  
9 have any factual changes to that testimony?

10 A. Yes, I do.

11 Q. And what are they?

12 A. They're on Page 9, Line 10. It's in the  
13 middle of that sentence on Line 10. It says,  
14 "The turbines would be over 100 feet taller  
15 than those used in the Lempster Wind  
16 Project." It should be 93.

17 Q. Do you have any other changes?

18 A. A typo in Line 13, where there's in the  
19 middle of the sentence an "A" that shouldn't  
20 be there. I won't get into that kind of  
21 thing. And there was a third thing, although  
22 it's a change that I discovered after I wrote  
23 this; so it's in terms of what I knew at the  
24 time. It's something to do with the views  
25 from Nubanusit Pond. And I don't know

1           whether it should be in here or not. But it  
2           is a factual error, but it was one that I  
3           didn't know at the time.

4   Q.    Okay. Do you want to cover that in the --

5                   MR. RICHARDSON: Could we have  
6           her -- excuse me -- just move the microphone  
7           a little bit. I'm having a little trouble  
8           hearing her.

9                   THE WITNESS: Is that better?

10                   CMSR. HONIGBERG: Actually, if  
11           you move it to the other side of your face,  
12           since the people you're facing are out there,  
13           that way you'll be speaking right at them at  
14           the microphone. We have this problem at  
15           every hearing, trust me. Go ahead.

16   BY MS. MALONEY:

17   Q.    Do you want to make that correction now?

18   A.    I'll just mention it. So in that chart, the  
19           third row down --

20   Q.    Which page are we on?

21   A.    Still on Page 9. It says, "No views from  
22           Nubanusit Pond," and it should say "Views of  
23           Blades Only."

24   Q.    Do you have any other factual changes?

25   A.    No.

1 Q. Do you adopt and swear to the testimony in  
2 front of you as the Public Counsel Exhibit 1?

3 A. I do.

4 CMSR. HONIGBERG: You're done?

5 MS. MALONEY: I'm done.

6 CMSR. HONIGBERG: All right.

7 Ms. Linowes.

8 MS. LINOWES: Thank you, Mr.

9 Chairman.

10 CROSS-EXAMINATION

11 BY MS.LINOWES:

12 Q. Good morning, Ms. Vissering. Now, you were a  
13 part of the prior docket, 2012-01; is that  
14 correct?

15 A. That's correct.

16 Q. And you submitted a Visual Assessment -- or a  
17 Visual Impact Statement Study on that  
18 proposed 10-turbine project?

19 A. Yes, I did.

20 Q. And were you part of -- did you attend the  
21 hearings in 2012 and 2013?

22 A. Yes, I did.

23 Q. Okay. Did you come every day or just the  
24 days that you were -- that your topic was  
25 being debated or discussed?

1 A. Only the days when the aesthetic impact  
2 issues were being discussed.

3 Q. So you heard the cross-examination of  
4 Saratoga Associates, and, of course, you were  
5 there for yours as well.

6 A. Yes.

7 Q. Okay. Now, in your testimony, on Line 6, you  
8 state that you prepared a detailed Visual  
9 Impact Statement. This would be the first  
10 question -- second question posed on that  
11 page.

12 A. Yes.

13 Q. And you state, "My Visual Impact Assessment  
14 Report... focused on the most visually  
15 sensitive vantage points within the study  
16 area. It described the visual  
17 characteristics of these locations and how  
18 the wind project would appear..."; is that  
19 correct?

20 A. Yes.

21 Q. At those locations.

22 And then you concluded that the Project  
23 and the 10-turbine configuration would have  
24 an unreasonable adverse effect to the area;  
25 is that correct?

1 A. That's correct.

2 Q. Now, viewed from 10 miles away only, you may  
3 not have arrived at that conclusion?

4 A. That's correct.

5 Q. But as you were closer in to the specific  
6 areas, within the specific resources around  
7 the Project, that was what raised the  
8 concern?

9 A. Yes, it was a combination of the proximity of  
10 resources and the number of resources.

11 Q. And you had recommended that Turbines 10 and  
12 9 be removed from the Project; is that  
13 correct?

14 A. I did recommend that.

15 Q. And you also recommended that the remaining  
16 turbines be reduced in height?

17 A. Yes.

18 Q. Okay. So, all of them, all of the turbines  
19 be changed in some way.

20 A. Yes.

21 Q. Now, yesterday there was a lot of discussion  
22 about Willard Pond. And according to your  
23 testimony on Page 4, this would be Lines 5  
24 through 11, you state, "It is a unique and  
25 valuable public resource and one where the

1           expectation of a natural and undeveloped  
2           setting is an important part of the  
3           experience"; is that correct?

4    A.    Yes.

5    Q.    My sense yesterday in listening to Mr.  
6           Raphael -- and you were here as well, so  
7           correct me if I'm mischaracterizing it from  
8           your memory. But my sense was, sure, it's a  
9           nice place, but nothing special. Is that  
10          your sense of what you heard from him?

11   A.    Not at all.

12   Q.    He did not say that?

13   A.    It's not my impression of the place.

14   Q.    Oh, I understand. But what was your  
15          impression of what Mr. Raphael was saying?

16   A.    Oh, I think it sounded like, as though this  
17          is just sort of an ordinary place that one  
18          could find just about anywhere was my  
19          impression, and that some things such as the  
20          logging up on Goodhue Hill were unappealing  
21          to him. I don't think he quite understood  
22          the history of that clearing and its purpose.  
23          But the water body was not pristine because  
24          there was a dam, which there aren't many  
25          ponds in New England without dams; otherwise,

1       they're not really suitable for activities  
2       like kayaking or -- and I don't think that  
3       was necessarily the reason the dam was put  
4       in, but...

5     Q.   And I think it was stated yesterday, in fact,  
6       Willard Pond is a naturally occurring lake or  
7       pond, even without the dam. I don't know if  
8       you heard that.

9     A.   Yes. And I think that the real -- for me,  
10       the issue here with Willard Pond is that, and  
11       what's unique about it, is that there is no  
12       development around the pond. That's very  
13       rare to find one that has good public access  
14       with no development, with no motorized use.  
15       That is a level of experience that is pretty  
16       difficult to find in many places throughout  
17       New England. Most ponds are required to  
18       accept motor boats as well.

19               So, yes, this is a place that has some  
20       natural values in its stated purpose, as well  
21       as in its actual condition.

22     Q.   That's very helpful, because the question I  
23       was just about to ask you, and perhaps you've  
24       answered it, but I'll ask it anyway. Can you  
25       help us the value of Willard Pond and whether



1       it's worth saving, at least the views around  
2       Willard Pond? I don't know if you want to  
3       add on to what you just said, but --

4     A.   Well, I think when you have a natural  
5       setting, one that is -- especially one that  
6       is well documented, one that has clearly  
7       stated values as a natural setting, it should  
8       raise a red flag. And I think I've been  
9       fairly consistent in saying that that doesn't  
10       necessarily mean that no wind project should  
11       be within its view. But it does mean that  
12       there may be -- it's going to be sensitive to  
13       those impacts, that there may need to be some  
14       mitigation that recognizes the importance of  
15       that resource and its particular values,  
16       because that's within -- it's in extremely  
17       close proximity there.

18    Q.   The turbines are?

19    A.   The turbines are.

20    Q.   Okay. But by "mitigation," your  
21       recommendation has been mitigation regarding  
22       reconfiguration of the Project or change of  
23       the Project. It hasn't been pay some money  
24       and buy conservation land somewhere else; is  
25       that correct?

1 A. That's correct, because that doesn't address  
2 what are the issues in this case.

3 Q. And also on Page 4 you talk about Gregg Lake.  
4 I don't think we talked much about Gregg Lake  
5 yesterday. But you state that -- it's in the  
6 next paragraph down from where I was  
7 citing -- that the Project would also be a  
8 highly dominant feature in views from Gregg  
9 Lake, and you worried about close proximity  
10 of the turbines and the visibility from a  
11 large part of the lake; is that correct?

12 A. Yes, I did.

13 Q. And you also -- here's where the question I  
14 believe Attorney Iacopino asked yesterday  
15 about the scale. You state that the ridge  
16 itself is only about 700 feet above the  
17 elevation of lakes, so the turbines would  
18 appear to visually overwhelm this modest land  
19 form.

20 My sense in listening to Mr. Raphael  
21 yesterday was the sense of that scale  
22 question, while probably still present in  
23 this new configuration, didn't sound like it  
24 concerned him that much. Can you --

25 CMSR. HONIGBERG: Ms. Linowes,

1 I'm going to stop you with that question. I  
2 didn't like the last version of that question  
3 you asked. Your impressions of what a  
4 witness said yesterday aren't particularly  
5 helpful to what we want to hear from this  
6 witness. So this witness has opinions and  
7 information that you want to elicit, okay.  
8 And you can do that without talking about  
9 what any witness yesterday said, unless  
10 there's specific things you want to ask if  
11 she agrees or disagrees with. But I don't --  
12 impressions and feelings and senses aren't  
13 really helpful for us. So if you want to ask  
14 her about her understanding or her opinions  
15 about how this will affect the views, let's  
16 do it that way, okay.

17 MS. LINOWES: Okay.

18 CMSR. HONIGBERG: Thank you.

19 MS. LINOWES: Thank you for  
20 that correction.

21 BY MS. LINOWES:

22 Q. So the question of scale, that was something  
23 that the Committee had raised in its Order  
24 when it denied the Project. Can you speak to  
25 that issue? Because you also raise it in

1       your testimony.

2       A.    So I think, in this particular case, the  
3           scale is important. And I have not found  
4           that to be the case in most any other project  
5           that I can think of that I have reviewed.  
6           But the reasons for this particular area and  
7           the scale is a couple things. One is that  
8           these are very low ridges. I believe they're  
9           even lower than the Lempster ridges, though  
10          I'm not really, absolutely sure about that.  
11          But they're quite low. But more importantly,  
12          we've seen the size of turbines grow and  
13          grow. When I started working, they were  
14          under 200 feet. They've grown to 300, 400,  
15          and now to 500 feet. And that is beginning  
16          to make quite a difference, in terms of their  
17          visibility and their dominance in particular  
18          settings. I think the larger ones can work  
19          very well in some of the larger mountain,  
20          grander settings. But I was struck by Mr.  
21          Raphael's simulations with the comparison of  
22          the roughly 499 versus the short reduction of  
23          46 feet. You begin to see that there is a  
24          diminishing impact. There is a -- it  
25          makes -- it does make a difference when you

1       lower them. And by contrast, if we look at  
2       the flip side, the 500-foot turbines are much  
3       more visible. They're creating impacts that  
4       may not be suited to this particular  
5       situation. Because that technology exists  
6       does not necessarily mean that it is  
7       appropriate for every situation. We have the  
8       400-foot turbines, roughly, in Lempster,  
9       Groton -- I'm trying to think. Granite  
10      Reliable is a bit higher than that. But  
11      we're -- as we get higher and higher, it  
12      makes a difference, and especially in a  
13      setting like this which is fairly small in  
14      scale, intimate valleys. So I guess that's  
15      my large concern, or my very big concern  
16      about scale.

17    Q.    Okay. But I just want to make sure I  
18           understand you, though. You did say you have  
19           seen projects in other settings where the  
20           scale is not so much of a problem, but it  
21           is --

22    A.    Yes, it's always -- as Mr. Raphael points  
23           out, there's always a number of variables.  
24           And for me, for example, the scale is one  
25           variable. But there's also, you know, you

1 look at Gregg Lake and its very close  
2 proximity with all turbines visible on the  
3 lake, and over most of the lake. So that, to  
4 me, raises some real concerns.

5 Q. And the question -- it was discussed  
6 yesterday that there is an agreement between  
7 the Town and Antrim Wind to provide a \$40,000  
8 donation to address visual impacts on Gregg  
9 Lake, although it doesn't appear that there  
10 are any stipulations around how that money  
11 will be spent. Do you see that as a valid  
12 mitigation?

13 A. I don't.

14 Q. Now, the question of nighttime view. Is  
15 it -- do people in New Hampshire use spaces  
16 like Gregg Lake or Willard Pond at night?

17 A. I would assume that they do. There are  
18 certainly a lot of camps around there. I  
19 know the lakes that I have spent time on,  
20 whether it's in kayaks or whether it's in  
21 motor boats, it's nice to go out at  
22 nighttime.

23 Q. Okay. And so the lights would -- might be an  
24 issue?

25 A. Oh, I definitely think -- the lights are a

1 concern to me. It's one of the things I hear  
2 people often saying, is that's the part of  
3 the Projects they find the most obnoxious I  
4 think. And so -- and that's exacerbated at  
5 close range as well.

6 Q. Now, during the technical session -- and I  
7 can show you the transcript if you need to  
8 see it. But on Page 102, Line 6, Mr. Raphael  
9 stated, when asked about your --

10 A. Excuse me. Which document are we in?

11 Q. I'm sorry. The transcript from the technical  
12 session.

13 A. I don't have that with me.

14 MS. LINOWES: Mr. Chairman, if  
15 I may?

16 CMSR. HONIGBERG: Sure.

17 (Ms. Linowes hands document to witness.)

18 BY MS. LINOWES:

19 Q. And in there he was asked about your work.  
20 And he was -- he says, "I was critical of the  
21 fact that her findings" -- your findings --  
22 "were based on what I believe was an  
23 incomplete and somewhat contradictory  
24 methodology." And I believe some of that was  
25 stated yesterday. Can you explain, if you

1 know, what Mr. Raphael is taking about there,  
2 from your perspective?

3 CMSR. HONIGBERG: Do you  
4 understand the question?

5 THE WITNESS: It would be a  
6 lot easier for me to define -- defend my  
7 approach rather than to assume what he is  
8 saying.

9 BY MS. LINOWES:

10 Q. Okay. If you can, then, please.

11 A. Okay. So, when I do a visual impact  
12 assessment for a -- on behalf of an  
13 applicant, they are very thorough. I mean,  
14 if you look at my Granite Reliable  
15 methodology, that goes into much more detail.  
16 When I'm working on behalf of a state  
17 agency -- and I do a lot of work for the  
18 Department of Public Service in Vermont and  
19 on a couple of occasions with, as in my  
20 report here, with the Counsel for the Public  
21 in New Hampshire -- I don't see my role to  
22 duplicate the entire visual assessment  
23 process. The idea of listing every possible  
24 point, viewpoint is not, to me, productive.  
25 It's already been done. I see my role as



1       being -- as critiquing the Visual Assessment  
2       that was done for the applicant. And so I  
3       tend to -- I tend to just focus on the areas  
4       where I think there are problems. I like to  
5       also point out, as I did in that, things that  
6       I think were done well, but, and assuming  
7       that there are problems, that's where I  
8       focus. And I have -- I will admit I have a  
9       slightly different approach than Mr. Raphael.  
10      And I have a tendency to, I guess I would  
11      call it "cut to the chase." I know that I'm  
12      not going to be concerned with the  
13      playgrounds at the high school because of its  
14      use. Maybe if it was right there and it had  
15      some sort of contemplative values or  
16      something, perhaps I would. But I know that  
17      there are going to be resources that I'm  
18      going to be less concerned about. I know  
19      that unless it's a scenic overlook, I'm  
20      probably not going to be that concerned about  
21      highways or a particular scenic designation.  
22      I am going to be concerned with places that  
23      are in very close proximity because of the  
24      degree of impact. I'm going to be very  
25      concerned about places that involve water

1       because they tend to be focal points for  
2       aesthetic impact reasons. Water has a high  
3       aesthetic impact value. That's been well  
4       documented. I'm going to be concerned about  
5       places that are listed in town plans as  
6       valuable resources, or in regional plans or  
7       state plans. I'm going to be concerned with  
8       places that have natural values because  
9       there's going to be the greatest contrast  
10      between those values and some development  
11      that is nearby. Obviously, I look at all the  
12      things -- I think everything that I've read  
13      in Mr. Raphael's report are things that I  
14      consider. I don't always go into a great  
15      amount of detail if it's not relevant to the  
16      particular situation. But there's  
17      certainly -- I appreciate that list. It's a  
18      very, very useful list. But I am perhaps  
19      also more likely to look a little closer at  
20      the characteristics of a particular region  
21      and setting. Most of my colleagues -- I  
22      really can't remember what Mr. Raphael did.  
23      But most of my colleagues have sort of little  
24      lists of land uses that are identified, and  
25      that's about as far as it goes, in terms of

1 really looking at the details of the  
2 particular characteristics of a region.

3 So, anyway, I think that there are  
4 reasons why I was not as complete and  
5 thorough in that situation. I didn't feel  
6 that I needed to be. I felt it was redundant  
7 and that a lot of the work had already been  
8 done.

9 Q. So, would it be fair to characterize your  
10 Visual Assessment as a critique of the  
11 Saratoga Associates Visual Assessment, and  
12 then you went further by adding the  
13 information that you consider important?

14 A. Yes. And obviously I have to defend my  
15 reasons for coming to those conclusions. I  
16 mean, I have to -- obviously, the Committee,  
17 the SEC, makes the final decision, listening  
18 to both sides, but --

19 Q. Now, one of the criticisms that I did hear,  
20 perhaps it was during a technical session, I  
21 don't recall, was that you did not conduct a  
22 full visual assessment of this newly revised  
23 project and, therefore, you could not draw a  
24 conclusion about the impact or the adverse or  
25 unreasonable adverse. Was it required for

1           you to conduct again another full visual  
2           assessment to understand the change in  
3           impacts created by this new configuration?

4    A.    I don't believe so. I was very familiar with  
5           the area, very familiar with the nature of  
6           the Project. I didn't feel that I needed to  
7           completely redo another visual impact  
8           assessment.

9    Q.    Okay. And then one other question that I  
10           want to ask is, do people just get used to  
11           the turbines? I'm sorry. Let me add a  
12           little more context to that.

13                If you are accustomed to visiting  
14           Willard Pond or Gregg Lake, and that's your  
15           area, your favorite place to go recreate if  
16           you live in southern New Hampshire, and  
17           you're going to this nature space -- natural  
18           space, and now the turbines are there, do  
19           people get used to that, or do they learn to  
20           look the other way? Or do they simply stop  
21           coming? I mean...

22   A.    So I think that the most -- a lot of  
23           development that becomes part of the  
24           landscape we do get used to. We see it. It  
25           becomes, as generations move on, part of what

1 is. But on the other hand, I don't think  
2 that the real reason for making this decision  
3 is because people get used to it. We are --  
4 our purpose is to protect resources. And  
5 there are particular -- there are places that  
6 are valuable enough that we need to -- we  
7 need to retain some sense of what the value  
8 of that resource is. And I think we need to  
9 be reasonable in, you know, how we -- how we  
10 build projects. We need to be sensitive to  
11 the landscape. That is very noticeable in  
12 the absence of impact. I mean, people don't  
13 recognize absence of something, but they do  
14 appreciate the landscape. I mean, I always  
15 use the example in Vermont, that we have been  
16 very, very careful about how we site  
17 transmission line corridors. And you don't  
18 really appreciate that in Vermont until you  
19 go out of state and through many states. So  
20 it's -- so I think that it's-- well, I  
21 probably have said enough about it. And, of  
22 course, many of our projects I think people  
23 really like. And I think this could be a  
24 good project, personally. But I think it  
25 needs to be sensitively designed.

1 Q. And I just have one last question for you,  
2 and that is: You had mentioned the Lempster  
3 turbines as being 93 feet, I think, you said  
4 shorter than those proposed. What if this  
5 were a Lempster-like project? We just took  
6 those turbines out, the Siemens or the  
7 Acciona, and put in Lempster nine turbines.  
8 Would that solve the problem?

9 A. Well, it's interesting. I must say that, in  
10 my mind, that would be acceptable. And  
11 having seen Mr. Raphael's simulations about  
12 Turbine 9 -- which I think I said removed  
13 Turbine 9 and 10 -- looking at how -- if you  
14 look at how it's sinking behind the trees a  
15 little bit and how it would sink further if  
16 it went further down, I have a little bit of  
17 mixed feelings about that one because it is  
18 so close, and I do think that there is an  
19 impact. But nevertheless, I think that  
20 certainly I could say that eight turbines at  
21 the height of the Lempster turbines, or  
22 something very close to that, would be, in my  
23 mind, an acceptable project.

24 Q. Thank you very much.

25 CMSR. HONIGBERG: Mr. Howe, do

1           you have any questions?

2                       MR. HOWE: No questions, Mr.  
3           Chairman.

4                       CMSR. HONIGBERG: Ms.  
5           Longgood, do you have any questions?

6                       MS. LONGGOOD: Yes, just a  
7           couple.

8                       CROSS-EXAMINATION

9   BY MS. LONGGOOD:

10   Q.   In the last deliberations hearing, it was  
11       stated that 50 percent of Antrim will see the  
12       turbines in the winter. Is that still true  
13       in this current project?

14   A.   I'm sorry. Could you repeat? I didn't quite  
15       hear all of that.

16   Q.   In the final deliberations at the last SEC  
17       hearing, it was stated that 50 percent of  
18       Antrim will be able to view the turbines in  
19       the winter. Is that still true?

20                       MR. NEEDLEMAN: Could we know  
21       where that's being read from?

22                       CMSR. HONIGBERG: Ms.  
23       Longgood, what are you referring to? When  
24       you say the "last deliberations of the SEC,"  
25       what are you referring to?

1 MS. LONGGOOD: Elsa said that  
2 she remembered that from the final  
3 deliberations.

4 CMSR. HONIGBERG: From what  
5 proceeding?

6 MS. VOELCKER: The SEC 2012,  
7 whatever. The last SEC hearing.

8 MS. LONGGOOD: If we can't  
9 find out, we can move on.

10 CMSR. HONIGBERG: Well, maybe  
11 there's a way that you can ask the question  
12 differently. You could ask her if she has an  
13 understanding of what percentage of the town  
14 would be able to see the Project as it's been  
15 reconfigured.

16 MS. LONGGOOD: Sounds good.  
17 A. So I had figures from the entire region, and  
18 I think that's what they were quoting, not  
19 from the town, and it was somewhere around  
20 5 percent because of the large amount of  
21 forest. That's my understanding.

22 CMSR. HONIGBERG: The region  
23 or of the town?

24 THE WITNESS: The 10-mile  
25 study area.



1 BY MS. LONGGOOD:

2 Q. Is that in the wintertime?

3 A. Oh, in the wintertime?

4 Q. Yes.

5 A. I don't remember the -- I don't remember in  
6 there, the decision, the SEC discussing that.  
7 But I would expect it would be -- here's what  
8 I think about wintertime views: I'm not that  
9 concerned about wintertime views because, as  
10 a difference, there are a few situations  
11 where it could make a difference, perhaps,  
12 for example, up at the cemetery in Antrim.  
13 But in general, because trees are vertical  
14 elements and there's some density in the  
15 branching, and because the turbines are  
16 vertical elements, while it's possible if  
17 you're really staring to make them out,  
18 they're not going to be dominant elements  
19 seen through a fairly -- you know, any kind  
20 of a dense hedge row of trees.

21 Q. Thank you. I have one more question.

22 Did you assess the impact from Willard  
23 Mountain -- or Windsor Mountain -- I'm  
24 sorry -- during your analysis?

25 A. No, and I have to admit that I don't know

1 Windsor Mountain.

2 Q. It's right across the valley from Tuttle  
3 Hill.

4 A. Okay. I'm sorry. I didn't know that.

5 Q. Okay. Thank you. That's it.

6 CMSR. HONIGBERG: Mr. Block,  
7 do you have any questions for this witness?

8 MR. BLOCK: Yes, a few. Thank  
9 you.

10 CROSS-EXAMINATION

11 BY MR. BLOCK:

12 Q. Ms. Vissering, couple of questions. I  
13 believe you already mentioned this in your  
14 testimony, but I'd just like to hear you  
15 restate it again.

16 CMSR. HONIGBERG: Mr. Block,  
17 Mr. Block, please don't ask her to do that.  
18 We've read the testimony. If you have a  
19 question about something she said, do that.  
20 But I'm going to ask you not to ask -- not to  
21 have you or her repeat testimony that we've  
22 already gotten.

23 MR. BLOCK: All right. I  
24 won't.

25 BY MR. BLOCK:

1 Q. Here's a question that I don't know that  
2 anybody's asked: In your opinion, how  
3 much -- in a visual assessment, how much  
4 difference would a change in make and model  
5 of a turbine affect the overall visual  
6 impact? Is that a small change, a large  
7 change?

8 A. And I assume you're talking about the same  
9 megawatt rating. So, basically --

10 Q. Right. All of the variables are the same.  
11 Changing from Acciona to a Siemens or  
12 something like that, would that make a large  
13 change in the visual assessment?

14 A. I would say that it would be slight.

15 Q. Okay. When you submitted your testimony, I  
16 believe you said you had not seen the final  
17 Visual Assessment from Mr. Raphael yet; is  
18 that correct?

19 A. Yes, that's true.

20 Q. Have you received a copy of that since then?

21 A. Yes, I have.

22 Q. Have you had a chance to study it?

23 A. Yes.

24 Q. Have you developed any -- I know you [sic]  
25 were questioning his [sic] -- some of the

1 methodology in your testimony because you  
2 didn't have enough detail. Have you  
3 developed any additional opinions about his  
4 methodology since you've now had a chance to  
5 read the Visual Assessment?

6 A. So, having read his Assessment, it is  
7 certainly thorough. The issue with a  
8 numerical evaluation, of course, is that the  
9 devil's in the details. And so I think it  
10 raises -- it's very good, in that it raises  
11 all of the various variables that need to be  
12 looked at. But, of course, how you rate  
13 those variables is where you -- is what it  
14 comes down to, what categories you put them  
15 in. I notice that I would have put -- rated  
16 things differently than he would have rated  
17 them. There is not -- there is not a lot of  
18 discussion -- well, there is no discussion  
19 about the degree of contrast, for example,  
20 within a natural setting, which is something  
21 that is commonly used in these evaluations.  
22 And I think that the -- as I said, there's  
23 very low priority given to proximity. I  
24 mean, it's one variable out of hundreds. And  
25 to me, proximity is extremely important. He

1 does note that less than 2 miles with wind  
2 turbines, because of their size, happens to  
3 be the foreground views, and we have four  
4 resources within that area. There's not a  
5 lot of -- there's nothing that factors in the  
6 number of resources that might be within that  
7 vicinity.

8 And I think that there's an emphasis on  
9 what might be called "statewide resources."  
10 And it is true that Gregg Lake, Meadow Marsh,  
11 they're local resources. But as I look at  
12 them, because they have -- they're very  
13 valuable to the town. They're heavily used.  
14 There's tremendous impact there, in terms of  
15 the number of turbines visible. Those should  
16 raise up in the analysis, in my opinion, for  
17 that reason.

18 Now, I don't think -- and this is  
19 another place where the -- there's no  
20 discussion about the idea it's either  
21 reasonable or it's not reasonable based on  
22 some scoring system. What about a situation  
23 where there really are some impacts here? Do  
24 we really look at mitigating them? And  
25 that's not denying the Project, but let's

1 look at some meaningful mitigation that might  
2 make a difference.

3 There is no discussion of turbine scale  
4 size. Five hundred is looked at the same as  
5 a 400 or a 300. So there's very -- I mean, I  
6 don't -- I don't think it's very useful to be  
7 nitpicky, but I would just say that I think  
8 that inevitably you have to have a little bit  
9 of room for nuance in any -- even in a  
10 quantitative assessment.

11 Q. Do you agree with Mr. Raphael that the  
12 nacelle and tower themselves are the primary  
13 visual elements in the winter rather than the  
14 blades?

15 A. That depends on proximity. In close  
16 proximity, the entire turbine is really a  
17 part. And as we've noted in testimony  
18 yesterday, certainly the movement does  
19 contribute to that. And the blades are quite  
20 large, and there's three of them; so they're  
21 definitely noticeable. It is true that as  
22 you get past maybe five, six miles away, they  
23 become less dominant. I mean, they're  
24 certainly still visible, but they become a  
25 less -- the further away that you are, the

1           less they become noticeable.

2   Q.    So, does the blade movement have any  
3           significance in a viewer's awareness?

4   A.    So there's, I guess -- certainly any kind of  
5           movement does tend to draw attention. Some  
6           people feel -- and I think that there is some  
7           truth to this, just to sort of counter my  
8           argument, that the movement of the blades is  
9           part -- when people find them beautiful,  
10          that's what they find beautiful. But again,  
11          that's an issue of is it in the right place,  
12          and what are the values of the particular  
13          setting?

14   Q.    Just a final question. A few moments ago you  
15           mentioned about viewing turbines in a winter  
16           setting, where the turbines themselves are  
17           vertical elements, as are trees. Would  
18           spinning blades at that point have an effect  
19           on the view?

20   A.    They would have some effect, but really  
21           diminished by the tree branching. At least  
22           that's certainly been my experience, that,  
23           yes, a bit of movement -- but there's often  
24           movement in the trees with...

25   Q.    All right. Thank you. No further questions.

1 CMSR. HONIGBERG: Mr. Newsom,  
2 do you have any questions?

3 MR. NEWSOM: No questions.

4 CMSR. HONIGBERG: Mr.  
5 Needleman?

6 MR. NEEDLEMAN: Thank you. If  
7 we can take one second, I'm just going to  
8 distribute some exhibits.

9 CMSR. HONIGBERG: Sure.

10 MR. NEEDLEMAN: So this will  
11 be 7.

12 (Exhibits AWE 7 AND 8 marked for  
13 identification.)

14 MR. NEEDLEMAN: Are we ready,  
15 Mr. Chairman?

16 CMSR. HONIGBERG: Go ahead,  
17 Mr. Needleman.

18 CROSS-EXAMINATION

19 BY MR. NEEDLEMAN:

20 Q. Good morning, Ms. Vissering.

21 A. Good morning.

22 Q. Do you have a copy of Mr. Raphael's VIA in  
23 front of you?

24 A. With one missing piece. I didn't copy out  
25 the exhibits that have the simulations. So



1 I'll need a copy if we're going to refer to  
2 those.

3 Q. Okay. I may later on if we --

4 A. Okay.

5 Q. I would ask you to turn to Page 26 of that  
6 VIA. Now, on Page 26 of the VIA -- and this  
7 is in the middle of Mr. Raphael's Methodology  
8 section -- and in particular, I'm focusing on  
9 a portion of the section that he calls  
10 "Visual Dominance." On Page 26, he's talking  
11 about the criteria that he applies to  
12 determine visual dominance. Do you see where  
13 I am?

14 A. Yes, I do.

15 Q. And in all three of those criteria, low,  
16 moderate and high, he talks about "contrast"  
17 and "apparent" scale. Do you see that?

18 (Witness reviews document.)

19 A. Hold on just a second. Yes, I do.

20 Q. So, a moment ago when you say the VIA did not  
21 cover contrast and scale, that wasn't  
22 correct, was it?

23 A. Yes, it is. He does talk about it in this  
24 particular setting.

25 Q. Okay. Thank you.

1           Now, yesterday Mr. Raphael testified  
2           that it was his belief that a comprehensive  
3           VIA was necessary here in order to assess the  
4           revised project. You testified this morning  
5           that you didn't think that was the case;  
6           correct?

7    A.   That's correct.

8    Q.   And if you could turn to Exhibit 7. I'm  
9           going to refer to these a couple of times.  
10          Exhibit 7 is selected portions of your  
11          testimony from the first Antrim docket.  
12          Exhibit 8 is the same thing. I just divided  
13          them into morning and afternoon for easy  
14          reference. So, 7 is the morning and then 8  
15          is the afternoon. And I want to look first  
16          at Page 67 and 68 on Exhibit 7.

17   A.   Okay.

18   Q.   And here you were being questioned by the  
19          attorney from the Audubon Society. And on  
20          Page 66, at Line 21, you were asked if you  
21          could explain the role of personal judgment  
22          and subjectivity in how professionals like  
23          you engage in your work. And over on Page 67  
24          you provided a long answer. But in the  
25          middle of that answer, on Line 12 and 13, you

1           said, "There is a very defined sort of  
2           methodology for determining scenic quality."  
3           Do you see that?

4   A.    Yes.

5   Q.    And I assume you still agree with that.

6   A.    Yes.

7   Q.    And then in the afternoon session, which is  
8           Exhibit 8, on Page 89, at that point you were  
9           being questioned by Public Counsel, who was  
10          Mr. Roth at the time. And Mr. Roth was  
11          asking you about situations where  
12          professionals like you and Mr. Raphael may  
13          disagree.

14                   MS. MALONEY: I hate to  
15                   interrupt you, but what page are --

16                   MR. NEEDLEMAN: I'm looking at  
17                   Page 89 of Exhibit 8.

18                   MS. MALONEY: They weren't  
19                   marked, so...

20   A.    Oh, of Exhibit 8. Sorry. I'm in the wrong  
21          one.

22   Q.    Yes, the afternoon session. Let me know when  
23          you're there.

24                   (Witness reviews document.)

25   A.    Okay.

1 Q. And Mr. Roth asked you this question about  
2 what happens when experts like you and Mr.  
3 Raphael differ in your opinions. And you  
4 were just describing some of those  
5 differences. And you said, beginning at  
6 Line 16, "I think that that is -- I think  
7 that it is definitely -- it is possible that  
8 somebody would come up with a different  
9 conclusion than I did. I would hope that  
10 they would have explained in detail why they  
11 came to that conclusion." I assume you still  
12 feel that way?

13 A. Yes.

14 Q. And continuing on, you say, "Because I guess  
15 that's something I feel very strongly about.  
16 I need articulating the reasons in a way that  
17 somebody can understand. The logic and  
18 rationale is important."

19 A. Yes.

20 Q. I assume the same is true today.

21 A. Yup.

22 Q. Okay.

23 CMSR. HONIGBERG: Mr.

24 Needleman, let me stop you real quick.

25 Ms. Maloney, for your benefit

1 and for others, I think we may be the only  
2 ones who heard what was being marked what.

3 So what was marked as AWE7 is  
4 the transcript that at the bottom says "Day 7  
5 Morning Session Only" from 2012-01. And what  
6 was marked as AWE8 is the transcript marked  
7 at the bottom, "Afternoon Session" and has  
8 the table of contents as the first page.

9 MS. MALONEY: That's fine. I  
10 guess I do have a comment, I guess an  
11 objection about this line of questioning.  
12 I'm not sure what Ms. Vissering -- it's  
13 clearly not impeachment because she agrees  
14 with this testimony. Why is he referencing  
15 her former testimony?

16 CMSR. HONIGBERG: I suspect  
17 that Mr. Needleman has a longer-range plan  
18 for this line of questioning. It's quite  
19 possible that if he had just asked her if she  
20 agrees with the following statements, she  
21 probably would have because they seemed  
22 fairly unobjectionable. But I think Mr.  
23 Needleman probably has other plans for this  
24 transcript.

25 MS. MALONEY: Well, then we'll

1           wait and see, I guess.

2                           MR. NEEDLEMAN:   Thank you.

3   BY MR. NEEDLEMAN:

4   Q.   We've talked about Mr. Raphael's VIA.  Would  
5        you agree -- you said this morning that you  
6        thought it was a very good job and very  
7        thorough.

8   A.   I thought it was very thorough.

9   Q.   And it contains a detailed methodology which  
10        you've now looked at; is that correct?

11  A.   Yes.

12  Q.   And though you may not agree with his  
13        conclusions, he certainly articulated the  
14        reasons and the bases for his conclusions;  
15        isn't that correct?

16  A.   Yes.

17  Q.   In this case you submitted prefiled  
18        testimony, which has been marked as Public  
19        Counsel Exhibit 1.  And your testimony is 14  
20        pages long.  Am I correct that, aside from  
21        the prefiled testimony you submitted here,  
22        you have no other written analysis with  
23        respect to the new project?

24  A.   No, I do not.  I did not do an analysis.  I  
25        assumed we were talking about the difference

1           between the two projects. I'd already done a  
2           thorough study earlier and did not feel that  
3           I needed to provide an entire additional for  
4           the removal of one turbine, which I'd already  
5           recommended, and a slight reduction in  
6           another, part of which was part of my  
7           recommendation. So I thought that that --  
8           and that's one of the reasons I submitted my  
9           old testimony.

10    Q.    Again --

11    A.    That was -- I did not feel I needed to do a  
12           complete new visual assessment to make that  
13           conclusion, to draw that conclusion.

14    Q.    And to be clear, so the sum total of your  
15           analysis of the new project is contained in  
16           the 14 pages of your prefiled testimony; is  
17           that correct?

18    A.    For this docket, yes.

19    Q.    And at the technical session I asked you how  
20           much time you spent preparing this analysis,  
21           and you told me about 30 hours; is that  
22           right?

23    A.    Yes.

24    Q.    And you said that that was with respect to  
25           the substantive portion of this analysis. Do

1           you remember that?

2     A.    Yes.

3     Q.    So that's about four to five work days total  
4           that you worked on this analysis; is that  
5           correct?

6     A.    Yes.

7     Q.    And did you hear Mr. Raphael testify  
8           yesterday that it has taken him more than a  
9           year to conduct his analysis of the revised  
10          project?

11    A.    Yes.

12    Q.    Do you think that perhaps if you had spent  
13           more time on the substantive analysis of the  
14           revised project, your ultimate analysis might  
15           have been more thorough than it is?

16    A.    I don't think my conclusions would have been  
17           any different.

18    Q.    So you don't believe that increased  
19           thoroughness would have caused you to catch  
20           anything or see anything different than you  
21           put in here?

22    A.    I looked at every variable that was in Mr.  
23           Raphael's report. In my original, it is part  
24           of my aesthetic impact methodology. And so,  
25           no, it would not have changed it. It would



1 not have resulted -- it would have been -- I  
2 could have spent that much time, but it was  
3 not necessary.

4 Q. Okay. Could you turn to -- attached to your  
5 prefiled testimony is the Visual Impact  
6 Assessment that you did in the prior docket.  
7 Could you turn to Page 2 of that, please.

8 A. Okay.

9 Q. And I'm looking at the top of the page where  
10 it says "Viewshed Maps." Do you see that?

11 A. Yes.

12 Q. And near the bottom, third line, you say, "We  
13 did not provide an independent viewshed map,  
14 but we identified at least one important  
15 vantage point beyond the 5-mile study area  
16 which was investigated." Do you see that?

17 A. Yes.

18 Q. Could you just describe quickly for the  
19 Committee what a "viewshed map" is.

20 A. So, a viewshed map is -- it's largely a  
21 technology that uses geographic information  
22 systems to determine where a point, let's say  
23 the height of the top of a turbine, could be  
24 seen from anywhere within a designated area.  
25 In this case, originally it was 5 miles in

1       that earlier docket, and we asked them to  
2       expand it to 10. And usually what happens is  
3       that there is what is called a "skin" of the  
4       earth, ignoring vegetation, just looking at  
5       just topographically where would the turbines  
6       be mapped out. And it comes out with an idea  
7       from where and how many turbines could be  
8       visible from any point on the map. Usually  
9       what happens is that vegetation is then  
10      considered, and it's usually somewhere around  
11      a 40-foot height assumption for forested  
12      areas so that you get a more realistic view  
13      of the points from which a project would  
14      be -- the turbines would be visible.

15    Q.    Thank you.

16    A.    Is that what you were looking for?

17    Q.    That was a great explanation. Thank you.

18               And with respect to this revised  
19      project, you don't have a viewshed map, do  
20      you?

21    A.    For the revised project? No, I do not. And  
22            I thought that was the obligation of the  
23            Applicant in this case, as I did with the  
24            last one.

25    Q.    In fact, LandWorks did create a viewshed map

1           for this Project; right?

2     A.     Yes.

3     Q.     And they describe in their methodology, at  
4           Page 8 through 10, how they prepared that  
5           map.

6     A.     Yes.

7     Q.     And you don't have the exhibits, I think.  
8           But the actual viewshed maps are in the VIA  
9           here.

10    A.     Yes, and I did look at those carefully.

11    Q.     And at the bottom of the Page 3 of your VIA,  
12           looking at the first line, Section G, you say  
13           "The Saratoga Associates report identifies 72  
14           [sic] resources within the 5-mile study  
15           area."

16           My understanding in the last docket is  
17           that they extended the study area to  
18           10 miles --

19    A.     Yes.

20    Q.     -- and some additional resources were  
21           identified.

22           Is it correct, then, that even after  
23           Saratoga extended their area to 10 miles, you  
24           still didn't do an independent viewshed map?

25    A.     I don't usually, as I said, when I'm

1 reviewing somebody's work, unless I have  
2 reason to believe they did an incompetent  
3 job. I worked with Saratoga Associates. I  
4 think that they're -- viewshed analyses, as  
5 long as you're clear to what the inputs are,  
6 they're very straightforward. It's  
7 technology that doesn't require any kind of  
8 decision-making, other than having good  
9 software. And I knew that they did. So I  
10 saw no reason to duplicate it myself.

11 MR. NEEDLEMAN: I'm handing  
12 out Antrim Wind Exhibit 9.

13 CMSR. HONIGBERG: This will be  
14 marked as Antrim Wind 9?

15 MR. NEEDLEMAN: Correct.

16 (Exhibit AWE 9 marked for  
17 identification.)

18 BY MR. NEEDLEMAN:

19 Q. Antrim Exhibit 9 lists all the resources  
20 within the 10-mile study area that LandWorks  
21 identified, which Saratoga did not identify.

22 In the work you've done here, did you  
23 prepare any kind of comparison like this?

24 A. I did not. As I said, I did not think that  
25 there was -- I did not think that it was

1           necessary. Obviously, they missed some. But  
2           I'm not sure that would have necessarily  
3           altered my opinion.

4   Q.    Okay. I'll get to that in a minute.

5           Since you relied on Saratoga's analysis  
6           and haven't done your own, it's fair to say  
7           that, if Saratoga didn't include an analysis,  
8           you didn't -- of a resource. You didn't look  
9           at it either, is that right, except maybe  
10          Pitcher Mountain, which I think you've  
11          identified?

12   A.   Yes.

13   Q.    So there are 172 [sic] resources that are  
14          listed on this list. Is it fair to say that  
15          you didn't evaluate any of these with respect  
16          to the revised project?

17                 (Witness reviews document.)

18   A.    Now, you're saying that these were not in the  
19          Saratoga Associates --

20   Q.    Correct.

21   A.    Yes, that would be correct.

22   Q.    So if that's the case, then you have no basis  
23          at all for making any determination whether  
24          there is any effect on any of those resources  
25          or whether the change in the Project resulted

1           in a change in effect in any of those  
2           resources.

3       A.    If there was any -- this list doesn't  
4           include -- does this include just resources  
5           or visible resources?

6       Q.    Includes resources.

7       A.    So, yes, some of those might not even have  
8           any visibility.

9       Q.    They may not have. But you don't know that,  
10           do you? You didn't do any analysis of any of  
11           those; is that correct?

12      A.    The fact that there are huge -- this is the  
13           problem with huge lists. I found enough  
14           areas of concern, as I said -- in my  
15           analysis, I go to the resources that I think  
16           are going to be -- are clearly identified in  
17           town documents that are in close proximity.  
18           So I naturally limit. And I had seen enough  
19           to know that there was going to be -- there  
20           were going to be issues. And I was  
21           identifying -- I was identifying the issues.  
22           Now, there may be -- it looked to me, when I  
23           read Mr. Raphael's, that there clearly are  
24           more areas from which there is going to be  
25           visibility.

1 Q. We can agree on this --

2 A. That will not change my opinion.

3 Q. We can agree on this: Mr. Raphael evaluated  
4 that list of resources, and you didn't;  
5 correct?

6 A. That's correct.

7 Q. And with respect to whether or not it changes  
8 your opinion, going back to what we started  
9 with, you can't articulate any reasons with  
10 respect to whether those resources should or  
11 should not have been eliminated, and you  
12 can't give us any logic or rationale for  
13 whether they should have been evaluated  
14 because you didn't know. You never looked at  
15 them; is that correct?

16 A. I didn't -- I have never identified every, in  
17 any evaluation I have done -- every visual  
18 impact assessment, I have identified a list,  
19 a reasonable list of the most important  
20 resources. It's not that difficult to do.  
21 And I see no point in a laundry list of every  
22 single resource that is going to just, for  
23 the most part, be ignored or have not any  
24 real sensitivity to it.

25 Q. Isn't it possible that if you don't do a

1           thorough analysis like this, you might miss  
2           resources that are important?

3    A.    I think it's unlikely.

4    Q.    So if you did miss resources that are  
5           important because you didn't do this type of  
6           analysis, would you consider that to be a  
7           problem with your analysis?

8                       MS. MALONEY:  I'm going to  
9           object to this line of questioning.  It  
10          appears that we're getting into a real  
11          detailed cross-examination of Ms. Vissering's  
12          methodology, where she's already testified  
13          that she was engaged in Antrim 1 to do an  
14          analysis of Saratoga's.  We asked some broad  
15          questions of Mr. Raphael about his  
16          methodology, but we didn't get into the weeds  
17          on this.  And I understood from the Chair  
18          that that was going to be objectionable.  So  
19          I sort of feel like Ms. Vissering was  
20          retained to look at a project -- the Project  
21          as proposed, based on her frame of reference,  
22          which is her prior report.  I feel like we're  
23          going a little afar here with respect to how  
24          she conducts her methodology.

25                      CMSR. HONIGBERG:  Mr.



1 Needleman.

2 MR. NEEDLEMAN: The whole  
3 purpose of this proceeding is to define the  
4 differences between the original project and  
5 the proposed project. And Ms. Vissering and  
6 Mr. Raphael, in my view, are the key  
7 witnesses with respect to this, and exploring  
8 how they each went about doing this and  
9 figuring out where the differences are  
10 between the two of them in what they  
11 evaluated and how they reached their  
12 conclusions is the heart of this proceeding.

13 CMSR. HONIGBERG: I don't  
14 disagree with that. Whether your  
15 characterizations or asking her to  
16 characterize how thorough she was in what she  
17 was doing doesn't necessarily help you or us  
18 understand those differences, does it?

19 MR. NEEDLEMAN: I  
20 understand --

21 CMSR. HONIGBERG: You want to  
22 talk, too, Mr. Richardson, on this objection,  
23 on not your witness and not your question?

24 MR. RICHARDSON: Well, I think  
25 the evidence is important because what it

1 illustrates in my view is that Mr. Raphael's  
2 conclusions that there are differences is  
3 based on a review of resources that Ms.  
4 Vissering hasn't looked at. So I think that  
5 it's important on those grounds. You know, I  
6 would agree that it's -- you know, we're not  
7 here to go back and re-litigate Antrim 2012.

8 CMSR. HONIGBERG: Thank you.

9 MR. NEEDLEMAN: I'll move on.

10 MS. MALONEY: Could I just --  
11 I mean, I would understand that if Ms.  
12 Vissering had identified only one sensitive  
13 resource in her report. That's why I don't  
14 understand this line of questioning. So Mr.  
15 Raphael started with 300. He whittled it  
16 down to 30. He whittled it down to one. Ms.  
17 Vissering identified a host of significant  
18 impacts. So she didn't miss any.

19 CMSR. HONIGBERG: Well, Ms.  
20 Maloney, I think the concern they might have  
21 in going down this line -- and I don't think  
22 he's gotten there, but I know he'd be  
23 concerned about this -- would be if he asked  
24 a bunch of questions about things she didn't  
25 look at and then she said, "Oh, you're right.

1 Had I looked at this one, because I know this  
2 area, I would have said that was an impact,  
3 too." But she chose to look at what was done  
4 before, how she perceived the change, and  
5 then made some conclusions based on what she  
6 saw. He is questioning how thorough that  
7 was. I think he's also offered to move on.  
8 So I think we probably should just let him do  
9 that, don't you?

10 MS. MALONEY: Okay.

11 BY MR. NEEDLEMAN:

12 Q. I'm looking at Page 4 of your prefiled  
13 testimony. And on Pages 4 through 6, you're  
14 asked the question about what mitigation  
15 measures did you recommend. And then I think  
16 you reproduce here the seven recommendations  
17 that you made from the prior docket, that  
18 you've previously indicated would be the  
19 changes you would like to see in the Project  
20 in order to make it acceptable; is that  
21 right?

22 A. That's correct.

23 Q. Okay. And am I correct that each of these  
24 recommendations was intended to cause some  
25 reduction in visual impacts?

1 A. Yes.

2 Q. So it logically follows that each  
3 recommendation that was incorporated, in  
4 whole or in part, would cause some reduction  
5 in visual impacts; is that right?

6 A. Yes, although I was very clear it would need  
7 to be a combination, as stated.

8 Q. Well, your view was it needed to be a  
9 combination of all of them to reach the goal  
10 that you said was appropriate.

11 A. Yes.

12 Q. That's not my question, though. My question  
13 is: If any of them were implemented, in  
14 whole or in part, it would result in some  
15 reduction in visual impacts; right?

16 A. Yes.

17 Q. Could we look at Exhibit 7, which is prior  
18 testimony. And I'm looking at Page 134 and  
19 135.

20 A. So are we talking AWE7?

21 Q. Yes.

22 A. Okay. And again, Pages 134 and 135?

23 Q. Right. And this was your testimony again  
24 from the morning docket. And you had made  
25 the seven recommendations in that docket.

1 And I'm looking at Line 16 on Page 134. And  
2 you were asked if it was your position that  
3 all seven of the measures needed to be  
4 implemented in order to ensure that there'd  
5 be no unreasonable adverse effect. And you  
6 said "Yes." And then you were asked, "Are  
7 these recommendations listed in the order of  
8 importance to you?"

9 And at the bottom of Page 134 you said  
10 that they're all important, and you sort of  
11 carried over to Page 135. And then on Line 6  
12 you were asked again just to clarify. "So  
13 they're all of equal importance to you?" And  
14 you said, yes, all seven are of equal  
15 importance to you. Do you see that?

16 A. Yes.

17 Q. In the technical session, and I guess I need  
18 to -- you have that, don't you, the technical  
19 session?

20 A. Yes, I believe I do.

21 MR. RICHARDSON: In the two  
22 binders there. There's one on her desk.

23 MR. NEEDLEMAN: This is  
24 No. 10.

25 (Exhibit AWE 10 marked for

1 identification.)

2 Q. So this is Exhibit 10 from our technical  
3 session not too long ago. And I want to  
4 refer you to Page 192.

5 A. Okay.

6 Q. And Mr. Richardson was questioning you about  
7 these same seven exhibits -- these same seven  
8 recommendations and asked you essentially the  
9 same question that you were asked in the  
10 prior docket. And at the bottom of Page 192,  
11 that's where the colloquy is. And you said  
12 that -- you were asked at Line 19, "So then,  
13 after the first three, the benefits, in terms  
14 of reducing the visual impacts, drop off,  
15 although it would not" -- "although it would  
16 not quantifying it, but, in general, you  
17 think the first three big ones are the most  
18 critical?"

19 And you said, "I would say, yes, those  
20 are the most critical."

21 So I guess before I start asking you  
22 about these, I need you to clarify. You  
23 originally testified that they were all of  
24 equal importance, and then you later  
25 testified that the first three are the most

1           important. So both of those can't be right.

2           Can you clarify for us?

3       A.   Well, the fourth one had to do with land  
4           protection. That one, after the SEC's  
5           decision, suggested that that was -- they  
6           didn't consider that to be a meaningful  
7           contribution. I wasn't sure that I  
8           necessarily needed to be thinking in that  
9           direction anymore. So that was one of the  
10          reasons I eliminated that one. Or I don't  
11          eliminate it, but I think it took -- seemed  
12          to have lesser importance. And then the  
13          fifth one was having to do with roads and  
14          grading and the visibility of roads and  
15          grading from distant locations. But if I  
16          were to rank them, certainly the reduction in  
17          size of turbines, the lighting, and the  
18          removal of the first two turbines would be  
19          the most important ones.

20                       CMSR. HONIGBERG: Ms.

21          Vissering, can you do me a favor, please?  
22          Slide that microphone back over in front of  
23          you, as you've sort of slid over and --

24                       THE WITNESS: So I really need  
25          to make sure my mouth is in front of --

1 CMSR. HONIGBERG: Unfortunate,  
2 I know, but it is what it is.

3 THE WITNESS: I will try to  
4 concentrate on that.

5 BY MR. NEEDLEMAN:

6 Q. So as we launch into a discussion of these  
7 seven recommendations, to be clear, you're  
8 now saying that the first three are the most  
9 important?

10 A. I would say they're the most important.

11 Q. Let's look at your prefiled testimony,  
12 Page 4, Line 21.

13 A. So, which? This is the testimony for this  
14 case?

15 Q. Yes. Your prefiled testimony here, Page 4,  
16 Line 21.

17 (Witness reviews document.)

18 Q. This is your first recommendation, and you  
19 say Turbines 9 and 10 should be eliminated.  
20 And as we discussed earlier, all of your  
21 recommendations were intended to cause  
22 reductions in visual impacts.

23 Look at Page 9, please, Lines 2 and 3.  
24 The question on Page 8 is comparing the two  
25 projects in terms of their impacts to the



1 wildlife sanctuary. And you're answering  
2 that question, and then on Page 9, Line 2,  
3 you say, "The removal of Turbine 10 would not  
4 change the resulting aesthetic impacts." Do  
5 you see that?

6 A. Yes.

7 Q. Now, a moment ago you agreed with me that  
8 implementation of any of these  
9 recommendations would result in some  
10 reduction of aesthetic impacts. So, how is  
11 it, then, that the removal of Turbine 10  
12 didn't have any change in aesthetic impacts  
13 at this location?

14 A. I should have said "substantially."

15 Q. Okay. So that was incorrect as stated?

16 A. Yes. I was -- what I meant there was the  
17 removal of Turbine 10 would not substantially  
18 change the aesthetic impacts.

19 Q. And is there any place in this testimony  
20 where you articulate the basis for reaching  
21 that conclusion?

22 A. I talk -- generally I looked at this  
23 question. The issue is, is there a  
24 substantial enough change to make this a  
25 different project? So I looked at that on

1 two levels. One is the actual changes: The  
2 removal of one turbine, reduction in height  
3 of another. I did the chart which looked at  
4 what changes that would make to the region  
5 from different viewpoints throughout the  
6 region. And I continued on to talk about  
7 that this -- why this would not be a  
8 substantial change, I think, throughout the  
9 testimony.

10 Q. I understand that. What I'm asking you is,  
11 can you specifically direct me to where you  
12 conducted an analysis or provided some  
13 rationale to support that statement on Line 2  
14 of Page 9?

15 (Witness reviews document.)

16 A. Well, I would say the Comparison of Project  
17 Features is one place and --

18 Q. Well, let's stop there. So how does the  
19 Comparison of Project Features give us a  
20 rationale for understanding why you reached  
21 that conclusion?

22 A. Because it shows that there is a reduction of  
23 one turbine, a slight reduction of a second  
24 one --

25 Q. Right. But I'm not talking about the second

1           one. I'm just talking about the removal of  
2           Turbine 10 and your rationale for that  
3           statement.

4       A.    Okay. So look at the Visibility of Project.  
5           There's still visibility of the Project from  
6           all viewpoints from which they were visible  
7           before the entire project, minus one turbine.  
8           And if you look at that list -- Willard Pond,  
9           Bald Mountain, Goodhue Hill, Gregg Lake,  
10          Meadow Marsh, Pitcher Mountain, Franklin  
11          Pierce Reservoir, Robb Reservoir, Island  
12          Pond, Highland Lake, Nubanusit Pond, Black  
13          Pond -- except Nubanusit.

14       Q.   And with respect to that list you just read,  
15           did you do any assessment at all to  
16           understand the change in visibility or the  
17           change in aesthetic impacts at every one of  
18           those resources as a result of removing  
19           Turbine 10?

20       A.    I think it's pretty obvious; there's going to  
21           be one less turbine.

22       Q.    That's not my question. My question is: Did  
23           you do any analysis to understand the change  
24           at those resources, whether -- how many --

25       A.    One less turbine.

1 Q. Okay. So, no analysis about change in angle  
2 of view at any of those resources, for  
3 example?

4 A. Oh, I see.

5 Q. Or any of the other factors you earlier said  
6 were important?

7 A. When I wrote this, all I had in front of me  
8 was Mr. Raphael's testimony, which was also  
9 equally vague. He then produced a report. I  
10 had never seen any of that at the point, in  
11 terms of needing to go into this, and I have  
12 not filed any subsequent testimony. But, so  
13 all I had was his equally vague testimony  
14 suggesting that -- making his arguments,  
15 which talked -- did talk about angle of view.  
16 But of course, as I pointed out in my  
17 testimony, yes, at such close proximity, the  
18 angle of view is going to change  
19 substantially --

20 Q. Did you analyze --

21 A. -- so I did not feel that it was a  
22 significant factor.

23 Q. Did you analyze it for any other factors?

24 A. Did I? Everything else was the same  
25 proximity. I did look at the slight

1 reductions in numbers of turbines that would  
2 be visible. One less turbine was going to be  
3 visible. I acknowledged that. But the  
4 proximity was going to remain the same, and  
5 the value of the resource was going to remain  
6 the same. There was just not enough change  
7 to discuss.

8 Q. Okay. We'll come back to that.

9 Also in your first recommendation on  
10 Page 4, you suggested that Turbine 9 be  
11 removed. And obviously it wasn't removed; it  
12 was reduced in height. And you say on  
13 Page 12, Line 14, that its presence has been  
14 reduced from the specific vantage points  
15 illustrated. So you agree that the reduction  
16 in height of Turbine 9 has in some way  
17 reduced visual impacts; is that correct?

18 A. I think it has in a small way, yes.

19 Q. Now let's turn to Page 12, Lines 14 through  
20 16 of your prefilled testimony.

21 (Witness reviews document.)

22 Q. The question there was -- your prefilled  
23 testimony.

24 A. Fourteen through 16?

25 Q. Page 12.

1 A. Oh, 12 through 14.

2 Q. Yes, Lines 14 through 16.

3 A. Oh, I see.

4 Q. Now we're talking about that reduction in  
5 height of Turbine 9. And you say, "Its  
6 presence has been reduced from the specific  
7 vantage points illustrated." Now I want to  
8 focus on the next sentence. You say, "The  
9 blade itself is likely to be a moderately  
10 strong presence at 180 feet in length and at  
11 a distance of only 1.62 miles, especially  
12 since it will be a moving element in the  
13 landscape." Do you see that?

14 A. Yes.

15 Q. So can you turn to Exhibit 7, which is your  
16 prior testimony in the morning, at Page 73.  
17 You were being questioned about --

18 A. I'm sorry. What page again?

19 Q. Page 73. You were being questioned there  
20 about the blades. And at the top of the  
21 page, beginning at Line 2, you say, "But on  
22 the other hand, there have been studies that  
23 show people find them more attractive when  
24 they're moving and not at all attractive when  
25 they're still." Do you see that?

1 A. Yes.

2 Q. And then further down on the page, Line 15,  
3 you say, "A turning blade isn't necessarily a  
4 negative part of the feature." Do you see  
5 that?

6 A. Yes.

7 Q. So in the prior docket, it seems to me that  
8 you weren't particularly concerned about the  
9 blades. And my question is: Why, now that  
10 Turbine 9 has been reduced in height, and the  
11 only thing that can be seen are the blades,  
12 are you suddenly more concerned about them?

13 A. I think I made that point this morning  
14 earlier when I talked the blade being a  
15 fairly -- certainly drawing attention in a  
16 natural setting. But I also made that same  
17 point, that people find turning blades in a  
18 general sense to be visually appealing, which  
19 is what I was talking about here.

20 Q. Can you turn to Page 70 of that same session.  
21 At Line 14 you said, "And I'm less concerned  
22 about the blades, quite honestly, because  
23 they're a much lighter, less perceptible part  
24 of the overall facility." Does that  
25 statement still apply with respect to the

1 blades on Turbine 9 that have been reduced?

2 A. I need to sort of read the context of this  
3 first.

4 Q. Sure.

5 (Witness reviews document.)

6 A. So in that case, I'm talking about the  
7 comparison of Lempster turbines, the height  
8 of Lempster turbines --

9 Q. Right. But you're still --

10 A. -- versus the larger turbines, and the  
11 difference between the two. But, yes. But I  
12 will reiterate that the blades at this  
13 proximity of certainly from the three, four  
14 resources that are within the 2-mile  
15 foreground, it can still be significant,  
16 which is why I was asking for the more  
17 significant reduction in height.

18 Q. Let's turn to your second recommendation,  
19 which is on Page 5, Line 1. And the  
20 recommendation there was use of an OCAS or  
21 similar motion-activated, collision-avoidance  
22 system. So this was basically  
23 radar-activated night lighting; is that  
24 right?

25 A. Yes.



1 Q. On Page 8 -- well, Page 8, Lines 19 through  
2 20. Now, Antrim Wind has agreed to use that  
3 system; isn't that correct?

4 A. Yes.

5 Q. On Page 8, Lines 19 through 20, you say,  
6 "Despite agreeing to use that system, night  
7 lighting remains a significant concern." How  
8 can it be a significant concern if we agreed  
9 to do it?

10 A. Because I am not convinced that this is going  
11 to be approved for wind energy projects in  
12 the near future. If you have information to  
13 the contrary -- but to -- if it's going to  
14 take 20 years or never, that's not quite the  
15 same.

16 Q. That's not in our control, though, is it?

17 A. No, but it will affect the impacts of the  
18 Project if there is no system put into place.

19 Q. To be clear, you recommended we use it, and  
20 we agreed to use it; is that right?

21 A. Yes. I am pleased with that.

22 MR. NEEDLEMAN: This is Antrim  
23 11.

24 (Exhibit AWE 11 marked for  
25 identification.)

1 Q. Do you recognize this document?

2 A. Yes, I do.

3 Q. What is it?

4 A. It is a Visual Impact Assessment Methodology  
5 that I developed for the Department of  
6 Energy.

7 Q. Can you turn to Page 31 of that document,  
8 please. Looking about a quarter of the way  
9 down the page at the section called  
10 "Lighting," and I'm looking at the last  
11 sentence there. And there you say, "Any new  
12 technologies or modification of FAA lighting  
13 requirements that can further reduce lighting  
14 for wind turbines ideally should be  
15 incorporated into design standards where  
16 feasible." Do you see that?

17 A. Yes.

18 Q. That's your recommendation; is that correct?

19 A. Yes.

20 Q. And that's exactly what we did here; is that  
21 correct?

22 A. Yes.

23 Q. Okay. Let's go to Page 5, Line 5 of your  
24 prefiled testimony.

25 A. Did you say Page 8?

1 Q. Page 5, Line 5.

2 Now, this is your third recommendation,  
3 and it generally talks about use of smaller  
4 turbines. And this is the place where Ms.  
5 Linowes was questioning you a little bit this  
6 morning, where you say, "The proposed  
7 turbines will overwhelm the ridgeline,  
8 especially from the vantage point of Gregg  
9 Lake." Do you see that?

10 A. Yes.

11 Q. There's actually, I think, several places in  
12 your testimony where you talk about your  
13 concerns about Gregg Lake; is that correct?

14 A. Yes.

15 Q. So let's turn to Page 4 of that Clean Energy  
16 report. I'm looking towards the bottom of  
17 the page, sort of the last full paragraph  
18 that begins with "Planning documents." Do  
19 you see that?

20 A. Yes.

21 Q. And here you say, "Planning documents at the  
22 local, regional, county and/or state levels  
23 are an important source of information for  
24 aesthetic impact review, as they may identify  
25 landscape and cultural features that

1       contribute to scenic quality. These  
2       documents, if available, are invaluable in  
3       siting wind energy projects and evaluating  
4       their impacts." Do you see that?

5     A.    Yes.

6     Q.    So, drawing on that statement and some other  
7       things you said today, can you point us to  
8       the documents that you're relying upon that  
9       for you characterize the local concerns on  
10       scenic quality with respect to Gregg Lake?

11    A.    So I addressed this a little bit earlier.  
12       Gregg Lake is in local planning documents --

13    Q.    Which ones?

14    A.    The local, I think it's the town plan. And  
15       it is a resource to the town. And I included  
16       it, as I said, because of its proximity, high  
17       use, high visibility.

18    Q.    Do you recall whether the town plan  
19       specifically talks about the scenic value of  
20       Gregg Lake?

21    A.    Where I think -- I'm not sure if they talk  
22       about scenic value. But to me, it's an  
23       aesthetic resource, where the law talks about  
24       aesthetic impacts, not scenery.

25    Q.    I understand what your view is. What I'm

1 asking you is, based on what you say here in  
2 your report about the importance of local  
3 documents and how you looked to them as an  
4 important indication, I want to know what  
5 local documents you relied upon here. And it  
6 sounds to me like you're saying the town  
7 plan.

8 A. It was the town plan, yes.

9 Q. But you're not sure, as you sit here, whether  
10 it even mentions scenic resources.

11 A. In terms of Gregg Lake? It's been a while  
12 since I've looked at that, so I'm not sure  
13 exactly what it says. But I would have  
14 included it in any case because it is a  
15 scenic resource.

16 Q. So, yesterday Ms. Linowes introduced  
17 Exhibit WA2. Do you have a copy of that?

18 CMSR. HONIGBERG: Mr.  
19 Needleman, what is it?

20 MR. NEEDLEMAN: That's the  
21 host town agreement, the operating agreement.

22 THE WITNESS: I do not have  
23 that.

24 CMSR. HONIGBERG: We're going  
25 to need to take a break sometime in the next

1           5 to 10 minutes for the court reporter, so  
2           let me know when a good breaking point for  
3           you is.

4                   (Mr. Needleman hands document to  
5                   witness.)

6                               MR. NEEDLEMAN: Okay.

7 BY MR. NEEDLEMAN:

8 Q.    Have you had an opportunity to review this  
9        document?

10 A.   No, I have not.

11 Q.   So you were here yesterday when we talked  
12       about this generally; is that right?

13 A.   I was.

14 Q.   I just want to refer you to Page 2,  
15       Clause 2.5.

16 A.   Okay.

17 Q.   So this is an agreement between Antrim Wind  
18       and the Town of Antrim; is that correct?

19 A.   Yes.

20 Q.   And at the bottom of that page it  
21       specifically says that, talking about  
22       limitation on turbines, it says, "In no event  
23       shall the overall turbine height of any wind  
24       turbine used in the wind farm exceed  
25       500 feet." See that?

1 A. Yes.

2 Q. So this is a town document that at least  
3 relates to the wind farm and presumably would  
4 have had Gregg Lake and other resources in  
5 mind when they agreed to this. Did you in  
6 any way factor this agreement in your  
7 thinking here or your analysis?

8 A. No.

9 MS. LINOWES: Mr. Chairman, I  
10 would like to object to this, the  
11 characterization of this document. I believe  
12 that Mr. Richardson -- Attorney Richardson  
13 stated that the purpose of this document was  
14 essentially a communication to the SEC. And  
15 it was adopted by the Board of Selectmen, not  
16 by a town vote. So I'm not sure how much  
17 weight to put on that paragraph.

18 CMSR. HONIGBERG: And you can  
19 argue that, the significance of it later. I  
20 also recall the selectmen -- representatives  
21 of the Select board, being very clear that  
22 this was an agreement between the Select  
23 board and Antrim Wind. They were very  
24 careful to make that distinction yesterday  
25 for us. So, yes, you will be able to argue

1           how significant that document is down the  
2           road.

3                           MS. LINOWES: Thank you.

4                           (Exhibit AWE 12 marked for  
5                           identification.)

6   Q.    I've marked Exhibit 12, which is another  
7           document we talked about yesterday, but no  
8           one had an opportunity to look at. That's  
9           the Gregg Lake letter agreement.

10  BY MR. NEEDLEMAN:

11  Q.    And the very last sentence of the last full  
12           paragraph on Page 1 says that the Town of  
13           Antrim agrees that this one-time payment of  
14           \$40,000 constitutes full and acceptable  
15           compensation for any perceived visual impacts  
16           to the Gregg Lake area. Do you see that?

17  A.    Yes.

18  Q.    And on Page 2, it's signed by the Board of  
19           Selectmen. Do you see that?

20  A.    Yes.

21  Q.    Okay. My only question with respect to this  
22           is: Is there any place in your prefiled  
23           testimony or your analysis where you were  
24           discussing the impacts on Gregg Lake where  
25           you factored this into that analysis?



1 A. No.

2 MR. NEEDLEMAN: We can take a  
3 break here.

4 CMSR. HONIGBERG: Okay. Thank  
5 you very much.

6 We're going to break for 15  
7 minutes. We'll come back at 11:00.

8 (Whereupon a recess was taken at 10:41  
9 a.m., and the hearing resumed at 11:01  
10 a.m.)

11 (Exhibits AWE 13 through 17 marked for  
12 identification.)

13 CMSR. HONIGBERG: I think  
14 we're ready to pick back up. Mr. Needleman,  
15 go ahead.

16 MR. NEEDLEMAN: Thank you.  
17 I'm handing out Antrim Exhibit 13.

18 BY MR. NEEDLEMAN:

19 Q. Ms. Vissering, are you familiar with 3D  
20 modeling?

21 A. Yes.

22 Q. That's something that's typically used by  
23 people in your profession to assist with  
24 conducting visual impact assessments; is that  
25 right?

1 A. That's correct.

2 Q. Could you turn to Page 13, Line 21 of your  
3 testimony. This is another place where you  
4 talk about your concerns with respect to  
5 Gregg Lake and also indicate your concerns  
6 about the impacts of the Project on Meadow  
7 Marsh; is that right?

8 A. Yes.

9 Q. Now, Exhibit 13 is a three-dimensional model  
10 that shows the view from Meadow Marsh, and it  
11 specifically at the bottom shows the change  
12 as a result of the revised project. And I  
13 want you to follow along with me.

14 So, do you see on the left that black  
15 vertical figure?

16 A. Yes.

17 Q. That's the former location of Turbine 10, and  
18 that's been removed. Do you understand that?

19 A. Yes.

20 Q. And you see the red line underneath that  
21 black line there?

22 A. Yes.

23 Q. That's the road that used to lead up to  
24 Turbine 10 which has now been removed. Do  
25 you see that?

1 A. Yes.

2 Q. And then do you see that white stick sticking  
3 up with a little black bit on top? That's  
4 Turbine 9. And the black part is the portion  
5 that has now been removed. Do you see that?

6 A. Yes.

7 Q. So, with respect to the view from Meadow  
8 Marsh, those are several features that have  
9 been specifically changed as a result of the  
10 revised project. Do you see those?

11 A. Yes.

12 Q. And you didn't conduct any sort of analysis  
13 like this from the view of Meadow Marsh, did  
14 you?

15 A. No.

16 Q. And you would agree with me that those are  
17 all changes in visual impact at Meadow Marsh;  
18 is that right?

19 A. Yes.

20 Q. And if you flip the page over, we talked  
21 earlier about this concept of "angle of  
22 view." And on the left side it shows the  
23 former 10-turbine layout and the view from  
24 the bench. And the field of view had a  
25 19-plus-degree angle of view. Do you see

1           that?

2    A.    Yes.

3    Q.    And then on the right side, it shows the  
4           revised project with Turbine 10 removed, and  
5           it's now slightly less than a 15-degree angle  
6           of view. Do you see that?

7    A.    Yes.

8    Q.    And at the top it indicates that the  
9           reduction in angle of view here is  
10          21 percent. Do you see that?

11   A.    Yes.

12   Q.    Do you have any reason to disagree with any  
13          of that?

14   A.    No.

15   Q.    So the change in angle of view here at Meadow  
16          Marsh is also an improvement in visual  
17          impacts at this location, isn't it?

18   A.    It is a slight improvement of view, yes.

19   Q.    And again, you didn't prepare any assessments  
20          like this with respect to Meadow Marsh, did  
21          you?

22   A.    That's correct.

23                           MS. MALONEY: Can I ask  
24          what -- is this part of the Visual Assessment  
25          study?

1 MR. NEEDLEMAN: Not yet, but  
2 we may include it.

3 MS. MALONEY: All right.

4 BY MR. NEEDLEMAN:

5 Q. I want to turn to your Recommendation 4 now,  
6 which is Page 5, Line 8. I'm sorry. Yeah,  
7 page 5, Line 8. So here you talk about land  
8 conservation. And you say at Line 9 that  
9 your view is that land conservation would be  
10 a meaningful counterbalance to the impacts on  
11 the scenic impacts; is that correct?

12 A. Yes.

13 Q. And you actually spoke a little bit more  
14 specifically about your views on land  
15 conservation in the prior document. So let's  
16 turn back to Exhibit 7. And I'm looking at  
17 Page 147.

18 A. Okay.

19 Q. And at the bottom of 147, over to 148 --  
20 well, starting in the middle of 147, Lines  
21 11, 12 and 13, you say, "I think the  
22 important thing is -- the most [sic]  
23 important thing is... the quality of the --  
24 ...final decision on how it is -- the degree  
25 to which it protects the... ridgeline." So

1           it's slightly disjointed, but the key seems  
2           to be that you were focused on protection of  
3           the ridgeline. Do you recall that?

4   A.    I recall -- my meaning doesn't come across  
5           very well there, but, yes, I recall saying  
6           that.

7   Q.    In fact, over on Page 148, Line 4, you again  
8           say that more specifically, "to address the  
9           ridgeline as a whole and to ensure that any  
10          future development is not located within the  
11          more visually and ecologically sensitive  
12          higher elevation areas." Do you recall that?

13   A.    Yes.

14   Q.    So, handing you Antrim Exhibit 14. This is  
15          the conservation map as it looked when the  
16          original project was proposed. Do you recall  
17          this?

18   A.    Yes.

19   Q.    As originally proposed, there were 685 acres  
20          of conservation land. And then during the  
21          pendency of the proceeding some additional  
22          land was added toward the bottom around  
23          Turbine 10 to bring it somewhere up around  
24          800. Is that about right?

25   A.    That sounds right.

1 Q. Okay. And with respect to this old map, that  
2 blue line through the middle is the string in  
3 the roads where the turbines are located; is  
4 that right?

5 A. Yes.

6 Q. So, first of all, you can see that green --  
7 those green blocks of conservation land. One  
8 concern was that it wasn't contiguous; right?

9 A. Yes.

10 Q. And your concern was you wanted to see that  
11 whole ridgeline protected, especially with  
12 respect to future development; right?

13 A. Yes.

14 Q. And also on that map you can see that there  
15 was no conservation land around Turbines,  
16 looks like 3, 4, 5 and 6, the ones in the  
17 middle which aren't numbered, but those are  
18 the turbine numbers. Is that right?

19 A. Could you repeat that question? Sorry.

20 Q. Yeah, I'm sorry. So in the middle here,  
21 there was no conservation land, right in the  
22 middle of the ridge around Turbines 3, 4, 5  
23 and 6, those middle blue circles. Do you see  
24 that?

25 A. Yes.

1 Q. So now I want to show you Antrim Exhibit 15.

2 Now, when we look at Antrim Exhibit 15  
3 and compare it to 14, there are a couple of  
4 changes. I mean, first of all, as we  
5 discussed yesterday, the total amount of  
6 conservation land has increased; is that  
7 right?

8 A. Yes, I think it was 100 acres.

9 Q. We also now have the conservation land across  
10 that ridge as being contiguous; is that  
11 right?

12 A. It is contiguous.

13 Q. And those turbines -- we've removed  
14 Turbine 10 at the end, though we've retained  
15 that conservation land, and we've now  
16 captured those former turbines in the middle,  
17 3, 4, 5 and 6, and wrapped them in  
18 conservation land; is that right?

19 A. Well, you've protected the part of the ridge  
20 that's going to be developed.

21 Q. Right. And one of your concerns in that  
22 original docket was that the future  
23 protection of the ridge be ensured. And  
24 that's now happened.

25 A. The ridge, I mean the whole ridge, as in sort



1 of what you've done down at the end. I  
2 didn't -- I didn't have any particular  
3 interest in protecting the area around the  
4 turbines themselves.

5 Q. I thought you --

6 A. You're using the word "ridge" very  
7 specifically as the top of the ridge. I  
8 think what I had in mind was the ridge --

9 Q. And you --

10 A. -- because the issue is that you have your --  
11 you're already developing the ridgeline. But  
12 it's the land, what happens on the land on  
13 either side of the ridge in terms of future  
14 development.

15 Q. And you didn't actually in the prior docket  
16 specify like that, the way you did here. You  
17 just said "the ridgeline"; right?

18 A. Well, that was in response to questions  
19 during the hearing. If you look at what I  
20 said in my testimony, what I said is that  
21 developers should work with Audubon to find  
22 reasonable conservation offset in conjunction  
23 with other measures identified here to reduce  
24 the visual impact.

25 Q. Right. But what you just read has nothing to

1 do with the ridgeline, does it? It doesn't  
2 say "ridgeline."

3 A. It didn't say anything in my testimony about  
4 the ridgeline.

5 Q. Okay. That's what I wanted to be clear  
6 about. In fact, in the prior docket, you  
7 specifically expressed concern about future  
8 development of the ridge. And with these  
9 conservation easements, that future  
10 development, even after the Project doesn't  
11 operate, has now been curtailed, hasn't it?

12 A. Well, protecting an area that's being  
13 developed and highly modified is not  
14 necessarily, in my mind, something that is  
15 highly -- provides a real sense of  
16 protection.

17 Q. Right.

18 A. But so I understand what you've done. But  
19 yeah.

20 Q. But your concern I think, was that, if the  
21 Project was ever decommissioned and removed,  
22 the infrastructure would not allow  
23 development up there. And that's now been  
24 protected, hasn't it?

25 A. My concern has been development in the near

1 future. That's why I was thinking of the  
2 ridge as an entirety. So...

3 Q. So we can agree, then, with respect at least  
4 to Recommendation 4, that these are changes  
5 that do improve visual impacts to some  
6 extent.

7 A. I don't think that this is a huge  
8 improvement.

9 Q. Is it an improvement?

10 A. It is a very slight improvement.

11 MR. NEEDLEMAN: Antrim 16.

12 BY MR. NEEDLEMAN:

13 Q. We talked about this. This is No. 16. We  
14 talked about this a little bit yesterday.  
15 It's the New England Forestry Foundation  
16 Agreement.

17 MR. IACOPINO: One extra up  
18 here if you need it.

19 MR. NEEDLEMAN: Thank you.

20 BY MR. NEEDLEMAN:

21 Q. And is this a document you've seen before?

22 A. I have not seen this document before.

23 Q. All right. So if you look at Page 1, right  
24 in the middle of the page, that fourth  
25 "Whereas" clause, it says, "Whereas, AWE

1           determined it to be appropriate and has  
2           voluntarily agreed to provide a  
3           contribution... to NEFF as mitigation for any  
4           aesthetic impacts associated with the  
5           Project." Do you see that?

6    A.    Yes.

7    Q.    And then Page 2 at the top, it talks about  
8           that \$100,000 contribution that Mr. Kenworthy  
9           mentioned yesterday. Do you see that?

10   A.    Where is that?

11   Q.    That's at the top of Page 2.

12   A.    Okay.

13   Q.    So this is an agreement that deals with up to  
14           \$100,000 of contributions to this  
15           organization for the acquisition of  
16           conservation land for offsetting aesthetic  
17           impacts. And this is not something that you  
18           considered at all in your prefiled testimony,  
19           is it?

20   A.    For this? This additional amount of money?  
21           I was aware of the extra 400 acres of --  
22           excuse me -- 100 acres of protection when I  
23           wrote my testimony.

24   Q.    Right. But my question is: In your  
25           Recommendation No. 4 you were talking about

1 the importance of off-site conservation  
2 mitigation, and this provides for that. And  
3 you didn't consider that in your testimony,  
4 did you?

5 A. I didn't consider it to be contributing to a  
6 significant change because of the decision by  
7 the SEC.

8 Q. You didn't mention this anywhere in your  
9 testimony; is that right?

10 A. I did mention that I had looked at the -- I  
11 believe I mentioned that I had looked at the  
12 conservation --

13 Q. The hundred acres.

14 A. -- because the SEC had not considered those  
15 to be the equivalent of aesthetic offset,  
16 that I wasn't going to consider them. So...

17 Q. Okay. Let's look at Recommendations 5 and 6.  
18 That's your prefiled testimony. Page 5,  
19 starting at Line 14, here you generally talk  
20 about concerns with respect to road  
21 locations, ridge clearing and cut and fill.

22 My understanding of cut and fill is  
23 that, when you're building a road, you cut  
24 out a section and then push it down to create  
25 a place where the road can continue through,

1           and that's a cut and fill; is that right?

2    A.    It's to create level areas, usually.

3    Q.    For the road?

4    A.    For the road bed, yes.

5    Q.    And then on Line 15, again you talk about

6           Goodhue being of particular concern.

7                   Now, you seem to talk generally about  
8           these areas. But in the technical session,  
9           when I asked you specifically what areas were  
10          you concerned about, you acknowledged to me  
11          that it was really Goodhue which was the only  
12          place you were concerned about with respect  
13          to this issue. Do you agree?

14   A.    Well, that was because -- yes, I do. But I  
15          didn't have Mr. Raphael's report. So I think  
16          there are two other areas of concern.

17   Q.    Well, let me ask you about that in a minute.

18                   But at the time you wrote this prefiled  
19          testimony, based on what you at the time --  
20          and actually, this actually goes back to the  
21          prior docket because this is one of your  
22          original recommendations. You were focused  
23          on Goodhue here with respect to this  
24          recommendation; is that right?

25   A.    Let me just read my testimony.

1 (Witness reviews document.)

2 A. I think I was talking here generally wherever  
3 it occurred is what my testimony says. It  
4 mentions Goodhue because I was very -- I knew  
5 that it was -- because I had done simulations  
6 from Goodhue Hill, I knew that it was going  
7 to be an issue there. But I think here I was  
8 really talking about anywhere, because as I  
9 think I said in the technical session, I  
10 suspected it was going to be any  
11 high-elevation area there would be the same  
12 issues.

13 Q. Do you recall in the technical session, on  
14 Pages 161 and 162, when I asked you about  
15 this and concluded by saying, "So it only  
16 relates to Goodhue Hill here," and you said,  
17 "Yes"? Do you recall that?

18 A. Yes, but I was wrong.

19 Q. So you were wrong in the technical session?

20 A. But it was -- I didn't know at the time  
21 because I was -- I hadn't had the benefit of  
22 seeing some of the other simulations from  
23 different vantage points.

24 Q. Which simulations caused you to realize you  
25 were wrong?

1     A.     The simulations from Pitcher Hill and from  
2           Crotched Mountain.

3     Q.     So if you had actually done your own work to  
4           conduct that type of assessment before you  
5           filed your testimony, you would have caught  
6           those things; right?

7     A.     I might have. I don't know that I would have  
8           necessarily done simulations myself from  
9           those vantage points. But, yes, had I done  
10          an extraordinarily thorough, complete  
11          revision of my original testimony, including  
12          hundreds of simulations, I might have caught  
13          that.

14    Q.     And so --

15    A.     But I do rely on the Applicant to do that  
16          work.

17    Q.     And so, to be clear, you're now relying on  
18          Mr. Raphael's more thorough analysis to  
19          change that testimony; is that correct?

20    A.     That's correct.

21    Q.     So, regarding your own work that you did at  
22          Goodhue Hill, did you ever do any visual  
23          simulations?

24    A.     Yes.

25    Q.     And those were in your VIA; right?



1 A. Yes.

2 Q. And did you do 3D models?

3 A. That was part of the process.

4 Q. So you do the 3D model and then the  
5 simulation?

6 A. Yes. And I don't do it myself. I hire that  
7 work because I am a sole owner, only employee  
8 of my business. So I subcontract with other  
9 people to do that, that kind of technical  
10 work.

11 Q. And did you do any of the revised project  
12 from Goodhue?

13 A. Did I do the revised project? No, but you  
14 can see where turbine -- it's very easy to  
15 see where Turbine 10 would be removed and  
16 Turbine 9 would be -- it doesn't require the  
17 huge expense of doing a visual simulation to  
18 do that.

19 Q. So, on Page 5, Line 20, continuing on with  
20 your Recommendations 5 and 6, and  
21 specifically Line 22, you then recommend a  
22 series of measures that you would like to see  
23 implemented in order to reduce impacts. Do  
24 you see that?

25 A. Sorry. What page are we on again?

1 Q. I'm on Page 5, Line 20.

2 A. Okay.

3 Q. Among the measures that must be considered  
4 would be reducing the size of clearings,  
5 reducing the size of cut and fill slopes,  
6 eliminating turbines in areas where  
7 visibility could be high, and revegetating  
8 cut and fill slopes; right?

9 A. Yes. And frankly, this is the kind of thing  
10 I would say for any wind project, not just  
11 this one.

12 Q. Now, you don't actually provide any baseline  
13 here for how much of this would be enough.  
14 You just said you'd like to see some of this  
15 done; right?

16 A. I think it's something that needs to be best  
17 practice measures because we -- there have  
18 been issues in other wind projects with  
19 excessively wide roads, excessively -- so I  
20 think it is something that needs to be paid  
21 attention to.

22 Q. Are there any best practice measures with  
23 respect to these issues that you have now  
24 that you're referring to?

25 A. I don't know -- it's a good question. I

1           don't know that any have been developed, but  
2           I think there's a lot that's been learned  
3           since we started building wind projects.

4    Q.    So if we were trying implement these  
5           recommendations, there's nothing we could  
6           look to, to determine when we've done enough  
7           in your mind; is that right?

8    A.    I think that's something that I put in here.  
9           I think it's something that I would like the  
10          SEC to be aware of, and because it is an  
11          issue from any viewpoints, and obviously  
12          there are a number of them in the region when  
13          you're looking down on a project, the  
14          visibility of roads and clearings and the  
15          disturbance to the forest.

16   Q.    So, with the elimination of Turbine 10, and  
17          thinking back to the Meadow Marsh simulation,  
18          the removal of the road, we have reduced some  
19          of the clearings and the roads, haven't we?

20   A.    You have.

21   Q.    And with the cut and fill that would have  
22          occurred along that road from Turbine 9 to  
23          Turbine 10, we've reduced some of the cut and  
24          fill, haven't we?

25   A.    Yes, you have.

1 Q. And with respect to revegetation, you heard  
2 Mr. Kenworthy testify yesterday about the  
3 revegetation plans that are in place. So  
4 we've addressed that to some extent, haven't  
5 we?

6 A. Yes. My understanding is that the crane path  
7 will not be revegetated with woody  
8 vegetation, but that the -- that any other  
9 cut and fill slopes would be.

10 Q. So, all those mitigation measures that we  
11 just talked about and you agreed we were  
12 addressing are not mentioned anywhere in your  
13 prefiled testimony, are they?

14 A. I did not know the details when I wrote this.

15 Q. Let's turn to your Recommendation No. 7,  
16 which is on Page 6, Line 5. That's a short  
17 one. It says, "Any significant visibility of  
18 the substation and O&M facility may need to  
19 be mitigated with screening plantings." Do  
20 you see that one?

21 A. Yes.

22 Q. So, in Mr. Raphael's VIA, Exhibit 19 to the  
23 VIA is the substation mitigation planting  
24 plan.

25 A. Yes.

1 Q. I assume you've had the opportunity to look  
2 at that.

3 A. Yes.

4 Q. So we have now addressed this issue, haven't  
5 we?

6 A. Yes, you have.

7 Q. Okay. So I want to move away from your  
8 recommendations for a little while now. I  
9 think we've captured a lot of those issues.  
10 And I want to talk more generally about some  
11 other concerns and criticisms that you have  
12 in your prefiled testimony.

13 Let's look at Page 4, Lines 11 and 12.  
14 You say, "Adding to the Project's  
15 unreasonable aesthetic impacts were its high  
16 visibility to a number of other scenic and  
17 recreational resources within the surrounding  
18 area." Do you see that?

19 A. Yes.

20 Q. And in the next sentence, again you go on to  
21 identify Gregg Lake, which we'll come back  
22 to. But you didn't identify any other  
23 specific resources here, did you?

24 A. Yes, though I could certainly list them if  
25 you would like. I think I have already done

1           that.

2       Q.     Right. I have a feeling we know what they  
3           are, and we'll get to them in a minute. I'm  
4           just focusing on this right now.

5           And you said earlier that you haven't  
6           done an assessment of overall visibility, but  
7           agreed that Mr. Raphael did. As a result of  
8           the assessment that Mr. Raphael did, you  
9           found that the overall project visibility had  
10          been reduced by 12 percent; is that right?

11       A.     Yes. That was because of the removal of  
12          Turbine 10.

13       Q.     Right.

14       A.     Yes.

15       Q.     And at Page 12, Line 6, you acknowledge that.  
16           But you said that it wasn't significant; is  
17           that right?

18       A.     Yes.

19       Q.     But you don't contest the fact that there  
20           actually has been an overall reduction of  
21           visibility of 12 percent, do you?

22       A.     No, I don't contest that.

23       Q.     So I want to look at the actual results now  
24           of that reduction in visibility. So let's  
25           turn back to your Clean Energy Report. It's

1       Exhibit 11. I want to look at Page 19. I'm  
2       looking at the beginning of the second  
3       paragraph. And you say there, "The  
4       higher-rated turbines are only minimally  
5       larger in size, but fewer turbines provide an  
6       equivalent output of power, often resulting  
7       in a better aesthetic solution."

8       A. I'm sorry. Where are you?

9       Q. I'm on Page 19, second paragraph, right in  
10      the middle of the page.

11     A. Okay.

12     Q. Now, do you see where I just read from?

13     A. Yes, but could you start again?

14     Q. Sure. "The higher-rated turbines are only  
15      minimally larger in size, but fewer turbines  
16      provide an equivalent output of power, often  
17      resulting in a better aesthetic solution."

18      Do you see that?

19     A. Yes.

20     Q. So, in this case we've done that; right? We  
21      have fewer turbines that are higher-rated.  
22      So it would logically follow, based on what  
23      you say here, that overall we've come up with  
24      a better aesthetic solution; right?

25     A. So if you look at the paragraph above,

1 "Despite the height of modern... turbines,  
2 it's difficult for people to distinguish  
3 between a 200... and a 400-foot turbine  
4 unless they are side by side." But this is  
5 200 and 400, not 500. And I think that they  
6 are -- often it is -- I would agree with  
7 that, that fewer is better than, but it  
8 depends on the setting.

9 Q. So if you were Antrim Wind and we were trying  
10 to figure out what we need to do here to  
11 address this project, and we read this and  
12 said, gee, it would be a better aesthetic  
13 solution to reduce the number and increase  
14 the megawatts --

15 A. Well, at the time I wrote this, there were no  
16 500-foot turbines. So --

17 Q. So this doesn't apply anymore?

18 A. Well, I think that the -- I think that the  
19 turbines, the size of turbines are increasing  
20 visibility. They are making a difference in  
21 terms of scale in relationship to smaller  
22 landscapes.

23 Q. In your testimony, again you talked about  
24 high visibility at other scenic resources.

25 Isn't it true -- and I think you said



1       this at your technical session testimony --  
2       that visibility at scenic resources doesn't  
3       necessarily mean there's going to be an  
4       impact at that resource?

5     A.   That's correct.

6     Q.   So, just because there is high visibility,  
7       that by itself is not meaningful; you need to  
8       assess the impact at the resource.

9     A.   It's one variable. Obviously, as other  
10    people have said, there's no -- if there's no  
11    visibility, there is very unlikely to be any  
12    impact. So we start with where it's visible.

13    Q.   So, could you turn to Page 14 of your  
14    prefiled testimony, please. I guess this --

15    A.   We're talking my prefiled. I'm sorry.

16    Q.   Yes, prefiled. Sorry. I'm jumping around a  
17    lot.

18               So at the very bottom of 13, carrying  
19    over to 14, you say, "the Project would be  
20    seen at similar distances as those in the  
21    Lempster Wind Project, but the turbines would  
22    be over 100 feet taller." And I believe  
23    you've corrected that. "There would also  
24    continue to be visibility from numerous other  
25    area resources, including Pitcher Mountain,

1 Franklin Pierce Reservoir..., Robb Reservoir,  
2 Island Pond, Highland Lake and Black Pond."

3 Do you see that?

4 A. Yes.

5 Q. And then there's a footnote there that says,  
6 "Without a revised viewshed map I cannot  
7 confirm visibility from resources within the  
8 10-mile study area"; is that right?

9 A. Yes.

10 Q. So that's a little confusing. I mean,  
11 wouldn't it have been more appropriate for  
12 you to say that you can't assess visibility  
13 in these areas because you haven't done a  
14 revised viewshed map?

15 A. As I said, that's something I expect and  
16 assume that the Applicant is going to  
17 provide.

18 Q. At the time you submitted this testimony, you  
19 didn't have a revised viewshed map from the  
20 Applicant, did you?

21 A. No, but I had the old one which I -- and  
22 where I had a pretty good sense of where  
23 visibility was going to be from, and I was  
24 very certain that there was still visibility  
25 in the areas I mentioned because it was

1 identified in Mr. Raphael's testimony.

2 Q. All right. So you actually did not have a  
3 basis for making that statement other than  
4 the old viewshed map; is that right?

5 A. So, in other words, he had said, for example,  
6 that there would be no visibility on  
7 Nubanusit Pond, which I put in there. But I  
8 was wrong, because, in fact, what he meant  
9 was there is no visibility of nacelles and  
10 towers. So there was -- I used the  
11 information that was in his testimony as the  
12 basis for making these statements.

13 Q. In your VIA, which is attached to your  
14 testimony at Page 4 -- if you could turn  
15 there, please.

16 A. Yes.

17 Q. Right in the middle of the page you list the  
18 resources that were the focus of your  
19 analysis; is that right?

20 A. So you're on Page 4?

21 Q. On Page 4 of your VIA, which is attached to  
22 your testimony.

23 A. Okay.

24 (Witness reviews document.)

25 A. That's correct.

1 Q. And at the very bottom, that last bullet is  
2 "Other Lakes and Ponds." Do you see that?

3 A. Yes.

4 Q. And then, when we jump to Page 14 of your  
5 VIA, I think you actually list those other  
6 lakes and ponds. So let's go there. And it  
7 looks to me like that list is generally the  
8 same list from Page 14 of your prefiled  
9 testimony, and it's also very similar to the  
10 list -- it might be even identical to the  
11 list that Ms. Maloney was referring to  
12 yesterday on Page 50 of this Committee's  
13 April 25th, 2013 Order; is that right?

14 A. Sorry. I was trying to read that paragraph,  
15 if you wouldn't mind.

16 Q. I apologize for moving too quickly. It seems  
17 to me we've got a lot of overlap here in what  
18 you in your testimony and in your VIA and  
19 what the Committee seem to view the important  
20 resources are here to focus on.

21 A. Yes, I would say generally, yes.

22 Q. And those other lakes and ponds that you've  
23 listed here, which are also listed in the  
24 Committee's Order, are: Robb Reservoir,  
25 Island Pond, Highland Lake, Nubanusit Pond

1           and Black Pond; is that right?

2       A.     Yes.

3       Q.     Okay.

4                               MR. NEEDLEMAN:   So this will  
5       be Antrim 17.

6       Q.     So this is a one-page summary that tries to  
7       capture the important visual changes at some  
8       of these critical resources that we've been  
9       talking about, plus some of the others that  
10      we haven't been talking about. I want to  
11      walk through it with you.

12                So, Highland Lake, one that you consider  
13      to be an important resource, one that the  
14      Committee listed on Page 50 to be an  
15      important resource, one of your focus sites.  
16      If you look, it's the fifth one down, right.  
17      The Project is no longer visible from  
18      Highland Lake; is that correct?

19      A.     Yes, that's correct.

20      Q.     Okay. And in prefiled testimony on Page 14,  
21      that was one of the places you said continued  
22      to have visibility; is that right?

23      A.     Repeat the question, please.

24      Q.     Page 14 of your prefiled testimony, that was  
25      one of the resources that you listed as

1           having continued visibility; correct?

2     A.     Yes, under "Other Lakes," yes.

3     Q.     So you were wrong about that; is that  
4           correct?

5     A.     So, Page 14 of my --

6     Q.     Page 14 of your prefiled testimony --

7     A.     Okay. Let me go to that.

8     Q.     -- you said the Project would be seen at  
9           similar distances, et cetera. Then you say,  
10          at Line 2, there would also continue to be  
11          visibility from numerous other resources, and  
12          you list them, and Highland Lake one of those  
13          resources.

14    A.     I would have to check that because I'd like  
15          to look at the viewshed map. But evidently  
16          that's true.

17    Q.     Okay. So that's an important resource that  
18          is no longer visible; correct?

19    A.     It was one of the other lakes that was not.  
20          But, yes, it was listed under "Other Lakes."

21    Q.     So that's a change here, in terms of --

22    A.     That is a change.

23    Q.     Okay. Nubanusit Lake, that's another one. I  
24          think you've now acknowledged that Nubanusit  
25          Lake is no longer visible; is that correct?

1 A. That's not true. As I said, the differences  
2 is that it depends which viewshed map you  
3 look at. There are still blades visible from  
4 Nubanusit.

5 Q. Which viewshed map are you looking at to draw  
6 that conclusion?

7 A. The one that is the entire length of the  
8 turbine.

9 Q. Are you referring to the viewshed map in Mr.  
10 Raphael's --

11 A. Viewshed Map No. 4 -- No. 3.

12 Q. The one in Mr. Raphael's VIA?

13 A. Yes.

14 Q. Okay.

15 A. So that still has visibility.

16 Q. All right. We can go back to that. I'm not  
17 sure that's correct.

18 A. Which is why I'm sort of -- I said I'd need  
19 to check the viewshed map to really confirm  
20 that some of these are... are accurate.

21 Q. Let's look at Black Pond.

22 MS. MALONEY: You know, I'm  
23 just going to say, since we haven't seen this  
24 exhibit before, and there's a few of these we  
25 haven't seen before, that if Ms. Vissering

1 needs to take a look at the viewshed map, we  
2 take the opportunity to do that.

3 MR. NEEDLEMAN: I'm not  
4 opposed to that if she wants to do it.

5 A. I'm happy to continue, because I think, for  
6 the most part, I agree with you. But I  
7 would -- I will have some points to make  
8 about the decreases.

9 CMSR. HONIGBERG: Ms.  
10 Vissering, if you're happy, we're happy. I  
11 think if you feel you need to look at  
12 something, you should tell Mr. Needleman, and  
13 I think he'll accommodate you on that.

14 MR. NEEDLEMAN: Absolutely.

15 A. Yeah, I think we should continue. And it may  
16 be something we can raise later.

17 BY MR. NEEDLEMAN:

18 Q. So let's --

19 A. Yes, go ahead.

20 Q. So let's continue then. Black Pond's another  
21 one you identified as "important," both on  
22 Page 14 and in your VIA, and one that the  
23 Committee identified on Page 50 of its  
24 decision; correct?

25 A. Okay.



1 Q. And about two thirds of the way down, the  
2 area of visibility has decreased, the number  
3 of turbines visible has decreased, and angle  
4 of view has decreased in Black Pond. Do you  
5 see that?

6 (Witness reviews document.)

7 A. So we're on Black Pond. So the area of  
8 visibility has decreased. Okay.

9 Q. Hmm-hmm. As well as the number of turbines  
10 visible and the angle of view. Do you see  
11 that?

12 A. Yes. I would expect all of these to be true  
13 about many of these lakes.

14 Q. So those are changes at Black Pond that have  
15 reduced visual impacts; is that correct?

16 A. What it means is there could be -- when you  
17 say "decreased," what we don't know, there  
18 could be 9 instead of 10 turbines still  
19 visible. It's going to vary. But what isn't  
20 addressed here is what is visible, how much  
21 of the lake and the proximity. So we're  
22 looking at a variable, one variable here that  
23 might have a slight decrease.

24 Q. That wasn't my question.

25 A. I know.

1 Q. Let's go back to my question. So there are  
2 three changes that have improved the  
3 aesthetic impacts at Black Pond; is that  
4 correct?

5 A. Very, very slight.

6 Q. When you say "very slight," what's your basis  
7 for saying that? Have you done any analysis  
8 to support that assertion?

9 A. So we're looking at 10 percent here.

10 Q. I'm talking about at Black Pond. Have you  
11 done any analysis to support what you just  
12 said?

13 A. Yes, I -- we have the elimination of one  
14 turbine out of 10. And I think that's, with  
15 the heights remaining, exactly the same. I  
16 mean, I think that we're still seeing the  
17 Project. We're still seeing it from areas of  
18 the lake. I guess that's my point, that I --

19 Q. At the very beginning of this discussion, I  
20 reminded you of what you said in the prior  
21 docket. And you said, "I need articulating  
22 the reasons in a way someone can understand.  
23 The logic and the rationale is important."  
24 You haven't articulated reasons or logic or  
25 rationale --

1 MS. MALONEY: Objection.

2 Q. -- in your prefiled testimony for --

3 MS. MALONEY: Argumentative.

4 CMSR. HONIGBERG: Sustained.

5 (Court Reporter interrupts.)

6 BY MR. NEEDLEMAN:

7 Q. For the opinion you just gave about Black  
8 Pond.

9 CMSR. HONIGBERG: And then  
10 there was an objection, argumentative, and  
11 that objection is sustained.

12 BY MR. NEEDLEMAN:

13 Q. Let's move on to Robb Reservoir. Robb  
14 Reservoir is another resource identified as  
15 "important" by the Committee in its Order,  
16 and also identified by you as "important."  
17 It's in the middle of this chart. And we  
18 have the same three changes in visual impact  
19 at Robb Reservoir; is that correct?

20 A. Yes.

21 Q. And have you done any analysis of the changes  
22 in visual impacts at Robb Reservoir with  
23 respect to the new project?

24 A. I certainly looked at that in terms of  
25 writing my testimony.

1 Q. Where in your testimony is that Robb  
2 Reservoir analysis?

3 A. There is still visibility at Robb Reservoir.

4 Q. Have you characterized the extent of that  
5 visibility and the reduction?

6 A. There is -- there appears to be quite a bit  
7 from looking -- I analyzed the viewshed  
8 analysis to determine that there was still  
9 visibility at Robb Reservoir. There had been  
10 perhaps reduction of one turbine.

11 Q. Is there any place in your testimony where  
12 you talk about the area of visibility at Robb  
13 Reservoir or the angle of view?

14 A. No.

15 Q. Okay. Let's look at Island Pond, another one  
16 in the middle of the page here, another  
17 important resource, same three changes.

18 Is there anywhere in your testimony  
19 characterized the changes at Island Pond as a  
20 result of the revised project?

21 A. Not in the sense you're describing, no.

22 Q. I'm not going to go through all of these.  
23 There's no need to do that. I do want to  
24 focus just on one or two others.

25 Willard Pond is here as well, and we

1       have these three specific changes at Willard  
2       Pond. You've talked more about Willard Pond.  
3       But as far as I can tell, there's no place  
4       where you specifically characterized each one  
5       of these changes at Willard Pond; is that  
6       correct?

7       A. Other than to note that the turbine -- I  
8       discuss them in my testimony --

9               (Court Reporter interrupts.)

10      A. I discuss them in my testimony, in terms of  
11      the reduction in turbine -- the elimination  
12      of Turbine 10 and the reduction in height and  
13      its effects, visual effects.

14      Q. Bald Mountain is the second one from the  
15      bottom. We've talked a lot about Bald  
16      Mountain, and we've talked a lot about  
17      Goodhue Hill at the bottom. Number of  
18      turbines visible has decreased and the angle  
19      of view has decreased at both. Is that  
20      something you talk about specifically in your  
21      prefiled testimony or analyzed?

22      A. No, because I didn't think it was relevant.

23      Q. So, of the remaining focus resources on  
24      Page 4 of your testimony -- or Page 4 of your  
25      VIA, other than the other lakes and ponds --

1           let's go back there for a minute.

2    A.    Page 4?

3    Q.    Page 4 of your VIA.

4    A.    Yes.

5    Q.    We've now covered most of those.  There are  
6           six resources at the top of this exhibit.  
7           We've talked about Highland Lake and  
8           Nubanusit Lake.  But there are four others --  
9           Center Wood [sic] Pond, Spoonwood Pond,  
10          Deering Reservoir and Otter Lake -- Otter  
11          Lake's in Greenfield State Park -- that will  
12          no longer have any visibility of the Project;  
13          is that correct?

14   A.    So, one would presume if there's no longer  
15          visibility, that the visibility to begin with  
16          was one turbine.

17   Q.    Or possibly two because Turbine 9 was  
18          reduced; isn't that right?

19   A.    It's possible.

20   Q.    Okay.  But the question here is:  You didn't  
21          do any analysis of any of those resources,  
22          did you?

23   A.    Those were not -- except for I did look at  
24          Nubanusit.  But the other ones were not high  
25          priority.

1 Q. So let's move on to another topic.

2 You talked several times this morning  
3 about comparing this project to Lempster.  
4 And there are several places in your prefiled  
5 testimony where you also compared the Project  
6 to Lempster. And I want to look at that for  
7 a minute if we could.

8 Let's look at Page 9, Line 9 and 10 of  
9 your prefiled testimony.

10 A. Okay.

11 Q. You say, "Even with the minimal reduction in  
12 turbine height... proposed by the petitioner,  
13 the turbines would be over" -- and we correct  
14 that to "93 feet taller than those used in  
15 the Lempster Wind Project"; is that right?

16 A. Yes.

17 Q. I think --

18 MR. NEEDLEMAN: I think this  
19 will be Antrim 17 -- 18. I'm sorry.

20 (Exhibit AWE 18 marked for  
21 identification.)

22 Q. So I've just given you Antrim Exhibit 18,  
23 which is this Turbine Trend chart. And  
24 you've actually talked about that this  
25 morning. And I think the testimony you gave

1 earlier about the size of some of the  
2 turbines in New Hampshire was generally on  
3 target, but I just wanted to ask you a couple  
4 questions about that.

5 MS. MALONEY: I guess, again,  
6 this is something we've never seen and it  
7 wasn't part of the report. And is there any  
8 kind of authentication? What is this? I  
9 mean, I'm going to object to this exhibit  
10 being used.

11 MR. NEEDLEMAN: It's a factual  
12 description of the turbine heights --

13 MS. MALONEY: Based on your  
14 representation. But who prepared it? How  
15 did they prepare it? What --

16 MR. NEEDLEMAN: It was  
17 prepared by LandWorks. It says right down in  
18 the corner.

19 MS. MALONEY: I see that  
20 little print. But how did he prepare it?  
21 What's the -- I mean --

22 CMSR. HONIGBERG: I think he  
23 can show the witness anything he wants. If  
24 she has a problem with it, she'll let us  
25 know. If at the end of the process there's



1 an objection to it becoming an exhibit for  
2 some reason, that it was not authenticated or  
3 something, we'll deal with it then. But he  
4 can show her pretty much anything he wants I  
5 think.

6 MS. LINOWES: I'm sorry. I  
7 just had one objection to under "Notes." It  
8 states, "Turbine heights for Spruce Ridge and  
9 Wild Meadows." Wild Meadows has been removed  
10 as a possible project. Spruce Ridge has not  
11 been proposed. The suggestion that New  
12 Hampshire is entertaining turbines that big I  
13 think is implied here, and I think that's  
14 inappropriate.

15 CMSR. HONIGBERG: I think it's  
16 not. I thank you for that point, although I  
17 don't know that we need to take it up at this  
18 moment. But I understand the point you want  
19 to make.

20 Mr. Needleman, you may  
21 proceed.

22 MR. NEEDLEMAN: Thank you.

23 BY MR. NEEDLEMAN:

24 Q. Looking at this Trend chart and looking  
25 specifically at your testimony at Page 9,

1           Line 10, when you said that the turbines used  
2           in Lempster would be over 93 feet taller, you  
3           were actually referring to the tips of the  
4           blades; is that right?

5    A.    That's correct.

6    Q.    Not the hub heights.

7    A.    Yes.

8    Q.    In fact, the hub heights, when you compare it  
9           on this chart, are actually a fair bit lower;  
10          isn't that correct?

11   A.    Yes.

12   Q.    And we talked earlier about your view on  
13          blades versus hubs.

14                I want to compare the hub heights for a  
15          minute. So, looking at this chart, the  
16          Lempster hub heights are 78 meters to the  
17          hub; is that correct?

18   A.    Could we use the feet?

19   Q.    Yeah. I'm better with feet, too.

20   A.    I'm sorry.

21   Q.    That's fine.

22   A.    I hate to admit it.

23   Q.    That's fine.

24                So the hub height at Lempster in feet is  
25          parenthetically 256; is that right?

1 A. Yes.

2 Q. And Groton is the same, third one over; is  
3 that right?

4 A. Yes.

5 Q. Which I believe you said earlier. And then  
6 Granite Reliable is a little bit higher, at  
7 263 feet; right?

8 A. Yes.

9 Q. And then, when you look over at Antrim,  
10 Turbine 9 is 79.5 meters, or 261 feet to the  
11 hub. Do you see that?

12 A. Yes.

13 Q. Okay. So, Turbine 9 is actually only 48 feet  
14 taller than Antrim -- or I'm sorry --  
15 Lempster, if my math is correct; is that  
16 right?

17 A. That's right.

18 Q. Okay. And Turbines 1 through 8 have been  
19 shortened slightly, and so -- I'm sorry.  
20 That map isn't right. Turbines 1 through 8  
21 have been shortened slightly, and they're  
22 48 feet taller; is that right?

23 (Court Reporter interrupts.)

24 Q. Let's start again. I'm not doing very well  
25 with this.

1           Antrim Wind Turbines 1 through 8 are  
2           proposed at 304 feet; is that right?

3    A.    Antrim?

4    Q.    Antrim Wind Turbines 1 through 8 are proposed  
5           at 304 feet. Do you see that 92.5 meters to  
6           the hub?

7    A.    Okay. Oh, wait. Where's Antrim? Antrim,  
8           Antrim. Oh, here it is. Antrim. Okay. So,  
9           hub height, 304. Okay.

10   Q.    Right. And the Lempster existing hub height  
11          is 256; right?

12   A.    Yup. Okay.

13   Q.    So --

14   A.    I see where you're going.

15   Q.    Right. So Turbines 1 through 8 at Antrim are  
16          only 48 feet higher than the existing  
17          turbines at Lempster; is that right -- to the  
18          hub?

19   A.    Say that again.

20   Q.    Turbines 1 through 8 at Antrim would only be  
21          48 feet higher to the hub than the existing  
22          turbines at Lempster; is that right?

23                   CMSR. HONIGBERG: Ms.

24           Vissering, do you know any of the answers to  
25           the questions he's asking you, separate and

1           apart from what you see on the documents he's  
2           showing you?

3                       THE WITNESS:   No.   I'm sort of  
4           trying to do a little math on paper here.

5                       CMSR. HONIGBERG:   Separate and  
6           apart from the difference between the two  
7           numbers, the numbers that he's asserting go  
8           with certain projects, do you know those  
9           numbers without reference to the document in  
10          front of you?

11                      THE WITNESS:   Oh, without  
12          reference?   I am familiar with the overall  
13          height of to tip of blade of Lempster,  
14          Groton, and Granite Reliable.   Pretty  
15          familiar.

16                      CMSR. HONIGBERG:   And the  
17          numbers that you're looking at on Exhibit  
18          AWE 18 match up with what you understand  
19          those heights to be?

20                      THE WITNESS:   Yes, I think so.  
21          Let me just -- that's a good question.   Let  
22          me just... overall height.   Yes, I think --  
23          yes, I think they do.

24                      CMSR. HONIGBERG:   Okay.

25                      THE WITNESS:   So, yeah, I'm

1 not concerned about any deception here.

2 CMSR. HONIGBERG: Sorry to  
3 break up the flow, Mr. Needleman.

4 MR. NEEDLEMAN: No, I  
5 appreciate that.

6 So I'm not going to pass this out to  
7 everybody unless you want me to...

8 BY MR. NEEDLEMAN:

9 Q. This is just a copy of some testimony that  
10 you gave in the Green Mountain Wind Project  
11 and -- I'm sorry -- on behalf of the Green  
12 Mountain Club.

13 A. Yes, that's right.

14 Q. And I just want to focus on one thing here.  
15 Here, the height of the wind turbines in that  
16 project was 443 feet. And you say, "It may  
17 be difficult to perceive the difference in  
18 size between a 380-foot turbine and a  
19 443-foot turbine." Do you see that?

20 A. Yes. And we're talking six to seven miles  
21 away.

22 Q. Okay. That's fine.

23 A. Which is an important factor.

24 Q. Okay. And that's a 63-foot difference there;  
25 is that right?

1 A. Yes.

2 Q. And in this case, the difference between  
3 Lempster and Antrim is less than that, isn't  
4 it?

5 A. Yes. And I think the critical thing here is  
6 the proximity of this project to the  
7 resources.

8 Q. Right. But based on your testimony there, it  
9 would be fair to say that it would be  
10 difficult to perceive the difference then  
11 between the Lempster turbines and the Antrim  
12 turbines, wouldn't it?

13 A. At distances of five to seven miles, I think  
14 that's true.

15 Q. Okay. On Page 5, Line 6 and 7 of your  
16 prefiled testimony --

17 A. Or I should say six to seven miles.

18 Excuse me. Where are we now?

19 Q. We're on Page 5, Lines 6 to 7 of your  
20 prefiled testimony. You say, "The scale of  
21 the landscape in this part of New Hampshire  
22 is small, with relatively low hills and  
23 mountains. The proposed turbines will  
24 overwhelm the ridgeline, especially from a  
25 vantage point of Gregg Lake." And I said

1 earlier we'd get back to it, and now I want  
2 to.

3 If you look at Exhibit 7, that's the  
4 testimony you gave in the last docket. And  
5 I'm looking at Page 69.

6 A. Excuse me. I'm trying to find Exhibit 7  
7 again. Here it is. And what pages?

8 Q. Page 69.

9 A. Okay.

10 Q. And you're talking about Lempster there. And  
11 at Line 10 you say that it's a fairly low  
12 ridgeline in relation to its vantage points,  
13 "and, I mean, every setting is somewhat  
14 different, in terms of how they're seen."  
15 But it seemed to me that those had a  
16 reasonable relationship to the ridge." Do  
17 you see that?

18 A. Yes.

19 Q. And in your afternoon testimony, Exhibit 8,  
20 at Page 64 --

21 A. Okay.

22 Q. I'm looking at Line 21. Again, you were  
23 talking about Lempster, and there you said,  
24 "Lempster is hardly visible from anywhere.  
25 It's the perfect project." Do you see that?



1 A. Yes.

2 Q. So in the technical session I was asking you  
3 about scale and how people in your profession  
4 evaluate the issue of scale. And I can pull  
5 out the transcript if we want. But my memory  
6 is that we went through a discussion, and I  
7 essentially said to you, "Is there anything  
8 in any of the recognized methodologies, the  
9 BLM methodology, the Forest Service  
10 methodology, the Department of Transportation  
11 methodology, that prescribes how it is you  
12 make judgments about scale? And you told me  
13 that there isn't. Do you recall that?

14 A. There are no hard and fast rules. I think  
15 what you asked me is if there was a formula,  
16 and I don't think there is.

17 Q. Right. Okay. So I want to look, then, at a  
18 comparison between -- this will be  
19 Exhibit 19.

20 (Exhibit AWE 19 marked for  
21 identification.)

22 Q. This was an exhibit prepared by LandWorks.  
23 At the top of the page is a simulation of the  
24 proposed Antrim Wind Project from Gregg Lake  
25 which we've talked about a lot. At the

1 bottom is an actual photograph taken from May  
2 Pond in Pillsbury State Park of the Lempster  
3 Wind Project. They're both at a distance of  
4 1.7 miles to make sure that we're comparing  
5 them accurately. And then each of them has a  
6 little box. And what I asked Landworks to  
7 do, given that we've talked about the  
8 relationship of projects like this to the  
9 ridgeline, was to compare the ratio of each  
10 of these of the ridgeline. So, on the top  
11 one, for example, if you look at Turbine 8,  
12 the ratio of the structure without the  
13 blades, just the tower and the nacelle, in  
14 relation of the ridgeline is 1 to 3.1; so, in  
15 other words, for every one stretch of  
16 turbine, you have 3.1 stretch of ridgeline.  
17 So a lower number is not as good. A higher  
18 number is better because it's less in  
19 relation to the ridgeline. Do you follow  
20 that?

21 A. Yes.

22 Q. Obviously, we did the same thing down below  
23 with respect to the turbines visible here at  
24 May Pond. Do you see what I've done there?

25 A. Yes.

1 Q. And what you generally see here when you look  
2 at these turbines at May Pond in Lempster is  
3 that those ratios are quite a bit lower, or  
4 not as good in comparison to the visual  
5 simulation at Gregg Lake. Do you see that?

6 A. Yes.

7 Q. Now, having in mind that there is no  
8 prescribed methodology for scale and that  
9 people were comparing these turbines to the  
10 ridgelines, I wanted to ask you about this.

11 Now, earlier I pointed to your testimony  
12 where you said that Lempster or -- yeah,  
13 Lempster, bore a reasonable relationship to  
14 the ridgeline, and it was a perfect project.  
15 "When I look at these two, it's hard for me  
16 to tell the difference between the two."

17 In light of that testimony you gave in  
18 Lempster, can you articulate for us what are  
19 the differences between the two that makes  
20 one of them a perfect project and the other  
21 one objectionable from this viewpoint?

22 MS. LINOWES: Mr. Chairman, if  
23 I could object -- not object. I need a  
24 clarification here. I believe that Mr.  
25 Needleman is talking only about the hub

1 height and is not making clear that the rotor  
2 diameter on the Lempster turbines is  
3 285 feet; whereas, the rotor diameter on the  
4 Antrim project 371 feet. Much longer blades.  
5 And he's doing the ratios based on just the  
6 hub height.

7 CMSR. HONIGBERG: I think Ms.  
8 Vissering has a much better handle on this  
9 than you may give her credit for. I think if  
10 she has a problem with the ratios that have  
11 been articulated, I think she'll tell us.

12 MS. LINOWES: Thank you.

13 A. Is this true, the hub height?

14 CMSR. HONIGBERG: You need to  
15 use the microphone.

16 A. I'm not sure I'm as qualified as you think I  
17 am. I missed that. Hub height is the basis  
18 of the ratio?

19 BY MR. NEEDLEMAN:

20 Q. Yeah, I said that. And it says it right on  
21 the top. The ratio is --

22 A. Yeah, so I think that's -- yeah.

23 MS. MALONEY: The other thing,  
24 I think you misspoke, Attorney Needleman.  
25 She didn't testify in the Lempster project.

1 MR. NEEDLEMAN: I didn't say  
2 she testified in the Lempster project.

3 MS. MALONEY: I think you --

4 CMSR. HONIGBERG: Actually,  
5 you did. You may not have meant to, but you  
6 did.

7 MR. NEEDLEMAN: Then I  
8 apologize if I misstated.

9 (Exhibit AWE 19 marked for  
10 identification.)

11 BY MR. NEEDLEMAN:

12 Q. You testified about the Lempster project.

13 A. Yes.

14 Q. I apologize.

15 A. And I will say that my only personal view of  
16 the Lempster project has been driving by on  
17 roads, not from Pillsbury State Park.

18 Q. So you never actually went out to May Pond?

19 A. I haven't been out to May Pond. And I don't  
20 have a lot to say about this. But I think  
21 that the issues on Gregg Pond -- the issues  
22 on Gregg Pond is the numerous -- in addition  
23 to the height of the turbines are the  
24 numerous turbines that are visible. And I  
25 think part of -- there are a couple problems

1       here. One is that the height, the added  
2       100 feet as we've seen in the simulations,  
3       makes -- tends to make the turbines much more  
4       visible from a variety of vantage points.  
5       But I also think that if you look at some of  
6       the simulations that I did from the pond, you  
7       can really see that relationship better from  
8       this particular vantage point. And I think  
9       the difference here is that you've got  
10      various trees that slightly block out the  
11      view.

12    Q.   One other question about this exhibit. If I  
13        didn't label these pictures and I just showed  
14        you these two pictures and I told you one was  
15        a project that bore a reasonable relationship  
16        to the ridgeline and was a perfect project  
17        and the other one was out of portion to the  
18        ridgeline, could you tell the difference?

19    A.   Oh, I would also point out Turbine 9 is quite  
20        a bit smaller. That one has the most  
21        reasonable relationship. But you really see  
22        that here compared to the other two turbines.

23    Q.   Thank you. Back to my question. You  
24        probably weren't listening when I was asking.

25    A.   No, I did hear your question.

1 Q. Could you tell the difference?

2 A. Could I tell the difference in between these  
3 two different photographs?

4 (Witness reviews document.)

5 A. I think it would be... from the point of view  
6 of the photographs, it would be difficult to  
7 tell. But those are different, varying land  
8 forms. This looks like quite a bit of lower  
9 ridgeline from May Pond, but...

10 Q. Okay.

11 A. Could I say something else about this  
12 photograph?

13 Q. Sure.

14 CMSR. HONIGBERG: Which one?

15 THE WITNESS: AWE 19.

16 CMSR. HONIGBERG: Go ahead.

17 THE WITNESS: I'm not sure  
18 exactly how the ratios were calculated. But  
19 it does look to me as though the actual  
20 height of the ridgeline in the bottom picture  
21 is smaller.

22 Q. Okay.

23 A. So it makes the turbines look bigger. It's  
24 scale.

25 BY MR. NEEDLEMAN:

1 Q. I would say that I asked them to be extremely  
2 careful about calculating this. But if it's  
3 wrong, I'm sure we'll hear about it.

4 A. Well, yeah.

5 (Exhibit AWE 20 marked for  
6 identification.)

7 Q. Let's go to the last exhibit. This is a  
8 similar one. The top photograph is a visual  
9 simulation of the proposed Antrim Wind  
10 Project at Willard Pond. The bottom one is  
11 an actual photograph again.

12 A. Sorry to be behind.

13 Q. Oh, I'm looking at the new Exhibit 20 which  
14 was just given to you, another photo or set  
15 of photos.

16 A. Oh, okay. I didn't see that.

17 Q. Sorry. Again the top is the visual  
18 simulation at Antrim, and the bottom one is  
19 an actual photo at May Pond.

20 A. Okay.

21 Q. These are at a 1.5-mile distance, again to  
22 ensure both are comparable. And again you  
23 see the ratios. And here you see some of the  
24 ratios at Willard are a little lower than at  
25 May: 1.2, 1.2, to the lowest one being 1.22



1           at May. We also see some at Willard that are  
2           quite a bit higher: 1 to 5, 1 to 5. So,  
3           generally comparable.

4    A.    So when you say distances are "comparable,"  
5           to which turbines?

6    Q.    I'm sorry. I don't --

7    A.    Each turbine has a different distance. In  
8           the May Pond photograph, are all those  
9           turbines at the same distance?

10   Q.    To the center point.

11   A.    So, in other words --

12   Q.    They can't all be the same.

13   A.    Exactly. So that's my question.

14   Q.    Right.

15   A.    So, turbine -- because distance makes quite a  
16           bit of difference.

17   Q.    Sure.

18   A.    Turbine C, D, E, and F are all what distances  
19           away? Are they --

20   Q.    The photo is 1.5 miles to the center point.  
21           It was the only way to make them comparable.

22   A.    Yes, whereas Willard Pond, of course, they're  
23           receding from view. So we need to look at  
24           which turbine, though, is the equivalent  
25           turbine in terms of distance on each

1 photograph.

2 Q. So, again, my question to you: Looking at  
3 this -- it's the same question I asked last  
4 time. Looking at these two photos, do you  
5 have a way to explain to us how one project  
6 is the perfect project and bears a reasonable  
7 relationship to the ridge and the other one  
8 is out of proportion to the ridge?

9 A. So, but you need to clarify to me on these  
10 photographs still. I'm not -- I don't  
11 understand which of the turbines that we're  
12 seeing here are the same distance.

13 Q. As I said, it's 1.5 to the center, which  
14 means the one on the edge might be slightly  
15 further or slightly closer. But as you  
16 know --

17 A. But if you look at Willard, are you talking  
18 Turbine 9 or Turbine 10 that is -- I don't  
19 understand.

20 Q. You're looking at Turbine 6 in the middle,  
21 which is the center. Turbine 10 is gone.  
22 And you can look way over on the side and see  
23 a tiny blade of Turbine 9. But let me come  
24 back to my question.

25 A. Okay, because this is -- we don't know

1 elevation of Turbine 6 versus Turbine E?

2 Q. So, looking again at these photos, can you  
3 explain to me any way you want, explain to me  
4 how one of these projects, in your view, can  
5 be a perfect project that's in reasonable  
6 relation to the ridgeline and the other one  
7 is out of proportion to the ridgeline?

8 A. So I can't. Based on the photographs, it's  
9 not telling me anything.

10 Q. So you can't explain that.

11 A. Not based on these photographs. I don't have  
12 enough information about distance variables  
13 that would be helpful, elevations of the  
14 turbines. All those things are going to make  
15 a difference in how they look in the  
16 landscape. But I can tell you why I think  
17 Lempster makes, in terms of the height --

18 Q. That's not what I'm asking. I'm asking in  
19 relation to these photos.

20 A. No, I can't. I can't. There's just too many  
21 unknown variables to me that affect how these  
22 appear in the photographs.

23 Q. So, just one last question. Did you ever go  
24 out to Lempster and do these sorts of  
25 comparisons between the two projects?

1     A.    I have looked at the Lempster Project from  
2           various positions. I have looked at the  
3           Groton Project from various positions. I'm  
4           familiar -- I'm familiar with generally those  
5           projects, in terms of how the turbines  
6           appear. I'm also familiar with the -- very  
7           familiar with the Lowell or --

8                     (Court Reporter interrupts.)

9     A.    -- Kingdom Community Wind Project, I think,  
10           which has considerably higher turbines, and  
11           how those appear in the landscape.

12    Q.    But I'm not asking about those. I'm just  
13           asking you about this.

14                    Have you gone out to Lempster and done  
15           any sort of comparison, the way we just did  
16           between Lempster Project and the proposed  
17           Antrim Project?

18    A.    No.

19    Q.    I have nothing further.

20                    CMSR. HONIGBERG: Mr.  
21           Richardson, do you have questions?

22                    MR. RICHARDSON: Just a couple  
23           on Gregg Lake mitigation because we've gone  
24           over that, and I'll be very brief.

25

## 1 CROSS-EXAMINATION

2 BY MR. RICHARDSON:

3 Q. I want to ask you -- I think you said on  
4 cross that it had been a while since you'd  
5 been out to Gregg Lake. Do you recall what  
6 that was, how long it's been since you've  
7 been there or evaluated it?

8 A. Since I was doing the evaluation of the  
9 earlier project.

10 Q. So, when was that?

11 A. It was probably 2012, I would guess.

12 Q. Tell me if you were aware of this or if these  
13 things make sense to you: Do you know that  
14 there are leeches in Gregg Lake?

15 A. There's leeches in my pond, too. But no, I  
16 didn't know that.

17 Q. Okay. So you didn't know that.

18 The bathroom facilities, are those in  
19 poor condition?

20 A. That the bathroom facilities are in poor  
21 condition?

22 Q. Yes.

23 A. No, I didn't know that.

24 Q. The boat ramp, is that -- do you know what  
25 condition that's in?

1 A. I don't.

2 Q. The picnic tables, are those in poor  
3 condition?

4 A. I saw a number of picnic tables and sat at  
5 some of them. And I don't remember them  
6 being in poor condition, but I probably  
7 wasn't too focused on it.

8 Q. And what about the water quality? Is there a  
9 lot of tannins in the water there? Are you  
10 aware of that?

11 A. There are a lot of lakes in New England that  
12 have tannins in them. That's a pretty  
13 natural condition.

14 Q. But that lake is impounded in one of the  
15 swampy areas, so it's typical to see a lot of  
16 high tannins.

17 A. Yes.

18 Q. Those types of conditions -- leeches,  
19 bathroom facilities in poor condition, boat  
20 ramps in poor condition, picnic tables in  
21 poor condition -- those can all impair the  
22 value of the scenic resource.

23 A. I think they can certainly impair the quality  
24 of the user of the resource. So, in other  
25 words, if I were -- if my goal was to sit on

1       the edge of the pond somewhere just to have a  
2       picnic on the grass, it probably wouldn't --  
3       it probably would not impair it. But I think  
4       for a lot of people it certainly would impair  
5       a certain feeling of use of the pond.

6   Q.   Okay. Thank you. You said, I believe in  
7       response to one question I have in my notes  
8       here, that it was a high-use area. Do you  
9       have any data, or can you tell me what data  
10      you were relying on when you said that?

11   A.   No, I don't have specific data in terms of  
12      use and comparison with other water bodies,  
13      other than that it had a number of  
14      facilities. I saw a lot of people there when  
15      I was there. I noticed all the camps around  
16      it. And I assume people who live in those  
17      camps use the water body. But it appeared to  
18      me to be a well-used local resource.

19   Q.   So, would -- let's assume hypothetically that  
20      the \$40,000 mitigation funds are used towards  
21      repairing and improving bathroom facilities,  
22      picnic tables, the boat ramp. That could  
23      improve the experience of users of that area.

24   A.   Absolutely.

25   Q.   And is it your belief that that is an

1           inappropriate form of mitigation, or is that  
2           form of mitigation that can be considered?

3       A.    I wouldn't consider it to be mitigation for  
4           the Project. But I think that it would be a  
5           very valuable thing for the Town to do for  
6           that resource because it is an important  
7           resource for the Town.

8       Q.    And do you know what the Town's budget is for  
9           maintenance of parks and recreational areas?

10      A.    What is --

11      Q.    How much money the Town spends on an annual  
12           basis. Have you ever looked at that?

13      A.    No, I don't --

14                               MS. MALONEY: Objection.  
15           Relevance.

16                               CMSR. HONIGBERG: She actually  
17           answered the question already.

18   BY MR. RICHARDSON:

19      Q.    Okay. That's all the questions I have.  
20           Thank you.

21                               CMSR. HONIGBERG: The Chamber  
22           of Commerce will be calling you at the end of  
23           this hearing.

24                               Do any of the members of the  
25           Subcommittee have questions for Ms.



1           Vissering? Commissioner Scott.

2       INTERROGATORIES BY CMSR. SCOTT:

3       Q.     Good afternoon.

4       A.     Good afternoon.

5       Q.     The context, I think you understand, is not  
6           whether the Project should be built or not,  
7           but whether we should take jurisdiction. And  
8           as you heard from counsel for the Applicant,  
9           I think one potential test we need to  
10          determine is whether there's a difference  
11          between this project as potentially proposed  
12          and the one that was denied earlier.

13               I wanted to draw your attention again to  
14          your prefiled at Page 10, Line 1, where you  
15          were asked: Do you feel these changes  
16          proposed are substantially different?

17       A.     Yes.

18       Q.     Yeah, I was just curious in that context, not  
19           whether the Project should be approved or  
20           not, but whether the Project itself is  
21           different than the earlier project. Is that  
22           still your answer?

23       A.     It is.

24       Q.     Thank you. Go ahead.

25                       CMSR. HONIGBERG: Do other

1 members of the Subcommittee have questions  
2 for this witness? Attorney Iacopino.

3 INTERROGATORIES BY ATTY. IACOPINO:

4 Q. Ms. Vissering, if the Applicant had adopted  
5 each one of your recommendations made in the  
6 2012 docket, would you consider that to be a  
7 substantially different project?

8 A. Yes.

9 Q. In asking you about AWE 19 and 20, those two  
10 visual ratio comparisons, you were asked  
11 questions about the relative appearance  
12 between the two photographs. Does the  
13 weather in the photographs make a difference  
14 when you're asked a question like that?

15 A. Well, I think to some extent, just because  
16 one has very, very clearly identified  
17 turbines that are easy to see, and the  
18 other --

19 Q. I don't mean with these particular exhibits  
20 necessarily --

21 A. Oh, you mean just in general --

22 CMSR. HONIGBERG: Let me  
23 remind everybody. Only one of you at a time  
24 can be speaking.

25 A. Okay. So, does weather make a difference?

1       My feeling about weather is that it exists  
2       and that the general standard for doing  
3       visual simulations is, to the greatest  
4       extent, to do it on the clearest day possible  
5       because those are -- that is the presentation  
6       of the worst case scenario. I know Dr. Jeff  
7       Palmer would agree with me on that. Because  
8       you really -- people tend to come do hiking,  
9       they tend to go swimming on the most  
10      beautiful days, if they have a choice. Those  
11      are the days when it becomes really  
12      important. And you want to show the Project  
13      at the -- I don't know if that's exactly --  
14      if I'm exactly answering your question.

15   BY MR. IACOPINO:

16   Q.    I understand what you're saying. But when  
17       somebody is asked to compare two photographs,  
18       does the weather make a difference in that  
19       when asked to comparison them for this  
20       purpose, to compare the ratios?

21   A.    I think the most -- it's less the weather for  
22       me than the -- in these two photographs --  
23       than the known differences of all -- distance  
24       of all these turbines, the different  
25       elevations of all these turbines. There's

1           too many variables here, that the weather  
2           is -- it does affect it as well.

3   Q.    Okay.  I have no further questions.

4                       CMSR. HONIGBERG:  Mr. Scott.

5   INTERROGATORIES BY CMSR. SCOTT:

6   Q.    Thank you.  Still thinking about your last  
7           answer, I guess.  So, whether the Project's  
8           different enough for us to take jurisdiction  
9           again is what I'm asking you about.  So,  
10          clearly with one less turbine I can do that  
11          math.  There's a 10-percent difference in the  
12          amount of turbines.

13                 Is there -- where do you draw the line?  
14          Where would -- if they went to 8 turbines  
15          instead of 10, 7 turbines instead of 10, is  
16          there an empirical number like that?  How  
17          does that work?

18   A.    So, here's the way I think about it in my  
19          mind:  I don't think, just given the nature  
20          of this ridgeline, that reducing the turbines  
21          is really the appropriate way to go.  It just  
22          doesn't make sense to me.  But if you were  
23          reducing the height to the Lempster turbines,  
24          you're talking about a 20-percent difference.  
25          That, to me, is significant.  Roughly

1       20 percent. I mean, that's sort of how I  
2       think about it. And it was -- if we look at  
3       the former decision, it was the SEC that said  
4       the scale of the turbines, not from Willard  
5       Pond, but from all of the resources was the  
6       issue. And we've seen projects -- we're  
7       comfortable with projects with the smaller  
8       turbines. They seem to be -- to have worked  
9       economically as well as physically. So  
10      that's... and so, yeah. So I think -- I  
11      mean, I think the ridgeline itself, there's a  
12      number of reasons why I think the Project is  
13      an appropriate one for this site, but I do  
14      have concerns about the height of the  
15      turbines. And of course, Lempster was never  
16      really reviewed in the same way.

17    Q.    So what I'm struggling with is, again -- and  
18           maybe you are saying this -- is what I'm not  
19           asking you. Is there a level of  
20           acceptability where you would agree that a  
21           project should be built? I'm suggesting is  
22           there a level where you would agree there's  
23           enough change so it's a different project?

24    A.    Yes.

25    Q.    So, the latter? Is that what you're saying?

1     A.    Well, in my mind it's both things.  
2           Obviously, I've already said that I think  
3           that that would make a substantive difference  
4           in terms of the impact to the resource.  But  
5           that sort of 10-percent change, I tend to  
6           think of Turbine 9 was one that probably  
7           shouldn't have been proposed in any  
8           circumstances.  Turbine 9 has been reduced  
9           somewhat, and there has been some benefit to  
10          that, in terms of how it kind of starts to  
11          dip below the tree line in certain  
12          positions -- parts of the turbine.  So you  
13          can really see that those differences could  
14          be meaningful and that the 20-percent  
15          reduction in height would be significant.

16    Q.    Thank you.

17                           CMSR. HONIGBERG:  Do other  
18                           members of the Subcommittee have questions of  
19                           Ms. Vissering?

20                           (No verbal response)

21                           CMSR. HONIGBERG:  Ms. Maloney,  
22                           do you have any further questions for your  
23                           witness?

24                           MS. MALONEY:  I do.

25                           CMSR. HONIGBERG:  We're going

1 to go a little longer than I said.

2 Unfortunately, Commissioner Scott and I have  
3 some business we have to do at 1:30. So  
4 we're going to be coming back at 2:00. So  
5 we're going to go a little bit longer now.

6 MS. MALONEY: All right. Can  
7 I just organize? Just take a moment to  
8 organize some of these --

9 CMSR. HONIGBERG: Sure.

10 (Pause in proceedings.)

11 REDIRECT EXAMINATION

12 BY MS. MALONEY:

13 Q. Ms. Vissering, now, you indicated when you  
14 filed your prefiled testimony, apart from the  
15 information that was contained in the  
16 Petition for Jurisdiction, all you had was  
17 the prefiled testimony of Mr. Raphael;  
18 correct?

19 A. That's correct.

20 Q. And you didn't get a copy of his Visual  
21 Assessment until after the first technical  
22 session; correct?

23 A. Yes.

24 Q. This was some questions asked of you -- or,  
25 rather, attached to the prefiled testimony

1           was also a copy of the report from the first  
2           Antrim Project; correct?

3     A.    Yes.

4     Q.    And there was some questions asked of you  
5           about not doing a full-blown Visual  
6           Assessment for that particular project. I  
7           believe you testified that you relied on what  
8           was already filed, and that really wasn't  
9           your role in the case; is that correct?

10    A.    That's correct.

11    Q.    But you were -- did Mr. Raphael conduct a  
12           full-blown Visual Assessment of the first  
13           project?

14    A.    As far as I know, he never did a Visual  
15           Assessment of the first project.

16    Q.    But he felt confident giving an opinion about  
17           the substantial changes between the two  
18           projects?

19    A.    Yes.

20    Q.    Now, when you indicated -- in your testimony  
21           for the technical committee, you indicated  
22           that your first few recommendations regarding  
23           the height of the turbines and the --  
24           elimination of the two turbines and the  
25           height of the two turbines were the most



1           important; correct?

2   A.    I said the elimination of the first two -- of  
3           9 and 10.

4   Q.    And the reduction --

5   A.    And the reduction of the remainder, yes.

6   Q.    And I think Mr. Needleman asked you about  
7           your testimony before, in Antrim 1, where you  
8           indicated all were equally important. Do you  
9           recall that question?

10   A.    Yes.

11   Q.    Now, since you filed -- since you testified  
12           in Antrim 1, you also -- there's obviously  
13           been a change in the testimony. But you also  
14           were informed by the SEC decision; correct?

15   A.    Yes, I was.

16   Q.    Now, you recommended conservation land be set  
17           aside after the first -- as part of the  
18           mitigation in the first Antrim project;  
19           correct?

20   A.    Yes.

21   Q.    And you also recommended the use of radar --  
22           excuse me -- radar-activated lighting for the  
23           turbines; correct?

24   A.    Yes.

25   Q.    And so you were already aware that the SEC

1           had actually deemed off-site conservation  
2           insufficient to mitigate aesthetic impacts;  
3           is that correct?

4   A.    Yes, that's correct.

5   Q.    And you were also already aware that the SEC  
6           addressed the issue of radar-activated  
7           lighting, and in fact said that, were they to  
8           issue a certificate, that that was something  
9           that they would require.

10  A.    Yes.

11  Q.    And again, this has not yet been approved by  
12           the FAA.

13  A.    Yes, that's correct.

14  Q.    So, in evaluating the additional conservation  
15           measures that have been proposed by the  
16           Petitioner, were you informed by the SEC's  
17           decision that off-site conservation is not  
18           sufficient to mitigate aesthetic impacts in  
19           the region?

20  A.    Yes.

21                           MR. NEEDLEMAN:  I'm late, but  
22           I want to object to the characterization  
23           there.  I don't think that's accurate.

24                           MS. MALONEY:  What's accurate?  
25           I'm sorry.  What?

1 MR. NEEDLEMAN: I don't  
2 believe the SEC said that off-site mitigation  
3 completely was inappropriate, the way you  
4 read the question.

5 MS. MALONEY: Well, okay. So  
6 the SEC said that it was -- while it was  
7 useful for wildlife and habitat, that it was  
8 insufficient to mitigate the aesthetic  
9 impacts on the region.

10 MR. NEEDLEMAN: Again I would  
11 say in that particular circumstance, we'll  
12 let the record speak for itself.

13 BY MS. MALONEY:

14 Q. In any case, that's that you understood the  
15 SEC to say.

16 A. Yes, that's right.

17 Q. Now, I think you referenced this before.  
18 There's been a lot of attention drawn to the  
19 Lempster Project. In the Lempster Project,  
20 there wasn't a Visual Impact Assessment  
21 conducted of that project; correct?

22 A. As far as I know, there was not.

23 Q. I believe that the questions that Attorney  
24 Needleman was asking you about these  
25 photographs -- and these photographs were

1           selected, I guess, Exhibit 19 and 20. They  
2           were selected by Mr. Raphael; correct?

3    A.    I assume so.

4    Q.    And he selected the vantage points; correct?

5    A.    Yes.

6    Q.    And correct me if you don't --

7                       MS. MALONEY: And I'm sure you  
8           will, Mr. Needleman, correct me.

9    BY MS. MALONEY:

10   Q.    But I believe he referenced your testimony in  
11           Exhibit AWE 8, on Page 64. Oops. I have the  
12           wrong one.

13                      MR. NEEDLEMAN: I'm sorry.  
14           Which exhibit are you referring to?

15                      MS. MALONEY: Page 64.

16                      MR. NEEDLEMAN: Of Exhibit 8?

17   BY MS. MALONEY:

18   Q.    Yeah. I think he referenced this in context  
19           of making a determination of the scale of the  
20           Project to the ridge. Do you have Exhibit 8  
21           in front of you?

22   A.    My apologies. Okay. I have it here. What  
23           page?

24   Q.    Sixty-four.

25   A.    Yes. Okay. I'm here.

1 Q. I think that what he said you were suggesting  
2 in your testimony here, that the Lempster  
3 Project was the perfect project vis-a-vis the  
4 scale of the project, impact on the  
5 ridgeline. Is that what you were saying  
6 here?

7 MR. NEEDLEMAN: I'll object.  
8 I wasn't characterizing it that way. I was  
9 referencing the testimony and letting it  
10 speak for itself.

11 MS. MALONEY: Well, you said  
12 the word "scale." You said that twice.

13 CMSR. HONIGBERG: Why don't  
14 you ask her what she meant.

15 MS. MALONEY: Okay. I think I  
16 did.

17 A. So when I was looking at the Lempster  
18 Project, it seemed -- the reason I thought it  
19 was perfect were a number of reasons. As far  
20 as I know, there was one sensitive resource  
21 nearby. The ridgeline already had three  
22 telecommunication towers on it. And I think  
23 those were the primary reasons why it seemed  
24 to be a project that had very few important  
25 resources nearby with high visibility or high

1 numbers of turbines, other than that one  
2 resource. And, yeah, as I said, there were  
3 the three telecommunication towers on the --  
4 it was already -- the ridgeline had some  
5 compromise in some way.

6 BY MS. MALONEY:

7 Q. Also, he asked you -- if you look at your  
8 prefiled testimony, I believe on Page 9, he  
9 asked you about your statement at the top of  
10 Page 9 which indicated that the removal of  
11 Turbine 10 would not change the resulting  
12 aesthetic impacts. You were referencing the  
13 entire, overall aesthetic impacts of the  
14 Project; correct?

15 A. Yes.

16 Q. There were also some questions to you about  
17 the movement of the blades. And I think that  
18 if we look at Exhibit 7, on Page 72 -- I  
19 think he referred you to Page 73.

20 A. And where are we?

21 Q. Exhibit 2 -- Exhibit 7.

22 A. Okay.

23 CMSR. HONIGBERG: What page  
24 are you directing us to? I'm sorry.

25 MS. MALONEY: Well, Attorney

1 Needleman directed Ms. Vissering to Page 73,  
2 but --

3 A. I'm totally...

4 BY MS. MALONEY:

5 Q. Do you have it yet?

6 A. Okay. Page?

7 Q. Seventy-three?

8 A. Oh, 73. Okay.

9 Q. I think that he was -- you were discussing  
10 the effect of movement of the blades or how  
11 does the movement of the blades affect the  
12 dominance.

13 If you would reference your testimony on  
14 the page prior to that -- and I think part of  
15 this is consistent with part of your  
16 testimony. Down at the bottom, at Line 19,  
17 you were asked about the effect of the  
18 dominance within a view. If all elements are  
19 vertical, but one element is moving, how  
20 would that affect dominance? And how did you  
21 respond?

22 A. I said it was a little bit of a double edge  
23 because it draws attention. But it also is  
24 what people find attractive.

25 Q. Right. I think you said that, but you were

1           actually looking at both sides of that;  
2           correct?

3     A.     Yes.

4     Q.     I just want to direct your attention to  
5           Antrim Exhibit 9.

6     A.     Yes.

7     Q.     Did any of the resources on that list -- or  
8           did Mr. Raphael ever determine that any of  
9           the resources on that list qualify as a  
10          sensitive resource from the -- that had  
11          visual impact?

12    A.     There was -- I think he included a number of  
13          the little summits in Deering. There are a  
14          number of what appear to be sort of viewsheds  
15          that are identified in the town. And because  
16          they were identified, he noted those in his  
17          report.

18                 There was also... I think somewhere on  
19          here is Crotched Mountain, which I thought  
20          had been identified in the previous Visual  
21          Assessment in the previous docket. But if  
22          that was new, that is an important one, but  
23          seen at quite a distance.

24    Q.     Ultimately, did he determine that any of  
25          these resources -- or rather, did any of



1           these resources make the cut, as far as his  
2           process of elimination?

3       A.    I don't believe so. I can't remember where  
4           he ended up with on Crotched Mountain. It  
5           didn't make my cut, although it has  
6           definitely some significance. But it's seen  
7           at quite a distance. It's quite a distance  
8           away.

9                    I don't recall any of these, with this  
10           very quick perusal of all these different  
11           sites, making it. As I said, the Deering  
12           scenic -- some of those scenic viewpoints I  
13           think were in his final analysis, but none of  
14           them rose to the top of being at all  
15           significant.

16       Q.   Well, I think that when he did his final step  
17           in determining what the effect of the view  
18           will be, he came up with one property, the  
19           one resource, Willard Pond, as being the only  
20           property that would have a moderate impact.

21       A.    Yes, that's right. Oh, and Pitcher Mountain.  
22           That was identified in the previous docket.

23       Q.    Right. But what I'm talking about is the  
24           final analysis, when he was talking about  
25           what will be the effect on the viewer.

1 A. Yes.

2 Q. And in this final analysis, he identified the  
3 one property as having "moderate" impacts.

4 A. Yes, it was only Willard Pond that sort of  
5 got any final review.

6 Q. So when you were doing your -- when you were  
7 preparing your testimony for this matter, you  
8 were also informed by the SEC's decision that  
9 there was -- this would be a high impact  
10 to -- high impact, not moderate impact, but  
11 high impact to Willard Pond, the dePierrefeu  
12 Sanctuary, Goodhue Hill, Bald Hill, Gregg  
13 Lake, and moderate impact to Robb Reservoir,  
14 Island Pond, Highland Lake, Nubanusit Pond,  
15 Black Pond, Franklin Pierce Lake, Meadow  
16 Marsh and Pitcher Mountain. You were  
17 informed by that decision, and you took those  
18 into consideration when you wrote your  
19 prefiled testimony.

20 A. Yes, because the SEC decision focused on  
21 certain areas that were identified as "of  
22 concern," which seemed to me where I should  
23 be also in this docket focusing my concern.

24 Q. Okay. All right.

25 CMSR. HONIGBERG: All right.

1 Thank you very much, Ms. Vissering.

2 Next witness is Ms. Linowes.

3 Do you want to get your testimony marked, set  
4 up? I don't know how many people are going  
5 to have extensive questions for you. But  
6 maybe we can do a little bit of business  
7 before we break.

8 MS. LINOWES: That would be  
9 fine.

10 THE WITNESS: That means I can  
11 go?

12 CMSR. HONIGBERG: Yes, you can  
13 leave that very comfortable seat you've been  
14 in. But you'll have to ask Ms. Maloney if  
15 you can go.

16 (Witness excused.)

17

18 (WHEREUPON, LISA LINOWES was duly sworn  
19 and cautioned by the Court Reporter.)

20 MS. LINOWES: Thank you, Mr.  
21 Chairman, members of the Committee. My name  
22 is Lisa Linowes. I submitted prefiled  
23 testimony, dated April 13th of this year, and  
24 I would like to offer it as an exhibit in  
25 this proceeding.

1 CMSR. HONIGBERG: What is the  
2 next WindAction exhibit?

3 MS. LINOWES: WA 4.

4 CMSR. HONIGBERG: Thank you.  
5 WA 4. So we'll mark that.

6 (Exhibit WA 4 marked for identification.)

7 MS. LINOWES: And I do not  
8 have any corrections to it.

9 CMSR. HONIGBERG: All right.  
10 Mr. Howe, do you have any questions for Ms.  
11 Linowes?

12 MR. HOWE: I do not, Mr.  
13 Chairman.

14 CMSR. HONIGBERG: Ms.  
15 Longgood, do you have any questions for Ms.  
16 Linowes?

17 MS. LONGGOOD: Not at this  
18 time. Thank you.

19 CMSR. HONIGBERG: This may be  
20 your only crack. Do you want to -- are you  
21 sure you don't have any questions for her?

22 MS. LONGGOOD: I thought I'd  
23 have lunchtime to prepare. I'm sorry.

24 CMSR. HONIGBERG: Oh, okay.  
25 Well, I'll tell you what. We'll come back to

1       you, 'cause maybe what we'll do is give you a  
2       chance to get -- I'm assuming somebody's  
3       going to have some questions for her.

4               Mr. Block, do you have any  
5       questions for Ms. Linowes?

6               MR. BLOCK: I have none.

7               CMSR. HONIGBERG: Mr. Newsom,  
8       do you have any questions for Ms. Linowes?

9               MR. NEWSOM: No, I don't.

10              CMSR. HONIGBERG: Ms. Maloney,  
11       do you have any questions for Ms. Linowes?

12              MS. MALONEY: I do not.

13              CMSR. HONIGBERG: Who's going  
14       to be asking questions? Mr. Taylor, do you  
15       have questions?

16              How about, just to finish the  
17       survey, Mr. Richardson, do you have any  
18       questions?

19              MR. RICHARDSON: Yes, I have a  
20       fair number.

21              CMSR. HONIGBERG: Okay. Then  
22       let's start with Mr. Taylor. And Ms.  
23       Longgood, we'll come back to you.

24              CROSS-EXAMINATION

25       BY MR. TAYLOR:

1 Q. Ms. Linowes, you're the executive director of  
2 the Wind Action Group; correct?

3 A. That is correct.

4 Q. Okay. And you maintain a web site. You  
5 reference it here on Page 2, Line 4 of your  
6 testimony. Windaction.org.

7 A. Correct.

8 Q. And if I were to go to your web site, or if  
9 any member of the panel would go to your web  
10 site today, we would be greeted with  
11 photographs of wind turbines on fire, wind  
12 turbines in the state of collapse and other  
13 grim scenarios involving wind turbines; is  
14 that correct?

15 A. There are pictures like that. There are also  
16 pictures of turbines near where people live  
17 dominating -- where they're fairly dominant  
18 on the landscape. That's correct.

19 Q. So, photographs that portray wind turbines in  
20 a negative light you use for dominating.

21 A. Our intent is to balance the debate on wind  
22 energy, and that's what we're trying to show,  
23 that there is another side to wind energy.

24 Q. A negative side.

25 A. Another side.

1 Q. Okay. Well, you would also find on your web  
2 page several pages of editorials critical of  
3 the wind industry; isn't that correct?

4 A. Those are editorials that I have written, and  
5 they do cover issues pertaining to policy and  
6 cost of wind energy. That's correct. And  
7 issues regarding siting.

8 Q. Okay. I heard the word "that's correct" in  
9 there. So you were --

10 A. Yes.

11 Q. -- saying they're critical of the wind  
12 industry; is that correct?

13 A. They are discussions about wind energy. I do  
14 have --

15 Q. Please answer my question. Are there  
16 editorials --

17 (Court Reporter interrupts.)

18 Q. Are the editorials on your page critical of  
19 the wind industry?

20 A. I don't know if they're all critical. I  
21 don't remember. I don't have a list of them.  
22 They date back many years. Five, six years.

23 Q. Okay.

24 CMSR. HONIGBERG: This is  
25 going to be 21 for Antrim?

1 MR. TAYLOR: I believe that's  
2 right, yes.

3 (Exhibit AWE 21 marked for  
4 identification.)

5 BY MR. TAYLOR:

6 Q. Ms. Linowes, these are really just the first  
7 three pages of editorials --

8 A. I don't actually have a copy.

9 (Mr. Taylor hands document to witness.)

10 Q. So, Ms. Linowes, these are just the first  
11 three pages of editorials. And I'll walk  
12 through some of these. "U.S. Wind Protection  
13 Tanks in Quarter 1, 2015"; "Big Wind's Big  
14 Barriers"; "DOE Wind Fantasies"; "Cape Wind  
15 is Dead," expressed with some jubilation.

16 A. That's your characterization, not mine.

17 Q. Okay. Can you point to any editorial on this  
18 list that isn't critical of the wind  
19 industry?

20 A. First of all, if you're going to go strictly  
21 by titles, they are intended to catch  
22 people's attention. This is a blog here.  
23 And it's difficult -- I mean, you're using  
24 the characterization of "critical." On that  
25 first editorial, we're talking about the fact



1       that wind energy production in the western  
2       states for the first quarter of this year was  
3       significantly below what it had been for the  
4       last year, a year ago in the same time  
5       period. That's a fact, and that's what we're  
6       reporting.

7               Under "DOE Wind Fantasies," we are  
8       commenting on the fact that the Department of  
9       Energy has claimed that we can get to  
10      significant levels of wind energy penetration  
11      in the United States by 2020, 2030 and --  
12      2035 and 2050. The amount of development  
13      that one would have to go through to get to  
14      that and the amount of impact is significant,  
15      but the Department of Energy doesn't speak of  
16      those, and that's what we're trying to  
17      highlight is the cost associated with that  
18      level of penetration.

19             So we're simply trying to balance what  
20      is already a pretty significant positive  
21      press machine out there for wind energy.

22    Q.    Okay. So, by balancing it, you provide the  
23           negative machine; is that right?

24    A.    You're using the term "negative" --

25    Q.    Well, you used the word "positive," so --

1 A. Okay. We believe that we are bringing facts  
2 to the table, and not everyone perceives what  
3 we write as negative.

4 Q. You also note in your testimony on Page 2,  
5 Line 11 -- or Lines 10 and 11, that you are a  
6 principal and regular contributor to  
7 MasterResource.org; is that correct?

8 A. Correct.

9 Q. Okay. And MasterResource.org promotes itself  
10 as a free-market energy blog; is that  
11 correct?

12 A. That's correct.

13 Q. Okay. And you've posted articles on that?

14 A. Correct.

15 Q. Okay. And the articles that you posted on  
16 that are critical of the wind industry,  
17 aren't they?

18 A. They're generally what I post on the web site  
19 as well.

20 Q. So, of a similar --

21 A. So you're using the words --

22 (Court Reporter interrupts.)

23 A. I say that they're factual with perhaps  
24 provocative titles. You are calling them  
25 "critical."

1 Q. And if I were to go to MasterResource.org,  
2 would I also find articles, for example, that  
3 are skeptical of climate change?

4 A. I don't know. I don't really -- okay. The  
5 term "principal" is -- the reason -- let me  
6 step back for a second. The reason we post  
7 on MasterResource -- and I perhaps post once  
8 a month or every other month, depending on  
9 the timing -- is because it is read by  
10 members of Congress. And we have received  
11 comments back from members of commerce --  
12 Congress, rather, who have read the  
13 editorials. And so it's an opportunity to  
14 get our voice heard, and that's why we post  
15 there. Whatever else is being posted, you  
16 know, I'm not -- I am not out there making  
17 claims one way or the other about climate  
18 change. I do not engage in that debate. So  
19 if I'm going to be slimed by association, I  
20 would say right here that we're just trying  
21 to get our voices heard.

22 Q. Now, you're opposed to any kind of government  
23 subsidy for wind projects; correct?

24 A. Yes. And not just wind. I don't think that  
25 we should be subsidizing any of the energy --

1 Q. But you've authored numerous articles  
2 opposing, for example, the production tax  
3 credit; right?

4 A. That's true.

5 Q. And I think you've indicated here that you  
6 actually testified before Congress on the  
7 issue; correct?

8 A. That's true. Well, I was specifically asked  
9 to talk about costs of subsidiaries that are  
10 going towards wind energy. That was what I  
11 was asked to discuss.

12 Q. And would you say that your testimony was  
13 neutral on the issue of subsidiaries or  
14 critical on the issue of subsidiaries?

15 A. Trying to remember what was in there. Okay.  
16 It's very difficult to go into a  
17 congressional hearing and be absolutely one  
18 side. You can't do that. I mean, you're  
19 presenting to a bank of congressmen who are  
20 on both sides of the aisle, at least two  
21 sides of the aisle. So in order to be  
22 credible, you have to go in there with a  
23 balanced and factual presentation, and I  
24 believe that's what I did.

25 Q. Okay.

1 A. It's on the web site. You can see my  
2 presentation, as well as my written  
3 testimony.

4 Q. Okay. So I'll ask the question again. Your  
5 testimony, was it or was it not critical of  
6 the production tax credit and other  
7 subsidiaries to the wind industry, or any  
8 other renewable industry?

9 A. Okay. Let me give you an example of what was  
10 in the testimony --

11 Q. That's not the question I asked.

12 A. I can't say it was critical. I compared the  
13 1603 Cash Grant Program to the production tax  
14 credit. That was one of the issues I raised,  
15 and whether or not one was more expensive  
16 than the other. Is that being critical? I  
17 don't think so. I thought I was bringing  
18 facts to the table.

19 CMSR. HONIGBERG: Ms. Linowes,  
20 we're going to take a break and come back at  
21 2:00. And I don't think anyone is going to  
22 mistake you for a supporter of wind energy,  
23 so I don't think you necessarily need to be  
24 concerned that by acknowledging that you are  
25 critical of the wind energy that you're

1 surprising anybody. So, while we're in the  
2 break, you think about how to work with Mr.  
3 Taylor to get through the questions he wants  
4 to ask you. He's trying to demonstrate that  
5 you are critical generally of the wind  
6 industry. And that's okay. We understand  
7 that. So as he asks these questions, you can  
8 perhaps think about how to respond in ways  
9 that the two of you can work together to get  
10 through this examination.

11 All right. So we'll come back  
12 at 2:00.

13 (Whereupon a lunch recess was taken at  
14 12:53 p.m. The hearing continues under  
15 separate cover within the transcript  
16 designated as "DAY 2 AFTERNOON SESSION  
17 ONLY".)

## C E R T I F I C A T E

I, Susan J. Robidas, a Licensed  
Shorthand Court Reporter and Notary Public  
of the State of New Hampshire, do hereby  
certify that the foregoing is a true and  
accurate transcript of my stenographic  
notes of these proceedings taken at the  
place and on the date hereinbefore set  
forth, to the best of my skill and ability  
under the conditions present at the time.

I further certify that I am neither  
attorney or counsel for, nor related to or  
employed by any of the parties to the  
action; and further, that I am not a  
relative or employee of any attorney or  
counsel employed in this case, nor am I  
financially interested in this action.

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Susan J. Robidas, LCR/RPR  
Licensed Shorthand Court Reporter  
Registered Professional Reporter  
N.H. LCR No. 44 (RSA 310-A:173)

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