

STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

June 13, 2016 - 10:05 a.m.

Public Utilities Commission

21 South Fruit Street Suite 10

Concord, New Hampshire

NHPUC JUL05'16 PM12:19

DAY 1

{Morning Session ONLY}

IN RE: SEC DOCKET NO. 2015-05
 SITE EVALUATION COMMITTEE:
 Joint Application of New England
 Power Company d/b/a National Grid
 and Public Service Company of
 New Hampshire d/b/a Eversource
 Energy for a Certificate of
 Site and Facility.
 [Adjudicative Hearing]

PRESENT:

SITE EVALUATION COMMITTEE:

F. Anne Ross, Esq. Public Utilities Commission
(Presiding as Presiding Officer)

Cmsr. Kathryn Bailey Public Utilities Commission
 Cmsr. Jeffrey Rose Dept. of Resources and
 Economic Development

Dr. Richard Boisvert Dept. of Cultural Resources
 Division of Historical Res.

Michele Roberge Dept. of Environmental Serv.

Patricia Weathersby Public Member

Rachel Whitaker Alternate Public Member

Also Present for the SEC:

Michael J. Iacopino, Esq. (Brennan...)

Pamela G. Monroe, SEC Administrator

COURT REPORTER: Steven E. Patnaude, LCR No. 52



ORIGINAL

OTHER APPEARANCES:

FOR THE APPLICANTS:

Reptg. Eversource Energy:

Barry Needleman, Esq. (McLane Middleton)

Adam Dumville, Esq. (McLane Middleton)

Christopher Allwarden, Esq. (Eversource)

Reptg. National Grid:

Mark Rielly, Esq. (National Grid)

COUNSEL FOR THE PUBLIC:

Christopher G. Aslin, Esq.

Assistant Attorney General

N.H. Department of Justice

INTERVENOR:

Margaret Huard, *pro se*

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**DAVID L. PLANTE
BRYAN HUDOCK
JESSICA T. FARRELL
GARRETT E. LUSZCZKI
MARK D. SUENNEN**

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P R O C E E D I N G

{SEC 2015-05} [Day 1/Morning Session ONLY] {06-13-16}

1 PRESIDING OFFICER ROSS: Good
2 morning, ladies and gentlemen. My name is Anne
3 Ross. I'll be serving as the Hearings Officer
4 today. We are opening the final hearings in
5 the Site Evaluation Committee Docket Number
6 2015-05, which is referred to as the "Merrimack
7 Valley Reliability Project".

8 We're going to begin this morning by
9 taking appearances, and then I believe there is
10 one individual who wishes to make a public
11 comment. Following that, I will deal with some
12 pending motions. And, then, we will begin the
13 witnesses in the order that has been agreed to
14 with the Parties.

15 So, let's begin then. Would the
16 Committee members like to introduce themselves
17 individually to the hearing room? Thank you.

18 CMSR. ROSE: Good morning. Jeff
19 Rose. I serve as the Commissioner of the
20 Department of Resources and Economic
21 Development.

22 MS. ROBERGE: Michelle Roberge, with
23 the New Hampshire Department of Environmental
24 Services.

1 DR. BOISVERT: Richard Boisvert, with
2 the New Hampshire Division of Historical
3 Resources and Deputy State Historic
4 Preservation Officer.

5 CMSR. BAILEY: Kate Bailey, with the
6 Public Utilities Commission.

7 PRESIDING OFFICER ROSS: Anne Ross.
8 I just introduced myself.

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

11 MS. WHITAKER: Rachel Whitaker,
12 public member.

13 PRESIDING OFFICER ROSS: And with
14 that, could we begin taking appearances.

15 MR. NEEDLEMAN: Good morning, Madam
16 Chair. Barry Needleman, from McLane Middleton,
17 representing the Joint Applicants. Next to me
18 is Adam Dumville, also from McLane Middleton.
19 And, since they don't have microphones, next to
20 Adam is Mark Rielly, in-house counsel at
21 National Grid, and next to Mark is Chris
22 Allwarden, in-house counsel at Eversource.

23 PRESIDING OFFICER ROSS: Thank you.

24 MR. ASLIN: And good morning.

1 Assistant Attorney General Chris Aslin as
2 Counsel for the Public.

3 PRESIDING OFFICER ROSS: And I did
4 neglect to introduce the gentleman to my right,
5 Mike Iacopino, who is Counsel to the Site
6 Evaluation Committee.

7 MR. IACOPINO: Good morning.

8 MS. HUARD: I'm Peggy Huard, an
9 intervenor representing myself *pro se*.

10 MS. MARTIN: Thank you.

11 PRESIDING OFFICER ROSS: All right.
12 We do have, I believe, a member of the public
13 who wishes to make a statement. Would that
14 individual like to identify themselves?

15 MS. HUARD: She's right here.

16 MS. COVINO: Hi. My name is Debbie
17 Covino. I live on Lenny Lane, in Hudson, New
18 Hampshire. I have three condexes on Lenny
19 Lane. I live at 15B Lenny Lane, and I rent out
20 17A and B. Taking down the trees on my
21 property will take away the peace and quiet.
22 There will be no trees left to deflect any of
23 the noise made by people going about their
24 daily lives. We'll be left looking at ugly

1 poles, ugly power lines. It will be
2 depressing. The houses will be hotter in the
3 summer, colder in the winter, with no trees to
4 block us from the elements. The trees protect
5 us from the electrical field and they filter
6 air from the pollutants.

7 Aside from not looking nice, we're
8 already dealing with getting shocks while
9 moving about in the neighborhood. My dog was
10 cringing while being petted in a neighbor's
11 yard, at number 4. And my friend said it
12 looked -- it felt like he was touching the tips
13 of needles and you could see blue sparks. I
14 just can't imagine if that had been a baby.

15 I am a single woman and these
16 condexes are my means of support for my
17 retirement. The appeal to renters will go down
18 if they have to look at that scene. I may not
19 be able to get the same income for these units,
20 and that will affect my supporting myself in
21 four years.

22 I know the power lines are there to
23 stay, but to increase the power, when people
24 are already afraid of being shocked if walking

1 with a cane, umbrella, or sitting in their car
2 while under certain spots is no way to have to
3 live. Our homes and our neighborhood should
4 not be detrimental to our health, happiness or
5 wellbeing. These trees we have help with these
6 issues. So, every single tree that is taken
7 away matters. The trees are important. And
8 the residents along the rows are important and
9 matter.

10 It's not right. It's not fair. And
11 it's not legal. Thank you.

12 PRESIDING OFFICER ROSS: Thank you
13 for your statement.

14 CMSR. BAILEY: Could you tell me what
15 town that's in please?

16 MS. COVINO: Hudson, New Hampshire.

17 CMSR. BAILEY: Thank you.

18 PRESIDING OFFICER ROSS: Turning now
19 to the pending motions, I believe that
20 Ms. Huard has a motion pending for us to
21 reconsider the decision on the Motion to Compel
22 some production of some documents. Is that
23 correct?

24 MS. HUARD: That is correct.

1 PRESIDING OFFICER ROSS: And it's my
2 understanding that your concern was that there
3 was a reference in the order to "third parties"
4 that wasn't limited, in terms of your
5 communications. Is that also correct?

6 MS. HUARD: That is my major concern.
7 I have further concerns, but that is my major
8 concern.

9 PRESIDING OFFICER ROSS: And, so, I'm
10 going to rule from the Bench today on that
11 pending motion, and not to reverse the
12 decision, but to clarify the decision, to
13 request that you produce the third party
14 communications to the police department, the
15 fired, and to other town officials.

16 And, with that clarification in mind,
17 are you willing to produce those
18 communications?

19 MS. HUARD: No, I'm not.

20 PRESIDING OFFICER ROSS: Okay. Now,
21 I will deal with the Motion to Strike that was
22 filed by the Applicant as a result of your
23 failure to produce the information that would
24 corroborate your statements about the

1 January -- is it 2016 incident?

2 MS. HUARD: Correct.

3 PRESIDING OFFICER ROSS: Have I got
4 the right year? Okay. There have been
5 situations in the past where failure to produce
6 evidence has resulted in testimony being
7 struck. In this case, because the applicant is
8 *pro se*, I am going to rule against the Motion
9 to Strike. So, it will be denied.

10 But I will remind the applicant that,
11 having failed to produce corroborative
12 evidence, the credibility of your testimony
13 will be impacted, and each of the Board members
14 will consider that as part of their decision in
15 the hearing.

16 MS. HUARD: May I speak to that?

17 PRESIDING OFFICER ROSS: Yes, you
18 may.

19 MS. HUARD: Did you receive my
20 objection today, indicating that I have made my
21 testimony under oath and in accordance with the
22 rules outlined at the -- for the NH SEC? It is
23 supposed to be deemed to be truthful. And, the
24 fact that I don't agree with what has been

1 requested should not preclude me from making
2 those statements.

3 PRESIDING OFFICER ROSS: You're
4 certainly welcome to make statements under
5 oath, and that is not the test when we weigh
6 testimony. It isn't a test of truthfulness,
7 it's a test of the strength of the evidence in
8 the overall case.

9 MS. HUARD: So, then, you're actually
10 insulting me by doubting whether I'm truthful,
11 simply because I won't provide the document?

12 PRESIDING OFFICER ROSS: I think I
13 just clarified, that it is not a test --

14 MS. HUARD: I don't think you did.
15 Thank you.

16 PRESIDING OFFICER ROSS: -- of
17 truthfulness. It is a test of the strength of
18 the evidence.

19 Okay. Having disposed of the two
20 pending motions, are there any other procedural
21 issues that Parties wish to raise before we
22 begin the hearing?

23 *[No verbal response.]*

24 PRESIDING OFFICER ROSS: Hearing

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 none, I would ask that we call our first
2 witnesses.

3 MR. NEEDLEMAN: Thank you, Madam
4 Chair. I'll ask our Technical panel to please
5 come up to the witness stand.

6 (Whereupon **David L.Plante,**
7 **Bryan Hudock, Jessica T.**
8 **Farrell, Garrett E. Luszczki,**
9 and **Mark D. Suennen** were duly
10 sworn by the Court Reporter.)

11 **DAVID L. PLANTE, SWORN**

12 **BRYAN HUDOCK, SWORN**

13 **JESSICA T. FARRELL, SWORN**

14 **GARRETT E. LUSZCZKI, SWORN**

15 **MARK D. SUENNEN, SWORN**

16 **DIRECT EXAMINATION**

17 BY MR. NEEDLEMAN:

18 Q. And what I'd like to do is try to get these
19 witnesses introduced as efficiently as
20 possible. So, let me start by asking
21 Mr. Suennen, and then working your way down the
22 panel.

23 Could you please state your name for the
24 record, slowly, and briefly describe your

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 business position.

2 A. (Suennen) Sure. My name is Mark Suennen. I am
3 a Project Manager and Senior Traffic Engineer
4 for VHB. And I'm representing the Applicants
5 in traffic management and NHDOT permitting.

6 A. (Hudock) My name is Bryan Hudock -- my name is
7 Bryan Hudock. I work for National Grid as the
8 Lead Project Manager on this Project.

9 A. (Plante) And my name is David Plante. I'm the
10 Manager of Project Management for Eversource,
11 in New Hampshire.

12 A. (Farrell) My name is Jessica Farrell. I am the
13 Lead Transmission Engineer for National Grid on
14 this Project.

15 A. (Luszczki) My name is Garrett Luszczki. I work
16 for TRC Engineers. I am the Design Engineer
17 for Eversource.

18 Q. And, starting with Mr. Suennen, you have
19 submitted prefiled testimony in this docket.
20 You have that testimony in front of you. Do
21 you have any changes you need to make to that
22 testimony?

23 A. (Suennen) Just one, one amendment. Subsequent
24 to submitting the testimony, I have also

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 received a Professional Engineering license in
2 the State of Vermont.

3 Q. And, Mr. Hudock and Mr. Plante, you submitted
4 joint testimony here. Do you have any changes
5 you need to make to that testimony?

6 A. (Hudock) No.

7 A. (Plante) No, I do not.

8 Q. Okay. And, finally, Ms. Farrell and Mr.
9 Luszczki, you have also submitted joint
10 testimony here. Do you have any changes you'd
11 like to make to that testimony?

12 A. (Farrell) I do not.

13 A. (Luszczki) I have one change. I am now a
14 Registered Professional Engineer in the State
15 of Maine and New Hampshire.

16 Q. Okay. Thank you. And, so, with that, what I
17 would ask each of you to do is to affirm that
18 the testimony you've submitted is true and
19 accurate and that you adopt it here today, is
20 that correct? And let's go down the line.

21 A. (Suennen) Correct, as amended.

22 A. (Hudock) It is correct.

23 A. (Plante) It is correct.

24 A. (Farrell) It is correct.

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[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 A. (Luszczki) Correct, as amended.

2 MR. NEEDLEMAN: Okay. Thank you.

3 Witnesses are now available for

4 cross-examination.

5 MR. ASLIN: Good morning. I have a
6 few questions that I will address to the whole
7 panel, but some of them may be more appropriate
8 to individuals. So, I'll let individuals
9 answer, and if anyone else wants to jump in,
10 that would be fine.

11 **CROSS-EXAMINATION**

12 BY MR. ASLIN:

13 Q. I first wanted to ask, and this is probably a
14 question for Mr. Hudock and Mr. Plante, in
15 regards to the tree clearing on the property --
16 or, in the right-of-way, rather, in your
17 testimony, you gave sort of a general
18 description of the tree clearing area, but no
19 detail as to the size of the clearing. I was
20 wondering if you could provide an estimate of
21 the acreage or the square footage of the
22 cleared area that's proposed?

23 A. (Plante) Yes. For the Eversource portion of
24 the Project, which is Segments 3 and 4 as

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 defined in the Application, the total area of
2 clearing is approximated at 71 acres.

3 A. (Hudock) For the National Grid portion of the
4 Project, the clearing is limited to sideline
5 trimming and clearing. So, I don't have an
6 exact number, but it's very limited in nature.

7 Q. Thank you. And, Mr. Plante, the 71 acres, if I
8 recall correctly, a portion of that is along
9 the -- I guess the southern side of that
10 right-of-way or maybe the western side of the
11 right-of-way, and the other portion is through
12 the center of the right-of-way in Segment 4, is
13 that correct?

14 A. (Plante) In Segment 3, the right-of-way
15 clearing is on the easterly side, --

16 Q. Easterly.

17 A. (Plante) -- for about 4 miles. And Segment 4,
18 for about 6 miles, is in kind of the center,
19 it's a strip down the middle of the existing
20 right-of-way.

21 Q. And do you have an estimation of the breakdown
22 of the size of those two different clearing
23 areas?

24 A. (Plante) Hmm. I'm not sure if I have it broken

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 down quite like that. I could probably
2 guesstimate that it's probably 75 percent on
3 the southerly Segment 3 piece, and 25 percent
4 on the Segment 4 northerly section. Though, I
5 could certainly come up with a calculation to
6 verify that.

7 Q. The estimation should be sufficient. Thank
8 you. And, just to clarify, Segment 3 is the
9 side clearing and Segment 4 is the center
10 clearing?

11 A. (Plante) Correct.

12 Q. Thank you. There's also been some discussion
13 in this case about decommissioning, and I
14 believe, as the two Project Managers, there
15 was -- at least referenced it. Internal
16 personnel would be the ones who would perform a
17 decommissioning plan, if and when such a plan
18 were developed in detail. Would that be, Mr.
19 Hudock, Mr. Plante, yourselves that would
20 perform that or would others on your staff?

21 A. (Hudock) I would say, generally,
22 decommissioning plans, if they're implemented,
23 will be treated like similar to any other
24 projects, in terms of the staffing and

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 resourcing for that, that effort. Where, you
2 know, if it's sufficient complexity and
3 resource or dollar amount that's estimated,
4 then it would go through the normal procedures,
5 just like this one, as far as the same
6 personnel would be assigned, a project manager,
7 an engineer, construction resources, and so on.

8 A. (Plante) And, similar for Eversource, depending
9 on the magnitude of the decommissioning effort
10 and the other workload going on in the Company,
11 we would determine the appropriate internal
12 project team, and, if necessary, apply the use
13 of a design consultant to complete the plan.

14 Q. Thank you. I'd like to -- I don't know if you
15 have a copy of Exhibit CFP-1 up there? And, if
16 not, I'll bring one over.

17 Seeing confusion, I'll bring up some
18 copies.

19 *(Atty. Aslin distributing*
20 *documents to the witnesses.)*

21 MR. ASLIN: And I believe the
22 Subcommittee members have a copy of what's been
23 marked as "Exhibit CFP-1".

24 BY MR. ASLIN:

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 Q. Ms. Farrell and Mr. Luszczki, I believe you
2 were the ones who prepared this information, is
3 that correct?

4 A. (Farrell) That is correct.

5 Q. Could you give a brief description of what this
6 document -- or, the information that's shown on
7 the document?

8 A. (Farrell) So, the information presented on the
9 document was prepared in response to an
10 information request for, essentially, the
11 height above existing structures that a
12 proposed structure would be. So, the first
13 part of the table captures the height of the
14 New England Power structures in comparison to
15 the height of the tallest --

16 PRESIDING OFFICER ROSS: Could you
17 try to move the microphone very close to
18 your -- uncomfortably close.

19 WITNESS FARRELL: Is that better?

20 PRESIDING OFFICER ROSS: Yes.

21 WITNESS FARRELL: Okay. I apologize.

22 PRESIDING OFFICER ROSS: Even closer.

23 It doesn't pick up well.

24 WITNESS FARRELL: Okay.

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1 CMSR. BAILEY: Is it on?

2 WITNESS FARRELL: Closer. It is.

3 The light is red. Okay.

4 PRESIDING OFFICER ROSS: Yes. Right
5 there.

6 WITNESS FARRELL: Sorry.

7 **CONTINUED BY THE WITNESS:**

8 A. (Farrell) So, the first portion of the response
9 captures, basically, the structure number for
10 the proposed 3124 line; the type of structure,
11 in the second column; the length of the
12 proposed pole; the height above which -- above
13 grade that that pole will project, as a number
14 of these structures are direct embed, the
15 height of the pole itself is not necessarily
16 the height above grade. As an example, so, for
17 Structure 66, our typical practice is to embed
18 an H-frame structure 10 percent of the pole
19 height, plus two feet, in order to establish a
20 good foundation. So, that's why you see the
21 difference in numbers there.

22 The next column over is the "Tallest
23 Nearest Existing Structure". There you have
24 noted the circuit that it belongs to and the

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1 structure number associated. The "Height of
2 that Tallest Nearest Existing Structure", and
3 then the delta between the proposed structure
4 and the tallest nearest existing structure.

5 Q. And, when -- in the column second from the
6 right, where you have the "Height of Tallest
7 Nearest Existing Structure", I'm presuming that
8 is the height above grade?

9 A. (Farrell) That is correct.

10 Q. Thank you. And, then, I believe you just
11 described what's on Page 1, and that's for the
12 3124 line, and that continues on through
13 Page 3, is that correct?

14 A. (Farrell) That is correct.

15 Q. And Page 4 is then a different line?

16 A. (Farrell) Yes. That is for the relocated 115kV
17 Y151 line. The information provided there is
18 similar, in terms of content. With the
19 exception being that, for single pole
20 direct-embed structures, our standard is to
21 embed the pole 10 percent plus four feet,
22 rather than 10 percent plus two feet. So, if
23 you're looking to compare the proposed pole
24 length to the proposed structure height above

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1 grade, that's where you would see a difference.

2 Q. Thank you. And, then, moving on to Page 6 and
3 7, I believe that's back to the 3124 line, but
4 on the Eversource portion of the Project?

5 A. (Luszczki) That's correct.

6 Q. And, in the second column from the right, where
7 you have the "Tallest Nearest Existing
8 Structure", are you able to tell us which line
9 those structures are on?

10 A. (Luszczki) Yes. All of these, in the second
11 column from the right, belong to the parallel
12 line 326. It's a 345 kV line that parallels
13 the proposed line for the entire length for the
14 Eversource portion.

15 Q. Thank you. And, so, just perusing the far
16 right column on each of the pages, would you
17 agree that the proposed 3124 line, well, we'll
18 focus on that one first, is anywhere from
19 equivalent in height to upwards of 40, I
20 believe the tallest one is, at very end,
21 50 feet in height greater than the nearest
22 existing structure?

23 A. (Farrell) That is correct. With respect to the
24 New England Power portion of the right-of-way,

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1 the nearest adjacent circuits are lower
2 voltage. Lower voltage structures tend to not
3 be as tall, because the required conductor
4 clearance from ground isn't as high, and that
5 is part of the reason you see that increased
6 height.

7 Q. Thank you. And, then, similarly, with the Y151
8 line, we also see a height differential of
9 anywhere from looks like 3 feet to
10 approximately 30 feet. Would you agree with
11 that?

12 A. (Farrell) That is -- that's generally correct.
13 In this instance, the driver for the difference
14 in height is more due to the configuration of
15 the structure. The adjacent structures are
16 horizontally configured, whereas the relocated
17 Y151 is a single pole delta configured
18 structure, which is narrower in width, but
19 necessarily taller, in order to maintain the
20 appropriate spacing between the electrified
21 phases.

22 Q. Thank you. What I'd like to do is just walk
23 through one example visually, so that we are
24 all clear on what this chart is showing. And I

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1 don't know if you have up there what I think is
2 the easiest way -- place to look is the
3 wildlife habitat land cover maps, which are
4 part of Supplement 3.

5 If you could turn to Page 8 of 16 is --

6 *[Court reporter interruption.]*

7 MR. ASLIN: I'm sorry.

8 BY MR. ASLIN:

9 Q. Page 8 of 16 is going to be where I'm directing
10 us. So, on this particular set of maps, I know
11 it's not the engineering design maps, but --
12 I'll wait till you get there. And this is in
13 the Eversource portion of the Project. I'll
14 just pause, in case any of the Subcommittee
15 members need a minute to find where I'm going.
16 This was in Supplement 3, if that's helpful.

17 Okay. And, so, on this map, which is not
18 an engineering plan map, but shows the layout
19 of the Project, would you agree that the yellow
20 line is the 3124 line that we're discussing,
21 the proposed new line?

22 A. (Luszczki) That's correct.

23 Q. And that the small yellow boxes with the black
24 center are the proposed new towers along that

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1 line?

2 A. (Luszczki) They are the proposed pole
3 locations, correct.

4 MR. IACOPINO: Which page of the
5 exhibit are you on?

6 MR. ASLIN: I'm on Page 8 of 16.

7 BY MR. ASLIN:

8 Q. And the next numbers next to each of the small
9 yellow pole placements are the pole numbers
10 that correspond to Column 1, on Exhibit CFP-1,
11 is that correct?

12 A. (Luszczki) That's correct.

13 Q. Okay. And, then, the red lines are the
14 existing power lines that are in the
15 right-of-way?

16 A. (Luszczki) That's correct.

17 Q. So, I'd like to just take an example of Pole or
18 Structure Number 204, which is on Page 6 of 7
19 of the Exhibit CFP-1. And, according to the
20 exhibit, it shows the proposed structure height
21 above grade is "88 feet", as compared to the
22 nearest structures of "70 to 80 feet". Could
23 you tell me which those two nearest structures
24 are that are shown on the exhibit?

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1 A. (Luszczki) For Structure 204 on the proposed
2 line, the nearest structure would be Structure
3 84, on the line 326, which is the adjacent
4 line.

5 Q. And, on the exhibit, you actually showed two
6 different nearest existing structures. Would
7 that be Structures 84 and 85?

8 A. (Luszczki) That's correct.

9 Q. And, in this instance, there's a height
10 differential of 20 feet and 30 feet for those
11 two structures, is that correct?

12 A. (Luszczki) Correct.

13 Q. And, lastly, this is an area of the proposed
14 3124 line that is within the tree clearing
15 area, and my guess this would be Segment 3, is
16 that correct?

17 A. (Luszczki) That's correct.

18 MR. ASLIN: Thank you. I do not have
19 any further questions for this panel.

20 MS. HUARD: Good morning.

21 BY MS. HUARD:

22 Q. Mr. Hudock, you're the Lead Project Manager for
23 National Grid, correct?

24 A. (Hudock) That is correct.

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1 Q. And, Mr. Plante, you are the Lead Project
2 Manager for PSNH, is that correct?

3 A. (Plante) That's correct.

4 Q. So, Mr. Hudock, your oversight is the very top
5 level, is that correct?

6 A. (Hudock) In terms of this Project, I have
7 delegation authority from the executives at the
8 Company to responsibly deliver this Project.
9 So, I have the direct responsibility for the
10 Project. That being said, ultimately, there's
11 levels of supervision above me within the
12 Company that would also, you know, manage my
13 own role in the Project.

14 Q. And does this role provide oversight for your
15 consultants and contractors?

16 A. (Hudock) Yes.

17 Q. In addition to consultants and contractors,
18 does National Grid employ a team of
19 professionals?

20 A. (Hudock) Yes. We use both internal and
21 external professionals on our project teams.

22 Q. And you oversee these employees as well?

23 A. (Hudock) The internal employees are assigned to
24 teams, to carry out their role in the Project,

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1 and I oversee that. I would say, though, that
2 I don't have direct hiring or firing authority
3 over them, for their assignments on the Project
4 team. We work in a matrixed organization,
5 where there's also separate management of
6 various departments of whose members will
7 participate on a project team.

8 Q. Are you required to have any level of
9 understanding and expertise in the areas that
10 you oversee?

11 A. (Hudock) I think it depends. I think,
12 generally, as a project manager, you need to
13 have understanding of what the team members are
14 doing. I would definitely say that my depth of
15 understanding is not nearly as detailed as many
16 of the team members who are the subject matter
17 experts for those areas. For example, for
18 design or for environmental, you know, I do
19 understand a lot of the concepts. However,
20 ultimately, you know, the team members are
21 going to bring their own expertise to the
22 table, which is why we employ, you know, a team
23 of experts.

24 Q. Thank you. And, Mr. Plante, your oversight, is

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1 that at the very top level of management?

2 A. (Plante) It is not at the very top level of
3 management. Very similar to the organization
4 at National Grid. I am the -- I oversee the
5 project management organization, and have
6 project managers who report to me, and I report
7 up through directors and officers.

8 Q. And does your role provide oversight for your
9 consultants and contractors?

10 A. (Plante) In a general fashion, yes. We do have
11 subject matter experts for the various aspects
12 of the Project, who provide much more specific
13 guidance to our consultants and other experts.

14 Q. And does PSNH employ a team of professionals as
15 well?

16 A. (Plante) We do. Some internal, some external.

17 Q. And do you oversee these employees as well?

18 A. (Plante) I oversee the Project Manager who
19 manages the Project. However, the other
20 members of the Project team are part of our
21 matrixed organization, and they have their own
22 reporting structure. So, they come to the
23 Project team from other parts of the Company.

24 Q. And do you feel that you have an understanding

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1 and expertise in the areas that you oversee?

2 A. (Plante) I have a general understanding of most
3 aspects of the Project. My training is in --
4 I'm a civil engineer, and I have structural
5 experience and line design experience.
6 However, I'm not a transmission planning
7 expert. I'm not an environmental expert, *per*
8 *se*. Though, I do have experience and general
9 awareness in many of those aspects of the
10 Project.

11 Q. Thank you. And, Mr. Hudock and Mr. Plante, in
12 your joint prefiled testimony, you indicated
13 that "Safety is the highest priority of the
14 Project team", and that you have plans to
15 "reach out to neighbors to inform them of
16 upcoming construction activity to ensure their
17 safety." As the next few questions are
18 actually proposed to both of you, so, I guess
19 one of you -- you can answer back and forth.
20 What method at this point do you have that you
21 intend on communicating with these neighbors?

22 A. (Plante) Our outreach teams jointly, Eversource
23 and National Grid, have prepared a
24 pre-construction outreach plan that is still in

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1 draft form, however, it's very far along, that
2 includes various levels of stakeholder
3 outreach, including meetings with town and
4 state-elected officials, potentially some
5 community working groups, if the need arises.
6 Outreach to the business community to ensure
7 continuity of business throughout the duration
8 of our construction effort. Using forms of
9 communication, such as print ads, door hangers,
10 e-mails, and all the way down to door-to-door
11 outreach, throughout the process of the
12 Project.

13 And we'll also be updating our website.
14 There's a Project website that I'm sure you're
15 aware of.

16 You want to add to that?

17 A. (Hudock) No.

18 Q. Mr. Hudock.

19 A. (Hudock) I don't have anything to add. That
20 he's covered most of it, as far as this joint
21 outreach effort.

22 Q. And, if you were to engage in door-to-door
23 direct contact, would that be limited to
24 homeowners directly abutting the ROW or would

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 you expand to the neighborhood?

2 A. (Plante) I think that would have to be taken on
3 a case-by-case basis, depending on the interest
4 in the neighborhood. It's awful hard to say
5 where that might end. You know, it could go
6 one neighbor from the right-of-way, two
7 neighbors, five neighbors, ten neighbors,
8 depending on the density of each neighborhood.

9 Q. So, you're willing to blindside the rest of the
10 neighborhood with traffic issues that they will
11 not even be aware of until you're there?

12 A. (Plante) I guess I take issue with the term
13 "blindside", but our process --

14 Q. You will surprise -- you will surprise them?

15 A. (Plante) -- throughout the Project has been to
16 be transparent with the communities that we're
17 proposing to do our Project work in.

18 A. (Hudock) I think the other thing I would add
19 is, you're focusing on one aspect of the
20 outreach, which is going to be the door-to-door
21 canvassing.

22 Q. Uh-huh.

23 A. (Hudock) Typically, you know, we develop a
24 universe of door-to-door canvassing that would

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 include a certain area outside the
2 right-of-way. But, obviously, that's going to
3 be limited. But, beyond that, there's, as Dave
4 mentioned, a variety of other outreach going on
5 or will be going on, from website, phone,
6 public information meetings, --

7 Q. Uh-huh.

8 A. (Hudock) -- community meetings, press releases.
9 So, the communication is designed to reach, you
10 know, every interested party in as efficient
11 way as possible.

12 Q. And the website and e-mails, someone would have
13 to be actual -- well, the website, they would
14 have to be looking for it, is that correct?

15 A. (Hudock) Yes. They would have to actively go
16 find the website.

17 Q. Do you -- are either of you in charge of the
18 communication of safety outside of the
19 construction or is it just merely the
20 construction?

21 A. (Plante) Could you clarify the question please?

22 Q. Sure.

23 A. (Plante) I'm not quite sure what you're looking
24 for.

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[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 Q. Is your oversight of safety just limited to
2 this construction or do you have a role in
3 informing the neighbors or the abutters about
4 safety issues on a regular basis?

5 A. (Plante) As part of the Project Management
6 organization at Eversource, my role is more
7 focused on issues specifically linked to
8 Project work, not just MVRP, but other
9 projects. The day-to-day operational safety is
10 handled by other aspects or other parts of the
11 Company.

12 A. (Hudock) It is the same for me, too.

13 Q. So, then, after the Project is over, the safety
14 issues will basically be in the hands of
15 somebody else, another team?

16 A. (Plante) I guess that's fair to say, yes.

17 Q. Ms. Farrell, in your prefiled testimony, you
18 had indicated that the transmission towers and
19 poles to be used for the MVRP will have a
20 "self-weathering finish". Do you recall that
21 you also indicated that an "oxidized patina
22 will be formed on the surface of the steel,
23 which protects the steel surface from
24 additional oxidation and the atmosphere in

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1 general"?

2 A. (Farrell) That is correct.

3 Q. Would you agree that there's only one patented
4 self-weathering steel that's known under the
5 trademark "COR-TEN steel"?

6 A. (Farrell) I believe there are alternate options
7 to COR-TEN available in the industry, and it's
8 not a -- it is not a proprietary material.

9 Q. Do you know whether the self-weathering steel
10 that will be for the -- for the transmission
11 towers and poles are COR-TEN steel?

12 A. (Farrell) We specified the steel associated
13 with the towers by its ASTM mark, not
14 necessarily the proprietary name COR-TEN. So,
15 as long as it's in conformance with the
16 appropriate ASTM standard, that is the steel
17 that will be utilized.

18 Q. And did you have -- or, did you participate in
19 the selection of these transmission poles and
20 towers to be made of self-weathering steel?
21 Did you select that material?

22 A. (Farrell) The material was specified based on
23 the ASTM standard.

24 Q. Okay.

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1 A. (Farrell) I did not personally engage in the
2 selection of the exact steel associated with
3 the Project.

4 Q. So, could you clarify "ASTM", what that stands
5 for?

6 A. (Farrell) The "American Society of Testing and
7 Materials".

8 Q. So, the ASTM has approved that self-weathering
9 steel be used for high voltage -- I mean, yes,
10 for high voltage transmission towers?

11 A. (Farrell) The ASTM has a specification that
12 outlines the criteria that the steel must meet
13 in order to be -- in order to be specified for
14 the Project. So, it's more of a standards.

15 Q. And they have accepted that this material can
16 be used for transmission towers?

17 A. (Farrell) That's --

18 Q. They have authorized --

19 A. (Farrell) That's not a decision --

20 Q. Not a decision.

21 A. (Farrell) -- that ASTM makes.

22 Q. Has your Company accepted that self-weathering
23 steel is acceptable for the use with
24 transmission towers?

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1 A. (Farrell) Yes.

2 Q. And did you participate in the acceptance
3 process, or saying "This is okay. We're going
4 to use self-weathering steel for our
5 transmission towers"?

6 A. (Farrell) I didn't personally participate in
7 the development of the specification. That is
8 a general company specification associated with
9 our steel poles. But, for this particular
10 Project, that was a decision I was involved in,
11 yes.

12 Q. And who, in your Company, would have made the
13 general decision to accept self-weathering
14 steel as a material to be used with
15 transmission towers?

16 A. (Farrell) The Director of Transmission
17 Engineering holds responsibility for all of the
18 specifications, guidelines, and procedures
19 associated with the Transmission Engineering
20 Department, and that's where that specification
21 comes from.

22 Q. And, Mr. Luszczki, along the same lines, in
23 your Company, were you involved with the
24 acceptance of utilizing the self-weathering

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1 steel as material for transmission towers?

2 A. (Luszczki) As the Design Engineer, I don't
3 personally make that decision. It's a decision
4 that's made within the Eversource company.

5 Q. And at what level -- and at what level position
6 would that have been?

7 A. (Plante) I'd like to help out with this one, if
8 you don't mind.

9 Q. Uh-huh.

10 A. (Plante) As with National Grid, the selection
11 of material types and approval of material
12 types for the various components of our
13 transmission system falls upon the Director of
14 Transmission Engineering. And, in the instance
15 of the use of self-weathering steel, that
16 decision was made probably decades ago, as it's
17 been one of the standards that we've used for
18 many, many years. Not exclusively, however,
19 it's something that's been very common. And,
20 recently, it's become much more common.

21 Q. You say that "it's been used for decades"?

22 A. (Plante) True.

23 Q. Yet, are you aware that in the -- according to
24 the demarcation, it has about ten poles,

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1 there's not a single one that is of
2 self-weathering steel?

3 A. (Plante) Well, for the Eversource portion of
4 the Project, the only line that we have there
5 is a wood pole --

6 Q. Uh-huh.

7 A. (Plante) -- line. The National Grid portion is
8 different, and they have different reasons for
9 why the materials that are there were used.
10 Historically, at Eversource, or PSNH, our use
11 of self-weathering steel goes back at least to
12 the '80s. It predates my tenure here with the
13 Company.

14 A. (Farrell) From a National Grid perspective, the
15 towers at the point of demarcation date to the
16 late 1920s. And self-weathering steel was not
17 a material option at that juncture.

18 Q. I'll start with Ms. Luszczki -- I'm sorry,
19 Ms. Farrell. Are you aware of any limitations
20 and disadvantages of self-weathering steel?

21 A. (Farrell) In terms of the application of
22 self-weathering steel, I am aware that it does
23 not do well in salt-rich environments. There
24 have been instances, such as guardrails

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1 adjacent to roadways, where corrosion has been
2 enhanced due to de-icing, also along seacoast
3 areas. And there are different alloys, I
4 believe, that can be used to mitigate that.
5 Those are the two instances that I am aware of.

6 Q. How about you, Mr. Luszczki?

7 A. (Luszczki) Provided it's used in the proper
8 locations and areas for its use, keeping in
9 mind some of its limitations.

10 Q. Do you know what those limitations are?

11 A. (Luszczki) Similar to Ms. Farrell, I am aware
12 of some instances where it's proven
13 ineffective. Some of that has been when it was
14 painted, some of that is, as she mentioned, in
15 salt-rich environments.

16 Q. And, Mr. Plante, do you have anything to add
17 about the limitations or disadvantages of
18 self-weathering steel?

19 A. (Plante) What I can add is that, in order to
20 effectively utilize self-weathering steel in
21 structural applications, care is required in
22 detailing the connections and whatnot to
23 prevent ponding of water, which could be
24 detrimental to the lifespan of the steel. So,

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1 properly designed and detailed, it's a very
2 effective construction material.

3 Q. Mr. Hudock, do you have anything to add?

4 A. (Hudock) No.

5 Q. At this time, I'd like to refer to Exhibit 10
6 and 11, if I may?

7 MR. IACOPINO: Whose? Yours?

8 MS. HUARD: Mine. I'm sorry. My
9 own.

10 MR. IACOPINO: For the members of the
11 Committee, that should be in the book, that
12 black book that we gave you that starts off
13 with Huard exhibits. It should be tabbed.

14 BY MS. HUARD:

15 Q. I'd like to start with Page 1 of Exhibit 11.
16 And you can see the highlighted sentence
17 indicating that this process only occurs "in
18 suitable environments". And do all four of you
19 actually agree with that? I think you've said
20 that a suitable environment is required?

21 A. (Plante) Would you like --

22 Q. And on Page 2 -- I'm sorry?

23 A. (Plante) Were you looking for a response?

24 Q. Oh. Do you agree with that statement?

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[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 A. (Plante) Yes.

2 Q. "Suitable environment". Ms. Farrell?

3 A. (Farrell) Yes.

4 Q. Mr. Luszczki?

5 A. (Luszczki) Yes.

6 Q. Mr. Hudock?

7 A. (Hudock) Yes.

8 Q. And, on Page 2 of Exhibit 11, lines 3 and 4,
9 the highlighted paragraph indicates that the
10 "patina only develops under alternative wetting
11 and drying conditions". Mr. Luszczki, do you
12 have any knowledge as to whether this is
13 accurate?

14 A. (Luszczki) That is correct. The patina
15 develops over time.

16 Q. That it has to be an "alternative wetting and
17 drying condition"?

18 A. (Luszczki) Yes.

19 Q. And, Ms. Farrell, do you agree with that?

20 A. (Farrell) Yes.

21 Q. Mr. Plante?

22 A. (Plante) Yes.

23 Q. Mr. Hudock?

24 A. (Hudock) Yes.

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1 Q. And, on Page 5 of Exhibit 11, under the section
2 "Continuously wet/dry conditions", do you see
3 that section?

4 A. (Plante) Is it the fifth page of this handout
5 or --

6 Q. Lines 1 and 2.

7 MR. IACOPINO: Which page, Ms. Huard?

8 MS. HUARD: I'm sorry, not page in
9 here, but the pages are down the bottom of the
10 exhibit.

11 BY MS. HUARD:

12 Q. So, do you see the section titled "Continuously
13 wet/dry conditions" -- "wet/dry conditions"?

14 A. (Plante) Yes.

15 Q. And --

16 CMSR. BAILEY: Excuse me a sec.

17 MS. HUARD: Okay.

18 CMSR. BAILEY: Ms. Huard, up here at
19 the Bench. I'm looking at your exhibit, and it
20 says "Continuously wet/damp conditions", is
21 that -- am I on the wrong page, because pages
22 aren't numbered?

23 MS. HUARD: It should be "5" down the
24 bottom. It's Exhibit 11.

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1 CMSR. BAILEY: I'm in Exhibit 11. I
2 have no page numbers at all. So, is it the
3 fifth page in the exhibit?

4 MS. HUARD: No. It's not the fifth
5 page in the exhibit. It would have -- there it
6 says -- may I approach?

7 CMSR. BAILEY: Is that the page?

8 MS. HUARD: Yes. It says "damp".

9 CMSR. BAILEY: Okay. "Damp". Thank
10 you.

11 BY MS. HUARD:

12 Q. On lines 1 and 2, do you see where it says --
13 would indicate that "Alternative wet/dry cycles
14 are required for the adherent patina to form."
15 Do you see that, Mr. Luszczki?

16 A. (Luszczki) Yes.

17 Q. And, Ms. Farrell?

18 A. (Farrell) Yes.

19 Q. And, Mr. Plante?

20 A. (Plante) Yes.

21 Q. Mr. Hudock?

22 A. (Hudock) Yes.

23 Q. And do each of you -- do you agree with that,
24 Mr. Luszczki?

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1 A. (Luszczki) Yes. That is how the patina forms.

2 Q. Ms. Farrell?

3 A. (Farrell) Yes.

4 Q. Mr. Plante?

5 A. (Plante) Yes.

6 Q. Mr. Hudock?

7 A. (Hudock) Yes.

8 Q. And can you see lines 2 and 3 on that same page
9 where it states that under "continuously wet or
10 dry conditions, a corrosion" -- "continuously
11 wet or dry conditions, a corrosion rate similar
12 to ordinary structured [sic] steel must be
13 expected." I guess that was in the same
14 sentence. Do you see it and do you agree with
15 it? Mr. Luszczki?

16 A. (Luszczki) Yes.

17 Q. Ms. Farrell?

18 A. (Farrell) Yes.

19 Q. Mr. Plante?

20 A. (Plante) Yes.

21 Q. Mr. Hudock?

22 A. (Hudock) Yes.

23 Q. And, on line 4, where it indicates rust patina
24 may not form in situations where "weathering

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1 steel will be submerged in water".

2 Mr. Luszczki?

3 A. (Luszczki) Yes.

4 Q. Ms. Farrell?

5 A. (Farrell) Yes.

6 A. (Plante) Yes.

7 Q. Mr. Hudock?

8 A. (Hudock) Yes.

9 Q. And, also on line 4, where it says the rust
10 patina may not form in situations where
11 weathering steel will be "buried in soil".

12 Mr. Luszczki?

13 A. (Luszczki) Yes. It does not form when it's
14 buried in the soil. Yes.

15 Q. Ms. Farrell?

16 A. (Farrell) That is correct.

17 Q. Mr. Plante?

18 A. (Plante) Yes.

19 Q. Mr. Hudock?

20 A. (Hudock) Yes.

21 Q. And, also on line 4, it indicates the rust
22 patina may not form in situations where
23 weathering steel will be "covered in
24 vegetation". Mr. Luszczki?

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1 A. (Luszczki) Yes.

2 A. (Farrell) Yes.

3 Q. Mr. Plante?

4 A. (Plante) Yes.

5 Q. Mr. Hudock?

6 A. (Hudock) Yes.

7 Q. And, then, on Exhibit 10, Page 4, under
8 "Disadvantages", you see I put some numbers,
9 line 2 indicates that "weathering steel is not
10 rustproof in itself."

11 MR. NEEDLEMAN: Madam Chair, before
12 they answer, should I be noting objections to
13 these exhibits at this point or do you want to
14 take those at the end?

15 *(Presiding Officer Rose and*
16 *Atty. Iacopino conferring.)*

17 MS. HUARD: Is that a formal
18 objection? Oh.

19 PRESIDING OFFICER ROSS: I think I --
20 sorry. I think I would like to hear the
21 objection now, just so I understand what your
22 concerns are as we're listening to the
23 testimony.

24 MR. NEEDLEMAN: Okay. Well, having

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1 heard Ms. Huard's questions with respect to
2 Exhibit 11, I have a relevance objection. I
3 don't understand how anything she asked is
4 related to the issues in this case.

5 And, before she asks questions on
6 Exhibit 10, that's a Wikipedia article. And I
7 have an objection to any use of Wikipedia
8 articles. I think they're inherently
9 unreasonable. They can change from day to day,
10 and we have no idea what the source of the
11 information is.

12 PRESIDING OFFICER ROSS: Is there any
13 response to the objection?

14 MS. HUARD: As far as the relevance,
15 you're going to be putting in a considerable
16 amount of rust, self-weathering steel poles
17 into our neighborhood that there are none
18 already. And I've read of these disadvantages
19 and these limitations. We're also within a
20 wetland, a watershed. We are in a watershed
21 for our local pond. And these do apply. I'd
22 like to determine whether they're actually true
23 or not.

24 PRESIDING OFFICER ROSS: It sounds to

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1 me as if the information would be relevant, if
2 there is weathered steel being used in the
3 Project. Your other -- the other aspect of
4 your objection goes to the weight of the
5 evidence itself.

6 And, so, I'm going to ask if this
7 weathering steel is being used in the
8 construction, towers in this Project?

9 WITNESS LUSZCZKI: Yes, it is.

10 PRESIDING OFFICER ROSS: And, in that
11 case, I'm going to overrule the objection as to
12 relevance, and we will deal with the weight of
13 it later.

14 BY MS. HUARD:

15 Q. And, going back to Exhibit 10, Page 4, under
16 the heading titled "Disadvantages". Line
17 two -- it's not "line 2" on everyone's page, I
18 guess I put some numbers for the witnesses to
19 look at. There is a line that states -- I'm
20 sorry, lines 2 and 3, "If water is allowed to
21 accumulate in pockets, those" --

22 MR. IACOPINO: Ms. Huard, can you
23 stop for a minute? Just the exhibits that we
24 have --

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1 MS. HUARD: Uh-huh.

2 MR. IACOPINO: -- are numbered "1 out
3 of 5", "2 out of 5", the pages in Exhibit 10,
4 "4 out of 5". We don't have a page numbered
5 "3". So, I want to make sure that we're --

6 MS. HUARD: Well, there's a heading
7 "Disadvantages". I gave my only copy to the
8 witnesses.

9 MR. IACOPINO: Okay. So, on the --
10 at least on the electronic exhibit we have,
11 that's "4 out of 5".

12 MS. HUARD: Okay.

13 MR. IACOPINO: Just so that the
14 Committee knows --

15 PRESIDING OFFICER ROSS: The third
16 page.

17 MR. IACOPINO: It's the third page,
18 but it's labeled as "Page 4 out of 5".

19 MS. HUARD: Okay.

20 MR. IACOPINO: I'm sorry to interrupt
21 you. Please.

22 MS. HUARD: That's okay.

23 BY MS. HUARD:

24 Q. So, there's a line that indicates that, "if

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1 water is allowed to accumulate in pockets,
2 those areas will experience higher corrosion
3 rates", further indicating that a "provision
4 for drainage must be made." So, the same
5 thing. Do you see that comment and do you
6 agree with it?

7 A. (Luszczki) I know nowadays, rather than
8 drainage in some applications, a lot of the
9 material manufacturers are going to sealed
10 members, so as that water cannot infiltrate,
11 rather than drainage at some locations. But,
12 generally, yes.

13 Q. Ms. Farrell, do you have anything to add?

14 A. (Farrell) Generally, yes. And I will go back
15 to the point that Mr. Plante made about
16 detailing the connections to avoid ponding, so
17 that that does not become an issue.

18 Q. So, if ponding were to be an issue in that
19 area, would you have some concerns?

20 A. (Farrell) This would be with respect to the
21 fabrication detail associated with the
22 connections on the steel poles. And a strong
23 QA/QC practice and review of steel pole --

24 *[Court reporter interruption.]*

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1 **CONTINUED BY THE WITNESS:**

2 A. (Farrell) -- a strong QA/QC practice and making
3 sure that the steel poles are detailed, so that
4 ponding is avoided, is our mitigation measure
5 for that instance.

6 BY MS. HUARD:

7 Q. And, Mr. Plante, do you have anything to add?
8 To whether you agree with the statement?

9 A. (Plante) No. I have nothing to add.

10 Q. Mr. Hudock?

11 A. (Hudock) No, I have nothing to add.

12 Q. I don't know what number, what page number this
13 is, but there's a statement that says
14 "Run-off", it's under "Run-off", there's a
15 whole section under "Run-off". And it states
16 that "Run-off from the steelwork during the
17 initial years, as patina develops, will
18 continue corrosion" -- "will contain corrosion
19 products, which can stain some substructures
20 and paving slabs." Do you see that? I'm sorry
21 that's back on Exhibit 11. So, do you see
22 that?

23 MR. IACOPINO: It's the bottom of the
24 fourth page.

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1 BY MS. HUARD:

2 Q. The bottom of the fourth page. So, my question
3 would be, do you see that statement and do you
4 agree with that statement?

5 A. (Plante) Which statement? Which lines are you
6 referring to?

7 Q. Under "Run-off", where it states that "during
8 the initial years, as patina develops, it will
9 contain corrosion products, which can stain
10 substructures and paving slabs."

11 A. (Plante) I would agree with that.

12 Q. Mr. Luszczki?

13 A. (Luszczki) I would agree with that, if the
14 material was built prior to the patina being
15 formed.

16 Q. Prior to what?

17 A. (Luszczki) I guess where I'm struggling with
18 this is, these disadvantages that you pointed
19 out are if the patina is not allowed to form
20 before it's installed. In the construction of
21 transmission lines, these structures sit at a
22 wareyard for several months awaiting
23 construction where the patina forms. The
24 patina has already formed when their placed

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1 into the ground.

2 And I guess some of these applications
3 here, on the "Disadvantages" in the Wikipedia
4 article, I guess all of them are from the '70s.
5 And, at the bottom, it says "This problem has
6 been reduced in newer formulations of
7 weathering steel."

8 Q. Have you seeing any of the weathering steel
9 poles that you've already put in to the Town of
10 Hudson? Mr. Luszczki?

11 A. (Luszczki) Specifically? No.

12 Q. So, after -- you're claiming that the patina
13 process, the curing process stops at a certain
14 point, and is that correct?

15 A. (Luszczki) Yes. Once the protective layer
16 forms.

17 Q. Ms. Farrell, do you have anything to add to
18 that?

19 A. (Farrell) No.

20 Q. And, Mr. Hudock?

21 A. (Hudock) No.

22 Q. And there's a line that claims that the risk of
23 this run-off, this corrosive material in the
24 run-off "is highest during the early months" --

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1 well, we'll scratch that.

2 So, you're claiming that the -- going back
3 to Mr. Luszczki's comment, you're claiming
4 that, once the patina forms, it will no longer
5 rust. So, therefore, there should not be a
6 concern, in your opinion, to be placed in
7 wetlands?

8 A. (Luszczki) I'm not an environmental expert.

9 Q. Okay. I think it's more of a material issue,
10 though. You commented on the properties of the
11 material. You're claiming that the patina has
12 formed, contrary to what I've read, you're
13 claiming that the patina is formed and it will
14 stop curing at the factory. By the time it
15 reaches the ROW, it will have already formed
16 and will no longer continue to rust. That's
17 what you claim. So, my question is, based on
18 material, you feel that self-weathering steel
19 is safe for a watershed and a wetland area?

20 A. (Farrell) With regards to the direct-embed
21 structures, those structures are supplied with
22 what we call a "corrosion collar". It's a
23 quarter-inch thick additional layer of steel
24 that gets applied where the -- essentially,

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1 where the ground line of the structure is
2 located. For National Grid, it extends 18
3 inches above, and, for this particular Project,
4 36 inches below the anticipated ground line.
5 The sacrificial steel is there for the purpose,
6 in case there is advance corrosion, there is
7 steel for it to go through.

8 In addition to that, all of the direct
9 embed structures are coated with a mastic
10 coating, which prevents against additional
11 corrosion at the ground line of the steel pole
12 structure. That mastic coating is applied not
13 only to the corrosion collar, but to all of the
14 steel below the surface there.

15 Q. I'm all set with that subject, but I have some
16 more questions. Mr. Luszczki, you've indicated
17 that one of the reasons that the preferred
18 route for the Project was selected was that the
19 Applicant believes that "it's "not required to
20 purchase any additional land rights". Do you
21 recall making that statement?

22 A. (Luszczki) In the prefiled testimony, yes.

23 Q. In the prefiled testimony, yes. And is it your
24 belief, Mr. Luszczki, that PSNH currently has

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1 all of these land property rights to construct,
2 operate, and maintain the Project in the form
3 of fee-owned parcels and easements?

4 A. (Luszczki) Yes.

5 Q. And have you included evidence of these
6 property rights in any of the exhibits provided
7 with the Application?

8 A. (Luszczki) I guess, I'm the line engineer, I'm
9 not so much property.

10 Q. Let me rephrase that. Have you seen evidence
11 of these property rights in any of the exhibits
12 provided with the Application?

13 A. (Luszczki) In my design, I'm provided the
14 extent of the right-of-way.

15 Q. Okay.

16 A. (Luszczki) The boundaries of which I maintain
17 and stay within.

18 Q. So, you were merely told that you had the
19 rights, is that correct?

20 A. (Luszczki) Correct.

21 Q. So, you never actually saw evidence that you
22 have the rights?

23 A. (Luszczki) As the design engineer, I'm provided
24 information from the client. We work with what

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1 we're provided.

2 A. (Plante) Excuse me, can I chime in here?

3 Q. Sure. Go ahead.

4 A. (Plante) Would that be helpful?

5 Q. Yes.

6 A. (Plante) We have a Real Estate Department at
7 Eversource that does a thorough examination on
8 all the property rights, throughout the
9 corridor, prior to the release of that corridor
10 to the design entity, which, in this case,
11 happens to be Garrett. And that Real Estate
12 Department has certified to us that we have all
13 of the rights, either fee rights or easement
14 rights, to construct the Project as designed.

15 Q. And who would that have been? Who made that?

16 A. (Plante) Who, in our Real Estate Department?

17 Q. Yes.

18 A. (Plante) Terri Feuersanger is the Manager of
19 that department. She has folks who work for
20 her and do deed research and whatnot.

21 Q. So, that person is not part of the witness
22 panel?

23 A. (Plante) That's correct.

24 Q. So, if this department were incorrect or had

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1 made an error, you would have no way of knowing
2 that?

3 A. (Plante) I have opportunities to review their
4 work.

5 Q. And have you --

6 A. (Plante) I can't say that I went through and
7 looked at every single easement along the way.

8 Q. But you have looked at some of the easements?
9 I mean, you've looked at sufficient enough
10 easements to believe that you have the rights?

11 A. (Plante) Yes. I've looked at a sampling of the
12 easements.

13 Q. And do you have an understanding of the various
14 components of easements?

15 A. (Plante) I believe I do.

16 Q. So, to your knowledge, is an easement property
17 owned by the Applicant or does the Applicant
18 merely have an interest in the property that
19 allows the holder to use the property for a
20 specific agreed-upon purpose?

21 A. (Plante) That's generally correct. We have a
22 perpetual right and easement to use a certain
23 piece of each property, sometimes it's the
24 whole property, sometimes it's less, for the

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1 right to construct, own, operate, maintain
2 transmission lines.

3 Q. And that comes with a specific agreed-upon
4 purpose, correct?

5 A. (Plante) I would say, yes.

6 Q. This is Exhibit 7. I'm not sure how easily you
7 can read that.

8 *[Ms. Huard distributing*
9 *documents to the witnesses.]*

10 WITNESS PLANTE: Not with my glasses
11 on.

12 BY MS. HUARD:

13 Q. Do you recognize this document as a utility
14 easement, Mr. Plante?

15 A. (Plante) I do.

16 Q. And what year was this utility easement
17 allegedly formed in?

18 A. (Plante) 1969.

19 Q. Do you see the clause that shows the agreed
20 upon purpose? It is -- it begins with "RIGHT
21 and EASEMENT"?

22 A. (Plante) I do.

23 Q. And I'd like to read that into the record. It
24 states "RIGHT and EASEMENT to construct,

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1 repair, rebuild, operate, patrol, remove
2 overhead and underground lines consisting of
3 wires, cables, ducts, manholes, poles and
4 towers together with foundations, crossarms,
5 braces, anchors, guys, grounds and other
6 equipment, for transmitting electric current
7 and/or intelligence over and under and across a
8 strip of land in the Town of Hudson, County of
9 Hillsborough, in the State of New Hampshire,
10 bounded and described as follows:" Do you
11 agree that this is what is stated in this
12 clause?

13 A. (Plante) Yes.

14 Q. And would you agree that this is the agreed
15 upon purpose of this easement?

16 MR. NEEDLEMAN: I'm going to object,
17 to the extent that it calls for a legal
18 conclusion.

19 PRESIDING OFFICER ROSS: Objection is
20 sustained.

21 BY MS. HUARD:

22 Q. For the record, can you identify the location
23 of this easement?

24 A. (Plante) Per the map on the final page, looks

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1 to be the section of the right-of-way owned by
2 Eversource in the area of the interconnection
3 with the National Grid, off of David Drive, in
4 Hudson.

5 Q. Do you know what specific property it crosses?

6 A. (Plante) I'm not sure I can answer that. I'm
7 not really sure what you're looking for there,
8 which "specific property"?

9 Q. Well, is there an address -- I guess, is there
10 an address on that easement that you can
11 identify to tell me what address location that
12 easement crosses?

13 A. (Plante) I cannot. I'd have to look at the
14 metes and bounds description that's shown in
15 Item 2, which describes, in surveyor's terms,
16 the exact boundaries of that easement.

17 Q. Okay. So, going to that description, do you
18 want to read that out loud to me or do you want
19 me to read it into the record? I'll read it.

20 A. (Plante) You can read it.

21 Q. I have it bigger. "Beginning at a point in the
22 northeasterly line of the New England Power
23 Company electric transmission line easement at
24 Grantors' northeasterly boundary line at land

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1 of Greydanus; thence, North 66 degrees" --

2 PRESIDING OFFICER ROSS: That -- let
3 the record indicate that that was
4 "northwesterly", not "northeasterly".

5 MS. HUARD: Oh.

6 BY MS. HUARD:

7 Q. "North 66 degrees, 27 minutes and 30 seconds
8 East, 101.48 feet to point north, 7 degrees, 43
9 minutes East, 227.80 feet to a point; the last
10 courses being by land of Greydanus; thence".

11 PRESIDING OFFICER ROSS: I'm going to
12 ask that you not read it, --

13 MS. HUARD: Okay.

14 PRESIDING OFFICER ROSS: -- because
15 you're actually dropping text. And I think a
16 more accurate way to convey this would be to
17 refer to your exhibit, which is number 7, and
18 the description is found on the first page of
19 that exhibit.

20 MS. HUARD: So, I'm sure, I mean, if
21 you strain, you can read it. It's very small
22 print.

23 BY MS. HUARD:

24 Q. And I'll ask you a couple of questions about

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1 it. Do you see the third line, where it
2 says -- starts with "South 22 degrees", and
3 then it says "to a point in a stone wall
4 marking"? And, then, in the next line --

5 A. (Plante) Yes.

6 Q. -- it refers to a "stone wall"?

7 A. (Plante) Yes. I see that.

8 Q. So, after looking at this, can you identify the
9 location, the piece of property that this
10 easement is on?

11 A. (Plante) I would refer to the drawing that is
12 attached to it.

13 Q. Uh-huh.

14 A. (Plante) That's how I would identify it.

15 Q. And what property would that be? What number?
16 I mean, what address would it be? What address
17 would that -- can you identify what address
18 that easement is on?

19 A. (Plante) Not without another map to go along
20 with this.

21 Q. Then would it --

22 A. (Plante) And with the deeds and titles from the
23 lots in the area.

24 Q. Uh-huh. So, by looking at this in itself, you

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1 cannot tell, correct?

2 A. (Plante) Correct.

3 Q. So, would it satisfy you that this is the
4 easement that you gave in response to my
5 request the easement that was in effect for
6 PSNH right-of-way, across David Drive, in
7 Hudson, including 24 David Drive? Do you
8 recall providing me --

9 A. (Plante) I recall the data request and the
10 submittal of this document.

11 Q. Uh-huh. But there's no way, at this point,
12 looking at that, that you can tell that this is
13 for 24 David Drive, correct?

14 A. (Plante) With just this document, I can't tell.
15 Using other documents that we use to make sure
16 that we're in the right place, then, we can,
17 yes.

18 Q. Okay.

19 A. (Plante) Because I don't have the -- the
20 address of "24 David Drive" didn't exist in
21 1969, most likely. So, it's not referenced on
22 this document.

23 Q. I'd like to refer to Exhibit 9.

24 *[Ms. Huard distributing*

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1 *documents to the witnesses.]*

2 BY MS. HUARD:

3 Q. Do you recognize this document as a public
4 record? Or a copy of a public record?

5 A. (Plante) Yes, I guess. It's a warranty deed.

6 Q. And do you see the name "Lavoie" on that as the
7 owner anywhere?

8 PRESIDING OFFICER ROSS: I just would
9 like to indicate --

10 **BY THE WITNESS:**

11 A. (Plante) I don't.

12 PRESIDING OFFICER ROSS: -- that this
13 doesn't appear to be the complete document. It
14 looks as if you have the first page of a deed.

15 MS. HUARD: Okay.

16 PRESIDING OFFICER ROSS: Which is
17 Page 366, and then the last page, which is
18 Page 374, but there are a number of intervening
19 pages. So, it doesn't -- it doesn't appear to
20 be a copy of the full, official land use
21 document.

22 BY MS. HUARD:

23 Q. Well, referring to the first page that's in
24 front of you, do you see the owner's name?

[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 A. (Plante) "Jacques Savoie and Deborah A.H.
2 Savoie".

3 Q. And does that possibly match the name of the
4 grantor of this easement?

5 A. (Plante) I have no way of telling from the
6 documents that are in front of me.

7 Q. Well, does it match the name on the easement,
8 as the grantor of that easement?

9 A. (Plante) It does not.

10 Q. And, so, then you're aware that the ownership
11 in this property has been conveyed and
12 transferred several times since 1969, correct?

13 A. (Plante) I'm not specifically aware of how many
14 times. But it stands to reason that the
15 property has transferred over the years.

16 Q. And are you aware that the entire surrounding
17 area -- areas surrounding this easement has
18 been grossly developed since 1969?

19 MR. NEEDLEMAN: I'll object to the
20 characterization.

21 BY MS. HUARD:

22 Q. Has been developed -- considerably developed
23 since 1969?

24 MR. NEEDLEMAN: Again, I'm not sure

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1 what basis the witness would have to reach that
2 conclusion.

3 BY MS. HUARD:

4 Q. Are you aware that the entire area surrounding
5 this easement has been developed since 1969?

6 A. (Plante) I'm not specifically aware. I wasn't
7 around in 1969 to know what it was like then.
8 I mean, home -- are you referring to home
9 development or --

10 Q. That it's been developed beyond the state that
11 it was in in 1969?

12 PRESIDING OFFICER ROSS: I think the
13 witness has indicated that he doesn't have the
14 knowledge.

15 MS. HUARD: Okay. I'll ask another
16 question.

17 BY MS. HUARD:

18 Q. Referring to the -- back to Exhibit 7, the last
19 clause I'll read into the record: "The
20 Grantor, for themselves and their heirs,
21 executors and administrators, successors and
22 assigns, covenant and agree to and with the
23 Grantee, its successors and assigns, that they
24 will not erect or maintain any building or

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1 other structure, or permit the erection [of]
2 maintenance of any building or other structure
3 of nature upon the Strip, or change the
4 existing grade or ground" -- "or ground level
5 of the Strip by excavation or filling." Do you
6 see that statement?

7 A. (Plante) I do.

8 Q. Would you consider that to be a limitation as
9 to what either you or the owner of that land
10 can do in that route?

11 MR. NEEDLEMAN: I'll object again,
12 calling for a legal conclusion.

13 PRESIDING OFFICER ROSS: The
14 objection is sustained. And I would further
15 note that that applies to the Grantor, which is
16 the person conveying the easement.

17 MS. HUARD: No. Actually -- it
18 actually conveys -- it applies to both.

19 PRESIDING OFFICER ROSS: It says "the
20 "Grantors".

21 MS. HUARD: And then it says "with
22 the Grantee", "to and with" -- oh, it says "to
23 and with the Grantee".

24 PRESIDING OFFICER ROSS: You "agree

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1 with the Grantee". Anyway, the objection is
2 sustained.

3 BY MS. HUARD:

4 Q. So, you have asked, or this, back when this was
5 formed, the Company asked the Grantor to comply
6 with some limitations. Do you think there was
7 a safety reason for this clause?

8 MR. NEEDLEMAN: I'll object. It
9 calls for conjecture.

10 PRESIDING OFFICER ROSS: I'll allow
11 the question.

12 BY MS. HUARD:

13 Q. Do you think there was a safety reason to limit
14 the activity in that ROW?

15 A. (Plante) It's a possibility. There's also the
16 possibility that, in order to conduct our
17 business as a transmission company, we need to
18 have clear access up and down the corridor.
19 And the changing of grades, by grading,
20 building mounds of dirt or building homes or
21 any other obstruction that might be placed in
22 the right-of-way, would limit our ability to
23 conduct our business for which we are
24 purchasing the easement in the first place.

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1 So, it's a way to protect our rights, our
2 business rights.

3 Q. As part of your construction, with such a
4 close, small part of your ROW left, will you be
5 having to be on the other part of the land, and
6 requiring alterations or excavations on that
7 part of the property?

8 A. (Plante) Could you clarify the question please?

9 Q. As part of your construction, where you have to
10 be on the other part of the owner's land and --

11 A. (Plante) Oh, do you mean outside out of the
12 edge of the --

13 Q. Yes, outside of the right-of-way. First
14 question, will you have to be on the abutter to
15 your utility ROW? Will you have to be on that
16 land while you're constructing? First part of
17 the question.

18 A. (Plante) I don't believe so. I'm not
19 specifically certain of which areas you're
20 looking at. But our construction plan is to
21 keep all of our construction activity within
22 the right-of-way or the fee property that we
23 own.

24 Am I answering correctly?

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1 Q. Yes. So, again, this clause has been put in
2 there for limitations for the Grantor. Yet
3 your company feels that they can come in and
4 override that on their own. The tree removal,
5 although it's on your utility ROW and the
6 easement portion of the land, do you feel that
7 you're forcing the landowner into a change in
8 their grade and ground level?

9 A. (Plante) Again, you're going to have to clarify
10 the question. I'm not really sure where
11 you're --

12 Q. The tree removal, while it's on your
13 right-of-way, by removing that amount of trees,
14 are you forcing the landowner to change their
15 grade and their land in conflict with this
16 clause?

17 A. (Plante) I don't believe we're forcing the
18 landowner to do anything.

19 Q. Does this easement allow you to pose any undue
20 burden or safety risk to the landowner?

21 A. (Plante) This easement gives us the right to
22 construct, operate, maintain, and repair
23 overhead and underground transmission lines.

24 Q. Regardless of whether it poses an undue burden

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1 or safety risk?

2 A. (Plante) This doesn't talk to that issue.

3 MS. HUARD: I have no further
4 questions on that issue.

5 BY MS. HUARD:

6 Q. Mr. Suennen, do you recall stating in your
7 prefiled testimony that "the Project will
8 provide appropriate mitigation of the Project's
9 traffic impacts to ensure that there will be no
10 negative effect on public safety along the
11 public highways and local streets" proposed to
12 be crossed by this Project?

13 A. (Suennen) Yes. That sounds familiar.

14 Q. Are you still considering using helicopters to
15 assist in any of the line pulls across the
16 public highways and local streets? Is that --

17 A. (Plante) I guess Bryan and I can help out with
18 that.

19 Q. Okay.

20 A. (Plante) The use of helicopters for
21 construction purposes is an allowed use through
22 Eversource. Though, the actual construction
23 techniques that will be employed are up to the
24 contractor who was selected to do the

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1 construction work. So, it may or may not be
2 used. We don't know yet, until we've awarded
3 construction contracts.

4 Q. And, so, the contractor makes that decision,
5 correct?

6 A. (Plante) The contractor has the option to do
7 that, and they have certain protocols to follow
8 if they do.

9 Q. And, back to Mr. Suennen. There's 37 proposed
10 crossings with this Project, correct?

11 A. (Suennen) Thirty-seven (37) aerial crossings of
12 public highways and streets, yes.

13 Q. Yes. And, during this time, is it correct that
14 the roads be closed for eight minutes at a
15 time?

16 A. (Suennen) I believe the language in my prefiled
17 testimony says "up to eight minutes at a time".

18 Q. Okay. So, for not more than eight minutes at a
19 time?

20 A. (Suennen) That's a fair characterization.

21 Q. So, I could come to a crossing and be tied up
22 for eight minutes?

23 A. (Suennen) It is a possibility that an
24 individual driver could approach the traffic

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1 control and be stopped for up to eight minutes
2 during the actual event where the utility --
3 the utility contractor is pulling the lines
4 across the highway. And that would occur once
5 or twice at each location at any given time.

6 Q. So, while these roads are closed and these
7 crossings are taking place, is it correct that
8 traffic will be stopped on either side of this
9 crossing?

10 A. (Suennen) That is the expectation, yes.

11 Q. And is it correct that you'll be using a
12 combination of both police officers and
13 flaggers to assist with these traffic stops?

14 A. (Suennen) I think it's fair to say that,
15 depending on the municipalities' requirements
16 and the State DOT's requirements, it could be
17 police officers or it could be flaggers. It
18 would be unlikely to be both at any given
19 location.

20 Q. So, that has not yet been decided either?

21 A. (Suennen) Correct.

22 Q. I'd like to refer to Exhibit 51.

23 *[Ms. Huard distributing document*
24 *to the witness.]*

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1 BY MR. WIESNER:

2 Q. Do you recognize this as an exhibit that was
3 part of the appendices included with the
4 Application for this Project?

5 A. (Suennen) Yes.

6 Q. Can you locate the sign with the flagger in
7 this exhibit?

8 A. (Suennen) Yes.

9 Q. And, to your knowledge, will the traffic be
10 stopped before or up to the flagger while
11 waiting at the crossing?

12 A. (Suennen) The typical practice is that the
13 traffic is stopped at the flagger location,
14 which is identified as the end of A and the
15 beginning of the buffer space, also designated
16 by the first cone on that approach.

17 Q. And can you identify the location where a
18 uniformed police officer would be located
19 during a typical road closure?

20 A. (Suennen) We have shown, approximately on the
21 centerline of the road, within the bounds or at
22 the edge of the bounds of the -- let's call it
23 the "road closure area", the "utility crossing
24 area".

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1 Q. So that -- so, the uniformed police officer
2 would actually be standing under the power
3 lines during the road closure?

4 A. (Suennen) Well, as shown on the detail, it's at
5 the edge of the crossing. So, the individual
6 officer probably wouldn't be directly under.
7 That would not be practical. But the
8 individual would be within the range of the
9 bounds of the work area.

10 Q. And, for the crossings requiring a cruiser to
11 be present, where would that -- would those be
12 used on a specific -- would a cruiser be used
13 on a specific roadway, a specific type, between
14 either state, federal or the local ones?

15 A. (Suennen) I can answer that, certainly on the
16 I-93 crossing, certainly, the major crossing,
17 cruisers would be active throughout the work
18 zone, from -- from their staging point for the
19 rolling roadblock, all the way through the work
20 zone. For other state highways, they may be
21 employed within the -- on the shoulder or off
22 the road, within the right-of-way of the
23 utility. For municipal crossings, it's at the
24 discretion of the municipal officer.

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[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 Q. And, so, would it typically be parked on the
2 side of the road?

3 A. (Suennen) Again, as I just stated, potentially,
4 but not necessarily.

5 Q. Do you see any transmission lines pictured in
6 the exhibit in front of you?

7 A. (Suennen) Exhibit 51 does not show the
8 transmission lines.

9 Q. So, I'd like to refer to Exhibit 35.

10 *[Ms. Huard distributing document*
11 *to the witness.]*

12 BY MS. HUARD:

13 Q. Which crossing is reflected on this map?

14 A. (Suennen) I believe it's the 3124 line.

15 Q. No. Which road crossing?

16 A. (Suennen) I'm sorry?

17 Q. Which road crossing?

18 A. (Suennen) Oh. Crossing David Drive.

19 Q. Okay. And is it correct that David Drive is
20 one of the 29 locally maintained roads that are
21 proposed to be crossed with this Project?

22 A. (Suennen) Yes. I think that's fair to say.

23 Q. And do you see a key at the bottom of
24 Exhibit 35?

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1 A. (Suennen) If you're referring to the "legend",
2 yes.

3 Q. Yes, the "legend". And do you see a symbol for
4 "Guard Protection Area"?

5 A. (Suennen) Stand by. Yes, the purple box.

6 Q. Yes. And would that be used in conjunction
7 with the road crossing?

8 A. (Suennen) I believe so, yes.

9 Q. And what will that guard protection area be
10 used for?

11 A. (Suennen) I might defer that to Project
12 Management.

13 A. (Plante) I'll get that. That, I believe, is
14 the area that we would use to erect a -- what
15 we call a "guard structure", to be a couple of
16 poles set in concrete blocks with a wood
17 cross-member, to prevent the conductors, when
18 they're being installed, from coming down
19 toward the road, if, for instance, something
20 goes wrong, it's a way to protect the road, and
21 passersby. So, a safety feature.

22 Q. And, do you know, Mr. Suennen, whether a police
23 officer, a cruiser, or merely a flagger will be
24 used for the crossing on David Drive?

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1 A. (Suennen) I cannot say at this time. However,
2 in -- I will direct you to Appendix AH, which
3 include traffic management plans for public and
4 local streets. Included in that appendix is
5 the Town of Hudson's requirements for utility
6 work. And the Town of Hudson will determine,
7 in cooperation with the contractor, whether or
8 not it will be an officer or simple standard
9 traffic control operation.

10 Q. Thank you. And, if a flagger were used on this
11 road, where would they be standing?

12 A. (Suennen) How precisely are you looking for?

13 Q. Okay. I guess my point is, will they be
14 standing outside of the right-of-way?

15 A. (Suennen) Okay. Outside of the utility
16 right-of-way or outside of David Drive
17 right-of-way, public right-of-way?

18 Q. Of the utility. Well, let me refer back to 51.
19 In relation to 51, would the David Drive
20 crossing follow the typical crossing that is
21 reflected on Exhibit 51?

22 A. (Suennen) That is a possibility, yes.

23 Q. Okay.

24 A. (Suennen) It would be, again, according to the

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1 town's requirements.

2 Q. Okay. And, then -- so, then, would the
3 flagger, the flagger that is shown on
4 Exhibit 51, where would you say that that
5 location would be in Exhibit 35, approximately?

6 A. (Suennen) Okay. The work area would be defined
7 as the width of safe crossing for the public
8 utility, and that the flagger would be located
9 roughly 50 to 100 feet from the edge of that
10 safe crossing area, and at the side of the
11 road.

12 Q. Well, at any point, would they be placed under
13 the actual utility ROW -- inside the utility
14 ROW?

15 A. (Suennen) Should not be.

16 Q. And, so, the crossing on David Drive will be
17 done between the hours of 7:30 and 4:00 p.m.,
18 correct?

19 A. (Suennen) I would have to confirm what I put in
20 my testimony. Pardon me.

21 PRESIDING OFFICER ROSS: Ms. Huard,
22 we generally take a break at about this point.

23 MS. HUARD: Okay.

24 PRESIDING OFFICER ROSS: And, so, do

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1 you have a lot more questions?

2 MS. HUARD: I do. I'm right in the
3 middle of -- I probably have another maybe 5,
4 10 minutes.

5 PRESIDING OFFICER ROSS: Okay. Let's
6 take --

7 MS. HUARD: Can we finish David
8 Drive?

9 PRESIDING OFFICER ROSS: Sure.

10 **BY THE WITNESS:**

11 A. (Suennen) Okay. So, in my prefiled testimony,
12 I indicated "most likely weekdays 8:00 a.m. to
13 3:30 p.m."

14 BY MS. HUARD:

15 Q. I believe, if I'm not correct, if you're
16 referring to Appendix AH and Hudson, can you
17 confirm that that states "7:30 to 4:00"?

18 *[Court reporter interruption.]*

19 BY MS. HUARD:

20 Q. Appendix AH. And then --

21 A. (Suennen) What is stated under the
22 "Construction Schedule", and I'll quote here:
23 "The traffic controls would be set up after
24 7:30 a.m. and all traffic controls will be

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1 removed from the roadway by 4:00 p.m."

2 Q. Okay.

3 A. (Suennen) Indicating that the traffic control
4 has to precede the construction.

5 Q. And, during this time, to your knowledge, will
6 the other lines in the utility ROW be carrying
7 a current or voltage?

8 A. (Suennen) I would assume so. I would defer to
9 the Project Managers.

10 A. (Plante) Yes. That would be true.

11 Q. And, so, during this crossing again, the
12 traffic will be stopped for up to eight minutes
13 at a time, correct?

14 A. (Suennen) Yes. Correct.

15 Q. And, at this time, will any of the traffic
16 stopped at this crossing be required to be
17 stopped within the utility ROW?

18 A. (Suennen) It would be stopped along David
19 Drive, within the easement or right-of-way
20 bounds of the utility, yes.

21 Q. And how long do you anticipate that cycle of
22 eight minutes stoppages to take place on David
23 Drive?

24 A. (Suennen) I'm sorry. Clarify.

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1 Q. The cycles of up to eight minutes, you're going
2 to do eight minutes, stop, and then go back and
3 do another eight minutes?

4 A. (Suennen) It is a possibility, two or -- two is
5 what's expected. It could be a third, if
6 there's some situation. But not -- it would be
7 few. And the traffic would be allowed to
8 free-flow after each minute closure prior to
9 the next start of an eight minute closure.

10 MS. HUARD: I'm all set with David
11 Drive. I reserve the right to come back to
12 this subject.

13 PRESIDING OFFICER ROSS: Okay. Thank
14 you. We will take a break until 12:00. So, we
15 have about 12 minutes. Thank you.

16 *(Recess taken at 11:48 a.m. and*
17 *the hearing resumed at 12:01*
18 *p.m.)*

19 PRESIDING OFFICER ROSS: We'll go
20 back on the record. And, Ms. Huard, you may
21 continue with your questions.

22 MS. HUARD: Thank you.

23 BY MS. HUARD:

24 Q. I'd like to ask you a question about the

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1 state-maintained highway crossing, refer to
2 Exhibit 40.

3 *[Ms. Huard distributing document*
4 *to the witness.]*

5 BY MS. HUARD:

6 Q. Mr. Suennen, is it correct that there are seven
7 state-maintained roads proposed to be crossed
8 by the Project?

9 A. (Suennen) Yes, I believe so.

10 Q. And would one of those be New Hampshire 128?

11 A. (Suennen) Yes.

12 Q. And do you see New Hampshire 128 on this map?

13 A. (Suennen) I do.

14 Q. And, so, again, would it be this town, that
15 type of standard, this town would determine
16 whether it was a police officer, a cruiser, or
17 a flagger that would assist you with this
18 crossing?

19 A. (Suennen) Yes, they have say. But, because it
20 is a state highway, the State District 5 Office
21 may dictate to the contractor to use police
22 officers versus flaggers.

23 Q. Okay. But you don't know that for certain or
24 are you saying that that is the standard for a

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1 state-maintained highway?

2 A. (Suennen) That is the standard for a state
3 highway, is that the state highway gets to
4 make -- get to make the first determination.
5 If they do not decide, then the municipality
6 has the authority.

7 Q. And can you tell or do you know whether a
8 cruiser will be used at this crossing?

9 A. (Suennen) I can not tell at this time.

10 Q. And would you say that this is a typical -- or,
11 let me backtrack. Would you say that the ROW
12 intersects with the proposed road to be crossed
13 -- the proposed road to be crossed in a
14 perpendicular manner?

15 A. (Suennen) To clarify, if you are asking if the
16 utility lines crossed the state highway
17 perpendicularly, I would say "no".

18 Q. Thank you. Would you say that this is a
19 long -- longer crossing than a typical
20 crossing?

21 A. (Suennen) How are you defining a "typical
22 crossing"?

23 Q. Distance, the amount of time that a commuter
24 would be under or under high voltage

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1 transmission lines, as opposed to just going
2 perpendicular across the ROW.

3 A. (Suennen) I guess, I'm sorry, I'm still not
4 clear on what you're asking.

5 Q. In a typical arrangement, the road and the
6 right-of-way meet in a perpendicular manner.
7 And, in this instance, would you say that the
8 road -- the road is underneath the power lines
9 within the right-of-way for a longer than
10 typical amount of time?

11 A. (Suennen) I'm not sure how I can answer that.

12 Q. Okay.

13 A. (Suennen) Let me offer -- let me offer this.
14 Because I think -- and tell me if I'm incorrect
15 in the assumption.

16 Q. Uh-huh.

17 A. (Suennen) I think what you're asking is,
18 because the utility lines do not cross the
19 highway at a perpendicular angle, would the
20 drivers be stopped under the utility lines
21 longer than would be necessary if it was a
22 perpendicular crossing? And I would argue
23 "no", because the "up to eight minutes" would
24 apply regardless of the perpendicularity of the

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1 crossing.

2 Q. Because of the angle, would they be stopped
3 further into the right-of-way than at a typical
4 crossing?

5 A. (Suennen) Okay. The amount of roadway that is
6 within the -- within the utility right-of-way
7 is greater. So, potentially, yes.

8 Q. Thank you. I'd like to refer to Exhibit 49.

9 *[Ms. Huard distributing document*
10 *to the witness.]*

11 BY MS. HUARD:

12 Q. And which crossing is reflected on this map?

13 A. (Suennen) This map appears to show the I-93
14 northbound and southbound crossing.

15 Q. And what type of highway would that be?

16 A. (Suennen) I-93 is an Interstate highway, Class
17 1 in New Hampshire.

18 Q. Thank you. And would you say this is far from
19 the typical crossing? Would you say this is
20 outside of the typical crossing as pictured in
21 Exhibit 51?

22 A. (Suennen) Again, I'm sorry. When you're -- how
23 are you defining "typical crossing"?

24 Q. Will it follow the typical pattern as outlined

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1 in Exhibit 51, which was for a typical
2 crossing? All right. Let me -- are there
3 different procedures for the crossing of 93 and
4 different criteria than in a typical crossing
5 as outlined in Exhibit 51?

6 A. (Suennen) Okay. Yes. Absolutely. I-93, being
7 a much higher class road, being a limited
8 access highway, limited access controls -- I'm
9 sorry, controlled access right-of-way, NHDOT
10 has different requirements and different
11 standards for the utility operation and the
12 traffic control operations to cross I-93.

13 Q. So, is it correct that the crossings will take
14 place over I-93 during the hours of 9:00 p.m.
15 to 4:00 a.m.?

16 A. (Suennen) Those are the hours that were given
17 to me by the District Office.

18 Q. Okay. But that hasn't been set in stone yet,
19 is that correct to say?

20 A. (Suennen) That's correct. As part of the
21 requirement for the contractors, they have to
22 have a pre-construction meeting with the
23 District Office, and those final details will
24 be worked out at that -- at that meeting.

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[WITNESSES: Plante~Hudock~Farrell~Luszczki~Suennen]

1 Q. Is there a possibility at all that this
2 crossing will be done during the regular hours
3 of the day?

4 A. (Suennen) If you, by -- "regular hours" means
5 "weekdays, during daylight hours"?

6 Q. Uh-huh.

7 A. (Suennen) It's a possibility, but not a
8 distinct likelihood.

9 Q. Okay. And along -- and, with this type of
10 highway crossing, will you typically use the
11 combination of flaggers, police officers, and
12 cruisers as a rule?

13 A. (Suennen) No. Flaggers would likely not be
14 used. The NHDOT District Office has indicated
15 that they would allow a rolling roadblock with
16 State troopers only, State troopers and
17 cruisers.

18 Q. And will the traffic be stopped in eight minute
19 cycles here as well? In up-to-eight-minute
20 cycles here as well?

21 A. (Suennen) That's the expectation, yes. Well,
22 and I will say, to clarify, traffic may not be
23 fully stopped. In a rolling roadblock, the
24 police officers would pull into traffic in each

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1 of the lanes of flow, slowing down sufficiently
2 to allow enough time for the crossing operation
3 to occur, until they pass through the location.
4 If they get -- if the police officers get to
5 the location, and the work is not yet
6 completed, and the eight minutes hasn't
7 expired, it is possible that the officers will
8 then stop traffic.

9 Q. So, during the time following the rolling
10 roadblock, this traffic will be going at a
11 slower pace than normal, is that correct?

12 A. (Suennen) That is correct, yes.

13 Q. And does it have the potential for being
14 stopped directly under the high voltage
15 transmission lines, the traffic?

16 A. (Suennen) I cannot say. It depends on where
17 the state troopers decide to stop, in the event
18 they have to stop.

19 Q. Mr. Suennen, have you considered or consulted
20 or discussed with your EMF experts the risks of
21 the cruisers, police officers, flaggers, and
22 stopped vehicles, along with their drivers and
23 pedestrians, may conduct a current while in
24 close proximity to or under transmission lines

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1 while working or waiting at a traffic stoppage?

2 A. (Suennen) I have not.

3 MS. HUARD: I have no further
4 questions.

5 PRESIDING OFFICER ROSS: Thank you.
6 Is there any redirect?

7 MR. NEEDLEMAN: I do have some. Do
8 you want me to go now or after the Committee
9 asks questions?

10 PRESIDING OFFICER ROSS: I think it
11 will be after the Committee, sorry. Committee
12 members, do you have questions of the witness
13 panel?

14 MS. WEATHERSBY: I have a few,
15 following up on a couple of Ms. Huard's
16 questions.

17 BY MS. WEATHERSBY:

18 Q. Concerning the wire pulling, would that --
19 would wire pulling, if done by a helicopter,
20 would that have less effect on the environment
21 or on traffic interruption than doing it by
22 more conventional means?

23 A. (Plante) In general, yes, there will be less
24 effect. However, the helicopter doesn't

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1 actually pull the wire. The helicopter would
2 pull in a smaller rope, which would be
3 connected to the structures through pulling
4 wheels hanging from the insulators, until it
5 gets to the end of the pole where it would be
6 connected to the conductor, and the conductor
7 would be pulled back in the other direction.

8 So, the helicopter, yes, would install
9 pulling ropes with less need to be on the
10 ground in between each of the structures, and
11 the necessity to stop traffic is much less in
12 those cases as well.

13 Q. And can you tell me why that isn't being used
14 here?

15 A. (Plante) Why it is not?

16 Q. Uh-huh.

17 A. (Plante) We don't know that it is not. As I
18 mentioned earlier, it is the choice of the
19 contractor. Some contractors are very good at
20 doing work using helicopters, others prefer
21 other methods. So, we'll be entering into a
22 competitive bidding process to select the
23 contractor. And, you know, once they have been
24 selected, we'll work out the actual

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1 installation techniques to be used.

2 Q. Okay. And concerning the self-weathering steel
3 poles, if, before the patina has formed and
4 there is some run-off, what are the substances
5 that actually are -- make the run-off? What
6 are the chemicals that come off the run-off?
7 And what effects, if any, do those substances
8 have on wetlands or vegetation?

9 A. (Plante) Again, I'm not an environmental
10 scientist. However, the literature that I've
11 been privy to indicates that the corrosion
12 products are generally iron oxides, which is a
13 fairly naturally occurring substance. And the
14 literature that was in the steel construction
15 documents that Ms. Huard had presented actually
16 indicates that contamination is very unlikely
17 for vegetation and water resources.

18 Q. Thank you. Concerning the tree clearing, I
19 know I'm jumping around a bit, but I'm just
20 hitting a few points here. Concerning the tree
21 clearing, I know that there will be some
22 additional -- fair amount of additional tree
23 clearing in the right-of-way so that you can
24 construct the new line. But, once the line is

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1 constructed, will the line -- will that entire
2 area of new clearing remain cleared or will --
3 during the maintenance phase, can some of that
4 cleared area be revegetated?

5 A. (Plante) Essentially, the entire area will be
6 vegetated to some extent after the initial
7 clearing is done. And our vegetation
8 management processes allow for certain lowering
9 growing species to be maintained within the
10 corridor. So, basically, in the area directly
11 under the conductors, much lower-growing
12 species, and, as you get further away from the
13 conductors, toward the edge of the corridor,
14 the species that are allowed to stay within the
15 right-of-way get to be incrementally taller.

16 Q. Okay.

17 A. (Plante) But we do have a regular maintenance
18 cycle for right-of-way clearing.

19 Q. But, along the edge of the right-of-way, if
20 it's not necessary to maintain the line, some
21 taller species are allowed to --

22 A. (Plante) Correct. Like dogwoods, for instance.
23 You know, they grow short and broad, but they
24 don't get tall. So, they're much less likely

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1 to become a problem for the operation of the
2 transmission line.

3 Q. Concerning the public outreach, if a member of
4 the public makes a request of Eversource to be
5 kept updated concerning any construction
6 activities in their neighborhood, is there a
7 mechanism that they will be automatically, say,
8 email notification or some kind of automatic
9 notification that they're just on the list to
10 receive updates?

11 A. (Plante) We have a robust outreach team, and
12 I'm sure that could be accommodated. I'm
13 making a commitment to them right now.

14 MS. WEATHERSBY: I think that's all I
15 have for right now. Thank you.

16 PRESIDING OFFICER ROSS: Any other
17 members?

18 CMSR. ROSE: Thank you.

19 BY CMSR. ROSE:

20 Q. I did want to just pick up a little bit on the
21 questioning as it pertains to the crossings
22 over I-93. And you referenced that the time of
23 day that those crossings would be would take
24 place between "9:00 p.m. and 4:00 a.m.", is

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1 that correct?

2 A. (Suennen) Yes. Again, those are the times that
3 the NHDOT District Office gave me when we had
4 pre-application meetings.

5 Q. Okay. And, based on schedules, do you have an
6 expected time of year in which you would
7 anticipate that particular crossing to be
8 taking place?

9 A. (Suennen) I'll defer that to the Project
10 Managers for Eversource.

11 A. (Plante) I would expect that to be somewhere in
12 the second quarter of 2017, or maybe early
13 third quarter of 2017. And, actually, more
14 likely to be third quarter of 2017, I'm sorry.

15 Q. So, most likely during the summertime?

16 A. (Plante) Yes, summer to fall.

17 Q. Thank you. I also had another question as it
18 pertained to any sort of either mitigation or
19 identification of closings for recreational
20 trails during the course of the Project. And I
21 was just curious if you could give any
22 description as to what would be done, in order
23 to be able to -- there's a handful of
24 recreational trails that would be impacted.

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1 So, in terms of identifying when those closures
2 were going to be taking place?

3 A. (Suennen) Are you asking specifically on the
4 schedule of when they'd make the crossings or
5 how they would make the crossings?

6 Q. I guess mostly, well, first, let's start with
7 how they would make those identifications as to
8 when those crossings would be taking place?
9 When those trails would be closed?

10 A. (Suennen) I think that sounds like a public
11 outreach question. So, I'll defer to the
12 Project Manager.

13 A. (Plante) I guess that is a public outreach
14 question. I guess I can't answer you right now
15 of exactly when, in the Project schedule, each
16 of those trails might be affected. But we
17 could certainly agree on some method of
18 communicating that to the users of those
19 facilities.

20 I'm not sure if I'm really answering your
21 question or not.

22 Q. I think you're probably right, that it's likely
23 outreach. But, based on the number of trails
24 that will -- recreational trails that will be

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1 impacted, I think that's an important component
2 that's taken into consideration.

3 PRESIDING OFFICER ROSS: Any other
4 Committee members with questions?

5 BY MS. ROBERGE:

6 Q. I was wondering if you could maybe expand a
7 little bit on the weathering finish on the
8 steel structures. You had talked about how
9 they sit now in a yard and form that patina.
10 Is that a requirement that's kind of built
11 into, I know you referenced an "ASTM" method,
12 but perhaps is there something from the
13 utilities that that finish has to be formed
14 prior to installation or the idea of it being
15 already in place prior to it happening after
16 the structures are erected or put into the
17 ground? Is there some sort of requirement,
18 either by National Grid or PSNH, that that
19 patina has to be formed?

20 A. (Plante) I guess I'll start off with that. I
21 think it's not a requirement of Eversource, and
22 I would doubt that it's a requirement of
23 National Grid as well, that the patina is
24 formed prior to construction. It just happens

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1 to be more of a consequence of the construction
2 process. We need to order and receive our
3 material in advance of construction starting.
4 And, in the case of a project of this
5 magnitude, you know, it's a long duration
6 before all of the structures actually make it
7 from the yard, wherever they're manufactured,
8 to our marshalling yard, and then from the yard
9 out to the project site for construction. So,
10 it's just kind of a consequence, rather than a
11 requirement.

12 PRESIDING OFFICER ROSS: Any other
13 Committee members with questions?

14 MS. WEATHERSBY: Go ahead.

15 BY MR. IACOPINO:

16 Q. Just for the Project Managers, are you aware of
17 any -- any project where the patina has caused
18 any kind of contamination either of water or
19 vegetation in the vicinity of a newly
20 constructed power line?

21 A. (Plante) I am not.

22 A. (Hudock) I am not aware.

23 Q. And, then, my next question is about David
24 Drive, about the traffic. How would you

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1 characterize David Drive as a road?

2 A. (Suennen) I'm not sure of its class. I want to
3 say it's a Class V, but I'd have to check into
4 that. And I don't have the traffic volume
5 numbers at this time, but a low-volume, local
6 road.

7 MR. IACOPINO: I don't have any other
8 questions.

9 MS. WEATHERSBY: I had one additional
10 question.

11 PRESIDING OFFICER ROSS: Yes.

12 BY MS. WEATHERSBY:

13 Q. In the materials, there's a lot of very
14 thorough and helpful information concerning the
15 technical and managerial capabilities of both
16 Eversource and New England Power. So, I'm
17 wondering why Black & Veatch is hired? What do
18 they bring to the table concerning technical
19 and managerial expertise that isn't already in
20 place?

21 A. (Hudock) So, Black & Veatch is employed by
22 National Grid for their engineering and design.
23 It isn't necessarily a capability that National
24 Grid has, it's just more a matter of

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1 determining the appropriate level of
2 resourcing. In this case, the decision was
3 made that we needed to provide -- or, have an
4 outside consultant provide those resources.
5 It's not a special capability that National
6 Grid doesn't have in-house.

7 A. (Farrell) Yes. Essentially, Black & Veatch was
8 brought on to supplement and to work under me,
9 the direction of Transmission Engineering for
10 the purposes of this Project, just as
11 additional resources as they were required to
12 support.

13 PRESIDING OFFICER ROSS: No other
14 questions?

15 *[No verbal response.]*

16 PRESIDING OFFICER ROSS: I think,
17 then, it would be up to the Applicant, if you
18 have any redirect?

19 MR. NEEDLEMAN: I do. Just a couple
20 of brief questions. I'll start with Mr. Hudock
21 and Mr. Plante.

22 *[Atty. Needleman distributing*
23 *documents to the witnesses.]*

24 MR. NEEDLEMAN: I just handed them a

1 copy of Appendix N, as in "Nancy", of the
2 Application. Appendix N is the Project
3 Outreach Summary.

4 **REDIRECT EXAMINATION**

5 BY MR. NEEDLEMAN:

6 Q. And, this, obviously, was a summary that was
7 done at the time that the Application was
8 filed. And it contains outreach information
9 with respect to abutters, the community in
10 general, town government and other government
11 officials in the area.

12 And my question to you is, has there been
13 any additional outreach since the time that
14 this document was prepared? And, if so, can
15 you describe that?

16 A. (Hudock) Yes. I'll start with that. The
17 outreach on this Project has been a continuing
18 effort. So, we have been conducting outreach
19 activities for the Project for just about a
20 year and a half now, with all manner of
21 outreach, from public meetings, to meetings
22 with elected officials, as has been mentioned
23 previously, having a website and a phone
24 number, direct mailings, door-to-door

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1 canvassing. And, so, that effort has continued
2 through the Application, and will continue
3 through the construction of the Project, with,
4 again, the same types of activities that will
5 proceed forward.

6 So, since the Application, there's been
7 several meetings with abutters, there's been
8 meetings with public officials. And, again, as
9 we move towards the construction of the Project
10 itself, there will be another round of efforts,
11 in terms of press releases, public meetings,
12 maintaining the website and phone number, as
13 well as door-to-door canvassing.

14 Q. Mr. Plante, anything to add to that from the
15 Eversource perspective?

16 A. (Plante) That's pretty encompassing. We would
17 add that we've had presentations and meetings
18 with state legislators, chambers of commerce,
19 some door-to-door Project briefings with
20 property owners who made contact with us
21 looking for information.

22 And, we've had eight mass mailings
23 relative to certain Project development
24 activities that we've done throughout the

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1 process, to go from a concept project to a
2 design project, survey, soil borings and
3 whatnot, where we had actual activity out in
4 the Project area. We did mass mailings to
5 inform people of that activity prior to
6 beginning.

7 Q. All right. And, then, one other topic to ask
8 you about. Ms. Huard asked you some questions
9 about various deeds. And I want to zoom out.
10 In the Application, Section (b)(6) of the
11 Application, contains representations from both
12 Companies that you each, either by fee interest
13 or by easement interest, have all of the rights
14 that you need to construct the proposed
15 Project. Is that correct?

16 A. (Plante) That's correct.

17 A. (Hudock) That's correct.

18 Q. And the Application was submitted under oath.
19 Do you recall that?

20 A. (Plante) I do.

21 A. (Hudock) Yes.

22 Q. And, since the time the Application was filed,
23 has any information come to your attention that
24 would cause you to question whether you have

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1 the necessary rights to construct this Project?

2 A. (Plante) No.

3 A. (Hudock) No.

4 MR. NEEDLEMAN: Thank you. I have
5 nothing further.

6 PRESIDING OFFICER ROSS: Thank you.
7 I think we will break now for lunch. Let's
8 break until 1:30. We'll resume at that time.
9 And I think we will be beginning our next
10 witness panel, is that correct?

11 MR. NEEDLEMAN: That's correct.

12 PRESIDING OFFICER ROSS: Okay. Thank
13 you.

14 (Lunch recess taken at 12:29
15 p.m. and concludes the **Day 1**
16 **Morning Session.** The hearing
17 continues under separate cover
18 in the transcript noted as **Day 1**
19 **Afternoon Session ONLY.**)
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