

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

**STATE OF NEW HAMPSHIRE**

**SITE EVALUATION COMMITTEE**

**April 26, 2017 - 1:15 p.m.**  
Public Utilities Commission  
21 South Fruit Street Suite 10  
Concord, New Hampshire

*{Electronically filed on 05-16-17}*

**IN RE: SEC DOCKET NO. 2015-04**  
**APPLICATION OF PUBLIC SERVICE**  
**COMPANY OF NEW HAMPSHIRE d/b/a**  
**EVERSOURCE ENERGY FOR A**  
**CERTIFICATE OF SITE AND FACILITY.**  
*(Public Meeting of Subcommittee*  
*members regarding pending*  
*agency requests, suspension of*  
*the statutory timeframes in*  
*RSA 162-H:14, and any other*  
*matters lawfully before the*  
*Committee)*

**PRESENT:**

**SITE EVALUATION COMMITTEE:**

|   |                          |
|---|--------------------------|
| Cmsr. Robert R. Scott                   | Public Utilities Comm.   |
| <i>(Presiding as Presiding Officer)</i> |                          |
| Dir. Elizabeth Muzzey                   | Dept. of Cultural Res./  |
|   | Div. of Historical Res.  |
| David Shulock, Designee                 | Public Util. Comm./Legal |
| Charles Schmidt, Designee               | Dept. of Transportation  |
| Patricia Weathersby                     | Public Member            |

**ALSO PRESENT FOR SEC:** Michael J. Iacopino, Esq.  
(Brennan Lenehan)

Pamela G. Monroe, Admin.

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

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

**APPEARANCES:**

Reptg. Counsel for the Applicant:  
Barry Needleman, Esq. (McLane Middleton)  
Dena Champy, Project Director

**Reptg. Counsel for the Public:**

Peter C.L. Roth, Esq.  
Sr. Asst. Attorney General  
N.H. Department of Justice

**Reptg. University of N.H. and Town of Durham:**

Douglas L. Patch, Esq. (Orr & Reno)

**Reptg. the Darius Frink Farm:**

Helen Frink

**Reptg. Durham Point/Little Bay Abutters:**

Vivian Miller

**OTHER APPEARANCES:**

Dan Westervelt (Toxics Action Center)

**I N D E X**

|    | <b>PAGE NO.</b> |
|----|-----------------|
| 1  |                 |
| 2  |                 |
| 3  |                 |
| 4  |                 |
| 5  |                 |
| 6  |                 |
| 7  |                 |
| 8  |                 |
| 9  |                 |
| 10 |                 |
| 11 |                 |
| 12 |                 |
| 13 |                 |
| 14 |                 |
| 15 |                 |
| 16 |                 |
| 17 |                 |
| 18 |                 |
| 19 |                 |
| 20 |                 |
| 21 |                 |
| 22 |                 |
| 23 |                 |
| 24 |                 |

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

1  
2 PRESIDING OFCR. SCOTT: Okay. Good  
3 afternoon. Thanks for the short delay, thanks  
4 for standing by with us. Welcome to the public  
5 meeting of the Subcommittee of the New  
6 Hampshire Site Evaluation Committee. As you're  
7 aware, this Subcommittee presides over the  
8 Application of Public Service Company of New  
9 Hampshire doing business as Eversource Energy  
10 for a Certificate of Site and Facility. This  
11 is Docket Number -- SEC Docket Number 2015-04.  
12 Our primary purpose for the meeting today is to  
13 discuss pending requests from two State  
14 agencies, the Department of Environmental  
15 Services and the Division of Historical  
16 Resources to suspend or extend their statutory  
17 deadlines, which would be the 240-day deadline  
18 set forth in RSA 162-H.

19 Before turning to that agenda, first,  
20 I think let's take appearances. Please provide  
21 the name and the group you're representing.

22 We'll start for the Counsel for the  
23 Public, I guess.

24 MR. ROTH: Good afternoon, Mr.

1 Chairman, members of the Subcommittee. I'm  
2 Peter Roth, standing in for Christopher Aslin,  
3 Counsel for the Public.

4 PRESIDING OFCR. SCOTT: The  
5 Applicant?

6 MR. NEEDLEMAN: Barry Needleman, from  
7 McLane Middleton, representing the Applicant.  
8 And with me is Dena Champy, who is the Project  
9 Director.

10 PRESIDING OFCR. SCOTT: Mr. Patch.

11 MR. PATCH: Doug Patch, with the law  
12 firm of Orr & Reno, on behalf of the Town of  
13 Durham and the University of New Hampshire.

14 PRESIDING OFCR. SCOTT: Sir? You  
15 have to put the red light on for yourself.

16 MR WESTERVELT: Yes. Dan Westervelt,  
17 with Toxics Action Center.

18 PRESIDING OFCR. SCOTT: Ma'am?

19 MS. FRINK: Helen Frink, representing  
20 the Darius Frink Farm, in Newington.

21 MS. MILLER: Vivian Miller,  
22 representing the Durham/Little Bay Abutters.

23 PRESIDING OFCR. SCOTT: Thank you.  
24 With that, I'll now ask -- first of all, I'll

1 note that we do have a quorum of the  
2 Subcommittee. So, we're able to meet.

3 I'll ask the Subcommittee members to  
4 introduce themselves, starting at the end here.

5 MR. SHULOCK: David Shulock, with the  
6 Public Utilities Commission.

7 MR. SCHMIDT: Chuck Schmidt, New  
8 Hampshire DOT.

9 MS. WEATHERSBY: Patricia Weathersby,  
10 public member.

11 DIR. MUZZEY: Elizabeth Muzzey, from  
12 the Department of Cultural Resources.

13 PRESIDING OFCR. SCOTT: And I'll  
14 Ms. Monroe, she's not a member of the  
15 Committee, but she's the Administrator,  
16 somebody who can help everybody, to introduce  
17 herself.

18 ADMINISTRATOR MONROE: Pam Monroe,  
19 Administrator for the Site Evaluation  
20 Committee.

21 PRESIDING OFCR. SCOTT: And, again, I  
22 am the presiding officer for the Subcommittee.  
23 I'm Robert Scott. I'm with the Public  
24 Utilities Commission.

1           And also I'll ask Attorney Iacopino,  
2           our attorney, to introduce himself.

3           MR. IACOPINO: Mike Iacopino, Counsel  
4           for the Committee.

5           PRESIDING OFCR. SCOTT: Since it's  
6           been a bit of time since we've sat, I'm going  
7           to walk through, for the Committee's  
8           edification or really for your memory, a little  
9           bit of the background. This, on going back to  
10          2016, on April 12th, Eversource Energy filed an  
11          application with the Site Evaluation Committee,  
12          looking for approval to site and construct and  
13          operate a new 115 kV electric transmission line  
14          between substations in Madbury and Portsmouth.  
15          The line is proposed to be approximately  
16          12.9 miles in length. The Project, as  
17          proposed, is comprised of a combination of  
18          above ground, underground, and underwater  
19          segments. And the Project will be located in  
20          the Towns of Madbury and Durham, in Stratford  
21          County, and Newington and the City of  
22          Portsmouth, in Rockingham County.

23                  In April, April 29th, last year,  
24          2016, pursuant to RSA 162-H:4-a, the Chairman

1 of the Committee for the Site Evaluation  
2 Committee appointed this Subcommittee.

3 On June 1st of 2016, the Subcommittee  
4 reviewed the Application and determined that  
5 it's sufficient to carry out the purposes of  
6 162-H. An order accepting the Application was  
7 issued on June 13th, 2016.

8 Pursuant to the Procedural Order, a  
9 prehearing conference was conducted on  
10 September 7th of 2016. On, excuse me,  
11 December 15th, 2016, the Town of Durham and the  
12 University of New Hampshire filed a Partially  
13 Assented-To Motion to Postpone the Procedural  
14 Schedule. By Order on the Motion to Postpone  
15 the Procedural Schedule, the Presiding Officer  
16 postponed the technical sessions that were  
17 scheduled for December 19th and the 21st of  
18 2016. A revised Procedural Schedule and Order  
19 were issued on December 28th.

20 On January 20th of this year, the  
21 Applicant filed an Uncontested Motion to Stay  
22 the Procedural Schedule. By Order dated  
23 February 15th, 2017, they were granted -- their  
24 motion was granted to stay the procedural



1 schedule until such time as an amendment was  
2 filed to the Application.

3 On February 3rd, 2017, the Division  
4 of Historical Resources requested an extension  
5 of time until March 31st to complete its  
6 review, due to the receipt of extensive public  
7 comment. On April 24th, the Division of  
8 Historic Resources informed the Subcommittee by  
9 letter that it could not complete its review of  
10 the above ground resources before June 16th of  
11 this year.

12 On March 29th, the Applicant  
13 submitted an amended Application. On  
14 April 3rd, this year, the Applicant submitted a  
15 proposed revised procedural schedule. And, on  
16 April 5th, the Town of Newington submitted a  
17 proposed schedule that contained a slight  
18 different schedule than proposed by the  
19 Applicant. On April 7th, an Order on the  
20 revised procedural schedule was issued. And  
21 the Order sets forth a partial procedural  
22 schedule pending the Subcommittee's decision  
23 today on the agencies' requests and issues of  
24 suspension of the statutory timeframe under RSA

1 162-H.

2 To the point for today, on  
3 February 6th, 2017, the Department of  
4 Environmental Services also requested an  
5 extension of time, in that letter it was "30  
6 days after the date when Eversource provides  
7 all final requests for project impacts to be  
8 reviewed by DES, or to the date to be  
9 determined in accordance with the proposed  
10 provisions included in the Applicant's Motion  
11 to Stay the Procedure."

12 Today, and I will ask does everybody  
13 have a copy, we received today a letter from  
14 Rene Pelletier, of the staff of the Department  
15 of Environmental Services? Does everybody have  
16 a copy of that? Have people seen that?

17 *[Multiple members nodding in the*  
18 *affirmative.]*

19 PRESIDING OFCR. SCOTT: I'm seeing  
20 head nods. So, I'll take that as the  
21 affirmative. Where the Department asked the  
22 Subcommittee to extend the deadline for  
23 completion of its review of this Project to 1  
24 August 2017.

1           By Order of Notice dated on the 20th  
2 of April, this hearing on pending motions was  
3 scheduled. And, again, two of the State  
4 agencies, Department of Environmental Services  
5 and the Division of Historic Resources, have  
6 requested an extension of time under RSA 162  
7 H:7.

8           Given these timeframes, the other  
9 thing we should discuss as a Subcommittee is  
10 whether or not we should suspend the statutory  
11 timeframe in which to issue a decision under  
12 RSA 162-H:14.

13           First, however, as Presiding Officer,  
14 I would like to address an outstanding Motion  
15 for Intervenor Status, which is Mr. Frizzell,  
16 if I have the pronunciation of his name  
17 correct. I'm granting that request. And I  
18 will follow that with a written order.  
19 However, I don't -- again, we've taken  
20 appearances. So, it doesn't appear he's here  
21 today.

22           Next, I suggest that we consider the  
23 State agency requests to extend the final  
24 240-day deadline. Prior to having a discussion

1 with the Committee, I will ask the intervenors,  
2 are there any objections to the State agency  
3 requests for extensions? Mr. Patch?

4 MR. PATCH: Mr. Chairman, we don't --  
5 the Town of Durham and UNH do not object to  
6 that. Obviously, I don't know if you intend to  
7 take it up today or not, but we have a motion  
8 to postpone the technical sessions. And our  
9 argument is that they ought to be after those  
10 final permit conditions come in, for a number  
11 of reasons. And I don't know if today you're  
12 going to give us a chance to address that or  
13 not. But that's -- our position is, you know,  
14 we don't mind it being extended, but we would  
15 like to have the tech sessions after that.

16 PRESIDING OFCR. SCOTT: My intention  
17 was not to address that today. I kind of  
18 wanted to see where the Committee --  
19 Subcommittee went today, and then I'll answer  
20 that request with a written order.

21 MR. PATCH: Okay.

22 PRESIDING OFCR. SCOTT: Attorney  
23 Roth?

24 MR. ROTH: Counsel for the Public

1 does not object to the agency requests for  
2 additional time.

3 PRESIDING OFCR. SCOTT: And the  
4 Applicant?

5 MR. NEEDLEMAN: The Applicant doesn't  
6 object either to the requests. I would note,  
7 though, that we would be concerned if the  
8 request caused the schedule, particularly the  
9 ultimate hearing date, to slide. We don't  
10 think there's any reason that it should. It's  
11 obviously inconsistent with Mr. Patch's view.  
12 But, other than that, we don't have an issue  
13 with it.

14 PRESIDING OFCR. SCOTT: Anybody else  
15 have any objections, before the Committee --  
16 Mr. Patch.

17 MR. PATCH: Well, I'm not sure what  
18 the Applicant means by "not let the hearing  
19 date slide". I know they had originally, at  
20 least I think it was early in April, suggested  
21 a schedule that called for agency  
22 recommendations, final ones, to come in on  
23 June 17th, and then a hearing on October 17th.  
24 You know, so, basically, four months between

1 the two. You know, which I think is consistent  
2 with what the statute says and the practice of  
3 the Committee.

4 And, so, if they're saying there  
5 ought to be an October 16th date, even if you  
6 grant the request to August 1st, then I guess  
7 we would have a problem with that.

8 PRESIDING OFCR. SCOTT: Okay. And  
9 sounds like there's no other objections?

10 *[No indication given.]*

11 PRESIDING OFCR. SCOTT: Okay. So,  
12 for the Committee then, we can either have a  
13 motion or perhaps a discussion leading up to a  
14 motion, then a discussion, I suppose. But,  
15 again, the issues that I see are we have a  
16 request from Department of Environmental  
17 Services to extend their deadline, suspend  
18 it -- extend their deadline to August 1st. We  
19 have a request from the Division of Historic  
20 Resources to have their deadline be no earlier  
21 than June 16th. And, as we discussed, I think  
22 it is warranted that we discuss the ultimate  
23 deadline, statutory deadline for our decision,  
24 ultimate decision.

1           So, one issue I'd like to plant in  
2           people's minds is does it make sense to -- to  
3           the extent we were to grant these, does it make  
4           sense to have two different deadlines for the  
5           two different State agencies, or does it make  
6           more sense to have a combined, have the same  
7           date for both, if we were to move on that?

8           So, again, I can entertain a motion  
9           at this point, or, if people would like to  
10          discuss as they warm up to a motion, that's  
11          fine, too. Anybody?

12          Director Muzzey.

13          DIR. MUZZEY: As for a discussion, I  
14          do recognize that the timing of the various  
15          deadlines and requirements for this Project  
16          have been complicated, complicated by the  
17          degree of public comment that has been received  
18          on this Project, as well as the Applicant's  
19          need to put forth an amendment in order to put  
20          forth a project they felt best met the  
21          requirements.

22          So, I do think suspending our  
23          deadlines for the State agencies makes sense.  
24          And, given the many past deadlines already, I

1 would recommend making one deadline for both  
2 the agencies, in order to have a more clear  
3 process in place.

4 PRESIDING OFCR. SCOTT: Any other  
5 comment or a motion?

6 Attorney Weathersby.

7 MR. SCHMIDT: I would --

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

10 MR. SCHMIDT: I would concur, that I  
11 think a common date is appropriate. Thus, I  
12 would recommend a motion to suspend the  
13 deadlines of the State agencies. And,  
14 furthermore, I think maybe delegate the  
15 authority to establish a new date to the  
16 Presiding Officer.

17 MS. WEATHERSBY: I was just going to  
18 say, I think that that makes sense. And I  
19 think that we should probably have a single  
20 deadline for all State agencies, not just DHR  
21 and DES, in case others are also going to make  
22 additional comments or guidance.

23 So, I certainly would be in favor of  
24 a motion to suspend the deadline. And, as far



1 as the exact date, I think that delegating that  
2 to the Chair would be a good idea.

3 PRESIDING OFCR. SCOTT: Administrator  
4 Monroe, do we have any other -- who are the  
5 other State agencies, as far as if we were to  
6 include everybody?

7 ADMINISTRATOR MONROE: DOT. I  
8 haven't had an updated status report from DOT,  
9 I have asked them, but I don't have it, and the  
10 PUC, for the crossings. I believe they're in  
11 process. But I don't know off the top of my  
12 head where they're at.

13 PRESIDING OFCR. SCOTT: Okay.

14 ADMINISTRATOR MONROE: There are -- I  
15 guess, there are others that we may not have  
16 heard from.

17 PRESIDING OFCR. SCOTT: For  
18 administrative efficiency, and, again, I'm not  
19 taking this as a motion yet, or did I miss  
20 that?

21 MR. SCHMIDT: No.

22 PRESIDING OFCR. SCOTT: Okay. You  
23 know, one thing we could do today is agree that  
24 perhaps, since -- if the sense of the

1 Subcommittee is that all the agencies ought to  
2 have the same date, we have DES saying "give us  
3 till August 1st", does that be the date. And,  
4 then, to the extent, if that's what you wanted  
5 to do, if you're looking for, if there are  
6 changes coming up, if you wanted to delegate to  
7 the Presiding Officer, that may be more  
8 efficient. I mean, that way we can give the  
9 audience today "here's a new deadline", and  
10 then give yourself some space, as far as trying  
11 to reconvene, which has been difficult, partly  
12 with there are other hearings going on, I've  
13 been told, for the Site Evaluation Committee.  
14 That's a poor attempt at humor.

15 *[Laughter.]*

16 PRESIDING OFCR. SCOTT: So, that may  
17 be a way to do that. And, again, we haven't  
18 had a motion yet.

19 So, how about the statutory deadline?  
20 Bluntly, I was thinking perhaps the end of the  
21 year, which, I think, on the calendar would be  
22 the 29th of December. Any thoughts on that?  
23 Is that too far away? Too close?

24 I think it's important that we give

1 the Applicant some -- as much definition as  
2 possible that this will come to an end, I  
3 think.

4 Any comments on that?

5 MS. WEATHERSBY: Could you remind me  
6 what the deadline is presently set at?

7 PRESIDING OFCR. SCOTT: I believe  
8 it's June 16th.

9 MS. WEATHERSBY: Oh.

10 PRESIDING OFCR. SCOTT: Do you think  
11 we'll make it?

12 DIR. MUZZEY: June 13th.

13 MS. WEATHERSBY: We're clearly going  
14 to need more time.

15 PRESIDING OFCR. SCOTT: Oh, it's the  
16 13th, excuse me. Your deadline that you asked  
17 for with DHR was the 16th, perhaps.

18 DIR. MUZZEY: Perhaps.

19 PRESIDING OFCR. SCOTT: Okay. So,  
20 and again, the standard there is we need to  
21 find that extending that final deadline would  
22 be in the public interest. So, we need to  
23 discuss that also.

24 Any motions? We can take this

1 individually? Group it together? Anybody?

2 MS. WEATHERSBY: Sure. I'll make a  
3 motion for the State agency piece. And that's  
4 I move that we suspend the 240-day deadline for  
5 the State agency final reports, and delegate to  
6 the Chair to set the date for the new  
7 deadlines.

8 PRESIDING OFCR. SCOTT: Is that  
9 seconded?

10 DIR. MUZZEY: Second.

11 PRESIDING OFCR. SCOTT: Okay.  
12 Discussion? Attorney Shulock.

13 MR. SHULOCK: I'm wondering if the  
14 import of that motion is that you can only set  
15 one deadline and then can't change it. So, I  
16 would ask that you modify the motion to include  
17 other dates, extension to other dates, if  
18 necessary.

19 PRESIDING OFCR. SCOTT: So, I'll take  
20 that as a request for a friendly amendment?

21 MR. SHULOCK: Yes.

22 MS. WEATHERSBY: So, I think that's a  
23 great amendment. So, I would amend it to  
24 delegate to the Chair to set any necessary

1 deadlines for the State agencies.

2 DIR. MUZZEY: And I amend the second  
3 as well.

4 PRESIDING OFCR. SCOTT: Any further  
5 discussion?

6 *[No indication given.]*

7 PRESIDING OFCR. SCOTT: Okay. Ready  
8 for a vote? Excuse me.

9 DIR. MUZZEY: Sorry. You had  
10 mentioned that it may be a good idea to  
11 actually set a date for those present today, so  
12 they could have some sense of the schedule. Is  
13 that something you feel strongly about or would  
14 our delegating that authority to you take care  
15 of that concern?

16 PRESIDING OFCR. SCOTT: I could do  
17 that either way. I could wait till you, if you  
18 decide to do that and give me that delegated  
19 power, I could still announce after you do that  
20 the date. Which, again, I would, you know,  
21 since we have DES saying "August 1st", and no  
22 other State agency saying anything later, then  
23 I would say August 1st would be the deadline,  
24 if you delegated that to me.

1 DIR. MUZZEY: So, that would be your  
2 intent then at this point for our discussion?

3 PRESIDING OFCR. SCOTT: Yes.

4 DIR. MUZZEY: Okay.

5 PRESIDING OFCR. SCOTT: Any further  
6 discussion?

7 *[No indication given.]*

8 PRESIDING OFCR. SCOTT: Okay. Is it  
9 appropriate for me to vote on my --

10 MR. IACOPINO: You can take the vote  
11 and --

12 PRESIDING OFCR. SCOTT: Yes. I'll  
13 take the vote and see how it goes.

14 So, all in favor?

15 *[Multiple members indicating*  
16 *"aye".]*

17 PRESIDING OFCR. SCOTT: Okay. So,  
18 it's unanimous.

19 MR. IACOPINO: Actually, --

20 PRESIDING OFCR. SCOTT: I did, when I  
21 said "unanimous".

22 Okay. So, having been granted that  
23 authority, I will, and for those who are here,  
24 again, so the State agency deadline -- State

1 agency deadlines will now be August 1st,  
2 pending any other motions regarding the State  
3 deadlines.

4 How about the statutory deadline? Do  
5 we think we're going to meet June for our  
6 final? What would we like to do about that?  
7 And, again, I think we need to find it in the  
8 public interest to extend the deadline. Any  
9 discussion on that or a motion?

10 Director Muzzey.

11 DIR. MUZZEY: Looking at our guidance  
12 at 162-H, RSA 162-H, I do think that it would  
13 be wise to extend our statutory deadline.  
14 Particularly, so that we have a full and timely  
15 consideration of environmental consequences,  
16 and that we can treat our deliberations as a  
17 significant aspect of land use planning, in  
18 which we can consider any environmental,  
19 economic, and technical issues, and resolve  
20 them in an integrated fashion.

21 So, my recommendation would be to  
22 Summer Period our statutory deadline.

23 PRESIDING OFCR. SCOTT: And I'll say,  
24 for myself, you know, again, the standard being

1 public interest, obviously, we have an engaged  
2 public here, a lot of intervenor groups. I'm  
3 not sure I see where, for instance, starting  
4 all over again would be in anybody's interest.  
5 I mean, people have invested a lot of time in  
6 this to date. So, I think, for all parties  
7 involved, I think extending the deadline makes  
8 better sense.

9 Anybody else? Or do we have a  
10 motion?

11 MS. WEATHERSBY: Do we have a date by  
12 which we're suspending it to or are we just  
13 voting to suspend that?

14 PRESIDING OFCR. SCOTT: I was --  
15 again, in my mind, I was thinking the last, you  
16 know, working day of the year, which would be  
17 December 29th. That was no magic date, that  
18 was just a potential suggestion, if somebody  
19 wanted to make a motion.

20 DIR. MUZZEY: I would recognize that  
21 it is -- we do know that it is difficult to  
22 conduct State business as the holidays and  
23 December roll around. So, thinking of the date  
24 of December 29th, in effect, we're probably



1 thinking of something more like the end of  
2 November to largely get our work finished on  
3 this, on this Project.

4 So, the question for me is, is the  
5 end of November really a realistic timeframe,  
6 even given an actual date of December 29th?  
7 And, if not, is sometime in January more  
8 appropriate?

9 I can also note that, typically, the  
10 State agency deadline is three, three and a  
11 half months prior to the issuance of a  
12 certificate. And the date of December 29th is  
13 more like four months after August 1st. August  
14 September, October, November, almost five  
15 months.

16 PRESIDING OFCR. SCOTT: So, do you  
17 have a suggestion?

18 DIR. MUZZEY: Let me think about  
19 that.

20 MS. WEATHERSBY: Commissioner?

21 PRESIDING OFCR. SCOTT: Yes.

22 MS. WEATHERSBY: I do think we have  
23 an obligation to resolve this in a timely and  
24 prompt manner under the statute. And I'm

1 concerned that, if it goes, certainly, into  
2 January, or even late December, that it may be  
3 able to be a little bit tighter. You know, if  
4 we shoot for maybe mid December, so that we're  
5 done by early November. But I recognize that  
6 that may not happen, given other dockets. And  
7 that's a little bit of the balancing act,  
8 because there are at least two members that sit  
9 on another one that's pretty significant, of  
10 this Committee, that are on the other committee  
11 as well.

12 So, you know, maybe mid December?  
13 But I could be convinced to go to late  
14 December. But I would be hesitant to go to  
15 January.

16 PRESIDING OFCR. SCOTT: So, the 29th  
17 is a Friday. If, taking the intent of what you  
18 just said, that the 15th is a Friday also,  
19 December 15th?

20 *[Ms. Weathersby nodding in the*  
21 *affirmative.]*

22 PRESIDING OFCR. SCOTT: Anyway, so,  
23 I'm still waiting for a motion.

24 Quick question for our counsel. That

1 deadline is the deadline to deliberate and come  
2 to a decision or is it a deadline to issue an  
3 order, a written order?

4 MR. IACOPINO: To issue a written  
5 order. So, the hearings would have to be held  
6 in advance of that deadline, you would have to  
7 vote, and the order will have to be written by  
8 that date. Which, from counsel's perspective,  
9 is not a problem, even if you choose the 29th.  
10 Just I'm assuming we'll be able to schedule the  
11 hearings with sufficient time to get an order  
12 out by that time. Because that's, as was  
13 indicated by one of the Committee members  
14 before, that's much the same timeframe that we  
15 normally have, despite other dockets.

16 PRESIDING OFCR. SCOTT: Anybody?

17 *[No indication given.]*

18 PRESIDING OFCR. SCOTT: Do we have a  
19 motion?

20 DIR. MUZZEY: I'll make the motion  
21 that we suspend our statutory deadline and set  
22 a date of December 29th, 2017.

23 MR. SHULOCK: I second.

24 PRESIDING OFCR. SCOTT: Any

1 discussion?

2 *[No indication given.]*

3 PRESIDING OFCR. SCOTT: Are we ready  
4 for a vote?

5 All in favor?

6 *[Multiple members indicating*  
7 *"aye".]*

8 PRESIDING OFCR. SCOTT: And I show  
9 that as unanimous.

10 All right. So, are there any  
11 outstanding issues for the Subcommittee,  
12 anybody, before we adjourn?

13 *[No indication given.]*

14 PRESIDING OFCR. SCOTT: Anything?

15 *[Atty. Iacopino indicating in*  
16 *the negative.]*

17 PRESIDING OFCR. SCOTT: Okay. With  
18 that, we'll adjourn the meeting of the  
19 Subcommittee. And we will see you according to  
20 the procedural schedule. So, thank you very  
21 much.

22 ***[Whereupon the public meeting of***  
23 ***the Subcommittee was adjourned***  
24 ***at 1:42 p.m.]***