

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**

**March 14, 2018 - 11:00 a.m.**  
49 Donovan Street  
Concord, New Hampshire

*{Electronically filed with SEC 03-27-18}*

**IN RE:           SEC DOCKET NO. 2015-04**  
**Application of Public**  
**Service Company of New**  
**Hampshire d/b/a Eversource**  
**Energy for Certificate of**  
**Site and Facility**

**PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:**

<b>Dir. Evan Mulholland</b> <i>(Presiding Officer)</i>	Dept. of Env. Services
<b>Dir. David Shulock</b>	Public Utilities Comm.
<b>Dir. Elizabeth Muzzey</b>	Div. of Hist. Resources
<b>Charles Schmidt, Admin.</b>	Dept. of Transportation
<b>Patricia Weathersby</b>	Public Member

***ALSO PRESENT FOR THE SEC:***

Michael J. Iacopino, Esq.   Counsel for SEC  
Iryna Dore, Esq.  
*(Brennan, Caron, Lenehan & Iacopino)*  
  
Pamela G. Monroe, SEC Administrator

**COURT REPORTER:   Cynthia Foster, LCR No. 14**

1       **APPEARANCES:**

2       **Reptg. Counsel for the Applicant:**

Barry Needleman, Esq. (McLane Middleton)

3       **Reptg. Counsel for the Public:**

4       Allen Brooks, Esq.

Asst. Atty. General

5       N.H. Department of Justice

6       **Reptg. Town of Newington:**

Susan Geiger, Esq. (Orr & Reno)

7       **Reptg. the Darius Frink Farm:**

8       Helen Frink

9       **Reptg. Donna Heald:**

Marcia Brown, Esq. (NH Brown Law)

10       **Reptg. University of New Hampshire and Town of  
11       Durham:**

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

12       **Reptg. Conservation Law Foundation:**

13       Tom Irwin, Esq.

14       **Reptg. Durham Historic Association:**

Nancy Sandberg

15       Also present: Robert Andrew (Eversource Energy)

16  
17  
18  
19  
20  
21  
22  
23  
24  
  
**Cynthia Foster**

d/b/a North Country Court Reporters

northcountrycr@gmail.com

(603) 443-1157

	<b>I N D E X</b>	<b>Page</b>
1		
2	Discussion of statutory deadline issue	5
3	Vote on motion	10
4	Discussion of motion by Town of Newington	11
5	Vote on motion (A&B)	70
6	Vote on motion (C)	71
7	Vote on motion (letter to ISO)	86
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

***Cynthia Foster***

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157



1 Monroe is my associate, Iryna Dore.

2 PRESIDING OFFICER MULHOLLAND: All right.  
3 So we're here on a motion filed by the town of  
4 Newington, but before we get there, I want the  
5 Committee to address the statutory deadline  
6 issue. Before we here talk about it up with the  
7 Committee, we're like to ask if any party has  
8 any objection or would have any objection to us  
9 suspending the statutory deadline since we're  
10 already so far out.

11 MR. IACOPINO: Applicant?

12 MR. NEEDLEMAN: I think, Mr. Chair, if  
13 you're speaking about the deadline to ultimately  
14 render a decision, then, no, we have no  
15 objection to that.

16 MR. BROOKS: No objection for Counsel for  
17 the Public.

18 MS. GEIGER: No objection from the Town of  
19 Newington.

20 PRESIDING OFFICER MULHOLLAND: Okay.  
21 Mr. Patch.

22 MR. PATCH: I'm Doug Patch from Orr & Reno  
23 on behalf of the town of Durham and University  
24 of New Hampshire, and we would not have any

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 objection to that.

2 MR. IRWIN: Tom Irwin representing the  
3 Conservation Law Foundation. We would not  
4 object either.

5 MS. BROWN: Marcia Brown with NH Brown Law  
6 representing Donna Heald and take no position.  
7 Thank you.

8 MS. SANDBERG: Nancy Sandberg from the  
9 Durham Historical Association. I'm sorry, but I  
10 couldn't really hear. The Chair wasn't quite  
11 close enough to the microphone. If you could  
12 repeat the question.

13 PRESIDING OFFICER MULHOLLAND: The  
14 Subcommittee was going to discuss suspending the  
15 statutory deadline, the ultimate statutory  
16 deadline, and we just wanted to hear from the  
17 parties if anyone had any issue or objection to  
18 that.

19 MS. SANDBERG: No. We would have no  
20 objection. Thank you.

21 PRESIDING OFFICER MULHOLLAND: Would anyone  
22 on the Subcommittee like to make a motion to  
23 that effect so we can discuss the reasons for  
24 it?

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 DIR. SHULOCK: I'll make the motion that we  
2 suspend the deadline for a final decision in  
3 this matter indefinitely.

4 DIR. MUZZEY: Second.

5 PRESIDING OFFICER MULHOLLAND: Shall we  
6 discuss?

7 DIR. SHULOCK: Well, I made the motion. I  
8 think it's in the public interest to extend the  
9 deadline. Everybody here deserves an answer to  
10 this question, and stopping the proceeding now I  
11 think would be a colossal waste of everyone's  
12 time and resources.

13 PRESIDING OFFICER MULHOLLAND: Thanks.

14 MS. WEATHERSBY: It's my understanding that  
15 we may have even passed the statutory deadline,  
16 and so, therefore, if we're going to proceed  
17 even this morning we need to extend it, and at  
18 this point, I don't think the Committee has a  
19 sense of what would be -- I hate to suspend  
20 things indefinitely sometimes, but in this case  
21 I don't think we have a clear understanding of  
22 what the time frames would be to reach a final  
23 decision. So I think suspending it indefinitely  
24 presently would be in the public interest, and

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 then hopefully at a future date we can get a  
2 date certain and address this again.

3 PRESIDING OFFICER MULHOLLAND: Yes. I  
4 understand from the parties that there's a  
5 proposed schedule that you're working on for the  
6 rest of the proceedings?

7 MR. NEEDLEMAN: Mr. Chair, may I?

8 PRESIDING OFFICER MULHOLLAND: Yes.

9 MR. NEEDLEMAN: The Committee issued an  
10 order on August 21st, 2017, that directed the  
11 parties once we had a final decision from DES to  
12 come up with a proposed schedule. We circulated  
13 our proposed schedule to all the parties on  
14 Monday and have asked for feedback, and I'm  
15 waiting to hear from folks. It's our intention  
16 to submit something by this Friday, hopefully  
17 with as much agreement as possible, and the  
18 schedule that we proposed had an end date with a  
19 written decision by November 30th of this year.

20 PRESIDING OFFICER MULHOLLAND: Thank you.  
21 Mr. Shulock, should we change the motion to have  
22 a November 30th date instead of no date to end?

23 DIR. SHULOCK: I think I'd like to hear  
24 from other members first.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 DIR. MUZZEY: I would like to discuss  
2 potentially amending it to rather than saying  
3 indefinitely, which could be misunderstood,  
4 instead "pending the review of the schedule  
5 being presented shortly."

6 MS. WEATHERSBY: I'm wondering if there's a  
7 sense from the other parties as to whether that  
8 schedule is reasonable? I mean, it sounds good.  
9 Seems like there would be enough time. But  
10 right now it's the Applicant's proposal, and I  
11 don't know where that will go. We can always  
12 say November or December a deadline and address  
13 it if that's not the case. Or can we suspend it  
14 and give the Chair authority to -- no? He's  
15 shaking his head.

16 MR. IACOPINO: Not with respect to the  
17 statutory deadline. We in the past delegated  
18 authority to the Chair's Presiding Officer to  
19 suspend the deadlines for state agency reports  
20 and for some other sort of intermediary issues,  
21 but this is a statutory deadline of 365 days  
22 which the Committee itself has to suspend.

23 DIR. SHULOCK: I would change my motion  
24 then to include a date of April 1st of 2019, the

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 intent of that just being that folks have not  
2 decided on a procedural schedule yet. We don't  
3 know what responses are going to be or what  
4 bumps we might hit in the road. There's nothing  
5 that says that we can't decide by November, the  
6 end of November, if we actually get through the  
7 hearings on that schedule. I think what will  
8 take over really is the schedule that we approve  
9 for the proceedings. So just to give a little  
10 cushion, I would move that we extend the date  
11 for final decision to April 1st, 2019.

12 PRESIDING OFFICER MULHOLLAND: Does the  
13 second agree with the change to the motion?

14 DIR. MUZZEY: Yes, I do.

15 PRESIDING OFFICER MULHOLLAND: The motion  
16 has been amended, and I think we've had enough  
17 discussion. So shall we vote? Unless anyone up  
18 here objects? Let's vote on that motion as  
19 amended. All in favor say "aye."

20 (Multiple members indicating "aye.")

21 PRESIDING OFFICER MULHOLLAND: All "ayes."  
22 Any opposed?

23 (No verbal response)

24 PRESIDING OFFICER MULHOLLAND: Any

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 absentions?

2 (No verbal response)

3 PRESIDING OFFICER MULHOLLAND: All right.  
4 It's unanimous. That motion passes.

5 Okay. Now we can move on to the Town of  
6 Newington's motion. What we thought we would do  
7 is hear from all the parties who want to speak  
8 to the motion or the objection, but we wanted to  
9 limit it to five minutes per party. And we'll  
10 start with the Town of Newington since it's  
11 their motion.

12 MS. GEIGER: Thank you very much, Mr.  
13 Presiding Officer, and members of the  
14 Subcommittee. I'm Susan Geiger from the law  
15 firm of Orr & Reno, and I represent the Town of  
16 Newington.

17 For some contextual background, the Town of  
18 Newington is an intervenor in this docket, and  
19 it's a small town of about 755 residents. It is  
20 no stranger to utility infrastructure projects.  
21 It hosts two electric generating facilities, a  
22 liquified propane gas facility, and three major  
23 tank farms. Out of Newington's 8.9 square  
24 miles, only about 1.5 square miles is used

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 residentially, and much of this is wetlands and  
2 conservation land.

3 In addition, Newington's Historic District  
4 comprises 110 acres and is listed on the  
5 National Register of Historic Places. Newington  
6 has taken great care to protect what's left of  
7 its residential and historic areas, and  
8 Newington's Master Plan's very first development  
9 policy is that Newington's rural residential  
10 character should be preserved.

11 Newington's Master Plan also states that an  
12 electric transmission line is generally viewed  
13 as incompatible with residential property use  
14 and that electric transmission lines should be  
15 buried in the Town's residential district.

16 As the Committee is aware, RSA  
17 162-H:16,IV(b) requires that the SEC give due  
18 consideration to the views of municipal  
19 governing and planning bodies when making the  
20 determination of whether an energy project will  
21 unduly interfere with the orderly development of  
22 the region.

23 Newington's motion here contains two  
24 requests. The first request is to have this

***Cynthia Foster***

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 Committee consult with ISO New England to verify  
2 whether this high voltage transmission line  
3 continues to be the best solution to the  
4 reliability issue in the Seacoast area or  
5 whether there's a less impactful solution.

6 So Newington's first request is that the  
7 consultation authority that the SEC has under  
8 RSA 162-H:16, III, be exercised for that  
9 purpose.

10 Number two, Newington's motion asks that  
11 the SEC request that in the future that ISO New  
12 England provide actual notice to affected towns  
13 so that they can participate in the transmission  
14 planning process that occurs at ISO New England.

15 Eversource has objected and argued that the  
16 legislature hasn't authorized the SEC to consult  
17 with ISO New England and that there's no  
18 regulatory overlap between the SEC and ISO New  
19 England. Eversource is essentially arguing that  
20 this Subcommittee should divorce itself of the  
21 ISO process, put blinders on, and simply accept  
22 at face value that this particular project which  
23 was identified many years ago based on dated  
24 cost information and a process of which

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 Newington had no notice is still the best  
2 solution to a transmission need; or whether ISO  
3 New England should revisit this question of  
4 whether the highest scoring solution, and this  
5 was a score that ISO New England gave when it  
6 evaluated transmission alternatives, whether the  
7 highest scoring solution is now the better  
8 option.

9 Newington submits that consultation with  
10 ISO New England at this time is appropriate. As  
11 indicated before, the statute specifically  
12 authorizes the Committee to consult with  
13 regional agencies. And, in addition, the  
14 Committee has the authority under 162-H:10, V,  
15 to conduct reasonable investigations as it deems  
16 necessary or appropriate to carry out the  
17 purposes of the statute.

18 And one of the purposes of 162-H is to  
19 ensure that construction and operation of energy  
20 facilities is treated as a significant aspect of  
21 land use planning in which all environmental,  
22 economic, and technical issues are resolved in  
23 an integrated fashion.

24 So Newington submits that it's entirely

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 appropriate for the SEC to invoke its  
2 consultative and its investigatory powers to  
3 determine if there's a less impactful solution  
4 to the Seacoast reliability problem than that  
5 proposed by Eversource. Collaborating with ISO  
6 New England is not prohibited. In fact, it  
7 would further the purposes of the statute which  
8 contemplates that environmental, economic and  
9 technical issues relating to the siting of  
10 energy facility be resolved in an integrated  
11 fashion.

12 Eversource admits in its objection that if  
13 the SEC were to deny Eversource's application  
14 for this project, Eversource would have to go  
15 back to the ISO for another solution to the  
16 reliability issue. Newington submits that  
17 knowing now whether another viable reliability  
18 solution exists would be helpful to the SEC  
19 before it deliberate on this project.

20 We believe that ISO New England is an  
21 "interested regional agency" within the meaning  
22 of the statute. The fact that ISO New England  
23 is organized as a not-for-profit corporation  
24 does not negate its status as a regional agency.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 It was approved by FERC, the Federal Energy  
2 Regulatory Commission, as a regional  
3 transmission organization that, among other  
4 things, performs long-term planning for New  
5 England transmission system.

6 Those two things, RTO status and ISO's  
7 transmission planning function make it an  
8 "interested regional agency" within the statute  
9 at issue here.

10 Eversource's objection claims that  
11 consultation with ISO New England would not  
12 provide the Committee with relevant information  
13 that it could act on. We believe this is  
14 untrue. RSA 162-H:4 requires the SEC to  
15 consider all relevant information regarding the  
16 potential siting or routes of a proposed  
17 project. The information that Newington is  
18 asking this Committee to obtain is relevant.  
19 Eversource has made many representations in its  
20 application about other alternatives and why  
21 this project is the favored solution to the  
22 reliability issue. We believe that the  
23 Committee and the parties have the right to  
24 investigate those assertions and to see whether

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 or not they're still valid today.

2 In fact, in a discovery order issued by  
3 Chairman Honigberg in the Northern Pass docket,  
4 he said that evidence of alternatives might be  
5 relevant to the statutory factors that must be  
6 considered by the Subcommittee in granting or  
7 denying a certificate or conditions that may be  
8 imposed.

9 The SEC must determine whether or not this  
10 project unduly interferes with the orderly  
11 development of the region and whether it's in  
12 the public interest, among other things.

13 Contrary to what Eversource is asserting,  
14 Newington's not asking the Committee to select a  
15 different project. Newington is simply asking  
16 this Committee to consult with ISO New England  
17 and investigate whether the solution to the  
18 Seacoast reliability problem chosen by ISO New  
19 England in 2011 based on cost and other data  
20 provided by PSNH at that time still remains the  
21 best option, given the passage of time, as well  
22 as all of the issues raised by parties to these  
23 proceedings as well as the New Hampshire  
24 Department of Environmental Services.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           These issues relate to the Project's  
2           environmental and business impacts on Little  
3           Bay, its impacts on the UNH campus and  
4           Newington's historic and residential districts.

5           Also, if this Committee decides to require  
6           additional studies such as those recommended by  
7           DES in its recent letter of February 28th, the  
8           cost data upon which ISO New England relied is  
9           dated. It didn't take those costs into  
10          consideration. So it is unclear at this time  
11          whether or not the facts that ISO looked at back  
12          in 2011 when it decided that this project was  
13          more appropriate than the highest scoring  
14          project, the Gosling Road autotransformer, are  
15          dated.

16          Newington fully understands that this  
17          project encompasses a different suite of  
18          projects than Gosling Road which the ISO, again,  
19          found was the best option but which it rejected  
20          based on cost. However, Eversource's decision  
21          to pursue the construction of the nine other  
22          projects that are related to this one instead of  
23          waiting for this Committee's decision on the  
24          instant application should not box this

***Cynthia Foster***

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 Committee into a corner. In light of the issues  
2 raised by DES, Newington, and other intervenors  
3 about the Project impacts, we believe the SEC  
4 should fully investigate whether the facts  
5 alleged in the Application about this project  
6 being the best solution to the Seacoast  
7 reliability problem continue to be true. The  
8 best way to do that is to consult with ISO New  
9 England.

10 The other -- I apologize if my remarks go  
11 over, but as the Committee is aware, my last  
12 request for relief is to have this Committee  
13 consult with ISO New England to make sure that  
14 in the future affected communities in New  
15 Hampshire are given actual notice of the  
16 transmission planning process which may affect  
17 them.

18 Thank you very much for the opportunity to  
19 provide these comments. I'd be happy to answer  
20 any questions.

21 PRESIDING OFFICER MULHOLLAND: Thank you,  
22 Attorney Geiger. What we're going to do is hear  
23 from all the parties who want to speak on this,  
24 and then we may have some questions afterwards.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 I think we'll start with Mr. Patch next.

2 MR. PATCH: Thank you. Mr. Chair, members  
3 of the Committee. Doug Patch on behalf of the  
4 town of Durham and University of New Hampshire.  
5 We, as is evident in the motion itself, Town of  
6 Durham concurs with the motion. We think the  
7 arguments that have been presented in the motion  
8 and this morning, we support those arguments.

9 Just a couple of things I'd like to point  
10 out. First of all, just to re-emphasize, we  
11 think the Committee clearly has the authority  
12 that Newington is asking you to exercise. We  
13 think the statutory language is very clear, and  
14 we think you ought to exercise it, and so that's  
15 one point that we just wanted to emphasize.

16 Secondly, the other statute, 162-H:10, V,  
17 clearly authorizes the Committee to conduct  
18 reasonable investigations. We think this is  
19 part of that authority as well. So we think you  
20 have two different statutory bases for  
21 exercising this ability.

22 And then in terms of the notice issue, in  
23 reviewing the objection that the Applicant made,  
24 I just think -- and they did this in a number of

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 instances. For example, at the bottom of page 5  
2 of their objection in a footnote they said it  
3 cannot be disputed that the Town of Newington or  
4 representative of the town government or  
5 community could have elected to be a stakeholder  
6 in the PAC process, and there are 3 or 4 other  
7 instances where they essentially said they  
8 should have become involved.

9 Well, like Newington, Durham had no notice  
10 at all of this. So I don't think there was any  
11 meaningful opportunity to be involved as a  
12 matter of due process in the review that was  
13 done by the ISO. I think that's an important  
14 point because the Applicant seems to be  
15 suggesting that the Town should have been  
16 involved. Reality is, they knew nothing about  
17 it.

18 And then, finally, there's one point I'd  
19 like to emphasize in terms of the cost  
20 information that was provided. I think  
21 Newington argued that that cost information is  
22 dated because it goes back to 2012. And if you  
23 look at Attachment C to the objection, which is  
24 a response to a Data Request that Newington made

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 of the Applicant, the Applicant refers to those  
2 cost estimates as being quote, unquote,  
3 "conceptual." And so I think it's important to  
4 emphasize that those cost estimates are not only  
5 old, but they're conceptual. So I think there  
6 are a number of very good reasons why you should  
7 exercise this authority. Thank you.

8 PRESIDING OFFICER MULHOLLAND: Thank you,  
9 Attorney Patch. Next, Attorney Irwin?

10 MR. IRWIN: Thank you, Mr. Chairman,  
11 Committee members. Again, Tom Irwin  
12 representing the Conservation Law Foundation.

13 As indicated in the Town's motion, CLF  
14 concurs in the relief that's being requested  
15 here. We also agree with the arguments that  
16 Attorney Geiger just made both in her briefing  
17 and in her comments today as well as with the  
18 comments from Attorney Patch for the Town of  
19 Durham. We believe that by invoking its  
20 consultative and investigative powers here and  
21 consulting with ISO New England on this  
22 question, the Committee will put itself in a  
23 better position to make an informed decision  
24 relative to multiple criteria, including not

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 just the orderly development and public interest  
2 criteria but also the criteria related to  
3 adverse environmental impact.

4 So we support this motion and would  
5 encourage the Committee to exercise its  
6 authorities and consult with ISO New England.  
7 Thank you.

8 PRESIDING OFFICER MULHOLLAND: Thank you.  
9 Attorney Brown?

10 MS. BROWN: Thank you. Marcia Brown on  
11 behalf of Donna Heald, and we have no further  
12 argument to add, but we do want to be put on the  
13 record as supporting the motion. Thank you.

14 MS. SANDBERG: Nancy Sandberg for the  
15 Durham Historic Association, and we were late  
16 intervenors in this process, but we very much  
17 feel as a local historic society that we needed  
18 to go on record to protect the historic  
19 resources of the Town of Durham that are in the  
20 path of the current project proposed by  
21 Eversource, but I'm here today to say that our  
22 local nonprofit historical society, one of the  
23 oldest in the State of New Hampshire, is here in  
24 support of the Town of Newington's effort to

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 encourage you to use your authority to consult  
2 with ISO New England to explore the other  
3 alternative to this project that would do so  
4 very much to protect the historic resources of  
5 Durham, the crossing of Little Bay which is a  
6 historic resource in our region, and for the  
7 Town of Newington. Thank you.

8 PRESIDING OFFICER MULHOLLAND: Thank you.  
9 Counsel for the Public?

10 MR. BROOKS: Thank you. Allen Brooks,  
11 Counsel for the Public. The legal authority to  
12 conduct the inquiry at least with respect to A  
13 and B we believe is there so we've concurred.  
14 So we believe that can go forward, being  
15 mindful, of course, to the Applicant and making  
16 sure that any inquiries focused that it is  
17 entitled to gather relevant information that's  
18 actually material to your decision to either  
19 accept or deny the Application or to condition  
20 the Application.

21 PRESIDING OFFICER MULHOLLAND: Thank you.  
22 Attorney Needleman?

23 MR. NEEDLEMAN: Thank you, Mr. Chair. I'm  
24 going to pick up on the last point that

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 Mr. Brooks made which is that I don't believe  
2 there's a set of circumstances here where  
3 consulting with ISO would result in this  
4 Committee collecting information that's relevant  
5 here, and what I mean by that is I'm sure the  
6 Committee has in mind that ISO is a regional  
7 planning body and what it does in a nonpartisan  
8 way is try to figure out what are the problems  
9 with the regional grid and what are the best  
10 solutions to those problems.

11 ISO engaged in an open public process  
12 several years ago to come up with solutions in  
13 the Seacoast area, and the consequence of that  
14 open public process was the selection of the  
15 Seacoast Reliability Project suite of projects.  
16 In the course of selecting that, the Gosling  
17 Road project was rejected. It was rejected  
18 because it wasn't the best technical solution,  
19 and it was rejected because it was more  
20 expensive than the Seacoast solution. That  
21 project, at best, as we sit here today, is a  
22 hypothetical project, and were the Committee to  
23 follow up on Newington's motion and go back and  
24 consult ISO on that I think would be

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 inconsistent with RSA 162-H:7 which deals with  
2 alternatives to the proposed project.

3 And in particular, H:7 says that the focus  
4 is on, quote, "other alternatives that the  
5 Applicant considers available." The Applicant,  
6 based on the ISO process, has never considered  
7 the Gosling Road alternative to be available for  
8 the reasons I just described, and we thoroughly  
9 explained that in our Application and in our  
10 Prefiled Testimony.

11 Newington, I think, here is not just asking  
12 the Committee to go back and evaluate a  
13 different route. What they're asking the  
14 Committee to do is to gather information on a  
15 completely different project from what's before  
16 the Committee here, and I think that's a very  
17 important consideration.

18 I think it's also important for the  
19 Committee to understand as we described in our  
20 motion that the Gosling Road alternative and the  
21 alternative that we presently have before the  
22 Committee are not interchangeable. These are  
23 two completely different suites of projects.  
24 Newington in its motion talked about Gosling

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 Road being less impactful. With due respect, I  
2 don't believe that's true, and there's certainly  
3 no evidence in the record that Newington has  
4 presented to support that sort of contention.  
5 In fact, ISO determined with respect to its  
6 purview of authority that it is not the better  
7 solution, and I think it's important to  
8 understand that ISO doesn't look at impacts.  
9 ISO looks at the best least cost solution for  
10 the regional grid. It's committees like this  
11 Committee that then need to look at the impacts  
12 of the proposed project so those are really  
13 separate and nonoverlapping areas of inquiry.

14 Newington also has talked about cost  
15 differential. We've provide the committee with  
16 our response to the Data Request that shows that  
17 in fact since this was proposed, the estimated  
18 cost differential between the two projects has  
19 actually increased which, if anything, favors  
20 continuing to move forward with this project.

21 To the extent the Committee has any  
22 questions about where ISO currently stands, how  
23 this project came to pass, about the back  
24 process, about any of that, we have specifically

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 provided information in our Application, and  
2 we've specifically identified a witness who  
3 participated in that process and can answer any  
4 questions the Committee may have and has  
5 provided testimony about this issue which will  
6 be sworn testimony at the time of the  
7 proceeding.

8 So for all those reasons, we don't believe  
9 that as a substantive matter consulting with ISO  
10 is going to provide any benefits.

11 I'm not going to spend any time on our view  
12 about whether ISO is an "interested agency" or  
13 not. I think we've explained that sufficiently  
14 in our papers.

15 I do want to just speak briefly to the  
16 other requested relief here that Newington has  
17 mentioned about lack of notice. I don't believe  
18 that's correct, but let me just for the sake of  
19 argument accept that it's true and that, let's  
20 assume that there is some problem with the ISO  
21 notice process. That in and of itself is not an  
22 issue for this Committee. That's a policy  
23 concern between interested parties like the  
24 Towns that are here today and ISO, and it's not

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 an issue for this Committee to be taking up in  
2 this context.

3 I would also note two other things. My  
4 understanding is that there are presently 1500  
5 or more parties on the ISO notice list. It's an  
6 incredibly inclusive process, and anybody can be  
7 involved, I understand, simply by getting  
8 themselves on the list. So nothing prevented  
9 these parties from being involved which was  
10 really the gist of what we were talking about in  
11 our motion or our objection.

12 And finally, we're more than two years into  
13 this project right now, and it's a little bit  
14 surprising that parties at this point would  
15 raise concerns about ISO notice. I think that  
16 if they had those concerns, they were certainly  
17 entitled, and I would suggest obligated, to go  
18 to ISO long before now and address their  
19 concerns to ISO. And what we haven't heard is  
20 that any of these parties have actually made any  
21 efforts through the course of this whole process  
22 to go to ISO and raise the concerns that in fact  
23 are now being brought to this Committee.

24 So for all those reasons, we would ask that

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 the motion be denied.

2 PRESIDING OFFICER MULHOLLAND: Thank you,  
3 Attorney Needleman. All right. I think we've  
4 heard from everyone who is a party. Sorry.

5 MS. FRINK: Good morning. Helen Frink  
6 representing the Darius Frink Farm in Newington.  
7 I'm an intervenor in the process. I appreciate  
8 the opportunity to speak very briefly. In  
9 addition to supporting wholeheartedly  
10 Newington's motion, I would like to make one  
11 point about cost. Since filing its amendment,  
12 Eversource has worked very hard with the Frink  
13 family to work out the best practices to go  
14 through our farm which is under agricultural  
15 conservation easement. The costs that  
16 Eversource will incur in managing the PFOA and  
17 PFOS pollutants coming down plume from Pease  
18 will probably be considerable.

19 I just want to weigh in that I think the  
20 cost of placing the line underground through our  
21 property and managing those pollutants does add  
22 to the cost factor and is worth another look if,  
23 in fact, cost is a deciding factor in deciding  
24 between the Gosling Road transformer and the

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 Seacoast Reliability Project. Thank you.

2 PRESIDING OFFICER MULHOLLAND: Thank you,  
3 Ms. Frink. Sorry about that. Thank you.

4 All right. So we've going to maybe have a  
5 couple questions. I'd like to start with the  
6 first question, it's really to Attorney  
7 Needleman, and the question is on this cost  
8 estimate, has ISO looked at these numbers since  
9 the initial determination of, you know, going  
10 with this power line versus the Gosling Road or  
11 any other alternative? And have they, like,  
12 reevaluated this since then? Can you educate us  
13 on this point?

14 MR. NEEDLEMAN: I think I can. I have  
15 Mr. Andrew here from the company with me. If  
16 you'll give me one minute, I'll check.

17 Actually, if it's okay with the Committee,  
18 maybe I could just let Mr. Andrew answer the  
19 question.

20 PRESIDING OFFICER MULHOLLAND: Yes. That's  
21 fine with us. Thank you.

22 MR. ANDREW: The cost of the project is  
23 updated three times per year on the ISO's  
24 Regional System Project List. All right? So

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 the ISO is aware that the cost of the project  
2 has risen, you know, going, at least our  
3 estimated costs of the project.

4 From our perspective, the final cost of the  
5 project or final estimated cost of the project  
6 can't be defined until we have all the  
7 permitting requirements in place. So with those  
8 in place, we'll develop a final cost estimate  
9 for the project. Then we will submit a form  
10 that's called a Transmission Cost Allocation  
11 form to the ISO for approval, and that is the  
12 process where costs are approved for regional  
13 cost allocation versus localization of the  
14 costs, and as part of that process, then there  
15 is a documentation of the alternative costs with  
16 the project costs, back and forth.

17 So part of it is at this point in time the  
18 cost estimates that we had previously have been  
19 updated and I believe submitted to the Board as  
20 part of our Application that show that that  
21 still is the lowest cost project alternative.  
22 And as we have final siting, you know,  
23 requirements, we'll update the costs again and  
24 then submit the TCA form to the ISO for regional

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 cost approval.

2 MS. WEATHERSBY: Mr. Andrew?

3 MR. ANDREW: Yes.

4 MS. WEATHERSBY: Just following up on that.  
5 So in this TCA form where the final costs are  
6 submitted, and there's also, am I correct in  
7 understanding that there's also an explanation  
8 of the cost of the alternatives which would then  
9 include the Gosling Road transformer?

10 MR. ANDREW: Yes.

11 MS. WEATHERSBY: Does ISO, do you know if  
12 ISO then has the ability to revisit its decision  
13 based on that information? Or does it just say  
14 okay, this is good information, but thank you  
15 very much and continue?

16 MR. ANDREW: Well, I guess if we found that  
17 the costs of the suite of projects that were  
18 approved were higher than the costs of the  
19 alternatives, then we would bring that to the  
20 ISO's attention to revisit things. But I think  
21 the information that we have in place shows that  
22 that cost differential that the ISO initially  
23 approved the project on is still there between  
24 the two; that the Seacoast Reliability Project

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 is part of the suite that is the lowest cost.

2 MS. WEATHERSBY: But if, hypothetically,  
3 the costs of the Seacoast project were higher  
4 than the alternatives, ISO would have the  
5 ability, it's your understanding, to revisit its  
6 selection?

7 MR. ANDREW: Sure. Yes.

8 MS. WEATHERSBY: Thank you.

9 MR. SHULOCK: Mr. Needleman, can you  
10 explain to me how the PAC Committee chooses  
11 alternatives to review? Were they proposed by  
12 the Applicant?

13 MR. NEEDLEMAN: This is why I asked  
14 Mr. Andrew to be here. If it's okay, I'll defer  
15 to him.

16 DIR. SHULOCK: Yes.

17 MR. ANDREW: Well, first, the Planning  
18 Advisory Committee is exactly that, an Advisory  
19 Committee that gives a recommendation to the  
20 ISO. So the impression that PAC approves the  
21 process and ISO rubber stamps it is not true.  
22 PAC is there to review the process, ask  
23 questions which almost exclusively the ISO  
24 answers or gets, obtains the answers to. And so

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 the PAC will give an advisory opinion, you know,  
2 that yes, you know, this is the best solution.

3 The solutions that are put forward -- well,  
4 so the entire process is first the ISO will do a  
5 needs study that identifies problems in the  
6 transmission system. Then different parties can  
7 come forward with answers. If you were in the  
8 generation business, you could propose a  
9 solution to build a new generator that would  
10 solve the problem and people representing  
11 generator interests are at the Planning Advisory  
12 Committee meetings and invited to come forward  
13 with solutions.

14 Then what's termed the backstop solution is  
15 the transmission development. Adding new lines,  
16 reinforcing lines, adding new transformers,  
17 whatever the solutions may be. The transmission  
18 owners come forward with those solutions. And  
19 in this case, this being part of the Eversource  
20 system, we came forward with different ways to  
21 do it, and there were two suites of projects.  
22 The ISO wants to make sure there are at least  
23 two alternatives that are evaluated, you know,  
24 to look at the different solutions. And so the

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 two alternatives in this case were the two  
2 suites of projects. They were then cost  
3 estimated, studied to make sure they both  
4 worked, and then evaluated based on performance,  
5 did they work and then cost considerations.

6 DIR. SHULOCK: So it would have been the  
7 Applicant that went forward and proposed the  
8 solution that passes through Newington; is that  
9 correct?

10 MR. ANDREW: Yes.

11 DIR. SHULOCK: And at what point would  
12 Newington get even constructive notice that  
13 their community was chosen for the project?

14 MR. ANDREW: I don't know --

15 DIR. SHULOCK: Okay.

16 MR. ANDREW: In terms of a formal  
17 notification? I don't believe they were  
18 notified on either alternative. The Gosling  
19 Road alternative impacts Newington also.

20 DIR. SHULOCK: Okay. And at any time did  
21 the Applicant go to the Town of Newington  
22 government and inform them that they had been  
23 selected for one of the proposals or Durham or  
24 any of the communities that are affected? Was

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           there any reachout by the Applicant at all?

2           MR. ANDREW:   At what point in time?  Before  
3           the ISO selected the preferred solution or that  
4           we were proposing solutions that went through  
5           their town?

6           DIR. SHULOCK:   When you were proposing an  
7           alternative that would go through their town.

8           MR. ANDREW:   I'm not aware of any, you  
9           know, any things of that nature where we would  
10          reach out and say we've proposing a alternative  
11          or multiple alternatives, you know, in the  
12          solution selection process.

13          DIR. SHULOCK:   So Mr. Needleman, a legal  
14          question, what constructive notice did they get  
15          that their community might be affected by one of  
16          the proposals?

17          MR. NEEDLEMAN:   I don't know enough about  
18          the ISO process to tell you how they could have  
19          gotten that constructive notice.  I do know  
20          that, for example, there are entities within New  
21          Hampshire that typically participate in that  
22          process.  I believe the Public Utilities  
23          Commission typically participates, and so that  
24          could have been a form of constructive notice.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 I haven't looked in detail at the 1500 or so  
2 entities that get notice on the list, and so I  
3 can't answer that question, but I could do that  
4 and get back to you if you'd like.

5 DIR. SHULOCK: I don't think so, but thank  
6 you.

7 So we heard from the Town of Newington, but  
8 I'd like to hear from the Applicant what  
9 relevance it is to our determination that this  
10 is the preferred solution, ISO's preferred  
11 solution, to the system problems.

12 MR. NEEDLEMAN: Well, I think, Mr. Shulock,  
13 it's highly relevant, and I'll go back to what I  
14 cited earlier in terms of what RSA 162-H:7 says  
15 about alternatives. The statute requires the  
16 Applicant to identify alternatives in its  
17 Application that it believes are available. And  
18 because of the outcome of the ISO process the  
19 Applicant concluded that this is not an  
20 alternative that is available.

21 It's a hypothetical alternative that was at  
22 one time evaluated and then rejected by ISO in  
23 favor of this alternative. And it's one, as I  
24 said earlier, that's part of a suite of projects

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 that is unconnected to the Seacoast suite and  
2 not interchangeable with it. So for those  
3 reasons under the statute we didn't present it  
4 as part of the Application.

5 DIR. SHULOCK: So do I understand that once  
6 ISO selects a preferred solution that you cannot  
7 proceed with any other project? Even if it's a  
8 viable solution?

9 MR. NEEDLEMAN: I'm not sure I understand  
10 the question.

11 DIR. SHULOCK: Okay. The Applicant  
12 presented a number of alternatives to the PAC  
13 Committee, PAC Committee submitted those to ISO.  
14 That included the Gosling, right?

15 MR. NEEDLEMAN: Correct.

16 DIR. SHULOCK: -- solution. So it must  
17 have been a viable solution. Otherwise, it  
18 would never have been presented.

19 MR. NEEDLEMAN: Correct. It was  
20 technically feasible.

21 DIR. SHULOCK: So once ISO selected a  
22 preferred solution, was the Applicant prohibited  
23 from proceeding with its other viable solutions  
24 even though they were a nonpreferred solution?

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 MR. NEEDLEMAN: You mean prohibited by ISO?

2 DIR. SHULOCK: By anything. I mean, could  
3 you still have proceeded with the Gosling  
4 station project?

5 MR. ANDREW: We could have proceeded with  
6 that. However, all costs incurred would no  
7 longer be subject to regional cost recovery.  
8 They would be subject to local cost recovery.  
9 All right? And so if we had proceeded with the  
10 Gosling Road, all the costs associated with that  
11 would have been ultimately, I think, by State of  
12 New Hampshire ratepayers only versus being  
13 regionalized across New England.

14 DIR. SHULOCK: Okay. So possible that the  
15 cost allocation would have been different.

16 MR. ANDREW: Correct.

17 DIR. SHULOCK: That's it for me.

18 DIR. MUZZEY: Thank you. I had a question  
19 for Mr. Andrew. You began to outline the  
20 process where a PAC makes recommendations to  
21 ISO. First there's a needs study and then the  
22 parties come forward with answers. I'm assuming  
23 the third step would be ISO making a decision as  
24 to what the preferred solution is?

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 MR. ANDREW: Yes.

2 DIR. SHULOCK: For this project in  
3 particular, and the planning process that went  
4 through that ISO process, could you give me some  
5 time frames as to when the need study was, when  
6 the solutions came forward and when ISO made its  
7 preferred decision? I know that's a lot of  
8 detail, but it would be helpful.

9 MR. ANDREW: Okay. The needs assessment  
10 were done, it started in 2010 time frame because  
11 this was the New Hampshire 2020 study, and it's  
12 a ten-year horizon from when you start. The  
13 solutions, I think, were in the 2012 time frame.  
14 Subject to check.

15 DIR. MUZZEY: Okay.

16 MR. ANDREW: And then preparation of  
17 filings, you know, getting into the process.  
18 So --

19 DIR. MUZZEY: How about the step of ISO  
20 making its decision for the preferred solution?

21 MR. ANDREW: Well, I think the solutions  
22 report, I don't know, off the top of my head I  
23 don't know the date of when that was published.  
24 I know it's in our Application, and we may be

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 able to find the date from there.

2 MR. IACOPINO: Is that what ISO calls the  
3 Regional System Plan?

4 MR. ANDREW: No. There would be, first  
5 there would be a needs report when they do the  
6 study that outlines the problems. Then  
7 generally within a year or so there is a  
8 solutions study that documents the different  
9 approaches that were looked at. Okay? There  
10 was a presentation in January of 2012 of the New  
11 Hampshire/Vermont Transmission System Solution  
12 Study Update. So I believe they finished the  
13 report during 2012 and published it at that  
14 point. Probably midyear. It would have been  
15 the selected solution.

16 DIR. MUZZEY: All right. Thank you very  
17 much.

18 PRESIDING OFFICER MULHOLLAND: Does anyone  
19 else on the Committee have any questions? I  
20 have one more question.

21 MS. WEATHERSBY: You go ahead.

22 PRESIDING OFFICER MULHOLLAND: You first.

23 MS. WEATHERSBY: More questions about ISO.  
24 During the process that you just outlined, is

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           there opportunity for members of the public or  
2           communities to get their opinions before ISO?

3           MR. ANDREW:   Sure.  At any of the Planning  
4           Advisory Committee meetings.  They're public,  
5           you know, meetings that are open to any input  
6           from anybody.

7           MS. WEATHERSBY:  And then backing up a bit  
8           to where we were earlier, when the TCA is  
9           submitted, is there any type of hearing at ISO  
10          about that or they just accept it?  Is there any  
11          opportunity at that point for a community to get  
12          involved and say, you know, hey, even though  
13          this one's a little bit less, we still think you  
14          ought to go with this one for these reasons.

15          MR. ANDREW:  Well, the TCA process is  
16          performed in front of a different Committee.  
17          It's the Reliability Committee, and the  
18          Reliability Committee's purpose as they review a  
19          TCA Application is to try and identify any costs  
20          that should be localized, that were a local  
21          decision to do it.  Say, some of the past topics  
22          have been if a community, well, in southwest  
23          Connecticut, a very large line was built a  
24          number of years ago, and the communities wanted

***Cynthia Foster***

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           it underground. The costs associated with the  
2           undergrounding were localized because that was a  
3           local decision, you know, to do that. And so  
4           that's what happens in the TCA process. It's  
5           identification of things, of costs, that  
6           shouldn't be regionalized.

7           MS. WEATHERSBY: I thought you had told me  
8           earlier that at the time the TCA is submitted  
9           that ISO has an opportunity to still select a  
10          different project.

11          MR. ANDREW: Well, the ISO at any point in  
12          time until you put it in service can tell you to  
13          stop.

14          MS. WEATHERSBY: How would that  
15          determination be made? Would there be a  
16          hearing? Would they just decide -- I mean,  
17          there had to be some basis for that and how  
18          would that come out?

19          MR. ANDREW: Well, I mean, they would  
20          issue, if you had a previously approved project  
21          and for some reason they were telling you to  
22          stop, they would send you a letter and in that  
23          it would say why they were doing it. I have  
24          never seen it happen, but they have the

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 authority to do that.

2 MS. WEATHERSBY: I'm just wondering at the  
3 time they're making their decision, if they,  
4 hypothetically, were to decide to stop a  
5 project?

6 MR. ANDREW: Yes.

7 MS. WEATHERSBY: Would there be any  
8 opportunity for the public to weigh in at that  
9 time to attempt to influence that decision?

10 MR. ANDREW: Sure. I think, as an example,  
11 in 2013 we had a very large greater Boston area  
12 study that was taking place. At the meeting  
13 where the ISO was announcing what their  
14 preferred solution was for the greater Boston  
15 projects, New Hampshire Transmission stood up  
16 and said we'd like to propose an undersea cable  
17 from Seabrook to the greater Boston area, and we  
18 think we can do this at less money than the  
19 solutions you have on the table.

20 So what happened at that point was the ISO  
21 stopped, reconvened the study groups, let New  
22 Hampshire Transmission work through the design  
23 of their solutions. In the end their solution  
24 was \$400 million more expensive, and they were

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 not chosen, but that was a three-year process.  
2 Where we thought we were about to start in 2013  
3 on permitting the greater Boston solutions, we  
4 actually didn't start until 2015 because New  
5 Hampshire Transmission had the opportunity to  
6 present their proposal and work through it and  
7 in the end it was proven to be far more  
8 expensive, and we went back to the original  
9 suite of solutions.

10 MS. WEATHERSBY: So what I'm hearing is  
11 that a utility or a community or any interested  
12 member of the public could contact ISO after  
13 this TCA is submitted when they're about to make  
14 the final approval and at least get their  
15 information before ISO.

16 MR. ANDREW: Well, I mean, they can do it  
17 at any point in time. It wouldn't have to be  
18 before the TCA was submitted.

19 MS. WEATHERSBY: Okay. Thank you.

20 And Attorney Geiger, has Newington  
21 attempted to communicate with ISO?

22 MS. GEIGER: To my knowledge, no. We find  
23 ourselves in this forum and we are obviously an  
24 active participant in this docket and

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 recognizing that this Committee has the  
2 authority that I cited earlier and investigatory  
3 authority as well, we thought it would be  
4 appropriate to bring the issue here to see in  
5 the exercise of its responsibilities to consider  
6 Applications this Committee would consult with  
7 ISO New England.

8 PRESIDING OFFICER MULHOLLAND: Question for  
9 Attorney Geiger. If we were to grant in motion,  
10 how would we consult? Like, the only one that I  
11 can think of is we would send them a letter,  
12 they would read the letter, and see what  
13 happens.

14 MS. GEIGER: I think that's a great  
15 question, and my response would be just as you  
16 said. I would believe that it is a fairly  
17 straightforward question that could be asked of  
18 ISO New England and I would assume that you'd  
19 get a response in writing that could be shared  
20 with the parties and that's basically what we're  
21 asking for.

22 PRESIDING OFFICER MULHOLLAND: Followup  
23 question that's really a harder question is  
24 let's say they write back and they say yeah,

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           these projects are technically feasible but as  
2           we heard from the Applicant one costs more than  
3           the other. What would we do with that  
4           information?

5           MS. GEIGER: I think that information would  
6           be important because it would corroborate what's  
7           in the Application. I think that's one issue  
8           that the Committee has the authority to  
9           investigate is are the facts as they have been  
10          presented in the Application correct.

11          Obviously, Mr. Hebert's testimony that's been  
12          filed on behalf of the Town of Newington  
13          indicates another take on the cost information  
14          that was available to us, and that is that the  
15          Gosling Road autotransformer costs are high.  
16          They include the cost of two autotransformers  
17          where other projects, similar projects up in  
18          Maine, have only included the cost of one  
19          autotransformer. So there's a question, why two  
20          transformers instead of one.

21          In addition, I believe Mr. Hebert's  
22          testimony is that for 20 percent more cost,  
23          Gosling Road autotransformer would deliver, I  
24          think, twice the amount of power that this

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 proposed project would deliver. So we think  
2 there are a lot of questions about the, you  
3 know, capacity, the cost. It may very well be  
4 the costs are updated, but are the costs of this  
5 project updated versus the cost of other  
6 alternatives? I don't know that answer.

7 And I think that's the question is is it  
8 here in 2018 given all the information that's  
9 been filed with the Committee, granted we  
10 haven't had hearings yet, but there are a number  
11 of parties who I believe have raised some very  
12 significant and valid issues about this high  
13 voltage transmission lines' impacts on the  
14 Seacoast region and could these impacts be  
15 avoided with another reliability solution, and  
16 we think that's a very important question that  
17 deserves an answer.

18 PRESIDING OFFICER MULHOLLAND: Thank you.

19 MR. IACOPINO: Thank you, Mr. Chairman. I  
20 just have a couple of questions. Mr. Andrew,  
21 you mentioned the allocation of cost. Is there  
22 a standard allocation for cost for Reliability  
23 Projects in the region? In other words, do you  
24 start with a base of a certain amount?

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 MR. ANDREW: No. I guess the standard, if  
2 you call it, is that the lowest cost feasible  
3 solution be selected.

4 MR. IACOPINO: No, I mean in terms of once  
5 you've put your project into service and the  
6 cost is allocated across the region, you talked  
7 about localized cost and then regional costs.  
8 The allocation of those costs. Is there a  
9 standard like is New Hampshire a certain  
10 percentage of the region?

11 MR. ANDREW: Yeah, it's done based on  
12 percentage of peak load. And New Hampshire is  
13 just under 10 percent, in general.

14 MR. IACOPINO: And that's for all  
15 utilities, not just Eversource, correct?

16 MR. ANDREW: Yes, all electric. Yes.

17 MR. IACOPINO: So any localized cost that  
18 is applied only to New Hampshire would be across  
19 all ratepayers in New Hampshire, not just  
20 Eversource ratepayers?

21 MR. ANDREW: Let me think about that. I  
22 mean, basically the Co-op takes service through  
23 us so they would pay in the transmission  
24 allocation. Yeah. I think it would be spread

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 across all, subject to checking on that, but  
2 yes.

3 MR. IACOPINO: And do you know if  
4 situations such as mentioned by Ms. Frink, the  
5 cost of environmental issues, is that something  
6 that gets localized or is that generally a  
7 regional cost share?

8 MR. ANDREW: No. Generally, I mean,  
9 compliance with, you know, environmental rules  
10 and regulations and Army Corps of Engineer  
11 requirements and things, they are usually  
12 regionalized.

13 MR. IACOPINO: And this may be for Mr.  
14 Needleman or Mr. Andrew, I guess. In terms of  
15 the process that the FERC, that the ISO uses to  
16 go through this needs assessment, solution  
17 assessment, is this a process that has been  
18 somehow approved by the Federal Energy  
19 Regulatory Commission or is this all determined  
20 just sort of at the regional level?

21 MR. ANDREW: No. It is documented in the  
22 ISO's tariffs and the FERC does approve the  
23 tariffs so the methods are.

24 MR. IACOPINO: So the request to ask ISO to

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 give actual notice to municipalities, maybe not  
2 even just in this case but in any case, would  
3 that require some kind of action by FERC to  
4 approve a change in the way notice is given?

5 MR. ANDREW: I guess that one's beyond me.

6 MR. IACOPINO: Mr. Needleman, are you  
7 aware?

8 MR. NEEDLEMAN: I'm not aware, no.

9 MR. IACOPINO: Are any of the other lawyers  
10 in the room aware?

11 MS. GEIGER: My understanding would be that  
12 it would be ISO's, any proposed changes that ISO  
13 wishes to make to its tariff would have to be  
14 approved by FERC so ISO could initiate a change.

15 MR. IACOPINO: Mr. Brooks, are you aware  
16 whether the Attorney General's office, I know  
17 there's no Office of Counsel for the Public or  
18 maybe the Consumer Protection Division, are they  
19 to the best of your knowledge on these sort of  
20 publication lists from ISO?

21 MR. BROOKS: We certainly get FERC  
22 notifications. I don't believe that we get ISO  
23 notifications. They usually would come through  
24 my bureau, the environmental bureau, because we

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 do most of the energy projects, and I haven't  
2 seen those.

3 MR. IACOPINO: Okay. Thank you. Thank  
4 you, Mr. Chairman.

5 MS. WEATHERSBY: Without getting into the  
6 nitty-gritty of the project, I understand that  
7 each of the proposals is part of, for lack of a  
8 better word, the suite of improvements. With  
9 regard to the Seacoast Reliability Project, I  
10 understand that much of the other components  
11 have been constructed. Can you confirm that and  
12 if the Seacoast Reliability Project,  
13 hypothetically, did not go forward, would those  
14 improvements still be utilized or would those be  
15 stranded or whatever the term is.

16 MR. ANDREW: Well, I guess the suite of  
17 projects that were, you know, approved under the  
18 2020 study, of those I believe the only thing  
19 remaining that has not been done is the Seacoast  
20 Reliability Project which includes modifications  
21 at the Portsmouth substation, the cable itself,  
22 the overhead line and cable, and modifications  
23 in Madbury, I believe, on the other side,  
24 substation. They're the ones that have not been

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 done. So all the other ones are done and in  
2 service.

3 So yes, if we were to go back now and take  
4 a look at the Gosling Road alternative, the  
5 costs associated with that, the ISO could choose  
6 to localize that, and say that it's no longer  
7 part, you know, the parts that are stranded I  
8 think was your term, they could look at that and  
9 say those should be localized. And then, you  
10 know, what they've typically done is they look  
11 at the total package, and the incremental costs  
12 above the lowest package is what they would say  
13 is subject to localization.

14 MS. WEATHERSBY: And, alternatively, for  
15 the project involving the autotransformer at  
16 Gosling Road, that also was part of a suite of  
17 projects. Have some of those components been  
18 built out?

19 MR. ANDREW: No. Because they were, it was  
20 Option I or the other. Some of the other ones  
21 involve a new 115 line and reconstruction of  
22 existing 115 lines, you know, so that they would  
23 go through whatever the appropriate siting  
24 processes are for those projects also.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 MS. WEATHERSBY: Okay. Thank you.

2 DIR. SHULOCK: Can you tell us the cost of  
3 the improvements that have already been made  
4 that might be localized if --

5 MR. ANDREW: Not off the top of my head.  
6 We could, I guess, take a look at that.

7 DIR. SHULOCK: That's up to you.

8 PRESIDING OFFICER MULHOLLAND: The question  
9 was what was the cost already spent on the  
10 improvements having to do with this particular  
11 project that have already been built?

12 DIR. SHULOCK: Right, that they say might  
13 be localized. They don't have those costs now,  
14 but they can provide them to us at a later time.  
15 And I think that's a, whether you do that is a  
16 procedural question.

17 PRESIDING OFFICER MULHOLLAND: I think  
18 that's relevant if you could provide that to us  
19 and to the rest of the parties. Thank you. To  
20 the extent you can.

21 MR. ANDREW: We can do that.

22 PRESIDING OFFICER MULHOLLAND: I think we  
23 have asked all the questions we have, and I  
24 think we will now deliberate. So why don't we

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 start with the third question since it might be  
2 a little easier. Any thoughts on the request  
3 from the Town of Newington that we as a  
4 Subcommittee just write to ISO and ask them to  
5 change the rules about notice?

6 DIR. MUZZEY: Although I can understand why  
7 the communities affected by this project would  
8 make that request and what their frustrations  
9 are with not being aware of the ISO process, I'm  
10 not certain that a request from this Committee  
11 would be well received by ISO, and it may be a  
12 more direct request if the communities  
13 themselves wanted to pursue communications with  
14 ISO as to the process for receiving  
15 notification.

16 PRESIDING OFFICER MULHOLLAND: Thank you.  
17 I'm not even sure that we're the right group to  
18 do this. I mean, we're a subcommittee that's  
19 been formed to deal with this particular  
20 project. You know, we don't have the same  
21 authority as the entire PUC or the SEC itself,  
22 for instance. So that's where I'm leaning on  
23 that one.

24 DIR. SHULOCK: I have to say I have

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 substantial concerns that the Applicant knew  
2 that these communities might be affected by that  
3 process and apparently did not reach out to them  
4 to include them in that planning process from  
5 the very start so that we wouldn't be in this  
6 situation. And I think not as part of this  
7 proceeding but otherwise we might look at ways  
8 to ensure that that notice is given and  
9 communities are included at the beginning of the  
10 planning process rather than at the middle or  
11 the end.

12 PRESIDING OFFICER MULHOLLAND: I do  
13 appreciate your comment on that. It would make  
14 it smoother, I think.

15 MR. SCHMIDT: I concur. I think it's  
16 beyond the needs of this or the requirements of  
17 this committee, but even if the Municipal  
18 Association was able to entertain writing a  
19 letter as a group representing the whole, but I  
20 think it's also a good idea if it's addressed  
21 through the PUC going forward. I think it is  
22 very unfortunate that the Applicant did not  
23 reach out, be a little proactive, but I do think  
24 it's beyond this Committee.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 MS. WEATHERSBY: So I would just basically  
2 concur with much but not all of what's been  
3 said. I think that notice is always a good  
4 thing. But I don't think it's this Committee's  
5 role and perhaps we may not even have the  
6 authority to ask the ISO to change its rules and  
7 provide notice. I think that would be something  
8 more appropriate for perhaps the Attorney  
9 General's office or the PUC or another  
10 organization that represents the needs of the  
11 New Hampshire public and not this committee.

12 PRESIDING OFFICER MULHOLLAND: Thank you.  
13 So what's the Subcommittee's thoughts on the  
14 first part of, the consultation?

15 DIR. SHULOCK: I believe that we have the  
16 authority to consult. I don't think that the  
17 definition of "agency" is so constrained that it  
18 only includes governmental agencies. The word  
19 governmental does not appear in the statute.  
20 It's the word "regional." And I think that we  
21 also have the authority to investigate and that  
22 part of our investigation could include  
23 consultation with an organization like the ISO.  
24 That's not to say that I think that we should,

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 but just on the issue of authority which was one  
2 of the arguments. That's my position.

3 MS. WEATHERSBY: I would agree concerning  
4 the authority. I think we do have the authority  
5 to consult with ISO should we wish. I'm  
6 somewhat reluctant to go there, but I also think  
7 the question that we're trying to have answered  
8 is whether the Seacoast Reliability Project  
9 continues to be the best, the chosen solution by  
10 ISO given all of its new costs, et cetera, and I  
11 think that that question has really been  
12 answered by ISO continuing to receive cost  
13 updates and continuing to have this project go  
14 forward. I don't see that us, you know, writing  
15 them a letter and asking them that question, is  
16 going to be productive. I'll leave it at that.

17 PRESIDING OFFICER MULHOLLAND: Mr. Schmidt?

18 MR. SCHMIDT: I would agree that we have  
19 the authority, and in some situations it may be  
20 prudent, but I do also think that there are  
21 several checks and balances, and the estimating  
22 is one piece. To update it three times a year,  
23 I think they're keeping an eye on all of the  
24 projects, and I think the research went into the

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 initial one. I think between that and the  
2 updates, I don't think they would be in a spot  
3 where they would change their position.

4 DIR. MUZZEY: One thing that I find unusual  
5 about this project is the time frame. The  
6 Committee has a strong track record of  
7 completing its reviews of projects within a year  
8 in most cases as laid out in the RSAs. This one  
9 has taken a different path for a variety of  
10 important reasons. And I am concerned that  
11 there does seem to be a growing lag between the  
12 planning process that ISO went through and the  
13 information that we have before us today. And I  
14 think everyone in the room who spoke today did  
15 raise a series of questions, and it would be  
16 relevant to the Committee to hear directly from  
17 ISO as to some of the questions raised. I agree  
18 that we appear to have the authority as laid  
19 out.

20 My question to ISO if I was to pose one  
21 wouldn't necessarily be whether this alternative  
22 or this alternative is the best in 2018. My  
23 question would be is the planning and the  
24 evaluation, are those still relevant and

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 accurate for our process today in 2018. So I  
2 would ask a slightly different question to ISO  
3 and I would appreciate hearing directly from  
4 them as a more independent entity to answer what  
5 their thoughts are.

6 PRESIDING OFFICER MULHOLLAND: If we were  
7 to do that, how would we share with ISO the  
8 potential added cost of like the PFOA, like the  
9 additional suggestion from DES that we just got  
10 about doing more investigations on the jet  
11 plowing and all these things. How would we  
12 share that with ISO if we were to do it and what  
13 would we do? What do you think?

14 DIR. MUZZEY: Well, communicating with ISO  
15 is also unusual.

16 PRESIDING OFFICER MULHOLLAND: Yes.

17 DIR. MUZZEY: I think our first question  
18 would need to be is do they want to communicate  
19 with us. Are they interested in sharing  
20 information with us. They are not compelled to  
21 in this case. And so that's probably where our  
22 communications would have to begin is a letter  
23 to them asking if they would like to participate  
24 in some sort of consultation.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           PRESIDING OFFICER MULHOLLAND: What does  
2 the Subcommittee think about that? About having  
3 this two-stage process where we ask them if they  
4 want to participate and then ask them more  
5 questions after they decide they want to  
6 participate? And the only way I think we can do  
7 that is either completely in writing or in some  
8 way invite them here. Right? There's only two  
9 ways to do it. We can't send an emissary out to  
10 ISO and, you know, ask questions.

11           MS. WEATHERSBY: It seems like we write  
12 them a letter and ask them our questions.  
13 They'll either participate or not. I don't  
14 think we need to ask them. Hey, do you want to  
15 play along? They'll either respond, there'll  
16 respond curtly, they'll respond in length or  
17 they'll not respond at all. And that's a  
18 concern I have is how long do we wait. You  
19 know, I don't want any response to hold up our  
20 hearings, you know, while we wait for this  
21 piece. You know, it would be good information.  
22 I think it would be interesting. As I said, I  
23 think they've already answered it by continuing  
24 along the course, and I think that there's also

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 opportunities for other persons and communities  
2 to ask ISO these questions other than this  
3 Committee. And I think that there's  
4 opportunities as we outlined in the process we  
5 just heard, the ISO process, for communities and  
6 individuals to contact ISO and ask them to  
7 reconsider. So I just don't see it as the role  
8 of this Committee to ask, to second-guess ISO  
9 decision or ask them to second-guess their  
10 decision. Hey, did you really mean this? Are  
11 you continuing to mean this? I think we have to  
12 respect their process and their continuing along  
13 this road, and I think it's kind of dangerous to  
14 tread in their pond.

15 DIR. SHULOCK: So I think there are certain  
16 issues where it would be inappropriate for us to  
17 consult so, for instance, there was an  
18 allegation in the Town of Newington's motion  
19 that there's going to be significant new  
20 development in Newington that's going to require  
21 some additional transmission capacity. If  
22 that's the case, then I think that the Town of  
23 Newington should probably contact ISO and say  
24 wait a second, we think that this project is now

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           inadequate, and rather than going forward with  
2           it, you might consider a alternative that would  
3           actually serve the region's needs. Right? But  
4           we don't actually have those facts before us.  
5           We haven't found them. And the Town appears to  
6           have the ability to go to ISO and raise those  
7           issues. Even at this point.

8           But there are certain things that we might  
9           consult with ISO on that would give us an  
10          understanding of the consequences of our  
11          actions. For instance, we've been relying on  
12          discussion here today about the allocation  
13          consequences of some of the decisions that we  
14          might make, and those decisions would have an  
15          effect on the cost of transmission in the state  
16          and would then have an affect on the economy of  
17          the state. And so we should understand the  
18          consequences of what we do and maybe reach out  
19          directly to the parties that would be doing that  
20          allocation rather than the parties here. So  
21          that's my viewpoint of it.

22          MR. SCHMIDT: I think that's a good point.  
23          If we can, if we are going to inquire we need to  
24          better, that's one of the questions we need a

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 better understanding of the implications.

2 DIR. MUZZEY: And I did, I did want to  
3 clarify that I wouldn't assume our communication  
4 with ISO if we did that would be second-guessing  
5 any of their previous planning processes. My  
6 question would be given the time frame of this  
7 review process for this specific project, are  
8 their plans still relevant and accurate given  
9 the passage of time. Not that I'm  
10 second-guessing anything they had decided  
11 previously.

12 PRESIDING OFFICER MULHOLLAND: Has anyone's  
13 views been solidified enough to make any  
14 particular motions on this motion?

15 MS. WEATHERSBY: So I don't think there's  
16 harm in asking ISO a question or two. I don't  
17 think it's an efficient process or that it's  
18 necessary in this instance. So I guess I'll  
19 make a motion to, I guess it would be to deny  
20 the Town of Newington's motion for us to concur  
21 with ISO New England or to ask them to provide  
22 notice to affected communities.

23 PRESIDING OFFICER MULHOLLAND: Would anyone  
24 like to second that motion?

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 MR. SCHMIDT: I would second it.

2 PRESIDING OFFICER MULHOLLAND: Does anyone  
3 want to discuss this particular motion before we  
4 vote?

5 DIR. MUZZEY: My suggestion would be that  
6 we consider both of those items separately. I  
7 think we had pretty clear concurrence among the  
8 Committee members that the idea of asking them  
9 to change their notice was probably not  
10 appropriate for this Subcommittee. So I would  
11 appreciate whether we could handle each of those  
12 separately?

13 MS. WEATHERSBY: Sure. I amend my motion  
14 then. Let's just talk about the concurrence or  
15 the consulting piece now. So I will amend my  
16 motion to deny Newington's motion asking us, the  
17 portion of Newington's motion asking us to  
18 consult with ISO New England.

19 PRESIDING OFFICER MULHOLLAND: So just to  
20 clarify. That's request for relief A. Right?

21 MS. WEATHERSBY: I have to pull it up, but  
22 I was using electronically. If you read it to  
23 me.

24 MS. WEATHERSBY: Yes. Deny request A of

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 the town?

2 PRESIDING OFFICER MULHOLLAND: I think it  
3 would be A and B.

4 MS. WEATHERSBY: B is provide a written  
5 report of such consultations. So deny A and B.

6 PRESIDING OFFICER MULHOLLAND: So we have a  
7 motion to deny A and B. Would the second agree  
8 to that motion?

9 MR. SCHMIDT: Yes, I will.

10 PRESIDING OFFICER MULHOLLAND: Anyone like  
11 to discuss this part of this motion that we have  
12 before us right now?

13 (No verbal response)

14 DIR. MUZZEY: Question for our attorney,  
15 under D, the Town of Newington asks us to grant  
16 such further relieve as the Committee deems  
17 appropriate. Can you explain what that could be  
18 and whether it could be a different type of  
19 request to ISO than what was specified in pretty  
20 clear detail in A and B?

21 MR. IACOPINO: Assuming that was the  
22 Committee's desire, yes, you could under D grant  
23 relief that is different than what was  
24 specifically asked for, but obviously there's

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 limits on everything so I don't know what you're  
2 thinking about, but, yes, if the Committee  
3 wished to consult, for instance, with ISO in  
4 some other way than was suggested here or on  
5 some other question than was suggested here  
6 because of the arguments raised by the parties,  
7 you could, somebody could make a motion to do  
8 that, and, ultimately, the Committee would  
9 decide whether or not to pursue that.

10 PRESIDING OFFICER MULHOLLAND: So what were  
11 you thinking?

12 DIR. MUZZEY: Well, I remain concerned  
13 about the lapse of time here and whether it  
14 would be prudent to ask ISO directly as to  
15 whether the planning that went into their early  
16 decision remained relevant and accurate. We  
17 heard that it was, planning first began in 2010,  
18 I believe? For the 2020 study and here we are  
19 eight years later. So, again, not assuming  
20 they're inaccurate or second-guessing their 2010  
21 planning and decision-making process, but does  
22 it remain accurate today.

23 MR. SCHMIDT: I think we need to respect  
24 the ten-year process that they use. I'm not

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           sure how often it's updated. I'm assuming it's  
2           updated on a regular basis. I don't know if I  
3           can ask that or not. But as the updates occur,  
4           there's opportunity to drop or increase or add  
5           projects. So I think I'm assuming there's a  
6           vetting process that happens on a regular basis  
7           as well.

8           MS. WEATHERSBY: I'm certainly no expert on  
9           the ISO process, but on its face it's a proposal  
10          for 2020. It takes a while for these things to  
11          go. It was chosen in 2012. Granted, that was  
12          six years ago. But it was done with the desire  
13          I think to be in place by 2020, and that's still  
14          roughly the time frame, depending how long it  
15          takes to get through the Site Evaluation  
16          Committee.

17          So the fact that this project has been  
18          extended by roughly a year because of issues  
19          with Little Bay, et cetera, and good issues,  
20          important to resolve, but it just seems as  
21          though we're still within the time frame that  
22          ISO was contemplating in a 2020 study.

23          PRESIDING OFFICER MULHOLLAND: I think it's  
24          also pretty relevant that if we heard today and

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 from the materials that the situation's changed  
2 so much that ISO and the Applicant thought that  
3 there wasn't any need for this project anymore,  
4 I don't think they would build the project  
5 anymore, right? I mean, isn't that really what  
6 we're asking if we were to go along that line?

7 DIR. MUZZEY: I wasn't assuming any  
8 conclusion.

9 PRESIDING OFFICER MULHOLLAND: Right.  
10 Fair. Yes.

11 We have a motion and a second to deny A and  
12 B and we have some discussion of a separate  
13 request to ISO. Why don't we vote on the first  
14 motion, A and B, and then maybe we'll hear about  
15 a different request. Good? Okay. So good?  
16 All right. So all in favor of the motion to  
17 deny request relief A and B in the motion say  
18 "aye"?

19 (Multiple members indicating "aye")

20 PRESIDING OFFICER MULHOLLAND: Any nays?

21 (No verbal response)

22 PRESIDING OFFICER MULHOLLAND: Any  
23 abstentions?

24 (No verbal response)

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157



1 would like to make a motion, I don't have  
2 specific record wording in mind, but something  
3 along the lines of the Subcommittee contacting  
4 ISO via a letter and briefly describing the  
5 issue at hand and asking them to confirm whether  
6 the planning process and decision making remains  
7 accurate today and whether they have any  
8 additional information they feel would be  
9 relevant for the Committee to consider.

10 PRESIDING OFFICER MULHOLLAND: Any second  
11 on that motion?

12 DIR. SHULOCK: Can you read it back?  
13 (Requested portion read back by court reporter)

14 PRESIDING OFFICER MULHOLLAND: For purposes  
15 of discussion, I'll second that motion. And I  
16 agree that we have the authority to ask ISO,  
17 that we can do investigations like we're  
18 describing here. I think getting that  
19 information would be relevant. I don't think it  
20 would be irrelevant for us. So I'd like to hear  
21 what everyone else thinks.

22 MS. WEATHERSBY: A question for Dir.  
23 Muzzey. When you say other information that  
24 might be relevant to, what are you envisioning?

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 We're sort of a siting board. We probably could  
2 get the minutes of their planning meetings or, I  
3 mean, they're into reliability of the grid, and  
4 I'm just trying to understand what you mean.

5 DIR. MUZZEY: I agree that does sound broad  
6 in hearing it back. So a more focused request  
7 would be prudent. My interest would be in  
8 whether any planning activities and  
9 recommendations since the 2010-2012 process had  
10 any relevance to our decision making on this  
11 particular project.

12 MR. SCHMIDT: I think the question phrased  
13 that way would fall under the jurisdiction of  
14 this Committee as far as the research. It's not  
15 in depth, but it certainly would give us  
16 additional information.

17 DIR. SHULOCK: I have a question for the  
18 Subcommittee. Is anyone else interested in an  
19 identification by ISO of any written policies,  
20 guidelines, rules, et cetera, on the cost  
21 allocation issues? Or does Counsel believe that  
22 we have that information available already?

23 PRESIDING OFFICER MULHOLLAND: Are you  
24 talking about how ISO determines which

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 construction parts are regionalized and which  
2 are not?

3 DIR. SHULOCK: Yes.

4 PRESIDING OFFICER MULHOLLAND: Okay.

5 MR. IACOPINO: The process for that, as I  
6 understand it, is something that's documented by  
7 ISO. It is a document that could be presented  
8 as evidence by any of the parties. It's also, I  
9 believe, a document that with sufficient notice  
10 could be administratively noticed by the  
11 Committee. ISO has a very robust website. I  
12 don't know if that information is already in the  
13 public domain that way. And I'm trying to think  
14 of the contents of the Application, and I don't  
15 believe there's actually anything from ISO in  
16 the Application itself.

17 DIR. SHULOCK: I don't feel comfortable  
18 going out on the internet to look for those  
19 things in my role, current role, but if it's  
20 something that we could ask for identification  
21 of in the consult and then take administrative  
22 notice of giving notice to all the parties, I  
23 think that would be more appropriate than me  
24 going onto the website.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 MR. IACOPINO: You could do that. You  
2 could also make a Data Request of the Applicant  
3 to provide those documents from ISO as well.

4 DIR. SHULOCK: Okay.

5 MR. IACOPINO: Just another way of doing  
6 the same thing. It would be up to you as to  
7 which process you choose.

8 PRESIDING OFFICER MULHOLLAND: It's a  
9 separate question.

10 DIR. SHULOCK: Yes.

11 PRESIDING OFFICER MULHOLLAND: But we can  
12 entertain that today or another time.

13 DIR. SHULOCK: We might as well go the Data  
14 Request route.

15 PRESIDING OFFICER MULHOLLAND: Okay. Do we  
16 need to vote on Data Requests?

17 MR. IACOPINO: Typically -- well, first of  
18 all, the Data Request isn't the motion that's  
19 before the Committee right now, but, typically,  
20 just to answer your question, typically when any  
21 member has made a Data Request the Presiding  
22 Officer has generally transmitted it to the  
23 Applicant or whichever party the Data Request is  
24 going to, and, traditionally, the responding

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 party has provided that Data Request and  
2 sometimes it has been subject to objections or  
3 responses from other parties.

4 PRESIDING OFFICER MULHOLLAND: It sounds  
5 like we'd like to make that request. Any  
6 information, I guess the request is any  
7 information that we can get through the  
8 Applicant from ISO as to what considerations,  
9 what rules, what regulations they have as to  
10 this localized cost versus regionalized cost.

11 MR. NEEDLEMAN: We understand that, and  
12 we'll provide it.

13 PRESIDING OFFICER MULHOLLAND: Thank you.

14 MR. SCHMIDT: Are you saying that you want  
15 the information requested by Dir. Muzzey  
16 included in this request? Is that how we  
17 transition to this?

18 DIR. SHULOCK: No. That's separate.

19 MR. SCHMIDT: There's a motion on the  
20 floor.

21 PRESIDING OFFICER MULHOLLAND: We just  
22 interrupted the discussion on the motion to do  
23 this Data Request.

24 MR. SCHMIDT: Okay.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           PRESIDING OFFICER MULHOLLAND: So we're  
2 still discussing the motion that we have made  
3 and seconded.

4           MR. SCHMIDT: I guess I would ask, could  
5 that information be included in a Data Request  
6 as well? If there's been any changes to the  
7 need.

8           MR. IACOPINO: I suppose you could make the  
9 Data Request, but I don't know that the  
10 Applicant would be the proper person to respond  
11 to such a Data Request because it actually deals  
12 with, if I understand the motion correctly, with  
13 a request to ISO to actually provide an opinion  
14 on something.

15          MR. SCHMIDT: Okay.

16          MR. IACOPINO: It would not be appropriate  
17 for the Applicant to do.

18          MR. SCHMIDT: Thank you.

19          DIR. SHULOCK: So here are the horns of my  
20 dilemma. The Applicant says that it's highly  
21 relevant that ISO has determined that this is  
22 the preferred solution. And if it is, then both  
23 the other parties and we have a necessity to  
24 look behind that determination, and so some

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           consultation about whether it remains current  
2           may be appropriate.

3           PRESIDING OFFICER MULHOLLAND: That's a  
4           good argument.

5           DIR. MUZZEY: And to clarify further, I  
6           also have not suggested this motion because I  
7           believe it should be matter of course for every  
8           project. This is specific to the time frames of  
9           this Project as well as the concerns raised by  
10          the communities involved and the public and the  
11          intervenors.

12          MS. WEATHERSBY: I just keep coming back  
13          to -- I mean, it is very relevant, and it's  
14          important to know this is still the chosen  
15          project, but in reality, it's still the chosen  
16          project, and all the rest of the suites been  
17          built. They have allocated all the costs.  
18          They're waiting for this one last piece to fully  
19          integrate the solution for 2020. The ISO  
20          continues to allow Eversource to pursue this  
21          path. They continue to get updates on cost. I  
22          think we're asking a question that's already  
23          been answered by their continued actions. And I  
24          just hate for a governmental committee to be

***Cynthia Foster***

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           corresponding with ISO over something that to me  
2           kind of seems obvious.

3           PRESIDING OFFICER MULHOLLAND: Any thoughts  
4           on that?

5           DIR. SHULOCK: I don't disagree with Patty.  
6           I think, I'm actually sort of assuming an answer  
7           once we ask the question, and the things that  
8           have changed, if they actually have changed, I  
9           think those are things that the Town of  
10          Newington needs to take to ISO. We don't  
11          actually have that information. So if it's so  
12          highly relevant, then maybe we should  
13          investigate a little or -- but it's a dilemma  
14          for me.

15          PRESIDING OFFICER MULHOLLAND: Mr. Shulock,  
16          how would you draft -- would you change the  
17          question at all to be more focus on your  
18          concern?

19          DIR. SHULOCK: Well, I suppose if I'm  
20          assuming the answer and I agree with Patty, then  
21          now may not be the right time to ask the  
22          question. Maybe what it leads me to is that the  
23          Town needs to contact ISO with any changes  
24          they've seen in the planning period and ask ISO

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 to reconsider, and we'll find out if ISO stops  
2 the project.

3 PRESIDING OFFICER MULHOLLAND: Any more  
4 discussion on the motion for alternative relief  
5 and additional question that we've got a motion  
6 and a second?

7 MR. SCHMIDT: I have another question.  
8 Does anybody here on the panel know how that  
9 ten-year plan is updated? Is it updated on an  
10 annual basis?

11 PRESIDING OFFICER MULHOLLAND: Since we're  
12 stuck on this, Attorney Needleman, perhaps you  
13 could answer that one for us. Thank you.

14 MR. ANDREW: Okay. The ISO as part of the  
15 regional planning process has to comply with one  
16 of the NERC reliability standards. It's  
17 TPL-001, and that requires an annual review.  
18 Now, the annual review can look back at a study  
19 that was done two years ago and say that's still  
20 valid. We don't need to do it or the annual  
21 review can say enough things have changed, we've  
22 had generators retire, we've had loads change.  
23 Whatever the things are that we need to do a  
24 complete needs assessment again. And in fact,

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 the ISO recently did that. We talk about this,  
2 the result of the Seacoast Reliability Project  
3 coming out of the 2020 study.

4 The ISO recently just restarted a study  
5 that's the 2027 study, and that year is the last  
6 year of the 10-year planning horizon. All  
7 right? So currently in process is the needs  
8 assessment study that's the New Hampshire 2027  
9 study and we hope to actually have some results  
10 of that probably in the next 2 to 3 months as  
11 they relook at the system and the evolutions  
12 that are there.

13 Now, interestingly enough, in the 2027  
14 study is the assumption that the Seacoast  
15 Reliability Project has been constructed because  
16 that went through the earlier process and then  
17 went through the ISO's Proposed Plan  
18 Application, PPA, study and was approved. So  
19 that in the electrical models that are being  
20 used now is the Seacoast Reliability Project is  
21 in those models as it takes place.

22 So every year the ISO looks at the most  
23 recent study that was done and the conditions  
24 under which generators, load forecasts, you

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 know, all the different inputs, and makes a  
2 decision as to whether or not they have to  
3 restart a full needs study. And there is one  
4 going on now and its starting point was the  
5 system that was approved in the 2020 study plus  
6 any of the known changes to the system that are  
7 coming. New load forecasts, new generators, old  
8 generators retiring, anything of that nature.

9 DIR. SHULOCK: So that's a proposal that  
10 the Applicant prepared? Who made the assumption  
11 that the Seacoast Reliability Project would  
12 actually be in place when it hasn't received all  
13 of its approvals yet and may or may not?

14 MR. ANDREW: The ISO rules when they're  
15 determining the configuration of the system to  
16 be studied is that anything that has gone  
17 through and received the PPA approval is in  
18 there. So, for instance, Northern Pass has a  
19 PPA approval. So it is in the model. It may  
20 not be turned on as they study it, but it would  
21 be in the model as the approved system.

22 And then what they may do is look at it and  
23 say okay, we're going to do a sensitivity study  
24 and do it without Northern Pass in the model.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           It's fairly common to look at some of the larger  
2           older generating units, the oil-fired plants,  
3           and say let's do a sensitivity as if this plant  
4           no longer exists and see what that means.

5           DIR. SHULOCK: Thank you.

6           DIR. MUZZEY: Thank you very much for that  
7           explanation. I'm wondering though whether that  
8           2027 study will be helpful to this Committee  
9           given that it assumes that Seacoast Reliability  
10          is up and running. I'm concerned that some of  
11          our needs questions may not be able to be  
12          answered without some further contact or  
13          information from the ISO outside of the 2027  
14          results that we may hear in the next few months.  
15          I was hopeful when you gave that time frame that  
16          that document would provide us with any  
17          information we may need to address some of the  
18          public concerns we heard today, but given your  
19          explanation that assumption will be made that  
20          Seacoast Reliability is up and running unless a  
21          further sensitivity study is done just raises my  
22          concerns that we may not have as timely of  
23          information as would be preferable without  
24          hearing from the ISO if they choose to

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           communicate with us.

2           MR. SCHMIDT: On the other hand, though,  
3           2025 or '26 study would have been an updated  
4           evaluation of this so it's not quite as old as  
5           2012, if I heard that right. It's an annual  
6           update.

7           MR. ANDREW: It's an annual review, like  
8           they look at the study and the assumptions that  
9           were there and then say have any of these  
10          assumptions changed enough that we think we need  
11          to redo it.

12          MR. SCHMIDT: So it's my understanding that  
13          an update was done a year ago. To me I think  
14          that's more than we originally had thought so I  
15          think, again, I go back to I think their process  
16          is in place for these check and balances.

17          DIR. MUZZEY: One final question if I could  
18          ask Mr. Andrew. Do you know if whether the,  
19          say, the 2016 review or the 2015 review assumed  
20          Seacoast Reliability was up and running or will  
21          the 2027 update be the first to make that  
22          assumption?

23          MR. ANDREW: Well, the reviews that were  
24          done in previous years were based on the 2020

***Cynthia Foster***

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1 study, and the fact that we were proceeding to  
2 construct and permit, you know, all those  
3 projects. So, basically, those reviews would  
4 say, okay, you're doing what we asked you to do,  
5 you know, in there. I think one of the things  
6 that is in the Solution Report, and it may help  
7 answer your concern, is that we define a year of  
8 need for when a project is needed, and I believe  
9 most of these, this is coming from memory and it  
10 isn't what it used to be, were that the year of  
11 need was behind us when the study was done,  
12 meaning this is an existing condition that  
13 existed on the day the study solution was  
14 published. So that we're actually in a catchup  
15 mode that it's not based on a load forecast, you  
16 know, that oh, in five years we forecast the  
17 load to grow and we will have the problem then.  
18 It's based on the fact that there is an existing  
19 one. And I can only kind of point you to the  
20 Solution Report in general, but that is where  
21 that's defined for the proposed solutions.

22 PRESIDING OFFICER MULHOLLAND: Okay. We  
23 have a motion for a request to be sent to ISO.  
24 We have a second. We've had some discussion.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

1           Should we vote on this motion?

2           MS. WEATHERSBY: Mr. Chair, could you just  
3 repeat what the motion is?

4           PRESIDING OFFICER MULHOLLAND: I have that  
5 the motion is that we as a Subcommittee send a  
6 letter to the ISO asking them to confirm whether  
7 the planning process and their decision remains  
8 accurate and whether or not they have any  
9 additional information for us.

10          MS. WEATHERSBY: Thank you.

11          DIR. MUZZEY: Did someone suggest more  
12 tapered language for the second half of that?

13          DIR. SHULOCK: No, I was asked, and Patty  
14 convinced me that we shouldn't ask. So I didn't  
15 propose more tailored language.

16          PRESIDING OFFICER MULHOLLAND: You guys  
17 ready to vote? All right. All in favor of this  
18 motion say "aye."

19          DIR. MUZZEY: Aye.

20          PRESIDING OFFICER MULHOLLAND: Any nays?  
21 (Multiple members indicating "nay.")

22          PRESIDING OFFICER MULHOLLAND: All others  
23 opposed? Motion fails. Any abstentions?  
24 Sorry.

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

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

(No verbal response)

PRESIDING OFFICER MULHOLLAND: Sorry. No abstentions. All right. Motion fails.

Unless anyone has any other motions, I think we're about to conclude our business here today. I appreciate you guys coming and informing us on this. It's an important topic so we appreciate the input. We appreciate the argument and thank you.

We look forward to getting a schedule also so we can move forward with the rest of it.

I'll declare the Subcommittee to be adjourned for the day.

(Hearing adjourned at 1:29 p.m.)

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157

C E R T I F I C A T E

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Dated at West Lebanon, New Hampshire, this 20th day of March, 2018.

\_\_\_\_\_  
Cynthia Foster, LCR

**Cynthia Foster**

d/b/a North Country Court Reporters  
northcountrycr@gmail.com  
(603) 443-1157