

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

May 29, 2018 - 9:00 a.m.
49 Donovan Street
Concord, New Hampshire

{Electronically filed with SEC 06-11-18}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Patricia Weathersby <i>(Presiding Officer)</i>	Public Member
Dir. David Shulock	Public Utilities Comm.
Dir. Elizabeth Muzzey	Div. of Hist. Resources
Charles Schmidt, Admin.	Dept. of Transportation
Christopher Way	Div. of Economic Dev.
Susan Duprey	Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq. Counsel for SEC
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No appearances taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

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

Barry Needleman, Esq. (McLane Middleton)

Reptg. Counsel for the Public:

Christopher G. Aslin
Asst. Atty. General
N.H. Department of Justice

Reptg. Town of Durham:

Douglas Patch, Esq. (Orr & Reno)

Reptg. University of New Hampshire and Town of Durham:

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

Reptg. Conservation Law Foundation:

Tom Irwin, Esq.

Reptg. Durham Historic Association:

Nancy Sandberg

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P R O C E E D I N G S

*[Upon arrival of all
Subcommittee members, at
9:00 a.m. the Subcommittee
members held a conference
with SEC Counsel.]*

(Deliberations commenced at 9:20 a.m.)

PRESIDING OFFICER WEATHERSBY: Good morning. Welcome to this public meeting of the Subcommittee of the New Hampshire Site Evaluation Committee. This Subcommittee presides over the Application of Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility. It's Docket 2015-04.

Our primary purpose for meeting today is to discuss two pending requests. One from the Town of Durham and the University of New Hampshire to hire a horizontal directional drilling expert, and the other from the Conservation Law Foundation to address the Department of Environmental Services' recommendations as part of the adjudicatory process.

I'm Patricia Weathersby. I'm the public

1 member on the Subcommittee and the Chairman for
2 at least today, and I'd ask the other
3 Subcommittee members to introduce themselves,
4 please. Starting with Ms. Duprey.

5 MS. DUPREY: Susan Duprey. Public member.

6 MR. WAY: I'm Christopher Way from the
7 Department of Business and Economic Affairs.

8 MR. SCHMIDT: I'm Chuck Schmidt from New
9 Hampshire Department of Transportation.

10 MR. SHULOCK: David Shulock from the Public
11 Utilities Commission.

12 DIR. MUZZEY: Elizabeth Muzzey from the
13 Department of Natural and Cultural Resources.

14 PRESIDING OFFICE WEATHERSBY: And sitting
15 to my right.

16 MR. IACOPINO: Mike Iacopino, counsel to
17 the Committee.

18 PRESIDING OFFICER WEATHERSBY: Another
19 critical person to know is Pam Monroe. She's
20 our Administrator for the Site Evaluation
21 Committee.

22 For the convenience of everyone present,
23 I'm going to review some of the relevant history
24 of this docket.

1 On April 12th, 2016, Public Service Company
2 of New Hampshire d/b/a Eversource Energy applied
3 to the Site Evaluation Committee to construct a
4 new 115 kV electric transmission line,
5 approximately 12.9 miles in length between
6 existing substations in Madbury and in
7 Portsmouth.

8 On February 28th, 2018, New Hampshire
9 Department of Environmental Services issued a
10 final decision on parts of the Application
11 related to the Wetlands Permit, Alteration of
12 Terrain Permit 41, Water Quality Certificate and
13 Shoreland Permit.

14 In addition to the conditions applicable to
15 these permits DES recommended the Subcommittee
16 to consider having the Applicant conduct a more
17 thorough evaluation of the horizontal
18 directional drilling, HDD method for installing
19 cable under Little Bay and a trial jet plow run
20 without cable in Little Bay.

21 DES further recommended the Subcommittee to
22 require the Applicant to submit the HDD
23 evaluation to the DES Watershed Management
24 Bureau and the Committee at least 90 days prior

1 to construction of the project in Little Bay.
2 As to a trial jet plow, DES recommended the
3 Subcommittee to require the Applicant to submit
4 a jet plow trial plan for DES approval at least
5 90 days prior to conducting the trial and also
6 a report summarizing the jet plow trial to DES
7 and the Committee at least 90 days prior to the
8 proposed cable installation.

9 DES further indicated that upon receipt and
10 review of the reports, it would provide a
11 recommendation to the Applicant and to the
12 Committee.

13 On March 16th, 2018, the Town of Durham and
14 the University of New Hampshire filed a
15 partially assented to motion requesting the
16 Subcommittee hire an HDD expert. The Applicant
17 filed a partial objection to the Town of Durham
18 and UNH's request on March 26th, 2018.

19 On March 21, 2018, the Conservation Law
20 Foundation filed a partially assented to motion
21 requesting the Subcommittee to address DES's
22 recommendations as part of the adjudicatory
23 process. The Applicant objected to this request
24 on March 29, 2018.

1 On March 26th, 2018, Counsel for the Public
2 responded to the Conservation Law Foundation's
3 Town of Durham and University of New Hampshire's
4 request. By order and notice dated April 26th,
5 2018, a hearing on pending motions was scheduled
6 in this docket. Subject to the Subcommittee's
7 review today, the following requests are:
8 partially assented to motion requesting the
9 Subcommittee to hire an HDD expert that was
10 filed by the Town of Durham and UNH, and the
11 partially assented to motion requesting the
12 Subcommittee to address DES's recommendations as
13 part of the adjudicatory process that was filed
14 by CLF.

15 We received and reviewed the pleadings
16 filed by the parties. It would be fair to allow
17 the parties to make statements addressing their
18 positions. I would ask the parties, however, in
19 the interest of judicial economy to limit their
20 statements to the arguments that have not
21 already been raised in their pleadings.

22 Do the Town of Durham and UNH wish to add
23 anything that they believe the SEC should
24 consider?

1 MR. PATCH: Yes. Good morning. My name is
2 Doug Patch. I'm with the law firm of Orr &
3 Reno, and I represent Durham and UNH. With me
4 at the table is Todd Selig who is the town
5 administrator in Durham, Matt O'Keefe who is
6 with UNH and Matt Dacey from GeoInsight. So
7 would you like me to do that now?

8 PRESIDING OFFICER WEATHERSBY: Yes, please.

9 MR. PATCH: Thank you. There are just a
10 couple of points that we would like to make in
11 addition to what we put in our motion.

12 In its recommendation to the Committee, in
13 February DES had recommended a much more
14 thorough evaluation of the HDD alternative than
15 what Eversource has done, characterizing their
16 effort as a relatively brief explanation as to
17 why HDD was not selected, and DES went on to say
18 that Eversource did not provide sufficient
19 information to support their conclusion.

20 DES also provided some very specific
21 direction on what should be a part of the HDD
22 evaluation that they recommended. The reason
23 DES made these recommendations is because they
24 found that the jet plow technique will result in

1 hundreds of cubic yards of sediment being
2 temporarily suspended in the water column and
3 deposited elsewhere in Little Bay.

4 DES also noted that this technique, jet
5 plowing, has never been done in New Hampshire.
6 HDD is an alternative that has been done in at
7 least two instances in the Seacoast area of the
8 state, both pertaining to the Granite State
9 Gas transmission line, one of which was reviewed
10 by this Committee in Docket 2014-01, and that
11 involved HDD under the Squamscott River between
12 Exeter and Stratham. The other was reviewed by
13 the PUC in Docket DG 16-471, and that involved
14 HDD under Pomeroy Cove and the Piscataqua River
15 in Dover.

16 As a result of the DES review and
17 recommendation, Eversource is now trying to make
18 up for what was a superficial review of the HDD
19 alternative. What Eversource is asking you to
20 approve is what they already have which is an
21 opportunity to rebut the recommendation. They
22 clearly do not want to do HDD. If you look at
23 their response to our motion, particularly
24 paragraph 16, what they are proposing to do in

1 response to the DES recommendation is to file
2 Rebuttal Testimony. Let's be realistic about
3 this. All they want is to rebut what DES and
4 others have said in this docket. They want to
5 beef up their arguments as to why this should
6 not be done.

7 Public Counsel in their response to our
8 motion says that they take no position on
9 whether the Subcommittee should exercise its
10 authority to hire an expert, but they do say
11 that you have the clear authority to do so.
12 Public Counsel says that they intend to have
13 their expert witness provide, and I quote,
14 "generalized information on the HDD
15 alternative," end quote, but we think this falls
16 short of what DES had recommended.

17 Public Counsel supports the development of
18 a full and complete record on HDD alternatives,
19 and the opportunity for discovery in a Technical
20 Session on any new testimony.

21 We think it's critical for the SEC to
22 exercise the authority you clearly have under
23 the law RSA 162-H:10, V to hire your own
24 independent expert to do an analysis of the

1 issue. We think this is the ideal situation for
2 you to do this. We already know how Eversource
3 feels about the option. What you need to know
4 and the public has a right to know is what an
5 independent expert would have to say about all
6 of the issues DES raises. We believe that the
7 legislature would not have given you this
8 authority unless they intended for you to
9 exercise it.

10 The Town has already investigated
11 significant amounts of money in this proceeding.
12 Unlike the Applicant, it does not have unlimited
13 resources. Part of why it has had to invest so
14 much in the proceeding is because it has taken a
15 long time to get through the docket, in large
16 part because the Applicant has had to supplement
17 its Application and its studies because arguably
18 at least they were not done thoroughly to begin
19 with.

20 In terms of any delays in the schedule, we
21 would point out that we're already three years
22 past the time when Eversource first notified you
23 in April of 2015 of the public information
24 session required before filing the Application,

1 and this Committee in its April 6, 2018, order
2 suspending the statutory time frame said that
3 the time frame for issuing a written order has
4 been suspended until April 1st of 2019. So
5 there's really plenty of time to hire an expert
6 and have the testimony submitted subject to
7 discovery in a Technical Session. And as that
8 order said, this Project, quote, "implicates
9 important environmental concerns that will
10 require additional time for investigation and
11 discovery," end quote.

12 In their objection, Eversource tries to
13 argue that our motion is an improper effort to
14 appeal the DES ruling. We think that's just
15 wrong. As soon as we saw what DES said about
16 this issue, we filed the motion. We worked
17 through the process like everyone else, and we
18 waited patiently for the DES recommendation.
19 The DES recommendation is before you for review
20 as part of this process, and we are appealing to
21 you to exercise an authority that you have under
22 the law to ensure that a thorough evaluation of
23 the HDD alternative is done.

24 Eversource tries to argue that they were

1 already in the process of conducting a further
2 evaluation of the issues associated with HDD.
3 They certainly never said that until after the
4 DES recommendation came out, and as they freely
5 admit in their objection to our motion, what
6 they're conducting is no independent evaluation.
7 It is putting together a rebuttal with all of
8 the reasons why this should not be done. It has
9 nothing to do with the kind of independent
10 evaluation we think the Committee and everyone
11 involved and particularly members of the public
12 should have.

13 They try to argue that DES rejected the
14 need for analysis of HDD when the language of
15 the DES recommendation, we think, is very clear.
16 This is an issue that needs more study and not
17 more argument from Eversource. The DES analysis
18 described in considerable detail the potential
19 problems with the jet plow method for burying
20 the cable. That is what Eversource is ignoring
21 when they make their arguments against our
22 motion.

23 So we implore you to use your authority
24 that you have under the law to ensure that a

1 thorough independent review of HDD is done. We
2 urge to you remember that Little Bay is a
3 priceless and fragile natural resource that
4 should be protected against adverse impacts. We
5 also urge you to remember that DES notes the
6 impact that jet plowing is likely to have on
7 this natural resource, and we urge you to
8 remember that HDD could potentially eliminate
9 many of the negative impacts to Little Bay that
10 the project is likely to bring.

11 We're not asking you to hire someone who
12 will say that HDD is the preferred alternative.
13 We are asking you to hire someone with expertise
14 who will give you a thorough and independent
15 review of HDD as an alternative. Thank you.

16 PRESIDING OFFICER WEATHERSBY: Does the
17 Conservation Law Foundation wish to add
18 anything?

19 MR. IRVIN: Thank you, Madam Chair, members
20 of the Committee, my name is Tom Irwin. I
21 represent the Conservation Law Foundation.

22 We believe the recommendations of DES in
23 its February 28th letter are significant. The
24 recommendations related to HDD further

1 evaluation related to a jet plow trial run
2 underscore the importance of Little Bay and the
3 need to protect it. They underscore the
4 complexity of the project as it relates to
5 Little Bay and the conditions there, and the
6 recommendations are by no means offhand
7 recommendations from the agency. They are
8 detailed, thorough, and well-conceived, making
9 note that, as Attorney Patch referenced, that
10 the Applicant with respect to HDD has not
11 provided sufficient information and that a
12 further HDD analysis would require an assessment
13 of crossing the entire Little Bay, a portion of
14 Little Bay, those portions where only jet, hand
15 jetting would take place, engaging in an
16 detailed evaluation of water quality impacts, a
17 detailed evaluation of costs and feasibility.

18 We similarly believe that the jet plow
19 trial run is critical for ground truthing the
20 dispersal of sediments that have been modeled so
21 far to ensure that modeling is accurate and to
22 prevent the adverse impacts that would result
23 from the dispersement of sediment within the
24 estuary.

1 So we strongly support DES's
2 recommendations and urge the Site Evaluation
3 Committee to take them up, but we urge that you
4 take them up with certain modifications. With
5 respect to horizontal directional drilling, the
6 recommendation could be interpreted as requiring
7 an HDD evaluation as a post-certificate
8 condition. We urge that the Committee require
9 this evaluation to take place up front as part
10 of the adjudicatory process to enable all the
11 parties to this docket and the public to have a
12 clear understanding of feasibility and potential
13 benefits or downsides of HDD in relation to jet
14 plowing and to ensure that the Site Evaluation
15 Committee has all the information that it needs
16 to render a decision whether or not to grant a
17 certificate and to render that decision based on
18 a specific technology, jet plowing or HDD.

19 We agree that the Town of Durham's motion
20 for the SEC to retain a consultant would be an
21 important element of this, but, regardless, we
22 think that what DES has laid out at the very
23 least requiring the Applicant to develop a
24 further analysis, not as part of a rebuttal

1 testimony, but to provide a further analysis for
2 DES review is critical.

3 Similarly, we believe a jet plow trial run
4 will provide crucial information to benefit the
5 parties to this proceeding and ultimately the
6 Committee in its decision making. You know, one
7 practical element that we've raised in our
8 motion is if the Committee were to determine
9 that HDD is the preferred alternative, obviously
10 we would request that a jet plow trial run not
11 be conducted because there would be impacts
12 associated with that trial run alone.

13 So DES has provided important detailed
14 recommendations that we urge the Committee to
15 follow with the modifications I've described.
16 Eversource has argued that our motion is somehow
17 an appeal, a premature, inappropriate appeal of
18 DES's decision or recommended approval. This is
19 simply not the case. CLF's motion is about
20 asking the SEC to exercise its authority to
21 ensure that it has the information it needs as
22 part of this process prior to reaching a
23 determination fully consistent with one of the
24 stated purposes of the SEC's governing statute,

1 RSA 162-H, which is to provide full and timely
2 consideration of environmental consequences. So
3 with that, I have nothing to add. Thank you.

4 PRESIDING OFFICER WEATHERSBY: Thank you.
5 Before getting to Counsel for the Public, are
6 there other Intervenors in this docket that
7 would like to comment on these motions?

8 (No verbal response)

9 PRESIDING OFFICER WEATHERSBY: Hearing
10 none, Counsel for the Public, Attorney Aslin,
11 would you like to address this?

12 MR. ASLIN: Thank you, Madam Chair. Very
13 briefly, my name is Chris Aslin. For those I
14 haven't met before, I'm from the New Hampshire
15 Attorney General's office, and I'm designated as
16 Counsel for the Public for this proceeding.

17 Counsel for the Public's position is
18 outlined in the response that we filed to both
19 motions. To add to that, I think the only thing
20 I need to supplement is with regard to our
21 expectation from the expert that we hired for
22 reviewing of the Little Bay crossing, we do plan
23 to file Supplemental Testimony that will address
24 the feasibility of HDD as an option, both across

1 the entire stretch of the bay and as a partial
2 stretch as recommended by DES.

3 To Durham's point, Attorney Patch, that may
4 not be as fulsome a review as Durham is looking
5 for because our experts are not designing the
6 project. They can only comment on the general
7 feasibility and the kind of plusses and minuses
8 of using HDD versus jet plow techniques. It's
9 not within their capacity or the scope of their
10 position or their role in this project to
11 actually design something and comment on the
12 specific design.

13 So at this point, there is no design for an
14 HDD alternative in the record on which my
15 experts could comment, but they will be
16 supplementing their testimony with general
17 information about feasibility and the risks and
18 benefits of those different approaches.

19 Other than that, I think my response is in
20 the filed response so nothing further needs to
21 be added. Thank you.

22 PRESIDING OFFICER WEATHERSBY: Thank you.
23 Does the Applicant wish to add anything to its
24 objection?

1 MR. NEEDLEMAN: Yes. Thank you, Madam
2 Chair. Good morning. My name is Barry
3 Needleman. I represent the Applicant in this
4 matter and appreciate the chance to make a
5 number of points in connection with this.

6 First of all, I think lost in all of these
7 motions are some simple facts regarding the DES
8 approval which is that after a long period of
9 time and with very significant input from these
10 other parties who have made these motions, the
11 DES issued a permit approving the crossing of
12 Little Bay using the jet plow technology with
13 certain conditions.

14 At the same time, DES suggested to this
15 Committee that if it was going to issue a
16 certificate that it might require additional
17 information on HDD, and as I'll explain in a
18 minute, none of that was a prerequisite in the
19 DES approvals, and I think that these motions
20 essentially lose sight of that.

21 Speaking first to Durham's motion, in a
22 sense I think that that motion is moot at this
23 point, and the reason that I say that is because
24 the motions were filed in late March, and then

1 on April 6th the Committee issued a procedural
2 schedule. And when you look at the Prayer for
3 Relief in the Durham motion, it asks in Prayer A
4 that this Committee hire its own expert, and in
5 Prayer B it says in the alternative that it
6 require the Applicant to provide additional
7 information as is specified in the DES approval.

8 And in the April 6th procedural schedule
9 that's exactly what this Committee did. It
10 ordered the Applicant to provide additional
11 Supplemental Testimony on HDD including a report
12 on July 1st that would answer the questions
13 raised in the DES permits and then to make those
14 experts available for a technical session which
15 is going to happen on July 10th.

16 So we argued against that in the procedural
17 schedule, but the Committee overruled it and
18 required it presumably pursuant to these
19 motions. So in a sense we have already
20 accomplished what these parties seek to
21 accomplish by introducing that additional
22 information into the record.

23 Setting that aside for a moment and dealing
24 with some of the other points, I would note for

1 the Committee that we have significant concerns
2 about the timeliness of this motion. From the
3 standpoint of the Applicants and clearly from
4 the standpoint of the record, HDD is nothing new
5 to this project. When we filed our Application
6 over two years ago, we specifically mentioned
7 that we evaluated and did not select HDD. We
8 recognized that people think enough information
9 was not provided on that point and that's being
10 addressed, but, nevertheless, this has been a
11 part of the case from the beginning. When you
12 look at the Supplemental Testimony filed by the
13 opposing parties, they raised HDD in their
14 Supplemental Testimony. Mr. Selig from Durham
15 raised HDD. During the Technical Sessions our
16 witnesses were questioned about HDD. So the
17 point being, there's nothing new about this, and
18 if at any time the parties felt that enough
19 information wasn't available, they could have
20 come to the Committee long ago and raised this
21 issue. There's nothing about the DES approval
22 that suddenly put HDD into this case when it
23 wasn't present before. So to raise it now and
24 ask for the kind of relief that they're asking

1 for where a Committee expert be hired, it throws
2 a wrench into these proceedings and would
3 certainly cause delay that we think at this
4 point is just unfair and certainly untimely.

5 And then, again, with respect to hiring the
6 expert, at this point given what the Committee
7 has required of the Applicant with the July 1st
8 disclosures and Technical Sessions, hiring yet
9 another expert would not only be duplicative and
10 inefficient, but at this point it would also, as
11 I said before, cause that delay. And to have
12 another party just become involved and do the
13 same work we don't think would provide any
14 benefit to the process.

15 Now, Durham says that it would be an
16 independent evaluation. I don't think there has
17 been a single docket that this Committee has
18 ever been involved with that hasn't involved a
19 multitude of contentious issues, and in every
20 one of those the Committee looks at the
21 information provided by the Applicant, it hears
22 the information provided by the opponents, it
23 looks at the conditions suggested by the
24 applicable state agencies, and it makes a

1 determination. I personally can't recall a time
2 when the Committee hired its own expert, and I
3 think Durham had to point back to a case 30
4 years ago for that. So in that sense, it's not
5 only duplicative, but I think it's extraordinary
6 relief that isn't merited for any reason in this
7 context. And so for those reasons, we would ask
8 that the Durham motion be denied.

9 Let me turn briefly to the CLF motion
10 because it involves issues that are separate
11 from the Durham motion. CLF is asking that in
12 addition to the additional HDD information that
13 a sequence of events occur where the Applicant
14 now has to jump through additional hurdles of
15 first ruling out HDD and then doing additional
16 jet plow work before we can even get to the
17 final hearings.

18 Again, what CLF is doing is ignoring the
19 DES determination which has already been made
20 and essentially rejected that approach, and I
21 think it's very important for the Committee to
22 focus on the materials that we provided that
23 show the course of dealing here. These parties
24 interacted extensively with DES prior to the

1 time that DES issued its approval. Durham
2 submitted information to DES on several
3 occasions. Durham met with DES. Durham asked
4 DES to include in the final permit the precise
5 conditions here that Durham is now asking this
6 Committee to include which would be a jet plow
7 run beforehand and other similar conditions.
8 DES accepted many recommendations from Durham
9 and its experts, and it rejected some of those
10 recommendations.

11 And so when we say that this is akin to
12 essentially appealing the DES permit, that's
13 precisely what we mean. These parties had a
14 full opportunity to let their positions be known
15 with respect to DES, and DES considered their
16 positions and then issued the approval subject
17 to that, and so now these parties are here
18 saying well, they would like you to overrule DES
19 in that respect.

20 I would call your attention to paragraph 9
21 of Durham's motion. In that motion, Durham
22 specifically says, quote, "The Committee is to
23 give deference to proposed agency terms and
24 conditions." Well, that's the way it's always

1 been and we agree with that point, but both
2 Durham and CLF seem to want to have it both
3 ways. They want you to give deference to the
4 conditions that DES has issued that they agree
5 with, but then when they disagree, they don't
6 want you to give deference and they want you to
7 overrule them, and that's simply not appropriate
8 in this context.

9 And then, finally, I want to focus in on
10 the argument we made about why this is akin to a
11 backdoor appeal, and the reason that we say that
12 is because any party in any SEC proceeding is
13 always entitled to ask that this Committee
14 overrule agency conditions, add to agency
15 conditions. I think that that happens
16 regularly. I think Applicants have done it,
17 other parties have done it, but it's only
18 appropriate in the context of the final hearing.
19 It's not appropriate at this point. And the
20 reason that I say that is because you need to be
21 at the final hearing where you have all the
22 evidence and information being presented to you
23 so you can make an informed decision about
24 whether or not to overrule and do something

1 different with respect to those conditions, and
2 I'm going to give you some concrete examples.

3 In this docket, Counsel for the Public's
4 expert on this issue, ESS, has said in their
5 Prefiled Testimony that, quote, "for the most
6 part, the Applicant has adequately characterized
7 the potential environmental impacts of the work
8 associated with the installation of the
9 submarine cables in Little Bay," close quote,
10 and, quote, "The potential impacts identified
11 are generally consistent with the type and
12 extent of impacts ESS has experienced on other
13 submarine crossing projects," close quote.

14 So Counsel for the Public's own technical
15 expert here actually supports the DES conclusion
16 on the permits about the crossing of Little Bay,
17 and it undercuts the argument that you should
18 rule against DES and require something more at
19 this point.

20 The other thing which we recently learned
21 in Technical Sessions just a week or so ago and
22 which you would hear at the final hearing is
23 that Counsel for the Public's expert, ESS,
24 itself has been involved in multiple projects in

1 other jurisdictions where jet plow technology
2 has been used, and I asked them specifically,
3 have there been trial runs required in those
4 other projects, and they said yes, there have
5 been, and they told me that in each case the
6 trial runs were required in a relatively brief
7 period of time right before the final run was
8 required.

9 So again, that sort of information which
10 would come directly from Counsel for the
11 Public's own expert would undercut the arguments
12 here that you should be overruling DES at this
13 point. And there's more information like that.
14 But again, if you jump to a premature decision
15 now about overruling DES, and you don't hear the
16 full record on that, then it's going to be too
17 late to consider that sort of information.

18 And finally, I want to point out that with
19 respect to Counsel for the Public noted and I
20 would note as well that in the CLF motion in
21 their sequencing they say that the Committee
22 should focus on the HDD and require it if it's
23 technically feasible or the environmental
24 impacts are less than jet plow.

1 Again, that doesn't provide a complete
2 picture because, for example, the Committee
3 would not have the benefit of understanding what
4 the costs of jet plow versus HDD are which you
5 will once we submit the supplemental information
6 on July 1st. The Committee will have absolutely
7 no understanding of what the impact of HDD would
8 be on abutters on either side of the bay. You
9 wouldn't have any information about the other
10 types of impacts associated with it. So you
11 would essentially be making this decision in a
12 vacuum.

13 So for all those reasons, we ask that the
14 Committee reject both the Durham motion and the
15 CLF motion. Thank you.

16 PRESIDING OFFICER WEATHERSBY: Thank you.
17 Would Committee members have any questions for
18 the Applicant or the movants?

19 I'll start us off. Attorney Needleman, the
20 HDD expert testimony that you will be filing,
21 will that include, could you give me a sense of
22 the breadth of that. Will that include a design
23 of that alternative, environmental impacts of
24 that, the cost? How comprehensive is the

1 information that you plan on submitting?

2 MR. NEEDLEMAN: We plan to submit Prefiled
3 Testimony from several witnesses. That
4 testimony will be accompanied by a report.
5 Collectively, the testimony and the report will
6 address topics like the relative costs of HDD
7 versus jet plow, the nature of the design and
8 technical constraints associated with HDD,
9 issues like what would it require in terms of
10 bringing equipment to the site for HDD, what
11 would the laydown areas on both the Durham and
12 Newington side have to look like, what would the
13 machinery look like, what would the impacts on
14 abutters look like in terms of noise and other
15 types of impacts. It would talk about the
16 environmental impacts of HDD, potential issues
17 such as frackouts, things like that. It would
18 talk about the mechanics of doing something like
19 this.

20 So we understood the direction from the
21 Committee to be that it wanted a comprehensive
22 set of information about HDD, and that's what
23 we're preparing and what we intend to file.

24 PRESIDING OFFICER WEATHERSBY: Does the

1 nature of that evaluation comport with what DES
2 requested?

3 MR. NEEDLEMAN: Yes, we believe so. We
4 were informed both by what DES requested and the
5 draft permit and what the Committee instructed
6 us to do in the April 6th order.

7 PRESIDING OFFICER WEATHERSBY: Attorney
8 Aslin? Counsel for the Public, if you could
9 respond similarly with regard to your experts
10 concerning this comprehensive nature of the HDD
11 testimony they may be giving us.

12 MR. ASLIN: Certainly. I anticipate that
13 ESS will provide a response to the specifics
14 that DES has set out in its recommendations in
15 the letter from February. It will probably not
16 include some of the specifics that Attorney
17 Needleman was outlining in terms of potential
18 laydown areas and construction mechanics, simply
19 because ESS is reviewing and commenting rather
20 than designing the project.

21 But it has extensive experience in this
22 type of work and will be providing sort of more
23 generalized concepts of how HDD would have to be
24 set up, what kind of impacts there would be and

1 what benefits it would have in relationship to
2 the jet plow approach.

3 So I would say it wouldn't be as fulsome a
4 review as DES had requested because it's not our
5 project, but our experts will be trying to
6 address each of the issues that DES has raised.

7 PRESIDING OFFICER WEATHERSBY: Am I correct
8 that your experts will also be reviewing the
9 information provided by the Applicant and
10 commenting on that information?

11 MR. ASLIN: Yes, and that would be
12 expected. One question would be timing. We
13 could file our Supplemental Testimony on HDD at
14 the same time as the Applicant or we could wait
15 and file it as part of our general Supplemental
16 Testimony which is due I think 20 days later on
17 July 20th. The difference being that if Counsel
18 for the Public's expert files on July 1st they
19 could also be available for Technical Sessions
20 on July 10th, whereas if it's just in the
21 generalized Supplemental Testimony there would
22 be no Technical Sessions on that testimony.

23 MR. NEEDLEMAN: Madam Chair, if I might.

24 PRESIDING OFFICER WEATHERSBY: Yes.

1 MR. NEEDLEMAN: The simultaneous filing is
2 certainly not, I think, considered in the order,
3 but to the extent that Counsel for the Public is
4 willing to file on July 1st we would certainly
5 appreciate it and appreciate the chance to be
6 able to ask some questions as well in Technical
7 Session.

8 MR. IACOPINO: Do you guys see that as we
9 leave a hole in the procedural schedule there?
10 Is that the issue when it comes to the HDD
11 information? We didn't accommodate for you to
12 have experts in there, Mr. Aslin. Correct?

13 MR. ASLIN: Yes. I think it was
14 anticipated that yes, that this group's
15 Supplemental Testimony filed in the regular
16 course would address some of these issues, but
17 we're certainly willing and able to do it
18 earlier if it is considered more effective by
19 the Committee.

20 MR. IACOPINO: That way we would have the
21 Technical Sessions with both sets of experts.

22 MR. ASLIN: Yes.

23 MR. IACOPINO: This is just procedural. Do
24 any of the parties that are here, I mean, the

1 procedural order is a procedural order. Do any
2 of the parties here object to that process where
3 we would have both sets of at least folks who
4 have identified that they're going to present
5 experts on HDD at the Technical Session at the
6 same time? Maybe not together but on the same
7 day?

8 MR. PATCH: Well, I guess the only thing I
9 would say is that Durham and UNH stand by their
10 request that there would be an independent
11 expert that would fully address all of the
12 issues, but that having been said, certainly one
13 of the points that we made in our motion was the
14 need for further discovery at a Technical
15 Session. So whatever the Committee decides, we
16 think that's an important issue and
17 modifications to the schedule that would
18 accommodate that we think would be helpful.

19 MR. IACOPINO: Anybody else?

20 MR. IRWIN: I have nothing to add to what
21 Attorney Patch just stated. Thank you.

22 PRESIDING OFFICER WEATHERSBY: Mr. Way?

23 MR. WAY: Counselor Needleman and Counselor
24 Aslin, having had the experience of previous

1 projects, and I'm recalling back to the
2 voluminous amount of information that we had on
3 horizontal direct drilling, and given what you
4 said to Ms. Weathersby, is that something we
5 could likely expect as we go through this
6 process, that we're going to have a similar
7 amount of information coming back to us that we
8 had before so that we can make a decision? It
9 sounds like that's what's going to happen.

10 MR. NEEDLEMAN: Well, certainly from our
11 perspective, Mr. Way, I think that what we're
12 preparing and what we intend to provide to you
13 will be a concise but substantial amount of
14 information on this specific topic so that our
15 hope is you will have everything you need to
16 understand this issue.

17 MR. ASLIN: And I would say from Counsel
18 for the Public's perspective, I don't anticipate
19 that ESS group would file a report specific to
20 horizontal directional drilling but rather
21 testimony that discusses the issues raised by
22 DES. So it may not be as complete as some of
23 the information that has been seen in other
24 dockets but sounds like the Applicant will be

1 attempting to do that.

2 MR. WAY: Thank you.

3 MR. IACOPINO: I have one question for
4 Mr. Patch. Mr. Patch, Mr. Aslin raises the
5 point that his expert isn't designing the
6 project, and if the Committee were inclined to
7 hire an expert, that expert wouldn't be
8 designing the project either. What is it that
9 you anticipate that an HDD expert hired by the
10 Committee would do under those circumstances?

11 MR. PATCH: Well, I understood particularly
12 from the response that Public Counsel filed and
13 I think he reiterated today that the kind of
14 testimony that would be offered and I think he's
15 asked for \$13,000 more to supplement what's
16 already been paid to them, but that it would be,
17 quote, unquote, "general information." And we
18 think the analysis in order to do what DES has
19 recommended is more than general information.
20 We think it requires somebody with specific
21 expertise to HDD drilling which I'm not sure
22 Public Counsel's expert has that kind of
23 specific expertise. I think he's got some
24 familiarity with it, but I'm not sure he's got

1 the kind of expertise that we think would be
2 valuable to the Committee.

3 So we just think that's going to be a less
4 comprehensive review, and I think he's basically
5 said that this morning than, what we think the
6 Committee and the public should have before it.

7 MR. WAY: So I heard a lot of "I think" and
8 "I believe" and the word "general." Counselor
9 Aslin, your expert, how do you respond to that?
10 From what I understand, your expert has done,
11 has had previous experience in this field and
12 would be considered an expert. What is the
13 general information that will come out of this?
14 Because I understand what Mr. Iacopino is saying
15 is that anybody we hire here is not going to
16 actually do the design. So now we're quibbling
17 about what the word "general" means. And I
18 don't mean the word "quibble." I apologize on
19 that. But we're debating on what the word
20 "general" means, and I thinks that's important
21 here. Can you elaborate on that?

22 MR. ASLIN: I can certainly try. My
23 experts from the ESS group have project design
24 and monitoring experience that includes HDD

1 drilling, but they are not an HDD drilling firm.
2 That would normally be a subcontract type of
3 work. So they don't perform it themselves, but
4 they are involved with environmental monitoring
5 and design of these kind of projects.

6 So I think I'm perhaps not going to be as
7 helpful as you would like, but I can just
8 reiterate that there will not be a Technical
9 Report filed by the ESS group on all the
10 intricacies of HDD for this Project, but they
11 will be filing testimony based on their
12 experience with projects that have used HDD
13 drilling in similar locations.

14 So I think it is somewhere in between what
15 Durham is asking for and what the Committee may
16 be interested in, but it would be more the
17 Applicant's side of the table that would be able
18 to provide the specific detailed information.

19 MR. WAY: Thank you.

20 PRESIDING OFFICER WEATHERSBY: Ms. Duprey?

21 MS. DUPREY: Thank you. Mr. Aslin, did you
22 say that ESS has designed HDD projects before?

23 MR. ASLIN: They have consulted on projects
24 that include HDD. They are not a technical HDD

1 firm. They may have other expertise beyond the
2 individuals that we hired for this Project that
3 have done HDD, but the experts for this Project
4 are not the kind of design-on-the-ground people.
5 They're the more environmental monitoring and
6 compliance side of it.

7 MS. DUPREY: So they're familiar with the
8 effects of HDD?

9 MR. ASLIN: They are, yes.

10 MS. DUPREY: Because they monitor it?

11 MS. ASLIN: Yes, and they've been involved
12 in many, many projects that have used HDD.

13 MS. DUPREY: Thank you very much.

14 PRESIDING OFFICER WEATHERSBY: Director
15 Muzzey?

16 DIR. MUZZEY: Thank you. And also for the
17 Counsel for the Public, the experts that you'll
18 be working with, will they give their general
19 recommendations in a manner that's site
20 specific? We know the importance of the
21 environment of Little Bay. Will they be
22 addressing that in their comments?

23 MR. ASLIN: That's my expectation that they
24 will be directing their comments to this

1 specific location and this proposed project, and
2 obviously, that includes the specifics of Little
3 Bay's ecological importance.

4 DIR. MUZZEY: Thank you.

5 PRESIDING OFFICER WEATHERSBY: Mr. Schmidt?

6 MR. SCHMIDT: Mr. Needleman, I know you
7 talked about the laydown areas and specifics in
8 regard to that, but will your report also
9 include specifics of the Little Bay itself? The
10 construction? You mentioned frackout, but I
11 wasn't sure if that was a general term in this
12 case or if it was specific to known conditions.

13 MR. NEEDLEMAN: General term. So the
14 expectation is that one of the things the report
15 will cover will be potential environmental facts
16 from HDD in this specific location.

17 MR. SCHMIDT: Thank you.

18 PRESIDING OFFICER WEATHERSBY: Any further
19 questions from the Committee? Mr. Iacopino?

20 MR. IACOPINO: No.

21 PRESIDING OFFICER WEATHERSBY: Okay. So
22 there being no further questions or further
23 evidence before this Committee, I think we
24 should begin deliberation -- oh. We have --

1 yes, ma'am?

2 MS. SANDBERG: I am here on behalf of the
3 Durham Historic Association.

4 PRESIDING OFFICER WEATHERSBY: Could you
5 tell us your name, please?

6 MS. SANDBERG: My name is Nancy Sandberg.
7 I am the curator of the Durham Historical
8 Association Museum. I am speaking on their
9 behalf. We would like to say that we feel that
10 Little Bay is a critical historic resource in
11 the Town of Durham and that we believe that an
12 independent evaluation of HDD crossing of Little
13 Bay is very important for your Committee to have
14 that evidence before you, and so we support the
15 Town of Durham and UNH's motion, too. Thank
16 you.

17 PRESIDING OFFICER WEATHERSBY: Thank you,
18 Ms. Sandberg. Attorney Irwin?

19 MR. IRWIN: Madam Chair, thank you. Thank
20 you, Committee members. Just very briefly, I
21 did want to respond to the concept that these
22 motions are somehow seeking to overrule DES
23 findings. I think you know in the normal course
24 when the Department of Environmental Services

1 conveys its recommendations to the Site
2 Evaluation Committee, it's under cover of a
3 letter that's maybe one page long. This is a
4 three-page letter, two and a half pages of which
5 relate to specific recommendations which are
6 essentially an invitation to the Site Evaluation
7 Committee to engage in further analysis, and I
8 just wanted to make sure that lost in this
9 discussion around an independent review that we
10 don't lose the notion of DES having some further
11 role. Since as part of their recommendation
12 they invited the Site Evaluation Committee to
13 require further analysis, they could go back to
14 DES for their further review and feedback.
15 Again, to benefit the Committee. Thank you.

16 PRESIDING OFFICER WEATHERSBY: Thank you.
17 Anyone else? Okay. Then let's proceed to
18 deliberations. Would anyone like to begin?
19 Mr. Way?

20 MR. WAY: I guess as I was reading this and
21 this goes back to my question, my first question
22 about what we might expect from the proceedings
23 as we go forward and recalling back, and a lot
24 of people weren't there, but recalling back how

1 much information we had before us from both
2 sides of the equation and that was incredibly
3 helpful.

4 So I guess my concern is that this might
5 not be necessary which I think looking at the
6 statute is one of the requirements, at least at
7 this point. I'm open to other thoughts, but I
8 see this as something that will be borne out
9 through the process.

10 PRESIDING OFFICER WEATHERSBY: Ms. Duprey?

11 MS. DUPREY: I agree with Mr. Way, and
12 agree with what has just been said, and I would
13 just state that it is the Applicant's job to
14 persuade us on these matters and should they
15 fail to do so that it puts their Application at
16 risk. So the responsibility and the burden is
17 on the Applicant to satisfy this Subcommittee
18 with respect to the technology that it intends
19 to use, the means that it intends to use to
20 cross Little Bay, and the protection of Little
21 Bay. Thank you.

22 PRESIDING OFFICER WEATHERSBY: Mr. Way?

23 MR. WAY: And I think from what I'm hearing
24 from both sides, and this goes back to my last

1 question about the definition of general and
2 what the purpose of someone would be from an
3 independent observer. I feel like I'm
4 comfortable with the Counsel for the Public's
5 experts given what they would have to look at.
6 We would not be having someone that would be
7 going through the entire design. They do have
8 experience in monitoring. I'm also comfortable
9 with the experience of the Applicant, and I
10 think it will give us foundation for scrutiny
11 and the appropriate questions will be asked.

12 PRESIDING OFFICER WEATHERSBY: I would
13 agree. I think that the process here will allow
14 for sufficient information for this Committee to
15 make a decision without hiring our own expert.
16 I think between the Applicant's experts who will
17 be asked lots of questions by this Committee and
18 by other parties as to the feasibility of HDD
19 and its impacts, as well as Counsel for the
20 Public's expert who will also undergo a
21 similar -- grilling is too strong a word -- but
22 questioning, that I think that the Committee
23 will have enough information to make some
24 decisions and put in conditions should it decide

1 to approve a certificate.

2 I think there's no doubt that Little Bay is
3 a critical issue here, probably the critical
4 issue, we'll see as it unfolds, in that a lot of
5 attention and scrutiny will be placed on
6 ensuring that that precious resource isn't
7 damaged, and I think that information will come
8 to light without having the Committee hire its
9 own expert.

10 MR. SHULOCK: I look forward to receiving
11 the additional information on HDD, and I trust
12 that between the two experts that we'll be
13 hearing from, we'll have sufficient information
14 to make a decision. That decision may be to
15 place some additional conditions and ask for
16 more information about HDD before anything
17 begins. So I think I would deny and then see
18 how things play out in the hearings.

19 MR. SCHMIDT: I also would agree. I'm
20 looking forward to hearing both sides. I think
21 the comparison of the jet plow to the HDD will
22 enable us to make an educated decision, and I do
23 believe that's up to the Applicant to provide
24 that information.

1 PRESIDING OFFICER WEATHERSBY: I guess I
2 would also just add that if as the hearings
3 unfold we find we have questions that can't be
4 answered or we're uncertain of the answers that
5 we're receiving we can always hire an expert at
6 that time, someone who can provide that
7 information to the Committee. So if it is
8 denied today doesn't mean it's not going to
9 happen ever. It's just right now that we don't,
10 I'm getting the sense we don't see the necessity
11 of hiring one now, but if we find that we do
12 need one later and it will be helpful to the
13 process, that one could be hired in the future.
14 Director Muzzey?

15 DIR. MUZZEY: I agree with that as well.
16 That it does seem premature to take the step of
17 the Committee hiring an expert at this point. I
18 greatly appreciate the care that the community
19 surrounding Great Bay has extended to that
20 resource both as a historical resource and a
21 natural resource as well, but it does sound as
22 though we'll be getting a good deal of
23 information, carefully gathered and evaluated
24 information, by July 1st and then again at the

1 Technical Session. And I am comforted by the
2 fact that we could make the decision as a
3 Subcommittee to hire an expert at a later date
4 as well.

5 PRESIDING OFFICER WEATHERSBY: Anything
6 else on HDD?

7 (No verbal response)

8 PRESIDING OFFICER WEATHERSBY: We haven't
9 really talked much about the jet plow trial.
10 Does anyone care to comment on the request to do
11 a trial run?

12 MS. DUPREY: I guess that I'm prepared to
13 wait and see what the Applicant provides and see
14 if we're satisfied from that information, and if
15 we're not and we decide to request a run, that
16 will delay things, but that's really the
17 Applicant's decision, at least initially.

18 PRESIDING OFFICER WEATHERSBY: Mr. Shulock?

19 MR. SHULOCK: As I understand DES's
20 recommendation, it would be to require that test
21 run as a condition of an order that we issue
22 later so that we're not actually being asked to
23 make that decision now, and I feel comfortable
24 also waiting until we hear from the Applicant

1 and the other experts as to the relative
2 benefits of the two before considering a
3 condition like that.

4 PRESIDING OFFICER WEATHERSBY: I think
5 what's being asked is that it not wait to be a
6 certificate condition as DES said but to have
7 them do one as part of precertificate issue,
8 should one issue, but no one wants to do it
9 until we decide whether HDD or jet plowing is
10 the appropriate technique so it's, it's kind of
11 a chicken and egg kind of thing.

12 Mr. Schmidt.

13 MR. SCHMIDT: I think it's a good idea. I
14 do think we need to get more information on the
15 HDD before we take that step, but I do think it
16 would potentially provide valuable information
17 for the rest of us.

18 PRESIDING OFFICER WEATHERSBY: Director
19 Muzzey?

20 DIR. MUZZEY: I would also add that there
21 may be environmental consequences to performing
22 the trial, and so until we decide which
23 alternative may be appropriate, I would hesitate
24 to run the trial if it wasn't necessary.

1 PRESIDING OFFICER WEATHERSBY: Mr. Way?

2 MR. WAY: I agree with everything I've
3 heard. I mean, we've already decided that we
4 want, I wouldn't say we decided, but we've
5 suggested that the normal course of events
6 during these proceedings will give us the
7 information we need on horizontal direct
8 drilling versus the other alternative. It would
9 seem to make sense that at least we wait until
10 we have that information in and then make that
11 judgment call at that point or condition
12 somewhere down the line.

13 PRESIDING OFFICER WEATHERSBY: So you're
14 saying we can always require one later without
15 determining its timing presently.

16 MR. WAY: Exactly.

17 PRESIDING OFFICER WEATHERSBY: Any further
18 comments?

19 (No verbal response)

20 PRESIDING OFFICER WEATHERSBY: Okay. So
21 we'll have two motions, one at a time.

22 Attorney Patch, do you have a question or
23 comment?

24 MR. PATCH: I have a quick comment.

1 Obviously, I'm seeing which way the Committee is
2 going on both of these motions, and I would just
3 want to point out to you that under the schedule
4 you have what is essentially sort of bifurcated
5 hearings. There's a couple of hearing days the
6 end of August. Then there are more that are
7 toward the middle or end of September. I think
8 one thing you could consider would be having the
9 HDD and the jet plowing testimony first in the
10 proceeding, and then there would be a bit of a
11 gap later when you would resume the hearing and
12 that would give you the option at that point of
13 taking up perhaps some of the other things
14 you've talked about.

15 PRESIDING OFFICER WEATHERSBY: Thank you
16 for that suggestion.

17 Attorney Needleman, you look like you're
18 dying to speak. Go ahead.

19 MR. NEEDLEMAN: Thank you. I appreciate
20 it.

21 I'm not quite sure what that suggestion
22 means, but to the extent that it's suggesting
23 that it might open the door to do any sort of
24 trial run before the hearing's concluded, I

1 think it's just important for the Committee to
2 understand as a practical matter what a trial
3 run actually means.

4 It would require, I think, significant
5 input and potential approvals from DES before we
6 could do it. It's not something that could
7 happen at all quickly from what I understand
8 based on our interactions with DES. It is
9 something that I believe is limited by seasons
10 and unless DES gave us a waiver there is a
11 narrow amount of time during the year when we
12 could do something like that. And then there
13 are practical issues associated with mobilizing
14 contractors who need a lot of lead time to be
15 able to go out and do something like that. So
16 my point being that it's not something that
17 happens quickly or easily as a practical matter.

18 PRESIDING OFFICER WEATHERSBY: Thank you
19 for that comment as well.

20 Unless the Committee has anything, any
21 further questions or comments, I'd entertain a
22 motion on the partially assented to motion
23 requesting the Subcommittee to hire a horizontal
24 directional drilling expert that was filed by

1 the Town of Durham and UNH.

2 MR. WAY: So moved.

3 PRESIDING OFFICER WEATHERSBY: Is there a
4 second?

5 MR. SCHMIDT: Second.

6 PRESIDING OFFICER WEATHERSBY: Is there any
7 further discussion?

8 (No verbal response)

9 PRESIDING OFFICER WEATHERSBY: So your
10 motion is to deny, just to clarify?

11 MR. WAY: The motion is to deny. Yes.

12 PRESIDING OFFICER WEATHERSBY: And that's
13 your second, correct?

14 MR. SCHMIDT: Correct.

15 PRESIDING OFFICER WEATHERSBY: So we have a
16 motion to deny and a second concerning hiring
17 the HDD drilling expert. Any further
18 discussion?

19 (No verbal response)

20 PRESIDING OFFICER WEATHERSBY: Hearing
21 none, all in favor say "aye"?

22 (Multiple members indicating "aye.")

23 PRESIDING OFFICER WEATHERSBY: Opposed?

24 (No verbal response)

1 PRESIDING OFFICER WEATHERSBY: Unanimous
2 denial of that motion.

3 The second motion was the one requesting
4 the Subcommittee to address DES's recommendation
5 as part of the adjudicatory process filed by CLF
6 and that concerned the jet, that was the jet
7 plow trial as well as the HDD.

8 MR. SHULOCK: I move we deny.

9 MS. DUPREY: Second.

10 PRESIDING OFFICER WEATHERSBY: Second by
11 Ms. Duprey. Is there any further discussion?

12 (No verbal response)

13 PRESIDING OFFICER WEATHERSBY: All in favor
14 of the denial of that motion say "aye"?

15 (Multiple members indicating "aye.")

16 PRESIDING OFFICER WEATHERSBY: Opposed?

17 (No verbal response)

18 PRESIDING OFFICER WEATHERSBY: Unanimous
19 denial of that motion as well.

20 I don't think we have any further business
21 this morning. Motion to adjourn?

22 ADMINISTRATOR MONROE: There's some
23 procedural motions that are pending, but I don't
24 think those need to be addressed today. Mr.

1 Iacopino?

2 MR. IACOPINO: No. They would normally be
3 ruled on by the chair.

4 PRESIDING OFFICER WEATHERSBY: Okay.

5 ADMINISTRATOR MONROE: Okay.

6 MR. IACOPINO: In writing.

7 PRESIDING OFFICER WEATHERSBY: Then a
8 motion to adjourn?

9 DIR. MUZZEY: So moved.

10 PRESIDING OFFICER WEATHERSBY: Director
11 Muzzey moves to adjourn. Seconded by
12 Mr. Schmidt. All in favor?

13 (Multiple members indicating "aye.")

14 PRESIDING OFFICER WEATHERSBY: We are
15 adjourned. Thank you all.

16 (Hearing adjourned at 10:24 a.m.)

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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 3rd day of June, 2018.

Cynthia Foster, LCR

