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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

September 7, 2016 - 11:10 a.m.
Public Utilities Commission
21 South Fruit Street Suite 10
Concord, New Hampshire

**IN RE: SEC DOCKET NO. 2015-02
ANTRIM WIND ENERGY, LLC:
Application of Antrim Wind
Energy, LLC for a Certificate
of Site and Facility.
(Final Structuring Conference)**

PRESENT: SITE EVALUATION COMMITTEE:

Michael J. Iacopino, Esq. (Brennan Lenehan...)
(Presiding as Presiding Officer)

ALSO PRESENT FOR SEC:

Marissa Schuetz, SEC Program Specialist

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

1
2 **APPEARANCES: Reptg. Antrim Wind Energy (Applicant):**
3 Barry Needleman, Esq. (McLane...)
4 Rebecca S. Walkley, Esq. (McLane...)
5 Jack Kenworthy (Antrim Wind Energy)

6 **Reptg. Counsel for the Public:**
7 Mary E. Maloney, Esq.
8 Asst. Atty. General
9 N.H. Attorney General's Office

10 **Reptg. the Town of Antrim:**
11 Justin C. Richardson, Esq. (Upton...)

12 **Reptg. Harris Center for Conservation**
13 **Education:**
14 Stephen Froling, Esq.
15 James Newsom, Esq.

16 **Reptg. Audubon Society:**
17 Carol Foss

18 **Reptg. Abutting Landowners Group:**
19 Barbara Berwick, *pro se*
20 Bruce Berwick, *pro se*
21 Janice Duley Longgood, *pro se*

22 **Reptg. Allen/Levesque Group:**
23 Charles Levesque, *pro se*
24 Mary Allen, *pro se*

Reptg. Meteorologists Group:
Dick Hendl

Reptg. the Wind Action Group:
Lisa Linowes

Reptg. Non-Abutting Landowners Group:
Annie Law, *pro se*
Robert Cleland, *pro se*

Reptg. Stoddard Conservation Comm.:
Geoffrey Jones

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P R O C E E D I N G

PRESIDING OFCR. IACOPINO: Okay.

Thank you all for coming. We're here for a final prehearing conference and structuring conference in the matter of the Application of Antrim Wind Energy, LLC, for a Certificate of Site and Facility to site construct, and operate a wind farm installation, with a total nameplate capacity of 28.8 megawatts, to be located in the Town of Antrim on the Tuttle Hill ridgeline. We are here today for a final prehearing conference.

My name is Mike Iacopino. I am Counsel to the Subcommittee and the Committee, Site Evaluation Committee, in this docket. What we intend to do today is to go through a number of issues, and do some scheduling for the final adjudicatory hearing. Which is scheduled to commence on September 13th. And, right now, we have the following dates scheduled for this hearing: September 13th, all day; September 15; September 20th; September 22nd; September 23rd; September 28th; and September 29th. And I'm going to recommend

1 that everybody in this docket be flexible, as
2 it is likely we are going to need to schedule
3 more days. And our Administrator, Pam Monroe,
4 is in the process of trying to find days that
5 are available.

6 According to the notice in this case,
7 the adjudicatory hearing will start at
8 10:00 a.m. on each day. That may change. But
9 you'll get notice of that from the Subcommittee
10 Chair. It won't change on the 13th, but it may
11 change as we go through the hearings. The
12 Chair may wish to start earlier. But that's
13 going to be within his prerogative. Right now,
14 those are the dates that are scheduled.

15 And, as I said, I do expect there
16 will be additional dates that will be
17 necessary. We'll try to keep them as in close
18 proximity to September 29th as we can.
19 Obviously, we want to keep this as much
20 together as a hearing as we can.

21 Before we begin our process here in
22 the prehearing conference, I'm going to go
23 around the room and take appearances, and start
24 with the Applicant.

1 MR. NEEDLEMAN: Barry Needleman, from
2 McLane Middleton, representing the Applicant.

3 MR. KENWORTHY: Jack Kenworthy, with
4 Antrim Wind.

5 MS. WALKLEY: Rebecca Walkley, from
6 McLane Middleton, representing the Applicant.

7 MR. RICHARDSON: Justin Richardson,
8 with Upton & Hatfield, representing the Town of
9 Antrim. Chairman Robinson sends his regrets,
10 but he has the flu today, so --

11 PRESIDING OFCR. IACOPINO: Thank you.
12 Sir.

13 MR. HENDL: This is Dick Hendl,
14 representing Fred Ward, for the Meteorological
15 Intervenors.

16 MR. FROLING: Stephen Froling,
17 representing the Harris Center for Conservation
18 Education. And I'm here with my colleague,
19 James Newsom.

20 PRESIDING OFCR. IACOPINO: How about
21 behind you there?

22 MR. CLIFFORD: I'm John Clifford,
23 Staff of the PUC. I'm just sitting in on this.

24 PRESIDING OFCR. IACOPINO: Welcome,

1 Mr. Clifford.

2 MR. CLIFFORD: Thanks.

3 PRESIDING OFCR. IACOPINO: Mr.

4 Berwick.

5 MR. BERWICK: Bruce Berwick. Hello?

6 I'm Bruce Berwick, intervenor, abutter.

7 MS. BERWICK: Barbara Berwick,

8 abutter.

9 MS. LAW: Annie Law, non-abutter.

10 MR. CLELAND: Robert Cleland,

11 non-abutter.

12 MR. JONES: Geoff Jones, Stoddard

13 Conservation Commission.

14 MR. LEVESQUE: Charlie Levesque, for

15 the Allen/Levesque Intervenor Group, along with

16 Mary Allen.

17 MS. FOSS: Carol Foss, New Hampshire

18 Audubon.

19 MS. LONGGOOD: Janice Longgood,

20 abutter.

21 MS. SCHUETZ: Marissa Schuetz, Site

22 Evaluation Program Specialist.

23 MS. MALONEY: Mary Maloney, Counsel

24 for the Public.

1 MS. LINOWES: And Lisa Linowes for
2 the Windaction Group.

3 PRESIDING OFCR. IACOPINO: Okay. I
4 sent an e-mail out, I think everybody in the
5 room probably got it, talking about some of the
6 stuff that we're going to do today.

7 But, before we get to that, let me
8 just go over what the purposes of a prehearing
9 conference are. So that, if anybody has any
10 questions or wants to raise any additional
11 issues, they will know whether they can do
12 that.

13 Prehearing conferences are, by
14 statute and under our rules, designed to
15 consider various issues, including offers of
16 settlement; simplification of issues;
17 stipulations or admissions to facts or proof or
18 evidence; to consider limitations on the number
19 of witnesses; to consider changes to any
20 standard procedures that may be necessary
21 during a hearing by the consent of the parties;
22 to discuss the issue of consolidation of the
23 examination of witnesses by the parties; to
24 discuss scheduling; and any other matter which

1 will aid in the disposition of the proceeding.

2 In this particular case, I did send
3 that e-mail out. I asked that each of the
4 parties prepare a exhibit list, and bring today
5 with them copies of their exhibits, preferably
6 a hard copy and a copy in an electronic format,
7 preferably on a data disk. And the reason why
8 I ask that is because I try to make sure that
9 each member of the Committee has a complete set
10 of the exhibits at their desk during the
11 hearing for efficiency purposes. Rather than
12 having one document that is sent around -- that
13 is passed around by the Committee, it's always
14 easier if our Committee can look at the
15 document on their own laptop or in a set of
16 notebooks that we provide to them. Of course,
17 that requires you to make a list of those
18 exhibits, and also to mark them, which is what
19 I requested everybody to do in that e-mail.
20 So, we will get to the exhibits in a moment.

21 First, I want to address the issue of
22 whether there are any stipulations or
23 settlements amongst any of the parties that the
24 Committee should expect to see before we begin

1 the hearing?

2 *[No verbal response.]*

3 PRESIDING OFCR. IACOPINO: Not seeing
4 anybody indicating that there are any
5 agreements. Okay.

6 If there is -- are there any --
7 everybody has filed prefiled testimony. I
8 believe we received something today about the
9 withdrawal of one witness's prefiled testimony.
10 Is there any prefiled testimony that is going
11 to be withdrawn?

12 *[No verbal response.]*

13 PRESIDING OFCR. IACOPINO: Okay. All
14 right.

15 Let's address witnesses first. The
16 Applicant has provided me with their witness
17 list and their proposed order that they wish to
18 call their witnesses in. And, since they have
19 the burden of proof, we generally provide them
20 the privilege of calling the witnesses in the
21 order that they wish -- calling their witnesses
22 in the order that they wish. What they have
23 provided -- actually, do you have copies for
24 everybody here?

1 MS. WALKLEY: Yes.

2 PRESIDING OFCR. IACOPINO: Okay.
3 They're going to pass out their proposed
4 schedule of witnesses.

5 *[Atty. Walkley distributing*
6 *documents.]*

7 PRESIDING OFCR. IACOPINO: Okay. Has
8 everybody got a copy? What I want to do is go
9 through this list. And I'm going to turn to
10 each of the parties and ask what their best
11 estimate of their time for cross-examination of
12 the witnesses are.

13 First, number one, the Applicant
14 intends to call a financial capability panel,
15 consisting of Henry Weitzner and Eric Shaw.

16 First of all, does anybody object to
17 those two witnesses being on a panel?

18 *[No verbal response.]*

19 PRESIDING OFCR. IACOPINO: Okay.
20 Good.

21 Why don't I start at the front table,
22 to my right/your left, with Ms. Linowes. The
23 amount of time that you expect to spend with
24 that panel, if you can tell me your best

1 estimate?

2 Nobody here is going to be held to
3 this. It's not a promise that you're making.
4 It's an estimate that you're giving us. And
5 the reason for that is just to, really, to
6 check and see if the dates that are in the far
7 column are going to be accurate, but also to
8 give everybody an idea of the timeframes that
9 we're going to be looking at.

10 As I said before, we're probably
11 going to be adding days. So, this is a way to
12 get an idea of how much time.

13 So, let's start with Ms. Linowes, for
14 Panel Number 1?

15 MS. LINOWES: I just have a quick
16 question before I could talk about that.
17 During the technical session, first one, there
18 was confusion in my mind, maybe not for others,
19 as to what questions to ask of whom. And will
20 we -- will this be the focus of the proformas?
21 Because this, if it's all financial, then this
22 would be the time when I would want -- we would
23 need to go into confidential session. So, and
24 I don't know if the questions then will -- if

1 the other panel that comes up after that is
2 going to address any of the financials. And
3 maybe that's just a question for the Applicant.

4 PRESIDING OFCR. IACOPINO: Let's stop
5 right there. We'll turn to the Applicant. Do
6 you anticipate going into a non-public session
7 for either Number 1 or Number 2?

8 MR. NEEDLEMAN: Well, I would think,
9 with Number 1, we'd have to. Because, as Lisa
10 says, I think pretty much -- well, most, if not
11 all, of the confidential documents relate to
12 financial capability.

13 PRESIDING OFCR. IACOPINO: What about
14 with Panel Number 2, do you anticipate --
15 that's Kenworthy, Weitzner, Stovall, Cavanagh,
16 Marcucci?

17 MR. NEEDLEMAN: I can't -- I think
18 it's possible. Yes. Based on what we've
19 provided, I don't think so.

20 PRESIDING OFCR. IACOPINO: Have all
21 the parties complied with the confidentiality
22 requirement?

23 MR. NEEDLEMAN: The parties that
24 sought confidential documents in discovery have

1 complied with it and received those documents.

2 PRESIDING OFCR. IACOPINO: Okay. But
3 that's not all of the parties, my question is?

4 MR. NEEDLEMAN: Yes.

5 PRESIDING OFCR. IACOPINO: Okay. How
6 many folks out there, just raise your hand, if
7 you haven't signed a confidential agreement? I
8 just want to know how many people are going to
9 be --

10 MS. BERWICK: Have not?

11 UNIDENTIFIED SPEAKER: Have not?

12 PRESIDING OFCR. IACOPINO: Have not,
13 yes.

14 *[Show of hands.]*

15 PRESIDING OFCR. IACOPINO: So,
16 essentially, we have -- do you know, have the
17 meteorologists?

18 MR. NEEDLEMAN: They haven't.

19 PRESIDING OFCR. IACOPINO: They have
20 not. Okay. All right. So, essentially,
21 during the confidential session, assuming that
22 the Chair throws everybody out for the
23 confidential session, will be the Applicant,
24 Ms. Linowes, Counsel for the Public. And

1 anybody else that did sign? I probably asked
2 the wrong question.

3 MS. LINOWES: That did sign. Did
4 not? Did sign?

5 PRESIDING OFCR. IACOPINO: I know
6 you've signed.

7 MS. LINOWES: Okay.

8 PRESIDING OFCR. IACOPINO: I already
9 said you. I said, anybody else who did sign?
10 Mr. Froling first.

11 MR. FROLING: Will we be excluded --
12 I'm sorry. Will we be excluded from the entire
13 session or just from the part of the session
14 that deals with confidential documents?

15 PRESIDING OFCR. IACOPINO: We will do
16 our very best to only exclude people from that
17 portion of the session that talks about
18 confidential documents. The problem is is that
19 it's very hard to say to somebody "you can only
20 talk about confidential stuff here", because,
21 obviously, you know, sometimes they will say
22 something else. But we're going to do our very
23 best to, when we break out into a confidential
24 session, to limit to only the confidential

1 matters, and not to allow testimony about
2 anything that's not confidential. Because you
3 all have a right to hear those things that are
4 determined to be not confidential. Okay?

5 So, we're going to do the best we
6 can. Can I say that, you know, sentence one is
7 going to be confidential, and they might say
8 something about the weather, which is not
9 confidential. And then sentence number three,
10 which is confidential, it happens. It's the
11 way people speak. But we'll do our very best
12 to limit what goes on in the closed session to
13 only the confidential information.

14 Justin, you had a question.

15 MR. RICHARDSON: Well, I was just
16 going to say that I think a lot of it is a
17 function of -- obviously, we know, from the
18 Applicant's perspective, which documents have
19 been marked confidential. What we don't know
20 is who's going to ask questions that may
21 require the answers to say that. And we heard
22 Ms. Linowes say she does. From the Town's
23 perspective, I don't plan on going into that at
24 all.

1 PRESIDING OFCR. IACOPINO: Right.
2 And what will happen is, if, when we're in a
3 non-confidential session, if there is a
4 question asked that requires an answer that
5 concerns the confidential matters, it's going
6 to be incumbent upon Mr. Needleman and his team
7 to object and say "this goes into the area of
8 confidential information." And, at that point,
9 the Chairperson will decide "does it?" Which
10 we have no reason to doubt that, --

11 MR. RICHARDSON: Right.

12 PRESIDING OFCR. IACOPINO: -- when
13 they say it is, that it would be. And then
14 make a decision as to how he's going to do
15 that. Is he going to allow -- is he going to
16 say, "Okay, let's just go on with
17 non-confidential information. And, then, at,
18 you know, 2:30 we'll start with the
19 confidential or whatever." That's going to be
20 up to Mr. Scott.

21 MR. RICHARDSON: The reason I raise
22 that is is I was really thinking it might be
23 helpful to know which witnesses the parties
24 anticipate to ask questions that may require

1 confidential information now, so we can group
2 all those witnesses on one day. That way, we
3 don't have people coming in who expect to hear
4 the hearing, and then they find out that almost
5 all of it is --

6 PRESIDING OFCR. IACOPINO: Well,
7 given that only Ms. Linowes has signed, I would
8 imagine she's the only one who intends to ask
9 questions -- who intends --

10 MR. RICHARDSON: Okay.

11 PRESIDING OFCR. IACOPINO: -- to ask
12 questions about confidential information.

13 MS. MALONEY: I may.

14 PRESIDING OFCR. IACOPINO: Well, I
15 know you may, but you have a statutory status.
16 And you're going to be here, if we close the
17 doors, no matter what. And I'm speaking for
18 Counsel for the Public.

19 So, I think that that's pretty much
20 the answer to your question. That's why I
21 asked who signed, because I did understand that
22 most of the parties have not signed. So, if a
23 party does, in the non-confidential session,
24 ask something that impinges on the confidential

1 information, it will be up to the Applicant to
2 notify the Chair and request that we go into a
3 confidential session.

4 In terms of other, while we're on
5 confidentiality, Mr. Needleman, I asked you
6 about Panel 1 and Panel 2. With respect to the
7 balance of your witnesses, do you expect any
8 confidential information to be addressed? I
9 know that there are some statutory
10 archeological issues and natural resource
11 issues.

12 MR. NEEDLEMAN: I don't expect any to
13 be addressed, no.

14 PRESIDING OFCR. IACOPINO: Does
15 anybody expect to ask questions about what are
16 statutorily confidential information, regarding
17 archeological deposits and certain protected
18 natural resources in the state, which are
19 protected by statute? Primarily, about their
20 location, is really what I read those statutes
21 to concern. So, if you want to find out where
22 the, you know, --

23 MR. RICHARDSON: You mean endangered
24 species, right?

1 PRESIDING OFCR. IACOPINO: Endangered
2 species, threatened species. If you want to
3 find out where the certain lily pad, --

4 MR. BERWICK: And it would be
5 confidential?

6 PRESIDING OFCR. IACOPINO: Yes.
7 Actually, New Hampshire law makes it
8 confidential. So that people don't come in and
9 start picking wildflowers that are threatened,
10 thinks like that.

11 MS. BERWICK: But to ask a question?
12 I'm --

13 PRESIDING OFCR. IACOPINO: Of
14 location.

15 MS. BERWICK: Oh.

16 PRESIDING OFCR. IACOPINO: The
17 statute protects the location.

18 MR. BERWICK: Okay.

19 PRESIDING OFCR. IACOPINO: So, for
20 instance, let's say there is an Indian --

21 MS. BERWICK: I got it. I got it.

22 PRESIDING OFCR. IACOPINO: -- there's
23 an archeological deposit of an Indian graveyard
24 somewhere -- or, a Native American graveyard,

1 excuse me, a Native American graveyard, and
2 somebody wanted to discuss its location because
3 they think it's close to this development, we
4 may need to go into confidential session for
5 that. Okay.

6 But it doesn't -- I know, Lisa, I
7 know you have questions about the financial
8 confidential stuff.

9 MS. LINOWES: Yes. There were --
10 there were the financial documents, and they're
11 very clear proformas that I reviewed. But
12 there are also I received one document,
13 confidential document, that Reed & Reed had
14 provided. And I also did not receive the
15 documents pertaining to the Siemens contract
16 and other contracts, other than some
17 information with regard to the New Hampshire
18 Electric Co-op terms.

19 So, I guess the question I have is, I
20 don't want to disrupt the process. I want to
21 be very focused in the questions I'm asking.
22 So, some of those -- some of those questions
23 may end up being in the second session -- I
24 mean, rather, the technical and managerial or

1 not. But I also would like to find out if
2 those contracts, the Siemens contract, is
3 available, because I have been notified that it
4 was. Thank you.

5 PRESIDING OFCR. IACOPINO: All right.
6 We can deal with any outstanding discovery
7 issues later. Let me just address your concern
8 step-by-step, if I can.

9 So, you're saying that you may have
10 some questions -- I'm sorry. You're saying you
11 may have some questions to ask regarding the
12 Siemens contract and Reed & Reed contract.
13 So, that would be Number 6, Mr. Martin,
14 primarily?

15 MS. LINOWES: Oh.

16 PRESIDING OFCR. IACOPINO: See Number
17 6?

18 MS. LINOWES: Yes. I don't -- is he
19 Reed & Reed? I guess I don't know.

20 MR. NEEDLEMAN: Who are we talking
21 about?

22 PRESIDING OFCR. IACOPINO: If she was
23 going to be asking questions about the Reed &
24 Reed contract, would that be in the

1 construction panel?

2 MR. NEEDLEMAN: Yes. That's Art
3 Cavanagh.

4 PRESIDING OFCR. IACOPINO: Okay.

5 MR. NEEDLEMAN: And I'm hoping we
6 could avoid that, because I think I know the
7 document you're talking about, which is, it's a
8 cost estimate document. So, to the extent that
9 you wanted to talk about the numbers and the
10 impact of how they factor in, I think you
11 probably could do that in the financial panel.

12 To the extent you want to understand
13 how the numbers were developed at a high level,
14 you could probably do that on the managerial
15 panel without getting into the confidential
16 information.

17 MS. LINOWES: Are the numbers
18 confidential? I guess I'm trying to
19 understand. They are confidential?

20 MR. NEEDLEMAN: Yes.

21 MS. LINOWES: Okay. So, I can allude
22 to them, say, ask the witness "if you could
23 look at number X", without stating what the
24 number is?

1 MR. NEEDLEMAN: You could ask the
2 witness the method for developing the cost
3 estimates, things like that. But, if you
4 wanted to talk about a specific number, at that
5 point, it's confidential.

6 MS. LINOWES: Okay. What I'll do
7 then, hopefully, this will make it simple, I'll
8 go through everything in detail this week, and
9 let you know if there's going to be a need on
10 that.

11 PRESIDING OFCR. IACOPINO: Okay. So,
12 as I understand it, there definitely is going
13 to have to be a confidential session with
14 respect to Panel Number 1. There may need to
15 be some confidential information discussed with
16 Mr. Cavanagh in Panel Number 2.

17 What about with Mr. Martin, in Panel
18 Number 6?

19 MR. NEEDLEMAN: No.

20 PRESIDING OFCR. IACOPINO: No. Okay.

21 MS. LINOWES: And is the Siemens
22 contract, if I can get access to that, who
23 would be the individual that would discuss that
24 on the witness stand?

1 MR. NEEDLEMAN: Well, the Siemens
2 documents would be the technical and managerial
3 panel, but they haven't been signed.

4 PRESIDING OFCR. IACOPINO: Okay. All
5 right.

6 MS. LINOWES: So, you're not making
7 them available?

8 PRESIDING OFCR. IACOPINO: I guess
9 we'll deal with discovery later, okay?

10 MS. LINOWES: Okay.

11 PRESIDING OFCR. IACOPINO: We'll deal
12 with discovery later. Let's try to continue
13 through the witnesses.

14 So, with that understanding now, Ms.
15 Linowes, with respect to Witness Panel Number
16 1, Mr. Weitzner and Mr. Shaw, can you tell
17 me -- give us your best estimate of how much
18 time you're going to need with them?

19 MS. LINOWES: I would expect an hour
20 and a half.

21 PRESIDING OFCR. IACOPINO: Okay. And
22 I'm only doing this this way because I am going
23 to zigzag down the room on this side.

24 Ms. Maloney?

1 MS. MALONEY: Well, obviously --
2 obviously, it's based on what gets asked before
3 I ask, but I was going to --

4 PRESIDING OFCR. IACOPINO: I think
5 you'll probably be first.

6 MS. MALONEY: Oh. Well, I'm usually
7 last.

8 PRESIDING OFCR. IACOPINO: Usually,
9 you have your choice.

10 MS. MALONEY: Okay. I think about
11 the same.

12 PRESIDING OFCR. IACOPINO: Mr.
13 Levesque, Ms. Allen?

14 MR. LEVESQUE: None.

15 PRESIDING OFCR. IACOPINO: Zero?

16 MR. LEVESQUE: Likely none, for this
17 panel.

18 PRESIDING OFCR. IACOPINO: Audubon?

19 MS. FOSS: None.

20 PRESIDING OFCR. IACOPINO: Ms.

21 Longgood?

22 MS. LONGGOOD: None.

23 PRESIDING OFCR. IACOPINO: Actually,
24 who's going to be doing the questioning?

1 MR. BERWICK: We want to talk about
2 that after, but we would like to both be able
3 to.

4 PRESIDING OFCR. IACOPINO: Okay.
5 What I would like you to do is separate it by
6 witness panel, you got that? So that, if you
7 can -- what I would prefer that you not do, and
8 I'm going to turn to the Applicant in a minute
9 about this, but I would not want two people
10 cross-examining the same panel of witnesses.
11 If you want to split them up and say "You take
12 this three panels, I'll take that three
13 panels", that's something that we have
14 traditionally allowed. But not, you know, not
15 a tag-team on one witness.

16 MS. BERWICK: The problem -- the
17 problem is that, you know, I've met Janice
18 three times, she's met me three times.

19 *[Court reporter interruption.]*

20 MS. BERWICK: Oh, I'm sorry. The
21 problem is that we, basically, don't know each
22 other. I mean, we've met three times here,
23 I've met her. You know, a very nice person,
24 but we don't know each other. So, how do I

1 know that she's going to ask the questions, --

2 PRESIDING OFCR. IACOPINO: Because
3 between now and --

4 MS. BERWICK: I do have questions
5 prepared.

6 PRESIDING OFCR. IACOPINO: Between
7 now and the 13th, or the first day, you guys
8 should meet more and prepare that. I can't --
9 you are an intervenor group.

10 MS. BERWICK: Right. But she is
11 working, and we do have lives.

12 PRESIDING OFCR. IACOPINO: We all are
13 working, okay?

14 MS. BERWICK: Yes.

15 PRESIDING OFCR. IACOPINO: We all are
16 working.

17 MR. BERWICK: This is their job.

18 PRESIDING OFCR. IACOPINO: And you've
19 known that you've been a intervenor group for a
20 very long time now, okay? It's up to you to
21 prepare for this. And we cannot have separate
22 individuals asking questions within intervenor
23 groups. It's just not the way that we
24 practice, it's not the way that we operate.

1 So, I would suggest that you meet
2 with your intervenor group. And, if you're
3 going to have different people do
4 cross-examination, you assign that
5 cross-examination by witness panel. And you
6 make sure that each person who's doing this
7 talks to the other members and know what
8 they're going to ask. I can't give you any
9 better advice than that.

10 MS. LONGGOOD: I plan on looking at
11 who's going to be the witness panel and not
12 taking every single day of work off. So, the
13 days that I am not here, certainly, the
14 Berwicks would speak. And we can get together,
15 once we have who the witnesses are sketched
16 out, and decide who's going to speak at which
17 panel, if that makes sense.

18 PRESIDING OFCR. IACOPINO: Okay. So,
19 I guess my question then --

20 MS. BERWICK: Five minutes.

21 PRESIDING OFCR. IACOPINO: Five
22 minutes? Okay.

23 Ms. Law or Mr. Cleland?

24 MS. LAW: Yes. Mr. Block is

1 representing our group. So, --

2 PRESIDING OFCR. IACOPINO: Has he
3 given you any idea?

4 MS. LAW: He hasn't, no. But I
5 imagine --

6 PRESIDING OFCR. IACOPINO: I imagine
7 he'll have questions.

8 MS. LAW: Yes. I am sure he will.

9 PRESIDING OFCR. IACOPINO: Did Mr.
10 Block sign the confidentiality?

11 MR. NEEDLEMAN: No.

12 PRESIDING OFCR. IACOPINO: No? Okay.
13 All right.

14 *[Court reporter interruption.]*

15 PRESIDING OFCR. IACOPINO: Mr. Jones?

16 MR. JONES: None.

17 PRESIDING OFCR. IACOPINO: Harris
18 Center?

19 MR. FROLING: We don't expect any
20 questions.

21 PRESIDING OFCR. IACOPINO: How about
22 the Meteorologists?

23 MR. HENDL: I wouldn't expect any on
24 this panel.

1 PRESIDING OFCR. IACOPINO: And Town
2 of Antrim?

3 MR. RICHARDSON: Five minutes or
4 less.

5 PRESIDING OFCR. IACOPINO: Okay.

6 MR. RICHARDSON: Can I ask what the
7 plan is for the order of cross-examination?

8 PRESIDING OFCR. IACOPINO: That might
9 depend on how much time people are going to
10 need.

11 MR. RICHARDSON: Okay.

12 PRESIDING OFCR. IACOPINO: If we have
13 a number of parties that are -- you know, that
14 aren't, for instance, are only interested in
15 one or two witnesses, that may govern the order
16 in which we wind up questioning.

17 MR. RICHARDSON: Sure. Well, and it
18 was really more a general question is is that
19 because the Town is in the unique position --
20 well, not a unique position, but they're
21 supporting the Project. Typically, in utility
22 or even SEC proceedings, that would mean the
23 supporting parties go before, and then -- and
24 then I was thinking along the lines that

1 Attorney Maloney was, that Counsel for the
2 Public would be the last cross-examination, so
3 that, you know, Mary wouldn't have to recross
4 based on what happened before.

5 PRESIDING OFCR. IACOPINO: We've had
6 different Counsel for the Publics request
7 different position, --

8 MR. RICHARDSON: Okay.

9 PRESIDING OFCR. IACOPINO: -- and we
10 generally try to accommodate them because of
11 their statutory role.

12 But you're right. Is that,
13 generally, parties who are aligned with each
14 other would go first, before the adversarial
15 cross-examination.

16 So, and that's probably the way that
17 it will go. But what I want to do is get
18 through here and see how much folks have, and
19 then --

20 MR. RICHARDSON: So, we're not going
21 to decide that today, and that will be --

22 PRESIDING OFCR. IACOPINO: Oh, no.
23 It will be decided. But we're going to go
24 through and see how much we expect people to

1 need with each witness.

2 Yes, Ms. Foss.

3 MS. FOSS: Mike, I know that Jason
4 has questions for Mr. Kenworthy. What I don't
5 know is whether they would be under the
6 technical and managerial or the orderly
7 development panel. So, I just want to kind of
8 throw that out there.

9 PRESIDING OFCR. IACOPINO: Okay.
10 We'll get to that. Let's try to go panel by
11 panel, okay?

12 MS. FOSS: Right. I'm just saying I
13 don't --

14 PRESIDING OFCR. IACOPINO: I get it.

15 MS. FOSS: Okay.

16 PRESIDING OFCR. IACOPINO: Okay. So,
17 the next panel is the technical/managerial
18 panel, which the Applicant is proposing to have
19 Mr. Kenworthy, Mr. Weitzner, Mr. Stovall, Mr.
20 Cavanagh, and Mr. Marcucci as a panel. Before
21 we get into how much time, does anybody object
22 to that grouping of the witnesses?

23 *[No verbal response.]*

24 PRESIDING OFCR. IACOPINO: Okay.

1 Seeing none, let's talk about time. Again, Ms.
2 Linowes?

3 MS. LINOWES: I would need an hour
4 and a half at least. But, Mike, I had a
5 question regarding the previous panel, if I
6 can?

7 PRESIDING OFCR. IACOPINO: Another
8 question?

9 MS. LINOWES: It will be quick.
10 I'm -- I just want to make sure I'm clear on
11 this. The expectation is the Committee is
12 going to want as much in public as possible.
13 So that I should separate, to the extent
14 possible, separate all the questions that can
15 be out in the public and any that cannot?
16 Okay.

17 So, an hour and a half for that
18 second panel.

19 PRESIDING OFCR. IACOPINO: Okay.

20 MS. LINOWES: Thank you.

21 PRESIDING OFCR. IACOPINO: Counsel
22 for the Public?

23 MS. MALONEY: Two hours.

24 PRESIDING OFCR. IACOPINO: Mr.

1 Levesque?

2 MR. LEVESQUE: Likely very little.

3 PRESIDING OFCR. IACOPINO: So, I'll
4 say less than a half hour?

5 MR. LEVESQUE: Yes.

6 PRESIDING OFCR. IACOPINO: You don't
7 really know, because there's -- Mr. Kenworthy
8 is on this panel?

9 MS. FOSS: Can I just split the
10 difference and put an hour on each one, and
11 then we'll --

12 PRESIDING OFCR. IACOPINO: Okay.
13 Abutters?

14 MS. BERWICK: Half an hour.

15 MS. LAW: Again, I don't know if --

16 PRESIDING OFCR. IACOPINO: It's Mr.
17 Block, yes.

18 MS. LAW: Yes.

19 PRESIDING OFCR. IACOPINO: Okay.
20 Sorry about that, Steve.

21 Mr. Jones?

22 MR. JONES: None.

23 PRESIDING OFCR. IACOPINO: Harris
24 Center?

1 MR. FROLING: We don't expect any.

2 PRESIDING OFCR. IACOPINO: Meteor-
3 ologists?

4 MR. HENDL: I'd say about 15 minutes.

5 PRESIDING OFCR. IACOPINO: Thank you.
6 Did I get everybody?

7 MR. RICHARDSON: No.

8 PRESIDING OFCR. IACOPINO: Oh, I'm
9 sorry, Justin.

10 MR. RICHARDSON: Probably 15 minutes
11 from the Town would be my best estimate.

12 PRESIDING OFCR. IACOPINO: Okay.
13 Matt Magnusson, on economic impacts.

14 Ms. Linowes?

15 MS. LINOWES: Does this also include
16 property values or is that coming down under --
17 I would think it is, because it's his document,
18 or will it be discussed at orderly development?

19 PRESIDING OFCR. IACOPINO: Well, if
20 it's his document, and he's the witness, and
21 you're going to want to ask questions of the
22 witness who posited the testimony. So, --

23 MS. LINOWES: Okay. I just wanted to
24 make it clear. Then, that will be an hour.

1 PRESIDING OFCR. IACOPINO: Counsel
2 for the Public?

3 MS. MALONEY: The same.

4 PRESIDING OFCR. IACOPINO: Mr.
5 Levesque?

6 MR. LEVESQUE: Fifteen to twenty
7 minutes.

8 PRESIDING OFCR. IACOPINO: Audubon,
9 do you know?

10 MS. FOSS: I'll say none.

11 PRESIDING OFCR. IACOPINO: Abutters?

12 MS. LONGGOOD: Fifteen minutes.

13 PRESIDING OFCR. IACOPINO: And we
14 don't know if Mr. Block, I'm going to do that
15 every time, but we do anticipate that he will
16 have questions.

17 Stoddard Conservation Commission?

18 MR. JONES: Five minutes or less.

19 PRESIDING OFCR. IACOPINO: Harris
20 Center?

21 MR. FROLING: We don't expect any.

22 PRESIDING OFCR. IACOPINO: Meteor-
23 ologists? This is on economic impacts.

24 MR. HENDL: Fifteen minutes.

1 PRESIDING OFCR. IACOPINO: And
2 Justin?

3 MR. RICHARDSON: I don't foresee the
4 Town asking questions of this witness.

5 PRESIDING OFCR. IACOPINO: Okay. The
6 next proposed panel is Mr. Will and
7 Mr. Stevenson. I think they actually filed
8 joint testimony, didn't they, if I remember
9 correctly?

10 MR. NEEDLEMAN: I believe so.

11 PRESIDING OFCR. IACOPINO: First of
12 all, any objection to them appearing as a
13 panel?

14 *[No verbal response.]*

15 PRESIDING OFCR. IACOPINO: Okay. Ms.
16 Linowes, archeological and historic resources?

17 MS. LINOWES: I can't imagine more
18 than twenties minutes. Maybe you should make
19 it 30 minutes.

20 PRESIDING OFCR. IACOPINO: Okay.
21 Counsel for the Public?

22 MS. MALONEY: Fifteen minutes.

23 PRESIDING OFCR. IACOPINO: Mr.
24 Levesque?

1 MR. LEVESQUE: Likely none.

2 PRESIDING OFCR. IACOPINO: Okay.

3 Audubon?

4 MS. FOSS: Likely none.

5 MS. LONGGOOD: Possibly ten.

6 MS. LAW: I'm sure Richard will have
7 questions about this.

8 PRESIDING OFCR. IACOPINO: Yes.

9 Stoddard Conservation Commission, this is on
10 archeological and historic?

11 MR. JONES: None.

12 PRESIDING OFCR. IACOPINO: None?

13 I'm sorry. Harris Center?

14 MR. FROLING: We don't expect any.

15 PRESIDING OFCR. IACOPINO: Meteor-
16 ologists?

17 MR. HENDL: None.

18 PRESIDING OFCR. IACOPINO: And the
19 Town?

20 MR. RICHARDSON: No questions.

21 PRESIDING OFCR. IACOPINO: Okay. The
22 next panel is Mr. Gravel and Mr. Valleau on the
23 environmental, including avian species and
24 bats. First of all, anybody object to the

1 panel? I think their testimony was combined as
2 well, wasn't it, or joint?

3 MR. NEEDLEMAN: Yes.

4 PRESIDING OFCR. IACOPINO: I don't
5 remember. But, in the past, they have
6 testified together.

7 So, Ms. Linowes?

8 MS. LINOWES: One hour.

9 PRESIDING OFCR. IACOPINO: Counsel
10 for the Public?

11 MS. MALONEY: No more than an hour.

12 PRESIDING OFCR. IACOPINO: Mr.
13 Levesque?

14 MR. LEVESQUE: Ten minutes.

15 PRESIDING OFCR. IACOPINO: Audubon?

16 MS. FOSS: No more than an hour.

17 PRESIDING OFCR. IACOPINO: Abutters?

18 MS. LONGGOOD: Half hour.

19 PRESIDING OFCR. IACOPINO: Half hour.

20 And we don't know about Mr. Block.

21 And Stoddard?

22 MR. JONES: Ten minutes.

23 PRESIDING OFCR. IACOPINO: Are you
24 sure? I think this includes the wildlife, if I

1 remember correctly?

2 MR. NEEDLEMAN: Yes.

3 PRESIDING OFCR. IACOPINO: I'm
4 just -- if you think you're not going to
5 cross-examine him much, that's fine. I just
6 wanted to make sure you understand that this is
7 their wildlife expert. And I know that's one
8 of your issues.

9 MR. JONES: Right. Well, 15, I
10 guess.

11 PRESIDING OFCR. IACOPINO: Okay.

12 MR. JONES: I don't see myself as a
13 cross-examiner.

14 PRESIDING OFCR. IACOPINO: Well, I
15 just want to make sure that I don't, you
16 know, --

17 MR. JONES: Thank you. Appreciate
18 it.

19 PRESIDING OFCR. IACOPINO: And, like
20 I said, this is not -- these are not promises,
21 these are just estimates.

22 Harris Center?

23 MR. FROLING: We don't expect any.

24 PRESIDING OFCR. IACOPINO: Meteor-

1 ologists?

2 MR. HENDL: Three quarters of an
3 hour.

4 PRESIDING OFCR. IACOPINO: Forty-five
5 minutes.

6 And the Town?

7 MR. RICHARDSON: I estimate about 15
8 minutes or less on this witness -- or, on this
9 panel, excuse me.

10 PRESIDING OFCR. IACOPINO: Thank you
11 all.

12 The next panel is water quality,
13 public health and safety, and construction, all
14 in the person of Mr. Martin.

15 Ms. Linowes?

16 MS. LINOWES: Just a question one
17 that. This is construction period and
18 post-construction, is that correct? The whole?
19 Or is it just construction?

20 PRESIDING OFCR. IACOPINO: Whatever
21 he's testified to. And I think he testifies to
22 both, doesn't he?

23 MR. NEEDLEMAN: What was the
24 question?

1 PRESIDING OFCR. IACOPINO: Is this
2 just construction period or is this both pre-
3 and post-construction period?

4 MS. LINOWES: Ice throw, blade throw,
5 catastrophic failure, is that all included in
6 this?

7 MR. NEEDLEMAN: No.

8 MR. KENWORTHY: No.

9 MR. NEEDLEMAN: No.

10 MS. LINOWES: Okay. Is that --

11 MR. KENWORTHY: He didn't testify to
12 any of that.

13 MS. LINOWES: Okay. But you did.

14 MR. KENWORTHY: And I'm not on this
15 panel.

16 MS. LINOWES: I know. When --

17 PRESIDING OFCR. IACOPINO: Managerial
18 capability.

19 MS. LINOWES: That's where it comes
20 in? Or -- okay. All right. So, then, just 15
21 minutes.

22 PRESIDING OFCR. IACOPINO: Okay.

23 MS. LINOWES: Actually -- all right,
24 fine. Make that 30 minutes.

1 PRESIDING OFCR. IACOPINO: Mary?

2 MS. MALONEY: An hour.

3 MR. LEVESQUE: Likely very little.

4 PRESIDING OFCR. IACOPINO: Thank you,
5 Mr. Levesque.

6 MS. FOSS: Likely none.

7 PRESIDING OFCR. IACOPINO: Thank you,
8 Ms. Foss.

9 Abutters?

10 MS. LONGGOOD: Approximately ten
11 minutes.

12 PRESIDING OFCR. IACOPINO: We know
13 Mr. Block will have questions.

14 MS. LAW: Yes, sir.

15 PRESIDING OFCR. IACOPINO: Geoff?

16 MR. JONES: Five minutes, or less.

17 PRESIDING OFCR. IACOPINO: Harris
18 Center?

19 MR. FROLING: We don't expect any.

20 MR. HENDL: I don't expect any
21 either.

22 PRESIDING OFCR. IACOPINO: None from
23 the Meteorologists Group, thank you.

24 MR. RICHARDSON: None from the Town.

1 PRESIDING OFCR. IACOPINO: Okay.

2 Great.

3 Okay. I better make a separate
4 section for the next one. Noise and shadow
5 flicker. The witness proposed is Rob O'Neal.

6 Ms. Linowes?

7 MS. LINOWES: Two hours.

8 PRESIDING OFCR. IACOPINO: Counsel
9 for the Public?

10 MS. MALONEY: An hour.

11 MR. LEVESQUE: Fifteen minutes.

12 PRESIDING OFCR. IACOPINO: Thank you,
13 Mr. Levesque.

14 MS. FOSS: Half an hour.

15 PRESIDING OFCR. IACOPINO: Thank you,
16 Ms. Foss.

17 Abutters?

18 MS. LONGGOOD: I would say, half an
19 hour to an hour. I know that Rick James would
20 like to call in and question Rob O'Neal.

21 PRESIDING OFCR. IACOPINO: Well, Rick
22 is a witness.

23 MS. LONGGOOD: Right.

24 PRESIDING OFCR. IACOPINO: So, he's

1 not going to be doing any questioning.

2 MS. LONGGOOD: Can he listen in?

3 PRESIDING OFCR. IACOPINO: He can
4 certainly listen in, yes.

5 MS. LONGGOOD: Okay.

6 PRESIDING OFCR. IACOPINO: Uh-huh.
7 I'm going the put you down for an hour?

8 MS. LONGGOOD: Okay.

9 PRESIDING OFCR. IACOPINO: Okay. It
10 sounds like you're -- and, like I say, it's not
11 a promise. It's just trying to estimate it.
12 And I know Mr. Block will have questions on
13 this as well.

14 MS. LAW: Yes.

15 PRESIDING OFCR. IACOPINO: Stoddard
16 Conservation Commission?

17 MR. JONES: Five minutes.

18 PRESIDING OFCR. IACOPINO: Harris
19 Center?

20 MR. FROLING: We don't expect any.

21 PRESIDING OFCR. IACOPINO: Meteor-
22 ologists?

23 MR. HENDL: Three-quarters of an
24 hour.

1 PRESIDING OFCR. IACOPINO: And the
2 Town?

3 MR. RICHARDSON: I don't honestly
4 know. So, I would put five minutes or less at
5 this point.

6 PRESIDING OFCR. IACOPINO: Aes-
7 thetics, with Mr. Raphael.

8 Lisa?

9 MS. LINOWES: Forty-five minutes.

10 PRESIDING OFCR. IACOPINO: Counsel
11 for the Public?

12 MS. MALONEY: I'm going to say about
13 six hours.

14 PRESIDING OFCR. IACOPINO: Six hours?

15 MS. MALONEY: Yes.

16 PRESIDING OFCR. IACOPINO: You need
17 the day.

18 MR. LEVESQUE: Ten minutes.

19 PRESIDING OFCR. IACOPINO: I'm sorry.
20 I'm still -- you need a full day with him, is
21 what you're saying?

22 MS. MALONEY: Well, yes. It depends
23 on how the witness answers the questions, too.
24 So, --

1 PRESIDING OFCR. IACOPINO: Okay. All
2 right. I'm sorry, Mr. Levesque. Ten minutes,
3 did you say?

4 MR. LEVESQUE: Yes, sir.

5 PRESIDING OFCR. IACOPINO: Okay.
6 Audubon Society?

7 MS. FOSS: Say, three.

8 PRESIDING OFCR. IACOPINO: Three
9 hours or three minutes?

10 *[Laughter.]*

11 MS. FOSS: Yes.

12 MR. RICHARDSON: What is it?

13 PRESIDING OFCR. IACOPINO: Abutters?

14 MS. LONGGOOD: About a half an hour.

15 MR. RICHARDSON: I'm sorry, which was
16 it?

17 MS. LONGGOOD: Hours.

18 PRESIDING OFCR. IACOPINO: Three
19 hours. I'm sorry, --

20 MS. LONGGOOD: A half hour, about.

21 PRESIDING OFCR. IACOPINO: I'm sure
22 Mr. Block will have some questions.

23 MS. LAW: Yes. At least an hour or
24 two.

1 PRESIDING OFCR. IACOPINO: Okay.
2 Stoddard Conservation Commission, this is on
3 aesthetics?

4 MR. JONES: Ten minutes.

5 PRESIDING OFCR. IACOPINO: Harris
6 Center?

7 MR. FROLING: We don't expect any.

8 PRESIDING OFCR. IACOPINO: Meteor-
9 ologists?

10 MR. HENDL: Twenty minutes.

11 PRESIDING OFCR. IACOPINO: And the
12 Town?

13 MR. RICHARDSON: Fifteen.

14 PRESIDING OFCR. IACOPINO: Hours or
15 minutes?

16 MR. RICHARDSON: Sorry.

17 PRESIDING OFCR. IACOPINO: I'm only
18 teasing you, I'm sorry.

19 MR. RICHARDSON: I'm going to do
20 twice what Mary does. No. Fifteen minutes at
21 most.

22 PRESIDING OFCR. IACOPINO: Okay.
23 And, then, we have orderly development, Mr.
24 Kenworthy on his own.

1 Lisa?

2 MS. LINOWES: I'm sorry, the orderly
3 development?

4 PRESIDING OFCR. IACOPINO: Yes.
5 Panel Number 9 on their list. It's just
6 Mr. Kenworthy.

7 MS. LINOWES: Yes. One hour.

8 PRESIDING OFCR. IACOPINO: Counsel
9 for the Public?

10 MS. MALONEY: Half hour.

11 PRESIDING OFCR. IACOPINO: Mr.
12 Levesque?

13 MR. LEVESQUE: Ten to fifteen
14 minutes.

15 PRESIDING OFCR. IACOPINO: Audubon
16 Society?

17 MS. FOSS: Say an hour.

18 PRESIDING OFCR. IACOPINO: Abutters?

19 MS. LONGGOOD: About a half an hour.

20 PRESIDING OFCR. IACOPINO: Mr. Block,
21 again. Yes, he'll have questions.

22 And Stoddard Conservation Commission,
23 this is on orderly development?

24 MR. JONES: Yes. I don't anticipate

1 any.

2 PRESIDING OFCR. IACOPINO: Harris
3 Center?

4 MR. FROLING: We don't expect any.

5 PRESIDING OFCR. IACOPINO: Meteor-
6 ologists?

7 MR. HENDL: Neither do we. We don't
8 expect any.

9 PRESIDING OFCR. IACOPINO: And Town
10 of Antrim?

11 MR. RICHARDSON: Ten minutes, at this
12 point.

13 PRESIDING OFCR. IACOPINO: Okay. The
14 Applicant always goes first. And we now have
15 their list and an idea of how much time it's
16 going to take. I'm pretty sure we're going to
17 be, my assessment, based upon what I've heard,
18 is going to be a little bit over what you've
19 scheduled here, but probably not much. I think
20 that this is probably pretty close, in terms of
21 days. We are going to be needing additional
22 days. People are going to need to plan on
23 that, to get the rest of the case in.

24 So, what I'd like to turn to now,

1 though, is the order in which we're going to
2 present the following witnesses after -- after
3 the Applicant's witnesses. And the -- I think
4 the logical next party to go forward would be
5 Town of Antrim.

6 Does anybody have any objection to
7 that?

8 MR. RICHARDSON: I do.

9 PRESIDING OFCR. IACOPINO: You do?

10 MR. RICHARDSON: Yes.

11 PRESIDING OFCR. IACOPINO: Why do
12 you?

13 MR. RICHARDSON: I have been talking
14 to the Town about some scheduling problems.

15 PRESIDING OFCR. IACOPINO: Talking to
16 whom, I'm sorry?

17 MR. RICHARDSON: The Selectmen, about
18 some scheduling problems, as well as
19 Mr. Thurber.

20 PRESIDING OFCR. IACOPINO: Okay.

21 MR. RICHARDSON: And what I have to
22 report is is that the Town of Antrim Selectmen
23 are really only available on the 28th and 29th,
24 because Selectman Genest is out the week

1 before. He told me he could possibly be in on
2 the 23rd. So, I need those witnesses to go at
3 the end, because otherwise I can't put them all
4 on at the same time.

5 PRESIDING OFCR. IACOPINO: Is that --
6 that's all of your witnesses, right?

7 MR. RICHARDSON: No, no. And, then,
8 the other witness is Everett Thurber, who's the
9 Lempster Selectman.

10 PRESIDING OFCR. IACOPINO: Okay.

11 MR. RICHARDSON: He came in. And his
12 testimony is separate. During the technical
13 session, they were a panel. But they're really
14 talking about two different projects. So, I
15 hadn't planned to put them on as a panel. And
16 doing so would, obviously, complicate it,
17 because then we have four people to try to
18 schedule.

19 PRESIDING OFCR. IACOPINO: So,
20 your -- what you want to do is you want to put
21 Mr. Genest and who as a panel?

22 MR. RICHARDSON: Mr. -- Well, the
23 three Antrim Selectmen, on either the 28th or
24 the 29th.

1 PRESIDING OFCR. IACOPINO: Okay. So,
2 it's Genest. What are the other two names?

3 MR. RICHARDSON: It's Robertson,
4 Genest, and Edwards.

5 PRESIDING OFCR. IACOPINO: Okay.

6 MR. RICHARDSON: So, that's on the
7 28th or the 29th. With Everett Thurber, I have
8 some more flexibility. The only dates that he
9 are not available from the list are the 13th
10 and the 15th, which we've just filled with the
11 Applicant's testimony.

12 PRESIDING OFCR. IACOPINO: I don't
13 think that's going to be an issue.

14 MR. RICHARDSON: However, he's
15 available the 20th, 22nd, --

16 *[Court reporter interruption.]*

17 MR. RICHARDSON: I'm sorry. The
18 dates on which Everett Thurber is available are
19 in the last two weeks. So, Septembers 20th,
20 September 22nd, September 23rd, and
21 September 28th. He's not available on the
22 29th, because he's having a shoulder
23 replacement, he told me. So, he's got a
24 medical procedure that he needs to get MRIs for

1 and things on that date. So, --

2 PRESIDING OFCR. IACOPINO: So, if
3 this were a perfect world for the Town of
4 Antrim in this proceeding, you would put all of
5 your witnesses on on the 28th?

6 MR. RICHARDSON: That would work.
7 Yes.

8 PRESIDING OFCR. IACOPINO: Anybody
9 have an objection to specially scheduling those
10 on the 28th, which is one of the days that we
11 are presently scheduled? What that would mean
12 was that, if we're in the middle of some other
13 testimony prior to that, we would suspend that,
14 put on these two panel of witnesses for the
15 Town. And, then, once we have completed that,
16 would go back to wherever we had left off.

17 MR. RICHARDSON: And I expect they
18 will go pretty quickly, because I don't plan
19 much, you know, direct testimony. They're
20 going to adopt their three prefiled documents.
21 There's no other exhibits for them to go
22 through. So, basically, I'm going to put them
23 on, and then they're going to be made available
24 for cross-examination almost immediately

1 thereafter.

2 PRESIDING OFCR. IACOPINO: Let me do
3 this. Let me go around the room and see,
4 people can tell me their best estimate of how
5 much cross they will have for each.

6 For the Selectmen panel, Lisa, how
7 much would Wind Action have?

8 MS. LINOWES: And this is not
9 including Selectman Thurber?

10 PRESIDING OFCR. IACOPINO: No. The
11 Selectmen, as I understand it, are going to
12 come as a panel, Mr. Genest, Mr. Robertson, and
13 Mr. Edwards, on the -- at least the proposal is
14 the 28th. And then, also, he's going to call
15 Mr. Thurber on that same day, which is a
16 separate witness.

17 MS. LINOWES: Separate panel, okay.

18 PRESIDING OFCR. IACOPINO: So, with
19 respect to the three Selectmen as a panel?

20 MS. LINOWES: No more than 30
21 minutes.

22 PRESIDING OFCR. IACOPINO: And what
23 about with respect to Mr. Thurber?

24 MS. LINOWES: Probably 45 minutes.

1 PRESIDING OFCR. IACOPINO: Counsel
2 for the Public?

3 MS. MALONEY: I think that no more
4 than an hour for all three.

5 PRESIDING OFCR. IACOPINO: So, for
6 both panels?

7 MS. MALONEY: Right.

8 PRESIDING OFCR. IACOPINO: Okay. Mr.
9 Levesque?

10 MR. LEVESQUE: Probably 45 minutes
11 for all three. But I will not be here on the
12 28th. Mary Allen will have to take the lead
13 and ask the questions on cross, if that's okay?

14 PRESIDING OFCR. IACOPINO: Okay. So,
15 45 minutes for both panels, is that what you're
16 saying?

17 MR. LEVESQUE: Yes.

18 PRESIDING OFCR. IACOPINO: Okay. How
19 about the Audubon?

20 MS. FOSS: No idea.

21 PRESIDING OFCR. IACOPINO: Abutters?

22 MS. LONGGOOD: About a half an hour,
23 give or take.

24 PRESIDING OFCR. IACOPINO: Mr. Block

1 will have questions for the Selectmen, I'm
2 sure.

3 MS. LAW: I'm sure.

4 PRESIDING OFCR. IACOPINO: How about
5 Stoddard Conservation Commission?

6 MR. JONES: Don't anticipate
7 anything.

8 PRESIDING OFCR. IACOPINO: Harris
9 Center?

10 MR. FROLING: We don't expect any.

11 PRESIDING OFCR. IACOPINO: Meteor-
12 ologists?

13 MR. HENDL: I would estimate an hour.

14 PRESIDING OFCR. IACOPINO: Is it
15 between the two sets of witnesses or on one
16 particular? So, what they're proposing is
17 there will be a panel that will have the three
18 current -- these are currently sitting
19 Selectmen, right, Justin?

20 MR. RICHARDSON: Yes.

21 PRESIDING OFCR. IACOPINO: Okay.

22 MR. RICHARDSON: I hope.

23 PRESIDING OFCR. IACOPINO: The three
24 currently sitting Selectmen are going to go

1 first. They will be subject to
2 cross-examination. Followed by Mr. Thurber,
3 who's a separate witness. So, when you say "an
4 hour", do you mean an hour with the Selectmen,
5 an hour with Mr. Thurber, or an hour total?

6 MR. HENDL: I'll estimate an hour and
7 a half total.

8 PRESIDING OFCR. IACOPINO: Okay.

9 MR. HENDL: I can't estimate the
10 distribution between the two, the two panels.

11 PRESIDING OFCR. IACOPINO: Okay.
12 Thank you. And then -- well, you're putting
13 these witnesses up.

14 So, between both sets of witnesses,
15 we've got -- we've probably got a little over
16 four hours. So, a morning or an afternoon, I
17 suppose.

18 MR. RICHARDSON: Can you tell us or
19 give us a sense of how many hours the Committee
20 will need to ask them questions?

21 PRESIDING OFCR. IACOPINO: I don't
22 know. I don't know. But there will be. I
23 mean, there will always be Committee questions,
24 you know that.

1 But, as far as the parties go, I
2 mean, we're talking pretty much a half a day --

3 MR. RICHARDSON: Yes.

4 PRESIDING OFCR. IACOPINO: -- for
5 this. Understanding that, that it will be a
6 half a day, probably, you know, it's going to
7 interrupt something. Understanding that, does
8 anybody have any objection to what is
9 essentially the Town of Antrim's request to
10 have their witnesses go on the 28th?

11 *[No verbal response.]*

12 PRESIDING OFCR. IACOPINO: Okay. I'm
13 going report --

14 MS. LINOWES: Excuse me, Mike. I'm
15 not sure why that's an issue. Because it looks
16 like, you haven't added up all the numbers yet,
17 but, based on the dates that Antrim put
18 together, they're going to go through to the
19 23rd, and the next open day would be the 28th.
20 Wouldn't that -- am I missing something?

21 PRESIDING OFCR. IACOPINO: No. But
22 just -- what he's asking to do is essentially
23 to do this specially, okay? So that, let's say
24 we're not done with Antrim Wind's witnesses.

1 MS. LINOWES: All right.

2 PRESIDING OFCR. IACOPINO: Okay,
3 we're going to stop, and we're going to go
4 forward. Or, let's say, we got done with
5 Antrim Wind's witnesses early, and we start
6 with the next party, we're going to stop on the
7 28th --

8 MS. LINOWES: Okay.

9 PRESIDING OFCR. IACOPINO: -- and do
10 the Town's, and then pick up where we left off.
11 And that's why --

12 MR. RICHARDSON: And that's the main
13 concern is, is that I couldn't have most of the
14 witnesses sooner than that.

15 PRESIDING OFCR. IACOPINO: What
16 Mr. Richardson needs is his witnesses specially
17 assigned on a day.

18 MS. LINOWES: Thank you.

19 PRESIDING OFCR. IACOPINO: And I'm
20 sure we may hear some more of that as we go
21 through the rest of the parties.

22 MS. MALONEY: Yes. I mean, depending
23 on what's scheduled, I might objection to that,
24 like if you called my witness earlier, if she

1 ended up being called a day when she wasn't
2 expected to be there, because she's not going
3 to be here for every day of the testimony. So,
4 that could be a problem in that respect.

5 PRESIDING OFCR. IACOPINO: Does
6 your -- what's your witness's name again?

7 MS. MALONEY: Kellie Connelly.

8 PRESIDING OFCR. IACOPINO: Right. Is
9 Ms. Connelly, I mean, you're not -- you don't
10 believe it's necessary for her to be here for
11 the Selectmen's testimony?

12 MS. MALONEY: No, I don't.

13 PRESIDING OFCR. IACOPINO: Okay.

14 MS. MALONEY: And she's only going to
15 come for the days that she's needed.

16 PRESIDING OFCR. IACOPINO: Okay.

17 MS. MALONEY: So, I don't, you know,
18 if that -- if she ends up -- if you end up
19 bumping them or putting her on or putting them
20 on, in other words, if her schedule changes,
21 she's just -- you know, she needs more notice
22 than that. So, --

23 PRESIDING OFCR. IACOPINO: And it's
24 likely you want to go last, is that, as Counsel

1 for the Public, that's your preference?

2 MS. MALONEY: Yes, it is.

3 PRESIDING OFCR. IACOPINO: So, it's
4 unlikely that we're going to run into that with
5 Ms. Connelly. We may run into it with some
6 other witnesses, which we'll discuss. But it's
7 unlikely we're going to run into that with
8 Ms. Connelly.

9 MS. MALONEY: Okay.

10 MR. RICHARDSON: And, Mike, just to
11 be clear, I'm really not trying to ask for
12 special favors. I'm just reporting the dates I
13 have for the ability to produce witnesses.
14 And, so, if the Selectmen can go on either of
15 those two dates, I'm fine. And then I've got
16 four for Everett Thurber. So, we have a lot of
17 flexibility within what's there.

18 PRESIDING OFCR. IACOPINO: Nobody is
19 considering them as favors, Justin. We want to
20 make the things go as efficiently as possible.
21 The last thing that we want is to have to hold
22 up and find a date when we can get, for
23 instance, the Board of Selectmen together.
24 We're not going to want to do that. So, I

1 think the request to specially assign it is a
2 reasonable request. That's the way I'm going
3 to report it to the Chair. He may disagree
4 with me, but --

5 MR. LEVESQUE: Sorry, Mike. Sorry to
6 revisit this. I really need and wanted to be
7 here for the Board of Selectmen. I can't be
8 here on the 28th. If they are available on the
9 29th, I will be here on the 29th. And I would
10 much prefer that, if we can possibly schedule
11 it that way. It seems like there's more
12 flexibility than I was led to believe. I
13 really thought the 28th was the only day, but
14 maybe I was just not listening carefully.

15 PRESIDING OFCR. IACOPINO: The
16 Selectmen are available, and my understanding,
17 correct me if I'm wrong, Mr. Richardson, is
18 that Selectmen are available on the 28th or the
19 29th, but Mr. Thurber is only available between
20 those two days on the 28th. Is that correct?

21 MR. RICHARDSON: Right. And then
22 he's also available September 20th, 22nd, and
23 23rd. So, he could go earlier.

24 I have no problem with the request to

1 have them on the 29th. That works for me as
2 well.

3 PRESIDING OFCR. IACOPINO: The other
4 way to do it, and I'll hear people on this, is
5 to start Mr. Thurber at a certain time on the
6 28th, hopefully get him over with on the 28th,
7 and start in the morning on the 29th with the
8 Selectmen. I mean, it's -- we do go overnight,
9 but, in terms of time, it shouldn't make any
10 difference.

11 Does anybody have any objection to
12 that? That would accommodate both the Town and
13 Mr. Levesque's schedules?

14 *[No verbal response.]*

15 PRESIDING OFCR. IACOPINO: Okay.
16 That's what I'm going to recommend then. If we
17 start Mr. Thurber, I'll figure out the time
18 based on the estimates that I had from you
19 guys. So, we'll start Mr. Thurber sometime
20 probably in the mid-afternoon of the 28th, and
21 we'll go over -- and we have to get him done on
22 the 28th, though, just so everybody knows, and
23 then we'll go over to the next morning with the
24 Select panel, which will be the 29th.

1 At least that's what I'm going to
2 recommend. Again, Mr. Scott is going to have
3 to approve that and issue an order.

4 Okay. So, that takes care of the
5 Town of Antrim.

6 Let's move on to the order -- so,
7 we've got them out of the way. Anybody have a
8 recommendation on what order the remaining
9 parties should go in? Understanding that we've
10 got the Town of Antrim taken care of and
11 Counsel for the Public desiring to go last.

12 Let me just first ask Ms. Law and
13 Mr. Cleland. Did Mr. Block give you any
14 indication about any problems with
15 availability? I know he has an issue that --

16 MR. CLELAND: We don't know now.

17 MS. LAW: We don't know.

18 PRESIDING OFCR. IACOPINO: Okay.

19 MS. LAW: Yes. His wife is being
20 examined today, and they don't know when she's
21 going to have her surgery. So, we don't know.

22 MR. CLELAND: We should probably know
23 more tomorrow.

24 MS. LAW: Yes. We'll know more --

1 *[Court reporter interruption.]*

2 MS. LAW: We don't know what his
3 availability will be, depending on his wife's
4 condition.

5 PRESIDING OFCR. IACOPINO: All right.
6 In the first instance, we try to accommodate.
7 So, we'll have to play it by ear, I suppose,
8 with respect to that.

9 But any suggestions in terms of going
10 forth after, and, in essence, this is -- it may
11 be after the Town of Antrim's witnesses, or
12 maybe just before. The next person that -- the
13 next person that we put in line or the next
14 party that we put in line, it is possible that
15 they will start on the 28th, and then be
16 suspended until after the Selectmen are heard
17 on the 29th, just so you know. It's possible.
18 I don't know whether -- how this is going to
19 pan out, but -- so, suggestions for the order
20 of preparation by party, now that we have that
21 resolved?

22 Ms. Berwick.

23 MR. BERWICK: I just wanted to say,
24 my son is one of the abutters. He's not going

1 to be available at all in October. He actually
2 will be out of country. So, it would be nice
3 if we went towards the beginning.

4 PRESIDING OFCR. IACOPINO: Did he
5 file testimony?

6 MR. BERWICK: He did.

7 PRESIDING OFCR. IACOPINO: Okay. And
8 when does he leave?

9 MR. BERWICK: Well, he goes -- he
10 goes to Kentucky for work in the beginning of
11 October, and then he's going to Japan for the
12 rest of the month. So, --

13 PRESIDING OFCR. IACOPINO: And the
14 abutters have -- I assume you intend to put all
15 of the abutters on as a panel?

16 MR. BERWICK: Yes.

17 PRESIDING OFCR. IACOPINO: And then
18 you have Mr. James as a witness?

19 MS. LONGGOOD: Yes.

20 PRESIDING OFCR. IACOPINO: I can't
21 say we won't be into October at that point in
22 time. But I can, if there's no objection, I
23 can accommodate having you guys be the next
24 party in the order, assuming there's no

1 objection. And, so, as I understand it, that
2 would be the panel of Abutters, followed by the
3 individual testimony of Mr. James, or vice
4 versa?

5 MR. BERWICK: Individual abutters
6 first.

7 PRESIDING OFCR. IACOPINO: All right.

8 MS. LONGGOOD: Mr. James did
9 indicate he was available the afternoon of the
10 22nd and 23rd. But I would have to check other
11 availability.

12 PRESIDING OFCR. IACOPINO: I just
13 don't think we're going to get to him by that
14 point.

15 MS. LONGGOOD: So, we're looking
16 more towards the end of the month?

17 PRESIDING OFCR. IACOPINO: You might
18 be looking at the 28th and the 29th, or on
19 dates to be scheduled after that.

20 MS. LONGGOOD: Uh-huh.

21 PRESIDING OFCR. IACOPINO: So, if you
22 could check those with him.

23 MS. LONGGOOD: I would have to
24 check, yes. Thank you.

1 PRESIDING OFCR. IACOPINO: So, at
2 this point, let's just assume the abutters go
3 next, they have the panel and then Mr. James.

4 I'll turn first to the Applicant, in
5 terms of how much time would you expect with
6 the panel? Panel of abutters, the abutting, I
7 think there's four, four prefiled testimonies.

8 MR. NEEDLEMAN: I would think -- I
9 would think no more than 15 or 20 minutes.

10 PRESIDING OFCR. IACOPINO: I'm going
11 this way around with this. Mr. Richardson, for
12 the Town?

13 MR. RICHARDSON: I would say less. I
14 mean, five minutes, if any.

15 PRESIDING OFCR. IACOPINO: Back to
16 you, Mr. Needleman. How about with Mr. James?

17 MR. NEEDLEMAN: Fifteen or twenty
18 minutes.

19 PRESIDING OFCR. IACOPINO: And, Mr.
20 Richardson, with Mr. James?

21 MR. RICHARDSON: I don't anticipate
22 questions for Mr. James.

23 PRESIDING OFCR. IACOPINO: Okay.
24 Harris Center?

1 MR. FROLING: We don't -- we don't
2 expect to have any questions.

3 PRESIDING OFCR. IACOPINO: For either
4 one?

5 MR. FROLING: For either one.

6 PRESIDING OFCR. IACOPINO: Meteor-
7 ologists?

8 MR. HENDL: I don't expect any
9 questions for either one.

10 PRESIDING OFCR. IACOPINO: We don't
11 know if Mr. Block will have any, but, if he
12 does, it probably won't be much, since you're
13 all neighbors.

14 How about Stoddard Conservation
15 Commission?

16 MR. JONES: None.

17 PRESIDING OFCR. IACOPINO: I didn't
18 hear you.

19 MR. JONES: Don't expect any.

20 PRESIDING OFCR. IACOPINO: Mr.
21 Levesque and Ms. Allen?

22 MR. LEVESQUE: Unlikely.

23 PRESIDING OFCR. IACOPINO: Audubon?

24 MS. FOSS: Unlikely.

1 PRESIDING OFCR. IACOPINO: And Lisa?

2 MS. LINOWES: For the abutters,
3 probably 15 minutes. And I did have questions
4 for Mr. James. So, I'm thinking 45 minutes at
5 least.

6 PRESIDING OFCR. IACOPINO: Okay.
7 Counsel for the Public?

8 MS. MALONEY: Probably about 20
9 minutes for the abutters, and no more than 15
10 minutes for Mr. James.

11 PRESIDING OFCR. IACOPINO: I would
12 recommend, Ms. Longgood, that, when you speak
13 with Mr. James, you find out his availability
14 for 28th and 29th, and then ask what his
15 availability is following that as well. Okay?

16 MS. LONGGOOD: Okay.

17 PRESIDING OFCR. IACOPINO: As I say,
18 we'll try to accommodate. But, at this point,
19 I think we're going to put the abutters next.
20 That hopefully accommodates for the Berwicks.
21 And -- okay.

22 Recommendations on who should go
23 next, after the abutters?

24 MS. LAW: How about the Non-Abutters?

1 PRESIDING OFCR. IACOPINO: And it's
2 just -- it's just the residents, right?
3 There's no, if I recall correctly, you don't
4 have any individual witnesses. So, it will
5 just be a panel?

6 MS. LAW: Yes.

7 PRESIDING OFCR. IACOPINO: Go ahead,
8 Lisa.

9 MS. LINOWES: I'm sorry. I thought
10 there was a Belanger -- there's a gentleman
11 that the Blocks had as a witness. And I don't
12 think that he's -- let me just ask Carol.

13 *(Ms. Linowes conferring with Ms.*
14 *Foss.)*

15 MS. LINOWES: Oh. It appears he's
16 both the Blocks and Audubon's witness, is that
17 correct?

18 *(Ms. Foss indicating in the*
19 *affirmative.)*

20 MS. LINOWES: Yes. So, --

21 PRESIDING OFCR. IACOPINO: What's
22 this witness's name, for the record?

23 MS. FOSS: Michael Buscher,
24 B-u-s-c-h-e-r.

1 PRESIDING OFCR. IACOPINO: Does the
2 Applicant care when you cross-examine him,
3 whether it be in the Audubon's case or in the
4 Non-Abutters' case?

5 MR. NEEDLEMAN: Doesn't matter.

6 PRESIDING OFCR. IACOPINO: Okay. So,
7 then, why don't we go with that. We'll do the
8 Non-Abutters. So, we will have a panel of
9 Non-Abutters, possibly followed by Mr. Buscher,
10 but Mr. Buscher may go when we do Audubon. And
11 why wouldn't we do Audubon right after that,
12 unless there's a scheduling issue?

13 MS. FOSS: Well, since we're now
14 apparently into October, the last date of
15 availability I have for any of our panel is the
16 29th. So, I know that he's -- I don't know
17 when he would be available. I just don't know.

18 So, we can -- I would suggest, if he
19 only needs to appear once, I would suggest that
20 maybe we separate Audubon and the Non-Abutters,
21 which would give him a little more flexibility.

22 PRESIDING OFCR. IACOPINO: All right.
23 So, let's do the Non-Abutters panel next. And,
24 when you say "separated", though, I mean, I

1 don't -- I wasn't putting you on together. I
2 was just saying is we had you be the next
3 party, whether that made any sense.

4 MS. FOSS: No, I understand that.
5 But, if the Applicant is willing to question
6 him either as part of our panel or as part of
7 the Non-Abutters panel, if those two panels are
8 separated in time, it provides --

9 PRESIDING OFCR. IACOPINO: Okay.

10 MS. FOSS: -- him more flexibility as
11 to when he goes.

12 PRESIDING OFCR. IACOPINO: Okay.
13 Geoff, what's your schedule like? Because it's
14 just you, right, for Stoddard?

15 MR. JONES: Yes.

16 PRESIDING OFCR. IACOPINO: Are you
17 pretty flexible?

18 MR. JONES: Fairly, yes.

19 PRESIDING OFCR. IACOPINO: All right.
20 How much time does the Applicant think they'll
21 spend with Mr. Jones?

22 MR. NEEDLEMAN: Maybe 20 minutes.

23 PRESIDING OFCR. IACOPINO: Town?

24 MR. RICHARDSON: Five or ten.

1 PRESIDING OFCR. IACOPINO: Harris
2 Center?

3 MR. FROLING: We don't expect any
4 questions.

5 PRESIDING OFCR. IACOPINO: Meteor-
6 ologists?

7 MR. HENDL: I don't expect any.

8 PRESIDING OFCR. IACOPINO: Abutters?

9 MS. LONGGOOD: Fifteen.

10 PRESIDING OFCR. IACOPINO: Okay. Mr.
11 Block, we -- okay.

12 Audubon, do you intend to
13 cross-examine Mr. Jones?

14 MS. FOSS: Possibly. Let's say 15.

15 PRESIDING OFCR. IACOPINO: Mr.
16 Levesque?

17 MR. LEVESQUE: Possibly 15 minutes.

18 PRESIDING OFCR. IACOPINO: Lisa?

19 MS. LINOWES: At least half an hour.

20 PRESIDING OFCR. IACOPINO: And
21 Counsel for the Public?

22 MS. MALONEY: A half an hour.

23 PRESIDING OFCR. IACOPINO: Just so
24 everybody knows, the order that we're going in

1 now is the Applicant; we're specially assigning
2 the Town of Antrim to the afternoon of the 28th
3 and the morning of the 29th; followed by the
4 abutters, which will have a panel, and then
5 we'll have Mr. James separate, and, obviously,
6 Ms. Longgood is going to check on that
7 availability; followed by the Non-Abutters'
8 panel of witnesses; followed by the Stoddard
9 Conservation Commission.

10 Mr. Allen -- I'm sorry. Ms. Allen
11 and Mr. Levesque, any objection to going after
12 the Stoddard Conservation Commission?

13 MR. LEVESQUE: Depends when it is.

14 PRESIDING OFCR. IACOPINO: What are
15 your --

16 MR. LEVESQUE: The first week of
17 October --

18 PRESIDING OFCR. IACOPINO: -- what
19 your dates of concern?

20 MR. LEVESQUE: So, the first week of
21 October is wide open for me --

22 *[Court reporter interruption.]*

23 MR. LEVESQUE: My apologies. So, the
24 first full week of October, I think it starts

1 on Monday, the 4th. That whole week is good
2 for both Mary and myself. We need to check
3 with our witness, Chris Wells. We checked with
4 him on the other dates. But, since we're not
5 -- we don't have any of those, we've got to
6 check with him, if we want to have all three of
7 us on the same panel.

8 PRESIDING OFCR. IACOPINO: Was that
9 your intention, to have all three on the panel?

10 MR. LEVESQUE: If that's what you
11 want, that's fine.

12 PRESIDING OFCR. IACOPINO: It's what
13 you want. It's not what I want.

14 MR. LEVESQUE: Well, it works fine.
15 I mean, based on what happened at the technical
16 session, clearly, my testimony is quite a bit
17 different from the others. And, so, you know,
18 whether it works as a panel is fine with us.

19 PRESIDING OFCR. IACOPINO: Anybody
20 object to that being a three-person panel?

21 *[No verbal response.]*

22 PRESIDING OFCR. IACOPINO: Okay.
23 Applicant, how much time do you think the cross
24 would be of that panel?

1 MR. NEEDLEMAN: Twenty minutes, half
2 an hour, maybe.

3 PRESIDING OFCR. IACOPINO: Town of
4 Antrim?

5 MR. RICHARDSON: I'm sorry. I was
6 just looking at -- so, we don't know what
7 dates. We're talking about the first week in
8 October?

9 PRESIDING OFCR. IACOPINO: I think,
10 at this point, we are out, and we're in
11 October. I can't tell you what dates. I know
12 that Ms. Monroe is trying to get dates from the
13 Committee members.

14 MR. RICHARDSON: So, to get back to
15 the question, I'm sorry. I'm thinking 10 to 15
16 minutes at most. And that's really just a
17 guess at this point. I don't have any real
18 plans for his panel.

19 PRESIDING OFCR. IACOPINO: Harris
20 Center, the same?

21 MR. FROLING: The same.

22 PRESIDING OFCR. IACOPINO: Meteor-
23 ologists?

24 MR. HENDL: I don't expect any.

1 PRESIDING OFCR. IACOPINO: Abutters?

2 MS. BERWICK: Five. Five minutes.

3 PRESIDING OFCR. IACOPINO: Gotcha.

4 And Mr. Block will -- he'll have some
5 questions, I'm sure.

6 Mr. Jones, do you think you'll have
7 questions for Mr. Levesque and Ms. Allen?

8 MR. JONES: Maybe five minutes, or
9 less.

10 PRESIDING OFCR. IACOPINO: Wind
11 Action?

12 MS. LINOWES: This would be for the
13 whole panel, with Mr. Wells? Okay. I'll say
14 30 minutes.

15 PRESIDING OFCR. IACOPINO: And
16 Counsel for the Public?

17 MS. MALONEY: Fifteen minutes.

18 MS. FOSS: I don't think you -- you
19 skipped me.

20 PRESIDING OFCR. IACOPINO: I'm sorry?

21 MS. BERWICK: You skipped her.

22 PRESIDING OFCR. IACOPINO: Oh, I'm
23 sorry. Because I don't have a checklist here.

24 Audubon Society?

1 MS. FOSS: Let's say, half an hour.

2 PRESIDING OFCR. IACOPINO: Okay. So,
3 who's left? We've got Audubon, we've got Wind
4 Action, and we've got Counsel for the Public.
5 Am I missing anybody else in our order?

6 So, the order would be Applicant;
7 Town of Antrim is going to be specially
8 scheduled; the Abutting Intervenors, which has
9 a panel and Mr. James; Non-Abutters panel;
10 Stoddard Conservation Commission;
11 Levesque/Allen panel.

12 So, we still need to put into the
13 batting order Audubon, Wind Action, and Counsel
14 for the Public is going to be last.

15 MS. LINOWES: There's also Mr. Pratt
16 and Wes Enman. And I don't know if there are
17 others.

18 PRESIDING OFCR. IACOPINO: Where are
19 they?

20 MS. LINOWES: The Schaefers are
21 abutters.

22 PRESIDING OFCR. IACOPINO: Mr. Enman
23 filed prefiled testimony, and I think that
24 Giffin/Pratt did as well.

1 MS. LINOWES: There's a Griffin also?
2 Griffin and Pratt are together?

3 PRESIDING OFCR. IACOPINO: Giffin/
4 Pratt.

5 MS. LINOWES: Okay.

6 PRESIDING OFCR. IACOPINO: I think
7 it's "Giffin", and not "Griffin".

8 MS. LINOWES: Okay. I'm sorry. Yes.

9 PRESIDING OFCR. IACOPINO: I think we
10 spelled it wrong in the Order.

11 MR. NEEDLEMAN: And I'm fairly sure
12 only Mr. Enman filed testimony.

13 PRESIDING OFCR. IACOPINO: My
14 suggestion is that we stick Mr. Enman in right
15 after the Applicant. He's obviously supportive
16 of the Application. It makes sensitivity to do
17 that.

18 Does the Applicant have any objection
19 to that?

20 MR. NEEDLEMAN: No.

21 PRESIDING OFCR. IACOPINO: Okay. Let
22 me go around the room for Mr. Enman.

23 MS. LONGGOOD: Where did you put him
24 in the order?

1 PRESIDING OFCR. IACOPINO: Right
2 after the Applicant presents. That's why it
3 pays to be here, they don't get forgotten.

4 So, let me start with you,
5 Ms. Linowes. How much time do you intend to
6 spend with Mr. Enman?

7 MS. LINOWES: Ten minutes, if that.

8 PRESIDING OFCR. IACOPINO: Counsel
9 for the Public?

10 MS. MALONEY: Ten or fifteen minutes.

11 PRESIDING OFCR. IACOPINO: Mr.
12 Levesque, Ms. Allen?

13 MR. LEVESQUE: Possibly five minutes.

14 PRESIDING OFCR. IACOPINO: Audubon
15 Society?

16 MS. FOSS: I doubt we'll have any.

17 PRESIDING OFCR. IACOPINO: Abutters?

18 MR. BERWICK: Ten.

19 PRESIDING OFCR. IACOPINO: I know Mr.
20 Block is not here. I'm sure he'll have
21 questions for Mr. Enman.

22 Stoddard?

23 MR. JONES: None.

24 PRESIDING OFCR. IACOPINO: Okay.

1 Harris Center, zero?

2 MR. FROLING: Exactly.

3 MR. HENDL: I'm sorry. Could you
4 clarify who this gentleman is please?

5 PRESIDING OFCR. IACOPINO: Mr. Enman
6 is an individual who filed prefiled testimony.
7 He's an intervenor. He's generally supportive
8 of the Project.

9 MR. HENDL: I wouldn't expect we
10 would have any questions.

11 PRESIDING OFCR. IACOPINO: Town?

12 MR. RICHARDSON: Five minutes or
13 less.

14 PRESIDING OFCR. IACOPINO: And the
15 Applicant?

16 MR. NEEDLEMAN: Probably none.

17 PRESIDING OFCR. IACOPINO: Okay.

18 MR. RICHARDSON: Would it be possible
19 to take a five-minute break?

20 PRESIDING OFCR. IACOPINO: Sure.
21 Come back as 12:30. I'd like to get this done,
22 and then break after that.

23 *(Recess taken at 12:23 p.m. and*
24 *the prehearing conference*

1 *resumed at 12:37 p.m.)*

2 PRESIDING OFCR. IACOPINO: Okay.

3 Let's go back on the record, folks.

4 Before the break, we were at the
5 point where we still have to put in the batting
6 order Audubon Society, Wind Action, I don't
7 think we need to put in Giffin/Pratt, because
8 they haven't filed any testimony, and then
9 Counsel for the Public.

10 So, what do you guys think of that
11 order? Audubon Society, followed by Wind
12 Action, followed by Counsel for the Public?

13 Ms. Foss.

14 MS. FOSS: It might make sense for us
15 to precede immediately Counsel for the Public,
16 just because there's -- because we have the
17 aesthetics witness. And, so, it would kind of
18 tie all of that together better.

19 PRESIDING OFCR. IACOPINO: Okay. Any
20 objection to that?

21 MR. NEEDLEMAN: No. But don't forget
22 Fred Ward either.

23 UNIDENTIFIED SPEAKER: Oh, I forget
24 got.

1 (Multiple parties speaking at
2 the same time.)

3 PRESIDING OFCR. IACOPINO: All right.
4 Okay. Well, actually, my suggestion then would
5 be to do, following Mr. Levesque and Ms. Allen,
6 to do the Meteorologists then, followed by Wind
7 Action followed by Audubon, followed by Counsel
8 for the Public.

9 Does that make sense?

10 UNIDENTIFIED SPEAKER: Yes.

11 UNIDENTIFIED SPEAKER: Uh-huh.

12 PRESIDING OFCR. IACOPINO: Okay.
13 Somebody refresh my recollection. Is
14 Mr. Ward's testimony just his or did he have a
15 panel?

16 MS. LAW: He had a group.

17 UNIDENTIFIED SPEAKER: A group.

18 PRESIDING OFCR. IACOPINO: Do you
19 remember how many folks are on it?

20 (Multiple parties indicating
21 "five".)

22 PRESIDING OFCR. IACOPINO: I assume
23 he wants to do that with a panel.

24 MR. HENDL: I don't think that was

1 his intention, but --

2 PRESIDING OFCR. IACOPINO: You think
3 he's going to call five separate witnesses?

4 MR. HENDL: No. I think he'll -- my
5 understanding was that he was going to be "the
6 witness" for the panel. I have not been told
7 anything different.

8 PRESIDING OFCR. IACOPINO: Okay.

9 MR. HENDL: I will have him get in
10 touch with you on those details.

11 PRESIDING OFCR. IACOPINO: Well,
12 either way, if it's only going to be one
13 presentation, that that's his anticipation,
14 whether he's the only body here or whether he
15 has more than one body here, they're all going
16 to go on at the same time?

17 MR. HENDL: Understood.

18 PRESIDING OFCR. IACOPINO: Okay. All
19 right. And that may -- the parties need to
20 think about whether they're going to lodge any
21 kind of objections to that or motions or
22 whatever, given who shows up, and based upon
23 the testimony that was filed. So, I'm sure
24 that it's not going to be difficult for

1 Dr. Ward to adopt the entire testimony, but
2 people may have concerns about that.

3 So, it's up to -- that's up to you
4 all to decide, and that's an issue that won't
5 be resolved until we get to that time.

6 If you could let Dr. Ward know that,
7 if he intends to do anything other than one
8 presentation, to please call me as soon as
9 possible.

10 MR. HENDL: Will do.

11 PRESIDING OFCR. IACOPINO: Okay.
12 Assuming that we have a single presentation for
13 the Meteorologists, Applicant, how much time do
14 you expect to spend with them?

15 MR. NEEDLEMAN: Ten, fifteen minutes.

16 PRESIDING OFCR. IACOPINO: All right.
17 Town of Antrim?

18 MR. RICHARDSON: Maybe five, maybe
19 none. It's hard to say.

20 PRESIDING OFCR. IACOPINO: Harris
21 Center, I don't expect any?

22 MR. FROLING: Correct.

23 PRESIDING OFCR. IACOPINO: Abutters?

24 MR. BERWICK: Ten minutes. Ten

1 minutes.

2 PRESIDING OFCR. IACOPINO: Mr. Block
3 will have some questions.

4 Mr. Jones, is the Stoddard
5 Conservation Commission going to have any
6 questions for the Meteorologists?

7 MR. JONES: I don't expect so.

8 PRESIDING OFCR. IACOPINO: Okay. Mr.
9 Levesque?

10 MR. LEVESQUE: Not likely.

11 MS. FOSS: No.

12 PRESIDING OFCR. IACOPINO: Thank you,
13 Ms. Foss. Lisa?

14 MS. LINOWES: I'd say, 30 to 45
15 minutes.

16 PRESIDING OFCR. IACOPINO: I'll put
17 you down for 45. And Counsel for the Public?

18 MS. MALONEY: Fifteen minutes.

19 PRESIDING OFCR. IACOPINO: Okay. So,
20 the next grouping after that would be Wind
21 Action. And that's just you, Lisa, right?
22 There's no other --

23 MS. LINOWES: Correct.

24 PRESIDING OFCR. IACOPINO: Okay.

1 Applicant, with Wind Action, how much time do
2 you expect?

3 MR. NEEDLEMAN: Thirty to forty-five
4 minutes.

5 MR. RICHARDSON: Five.

6 PRESIDING OFCR. IACOPINO: Harris
7 Center, zero?

8 MR. FROLING: Zero.

9 PRESIDING OFCR. IACOPINO: Meteor-
10 ologists, do you intend to cross-examine
11 Ms. Linowes?

12 MR. HENDL: I wouldn't expect to.

13 PRESIDING OFCR. IACOPINO: Okay.
14 Abutters?

15 MS. LONGGOOD: Ten.

16 MR. BERWICK: Ten minutes.

17 PRESIDING OFCR. IACOPINO: Mr. Block
18 will have some questions.

19 How about the Stoddard Conservation
20 Commission?

21 MR. JONES: No.

22 PRESIDING OFCR. IACOPINO: Okay. Mr.
23 Levesque, Ms. Allen?

24 MR. LEVESQUE: Not much, up to ten

1 minutes max.

2 PRESIDING OFCR. IACOPINO: Okay.

3 Audubon?

4 MS. FOSS: Say up to 30.

5 PRESIDING OFCR. IACOPINO: And

6 Counsel for the Public?

7 MS. MALONEY: Up to 30.

8 MS. LINOWES: Mike, if I could ask?

9 A portion of that may or not be in non-public.
10 So, if we can get a sense of it. I'm thinking
11 that some of it will be, but --

12 PRESIDING OFCR. IACOPINO: Well, the
13 only other party that has signed a
14 confidentiality agreement is Counsel for the
15 Public, right? So, you're really -- how much
16 time do you think you're going to spend on
17 matters that would be confidential?

18 MS. MALONEY: I don't know.

19 PRESIDING OFCR. IACOPINO: A long
20 time or --

21 MS. MALONEY: I don't know, but I
22 doubt very much.

23 PRESIDING OFCR. IACOPINO: Okay.

24 MS. MALONEY: If at all.

1 PRESIDING OFCR. IACOPINO: It doesn't
2 sound like it's going to be a problem. But,
3 obviously, if that changes, you'll let us know.
4 And, obviously, if there are questions that are
5 asked that the Applicant believes are subject
6 of the confidentiality order, they should speak
7 up at the time and the Chair will make a
8 decision. Okay?

9 Okay. Audubon Society, we're going
10 to have a panel, and then a separate testimony
11 from Mr. -- Is it "Buscher"?

12 MS. FOSS: Buscher. At the technical
13 session, he was available --

14 *[Court reporter interruption.]*

15 PRESIDING OFCR. IACOPINO: Use your
16 microphone please.

17 MS. FOSS: At the technical session,
18 he was available with us by phone. So, I am
19 assuming we could all be as a panel. That
20 said, --

21 PRESIDING OFCR. IACOPINO: That would
22 be preferable for efficiency sake, okay? But I
23 don't want to tell you how to put on your case
24 either. It's up to you.

1 MS. FOSS: I mean, that said, he is
2 also a witness for the Non-Abutters. So, maybe
3 if there are questions for him specific to the
4 Non-Abutters, that could follow us or
5 something. I'm not sure how you would handle
6 that.

7 PRESIDING OFCR. IACOPINO: Well, why
8 don't we do this. When I -- I have had
9 telephone communications with Mr. Block. When
10 I have a better sense of what his availability
11 is going to be, I will ask -- I'll ask him.
12 And, I mean, we can -- the thing is is, as long
13 as he's available for cross-examination, even
14 if it's sort of out of order, that there are
15 certain questions that might, you know, deal
16 with issues that are separate dealing with the
17 Non-Abutters, and then issues that are separate
18 with respect to Audubon, I'm quite certain that
19 counsel -- that the Applicant's counsel can
20 handle, you know, making sure that they get all
21 the cross-examination of Mr. Buscher that they
22 need.

23 And, obviously, at any point in time
24 during the proceeding, if you need to raise

1 that issue, because you don't think you're
2 getting the time that you need with him or the
3 ability to cross-examine, then raise it.

4 MR. NEEDLEMAN: Yes.

5 PRESIDING OFCR. IACOPINO: Okay?

6 MR. NEEDLEMAN: That's fine.

7 PRESIDING OFCR. IACOPINO: Okay. So,
8 why don't we -- I'm going to consider him to
9 just be in your group for now, with the
10 understanding that he may get moved over to
11 Mr. Block's group.

12 MS. FOSS: Okay.

13 PRESIDING OFCR. IACOPINO: We don't
14 need him to testify more than once. I don't
15 think that his -- it's not like Mr. Kenworthy's
16 testimony, where it clearly is in separate
17 buckets. So, let's do it that way.

18 So, who are the other members of your
19 panel then?

20 MS. FOSS: Doug Bechtel, Francie Von
21 Mertens, Mr. Buscher, and myself.

22 PRESIDING OFCR. IACOPINO: Okay. All
23 right.

24 And, Applicant, how much time do you

1 think you would spend with that panel?

2 MR. NEEDLEMAN: A half hour, 45
3 minutes.

4 PRESIDING OFCR. IACOPINO: Town of
5 Antrim?

6 MR. RICHARDSON: Five minutes.

7 PRESIDING OFCR. IACOPINO: Harris
8 Center, none?

9 MR. FROLING: None.

10 PRESIDING OFCR. IACOPINO: Meteor-
11 ologists?

12 MR. HENDL: I wouldn't expect any.

13 PRESIDING OFCR. IACOPINO: Okay.
14 Abutters?

15 MR. BERWICK: Fifteen minutes.

16 PRESIDING OFCR. IACOPINO: Okay. Mr.
17 Block will have questions, I'm sure. Or, maybe
18 he won't, because he's already one of his
19 witnesses.

20 Stoddard Conservation Commission,
21 this is the Audubon's panel?

22 MR. JONES: Fifteen minutes.

23 PRESIDING OFCR. IACOPINO: Mr.
24 Levesque, Ms. Allen?

1 MR. LEVESQUE: Ten minutes.

2 PRESIDING OFCR. IACOPINO: Lisa?

3 MS. LINOWES: No more than 30
4 minutes.

5 PRESIDING OFCR. IACOPINO: And
6 Counsel for the Public?

7 MS. MALONEY: An hour.

8 PRESIDING OFCR. IACOPINO: And, then,
9 the final witness will be Ms. Connelly, for
10 Counsel for the Public, at least in the initial
11 batting order here.

12 Applicant, how much time do you
13 expect to spend with Ms. Connelly?

14 MR. NEEDLEMAN: Three hours.

15 PRESIDING OFCR. IACOPINO: Town of
16 Antrim?

17 MR. RICHARDSON: Five minutes, maybe
18 ten.

19 PRESIDING OFCR. IACOPINO: Harris
20 Center, none?

21 MR. FROLING: No questions.

22 PRESIDING OFCR. IACOPINO: Meteor-
23 ologists, do you intend to question the
24 aesthetic expert for Counsel for the Public?

1 MR. HENDL: Twenty minutes.

2 PRESIDING OFCR. IACOPINO: Abutters?

3 MR. BERWICK: Fifteen minutes.

4 PRESIDING OFCR. IACOPINO: Mr. Block
5 will have questions, I know that.

6 Mr. Jones, for Stoddard?

7 MR. JONES: This is on --

8 PRESIDING OFCR. IACOPINO: This is
9 Kellie Connelly, the aesthetic expert for
10 Counsel for the Public.

11 MR. JONES: Yes, fifteen minutes.

12 PRESIDING OFCR. IACOPINO: Mr.
13 Levesque, Ms. Allen?

14 MR. LEVESQUE: Not likely.

15 PRESIDING OFCR. IACOPINO: Audubon?

16 MS. FOSS: I'll say 45.

17 PRESIDING OFCR. IACOPINO: And Wind
18 Action?

19 MS. LINOWES: Twenty minutes.

20 PRESIDING OFCR. IACOPINO: Okay. I
21 think that's the entire batting order, in terms
22 of how we're going to go through the hearing.

23 Let's tangent off to order of
24 examination. When the witnesses are up, what's

1 the order we're going to examine them in? Does
2 anybody have any objection to doing that in the
3 same batting -- in the same order that we've
4 just set up the batting order: Applicant;
5 Enman; Town of Antrim, Abutters, Non-Abutters;
6 Stoddard, Levesque/Allen; Meteorologists; Wind
7 Action; Audubon Society; and Counsel for the
8 Public? And, even though Griffin [Giffin?]/
9 Pratt have not filed testimony, we do need to
10 put them in there for cross-examination
11 purposes. And I would suggest they go after
12 Mr. Enman.

13 MR. NEEDLEMAN: Yes. I would expect,
14 for this round of questioning, we would go
15 last, since we have the burden of proof. I
16 think that's how it's happened in the past.

17 PRESIDING OFCR. IACOPINO: Right.
18 But we're starting with -- I'm sorry, I wasn't
19 clear.

20 MR. NEEDLEMAN: Yes.

21 PRESIDING OFCR. IACOPINO: We're
22 starting with your witnesses.

23 MR. NEEDLEMAN: Oh.

24 PRESIDING OFCR. IACOPINO: So, what

1 that would mean is that we would -- the first
2 person to cross-examine would be Enman,
3 followed by Griffin [Giffin?]/Pratt, followed
4 by the Town, --

5 MR. NEEDLEMAN: Yes.

6 PRESIDING OFCR. IACOPINO: --
7 followed by the Abutters.

8 And, then, when we do the other
9 witnesses, so, for instance, when we do, say,
10 Kellie Connelly, we would start with the same
11 thing, except we'd go backwards. So, we would
12 start with Abutters, Non-Abutters, Stoddard,
13 Levesque and Allen, Meteorologists, Wind
14 Action, Audubon Society, followed by -- then,
15 we would go backwards, Griffin [Giffin?]/Pratt,
16 Enman, Applicant. Does that make sense to
17 everybody?

18 MR. NEEDLEMAN: Yes.

19 MS. BERWICK: Could I request that
20 Wind Action be --

21 *[Court reporter interruption.]*

22 MR. BERWICK: I'm sorry. Could I
23 request that the Wind Action Committee be --
24 she's like at the bottom of the list of the

1 intervenors, be near the top, instead of the
2 Abutters first? Could she go before us?

3 The reason is that she always brings
4 things out that sometimes we haven't thought
5 of.

6 PRESIDING OFCR. IACOPINO: All right.
7 But, just so you know, I think there might be
8 some interaction between Counsel for the Public
9 and Wind Action as well. Which was one of the
10 reasons why we put them down toward the end, if
11 I recall correctly. Or was that -- I'm sorry,
12 that's Audubon. I'm sorry.

13 MS. MALONEY: So, what you're saying
14 then is for --

15 PRESIDING OFCR. IACOPINO: For the
16 Applicant's witnesses, the order --

17 MS. MALONEY: -- Applicant's
18 witnesses, is the same order you just --

19 PRESIDING OFCR. IACOPINO: Right.
20 The order would be Enman, --

21 *[Court reporter interruption.]*

22 PRESIDING OFCR. IACOPINO: I'm sorry.
23 For the Applicant's witnesses, it would be
24 Enman first, friendly, so, it shouldn't be a

1 very long cross-examination, Giffin/Pratt,
2 again friendly, Town of Antrim, friendly,
3 followed by the Abutters, the Non-Abutters,
4 Stoddard Conservation Commission, Levesque and
5 Allen, Meteorologists, Wind Action, Audubon,
6 and then you, for their witnesses.

7 MS. MALONEY: Right.

8 PRESIDING OFCR. IACOPINO: And, then,
9 for everybody else's witnesses, it would be,
10 for everybody who's not friendly, because it
11 would be that same order for Enman --

12 MS. BERWICK: We're friendly.

13 PRESIDING OFCR. IACOPINO: No, no,
14 no. I mean "not friendly to the Applicant",
15 okay? So, there are three sets of witnesses
16 that appear to all take the same position, the
17 Applicant, Enman, and Antrim. Okay? For those
18 three sets of witnesses, the order would be
19 Abutter -- I'm sorry, the order would be,
20 obviously, if it's that witness, they're not in
21 the order, but it would be Enman, Giffin/Pratt,
22 Town of Antrim, followed by Abutters,
23 Non-Abutters, Stoddard, Levesque and Allen,
24 Meteorologists, Wind Action, Audubon, and then

1 Counsel for the Public.

2 MS. MALONEY: Right. I got that
3 part.

4 PRESIDING OFCR. IACOPINO: Okay.
5 Which part did I screw up then?

6 MS. MALONEY: I guess just the
7 other -- the intervenors and Counsel for the
8 Public, the order of that.

9 PRESIDING OFCR. IACOPINO: Okay. For
10 your witnesses, let's take Ms. Connelly, for
11 instance. The Applicant would go last.

12 MS. MALONEY: Right.

13 PRESIDING OFCR. IACOPINO: So, when
14 we do this, it would be the friendly cross
15 would go Abutters, Non-Abutters, Stoddard,
16 Levesque and Allen, Meteorologists, Wind
17 Action, Audubon. We would then get into the
18 non-friendly, which would be Antrim -- Town of
19 Antrim, Giffin/Pratt, Enman, and the Applicant
20 going last.

21 MS. MALONEY: Okay. That's for my
22 witness. But for the other intervenors?

23 PRESIDING OFCR. IACOPINO: It would
24 be the same order, except for that witness.

1 So, in other words, it would be -- so, let's
2 take, for instance, the Meteorologists panel,
3 okay? They're up there. We would be going
4 Abutters, Non-Abutters, Stoddard,
5 Levesque/Allen, Wind Action, Audubon, you.
6 Then, Town of Antrim, Giffin/Pratt, Enman, and
7 the Applicant.

8 MS. MALONEY: That's fine. Okay.

9 PRESIDING OFCR. IACOPINO: I'm sorry,
10 and I've excluded you, because you're not on
11 our batting order. So, where would like to go?

12 MR. FROLING: Between the friendly
13 and the unfriendly.

14 PRESIDING OFCR. IACOPINO: And I do
15 think that makes sense. I do think that makes
16 sense. And I'm very sorry, because --

17 MR. FROLING: That's okay.

18 PRESIDING OFCR. IACOPINO: -- because
19 I was trying to work off the paper.

20 MR. FROLING: We don't expect to
21 anything, but we'd like to be asked.

22 PRESIDING OFCR. IACOPINO: And that
23 is, we would have the buffer of the Harris
24 Center in between the friendlies and the

1 non-friendlies, how's that? Okay?

2 MS. LAW: Mike?

3 PRESIDING OFCR. IACOPINO: Yes.

4 MS. LAW: Will we be -- will you be
5 posting this or sending it out in the near --

6 PRESIDING OFCR. IACOPINO: I'm hoping
7 to put together an order --

8 MS. LAW: Okay.

9 PRESIDING OFCR. IACOPINO: That will
10 be signed off by the Chair, assuming he agrees
11 with us.

12 MS. LAW: Okay.

13 PRESIDING OFCR. IACOPINO: Okay?

14 MS. LAW: Thank you.

15 PRESIDING OFCR. IACOPINO: Okay. I
16 think we've got the batting order. I think
17 we've got the witness examination order.

18 The next thing I would like to turn
19 to, unless anybody thinks there's something
20 else we should discuss first, is exhibits?

21 Mr. Richardson.

22 MR. RICHARDSON: If I may? Just I
23 want to reflect on something, now that we've
24 gone through in the amount of time that's

1 expected and the amount of cross and friendly
2 cross.

3 Would it make sense to have there
4 essentially be no friendly cross, or to have
5 the parties request it? Because I honestly
6 think, like, if we -- I mean, I'm worried that
7 there's going to be objections every time
8 friendly cross happens, especially if it's
9 extensive, where somebody, you know, the Town
10 or the Applicant might say "Wait a minute, this
11 is really direct testimony that we're seeing."
12 And, so, we're going to have a lot of
13 procedural back-and-forth.

14 I can understand at the same time,
15 maybe there are parties who will want to say
16 "Look, there's a legitimate reason why we
17 couldn't have put this in prefiled testimony or
18 got this during the technical session."

19 And, so, I wonder if we just want to
20 have a stipulation that there's no friendly
21 cross, and we could get through this in the
22 dates that are scheduled. And, if any party
23 wants to ask for friendly cross, we could just
24 say "look, file a motion by an agreed-upon

1 date."

2 MS. BERWICK: Oh, jeez.

3 MR. RICHARDSON: I just throw that
4 out there, if that makes sense. Because I
5 think we're looking at a very long process,
6 where I think there's going to be a lot of
7 objections to friendly cross as inappropriate,
8 basically, direct testimony.

9 PRESIDING OFCR. IACOPINO: Counsel
10 for the Public, --

11 MS. MALONEY: I guess --

12 PRESIDING OFCR. IACOPINO: -- you
13 raised your hand first.

14 MS. MALONEY: I think that we should
15 let the Chair make those determinations. And I
16 think that we're going to end up with arguments
17 throughout about what is friendly cross and
18 what isn't. There are people here, most of the
19 participants are not attorneys. I think they
20 should have a right to ask some questions. I
21 think that it's up to the Chair and the
22 Committee to determine, you know, how much they
23 want to hear during the testimony. But we
24 really have to have a full and fair hearing.

1 And I don't want people, who may have some
2 questions and they be legitimate, and it might
3 be part of the direct testimony, but it needs
4 to be re-brought out at a certain point. I
5 think that, as long as it's not overdone, and I
6 think the Chair is capable of making those
7 determinations as the process goes on.

8 I think the participants should have
9 an opportunity to ask questions, and understand
10 what the difference between cross-examination
11 and friendly cross is, and some of them don't
12 understand that right now. So, I mean, I think
13 that if it's just regurgitating direct
14 testimony or if it's a clarification, I think
15 that's a legitimate form of inquiry.

16 So, I think that's part of this
17 process. Yes, it's a long, grueling process.
18 And a lot of these people have been through it
19 before, and the Applicant has been through it
20 before. But that's what it is.

21 PRESIDING OFCR. IACOPINO: Ms.
22 Linowes, you had had your hand up, too. Has
23 your point already been made?

24 MS. LINOWES: Yes, it has been. I

1 will just make the -- add on that. We went
2 through the process in 2012. There was
3 friendly cross, where everyone had a chance.
4 And I don't recall it being onerous, and a lot
5 of -- I don't remember a lot of objections at
6 the time. I think it was well-organized.

7 PRESIDING OFCR. IACOPINO: Okay. Ms.
8 Longgood or Ms. Berwick, one of you had your
9 hand raised, too.

10 MR. BERWICK: Yes. I would object to
11 that strongly.

12 PRESIDING OFCR. IACOPINO: So,
13 Mr. Richardson, I'm not seeing a stipulation.
14 And, in the absence of a stipulation, I don't
15 think that you're going to get -- I mean, you
16 could file a motion to eliminate friendly
17 cross. I highly doubt that it would be
18 granted, only because of due process concerns.

19 But I will point out to everybody
20 that cross-examination, when it's a party that
21 you support, is not really cross-examination at
22 all. And that, to the extent your objective is
23 to simply reiterate the points that that
24 witness has probably already made in their

1 direct testimony, the patience of the Chair is
2 not going to last long for that. Because one
3 of the reasons why we set these hearings up the
4 way that we do is so that everybody knows what
5 the direct testimony is in advance. And it's
6 really not -- it's not fair to the Committee,
7 in actuality, for you just to ask the same
8 questions that they've already answered in
9 their direct testimony a different way. It's
10 just not -- it's not fair to the Committee.
11 You won't make any friends doing that. So,
12 I'll give you that as a piece of nonlegal
13 advice on just human relationships.

14 But, you know, I will just warn
15 everybody that there is, and, you know, I've
16 noted it, too, as we've gone through these
17 times, people reserving or claiming to reserve
18 a lot of time for a cross-examination that
19 appears is going to be friendly, in that you're
20 own the same side of that particular issue.

21 So, I will just caution you all that,
22 you know, I doubt that there will be any broad
23 order stating "there will be no friendly
24 cross", because I think that does raise due

1 process issues. I don't make those decisions.
2 Mr. Scott may come out here on the morning of
3 the hearings and say "no friendly cross".

4 MR. RICHARDSON: And, just to be
5 clear, I mean, what I'm most concerned about is
6 new information, which is a significant due
7 process issue. I mean, everyone's had the
8 opportunity to submit two rounds of testimony.
9 What I'm mostly concerned about is is, you
10 know, some of the longer friendly crosses
11 becoming an opportunity to present new
12 information that none of us have had an
13 opportunity to prepare for.

14 PRESIDING OFCR. IACOPINO: Well, and
15 if that -- any time that that occurs, it's
16 incumbent upon you to object and make the
17 objection and let the Chair make the ruling. I
18 mean, that's something that we can't always
19 guard against, because sometimes it's just the
20 nature of the beast. Somebody asks a question
21 and the witness goes in a direction that was
22 not expected.

23 MR. RICHARDSON: I think, in the
24 absence of, you know, even a stipulation, it

1 might be helpful to have, either in a
2 recommendation to the Committee or at the
3 opening of the hearing, you know, kind of an
4 understanding of what the ground rules are.
5 Because I don't want to, you know, forgo
6 opportunities for friendly cross, which are
7 generally done in the time amounts, and then
8 have everyone else do it. That's really what
9 I'm trying to get at.

10 PRESIDING OFCR. IACOPINO: I'm going
11 to leave that to the Chair, okay?

12 MR. RICHARDSON: Okay.

13 PRESIDING OFCR. IACOPINO: Because
14 he's going to be controlling the hearing, not
15 me. In my opportunity here, I think I've
16 already explained to everybody what I expect
17 friendly cross-examination to not be. And I am
18 pretty sure that our Chair is fairly seasoned.
19 He's conducted a lot of hearings in his old job
20 and in his current job. So, I suspect that he
21 knows friendly cross when he hears it. And, if
22 it's not something that is admissible, or if it
23 is just duplicative or a waste of time, he's
24 going to stop it. And that's what I expect

1 will occur.

2 But he will also see, in some form or
3 another, or hear about the timeframes that
4 we're looking at here. Because that, of
5 course, is important to him and to our entire
6 Committee. And I thank you all for
7 participating in this somewhat tedious process
8 that we've been going through this morning.

9 I think we only have one other issue
10 that's going to be just as tedious, and I hope
11 to get you all out of here in the next 30
12 minutes, is exhibits. I sent around an e-mail.
13 And I understand some people didn't get it. If
14 I screwed that up, I'm sorry.

15 But I had asked that all of the
16 parties prepare, first of all, a copy of your
17 exhibits for the other parties. And, then, if
18 you could provide me with a exhibit list, and a
19 hard copy of your exhibits as marked, and then
20 an electronic copy. And I suggested that the
21 electronic copies be provided by thumb drive.

22 So far, I have the Non-Abutters,
23 which Mr. Block put together and Mr. Cleland
24 brought over to me.

1 I have Antrim -- Town of Antrim's --
2 the Town of Antrim's, although I don't have
3 electronically, but that's okay for me, because
4 I already have this in an electronic format.

5 So, what I'm going to do is I'm going
6 to go around the room and just ask where we are
7 on exhibits. I'm going to start with the
8 Applicant, okay. So, do you have all three
9 things? A list, --

10 MS. WALKLEY: Yes.

11 PRESIDING OFCR. IACOPINO: -- a thumb
12 drive and a hard copy?

13 MS. WALKLEY: Yes.

14 PRESIDING OFCR. IACOPINO: Okay. If
15 you could just put it, yes, right on it.

16 Justin, I've -- and you've made this
17 available to the rest of the parties, is that
18 correct?

19 MR. RICHARDSON: I'm actually just --

20 PRESIDING OFCR. IACOPINO: I'm
21 talking to the Applicant right now.

22 MS. WALKLEY: I have them here to
23 hand out.

24 PRESIDING OFCR. IACOPINO: Okay.

1 Okay. Great.

2 Justin, I understand you've provided
3 me with the two hard copies. And what I have
4 is "Antrim 1" being the Testimony of Everett
5 Thurber; "Antrim 2", the Testimony of the Board
6 of Selectmen; and "Antrim 3", Supplemental
7 Testimony of the Board of Selectmen. And those
8 are the only three exhibits. You don't have a
9 thumb drive today.

10 MR. RICHARDSON: I'm about to e-mail
11 the links to the website to the entire service
12 list, so everyone will have it. And they
13 already have all of the documents, so --

14 PRESIDING OFCR. IACOPINO: These are
15 documents that have already been filed in the
16 case. Does anybody have a problem with getting
17 them off of the website and Justin will send
18 you a link?

19 *[No verbal response.]*

20 PRESIDING OFCR. IACOPINO: Okay.
21 Meteorologists, you gave me something, didn't
22 you?

23 MR. HENDL: Yes.

24 PRESIDING OFCR. IACOPINO: Oh, you

1 still have it. Okay. I thought you handed it
2 to me already. Thank you, sir. And is this a
3 list -- that's right, he has 13 thumb drives in
4 here.

5 MR. HENDL: Well, there's a list of
6 the exhibits, a copy of the exhibits, and
7 there's nine thumb drives in there. I can give
8 you another four, if you want?

9 PRESIDING OFCR. IACOPINO: Forgive
10 me, I only needed one thumb drive, --

11 MR. HENDL: Oh. You only needed one,
12 okay.

13 PRESIDING OFCR. IACOPINO: --
14 assuming they all have the same thing. My
15 question is is have these things been provided
16 to the other parties?

17 MR. HENDL: Not in hard copy and not
18 in -- no. The answer is "no".

19 PRESIDING OFCR. IACOPINO: You're
20 going to need to make provisions, you or
21 Mr. Ward, are going to need to make provisions
22 to get these out to the other parties.

23 MS. BERWICK: Isn't that what the
24 thumb drives would be?

1 MR. HENDL: A hard copy or thumb
2 drive or --

3 PRESIDING OFCR. IACOPINO: Depends on
4 what they want. Actually, I only need one
5 thumb drive. So, anybody who wants to take a
6 copy -- here, let's do this. I'm assuming that
7 what's on paper is in the thumb drives?

8 MR. HENDL: That's what I was told.

9 PRESIDING OFCR. IACOPINO: So, I'm
10 going to give you all these thumb drives back.
11 All right.

12 MR. HENDL: You keep one.

13 PRESIDING OFCR. IACOPINO: For the
14 record, I'm handing him --

15 MR. HENDL: A bunch. You going to
16 keep one? Okay.

17 PRESIDING OFCR. IACOPINO: -- handing
18 him eight thumb drives, which you can
19 distribute to the other parties, which I
20 understand should contain everything.

21 MR. HENDL: Yes.

22 PRESIDING OFCR. IACOPINO: I'm
23 keeping one. Just a word of wisdom to
24 everybody. These are all -- they appear to be

1 thumb drives of various age and use. So, I
2 would check them for viruses before you do
3 anything else with them, okay?

4 MS. LINOWES: Mike, what are -- this
5 is one applicant -- one of the parties?

6 PRESIDING OFCR. IACOPINO: That
7 should be, what you don't have there is a hard
8 copy of his list of exhibits, which I'm seeing
9 for the first time today, which is his list of
10 exhibits go from MI 1 to MI 17.

11 MS. LINOWES: So, this is
12 Meteorologists' exhibits?

13 PRESIDING OFCR. IACOPINO: Yes. And
14 what his -- at the bottom of his list he has a
15 note that says: "These are courtesy copies of
16 potential exhibits for my own cross-examination
17 of other parties and for my cross-examination
18 of AWE witnesses." I don't know what they are.
19 MI 1 is prefiled testimony. But, after that,
20 there are letters and just places that are
21 listed.

22 So, you all will have to look. And
23 if you have objections at the time, you're
24 going to have to make those objections. But it

1 appears to be the Meteorologists' prefiled
2 testimony. And just, if I randomly look at it,
3 guess what it is, it's climate information,
4 okay?

5 So, Mr. Ward's note at the bottom of
6 his list says he "intends to use it for
7 cross-examination", but you should all have it.
8 If you don't have MI 1 through MI 17 on those
9 thumb drives, let me know by e-mail, and copy
10 all the rest of the parties.

11 MS. LINOWES: Excuse me, Mike. Okay.
12 I have all of the exhibits. I have 17
13 exhibits, in hard copy, and also a thumb drive
14 for you. And I have -- two of those documents
15 are confidential.

16 PRESIDING OFCR. IACOPINO: Okay.

17 MS. LINOWES: And I did not make
18 electronic copies of those.

19 PRESIDING OFCR. IACOPINO: That's
20 fine.

21 MS. LINOWES: So, I'm just -- I'm not
22 sure how to distribute it. So, --

23 PRESIDING OFCR. IACOPINO: I'm going
24 to go from the back of the room up, okay?

1 MS. LINOWES: Oh, you are?

2 PRESIDING OFCR. IACOPINO: So, let's
3 get to you last. Because I want to just do
4 this in the order that I'm going.

5 So, the Abutters, Ms. Berwick is
6 approaching me with a large box.

7 MR. BERWICK: Hard copies, --

8 PRESIDING OFCR. IACOPINO: Much
9 appreciated. Okay. So, that's one hard copy.

10 MS. BERWICK: -- prefiled, and then
11 your copy.

12 PRESIDING OFCR. IACOPINO: Okay.

13 MS. BERWICK: And, then, this is for
14 everybody else.

15 PRESIDING OFCR. IACOPINO: Okay.
16 Now, before you start passing those out,
17 Ms. Berwick. Let me just ask you a question.

18 MS. BERWICK: Yes.

19 PRESIDING OFCR. IACOPINO: Much of
20 what appears to be on your list is testimony of
21 other -- witnesses from other parties.

22 MS. BERWICK: Exactly.

23 PRESIDING OFCR. IACOPINO: Is that
24 the entire testimony or is it excerpts?

1 MS. BERWICK: Okay. It's the entire
2 thing. The first 36 -- I understood your
3 e-mail to be that the only thing that was
4 included that we did not have to copy was the
5 actual Application, which would be like the
6 second page when you go, you know, you click on
7 the top.

8 PRESIDING OFCR. IACOPINO: Under-
9 stood.

10 MR. BERWICK: So, anything else that
11 I -- I made mistakes the entire way through
12 about not submitting things. So, I wanted to
13 make sure I submitted everything I wanted to
14 ask a question on.

15 PRESIDING OFCR. IACOPINO: I think
16 you've probably submitted more than you needed
17 to.

18 MS. BERWICK: Probably, yes. You got
19 it.

20 PRESIDING OFCR. IACOPINO: But it's
21 not a problem. We can deal with it. Thank you
22 very much. And I'm sorry if my instructions
23 were confusing.

24 MS. BERWICK: It's just I'm not a

1 lawyer, that's all.

2 PRESIDING OFCR. IACOPINO: No, it's
3 probably my instructions.

4 Mr. Block has dropped off, as I
5 already explained, I have this. I don't know,
6 did the other parties get copies of these,
7 Mr. Block's materials? No?

8 MS. LAW: I believe that everything
9 there has been electronically sent to the SEC.
10 And, so, that's what that is.

11 PRESIDING OFCR. IACOPINO: After we
12 adjourn, I will open up Mr. Block's thing here,
13 and everybody can take a look to make sure
14 everybody's got what's in here. He does have
15 a -- there is an issue going on with his
16 ability to be here. And I did tell him that I
17 would do the best that I could to make sure
18 that his material is disseminated and taken
19 care of, okay?

20 So, Stoddard Conservation Commission.
21 Oh, and by the way, we have a handwritten list
22 of the Non-Abutters' exhibits as well, because
23 I guess Mr. -- these weren't included in --

24 MS. LAW: No. Those are ours for --

1 that's our prefiled testimony and --

2 PRESIDING OFCR. IACOPINO: Okay.

3 MS. LAW: -- supplemental exhibits.

4 PRESIDING OFCR. IACOPINO: Okay.

5 MR. JONES: I have the list and the
6 thumb drive.

7 PRESIDING OFCR. IACOPINO: Okay. And
8 do you have copies for everybody else?

9 MR. JONES: I do not.

10 PRESIDING OFCR. IACOPINO: Okay.

11 MR. JONES: I mean, everybody has
12 been sent all this time stuff via e-mail.

13 PRESIDING OFCR. IACOPINO: On this
14 list, Stoddard has a letter from the Stoddard
15 Conservation Select -- a letter from the
16 Stoddard Selectmen of August 22, 2016
17 supporting the Conservation Commission's
18 position. They have "Exhibit B", a PowerPoint
19 in PDF format, which I understand may be the
20 subject of a pending motion. And we've got
21 "Exhibit C" being the "Prefiled Testimony of
22 the Stoddard Conservation Commission". And,
23 then, "Exhibit D" being "Wind Energy
24 Development and Wildlife Conservation", an

1 article by --

2 MR. JONES: Journal of Wildlife
3 Management.

4 PRESIDING OFCR. IACOPINO: -- Journal
5 of Wildlife Management, "Challenges and
6 Opportunities". So, and you're saying you've
7 provided this to everybody electronically in
8 the past?

9 MR. JONES: It's all been. Yes.

10 PRESIDING OFCR. IACOPINO: Okay.
11 Does anybody think that they don't have any of
12 these particular exhibits?

13 *[No verbal response.]*

14 PRESIDING OFCR. IACOPINO: Okay.

15 MS. MALONEY: Just as long as that
16 list goes on the website, we can just pull it
17 off.

18 PRESIDING OFCR. IACOPINO: Well, the
19 thing is, I don't have it in paper format here
20 either, but that's okay. I can work with that.
21 The question is, whether the other parties can,
22 so that's why I'm asking.

23 Any complaints? Any objections?

24 *[No verbal response.]*

1 PRESIDING OFCR. IACOPINO: All right.
2 Where were we? We'll go to Mr. Levesque and
3 Ms. Allen next.

4 MR. LEVESQUE: Here you go. There's
5 your thumb drive and there's the list.

6 PRESIDING OFCR. IACOPINO: Okay. And
7 have these --

8 MR. LEVESQUE: And we've got copies
9 we're handing out.

10 MS. ALLEN: We have copies for
11 everybody. Does he get a copy?

12 PRESIDING OFCR. IACOPINO: I don't
13 need that, I don't think. All right. Thank
14 you.

15 Audubon. Okay. And have these been
16 provided to everybody, or you're about to.
17 Okay. Great.

18 Wind Action.

19 MS. LINOWES: These are the
20 confidential documents.

21 PRESIDING OFCR. IACOPINO: Okay.
22 With confidential documents, you just hold on
23 to those.

24 MS. LINOWES: Okay.

1 PRESIDING OFCR. IACOPINO: And show
2 them to, obviously, to the other side, if you
3 can.

4 And I don't want to take them right
5 now, because where this is going is going to be
6 somewhere else.

7 So, she's given me a thumb drive and
8 a hard set of exhibits. And do you have copies
9 for everybody?

10 MS. LINOWES: I would like to --

11 *[Court reporter interruption.]*

12 PRESIDING OFCR. IACOPINO: Okay.

13 MS. LINOWES: Sorry.

14 PRESIDING OFCR. IACOPINO: Speak up.

15 MS. LINOWES: I would like to
16 electronically send them, if people don't have
17 a problem with that.

18 PRESIDING OFCR. IACOPINO: Does
19 anybody have an objection if Ms. Linowes sends
20 you by e-mail what she just provided to me,
21 which are Exhibits WA-1 through 17, the first
22 four of which -- I'm sorry, first three are her
23 testimony, and a portion of her supplemental
24 testimony is confidential, so I assume you will

1 not be sending that. Then, the proforma
2 scenarios is Exhibit 4, which are confidential,
3 which will not be sent. But, then, the balance
4 of the exhibits are, Exhibit 5, "Why NearField
5 Measurements and Noise Model"; 6, "Wallace
6 Noise Modeling"; 7, "SWT-Acciona Compare";
7 Exhibit 8, "AWE Response to Data Requests";
8 Exhibit 9, "Andrew Timmins e-mail"; Exhibit 10,
9 "Thurber Responses to WindAction Data Requests
10 Updated"; Exhibit 11, "Town of Antrim Responses
11 to Tech Session Requests". And are these the
12 complete documents or excerpts?

13 MS. LINOWES: Yes. Electronically,
14 they're the complete documents.

15 PRESIDING OFCR. IACOPINO: Okay.

16 MS. LINOWES: Printed out, I only
17 grabbed what I needed. Some of those are
18 pretty voluminous.

19 PRESIDING OFCR. IACOPINO: Keep your
20 voice up for Steve.

21 MS. LINOWES: Oh. I'm sorry.

22 PRESIDING OFCR. IACOPINO: Exhibit
23 12, the "Massachusetts CEC Wind Turbines
24 Acoustics Study"; Exhibit 13, "Hessler-Buckeye

1 Noise Analysis"; Exhibit 14, "Hermanville PEI
2 ELJ" appendix; Exhibit 15, is the "Mason
3 County" letter; and some of these I'm
4 shortening the names, Exhibit 16, Wall Street
5 Journal RWE -- I'm sorry. "WSJ - RWE profit
6 plunges on trading units' losses", which
7 appears to be an article from the Wall Street
8 Journal; and Exhibit 17, "The final days of
9 RWE", from, I assume, Clean Energy Wire is a
10 publication of some sort?

11 MS. LINOWES: Yes, they are.

12 PRESIDING OFCR. IACOPINO: And you're
13 going to make all these non-confidential
14 exhibits available by e-mail to the rest of the
15 parties?

16 MS. LINOWES: Absolutely.

17 PRESIDING OFCR. IACOPINO: You do not
18 need to copy me. Please do not keep the
19 Committee when you do that.

20 MS. LINOWES: Okay.

21 PRESIDING OFCR. IACOPINO: We'll take
22 care of them, getting them. We'll deal with
23 the confidential exhibits on the day that you
24 actually use them. Okay?

1 MS. LINOWES: Okay. So, I don't have
2 to talk to the Applicant now?

3 PRESIDING OFCR. IACOPINO: Well, I
4 would show the Applicant what you're using, --

5 MS. LINOWES: Okay.

6 PRESIDING OFCR. IACOPINO: -- and
7 Counsel for the Public, because they're the
8 only two parties that can see it.

9 MS. LINOWES: Okay.

10 PRESIDING OFCR. IACOPINO: And so
11 that they will know that it's coming. But I
12 just don't -- I don't want those floating
13 around, because these exhibits are going --
14 there are people who shouldn't be seeing those
15 exhibits that are going to be handling these
16 exhibits. And, so, I just don't want to take
17 possession of them right now.

18 MS. LINOWES: Okay.

19 PRESIDING OFCR. IACOPINO: Okay?

20 MS. LINOWES: Thank you.

21 PRESIDING OFCR. IACOPINO: And, then,
22 Counsel for the Public, what are we going to
23 do?

24 MS. MALONEY: I apologize.

1 PRESIDING OFCR. IACOPINO: No
2 problem. I understand it's only one exhibit,
3 correct?

4 MS. MALONEY: It's one exhibit. It's
5 the prefiled testimony and the three
6 attachments, which is the Visual Impact
7 Assessment, her CV, and I think Jean
8 Vissering's report was attached to that as
9 well.

10 In addition, we're going to be
11 providing the Applicant with some supplemental
12 responses to the database [data requests?].
13 It's one sheet, and everybody will be getting
14 that as well, and it should be coming in today
15 or tomorrow. But that will be part of as sort
16 of discovery.

17 PRESIDING OFCR. IACOPINO: So, that's
18 not something that you anticipate --

19 MS. MALONEY: I'm not --

20 PRESIDING OFCR. IACOPINO: -- using
21 as an exhibit during the course of the hearing?

22 MS. MALONEY: No. But I just wanted
23 to let people know that was coming. So, I am
24 sorry, I don't have a list or a thumb drive or

1 even a CD. Everybody has received this by way
2 of CD and hard drive.

3 And, if anybody hasn't, and would
4 like me to submit a copy to them directly, I
5 would be happy to do that.

6 PRESIDING OFCR. IACOPINO: Just so I
7 make it very clear to everybody, what the
8 Committee is going to be getting by Friday,
9 they're going to get a complete copy of all of
10 these exhibits that you have just submitted.
11 Certain members of the Committee like it on a
12 thumb drive, certain members of the Committee
13 like them in notebooks. I try to please my
14 Committee members. Some want both. So, they
15 will have the exhibits by Friday, that's my own
16 internal deadline to get them to them.

17 And the reason why I do it that way
18 is so that, during the course of the hearings,
19 they can pull these, when the exhibits are
20 referenced, they can pull them up on their own
21 accord right here at their stations, and we
22 don't have to make a big deal about holding up
23 a document or, in most cases, passing a
24 document around that should take, you know,

1 that will take a half an hour for everybody to
2 look at and read, when you can take five
3 minutes and each of them has it right in front
4 of them. And it avoids passing out copies
5 during the course of the hearing. And it
6 avoids the clean-up that goes on afterwards, in
7 other words, copies are basically just left on
8 the desk and official copy goes off to the
9 docket room.

10 So, I think we've got all the
11 exhibits. Any concerns about exhibits?

12 Mr. Richardson.

13 MR. RICHARDSON: Does it make sense
14 for the Committee to put the exhibit lists that
15 I think you received today, I'm not talking
16 about the exhibits on the website, just so they
17 can be downloaded. I don't know, obviously,
18 what's on these drives, and I'm hoping they're
19 there.

20 PRESIDING OFCR. IACOPINO: What will
21 happen is, all of these lists that I have
22 received today will be condensed into a single
23 list, --

24 MR. RICHARDSON: Okay.

1 PRESIDING OFCR. IACOPINO: -- by
2 party, and that will go on the website. And it
3 will be used by the Committee during the course
4 of our proceedings. Which means that there may
5 actually be some changes in the designation. I
6 know some people use letters instead of
7 numbers, but it won't be anything major.

8 MR. RICHARDSON: That would be
9 helpful. Just for setting up, you know,
10 potentially creating the same type of filing
11 system that the Committee would have. If we
12 all have that same list, that would be -- that
13 would be great.

14 PRESIDING OFCR. IACOPINO: There will
15 be one master list that will be submitted to
16 everybody.

17 Now, of course, you know, if somebody
18 comes up with an exhibit, you know, halfway
19 through the hearing or towards the end of the
20 hearing, and it's allowed, that's not going to
21 be on there. And we're not -- we might go back
22 and amend that list, but it may not also.

23 But you can rest assured that, in the
24 event of an appeal, anything that was marked as

1 an exhibit and is required to be sent up as
2 part of the record to an appellate court will
3 be sent up.

4 Counsel for the Public.

5 MS. MALONEY: I just had a question.
6 If there were going to be demonstratives, if
7 there's a process for that, these would not be
8 exhibits that would be entered into, is there a
9 process for that?

10 PRESIDING OFCR. IACOPINO: As with
11 anything, I would first talk to the other
12 parties, see if they object. If there's no
13 objection, it's easy enough to tell the Chair
14 "I've discussed this, there's no objection to
15 me using this chart", or whatever it happens to
16 be, and using it.

17 If there's objections, then we'll
18 have to deal with it on an exhibit by exhibit
19 basis.

20 MS. MALONEY: Okay. Thanks.

21 PRESIDING OFCR. IACOPINO: Let me
22 give you one thing, and probably you guys
23 shouldn't be arguing over. If something is
24 just a blow-up of something that you're going

1 to admit as an exhibit anyway, and you've just
2 blown it up for demonstrative or persuasive
3 purposes here, that's obviously not something
4 that should take up a lot of the Committee's
5 time.

6 MS. MALONEY: Okay.

7 PRESIDING OFCR. IACOPINO: Lisa.

8 MS. LINOWES: I just wanted to tell
9 you and tell the other members -- other
10 parties, that, in my prefiled testimony, I
11 included exhibits that were referenced as part
12 of the prefiled testimony. And I called those
13 called those, I think, "Exhibit 1",
14 "Exhibit 2", I don't remember. And, then,
15 also, for supplemental, I used a similar
16 numbering system and put an "S" after it.

17 I treated those exhibits, which are
18 part of the supplement -- or, part of the
19 prefiled testimonies as part of that one
20 exhibit. So, just not to confuse them with the
21 other exhibits.

22 PRESIDING OFCR. IACOPINO: And I
23 think everybody, for the most part, did the
24 same thing, --

1 MS. LINOWES: Okay.

2 PRESIDING OFCR. IACOPINO: -- Ms.
3 Linowes. I think that's -- I had that -- a
4 number of people called and asked me that
5 question, and that was the answer that they
6 got. Was that, if it was attached to the
7 prefiled testimony, just call it one exhibit,
8 and --

9 MR. RICHARDSON: I heard it a little
10 differently. Lisa, were you saying that you
11 included in your exhibits documents that were
12 only referenced in the prefiled testimony, but
13 not attached to it?

14 MS. LINOWES: But they were actually
15 attached as well.

16 MR. RICHARDSON: Okay. That's fine.

17 PRESIDING OFCR. IACOPINO: Yes, she
18 said "attached".

19 Okay. Any other questions about
20 exhibits or concerns?

21 *[No verbal response.]*

22 PRESIDING OFCR. IACOPINO: Any other
23 issues that you all think we should discuss
24 here today? Because our next meeting together

1 is going to be on the 13th, and we're going to
2 start the hearing.

3 Lisa, you raised your hand.

4 MS. LINOWES: I just had a question
5 about open data requests, and those getting
6 honored.

7 PRESIDING OFCR. IACOPINO: There is
8 a -- our rule requires a continuing
9 supplementation of data requests with
10 responses. If new information is obtained, and
11 it's responsive to a data request, you should
12 be providing that information to the other
13 parties. That's one of our rules.

14 MS. LINOWES: So, if I could just ask
15 then, I think I heard earlier today that the
16 Siemens contract was not made available to me
17 because it had not been signed. I don't recall
18 that being part of the discussion, that it
19 could not be shared until it was signed.

20 PRESIDING OFCR. IACOPINO: I don't --
21 there haven't been any motions filed on this
22 issue, as far as I know, is that correct?

23 MR. NEEDLEMAN: No.

24 PRESIDING OFCR. IACOPINO: Okay.

1 So, --

2 MS. LINOWES: Well, it's all part of
3 what was promised.

4 PRESIDING OFCR. IACOPINO: Wait.
5 Wait.

6 MS. LINOWES: Okay.

7 PRESIDING OFCR. IACOPINO: Right.
8 But there's a process, okay. The process is,
9 if there's a data request, and there's not a
10 response or there's an objection, there's a
11 motion to compel process to go through, okay?
12 If it -- I mean, that doesn't relieve anybody
13 of their obligation to seasonably supplement,
14 if new information is available. But there is
15 a process.

16 And I suggest that, if there are
17 difficulties between the parties about
18 discovery, follow that process. And, if, you
19 know, whether you're in time or out of time,
20 whatever, you should probably put it in the
21 form of a motion --

22 MS. LINOWES: Okay.

23 PRESIDING OFCR. IACOPINO: -- to be
24 resolved by the Chair.

1 Mr. Levesque.

2 MR. LEVESQUE: So, we agreed on an
3 order of witnesses for the proceedings. But,
4 after the than 29th of September, we didn't
5 talk about any dates at all in October. And
6 when are we going to do that?

7 PRESIDING OFCR. IACOPINO: We have --
8 we're not going to probably do that until the
9 hearings start. And the reason for that is
10 because we don't have a firm grasp on the
11 availability of our Committee after the 29th.
12 We only have confirmation through the 29th.

13 There may be further information
14 coming out, that's in Ms. Monroe's hands at
15 this point, and there may be further
16 information coming out about that. But she
17 will, as more dates are -- as we learn of more
18 available dates to the Committee, you all will
19 learn of them as well, and we'll schedule them.
20 It's the best we can do.

21 And, then, at that point, if there
22 are scheduling issues, we'll have to deal with
23 them on an ad hoc basis.

24 But the batting order will be put

1 into writing that we did today. And so that
2 we'll, at the very least, we'll have an
3 organized system to work off of, if we do have
4 to change things.

5 Any other questions? Scheduling?
6 Exhibits? Witnesses?

7 *[No verbal response.]*

8 PRESIDING OFCR. IACOPINO: Did I
9 forget anything?

10 MS. MALONEY: Are you coming tomorrow
11 on the site visit?

12 PRESIDING OFCR. IACOPINO: I don't
13 know. There is a site visit scheduled
14 tomorrow. Be in Antrim, at the Town Hall, at
15 9:00 a.m., if you wish to attend.

16 MR. RICHARDSON: I think there was
17 limited space on that.

18 PRESIDING OFCR. IACOPINO: Yes.
19 You're the only person who didn't respond,
20 Justin, but we saved you a seat.

21 MR. RICHARDSON: Okay. No, no. I
22 just mention that, if new people were planning
23 on just showing up, I got a confirmation that
24 there wasn't space available. So, --

1 PRESIDING OFCR. IACOPINO: Let me
2 just see if I missed anything here.

3 (Short pause.)

4 PRESIDING OFCR. IACOPINO: I don't
5 think that I did. Unless, in the time that
6 we've been here today, anybody has decided they
7 want to enter into any stipulations?

8 [No verbal response.]

9 PRESIDING OFCR. IACOPINO: I would
10 say that we are pretty much done. And our next
11 meeting, as far as being in a hearing room,
12 will be on the 13th.

13 So, we are adjourned. Thank you.

14 **(Whereupon the prehearing**
15 **conference was adjourned at 1:30**
16 **p.m.)**

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