

## 1 STATE OF NEW HAMPSHIRE

## 2 SITE EVALUATION COMMITTEE

3 June 14, 2016- 1:30 p.m.

4 Public Utilities Commission

5 21 South Fruit Street Suite 10

6 Concord, New Hampshire

DAY 2

{Afternoon Session ONLY}

7 IN RE: SEC DOCKET NO. 2015-05

8 SITE EVALUATION COMMITTEE:

9 Joint Application of New England

10 Power Company d/b/a National Grid

11 and Public Service Company of

12 New Hampshire d/b/a Eversource

13 Energy for a Certificate of

14 Site and Facility.

15 [Adjudicative Hearing]

## 16 PRESENT:

## 17 SITE EVALUATION COMMITTEE:

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

19 Cmsr. Kathryn Bailey Public Utilities Commission

20 Cmsr. Jeffrey Rose Dept. of Resources and

Economic Development

21 Dr. Richard Boisvert Dept. of Cultural Resources

Division of Historical Res.

22 Michele Roberge Dept. of Environmental Serv.

23 Patricia Weathersby Public Member

24 Rachel Whitaker Alternate Public Member

## Also Present for the SEC:

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

Pamela G. Monroe, SEC Administrator

COURT REPORTER: Susan J. Robidas, NH LCR 44

APPEARANCES (CONT'D)

OTHER APPEARANCES:

FOR THE APPLICANTS:

Reptg. Eversource Energy:

Barry Needleman, Esq. (McLane Middleton)

Adam Dumville, Esq. (McLane Middleton)

Jeremy Walker, 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

## I N D E X

WITNESS PANEL:           ALFRED MORRISEY  
                               LISA SHAPIRO  
                               JAMES CHALMERS  
                               ROBERT VARNEY

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1   **EXHIBITS ADMITTED/EXCLUDED:**

2	Applicants Ex. 1 thru 27, 30	Admitted
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4	Counsel for Public Ex. 1	Admitted
5	Huard Ex. 1-9, 12-14, 16-52	Admitted
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1 AFTERNOON SESSION

2 (Resumed at 1:30 p.m.)

3

4 PRESIDING OFFICER ROSS: All right.

5 We will go back on the record this afternoon.

6 We were in the midst of Ms. Huard's

7 cross-examination of the witnesses. But before

8 we resume, I understand there's a minor

9 correction that needs to be made in the

10 testimony, so let's do that now.

11 WITNESS SHAPIRO: Yes, thank you.

12 For the record, Lisa Shapiro. I just wanted to

13 correct the communication between Mr.

14 Morrissey's testimony and my testimony.

15 The property taxes, there's four

16 different types of property taxes that the

17 Project will pay: Local municipal taxes, local

18 education, county and the state. For Mr.

19 Morrissey's REMI analysis, I provided him with

20 just the municipal, local education and county.

21 That was what was included in his testimony,

22 and his supplemental testimony is in fact

23 correct. And that was the \$678,850. So, his

24 supplemental testimony was correct and didn't

1           need correcting. However, for the stipulation,  
2           point No. 51 on Page 8 of the stipulation, the  
3           total taxes paid in the first year, however,  
4           does include that state tax. So the corrected  
5           number, instead of \$1,557,550 is just rounded  
6           to \$1.5 million.

7                       PRESIDING OFFICER ROSS: All right.  
8           Thank you for that.

9                       MR. IACOPINO: Just for the record,  
10          the stipulation referenced by Dr. Shapiro is  
11          actually designated as Applicants' Exhibit  
12          No. 23.

13                      PRESIDING OFFICER ROSS: All right.  
14          Thank you.

15                      Ms. Huard, you may continue.

16                      MS. HUARD: I believe I was starting  
17          to ask Mr. Chalmers about the case study.

18                      CROSS-EXAMINATION (CONT'D)

19   BY MS. HUARD:

20   Q.   And you have stated that three are corridors,  
21        and one of those corridors went from Littleton,  
22        New Hampshire to Pelham, New Hampshire;  
23        correct -- on the Mass. border; correct?

24   A.   (Chalmers) That's correct.

1 Q. And that is the one that the MVRP falls in;  
2 correct?

3 A. (Chalmers) Yes.

4 Q. And then the second corridor went from Dummer  
5 to Deerfield; correct?

6 A. (Chalmers) Correct.

7 Q. And is that the corridor proposed for the  
8 Northern Pass?

9 A. (Chalmers) Yes, it is.

10 Q. Thank you.

11 And is it correct that the third corridor  
12 of the case study represents the coastal areas  
13 of Southern New Hampshire, in and around  
14 Portsmouth?

15 A. (Chalmers) Yes.

16 Q. And is that the area proposed for the Seacoast  
17 Reliability Project?

18 A. (Chalmers) Yes, it is.

19 Q. Thank you.

20 How many sales that were identified in  
21 this case were from the towns affected by the  
22 MVRP?

23 A. (Chalmers) In the four towns, there were four  
24 case studies, I believe.

1 Q. So, 4 out of 58 properties proposed for the  
2 MVRP?

3 A. (Chalmers) Correct.

4 Q. Thank you.

5 And Mr. Chalmers, do you recall claiming  
6 in your prefiled testimony that the HVTL  
7 corridors that were selected for the case study  
8 represented much of the state of New Hampshire?

9 A. (Chalmers) Yes.

10 Q. And is it correct that the case study did not  
11 consider any property that did not have an  
12 abutting or crossing HVTL?

13 A. (Chalmers) Yes.

14 Q. Is it correct that the case study did not  
15 consider the dangerous health effects of the  
16 new line?

17 A. (Chalmers) That's correct.

18 Q. And is it correct that the study did not extend  
19 more than 100 feet from the right-of-way  
20 proposed for the MVRP?

21 A. (Chalmers) No.

22 Q. Okay. So you have considered homes outside of  
23 that 100-foot area?

24 A. (Chalmers) Yes.

1 Q. And in what area did you study those? Do you  
2 recall?

3 A. (Chalmers) The case study properties were all  
4 either crossed by or adjacent to the  
5 right-of-way. But some of them were 10-acre,  
6 15-acre, 40-acre parcels on which the homes  
7 might be as much as a mile or, you know, some  
8 fraction of a mile from the boundary of the  
9 right-of-way.

10 Q. Okay. I see. Does the case study capture  
11 homes that were placed on the market and were  
12 unsuccessfully sold?

13 A. (Chalmers) No.

14 Q. And are you aware that, although the proposed  
15 MVRP would fall into the first corridor in the  
16 case study, the project has proposed not to go  
17 any further north in that corridor than  
18 Londonderry, New Hampshire, at Wiley Hill Road?

19 A. (Chalmers) Yes.

20 Q. And did the case study consider any sales on  
21 either side of the utility corridor that turns  
22 off from Corridor 1 at Wiley Hill Road and runs  
23 towards Scobie Pond?

24 A. (Chalmers) I don't believe so, no.

1 Q. And did this case study consider any properties  
2 in close proximity to the final destination of  
3 the Merrimack Valley Reliability Project's  
4 Scobie Pond Substation?

5 A. (Chalmers) No. No, we were limited. We looked  
6 for every sale along the -- in terms of  
7 corridor, what we call Corridor No. 1, every  
8 sale that was adjacent to the corridor within  
9 which the Phase 1, Phase 2 lines were located.

10 Q. Okay. So, who chose those corridors?

11 A. (Chalmers) I'm sorry?

12 Q. Who chose those three corridors?

13 A. (Chalmers) I did.

14 Q. So you had the opportunity to study the area  
15 from Wiley Road [sic] to Scobie Pond? Is that  
16 your choice not to?

17 A. (Chalmers) Yeah, I'm not sure what the corridor  
18 configuration is there. That issue never  
19 arose.

20 Q. Okay. So that ROW actually separates from  
21 Corridor 1, which you did study.

22 A. (Chalmers) Correct.

23 Q. And you chose not to study the -- continue to  
24 study that corridor. You did no testing in

1           that area; correct?

2    A.     (Chalmers) That's correct.

3    Q.     Thank you.

4                   And Mr. Chalmers, do you recall claiming  
5           in your prefiled testimony that, based on the  
6           research, those properties that could  
7           potentially be affected are homes very close to  
8           the right-of-way that do not have clear  
9           visibility of existing lines, but will have  
10          clear visibility of existing -- new or  
11          relocated lines after the project is  
12          constructed, and the number of properties  
13          potentially affected is small?

14   A.     (Chalmers) Yes.

15   Q.     How many homes did you estimate that would have  
16          a change in visibility in the area from the  
17          point of demarcation in Hudson, New Hampshire,  
18          on David Drive, to the turn-off at Wiley Road  
19          in Londonderry?

20   A.     (Chalmers) The number of homes within 100 feet  
21          of the -- the number of properties that had  
22          homes within 100 feet of the boundary of the  
23          right-of-way which would potentially have a  
24          change in visibility we estimated to be

1 approximately 40 percent of 52, or about 20.

2 Q. And so, for these homes, even though they're a  
3 small portion of the town, the state, would you  
4 agree that, for those pieces of property, the  
5 potential for a potential buyer to view that  
6 property differently after the construction is  
7 great?

8 A. (Chalmers) No.

9 Q. There is no potential after the trees come down  
10 or a three-pole structure or two-pole  
11 structure? The views are exposed. You feel  
12 that there is no potential for a buyer to come  
13 along and view that property differently?

14 A. (Chalmers) I didn't say that.

15 Q. I'm asking you that question.

16 A. (Chalmers) It's certainly possible. It would  
17 depend on the facts of the property.

18 Q. But it is possible.

19 A. (Chalmers) Yes.

20 Q. Thank you.

21 Mr. Varney, do you recall making the  
22 conclusion in your prefiled testimony that the  
23 project will have little impact on local land  
24 use, tourism or property values, and that

1 positive impacts are anticipated for local,  
2 regional and state tax revenues and the  
3 economy?

4 A. (Varney) Yes.

5 Q. And did you review the land patterns, local  
6 master plans and zoning ordinances for Pelham,  
7 Hudson, Londonderry, Windham, New Hampshire, to  
8 assist you in making these conclusions?

9 A. (Varney) Yes.

10 Q. Do you recall reviewing the master plan for  
11 Hudson, New Hampshire?

12 A. (Varney) Yes, I do.

13 Q. And do you recall that in your summary,  
14 Appendix A1 [sic], you claimed that the project  
15 was consistent with the master plan for the  
16 Town of Hudson?

17 A. (Varney) Yes.

18 Q. And do you recall whether the project is  
19 consistent with all of the goals in the master  
20 plan for population, housing, natural  
21 resources, community facilities and future land  
22 use for Hudson, New Hampshire?

23 A. (Varney) Just a moment.

24 (Witness reviews document.)

1     A.     (Varney) In reviewing the master plan, the  
2           report notes on Page 17 of the appendix that  
3           the town wishes to encourage commercial growth  
4           in already developed areas, limited areas with  
5           adequate utility services, direct access to  
6           highways, utilizing already developed  
7           right-of-way. The project supports the town's  
8           desire to protect the town's open space and its  
9           goal to encourage growth in already developed  
10          areas. It does not interfere with  
11          implementation of the master plan  
12          implementation strategies.

13    Q.     And did that opinion include the goal of  
14           natural resources, of preserving natural  
15           resources?

16    A.     (Varney) I reviewed the goals and objectives  
17           for all of the chapters in the Town of Hudson  
18           Master Plan.

19    Q.     Then why don't you have anything listed under  
20           Conservation Land or Natural Resources on  
21           Page 10 or 11 of Appendix AI for Hudson, New  
22           Hampshire?

23                   (Witness reviews document.)

24    A.     (Varney) Pages 10 and 11, there are -- there's

1 a discussion under Conservation Lands and  
2 Outdoor Recreation for three parcels in the  
3 Town of Hudson.

4 Q. Do you have the watershed for Robinson Pond  
5 listed in there?

6 A. (Varney) No.

7 Q. Are you aware that a considerable piece of  
8 the -- a considerable portion of the  
9 right-of-way proposed for the Merrimack Valley  
10 Reliability Project runs through the watershed  
11 for Robinson Pond?

12 A. (Varney) I discussed in this land-use analysis  
13 a review of parcels that were along and  
14 adjacent to the project right-of-way.

15 Q. Right. And along that project right-of-way,  
16 and within that project right-of-way, are you  
17 aware that there are water bodies that feed a  
18 conservation piece of land that you don't have  
19 noted in your appendix -- in your analysis?

20 A. (Varney) There again, I want to reinforce that  
21 we reviewed parcels of land that were along the  
22 right-of-way. We didn't try to discuss every  
23 watershed. And there are various sizes of  
24 watersheds throughout the state of New

1 Hampshire. We stuck to the guidance that is  
2 embedded in the state statute and  
3 administrative rules for the SEC, in terms of  
4 reviewing land-use impacts. And going well  
5 beyond the project area, as you've suggested,  
6 is, in my view, inappropriate and not a good  
7 use of time.

8 Q. So it's inappropriate to consider one of  
9 Hudson's finest pieces of conservation land?

10 A. (Varney) No. It's appropriate to consider that  
11 the project will be subject to state and  
12 federal permitting requirements which are  
13 designed to protect those resources, regardless  
14 of where they may be located.

15 Q. Do you recall claiming in Appendix AI that less  
16 than one percent of the Town of Hudson's total  
17 land area is affected by the project?

18 A. (Varney) I believe it indicates that less than  
19 one percent is part of the right-of-way for the  
20 project, the right-of-way for the transmission  
21 lines.

22 Q. Is that any reason to overlook and ignore the  
23 negative, detrimental effects for those in the  
24 one percent?

1 A. (Varney) No, they're not ignored.

2 Q. Are you aware that a large portion of this mere  
3 one percent houses -- never mind.

4 Do you remember discussing the Robinson  
5 Pond watershed with the Town of Hudson?

6 A. (Varney) No.

7 Q. Did you discuss any of this with the Town of  
8 Hudson?

9 A. (Varney) Yes.

10 Q. And who did you discuss that with?

11 A. (Varney) The town's planning director.

12 Q. And who would that be?

13 A. (Varney) John Cashell.

14 Q. John Cashell. Does John Cashell hold a  
15 volunteer position within the town?

16 A. (Varney) He's a professional planner.

17 Q. Is he a volunteer?

18 A. (Varney) No.

19 Q. What is his position?

20 A. (Varney) I don't recall his exact title, but  
21 he's Planning and Community Development  
22 Director for the Town of Hudson.

23 Q. Does the Town of Hudson have the right to make  
24 a decision that will affect people's private

1 property?

2 MR. NEEDLEMAN: I'll object. I think  
3 that's calling for a legal conclusion.

4 PRESIDING OFFICER ROSS: I'll sustain  
5 that objection.

6 BY MS. HUARD:

7 Q. Well, you claimed in your prefiled testimony  
8 that there would be no crossing of the  
9 Merrimack River designated corridor. Are you  
10 aware of the inter-connectivity between the  
11 bodies of water associated with this Robinson  
12 Pond watershed that I discussed and the  
13 Merrimack River?

14 A. (Varney) My reference was to the  
15 state-designated lower Merrimack River, which  
16 includes the river itself and an area on either  
17 side of the river. And this is three miles  
18 from the river, so it's well beyond the area  
19 that the state has designated as part of the  
20 area that would be covered by a river  
21 management plan by the lower Merrimack River  
22 Advisory Committee.

23 Q. Do you recall claiming that the project will  
24 not have an impact on tourism because there are

1 no tourist-related resources in or near the  
2 project area?

3 A. (Varney) Yes.

4 Q. And what would you consider to be "near the  
5 project corridor"?

6 A. (Varney) I actually looked broadly in the area  
7 using materials that were developed by the  
8 state office of travel and tourism, by the  
9 local chambers of commerce, by the towns, and  
10 also my own recognizance of the project area.

11 Q. Do you have a distance that you looked?

12 A. (Varney) No. I primarily focused on the area  
13 immediately adjacent to the right-of-way. But  
14 I also noted some that were in project area  
15 towns that were some distance away.

16 Q. And did you consider Robinson Pond at all?

17 A. (Varney) No. I'm very familiar with Robinson  
18 Pond, and it's not what I would consider to be  
19 a significant tourist attraction. And I didn't  
20 see it advertised by any of the chambers of  
21 commerce or state agencies.

22 Q. So, because a chamber doesn't advertise, are  
23 you -- would it satisfy you to know that  
24 Robinson Pond attracts tourism -- tourists from

1 all over for various events, including ice  
2 fishing derbies and voting, and many cub scout  
3 events?

4 A. (Varney) My conclusion would be that this  
5 project will not interfere with or affect  
6 tourism if it is applied as you've suggested to  
7 Robinson Pond. I do not believe this project  
8 will have any effect on tourism in the area.

9 Q. Do you recall claiming that the operation --  
10 can you see the -- wait a second. Let me get  
11 my thoughts here.

12 Are you claiming that there is no evidence  
13 that the project will have a discernible effect  
14 on property values or marketing times in local  
15 or regional real estate markets? Did you make  
16 that determination on your own?

17 A. (Varney) I reviewed the report of Mr. Chalmers.

18 Q. And so you relied on his opinion?

19 A. (Varney) Yes.

20 Q. You had claimed in your prefiled testimony that  
21 the height of the proposed structures is  
22 consistent with the structures currently  
23 present. I guess Counsel for the Public has  
24 already addressed that with you.

1           But to reiterate, that exhibit Counsel for  
2           the Public has shows structures to exceed  
3           anywhere between 20 and 50 feet above what's  
4           already there. How does that fall into this  
5           opinion?

6                   MR. NEEDLEMAN: I think that's been  
7           asked and answered.

8                   MS. HUARD: Not to my satisfaction.

9                   MR. NEEDLEMAN: Nevertheless, it's  
10          been asked and answered.

11                   PRESIDING OFFICER ROSS: I'll allow  
12          the question. This witness can answer it  
13          again.

14    A.    (Varney) The right-of-way for the Merrimack  
15          Valley Project is an existing transmission line  
16          right-of-way with several lines and structures  
17          within it. Many of those are what are -- there  
18          are various sizes, but they are -- they're  
19          significant structures. And these taller  
20          structures are within that right-of-way  
21          already, and there's no change in land use. It  
22          would continue as a right-of-way supporting  
23          transmission structures for reliability of the  
24          electric system.

1 Q. Did I hear you correctly, that you're saying  
2 the taller structures are actually in the  
3 right-of-way -- did I hear that correctly --  
4 and that the one coming in is shorter? Did I  
5 misunderstand that?

6 A. (Varney) No.

7 Q. No. Okay.

8 So you looked at his exhibit. And do  
9 you -- do you honestly feel that you can  
10 actually claim that the height of the proposed  
11 structures are consistent and --

12 PRESIDING OFFICER ROSS: I think that  
13 that question has definitely been asked and  
14 answered. We may need to take just a  
15 five-minute break here.

16 MS. HUARD: And I'm almost done. I  
17 have --

18 PRESIDING OFFICER ROSS: I'm sorry.  
19 I just lost a Committee member.

20 MS. HUARD: Oh, I'm sorry. I didn't  
21 know. Thank you.

22 PRESIDING OFFICER ROSS: We'll just  
23 give her a few minutes. Just take five. Thank  
24 you.

1                   (Whereupon a brief recess was taken at  
2                   1:52 p.m., and the hearing resumed at  
3                   2:00.)

4                   PRESIDING OFFICER ROSS: Okay. We're  
5                   back on the record. Sorry for the  
6                   interruption.

7                   MS. HUARD: I was just about to  
8                   close. I didn't see her coughing.

9 BY MS. HUARD:

10 Q. So, Mr. Varney, you claimed that the project  
11 will have -- in your prefiled testimony, you  
12 claimed that your project will have positive  
13 impacts on employment and economy, locally,  
14 regional and statewide; correct?

15 A. (Varney) Yes.

16 Q. Would that be any reason to overlook other  
17 goals in the town master plan or other negative  
18 effects of the project for the small one  
19 percent that will be affected?

20 A. (Varney) I reviewed the entire master plan for  
21 each community.

22 Q. And would it be a reason to overlook the  
23 negative effects of the project for the small  
24 percent that will be affected?

1     A.     (Varney) I considered the entire master plan in  
2           each community.

3     Q.     That master plan does not take into  
4           consideration the small percentage of homes  
5           that will be affected. Do you think that's  
6           appropriate to ignore that small percentage for  
7           the sake of positive growth and positive  
8           revenue for the state of Massachusetts and  
9           local taxes?

10    A.     (Varney) The project -- my review of the  
11           project was reviewing the town master plans and  
12           zoning ordinances, as well as looking at the  
13           area along the proposed right-of-way.

14    Q.     So, so long as you've done your work, then you  
15           feel that your conclusion is accurate,  
16           regardless of the small percent --

17    A.     (Varney) I reviewed the reports of the other  
18           experts who are seated at this table, as well  
19           as their testimony, and all of the other  
20           information that's fully described in my  
21           testimony and in Appendix AI.

22    Q.     So if there's the potential for even one person  
23           to die as a result of this project, is that  
24           acceptable?

1                   MR. NEEDLEMAN: I'll object to the  
2 form of the question.

3                   MS. HUARD: I'm all set. Thank you.

4                   PRESIDING OFFICER ROSS: Your  
5 objection's sustained.

6                   All right. We are now at the  
7 Committee for any questions for these  
8 witnesses.

9 BY CMSR. BAILEY:

10 Q. Mr. Chalmers, my first question is about  
11 something that you testified about and I've  
12 heard before, and that is that your case study  
13 doesn't include homes on the market that were  
14 never sold. Can you explain why that is and  
15 why it wouldn't be appropriate?

16 A. (Chalmers) Sure. The only real evidence with  
17 respect to market value requires a sale -- that  
18 is, you can't use -- if you're doing an  
19 appraisal, you can't use listing prices. You  
20 can't -- that would be, I suppose, the other  
21 possibility, to use listing prices. But, you  
22 know, there was no transaction consummated. So  
23 it's only when you actually have a transaction  
24 and conclude that that's a fair market sale

1           that you can then compare that. If that's a  
2           sale next to a transmission line, you can  
3           compare that, then, to other sales uninfluenced  
4           by transmission lines and come to some  
5           conclusion as to whether the transmission lines  
6           had any impact on that transaction. But if  
7           there's no transaction that actually occurs,  
8           you don't have anything to -- you just don't  
9           know where you are. You don't have a point of  
10          comparison.

11       Q.     What about time on market?

12       A.     (Chalmers) We looked at time on market, and  
13           rather exhaustively for three years, 2013 --  
14           two years, 2013, 2014. And we divided -- we  
15           looked at every town through which Corridor 2  
16           passed, okay, the proposed Northern Pass  
17           corridor, and divided the sales into sales that  
18           either abutted, okay, the way you used the  
19           term, that "abutted" the corridor, sales that  
20           were out to 500 feet, or sales that were  
21           500 feet to a mile. And we didn't find any  
22           difference in days on market in those three  
23           distance groups, nor did we find any difference  
24           in sale price to list price ratios. Those are

1 two indicators of market resistance, and we  
2 didn't find any.

3 Q. But did you include the houses that were on the  
4 market but not sold in the calculation of how  
5 long it took to sell them? I mean, my thought  
6 is, if it's impossible -- and this is  
7 hypothetical. But if somebody puts their house  
8 on the market, and it's so affected by the  
9 project that nobody's ever going to buy, it  
10 sits on the market forever, it doesn't impact  
11 either one of your calculations?

12 A. (Chalmers) No.

13 Q. Ms. Shapiro, your testimony is that the revenue  
14 from taxes to the municipalities and counties  
15 is providing a public interest or a public  
16 interest consideration for this project?

17 A. (Shapiro) Yes.

18 Q. And the same with the study on the REMI model?  
19 The jobs that -- your conclusion is that this  
20 project is in the public interest?

21 A. (Morrisey) Yes.

22 Q. Thank you.

23 CMSR. BAILEY: That's all I have.

24 PRESIDING OFFICER ROSS: Other

1 members? Yes, go ahead.

2 CMSR. ROSE: Thank you.

3 BY CMSR. ROSE:

4 Q. I do have a question for Mr. Varney. I was  
5 curious as to whether or not you considered  
6 temporary impacts at all in your analysis in  
7 concluding that there was not going to be any  
8 adverse impact to the tourism industry.

9 A. (Varney) Yes, I did.

10 Q. And you still reached the conclusion that there  
11 would be no unreasonable adverse effect to the  
12 tourism industry?

13 A. (Varney) Yes.

14 Q. Thank you.

15 PRESIDING OFFICER ROSS: All right.

16 Seeing no further -- oh, I'm sorry.

17 BY MS. WEATHERSBY:

18 Q. Mr. Chalmers, seems that there's an agreement  
19 that there will be some properties that will be  
20 affected, the market value will be affected.  
21 Actually, about 20 properties is what you said  
22 will be affected by this new line going in.

23 Does the utility company, as part of a  
24 mitigation strategy, attempt to compensate

1           those property owners in any way other than  
2           payment for the easement right itself, which  
3           may have been granted to an owner, perhaps  
4           several owners ago, you know, down the chain,  
5           but the present property owner who sees their  
6           market value decline? Is there any attempt to  
7           work with that property owner?

8       A.    (Chalmers) Perhaps the Company would be better  
9           suited to answer that. However, I'm aware that  
10          there's no formal compensation arrangement.  
11          But there's certainly a willingness to  
12          entertain any discussion with a potentially  
13          affected property owner to investigate whether  
14          mitigation is possible, is feasible. But that  
15          would be the extent of arrangements that I'm  
16          aware of.

17                   PRESIDING OFFICER ROSS: Any other  
18          questions? Yes.

19                   MS. ROBERGE: My question is more of  
20          a clarification, and this goes to Mr. Chalmers.

21       BY MS. ROBERGE:

22       Q.    Of those properties that you looked at, did it  
23           come down to the fact that there may be  
24           visibility of the line now because proximity --

1           you only looked at properties that had  
2           proximity already, so it's just strictly the  
3           fact that the tree clearing may now -- they may  
4           have a view of the right-of-way now?

5    A.     (Chalmers) Correct.

6                       PRESIDING OFFICER ROSS:   Okay.   I  
7           think that takes care of the Committee.   Does  
8           the Applicant -- oh, sorry.

9                       CMSR. BAILEY:   I'm sorry.

10   BY CMSR. BAILEY:

11   Q.     Sorry, Mr. Chalmers.   Back to the point that --  
12           or the question that I was asking before.   So  
13           why isn't it reasonable to count the house that  
14           has not sold in the time on the market?

15   A.     (Chalmers) Well, days on market, if it hasn't  
16           sold, if it's an open listing, we don't know  
17           what the days on the market are; right?   It's a  
18           running clock, and maybe it's at 170 right now  
19           or maybe at just 30.   We wouldn't want to enter  
20           that into the analysis and assume it was 30,  
21           because it may not sell until next month or the  
22           month after.   So you have to have a closed  
23           period -- that is, you have to know what, in  
24           fact, the days on market were.   And with an

1 open listing, you wouldn't know what the days  
2 on the market are. Does that help?

3 Q. I'm having a hard time with -- I mean, if a  
4 house really will never sell --

5 A. (Chalmers) Well, that's a slightly different  
6 issue. I mean, people put their houses on the  
7 market and they don't sell in a given period of  
8 time and they take them off the market; right?  
9 And we don't have any way -- I mean, I guess  
10 one could try to identify those. But people  
11 take their houses off the market for all kinds  
12 of reasons. I don't know how one could -- what  
13 sort of information one could usefully get out  
14 of that exercise.

15 Q. Maybe if the houses were on the market -- you  
16 know, they were really close to the project,  
17 and they were on the market for longer than the  
18 average that you had calculated, then you may  
19 include those. But that may skew it the wrong  
20 way, too. I don't know. I have a hard time  
21 with that whole thing.

22 MS. WHITAKER: Can I ask a  
23 clarification question here?

24 BY MS. WHITAKER:

1 Q. Is there a statistical analysis that you're  
2 doing with these numbers, with the data that  
3 you're collecting about houses having been on  
4 the market or sold at fair market value?

5 A. (Chalmers) Well, that's purely an average.  
6 It's statistical in that sense. But it's  
7 not -- nothing more than an average. So you're  
8 looking at -- I don't know exactly what the  
9 numbers are. But let's say there are 100 homes  
10 that have been listed and sold that are located  
11 either adjacent to or across a right-of-way.  
12 There are another 500 that are within 500 feet,  
13 but not across or adjacent, and then there are  
14 another 5,000 that are 500 to a mile. We  
15 simply calculated the average days on the  
16 market for each of those three distance groups  
17 for each quarter for 2013 and 2014 and graphed  
18 them. And there was no disadvantage for the  
19 more proximate categories as opposed to the  
20 more distant ones, in terms of days on market.  
21 You know, in other words, there didn't appear  
22 to be any market resistance in terms of higher  
23 days on market for the more proximate, or lower  
24 sales price or list price ratio, which is

1 another indicator of market resistance.

2 Q. So you were doing just a visual analysis of  
3 those graphs that you just described?

4 A. (Chalmers) Correct.

5 Q. Okay. Thank you.

6 BY MR. IACOPINO:

7 Q. Mr. Chalmers, follow-up on Commissioner  
8 Bailey's question. In studying time on the  
9 market, why wouldn't it be appropriate to close  
10 the time period on the date that you close your  
11 research, so that if there's a house on the  
12 market during the time of your research for 100  
13 days, that would be the time frame that you  
14 would use and include that property in your  
15 analysis?

16 A. (Chalmers) Because suppose a property were  
17 listed two days before the time period ended.  
18 We'd be comparing two days. That would imply a  
19 property that sold very quickly, and we'd be  
20 comparing that to other properties sold in 15  
21 days, 30 days, 60 days. What we're asking is:  
22 What's the average days on market for  
23 properties that have sold? That's the only  
24 kind of way you can formulate the question.

1           Otherwise, you'd have apples and oranges that  
2           wouldn't be meaningful.

3       Q.    Let me ask you another question.  I would think  
4           that generally -- and I agree there's a number  
5           of different reasons why somebody would put  
6           their home on the market and then take it off.  
7           But if a home is on the market and is not  
8           commanding a price that is enough to cover the  
9           mortgage -- that's the situation that comes to  
10          mind first to me, and probably to most  
11          people -- and if the fair market value of the  
12          home is not going to cover the homeowner's  
13          mortgage -- which indicates that at least at  
14          the time the homeowner bought it, it was worth  
15          more, fair market value was higher -- is there  
16          not any way for you to capture that in your  
17          research, or any way to capture that in order  
18          to get a better assessment of whether there is  
19          any effect from transmission lines on proximate  
20          homes?

21       A.   (Chalmers) Well, it certainty wouldn't be the  
22           first one, two, three or four ways we'd go  
23           about it.  There's quite a bit of research in  
24           this area, and it's pretty standard in its

1 approach.

2 If you thought days on market was a really  
3 critical variable, and if it showed up in the  
4 analysis that I just described, then maybe  
5 there would be a case for -- you know, if there  
6 was a sense that the market had been frozen and  
7 nothing was selling in certain areas, maybe  
8 some case-by-case analysis along those lines  
9 would be warranted. But it's never been  
10 suggested. There's nothing along those lines  
11 in the literature. And I've been thinking  
12 about this a lot for 35 years and never have  
13 gone after, you know, unsold properties. I  
14 mean, there are enough properties that sell  
15 next to the lines, and that really is the  
16 evidence that answers the question, which is:  
17 Do these lines have a negative impact on the  
18 market value of real estate? And generally the  
19 way you approach that is by comparing the price  
20 at which that property sold to otherwise  
21 similar properties that sold but were  
22 unaffected by transmission lines. And even  
23 though we pursue two or three different  
24 approaches, they all basically come down to

1           that. If you don't have a sale, I just don't  
2           know where you are, other than doing some kind  
3           of an in-depth case study. And again, I think  
4           you'd only do that if there were some  
5           extenuating circumstances; namely, a situation  
6           in which no properties were selling. But there  
7           have been many, many properties that have sold  
8           along the lines.

9    Q.    Thank you.

10                       PRESIDING OFFICER ROSS: Okay. You  
11           and then you. You go first.

12  BY MS. WEATHERSBY:

13  Q.    Mr. Chalmers, rather than looking at the sale  
14           of an affected, potentially affected property  
15           with the market as a whole in that geographic  
16           region, have you done analysis of the sale  
17           price of a property, just for that individual  
18           property? For example: Since the project was  
19           announced, have any of the identified affected  
20           properties, of the 20 or so, have those  
21           properties gone on the market? Have they sold?  
22           And if so, if they have sold, the percentage  
23           appreciation or depreciation in their sales  
24           price compared to what they purchased it, how

1 does that compare to the average in the  
2 community, looking at a property-by-property,  
3 specific analysis?

4 A. (Chalmers) Right. I have not in the New  
5 Hampshire context. There's been a little bit  
6 of work done along those lines in some context.  
7 But it's typically been statistical, where you  
8 have very large databases on sales and look at  
9 appreciation rates and properties that are  
10 differentially located relative to transmission  
11 lines. There's not a density of sales in New  
12 Hampshire to make that easy, particularly in  
13 the northern half of the state. Southern half  
14 of the state, I suppose you could do it,  
15 possibly.

16 The question of effects in the pre-project  
17 period, you say "announcement period," is  
18 generally not addressed because it's so  
19 fact-specific and so variable. The market is  
20 changing. The question typically before a  
21 licensing board is: What will be the effects  
22 of the project if built? And, you know, the  
23 whole period during which it's planned,  
24 announced and licensed, subject to all kinds of

1           vagaries, is simply, therefore, a period about  
2           which is very difficult to generalize.

3    Q.    But since the project route has been finalized,  
4           no one's gone back and looked at --  
5           acknowledging there will be some properties  
6           that are affected, no one's gone back and  
7           looked at whether those properties have sold,  
8           and if so, whether the appreciation or  
9           depreciation is typical for the area?

10   A.    (Chalmers) That's correct.

11   Q.    BY DR. BOISVERT:

12   Q.    I think my question is very similar, but I'm  
13           going to ask it anyway.

14                You've been in this profession for quite  
15                some time, have a lot of experience. Are you  
16                aware of any post-construction studies that  
17                have been done where there was a transmission  
18                line or similar kind of project, where someone  
19                has looked at the sales, days on market, sales  
20                prices, et cetera, along a given transmission  
21                line or whatever, to see what the pattern was  
22                before and after the transmission line?

23                Because what we're concerned with here is  
24                change is in the future to property values, to

1 property tax collection, et cetera. And the  
2 embedded concern is that is's property may lose  
3 value; either they get a lower sale price or it  
4 takes much longer to get to it.

5 Are you aware of any studies that  
6 have gone to -- where they have looked at sales  
7 for a one-year or two-year or five-year period  
8 after that project was completed, so that data  
9 could be compared with other time periods  
10 before the construction or to other projects?  
11 Have there been full studies?

12 A. (Chalmers) Well, there are two studies in the  
13 literature, which are both referenced in my  
14 report. In the longer report, the 100-page  
15 report or so that is submitted as part of the  
16 application, in the survey in the literature,  
17 one of those is in Las Vegas, where a 15-year  
18 period was studied four or five years prior to  
19 construction, four or five years after, and  
20 there weren't effects found in either case.

21 Q. What kind of project was this? Transmission  
22 line or --

23 A. (Chalmers) Yeah, it was a high-voltage  
24 transmission line. I don't recall the voltage,

1 but a large line in Las Vegas.

2 And there was another study, and I'm  
3 afraid I don't recall the context. But it did  
4 identify an effect post-construction for two or  
5 three years which then disappeared. Those are  
6 the two studies I'm aware of. The work that I  
7 did would refer to the after period -- that is,  
8 once MVRP is built, the conclusions that I have  
9 offered, the opinions that I have offered would  
10 be relevant to the question of: Will MVRP,  
11 once built, have any impacts on property  
12 values? And it went out and studied existing  
13 transmission lines and sales of properties  
14 adjacent to it.

15 Q. So it might be reasonable for us to, as a  
16 condition of the permit, to request that there  
17 be this post-study to see what effects, if any,  
18 may have occurred? Do you think that might be  
19 a reasonable approach to at least provide data  
20 for future projects?

21 A. (Chalmers) That's something you'd have to think  
22 about. We've looked at an awful lot of data,  
23 you know, along this corridor. Again, that  
24 would be something you'd have to consider.

1 Q. Thank you.

2 BY MS. WHITAKER:

3 Q. Can you remind us which portion of the  
4 application your contribution is a part of that  
5 you just referenced?

6 MR. IACOPINO: It's Appendix AK.

7 MS. WHITAKER: Appendix AK? Thanks.

8 PRESIDING OFFICER ROSS: Any other  
9 questions from the -- yes.

10 CMSR. ROSE: Thank you. I have a  
11 question for Mr. Morrisey.

12 BY CMSR. ROSE:

13 Q. The need of this project is identified through  
14 ISO-New England for improvement to the  
15 reliability in the transmission and capacity  
16 needs.

17 I was just curious, in your economic  
18 analysis, if there was a benefit to the region  
19 and/or state from an economic perspective, from  
20 improved reliability of that energy and  
21 potentially recruitment of any businesses to  
22 the region that are highly dependent upon  
23 reliable energy sources.

24 A. (Morrisey) That wasn't included in the REMI

1       analysis. I mean, the project is precededented  
2       upon the need to maintain reliability and  
3       efficiency. And it's really avoiding the costs  
4       that we'd be faced with if we weren't able to  
5       accommodate load growth and/or if there was a  
6       degradation of reliability, which would be very  
7       costly to businesses and economic growth in the  
8       region.

9               PRESIDING OFFICER ROSS: All right.  
10       I think we've finished with the Committee  
11       questions. Is the Applicant going to do any  
12       redirect?

13              MR. NEEDLEMAN: No, thank you.

14              PRESIDING OFFICER ROSS: Okay. Then  
15       these witnesses are excused, and we will call  
16       the next panel, which is on Public Safety --  
17       Public Health and Safety. That panel is going  
18       to be William Bailey and Gary Johnson.

19              MR. WALKER: Madam Commissioner, my  
20       name's Jeremy Walker. I'm at McLane,  
21       Middleton, and I'm counsel for the Applicant.

22              PRESIDING OFFICER ROSS: Thank you.

23              (WHEREUPON, WILLIAM BAILEY and GARY

24       JOHNSON were duly sworn and cautioned by

1 the Court Reporter.)

2 DIRECT EXAMINATION

3 BY MR. WALKER:

4 Q. Mr. Bailey and Mr. Johnson, can you state your  
5 name for the record, and also explain to the  
6 Committee your occupation.

7 A. (Bailey) I'm William -- is that on? I'm  
8 William Bailey, and I am a principal scientist  
9 at Exponent. And the purpose of my testimony  
10 was to provide an evaluation of the electric  
11 and magnetic fields associated with the  
12 operation of the MVRP project with regard to  
13 public health and safety.

14 A. (Johnson) My name is Gary Johnson. I'm a  
15 senior managing scientist at Exponent. My role  
16 in these proceedings was to calculate the  
17 electrical environment, which includes EMF,  
18 audible noise and radio noise, and look at  
19 various aspects of the electrical environment  
20 for the proposed project.

21 Q. Thank you.

22 Starting with Mr. Bailey, did you submit  
23 prefiled testimony in this matter?

24 A. (Bailey) Yes, I did.

1 Q. Do you have any changes to that testimony?

2 A. (Bailey) No, I do not.

3 Q. Do you adopt and swear to that prefiled  
4 testimony?

5 A. (Bailey) I do.

6 Q. Mr. Johnson, did you submit prefiled testimony  
7 in this matter?

8 A. (Johnson) Yes, I did.

9 Q. Do you have any changes to that prefiled  
10 testimony?

11 A. (Johnson) I have no changes to my prefiled  
12 testimony.

13 Q. Do you swear to and adopt the prefiled  
14 testimony?

15 A. (Johnson) I do.

16 MR. WALKER: Madam Commissioner, I  
17 submit them to cross-examination.

18 PRESIDING OFFICER ROSS: Thank you.  
19 Counsel for the Public.

20 MR. ASLIN: Thank you.

21 CROSS-EXAMINATION

22 BY MR. ASLIN:

23 Q. Good afternoon. Doctors Bailey and Johnson,  
24 your opinions with regard to electric and

1 magnetic fields were based on a modeling  
2 effort; is that correct?

3 A. (Johnson) That's correct.

4 Q. In other words, this was a model that was  
5 developed based on the proposed design of the  
6 project and not based on actual field testing.

7 A. (Johnson) For this particular case, there was  
8 no actual field measurements performed. The  
9 modeling techniques and algorithms used have  
10 been well established over the past decades and  
11 have been used for a number of transmission  
12 lines to model the electric and magnetic  
13 fields. As part of some of that prior work in  
14 use early on, these techniques were checked  
15 against actual field studies, but not in this  
16 particular case.

17 Q. Thank you.

18 So, in the past there have been projects  
19 where there's been field testing? Is that what  
20 you just testified to?

21 A. (Johnson) Many decades ago, when these models  
22 were being developed, there was both the  
23 modeling being performed and along with that  
24 measurements being done. I've done, actually,

1           some of those measurements for both existing  
2           and test lines to confirm the validity of the  
3           models.

4    Q.    And do you have an estimation of how frequent  
5           that field testing is a requirement for a  
6           transmission line project?

7    A.    (Johnson) Not for any specific project, no.

8    Q.    You stated a moment ago that it was common in  
9           the past, decades ago. Is it something that is  
10          still done in the current time frame?

11   A.    (Johnson) I don't know that I would  
12          characterize it as "common" even in the past.  
13          When the models were first being developed a  
14          number of decades ago, you would see both field  
15          measurements and modeling. But then, basically  
16          it's just been the modeling. And the reason  
17          for that is because, when you go out in the  
18          field because of terrain features and nearby  
19          shrubs, different structures, a lot of your  
20          field measurements, electric field in  
21          particular, can be impacted. What this does is  
22          allow you to have a set condition and compare  
23          the lines that are there existing in a stable  
24          configuration and geometry with the proposed

1 configuration. So it's easy to do an  
2 apples-to-apples, oranges-to-oranges type of  
3 comparison.

4 Q. Thank you.

5 I believe you said that you've been  
6 involved in projects where there was field  
7 testing done. Is there a particular protocol  
8 for the type of testing or the sort of  
9 frequency or location of testing along a  
10 project like this that you've experienced in  
11 your past?

12 A. (Johnson) I guess it would depend on what you  
13 mean by "protocol." The IEEE, Institute of  
14 Electrical and Electronics Engineers, has  
15 basically guidelines or procedures for how you  
16 perform these measurements.

17 Q. Okay. But in terms of a project such as this,  
18 which is approximately 18 miles in New  
19 Hampshire, as I understand your answer to that  
20 prior question, the IEEE would give you a  
21 protocol for each individual field testing or  
22 test that you performed. But is there a  
23 methodology for testing various places or areas  
24 within that right-of-way or along the

1 right-of-way to understand whether the modeling  
2 is accurate?

3 A. (Johnson) In the sense that it would say you  
4 would, if possible, do the measurements, say,  
5 at mid-span, where the conductors are closest  
6 to ground, and there you'd have your highest  
7 electric and magnetic fields.

8 Q. Along the same lines, if you were asked to  
9 perform field testing to corroborate the model,  
10 I assume you wouldn't need to do it at every  
11 mid-span along the entire project?

12 A. (Johnson) No.

13 Q. So are there ways to devise a testing regime  
14 that would cover the various portions of the  
15 project that are similar without having to be  
16 overly redundant?

17 A. (Johnson) If I understand your question  
18 correctly, it's not codified with specifics  
19 where you would perform the measurements or how  
20 often you would perform the measurements. What  
21 you would typically do is take representative  
22 line designs or cross-sections. Because of the  
23 robustness of the modeling and the techniques,  
24 typically even one section would give you a

1           good feeling about the validity of the  
2           modeling.

3    Q.    Thank you.

4                   And with regard to the type of field  
5           testing that you would do if required, is it  
6           different, significantly different for magnetic  
7           field than electric field testing?

8    A.    (Johnson) You would have different  
9           instrumentation. The general location, height  
10          above ground would be similar.

11   Q.    Thank you.

12                   And just to clarify, the modeling that's  
13          been done was conducted for both the existing  
14          condition and the proposed --

15   A.    Correct. And that's to allow --

16                   (Court Reporter interrupts.)

17   Q.    -- condition after construction?

18   A.    (Johnson) And that's to allow, essentially, an  
19          even comparison before and after.

20   Q.    Okay.

21                   MR. ASLIN: Thank you. I have no  
22          further questions.

23                   PRESIDING OFFICER ROSS: Ms. Huard.

24                   MS. HUARD: Thank you.

1 CROSS-EXAMINATION

2 BY MS. HUARD:

3 Q. Mr. Johnson, so you were engaged by both NEP  
4 and PSNH to calculate the electrical  
5 environment associated with the operation of  
6 the project in context to adjacent, existing  
7 overhead AC lines along the proposed route;  
8 correct?

9 A. (Johnson) Correct.

10 Q. As a result of this calculation, did you  
11 conclude that the electrical environment  
12 created by the operation of existing,  
13 constructed and relocated transmission lines  
14 will not cause any unreasonable adverse effect  
15 on public health and safety?

16 A. (Johnson) That's correct.

17 Q. And so to get an understanding of what the  
18 electrical environment is, I'd like to ask you  
19 a few questions. Is it these transmission  
20 lines within the electric environment that  
21 carry power from one location to another?

22 A. (Johnson) It would be the transmission lines on  
23 the right-of-way, the power lines, yes.

24 Q. And what part of the transmission line becomes

1 energized with voltage and current?

2 A. (Johnson) It would be the conductors that are  
3 being supported by the overhead transmission  
4 lines. Typically there are three bundles  
5 associated with each energized circuit or line.  
6 Along with that there are typically maybe one  
7 or two sort of overhead or aerial ground wires  
8 or static lines. They can be called any one of  
9 those terms. But the portions that actually  
10 become energized are the physical conductors on  
11 the three groups of lines, or what are called  
12 "phases."

13 Q. And does the electric environment of a  
14 transmission line consist of electric, magnetic  
15 fields, audio noise and radio noise?

16 A. (Johnson) Yes, those are typically what's  
17 considered to be the electrical environment of  
18 the high-voltage transmission lines.

19 Q. Are these electric fields produced by the  
20 voltage on the conductors as it moves the  
21 electricity through the wires?

22 A. (Johnson) The electric field is produced by the  
23 voltage on the conductors. The magnetic field  
24 is produced by the current that's flowing in

1 the conductors.

2 Q. Thank you.

3 A. (Johnson) Now, the audio noise and the radio  
4 noise are not affected by the current, but are  
5 affected by the voltage, as well as the size of  
6 the conductor.

7 Q. Thank you.

8 And is the electric field produced in a  
9 space surrounding the conductor?

10 A. (Johnson) That's correct.

11 Q. And would electric fields tend to be higher in  
12 areas of transmission lines where the voltage  
13 is higher?

14 A. (Johnson) It depends on the actual design and  
15 geometry or structure of the line, as well as  
16 the size of the conductor, its height above  
17 ground, and its distance from the other  
18 conductors. Those will determine the actual  
19 strength or level of the electric field.

20 Q. Okay. Thank you.

21 And are objects such as trees and  
22 buildings able to block electric fields?

23 A. (Johnson) Structures, such as trees,  
24 electric -- buildings, pretty much any

1 structure, physical structure, will shield or  
2 reduce the electric field around it or near it.

3 Q. Thank you.

4 And can this voltage -- so you said the  
5 voltage on conductors produce corona; correct?

6 A. (Johnson) Well, the voltage and the size of the  
7 conductor and -- the size of the conductor and  
8 the voltage on the conductor will both  
9 influence the electric field at the surface of  
10 the conductor, and the strength of that  
11 electric field at the surface of the conductor  
12 will determine whether or not there is corona.

13 Q. Okay. Is it correct that, as the demand for  
14 electricity increases, so does the current on  
15 the line, and therefore magnetic field levels?

16 A. (Johnson) Generally as the load on the line  
17 increases, the current will go up. And as the  
18 current goes up, the magnetic field also will  
19 go up.

20 Q. And are magnetic fields blocked by objects such  
21 as trees and buildings?

22 A. (Johnson) Trees and buildings in general will  
23 not block the magnetic field. Generally,  
24 reduction or changes in the magnetic field are

1 produced only by dense ferromagnetic objects.

2 Q. So, would you agree that both electric and  
3 magnetic fields are highest directly under the  
4 conductors of respective lines within the  
5 right-of-way?

6 A. (Johnson) In general, if there are multiple  
7 circuits on the corridor, that may not be  
8 directly the case. They may be shifted to one  
9 side or the other, depending on how the  
10 different conductors and lines interact. But  
11 in a very broad sense, the highest electric and  
12 magnetic fields would be expected somewhere in  
13 the general vicinity underneath the lines of  
14 the corridor.

15 Q. But there are potential for the outside of the  
16 corridor to actually deviate from the norm.

17 A. (Johnson) Well, both electric and magnetic  
18 fields will decrease as you go away from the  
19 line. But it's not uncommon for there to be  
20 some level of electric field or magnetic field  
21 at the edge of the right-of-way itself.

22 Q. Okay. And Dr. Johnson, in your prefiled  
23 testimony you indicated that compliance with  
24 the National Electric Safety Code protects the

1 public against shocks in high-voltage power  
2 lines; correct?

3 A. (Johnson) It protects the public safety and  
4 welfare, yes.

5 Q. So you would agree with -- would you agree that  
6 the National Electric Safety Code, considered  
7 to be an authoritative source -- is considered  
8 to be the authoritative source of industry  
9 standards on proper electrical engineering?

10 A. (Johnson) It's a set of guidelines and  
11 standards that have been used for a number of  
12 years to safely design and ground and operate  
13 electrical equipment.

14 Q. And would you agree that preventing electric  
15 shock and electrocution in the electric  
16 environment is a major underlying concern in  
17 these safety standards?

18 A. (Johnson) It's one of their concerns, yes.

19 Q. And would you agree that electric shock is the  
20 tingling sensation or muscular contraction that  
21 a person experiences when an electrical current  
22 passes through their body?

23 I'm sorry that would be directed to Dr.  
24 Bailey. That's from your actual prefiled

1 testimony.

2 Would you agree that the electric shock is  
3 the tingling sensation or muscular contraction  
4 that a person experiences when an electric  
5 current passes through their body?

6 A. (Bailey) If the level of electric current or  
7 field within the tissue is sufficient to  
8 stimulate nerves or muscles.

9 Q. So is that an accurate description of what  
10 electric shock is? I mean, it's not just a --  
11 when people think of shock, I think a lot of  
12 people think of the shock you get when you rub  
13 your feet that dings. But it --

14 A. (Bailey) Well, that would apply to that  
15 situation as well.

16 Q. Okay. So there are different levels of  
17 electric shock then. So this is an instance of  
18 electric shock, would you agree? At the right  
19 level, this represents what electric shock  
20 would be?

21 A. (Bailey) That would be at one particular level.  
22 That's what would be perceived.

23 Q. Okay. I'd like to refer to Exhibit 24. Dr.  
24 Bailey, could you describe what you see in

1 front of you?

2 A. (Bailey) I see what appears to be a wooden pole  
3 with a sign on it that reads "Danger. High  
4 Voltage Above. Keep off."

5 Q. And can you see a company name on it?

6 A. (Bailey) Looks like New England Power Company.

7 Q. Thank you.

8 And do you see a picture on the sign?

9 A. (Bailey) Yes.

10 Q. And what is that picture warning the reading --  
11 reader against?

12 A. (Bailey) That is a warning symbol against  
13 electric contact with electric conductors.

14 Q. So would the average reader of that sign  
15 believe that the danger of electrocution would  
16 be caused by climbing or directly contacting  
17 that pole?

18 A. (Bailey) It would alert them that that's --  
19 that there was a danger from climbing the pole  
20 and approaching closer to the energized  
21 conductors.

22 Q. So is it correct that there is a risk of  
23 electric current flowing through your body that  
24 may cause electric shock or electrocution if

1           you come in direct contact with the poles or  
2           the conductors from a high-voltage transmission  
3           line?

4       A.    (Bailey) No. I mean, contact with the pole in  
5           a properly designed system would not be the  
6           source of concern. It would be contact with  
7           the energized conductor or becoming close  
8           enough to the energized conductor that there  
9           could be a flashover to the person.

10      Q.    Okay. Why bother to put that sign on there if  
11           there's -- I mean, isn't that warning the  
12           reader of the potential?

13      A.    (Bailey) I would expect the primary purpose of  
14           the sign would be to discourage people from  
15           attempting to climb the pole and gain access to  
16           the energized conductors above.

17      Q.    For danger, out of danger. And the picture  
18           shows that that person can be electrocuted or  
19           sustain electric shock if they saw that;  
20           correct?

21      A.    (Bailey) Correct.

22      Q.    And would this risk exist if one came in  
23           contact, in direct contact -- Dr. Johnson, in  
24           your prefiled testimony, you claimed to have

1           evaluated power lines for their compliance with  
2           the NESC and estimated levels of current and  
3           voltage coupled onto vehicles near power lines;  
4           correct?

5       A.     (Johnson) That's correct.

6       Q.     And by "coupled," you mean that current and  
7           voltage can actually transfer to a vehicle near  
8           a power line; correct?

9       A.     (Johnson) There can be a capacitive coupling  
10          through the air which will produce a certain  
11          level of short-circuit current or open-circuit  
12          voltage on the insulated object. If the object  
13          is well connected to ground, there would still  
14          be some capacitive current. But it's basic  
15          with the NESC to make sure that that  
16          capacitively coupled current voltage is within  
17          safe levels.

18      Q.     But is it correct that certain objects merely  
19          near a high-voltage transmission line can  
20          become coupled with current and voltage under  
21          certain conditions without even touching the  
22          high-voltage transmission line?

23      A.     (Johnson) That's essentially true of any  
24          objects in space near a line if there's voltage

1           conducting or energized or an object with  
2           voltage on it. Any nearby object will have  
3           some level of capacitively coupled voltage and  
4           current.

5    Q.    So then, there is actual risk that a person can  
6           become electrocuted or suffer from an electric  
7           shock without ever actually touching the  
8           transmission poles or wires?

9    A.    (Johnson) Theoretically, if one is close enough  
10           and under the right conditions, that would  
11           theoretically be possible.

12   Q.    And would that object have to be directly  
13           inside an electric or magnetic field to become  
14           coupled with current or voltage?

15   A.    (Johnson) Well, the electric and/or magnetic  
16           field, depending on the specific conditions,  
17           would have to be present. I'm not quite sure  
18           what you mean by "inside" the field.

19   Q.    Well, if you take the conductor and the  
20           electric field and the magnetic fields around  
21           it, can you be merely next to those fields, or  
22           do you have to be directly going through it or  
23           inside it? You have to interact with an  
24           electric field or be merely next to --

1     A.     (Johnson) You will be present in the electric  
2           or magnetic field.

3     Q.     Thank you.

4           And would tires on a vehicle help protect  
5           a vehicle from becoming coupled?

6     A.     (Johnson) It will have an impact on how well  
7           coupled the vehicle is. Typically, older tires  
8           or -- and I think what you're trying to get at  
9           is insulation -- or insulating the vehicle.

10    Q.     Hmm-hmm.

11    A.     (Johnson) Older tires, actually, many decades  
12           ago, were better insulators than modern tires.  
13           What we found is typical debris or surface  
14           conditions on the tires provides some level of  
15           insulation but do not offer an extremely high  
16           degree of insulation.

17    Q.     So the vehicle can actually build up a charge  
18           on it; correct?

19    A.     (Johnson) If it's capacitively coupled, there  
20           will be a certain level of capacitively coupled  
21           current and voltage on the vehicle.

22    Q.     And how quickly would this charge build up on  
23           the vehicle?

24    A.     (Johnson) Because of the AC nature, the 60

1           cycles of the power frequency, it basically  
2           would be within the cycle.

3    Q.     So, within 60 seconds?

4    A.     (Johnson) Less than a second.   Microseconds.

5    Q.     And at what level would the charge build up on  
6           a vehicle?

7    A.     (Johnson) It depends on the vehicle, the  
8           strength of the electric field and its  
9           insulation.

10   Q.     So it wouldn't be the fact -- if you had a  
11           field that was at 6 kilovolts, how would that  
12           transfer to the vehicle?

13   A.     (Johnson) You would have a number of  
14           assumptions.   If you assumed that the vehicle  
15           was completely insulated at a high degree of  
16           insulation, which typically is not the case, it  
17           would come to whatever potential the size of  
18           the vehicle, and the current it would collect  
19           would determine that level of both voltage and  
20           current.   It literally depends on the  
21           situation.

22   Q.     Thank you.

23           Do you recall in my discovery questions  
24           you referred to "Bonneville Power

1 Administration's Guide to Living and Working  
2 Safely Around High-Voltage Power Lines"?

3 A. (Johnson) I generally remember a reference to  
4 that document.

5 Q. Thank you.

6 Are you well acquainted with this guide?

7 A. (Johnson) I've looked at it. I'm not sure what  
8 "well acquainted" is.

9 Q. I'd like to refer to Exhibit 50.

10 (Witness reviews document.)

11 Q. So you claim that you're not extremely --  
12 you're not -- you wouldn't say for sure that  
13 you're well acquainted with it. I'd like to  
14 address a few of the issues in it, and you can  
15 tell me whether you do agree with it.

16 I'd like to first refer you to the section  
17 on Page 7, under Vehicles.

18 A. (Johnson) Okay.

19 Q. So the statement, "Under some high-voltage  
20 lines, vehicles can collect induced voltage.  
21 This is particularly true if the vehicle is  
22 parked on a non-conductive surface such as  
23 asphalt or dry rock... The only way to be sure  
24 that you won't get shocked is to park your car

1 away from the high-voltage transmission line."

2 Is that correct?

3 A. (Johnson) If you parked away from the  
4 transmission line, that would be one way to  
5 assure you're not going to get shocked.  
6 Whether or not you get shocked in a particular  
7 case will depend on the vehicle and the  
8 strength of the electric field and its  
9 insulation. So you could park the vehicle near  
10 a line and yet not get a shock.

11 Q. But there are conditions where your vehicle  
12 will conduct electricity.

13 A. (Johnson) I wouldn't use the phrase "conduct,"  
14 but could "build up a charge."

15 Q. Build up a charge.

16 A. (Johnson) That you could receive a shock under  
17 certain conditions. And again, that would  
18 depend on the electric field, the particular  
19 design of the transmission line, any nearby  
20 objects to the car, how well the car is  
21 insulated from the surface. Like I said, a  
22 large number of things.

23 Q. And to your knowledge, are there any  
24 instructions or warnings to the public at road

1 crossings along the utility ROW that warn the  
2 public of this possibility and not to pull over  
3 and park their vehicles under the high-voltage  
4 transmission lines?

5 A. (Johnson) I would say, in general, I'm not  
6 aware of it routinely being done. But I do  
7 remember one at a road crossing recently. And  
8 it may be because there was construction  
9 activity going on at that particular crossing.

10 Q. And does the sign in Exhibit 24 warn the public  
11 not to pull over and park their vehicles there?

12 A. (Johnson) In Exhibit 24, there's no indication  
13 that parking would be prohibited.

14 Q. Thank you.

15 A. (Bailey) If I could jump in here. One of the  
16 aspects at road crossings, one is concerned  
17 about maintaining clearance from large vehicles  
18 that may be crossing underneath the line; so,  
19 therefore, the clearance above ground at road  
20 crossings is typically higher than it is on  
21 other parts of the route.

22 Q. Dr. Bailey, would that actually matter as far  
23 as --

24 A. (Bailey) That would reduce the possibility and

1           lower any induction effects because of the  
2           higher, greater distance of the conductors from  
3           a vehicle.

4    Q.    There's still the potential that a car can  
5           become coupled with electricity even with those  
6           distances; correct?

7    A.    (Bailey) Yes. But as Dr. Johnson mentioned,  
8           adherence to the National Electric Safety Code  
9           sets these clearances and reduced currents so  
10          that adverse levels are not reached.

11   Q.    And do they use modeling as well, or do they  
12          actually test actual conditions?

13   A.    (Bailey) For future lines, it would have to be  
14          modeling, of course.

15   Q.    If a car [sic] were to park their vehicle  
16          overnight on the side of the road under a  
17          transmission lines, would there be a -- or  
18          could there be a considerable charge built up  
19          on it by the morning?

20   A.    (Johnson) No, there would be no difference  
21          whether it had been parked there one minute or  
22          10 hours.

23   Q.    But it would conduct -- it could conduct  
24          electricity.

1 A. (Johnson) There are conditions, depending on  
2 the field, the size of the vehicle, location.

3 Q. And how would the electric -- if it did  
4 conduct, if it did become coupled with voltage  
5 and current to the level that a person touched  
6 it and they could -- and they received an  
7 electric shock, how would that electric shock  
8 appear to the person that got into their  
9 vehicle in the morning after it had been parked  
10 under the transmission lines overnight?

11 A. (Johnson) I guess I'm not sure how to answer  
12 that. What do you mean, how would it appear?

13 Q. Well, what would -- if a person had parked  
14 their car overnight and it did in fact collect  
15 a voltage and current and they opened the door  
16 and got into it and started to away, what  
17 symptoms would they experience?

18 A. (Johnson) If they were in the car starting to  
19 drive away, there would be no shock. It would  
20 be only as you first contacted that vehicle on  
21 the outside, while you were well grounded and  
22 if the car was insulated. Again, it depends on  
23 the conditions of the grounding of the vehicle,  
24 how well the person is grounded, the size of

1           the vehicle, and again, the electric fields.  
2           For these particular lines, the electric fields  
3           that we're talking about, say at the edge of  
4           the right-of-way, are well below the -- in  
5           fact, even within the right-of-way are below  
6           the National Electric Safety Code requirements  
7           for safe levels of current.

8    Q.    So, while sitting in the vehicle, if the  
9           vehicle had collected a current and you were to  
10          put your foot on the gas pedal or another  
11          object in the car, your steering wheel that  
12          might have conducted the current and voltage as  
13          well, that would not allow the person to  
14          sustain electric shock?

15   A.    (Johnson) No, because you're inside the  
16          vehicle. Any shock at that point is due to  
17          something else going on in the car or in  
18          clothing, but it's not due to the external  
19          things like the transmission line.

20   Q.    If the magnetic fields are not produced -- I  
21          mean not blocked by any object, can the  
22          magnetic fields come into the vehicle as you  
23          drive through it?

24   A.    (Johnson) Well, most objects would not block

1           the magnetic field. Ferro -- ferrous heavy  
2           metal, dense metal objects can modify the  
3           magnetic field. Theoretically, with a car  
4           there could be some level of magnetic field  
5           inside the car. It would likely be reduced  
6           from what was external just because of the  
7           nature of the body of the car. And you may  
8           also have -- I've seen magnetic fields due to  
9           the metal of the car itself.

10       Q.    I'd like to refer you to Exhibit 49. Can you  
11           describe what you see when you're looking at  
12           what's front of you?

13       A.    (Johnson) It appears to be like an aerial  
14           topographic map.

15       Q.    And can you -- can you see a roadway on it, a  
16           highway?

17       A.    (Johnson) Correct.

18       Q.    And what highway would that be?

19       A.    (Johnson) It's labeled "I-93, north and  
20           southbound lanes."

21       Q.    Can you see the yellow line running across  
22           I-93?

23       A.    (Johnson) Oh, the -- okay. You're talking  
24           about the solid yellow line that appears to be

1           roughly in the middle, bordered on the outside  
2           by two red lines?

3   Q.    Correct.

4   A.    (Johnson) Okay.   Yes.

5   Q.    Now, are you aware of that this new line will  
6           be carrying 340 kilovolts of electricity?

7   A.    (Johnson) I believe it's what's called a "345kV  
8           line."

9   Q.    Hmm-hmm.   Does that mean it's carrying  
10          345 kilovolts of electricity?

11   A.   (Johnson) It would be energized roughly to  
12          345,000 volts, yes.

13   Q.    Thank you.

14                Would a person that was standing under  
15                those voltage lines, say, or had to get out of  
16                their vehicle or broke down and had to get out  
17                of their vehicle, could they -- are they at  
18                risk for sustaining an electric shock, with the  
19                potential that the vehicle can become coupled  
20                with electric voltage and current?

21   A.    (Johnson) Depending on the height of the line,  
22           there's a theoretical possibility that there  
23           would be some level of voltage or charge on a  
24           large enough vehicle.   But this is a road

1 crossing. And it's indicated at road crossings  
2 your heights of the line typically are even  
3 more than is required by the NESC. But at the  
4 very least, the NESC sets the ruling level of  
5 the amount of induced current and voltage that  
6 can be developed.

7 Q. And how long can a person sit stopped in  
8 traffic? Is there any way while sitting  
9 stopped in traffic that the vehicle can be  
10 coupled with voltage and current?

11 A. (Johnson) If you assume that you're directly  
12 under the line, again, there would be some  
13 coupling to the vehicle. But the person  
14 sitting inside it would not notice it.

15 Q. I'd like to refer back to Exhibit 50. So, as  
16 you said earlier, there's a number of other  
17 objects that you can -- that can, under or near  
18 high-voltage transmission lines become coupled  
19 with current and voltage; is that correct?

20 A. (Johnson) Correct.

21 Q. Actually, let me refer you to Exhibit 21 first.  
22 Can you explain what you see in front of  
23 you?

24 A. (Johnson) Looks like an information sheet from

1           National Grid, "Information for Landowners  
2           Along Our Transmission Lines."

3    Q.    Thank you.

4                   And would this be handed out to residents  
5           along the transmission lines, to your  
6           knowledge?

7    A.    (Johnson) I don't really know. I'm not  
8           qualified to speak on that particular --

9    Q.    So I'd like to read the paragraph, the  
10          highlighted paragraph under Trees and  
11          Transmission Lines, and then I'll ask you a  
12          couple questions about.

13                   "Trees and transmission lines are not  
14          compatible. Trees that grow too close to  
15          electric transmission lines can conduct  
16          electricity and provide a path to ground  
17          potentially causing an interruption and other  
18          significant consequences. Trees do not have to  
19          physically touch an energized power line to be  
20          dangerous. Electricity can arc or jump from a  
21          power line to nearby vegetation. Electric  
22          current flowing through a tree can electrocute  
23          anyone in close proximity." Do you agree with  
24          this statement?

1     A.     (Johnson) In broad, general terms, yes. The  
2           main thing is: How close is the tree? What's  
3           the voltage of the line, and what are the  
4           specific conditions? But in a broad, general  
5           sense, if a tree is in extremely close  
6           proximity to a line or touching it, can it be a  
7           danger? Yes. But that's why we have --  
8           there's vegetation management programs and why,  
9           in general, you try and keep high-growing trees  
10          or shrubs away from the energized conductors.

11    Q.     And is water by nature conductive?

12    A.     (Johnson) It depends on the nature of the  
13          water. In certain --

14    Q.     No, is pure water by nature conductive?

15    A.     (Johnson) Pure water?

16    Q.     Yes.

17    A.     (Johnson) No. Actually, it's used as an  
18          insulator for high-voltage equipment in certain  
19          pulse-power applications.

20    Q.     So, what makes water conductive?

21    A.     (Johnson) Generally, different elements or  
22          constituents within the water.

23    Q.     Are you familiar with the self-weathering steel  
24          rust patina and the alleged contaminants that

1 will be leaching off the towers with runoff?

2 A. (Johnson) In general I know about  
3 self-weathering steel, yes.

4 Q. Are you aware that the runoff would contain  
5 oxidized iron?

6 A. (Johnson) This probably would be true to some  
7 extent with any iron or steel that's in the  
8 area. Plus, there's certain levels of iron,  
9 iron oxide, in soil and water generally.

10 Q. And if that were to get into the nearby  
11 wetlands, water bodies, would that typically  
12 make those more conductive to electricity?

13 A. (Johnson) I can't speak specifically for what  
14 levels there would be in the water bodies.

15 Q. If the right levels got into the water bodies,  
16 is there a potential for that to create a  
17 conductive surface to the water -- or  
18 conductive surface to the water?

19 A. (Johnson) It's outside my expertise. I'd have  
20 to know the exact level of conductivity and  
21 other questions.

22 Q. So now I'm going to go back to Exhibit 50.  
23 Page 6.

24 A. (Johnson) Pardon? You said six?

1 Q. Page 6, Underground Pipes, Telephone Cables and  
2 Electric Cables. I'm going to read a couple  
3 comments to you and ask if you agree with them.

4 "Heights and cables should not be  
5 installed closer than 50 feet to a BPA tower,  
6 any associated guy wires or grounding system."

7 Do you believe there's a standard outside  
8 of BPAs -- is this the standard -- do you agree  
9 with this, and is this a standard precaution?

10 A. (Johnson) I think this may be -- I can't speak  
11 to a general level. But 50 feet, there could  
12 be situations where it could be closer. I  
13 think it would probably depend on the tower.  
14 This may be a statement -- I'm simply supposing  
15 that a statement by BPA ensures they're  
16 satisfied with it.

17 Q. So, then it states that "an unusual condition  
18 might cause electricity to arc from the  
19 high-voltage wire to the tower and then to the  
20 ground. This could produce a dangerous voltage  
21 on underground piping or cable system."

22 Do you agree, in the right conditions,  
23 this can, in fact, happen?

24 A. (Johnson) It states that "under unusual

1           conditions it might cause..." That's a fairly  
2           general statement. And yes, under unusual  
3           conditions there could be circumstances where  
4           it could occur.

5       Q.   And would -- could the inverse of this be true  
6           as well? Should towers and guy wires not be  
7           installed closer than a certain distance to the  
8           pipes and cables? For instance, like the new  
9           MVRP going in, should there be a precaution  
10          that the towers and guy wires not be installed  
11          closer than a certain distance -- they're using  
12          50 -- but a certain distance from the pipes and  
13          cables?

14       A.   (Johnson) Well, this talks about BPAs  
15           conditions and requirements.

16       Q.   Hmm-hmm. Do you believe that they're standard,  
17           or do you believe that they're just BPAs?

18       A.   (Johnson) I wouldn't characterize them as  
19           "standard." I think this, again, a general way  
20           for BPA of causing people to have a heads-up  
21           and take a look at the situation.

22       Q.   Except you referred to me this guide when I  
23           asked you if there was anything that needed to  
24           be done specifically, if there were any

1           restrictions, and you referred me to this guide  
2           as a guide.

3    A.    (Johnson) I referred you to this guide?

4    Q.    You did refer me to this guide in discovery  
5           requests. Or one of you did.

6                   Dr. Johnson, you referred me to this guide  
7           when I asked you if there was anything special  
8           or any precautions within living near the  
9           high-voltage transmission lines, and you  
10          referred me to this document.

11   A.    (Johnson) If you followed the general  
12          guidelines in this document, you should be more  
13          than fine.

14   Q.    Why did you refer me to BPA's document? Does  
15          PSNH and NEP not have their own?

16   A.    (Johnson) More than likely they do. I can't  
17          speak specifically to that.

18   Q.    So you picked this one out, though. And why  
19          did you --

20   A.    (Johnson) I have worked with some of the people  
21          at BPA, and I know some of the people who put  
22          it together.

23   Q.    So if you referred it to me, would you actually  
24          believe that these would be appropriate

1 restrictions?

2 A. (Johnson) They're appropriate, general  
3 statements. If you follow them, you will be  
4 more than safe.

5 Q. Thank you.

6 If you could turn to Page 7 under  
7 Buildings. This indicates that outside of  
8 BPA's right-of-way -- again, because they  
9 prohibit, just like the Applicants, buildings  
10 within a right-of-way. "Buildings located off  
11 BPA's right-of-way may collect an induced  
12 voltage." And it does talk about how to ground  
13 it.

14 But do you agree that in certain  
15 situations, that a building that abuts the  
16 right-of-way, if the right conditions were not  
17 followed, that they could -- the building  
18 could, in fact, collect an induced voltage?

19 A. (Johnson) If it was not properly grounded. And  
20 under the right conditions, it could have a  
21 capacitively coupled voltage to it, yes.

22 Q. On Page 8, under Fires, "Smoke and hot gases  
23 from a large fire can create a conductive path  
24 for electricity." Under the right conditions,

1 is this accurate?

2 A. (Johnson) Under the right conditions, yes.

3 Q. And would a campfire or bonfire on land  
4 abutting the ROW be close enough -- the  
5 right-of-way be close enough for the  
6 electricity to arc from the wire to it?

7 A. (Johnson) Again, it depends on specific  
8 conditions, the size of the fire. A general  
9 campfire, bonfire, that would be, I would say,  
10 extremely unlikely. It's still, to be on the  
11 ultra safe side, not a good idea.

12 Q. So I'm going to spare you the rest of the  
13 details of the exhibit. But would you agree  
14 there are additional objects and activities  
15 that pose a risk of electric shock if the  
16 proper safety procedures are not followed?

17 A. (Johnson) If the line is not designed properly  
18 and general safe practices are not followed.

19 Q. Even with the line designed properly, are there  
20 still conditions that a person can come in  
21 contact with it, such as directly touching it,  
22 climbing a pole, that they could sustain an  
23 electric shock, experience electric shock?

24 A. (Johnson) If a person climbs the pole, puts up

1           a ladder to touch the conductor and contacts  
2           the conductor, yes, definitely there would be  
3           the chance of electric shock.

4    Q.   And do you believe it's very important to  
5           communicate this to abutters and people that  
6           might walk by these poles?

7    A.   (Johnson) I would -- some communication, some  
8           common sense. I would say climbing a tower  
9           that has a high voltage warning sign on it is  
10          communication. Putting a ladder up to the  
11          conductor, where it's not your conductor, I  
12          would say is not a good idea.

13   Q.   Do you believe a sign, as in Exhibit 24, should  
14          be on all high-voltage transmission lines -- or  
15          all towers and poles?

16   A.   (Johnson) That would have to be a personal  
17          opinion. And in terms of electrical  
18          engineering, it's probably outside of my  
19          purview.

20   Q.   Okay. Dr. Bailey, you've indicated in your  
21          prefiled testimony that an electric field will  
22          induce oscillating charges on the surface of a  
23          conducting body that has been exposed to these  
24          fields. Is it correct that these oscillating

1 charges on the surface of a conducting body can  
2 induce current inside the body?

3 A. (Bailey) Yes.

4 Q. And will the presence of alternating magnetic  
5 field cause weak magnetic fields and currents  
6 to flow into the body by induction?

7 A. (Bailey) Yes.

8 Q. And is it correct, then, that these AC electric  
9 fields and currents at a high enough level may  
10 result in stimulation of excitable tissues,  
11 such as nerves and muscles?

12 A. (Bailey) Yes, as a practical consequence.  
13 However, we don't have sources in our everyday  
14 environment where we could possibly achieve  
15 those exposures. And even workers in the  
16 electric utility industry would not, except  
17 under very unusual circumstances, encounter  
18 fields high enough to produce that stimulation  
19 of nerves and muscles.

20 Q. Really? I'd like to refer you to Exhibit 22.  
21 Are you familiar with the research of Charles  
22 Dalziel's on the human body's reaction to  
23 current?

24 A. (Bailey) I am.

1 Q. Are you familiar with the standard chart  
2 developed from the research of Charles Dalziel  
3 used throughout the industry, presenting levels  
4 of electric shock and the human body's reaction  
5 to the current?

6 A. (Bailey) I've seen this and other versions of  
7 this chart in different places.

8 Q. So there are a few different versions. This is  
9 a standard chart developed from his work;  
10 correct?

11 A. (Bailey) It's one of the charts that is very  
12 similar to others I've seen.

13 Q. Okay. And according to the chart, what level  
14 of electric shock would excitable tissue, such  
15 as nerves and muscles, be stimulated?

16 A. (Bailey) In order to have a sensory perception  
17 of the field, this table is indicating it would  
18 occur in the range of .5 to 3 milliamps.

19 Q. And how many kilovolts would have -- would a  
20 field have to be to experience that level of  
21 electric shock?

22 A. (Bailey) It would depend upon a number of  
23 circumstances. And I'll ask Dr. Johnson to  
24 continue.

1     A.     (Johnson) To get to the .5 to 3 milliamps,  
2           again, it would depend on the particular  
3           individual and how well grounded, and in terms  
4           of also the electric field that they're in.  
5           For a person, say roughly of my height and  
6           build, oh, to get to even .5 milliamps would  
7           probably require somewhere in the ranges of 25  
8           to 30kV.

9     Q.     Dr. Bailey, can you list the rest of the levels  
10           of electric shock in this chart, from lower to  
11           higher, with the corresponding symptoms and  
12           level of current?

13                   PRESIDING OFFICER ROSS: I'm going to  
14           ask what the relevance of this chart is. I  
15           mean, if we can -- are you suggesting that  
16           there's some location within the right-of-way  
17           where a person would be experiencing these  
18           milliamps?

19                   MS. HUARD: Yeah, I'm actually going  
20           to go and -- I was going to try and work with  
21           Dr. Bailey to actually make a couple of  
22           conversions.

23                   PRESIDING OFFICER ROSS: Because we  
24           can all read the charts. We can see the

1 symptoms.

2 MS. HUARD: Okay. So then I'll skip  
3 that, then. I was going to actually later  
4 refer to the exhibit -- Table 13 and ask him a  
5 few questions on it.

6 MR. IACOPINO: Which exhibit?

7 MS. HUARD: Later I'll be -- Exhibit  
8 23. But right now I'll continue with some  
9 questions with this.

10 BY MS. HUARD:

11 Q. Would you agree that, according to Ohm's law, a  
12 current equals volts divided by resistance?

13 A. (Bailey) What you're displaying here in the  
14 table is, and what Dr. Johnson just commented  
15 on, is that practical relationship from Ohm's  
16 law, in terms of relating voltage and current  
17 in the body.

18 Q. Thank you.

19 That's what I'm trying to determine. So  
20 that is the inverse of what I had asked you. I  
21 had asked you if you can convert the milliamps  
22 to volts. And Ohm's law is actually the  
23 inverse; correct?

24 A. (Bailey) Ohm's law is not the -- simple version

1 of Ohm's law would not give you the proper  
2 conversion of the relationship between external  
3 field and current in the body. As Dr. Johnson  
4 testified, and if you look at the calculated  
5 fields under the existing lines and proposed  
6 lines, none of these levels of milliamps in the  
7 body would be achieved underneath the line.

8 Q. Okay. So would you agree, on the condition  
9 that was high enough that you could conduct  
10 these symptoms, would you agree that the  
11 resistance varies from person to person?

12 A. (Bailey) To some extent, yes.

13 Q. And would the effect of exercise in a person's  
14 resistance to an electric current -- I'm sorry.

15 What is the effect of exercise in a  
16 person's resistance on electric current? Would  
17 their resistance be higher or lower after  
18 exercise?

19 A. (Bailey) I know of no data on that particular  
20 circumstance.

21 Q. Okay.

22 A. (Bailey) But the variations in your body  
23 resistance under those conditions would be  
24 probably small enough so that it would not

1 bring you in any way into a conversion where  
2 any of these symptoms could be experienced  
3 underneath the proposed line.

4 Q. Now, given the level of voltage high enough  
5 that you could experience electric shock, would  
6 two different people experience a different  
7 level on this chart?

8 MR. WALKER: Object. Relevance.  
9 There's been testimony that the project will  
10 not reach the levels, and now she's asking if  
11 it did reach the levels.

12 PRESIDING OFFICER ROSS: I'll sustain  
13 the objection. We already have testimony that  
14 it varies from one person to the next.

15 MS. HUARD: Okay.

16 BY MS. HUARD:

17 Q. Well, then I'll go to Table 13, and we'll look  
18 at the modeled measurements. And again, these  
19 are modeled measurements; correct?

20 MR. IACOPINO: And just for the  
21 record, this is Huard Exhibit 23.

22 MS. HUARD: Yes, I'm sorry, Exhibit  
23 23.

24 A. (Bailey) And is that Table 13 --

1 Q. Oh, I'm sorry.

2 MR. WALKER: It's Page 91.

3 A. (Bailey) So this is Table 13 that appears on  
4 Page 91 of the application, and it's been  
5 labeled "Exhibit 23."

6 Q. Correct. So you have indicated that these are  
7 actually modeled measurements; correct?

8 A. (Bailey) These are calculations of the electric  
9 field from the existing lines. And the  
10 existing lines plus the proposed line were  
11 performed by Dr. Johnson.

12 Q. So if you have never taken readings, how would  
13 you possibly know whether there was an actual  
14 level under the power lines that can be high  
15 enough for a human being to sustain electric  
16 shock?

17 A. (Bailey) Well, as Dr. Johnson can further  
18 explain, the laws of physics are very precise.  
19 Our knowledge of the laws of physics is  
20 extensive and what allows us to send people to  
21 the moon and beyond. And that knowledge of  
22 physics is sufficient to be able to provide  
23 very accurate calculations of the electric and  
24 magnetic fields for given levels of voltage and

1           current flow and distances. And so these  
2           should be regarded as quite accurate  
3           calculations of those levels. And despite  
4           variation in persons and environmental factors,  
5           these levels would not be appreciably changed.

6   Q.    Okay. So, would you -- so, the highest modeled  
7           calculation on this chart is 6.6 kilovolts;  
8           correct?

9   A.    (Bailey) That's what's shown on Table 13.

10  Q.    Yes, I'm sorry. Table 13.

11           And would agree that 1 kilovolt is equal  
12           to 1,000 volts?

13  A.    (Bailey) Correct.

14  Q.    And would you agree that 6 kilovolts is equal  
15           to 6,000 volts?

16  A.    (Bailey) 6,600.

17  Q.    I'm sorry. I'm looking at my -- 6,600. I had  
18           done mine as 6 kilovolts.

19           And would you agree that 1 ampere is equal  
20           to 1,000 amperes?

21  A.    (Bailey) I'm sorry. Could you say that again,  
22           please?

23  Q.    One ampere is equal to 1,000 milliamperes?

24  A.    (Bailey) One ampere is equal to 1,000

1 milliamperes, yes.

2 Q. And can you actually use the Ohm's law to  
3 convert this field into milliamps?

4 A. (Bailey) I already stated that that is not  
5 possible to use the simple version of Ohm's law  
6 to make that conversion.

7 PRESIDING OFFICER ROSS: Can you  
8 explain why we should be concerned about this  
9 conversion?

10 MS. HUARD: Well, absolutely, since  
11 you asked.

12 BY MS. HUARD:

13 Q. Would it concern you to know that a person --  
14 or that I do believe that I sustained electric  
15 shock while sitting under the high-voltage  
16 transmission lines taking a picture and --

17 A. (Bailey) All I know is that's what you've  
18 reported.

19 Q. That's what I've reported. And what you  
20 describe about the fields, that is what I  
21 experienced.

22 PRESIDING OFFICER ROSS: I think that  
23 what you need to do, Ms. Huard, is phrase these  
24 as questions.

1 MS. HUARD: I'm trying to do that.

2 PRESIDING OFFICER ROSS: You'll have  
3 an opportunity to testify later in the hearing.

4 MS. HUARD: Well, you asked.

5 PRESIDING OFFICER ROSS: What I asked  
6 was what the reason for the conversion is,  
7 which actually --

8 MS. HUARD: I'm trying to understand  
9 how, if I look -- if a person has sustained  
10 these symptoms on this chart, I was trying to  
11 understand how that 6.6 kilovolts, if it could  
12 be converted using Ohm's law -- and he has  
13 indicated that it cannot, that it is not that  
14 easy.

15 BY MS. HUARD:

16 Q. So, Dr. Johnson, in your prefiled testimony,  
17 you've also claimed that at peaking load, when  
18 conductors are closest to the ground, the  
19 electric field within the ROW along the project  
20 route is actually 8.6 kilovolts per meter. At  
21 what time of day would you expect the  
22 transmission lines to be operating at peak  
23 loading?

24 A. (Johnson) That would be a question for the

1 operations people. It generally is just a  
2 short period during the overall year.

3 Also, that 8.6kV per meter level is  
4 assuming that the lines are the closest  
5 approach to ground and also with a 5 percent  
6 over-voltage on the conductors. So it's a  
7 number of conservative assumptions to come up  
8 with that 8.6kV per meter, and it would be  
9 present only at mid-span where the conductors  
10 are closest to the ground, not along the entire  
11 length between poles. And typically only for a  
12 few minutes or maybe a few hours per year would  
13 be my assumption.

14 Q. Thank you.

15 And Dr. Johnson, you claim that the EMF  
16 levels calculated for the project are below the  
17 normal limits provided by international  
18 agencies ICNIRP and ICES; correct?

19 A. (Johnson) Correct.

20 Q. Does the government, the United States  
21 Government, or the State of New Hampshire, have  
22 any standards of their own?

23 A. (Johnson) Not that I'm aware of for electric  
24 and magnetic fields.

1 Q. And Dr. Bailey, you claimed in your prefiled  
2 testimony that the ICNIRP and ICES have derived  
3 basic limits to avoid neurostimulation of  
4 tissues at 4.17 kilovolts per meter and 5kV per  
5 meter. Are you aware that many sections in  
6 Table 13 in peak calculations exceed those  
7 limits?

8 A. (Bailey) Those values you quoted are not the  
9 limits in those guidelines. Those are what are  
10 called "reference levels." If you -- if the  
11 exposure is measured or calculated to be below  
12 that, those limits, those organizations  
13 guarantee that you will comply with the basic  
14 restrictions. If the level is higher than  
15 that, then calculations are required in order  
16 to determine whether you complied with the  
17 basic restrictions.

18 If you go to Table 14 on Exhibit 23, it  
19 gives the levels of exposure to electric and  
20 magnetic fields that would have to be exceeded  
21 in order to cause the basic restrictions, which  
22 are the limits in these guidelines to be  
23 exceeded. And as you can see, these levels of  
24 electric field for ICES are 26.8, .8kV per

1 meter; and for the International Commission on  
2 Non-Ionizing Radiation Protection, it's 36.4kV  
3 per meter. And so all the values in Table 13,  
4 or even that value of 8.6kV per meter you  
5 discussed with Dr. Johnson, are well below the  
6 basic restrictions and limits recommended for  
7 public exposure.

8 Q. I'm a little puzzled with that response,  
9 because I pulled the prefiled testimony, and it  
10 says -- and maybe I'm reading it wrong -- "To  
11 identify exposure levels for the general public  
12 that would not cause these limits to exceed at  
13 60 hertz, ICNIRP provided reference levels..."  
14 And you're saying that --

15 A. (Bailey) What I say is that reference levels  
16 are not the same as the basic restrictions --

17 Q. Okay.

18 A. (Bailey) -- and that the underlying limit  
19 recommended by these organizations is the basic  
20 restriction.

21 Q. Okay. I have no further questions. Thank you.

22 PRESIDING OFFICER ROSS: Thank you.

23 Questions from the Committee?

24 BY MS. ROBERGE:

1 Q. I just have a question on the models  
2 themselves. Who develops models or the model?

3 A. (Johnson) Are we talking about the modeling for  
4 the electric and magnetic fields, audible noise  
5 and radar noise?

6 Q. Yes.

7 A. (Johnson) That was developed, really, over a  
8 number of years by people both at Bonneville  
9 Power Administration, different researchers  
10 through the country and the world, and also the  
11 High-Voltage Transmission Research Facility.  
12 The two basic techniques that codified these  
13 issues were what's become known as the "BPA  
14 Cafe Program" or "Corona Audible Noise Fields"  
15 -- and what's the --

16 A. (Bailey) Field effects.

17 A. (Johnson) -- "Field Effects." That's right.  
18 Corona and field effects, and then the TL Work  
19 Station from the Electric Power Research  
20 Institute, which was done in collaboration with  
21 GE, the High-voltage Transmission Research  
22 Center, BPA and different researchers. Those  
23 have been the two sort of leading programs that  
24 calculate these levels. A lot of the

1 techniques that were developed are in every  
2 high-voltage transmission reference book which  
3 lists some of the equations.

4 And again, these were put into computer  
5 programs. As they were being developed, you  
6 had the basic calculation techniques,  
7 essentially going from first principles,  
8 physical principles, and then confirming that  
9 with actual physical measurements underneath  
10 various operating or test transmission lines,  
11 where you could easily control the voltage and  
12 the geometry.

13 Q. Would you say they've been updated over time,  
14 in terms of have they become more  
15 sophisticated?

16 A. (Johnson) There are various enhancements, I  
17 guess you could say, like three-dimensional  
18 modeling, or some marginal improvements in that  
19 respect. But the basic techniques have stayed  
20 the same for a good 50 years or more.

21 Q. And when you use these models, are they  
22 site-specific; meaning, do they take into  
23 account conditions at the site or, in this  
24 instance, along the corridor? Is there

1 information that's input into the model that's  
2 specific to the conditions that would exist as  
3 a result of this project?

4 A. (Johnson) Typically, and in the case of this  
5 project, the models are done very  
6 conservatively. So there are not, let's say,  
7 terrain features put in, because these would  
8 typically reduce the electric or magnetic  
9 fields or other quantities that they calculate.  
10 The assumptions or the situation that is used  
11 is flat, wide open terrain without shielding  
12 objects. And the lines are, as I said,  
13 typically minimum height, closest approach to  
14 ground, and with a 5 percent over-voltage in  
15 the applied voltage; basically, the highest  
16 expected voltage that might occur.

17 Q. So when you use the term "conservative," you  
18 mean that the results of the models are going  
19 to be worst case --

20 A. (Johnson) Yes.

21 Q. -- the highest level you might expect if you  
22 were standing there holding a monitor?

23 A. (Johnson) That -- yes, that would be a simple  
24 way of stating it. Conservative set of

1           assumptions so it would push you toward a  
2           worst-case situation. The actual measurements,  
3           because of terrain features, the actual line  
4           height at the moment you do it, the actual  
5           voltage on the line, all would combine to  
6           actually more than likely produce a lower field  
7           than what's listed for the various comparisons.

8       Q.   And so, maybe going back to that Table 13, you  
9           might expect to see lower numbers than what was  
10          included in that? Am I understanding that  
11          correctly?

12      A.   (Johnson) If you actually went out there in a  
13          specific situation and location, yes.

14      Q.   Okay. And you spoke a little bit about the  
15          accuracy of the models and testing done. Is  
16          there a general understanding of accuracy of  
17          those, a generally accepted --

18      A.   (Johnson) Ultimately it comes down to how well  
19          do you know the geometry and the voltage  
20          situation that you're measuring. And then the  
21          next factor that comes in is the general -- if  
22          you're comparing them, the measurements, the  
23          accuracy of the instrumentation that you're  
24          using and the ability of the person in the

1 field to use it. All that being said, the AC  
2 electric fields and magnetic fields have been  
3 shown to typically be within 5 percent.

4 Q. From the model results?

5 A. (Johnson) Measured to model results, if you  
6 know everything exactly as it is. There will  
7 be some variation, because when you're out  
8 there, the conductors will be moving slightly.  
9 That will change their height and position  
10 slightly; literally, in some cases, how the  
11 person holds the meter, how level it is. So,  
12 there's small subtleties, but generally a few  
13 percent.

14 Q. Obviously, the inputs to the model, the more  
15 accurate in terms of the terrain features and  
16 the configuration of the site would also play a  
17 role in that as well?

18 A. (Johnson) Yes. If you go into that level of  
19 sophistication where you're trying to model a  
20 specific site, then you could start adding  
21 things like terrain features, location of  
22 nearby buildings and shrubbery. That would  
23 tend to reduce the electric fields or their  
24 impacts.

1 Q. And looking at the report, it looks as though  
2 you modeled different configurations along the  
3 line, based on certain sections of line; is  
4 that correct?

5 A. (Johnson) Yes. Where there were major changes  
6 in either the number of lines that were on that  
7 particular section of the corridor or the  
8 loading of the lines, where you would expect a  
9 noticeable change in the electric or magnetic  
10 field either because of the geometry and  
11 configuration of the lines or the design or the  
12 loading that would be on them.

13 Q. So the results that are presented are  
14 considered sort of worst-case scenario based on  
15 the different configurations of the corridor,  
16 of the line configurations along the entire  
17 line.

18 A. (Johnson) Yes. In fact, for this one, we  
19 provided both peak loading and average loading.

20 Q. Thank you.

21 MS. ROBERGE: I don't have any other  
22 questions.

23 BY CMSR. BAILEY:

24 Q. Good afternoon. In both of your testimonies,

1           you say that you've published scientific  
2           papers. Were those papers peer-reviewed?

3    A.    (Bailey) Yes. Papers published in scientific  
4           journals are peer-reviewed. And in addition,  
5           we both have published technical reports that  
6           are peer-reviewed by organizations that have  
7           commissioned that work.

8    Q.    Have your papers been published by IEEE, any of  
9           them?

10   A.    (Johnson) Yes.

11   A.    (Bailey) Yes.

12   Q.    Could you tell me, in general terms, what the  
13           risk to a police officer, for example, standing  
14           in a right-of-way, perhaps under an energized  
15           transmission line in a road that's at the  
16           correct height, for the day directing traffic?  
17           Is there a risk to that police officer?

18   A.    (Bailey) I think Dr. Johnson has already  
19           indicated that for a short-term period of time  
20           there is some very, very weak induction of  
21           fields and currents in the body. But they're  
22           so far below the thresholds for any kind of  
23           effect or stimulation, they would be  
24           imperceptible, in the same way that if you're

1 near appliances in your home. Those fields are  
2 imperceptible to you.

3 I think your question seems to be getting  
4 more about the length of time that the officer  
5 might be standing underneath the line in a  
6 particular location. And that gets to the  
7 question about potential effects of long-term  
8 exposure. As we pointed out in the testimony,  
9 the guidelines, our ceiling limits that is not  
10 to be exceeded, and that unlimited exposures  
11 times below those ceiling limits are permitted.  
12 And I would also point out, if you go to the  
13 section on our assessment of research, that  
14 despite the fact that we have been studying  
15 human populations and people and experimental  
16 conditions, and animals in experimental  
17 conditions, we have not identified that chronic  
18 exposure to electric and magnetic fields is a  
19 cause of any adverse effects on health. And  
20 this is a conclusion of the World Health  
21 Organization and other agencies that have  
22 reviewed this research.

23 Q. So the risk to a police officer standing under  
24 a high-voltage transmission line directing

1 traffic for the day is very small on health.  
2 Small to none. You don't have any evidence  
3 that there are any --

4 A. (Bailey) In terms of direct interaction of the  
5 field with the body of the officer, I don't  
6 think that there's scientific evidence that  
7 would indicate that there, in fact, is a risk.  
8 In order to have a risk, you have to have a  
9 hazard. So you have to know that, for a  
10 particular condition, that something awful or  
11 harmful could happen. Having done 40 years of  
12 research on this, we haven't determined that  
13 these exposures, in fact, do have a health  
14 effect. Just because you can measure something  
15 and you can measure that exposure in the human  
16 body doesn't necessarily mean that effect is  
17 harmful. So we have the light here in this  
18 room as an electric magnetic field. And as we  
19 turn our eyes towards that light, we have a  
20 biological response to it, and the size of the  
21 pupil diminishes in size. That's a biological  
22 response to an electromagnetic field. And we  
23 can measure tiny, tiny currents. But when we  
24 go to look to see is that a level of exposure

1       sufficient to cause harmful effects, we don't  
2       find in any of our community environments or  
3       even occupational environments, so long as you  
4       comply with these standards, any effects,  
5       including the types of effects that Ms. Huard  
6       discussed, in terms of neuro and muscular  
7       stimulation.

8       Q.   Are there other biological -- and maybe you're  
9       not qualified to answer this, but I'll ask you  
10      anyway.

11               Are there other biological explanations  
12      for tingling sensations in the body or muscle  
13      contractions other than electric shock?

14      A.   (Bailey) Well, I'm not a physician, but we all  
15      know that one can have tingling in the body and  
16      a variety of sensations and perceptions without  
17      any electrical source being nearby. And I'll  
18      just leave it at that.

19      Q.   Thank you.

20               Yesterday we heard a member of the public  
21      state that she observed blue sparks near the  
22      power lines, the existing power lines. Do you  
23      know anything about "blue sparks"?

24      A.   (Johnson) Okay. Assuming that there's no

1 objects or something else coming close to the  
2 conductors, with that amount of information,  
3 the best I could guess at is at nighttime,  
4 under certain conditions, and with the 345kV  
5 lines or if it was a higher line --

6 Q. A higher voltage line?

7 A. A higher voltage line, even 345, and depending  
8 on the size of the conductor, what might be  
9 being referred to is "corona discharge" on the  
10 line, because the small electrical discharge at  
11 the surface of the conductors. Because of the  
12 size of the conductor, contamination on the  
13 conductor can produce an extremely high  
14 electric field right at the surface,  
15 sufficient to cause like a little blue glow or  
16 spark. Other references that people might have  
17 heard of is like "St. Elmo's Fire," if it's  
18 like sort of an ancient history text. But  
19 it's -- again, in that case, it was reported,  
20 like in cemeteries, on the iron fences where  
21 they had very high points on the fences or on  
22 steeples on some buildings, again, with the  
23 very sharp points, the atmospheric electric  
24 field would get sufficiently high that it would

1           cause it to go into corona and get a blue glow.  
2           Typically it would be maybe a blue glow. It's  
3           very difficult to see under, but it would have  
4           to be under very dark conditions, with the eyes  
5           well adapted to the darkness. And that's the  
6           only thing I can think of that might come close  
7           to "blue sparks" that would be likely.

8       Q.   And in your example of "St. Elmo's Fire," if  
9           somebody touched it with their fingers, would  
10          they get a shock?

11      A.   (Johnson) Well, you're not going to be close  
12          enough, hopefully, that you would be touching  
13          it, because that would be the energized  
14          conductor. But in the -- like the more common  
15          references, like in electric fencing with the  
16          sharp points, actually, the sheer presence of  
17          your body would modify the electric field  
18          enough that it would probably drop out of  
19          corona and it would disappear.

20      Q.   Okay. Thank you.

21      BY MS. WEATHERSBY:

22      Q.   Question for each of you concerning just the  
23          health aspects. Would you have any concerns or  
24          reservations if you or your loved ones resided

1 at the edge of the right-of-way?

2 A. (Bailey) Well, I think I'll answer that from a  
3 personal perspective.

4 As you can tell from my gray hair, I've  
5 been around for a long time. And when my wife  
6 and I moved out of New York City, we bought a  
7 home a baseball's throw away from the largest  
8 high-voltage transmission line corridor in the  
9 New York area that brings most of the  
10 electricity coming in from Canada into New York  
11 City. And I did not have -- I've been working  
12 in this area for some time, and I did not have  
13 concerns for my health or that of our children  
14 as they developed there.

15 A. (Johnson) Similar type of response. Our house  
16 isn't adjacent to a corridor, but I've worked  
17 at the High-voltage Transmission Research  
18 Center. And our house, there's probably a  
19 345kV line that goes, oh, maybe a quarter-mile,  
20 half-mile away. I know if we go hiking back  
21 into the woods, we go onto the corridor.

22 Q. Okay. Thank you.

23 And then concerning the radio noise, does  
24 radio noise have any effect for homes at the

1 edge of the right-of-way concerning devices  
2 within the home? Does it make the garage door  
3 go up and down, someone's pacemaker -- you  
4 know, that sort of thing?

5 A. (Johnson) The easiest answer is, if everything  
6 is working properly, no, there should be no  
7 effect. The radio noise for the AC lines is  
8 typically limited to foul weather. When you  
9 have a lot of raindrops on the conductor,  
10 you'll have more corona because of that. But  
11 even with that being said, the levels of radio  
12 noise will drop off as you go away from the  
13 conductors. The line has been designed  
14 according to the radio noise guidelines that  
15 were put together back in the '70s by IEEE and  
16 have been a good reference source. And they  
17 will also tend to drop off as you go up in  
18 frequency.

19 As far as any appliances in or around the  
20 home, I would not expect any problems with  
21 that, because the levels are similar to what  
22 would be -- well, typically what's there, just  
23 from atmospheric conditions and fair weather,  
24 by the time you're a few hundred feet away from

1 the line, even on the edges of the corridor,  
2 they're very similar to what's already existing  
3 along the corridors with the lines that are  
4 there. So I would not expect anything  
5 different than what's already there. And in  
6 foul weather, the atmospheric conditions  
7 typically will mask and are higher than what  
8 the typical radio noise levels produced by the  
9 lines are.

10 PRESIDING OFFICER ROSS: Any other  
11 questions from the Committee?

12 [No verbal response]

13 PRESIDING OFFICER ROSS: Does the  
14 Applicant wish to have any redirect?

15 MR. WALKER: No questions, Madam.

16 PRESIDING OFFICER ROSS: In that  
17 case, these witnesses are excused. I think we  
18 will take a 15-minute break. So if we can come  
19 back at ten after four, and then I think we  
20 have our final witness, Ms. Huard.

21 MR. NEEDLEMAN: Unless you want to  
22 take five minutes to bring Mr. Plante back up  
23 to answer Ms. Whitaker's question.

24 PRESIDING OFFICER ROSS: Oh, let's

1           take our break, and then we may do that right  
2           before we begin Ms. Huard after the break.

3                   MR. NEEDLEMAN:   Okay.

4                   (Whereupon a brief recess taken at  
5                   3:55 p.m. and the hearing resumed at  
6                   4:09 p.m.)

7                   PRESIDING OFFICER ROSS:   All right.  
8           We will go back on the record.

9  
10                   (WHEREUPON, DAVID PLANTE, who was  
11                   previously duly sworn and cautioned by  
12                   the Court Reporter, returns to the  
13                   witness table.)

14                   PRESIDING OFFICER ROSS:   We had some  
15           questions about the guy wire supports on the  
16           pole next to the brook.   I forgot the name of  
17           the brook now.

18                   MS. WHITAKER:   Howard Brook.

19                   PRESIDING OFFICER ROSS:   So if  
20           possible, let's do that now.   And I think,  
21           Rachel, you were asking the question.

22                   MS. WHITAKER:   Want me to reask the  
23           question?

24                   PRESIDING OFFICER ROSS:   Yes.

1 BY MS. WHITAKER:

2 Q. So I was curious about the anchoring system for  
3 those guy wires. I believe it was a  
4 triple-tower setup, and the guy wires looked  
5 like they were going to be in the Riparian  
6 zone. I was just curious about what the setup  
7 was for that anchoring system within that  
8 Riparian zone.

9 A. Okay. I can address that. Typically for guy  
10 anchoring in areas adjacent to wetlands, we  
11 choose the screw anchor method for anchoring.  
12 However, in this particular case, our  
13 Subsurface Exploration Program has identified  
14 that bedrock is fairly close to the surface,  
15 making use of a screw anchor not a good choice,  
16 as they require some significant depth. So, in  
17 the case of bedrock near the surface, we have  
18 opted to go with what we call a "rock anchor  
19 system," which consists of a steel rod with a  
20 nut on the end of it embedded in a hole that is  
21 cored into the ledge, into the bedrock. So it  
22 will be approximately at a 45-degree angle into  
23 the bedrock. The rod with the anchor nut on  
24 the end of it is inserted. And there's a

1 spacer system that's also asserted to keep the  
2 rod centered in the hole. And then it is  
3 pressure-grouted with a high-performance,  
4 non-shrink grout, which is a cementitious  
5 mixture similar to concrete. Then it hardens,  
6 and we'll put a load test on it to make sure  
7 that it's sufficiently anchored into the  
8 bedrock before we actually load it with a guy  
9 anchor -- I mean with a guy wire.

10 Q. Once that anchor is in place, will vegetation  
11 be allowed to grow back around that anchor, or  
12 will it continue to be cleared for maintenance  
13 of that anchor?

14 A. Vegetation will -- appropriate vegetation will  
15 be allowed to grow. We tend to not like to  
16 have large brush and shrubs growing up around  
17 the anchors and guy wires, just for a variety  
18 of reasons. But, you know, low-growing things  
19 like junipers and grass, hay, that kind of  
20 stuff is perfectly acceptable.

21 MS. WHITAKER: Thank you very much.

22 PRESIDING OFFICER ROSS: I just have  
23 one question. How far below the surface is the  
24 bedrock there?

1 WITNESS PLANTE: About five feet.

2 PRESIDING OFFICER ROSS: Any other  
3 questions from the Committee?

4 [No verbal response]

5 PRESIDING OFFICER ROSS: Okay. Thank  
6 you. Any other questions -- I'm sorry. I  
7 should probably ask the parties.

8 Questions from other parties?

9 MR. ASLIN: None for me, thank you.

10 MS. HUARD: None.

11 PRESIDING OFFICER ROSS: Okay. Thank  
12 you very much.

13 With that, I think Ms. Huard is  
14 our final witness.

15 (Huard Exhibit Huard 52 marked for  
16 identification.)

17

18 (WHEREUPON, MARGARET HUARD was duly sworn  
19 and cautioned by the Court Reporter.)

20 DIRECT EXAMINATION

21 BY MR. IACOPINO:

22 Q. Please tell us your full name and address.

23 A. Margaret Huard, 13 David Drive.

24 Q. And before you on the table is what's been

1           marked as Huard Exhibit 52. Do you see that  
2           document?

3    A.    I do see it.

4    Q.    And do you recognize that to be your prefiled  
5           testimony in this case?

6    A.    I do.

7    Q.    And is that prefiled testimony been amended by  
8           you?

9    A.    Yes, it has.

10   Q.    Please explain where the amendments are within  
11          that testimony.

12   A.    Amended Page 5, under the question, "Have you  
13          ever questioned the safety of living, walking  
14          or commuting in such close proximity to  
15          high-voltage transmission lines?"

16                I amended the paragraph that starts with,  
17                "In January 2016," to expand my symptoms, where  
18                I had merely stated in my original one, that I  
19                had thought I had gone into cardiac arrest. In  
20                the amended one, I expand on the symptoms and  
21                discuss the symptoms I had.

22   Q.    Please read the amended answer to us.

23   A.    Sure.

24   Q.    Slowly.

1     A.    The amended one.  "In January, 2016, while  
2           taking pictures of a sign on a steel lattice  
3           tower for these docket proceedings, I  
4           experienced simultaneous symptoms that often  
5           precede cardiac arrest:  Chest pain, leg pain,  
6           shortness of breath, dizziness and heart  
7           palpitations.  According to standard charts on  
8           effect of electric currents on a human body,  
9           these symptoms are also standard signs of  
10          having come in contact with an electric  
11          current.  I was in my car directly under  
12          transmission wires on the side of the road.  
13          There was no warning not to engage in this sort  
14          of activity.  There are also numerous pictures  
15          taken near and around high-voltage transmission  
16          lines included with the Application, so I never  
17          would have thought that there would have been  
18          any danger."

19    Q.    Are there any other amendments to your  
20           testimony?

21    A.    Wherever that has been referenced... let me  
22           look for a minute.  I believe that carries over  
23           somewhere else, but I can't quite find it.  
24           It's only relating to that.  So, no, I would

1 just say that was it.

2 Q. So that the prefiled testimony that's sitting  
3 before you and marked as Huard 52, do you swear  
4 that the testimony contained therein is true --

5 A. I do.

6 Q. -- to the best of your knowledge and belief?

7 A. To the best of my knowledge and belief, this  
8 testimony is true.

9 MR. IACOPINO: Okay. The witness is  
10 available for cross-examination.

11 PRESIDING OFFICER ROSS: Let's see.  
12 Does the Applicant have any questions of the  
13 witness?

14 MR. NEEDLEMAN: I do.

15 PRESIDING OFFICER ROSS: Okay.

16 CROSS-EXAMINATION

17 BY MR. NEEDLEMAN:

18 Q. Ms. Huard, I'm going to give you a copy of our  
19 Exhibit 25, which is the non-confidential  
20 portion of the transcript from the technical  
21 session we had in this case.

22 A. Sure.

23 Q. And I want to try to use this transcript to  
24 shorten our questioning rather than go back

1 through everything.

2 A. Sure.

3 Q. So I'm going to ask you to turn your attention  
4 to Page 12 of that transcript to start. And  
5 I'm looking specifically beginning at Line 16.  
6 Are you there?

7 A. Yeah.

8 Q. And when we had our technical session, I asked  
9 you if you had any formal education, experience  
10 or professional training in a series of  
11 disciplines that related to your prefiled  
12 testimony. Do you remember that?

13 A. I do recall that.

14 Q. And those questions run from Page 12 over to  
15 Page 16 of this transcript. And what I was  
16 hoping to do is just to get it on the record  
17 today without going through every question.

18 But let me start by asking you, do you  
19 have any formal training, any professional  
20 training or experience in medicine?

21 A. As I had indicated to you, my education in  
22 medicine is limited to first aid. I was  
23 previously licensed -- sorry -- certified in  
24 CPR and basic first-aid training. I was a cub

1       scout leader, and I had to undergo training for  
2       first aid.

3   Q.   And other than that, any other training in  
4       medicine?

5   A.   Actually, I'm naturalist, and I refer to  
6       resources on a regular basis. And while I do  
7       go to a primary-care professional, I do  
8       actually -- I am in tune with how my body  
9       works, so I do treat myself naturally.

10   Q.   Same question for electrical engineering.

11   A.   Again, as I stated that day, my education is  
12       limited to self-education in many of these  
13       areas. So I'll just make a general comment,  
14       and I had made it that day. I'm a licensed  
15       certified public accountant. And as part of my  
16       training, I'm trained to study every single  
17       industry to gain knowledge sufficient enough to  
18       perform an engagement. So, to the level that I  
19       am not licensed or degreed to work in that  
20       profession, I am trained to understand through  
21       self-education, through resources, and weigh  
22       the hierarchy of what I'm reading.

23               So, with direct reference to electrical  
24       engineering, aside from the courses I've had in

1 high school, physics back then, it would have  
2 to be limited to the resources that I referred  
3 to, to get ready to ask questions for this  
4 docket.

5 Q. All right. What I'm going to do now is read a  
6 list of the remainder of those areas and ask  
7 you if the answer to every one of those is the  
8 same. If it's not, you can identify the  
9 particular one where it's not.

10 A. Sure.

11 Q. So the other areas I asked you about are on  
12 pages through Page 16 of the transcript are:  
13 Civil engineering, sound studies and sound  
14 analysis, wetlands science, forestry, wildlife  
15 biology, plant biology, real estate appraisal  
16 and property values, aesthetics analysis,  
17 properties of electric and magnetic fields,  
18 climate science, air-quality analysis and  
19 hydrogeology. And your answers were all the  
20 same with respect to those; is that right?

21 A. I would have to say -- I just want to emphasize  
22 something. It probably didn't come up in the  
23 discovery. With respect to real estate  
24 analysis, I do believe that is a direct

1 relationship to the knowledge I have as a CPA.  
2 That's an analysis that I would do as a CPA, so  
3 I do believe I'm qualified to do that.

4 And as far as the environment and erosion,  
5 there are some badges that I worked on with cub  
6 scouts that gave me basic knowledge to some of  
7 the environments and erosion areas.

8 Q. You purchased your home in 2001; is that  
9 correct?

10 A. That is correct.

11 Q. And you are not a direct abutter to the  
12 corridor at issue here; is that correct?

13 A. I am not a direct abutter. That is correct.

14 Q. How many lots are between the corridor and your  
15 home?

16 A. Between the corridor and my home? Well,  
17 there's the direct abutter, the home, and then  
18 there's two small duplexes.

19 Q. So you are the fourth lot removed from the  
20 corridor.

21 A. I am the fourth lot removed from the corridor.

22 Q. At the time you purchased your home in 2001,  
23 the transmission corridor was present; is that  
24 right?

1 A. It was present, yes.

2 Q. And at the time you purchased your home in  
3 2001, there were transmission lines in that  
4 corridor; is that correct?

5 A. I believe so.

6 Q. You indicated in your prefiled testimony that  
7 at the time you purchased your home, you could  
8 see transmission lines; isn't that correct?

9 A. I could see a pole, but I couldn't tell you  
10 every single transmission line that was in  
11 there because I didn't become aware of them  
12 until a few years ago, like fully aware of  
13 them. I know they were there, and I know when  
14 we bought the house you could see the top of a  
15 pole, and you could see another pole from my  
16 back yard. And then I had told you that in '13  
17 they had moved a pole out closer to the road,  
18 and I began to gain visibility of that from my  
19 front yard. But I couldn't tell you the makeup  
20 of the lines that were in there and when they  
21 came in.

22 Q. Without specifically describing makeup of the  
23 lines, you were aware that there were  
24 transmission lines --

1 A. Yes, there were --

2 (Court Reporter interrupts.)

3 Q. You were aware that there were transmission  
4 lines present in that corridor.

5 A. Yes. Correct.

6 Q. Could you turn to your prefiled testimony,  
7 please.

8 A. What page?

9 Q. I'm going to ask you questions about your  
10 amended testimony, so it would be amended  
11 Page 5.

12 A. Does amended Page 5 fall into the confidential?

13 Q. No, not yet.

14 (Court Reporter interrupts.)

15 Q. On amended Page 5 -- and I'm going to take you  
16 to the very last part of that -- there are two  
17 paragraphs at the end. It's not numbered  
18 Page 6, but the two paragraphs at the end of  
19 the amendment. The first one begins, "In the  
20 past few years..." Do you see where I am?

21 A. Yes, I do.

22 MR. NEEDLEMAN: And is the Committee  
23 following me, "In the past few years..."?

24 A. On the second page of the amended Page 5,

1 second page.

2 BY MR. NEEDLEMAN:

3 Q. Right. So you have two paragraphs here where  
4 you describe supposed health and other impacts  
5 that you believe people in your neighborhood  
6 experienced with respect to the power lines; is  
7 that correct?

8 A. The paragraph where it claims that my neighbor  
9 had died -- a 14-year-old girl and 50-year-old  
10 man seemingly died from effects living and  
11 walking near high-voltage transmission lines?  
12 Is that the one you're referring to?

13 Q. That's the one.

14 A. Thank you.

15 Q. Second from the end.

16 And in this proceeding, we gave you a  
17 variety of data requests. And Data Request  
18 No. 5 asked you to produce all the documents  
19 that you possessed with respect to these  
20 incidents. Do you recall that?

21 A. I do recall that.

22 Q. And you provided certain documents to us. You  
23 remember that?

24 A. I do recall that.

1 Q. And those are Applicants Exhibit No. 30.

2 And do you recall what documents you  
3 provided to us?

4 A. Off the top of my head, I recall providing the  
5 obituaries for the three of -- I don't recall  
6 exactly. I recall providing obituaries,  
7 whether it was for three of them -- I think it  
8 was for the three of them. There was a fire  
9 log for Ms. Bergeron, showing that she had  
10 sustained or suffered from cardiac arrest.  
11 There was map locations of where their  
12 residences were and where Ms. Bergeron parked  
13 her bus under the high-voltage transmission  
14 line overnight. And I don't recall the rest of  
15 them, if there were any others.

16 Q. That was it. And do you recall that I asked  
17 you in the technical session whether these were  
18 all the documents you possessed with respect to  
19 these incidents?

20 A. I do recall that.

21 Q. And what was the answer to that question?

22 A. That was all I possessed.

23 Q. And have you ever seen any medical records  
24 associated with any of these incidents?

1 A. No, I have not.

2 Q. Have you ever seen any opinions from any  
3 medical professionals associated with these  
4 incidents?

5 A. No, I have not.

6 Q. Have you ever seen any opinions from  
7 non-medical professionals associated with these  
8 incidents?

9 A. Well, I guess aside from the evaluation in the  
10 fire log that she sustained -- or she  
11 experienced cardiac arrest, that would be the  
12 only opinion I would have seen.

13 Q. Okay. And did that evaluation in any way link  
14 what that neighbor experienced to the presence  
15 of the transmission lines?

16 A. It could because cardiac arrest is a symptom of  
17 electric shock. And if you tie it to the fact  
18 that she parked her bus under the power lines  
19 overnight, it ties it somewhat. It's distant,  
20 but it ties it.

21 Q. I'm handing you a copy of Exhibit 30. Those  
22 are the documents you produced to us.

23 A. Hmm-hmm.

24 Q. And I'll ask you to look at that fire log and

1 tell me if you see anything in there that links  
2 that incident to the transmission lines.

3 A. Well, it's a very -- you know, it's not a  
4 direct inference. But there is an indirect  
5 inference if you take the rest of the evidence  
6 and you understand that she's parked her bus  
7 under the power lines on the side of the road  
8 overnight and that cardiac arrest is a symptom  
9 of electric shock. It is an indirect  
10 inference, but not direct.

11 Q. On Page 30 of the transcript from the technical  
12 session, at Line 2, I quoted what you said  
13 here, where, "all seemingly died from the  
14 effects of living and walking near HVTLS." And  
15 then I asked you, "Aside from the documents  
16 you've provided to us, do you have any other  
17 evidence to support that statement?"

18 And you said, "I don't. Just what I  
19 provided you." Is that still true today?

20 A. I just told you it was.

21 Q. Okay. Now, if you could go back to the first  
22 amended Page 5 of your testimony, the third  
23 paragraph down begins, "In 2009/2010..." do you  
24 see that?

1 A. Yes, I do.

2 Q. And that describes an alleged incident that you  
3 experienced in that time period while walking  
4 with an umbrella; is that correct?

5 A. That is correct.

6 Q. And then the next paragraph begins, "In  
7 2012/2013..." and that also describes another  
8 incident that you allegedly experienced near  
9 the power lines; is that correct?

10 A. That is correct.

11 Q. Just taking those two incidents together, we  
12 asked you in Data Request No. 4 for all the  
13 documents that you possessed related to those  
14 incidents. Do you recall that?

15 A. I do recall that.

16 Q. And what was your answer to that question?

17 A. I do not have anything.

18 Q. You don't have any documents.

19 A. I do not.

20 Q. And then during the technical session I asked  
21 you whether there are any medical records  
22 associated with this incident. And what was  
23 the answer to that?

24 A. There are no medical records associated with

1           these incidents.

2   Q.    Are there any fire department call logs?

3   A.    No, there are not.

4   Q.    Are there any non-medical expert opinions other  
5           than yours?

6   A.    Not other than mine.

7   Q.    Did you keep any personal notes from that time  
8           period that would have recorded these  
9           incidents?

10  A.    No, I did not.

11  Q.    Are there any requests to state or federal  
12          regulators to review these incidents?

13  A.    No, there are not.

14  Q.    So there are absolutely no records at all of  
15          these incidents other than what you have said  
16          here; is that correct?

17  A.    Unfortunately, no, because I did not understand  
18          what was happening back then.

19  Q.    Now let's turn to the January 2016 incident,  
20          which is referred to at the bottom of your  
21          amended testimony. And this is the incident  
22          that we've already heard something about, where  
23          you indicated that you believe you experienced  
24          Some type of shock event while sitting in a car

1           under the power lines; is that correct?

2    A.    That is correct.

3    Q.    And we also asked you for any documents that  
4           you might possess related to this in Data  
5           Request No. 4. Do you recall that?

6    A.    I do recall that.

7    Q.    You did provide us with some documents; is that  
8           right?

9    A.    That is correct.

10   Q.    And what documents did you provide us with?

11   A.    I provided you with a fire log that -- a  
12          billing log from the fire department that  
13          showed readings of vitals and a description of  
14          what -- my description of what had happened.  
15          And I also provided you with a series of  
16          research materials to support my feeling and  
17          allegations that these had been from electric  
18          shock.

19   Q.    So you provided us some pictures. Do you  
20          recall that?

21   A.    I do recall that. I provided you pictures of  
22          -- the picture I presented today of the sign on  
23          the power line and the poles, and I also  
24          provided you a map of the location.

1 Q. And you provided a table that showed the  
2 effects of shock on the human body?

3 A. Yes, I did.

4 Q. Is that the document we looked at earlier  
5 today?

6 A. It is, yes.

7 Q. And then you provided that fire department call  
8 log, which is a confidential document; is that  
9 right?

10 A. Yes, I would believe so, 'cause that is  
11 confidential.

12 Q. So, am I correct, then, that those are all the  
13 documents that you possess in connection with  
14 this incident?

15 A. Aside from the disputed e-mails, yes, that's  
16 it.

17 Q. Okay. Well, we'll come back to those in a  
18 little while.

19 So I asked you about these in the  
20 technical session as well, beginning on  
21 Page 53. Do you recall that?

22 A. Page 53 of the technical session?

23 Q. That's right.

24 (Witness reviews document.)

1 A. Yes, I recall that.

2 Q. And you confirmed for me at the time that these  
3 were all the records --

4 A. I did. I also say that they were the highest  
5 hierarchy of the -- talking about the research.  
6 I have other research materials. But I  
7 picked -- rather than give you the volumes of  
8 research material, I gave you the highest  
9 hierarchy. I didn't think you wanted the blogs  
10 that I read and all of that. So I gave you the  
11 highest hierarchy with the most credibility.

12 Q. And we went back and forth, but in the end, at  
13 the top of Page 54, we got to an endpoint, and  
14 I said to you, "So there are no medical records  
15 that you possess or have access to that you are  
16 going to in any way rely upon to support the  
17 assertion here?"

18 A. That's correct.

19 Q. And your answer was, "There will be no other  
20 medical records introduced into this docket."

21 A. That is correct.

22 Q. And then I asked you if you had any opinions  
23 from any medical experts that support the  
24 assertions regarding the 2016 incident, and you

1           said you didn't. Is that still correct?

2   A.    I have no other medical records that support my  
3           assertion. That is correct.

4   Q.    I'm handing you a copy of Applicants'  
5           Exhibit 28.

6   A.    Well, why would I give this to you if you  
7           already have it?

8   Q.    You didn't give it to us.

9   A.    Okay. I thought you -- okay.

10   Q.   No. It's our exhibit.

11           Have you seen this document before?

12   A.    I have.

13   Q.    This is a March 21st, 2016, letter from  
14           National Grid to Randy Knepper at the New  
15           Hampshire Public Utilities Commission; is that  
16           correct?

17   A.    That is correct.

18           MS. HUARD: I'm going to object to  
19           using this or -- to using this exhibit. This  
20           exhibit is merely hearsay. Randy Knepper is  
21           not here to be cross-examined.

22           MR. NEEDLEMAN: Randy Knepper doesn't  
23           need to here and cross-examined. This is a  
24           report submitted by National Grid to the New

1 Hampshire Public Utilities Commission that is  
2 the result of an investigation into the alleged  
3 shock incident that Ms. Huard experienced on  
4 January 16th. It's a public record at the  
5 Public Utilities Commission.

6 (Committee members reviewing document.)

7 PRESIDING OFFICER ROSS: While we're  
8 waiting, just a question. Was this document  
9 submitted at some point earlier in this docket  
10 as part of the discovery process?

11 MR. NEEDLEMAN: Do you recall?

12 MS. HUARD: No, it was not.

13 MR. NEEDLEMAN: Ms. Huard received  
14 it. It was sent to the Public Utilities  
15 Commission.

16 MS. HUARD: Oh, that's right.

17 PRESIDING OFFICER ROSS: So Ms. Huard  
18 has seen it, then.

19 MS. HUARD: I have. Yes, that's  
20 correct.

21 PRESIDING OFFICER ROSS: Okay. I was  
22 just curious.

23 MS. HUARD: But it did not come to me  
24 as part of the docket. It was given to me by

1 Attorney Rielly.

2 (Pause in proceedings)

3 PRESIDING OFFICER ROSS: Okay.

4 MR. NEEDLEMAN: Sorry. We're waiting  
5 for you.

6 PRESIDING OFFICER ROSS: I'm sorry.  
7 So you objected. I apologize. I didn't hear  
8 your objection. You need to be closer to the  
9 mic.

10 MS. HUARD: I'm sorry. I objected on  
11 the basis that I feel it's hearsay. Mr.  
12 Knepper's not here to cross-examine. And I  
13 would like an opportunity to cross-examine him.

14 PRESIDING OFFICER ROSS: Well, this  
15 is not Mr. Knepper's document. This is  
16 addressed to him --

17 MS. HUARD: To Mr. Knepper. But I  
18 would like the opportunity to cross-examine the  
19 author of this. I have never had the  
20 opportunity to ask questions about this, and I  
21 don't agree with the whole process as it's  
22 written here. I met -- Mr. Knepper came to my  
23 property. And none of that's noted. And  
24 there's other parts of the process that are not

1       noted. So I would have liked to have the  
2       opportunity to cross-examine the author of this  
3       report.

4               MR. NEEDLEMAN: Well, first of all,  
5       if I may, one of the principal features in this  
6       report are analyses by Exponent. And you just  
7       had the opportunity to question Exponent  
8       sitting here, and you didn't take advantage of  
9       that.

10              Second of all, it is a public  
11       document that's been filed with the Public  
12       Utilities Commission, and it's related directly  
13       to the allegations that you've made in this  
14       docket. So it's certainly relevant.

15              And third, the test of whether  
16       or not it's relevant and probative is not  
17       whether you have an opportunity to  
18       cross-examine here. I think a lot of documents  
19       have been introduced in this docket where  
20       people did not have the opportunity to  
21       cross-examine. So I think we're entitled to  
22       introduce this and ask questions about it.

23              MS. HUARD: The documents I produced  
24       were all fact-based. This is opinion-based.

1 And as far as taking advantage of questioning  
2 Exponent, these were not in my hands when I  
3 questioned Exponent, and this would give a rise  
4 to a number of other questions with this in  
5 front of me.

6 PRESIDING OFFICER ROSS: So, on what  
7 date did you receive a copy of this from  
8 Attorney Rielly -- from Christopher Anderson --  
9 I'm sorry -- Aronson?

10 MS. HUARD: Me?

11 PRESIDING OFFICER ROSS: Yes.

12 MS. HUARD: I did not receive it  
13 directly from Mr. Aronson.

14 PRESIDING OFFICER ROSS: How did you  
15 receive it?

16 MS. HUARD: I received it from  
17 Attorney Rielly.

18 PRESIDING OFFICER ROSS: Okay. And  
19 when did you receive it from him?

20 MS. HUARD: In and around March 21st.  
21 I'm not sure of the exact date.

22 MR. NEEDLEMAN: I would also note  
23 it's on our exhibit list.

24 PRESIDING OFFICER ROSS: That was

1 going to be my next question --

2 MS. HUARD: Well, how can I --

3 (Court Reporter interrupts.)

4 PRESIDING OFFICER ROSS: So when you  
5 received this, did you ask any questions about  
6 it?

7 MS. HUARD: I did not ask any  
8 questions about it. No, I did not.

9 PRESIDING OFFICER ROSS: Okay. Well,  
10 in my opinion --

11 MS. HUARD: I don't have the liberty  
12 to just call Mr. Aronson. I did write a  
13 letter -- this is from National Grid. I have  
14 never met Chris Aronson. He's not one of the  
15 attorneys that have been present, so he's not  
16 part of the party list. I don't have his  
17 e-mail address. So, no, I never contacted him.

18 PRESIDING OFFICER ROSS: So I think  
19 what I will rule right now is that it appears  
20 to be very relevant as it relates to your  
21 concerns about the incident on January 16th  
22 [sic]. And it is an evaluation of that  
23 particular location, so it's certainly  
24 relevant.

1 MS. HUARD: Okay.

2 PRESIDING OFFICER ROSS: And my only  
3 concern is whether or not you had sufficient  
4 notice of its existence and an opportunity to  
5 explore what it means. So, you received it  
6 around March 21st, and you received the report,  
7 I would assume, at that time, with all of the  
8 readings that were taken.

9 MS. HUARD: Yes, I did. The whole  
10 thing came together.

11 PRESIDING OFFICER ROSS: And since  
12 that time, have there been tech sessions or  
13 other meetings in this docket?

14 MS. HUARD: Concerning this document?

15 PRESIDING OFFICER ROSS: No, just  
16 tech sessions or meetings in this docket.

17 MS. HUARD: Not with Mr. Aronson  
18 present.

19 PRESIDING OFFICER ROSS: That wasn't  
20 my question. My question is: Were there any  
21 technical sessions or meetings --

22 MS. HUARD: Yes, there were.

23 PRESIDING OFFICER ROSS: And so at  
24 any one of those you could have asked for

1 information about this report; correct?

2 MS. HUARD: The appropriate party  
3 wasn't there to ask questions of.

4 PRESIDING OFFICER ROSS: The  
5 appropriate parties, it would seem, would be  
6 the parties preparing the report, who are...  
7 what's the name of the group?

8 MR. IACOPINO: Exponent.

9 PRESIDING OFFICER ROSS: Exponent.

10 MS. HUARD: I believe, if I'm not  
11 mistaken, the technical session probably  
12 happened before this. I'd have to check the  
13 dates, because I think if I had this in my  
14 hand, I would included it in my questions. But  
15 I'm not certain. Because I think the technical  
16 sessions were the beginning of March, I'm  
17 pretty certain. But I don't have a calendar in  
18 front of me.

19 PRESIDING OFFICER ROSS: We're going  
20 to check that. Counsel is checking that.

21 So the report was prepared by  
22 Exponent. And is Exponent present today in the  
23 hearing room?

24 MR. NEEDLEMAN: Yes.

1                   PRESIDING OFFICER ROSS: So, one  
2                   thing we could do to make sure that Ms. Huard  
3                   has an opportunity to ask questions would be to  
4                   ask them to make themselves available for  
5                   questions on the report today.

6                   MS. HUARD: Is Benjamin Cottts here,  
7                   the author of this report? The one that took  
8                   the measurements is not here. So I do not have  
9                   the opportunity to cross-examine the person  
10                  that wrote the memorandum for Exponent.

11                  MR. NEEDLEMAN: Madam Chair, as I  
12                  said before, this is a highly relevant  
13                  document, and the Committee can give it  
14                  whatever weight it wants once it's had an  
15                  opportunity to review the document. I think  
16                  whether or not the author of the document is  
17                  here to cross-examine is not relevant and at  
18                  issue.

19                  PRESIDING OFFICER ROSS: Is there a  
20                  witness here who's aware of the report and its  
21                  preparation?

22                  MR. NEEDLEMAN: We have our two  
23                  Exponent witnesses here. I actually don't know  
24                  to what extent they participated in this or

1           could comment on it.

2                       PRESIDING OFFICER ROSS:   Why don't we  
3           take a five-minute break, and I will have --  
4           you can confer with your witnesses and see if  
5           they have enough knowledge to be able to answer  
6           questions from Ms. Huard on the report.

7                       And Ms. Huard, in that time you  
8           can read it again slowly, and make a note of  
9           any issues you want to question.   Thank you.

10                      MR. IACOPINO:   Madam Chair, before we  
11           break, the technical session of the Applicants'  
12           witnesses occurred on March 1 and March 2,  
13           2016.   There was a subsequent technical session  
14           that involved Ms. Huard; she was the witness at  
15           the technical session on May 5th.   So her  
16           opportunity to ask questions at the tech  
17           sessions occurred on March 1 and 2.

18                      MS. HUARD:   Thank you.

19                      PRESIDING OFFICER ROSS:   So let's  
20           take five minutes and we'll come back.

21                      (Whereupon a brief recess was taken at  
22                      4:48 p.m., and the hearing resumed at  
23                      4:55 p.m.)

24                      PRESIDING OFFICER ROSS:   All right.

1 We're back on the record. I've decided that  
2 this exhibit will be left marked only for  
3 identification and will not be admitted as an  
4 exhibit. That is the March 21st report. And  
5 that way, we won't need to have any questions  
6 from Ms. Huard on it.

7 Was there any further  
8 cross-examination that you wish to pursue?  
9 Should we bring Ms. Huard back up?

10 MR. NEEDLEMAN: Yes, I have a couple  
11 more questions. And at this point, they all  
12 relate to the confidential document.

13 PRESIDING OFFICER ROSS: Okay. In  
14 that case, we're going to need to have only  
15 people in the room who are able to view the  
16 confidential documents. Are there any people  
17 who are not --

18 MS. HUARD: I have given permission  
19 to my own to --

20 PRESIDING OFFICER ROSS: All right.  
21 Are there any other people who are not one of  
22 the parties --

23 MS. HUARD: I don't know. I see  
24 quite a few people that aren't privy to the

1 confidential section. It was supposed to be  
2 only admitted attorneys. I see several people  
3 that are not admitted attorneys.

4 MR. NEEDLEMAN: I don't recall how it  
5 was defined.

6 MS. HUARD: I recall that it was  
7 admitted attorneys.

8 MR. IACOPINO: That is what the order  
9 said, so...

10 PRESIDING OFFICER ROSS: If you would  
11 wait in the lobby, we'll come get you as soon  
12 as we're finished. Actually, either that or  
13 maybe the room next door may be open now  
14 because it's late in the day. Sorry to disrupt  
15 your sitting area.

16 MR. IACOPINO: Madam Chair, before we  
17 get into that cross-examination, can we get an  
18 idea of which exhibits we're talking about that  
19 are the confidential ones? Is that -- 26 is a  
20 transcript of the confidential section. And  
21 what else is confidential? 27?

22 MR. NEEDLEMAN: That's correct.

23 MR. IACOPINO: Okay. I'm not sure  
24 the Committee has copies of those, but let me

1           see. Oh, thank you.

2  
3           (Pages 145 through 156 of the transcript  
4           are contained under separate cover  
5           designated as "Confidential and  
6           Proprietary.")

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1                   (Hearing now resumes in the public  
2                   portion of the record.)

3  
4                   PRESIDING OFFICER ROSS: We're just  
5                   checking schedules with members before we  
6                   decide what to do.

7                   Ms. Huard, you may go back to  
8                   your desk.

9                   MS. HUARD: Lots of paper airplanes  
10                  for my son.

11                  PRESIDING OFFICER ROSS: We're hoping  
12                  to continue, but we've got one Committee member  
13                  trying to juggle some child care arrangements.  
14                  So just give us a few minutes while we wait to  
15                  see if she can sort that out.

16                  (Pause in proceedings)

17                  PRESIDING OFFICER ROSS: All right.  
18                  I think we can go in whatever order you want.  
19                  We can do exhibits first or we can do closings  
20                  first and then exhibits. I will offer each  
21                  party up to 10 minutes, and no more than 10  
22                  minutes for a closing summary, because we do  
23                  want to deliberate. So we're not going to be  
24                  asking you for any memos later after the

1 transcript is out. Would you like to move  
2 exhibits first or close first? It's really up  
3 to you all.

4 MR. NEEDLEMAN: Why don't we start  
5 with exhibits.

6 PRESIDING OFFICER ROSS: The only  
7 exhibit that I have already ruled on -- I want  
8 to make sure I have this right -- is Applicants  
9 Exhibit 28, which will not be admitted. The  
10 rest of the exhibits, we're open to motions.  
11 And if the parties have agreed, that would make  
12 it even easier.

13 MR. NEEDLEMAN: Well, I can start by  
14 saying we have no objection to Counsel for the  
15 Public Exhibit No. 1.

16 MR. IACOPINO: Okay.

17 Ms. Huard, do you?

18 MS. HUARD: I do not. I have an  
19 objection to Counsel for the Public Exhibit 1?  
20 Is that what you're asking?

21 PRESIDING OFFICER ROSS: Yes.

22 MS. HUARD: No.

23 MR. ASLIN: In that case, I would  
24 move for admission of Counsel for Public

1 Exhibit 1.

2 PRESIDING OFFICER ROSS: That will be  
3 granted.

4 MR. NEEDLEMAN: And we would ask for  
5 admission of all our remaining exhibits, but  
6 for the one you ruled on.

7 PRESIDING OFFICER ROSS: Are there  
8 any objections to the remaining exhibits of the  
9 Applicants?

10 MS. HUARD: Could you just summarize?  
11 Have I seen all of these exhibits?

12 MR. NEEDLEMAN: Actually, let me  
13 clarify one. We didn't use Exhibit 29, so I  
14 don't see a need to move that into the record.

15 So, excluding 28 and 29, you  
16 should have a list of those exhibits, Ms.  
17 Huard, in front of you. They were in a binder,  
18 I think.

19 MS. HUARD: Oh, I gave the binder  
20 back to -- I guess the exhibit -- data request  
21 responses from Peggy Huard, does that include  
22 every single data request, I'm assuming?

23 MR. NEEDLEMAN: No.

24 MS. HUARD: Could you clarify which

1 data request you submitted and which exhibit?

2 MR. NEEDLEMAN: Yes. It's 4 and 5,  
3 the ones that we used in the cross-examination.

4 MS. HUARD: Okay. Sure, I'm fine  
5 with that.

6 PRESIDING OFFICER ROSS: Any  
7 objections?

8 MR. ASLIN: No objection from Counsel  
9 for the Public.

10 MS. HUARD: No.

11 PRESIDING OFFICER ROSS: Okay. Then  
12 Applicants exhibits, with the exception of  
13 Exhibits 28 and 29, are admitted.

14 MR. IACOPINO: We will mark 28 and 29  
15 for I.D.

16 PRESIDING OFFICER ROSS: Yeah. And  
17 27 is a confidential exhibit, so that will  
18 be -- will not be available in the public  
19 docket.

20 MR. IACOPINO: Actually, Exhibit 26  
21 should be confidential, as well. I believe  
22 that's a confidential section of a transcript;  
23 is that correct?

24 PRESIDING OFFICER ROSS: Oh, okay. I

1 don't know. We didn't use that.

2 MR. NEEDLEMAN: That's correct.

3 PRESIDING OFFICER ROSS: And Ms.  
4 Huard's exhibits, are there any objections to  
5 those being admitted?

6 MR. DUMVILLE: As to Ms. Huard's  
7 exhibits, Applicants would object to Exhibits  
8 10, 11 and 14 and 15. Exhibit 10 and 11, those  
9 are the Wikipedia articles and the steel  
10 construction information provided from an  
11 unknown web site. We have no information on  
12 the reliability of either of those web sites.  
13 Wikipedia alone is inherently unreliable, and  
14 there's no corroboration nor any foundation set  
15 for either of those web sites. And 14 and 15,  
16 we received two different photographs relating  
17 to Robinson Pond. There's been no foundation  
18 set for those or authentication. They're just  
19 two screenshots on the computer with no  
20 information provided. And based on that, we'd  
21 respectfully request those be not allowed into  
22 the evidence.

23 MS. HUARD: May I comment on that?

24 PRESIDING OFFICER ROSS: Yes, you

1           may.

2                       MS. HUARD: With respect to 14, that  
3           was more than a screenshot. That was actually  
4           a printout of a map from the New Hampshire DES  
5           web site. You can see it says "Watershed Land  
6           Use Summary," and it gives names and a date of  
7           completion. It was 2006 National Land Cover  
8           Database for the conterminous, United States,  
9           and says, "For larger image, contact New  
10          Hampshire DES." So I dispute [sic] the  
11          credibility of that document and would like to  
12          see that remain and admitted to evidence.

13                      PRESIDING OFFICER ROSS: I would  
14          agree that the Wikipedia article should not be  
15          admitted as a full exhibit.

16                      MS. HUARD: I'm not disputing that  
17          right now. I'm strictly disputing this one at  
18          the moment.

19                      PRESIDING OFFICER ROSS: To which one  
20          are you disputing?

21                      MS. HUARD: Fourteen.

22                      PRESIDING OFFICER ROSS: And I agree  
23          that 14 should be admitted. The other three do  
24          not --

1 MS. HUARD: I'm inclined to accept  
2 that. Does the testimony surrounding it go  
3 into --

4 PRESIDING OFFICER ROSS: Of course.  
5 And you've already asked the witnesses whether  
6 they agree with the information.

7 MS. HUARD: Right. I'm inclined to  
8 accept that.

9 PRESIDING OFFICER ROSS: So we will  
10 not admit Exhibit 10 or 11 or 15. The rest of  
11 Ms. Huard's exhibits, there are no objections  
12 to; correct?

13 MR. ASLIN: No objection from Counsel  
14 for Public.

15 PRESIDING OFFICER ROSS: So they will  
16 be admitted as full exhibits. So we're  
17 excluding 10, 11 and 15.

18 I think that concludes the  
19 exhibits. Have I missed any, or is there  
20 anyone else who's offered any exhibit that we  
21 have not moved in yet?

22 [No verbal response]

23 PRESIDING OFFICER ROSS: Okay. So,  
24 typically, we allow the Applicant to close

1 last. And in this case, I would offer either  
2 Counsel for the Public or Ms. Huard the  
3 opportunity to close first.

4 All right. Counsel for the  
5 Public. Thank you. And please try to stay  
6 under 10 minutes.

7 MR. ASLIN: I can certainly do that.  
8 Thank you.

9 CLOSING STATEMENTS

10 MR. ASLIN: Members of the Committee,  
11 as you know, Counsel for the Public's role in  
12 these proceedings, pursuant to RSA 162-H:9 is  
13 to represent the public in seeking to protect  
14 the quality of the environment and in seeking  
15 to assure an adequate supply of energy; so,  
16 essentially, a two-part balancing test, to some  
17 extent, whereas most of the projects are in  
18 favor of a supply of energy and have some  
19 environmental impacts. So, it's largely a  
20 balancing test.

21 In this case, we're dealing with  
22 a reliability project which has been deemed to  
23 be necessary by the system operator, ISO-New  
24 England, for an adequate supply of energy and

1 reliability of energy in the region. And that  
2 certainly weighs in favor of the project under  
3 that prong of Counsel for the Public's review.  
4 On the other hand, it's weighed against by what  
5 environmental impacts and other impacts the  
6 project may have. In this case, the  
7 environmental impacts are largely mitigated by  
8 the siting of the project within an existing  
9 right-of-way that has existing transmission  
10 facilities already. Testimony we've heard and  
11 that was submitted in this docket largely  
12 supports that there's a minimal impact to the  
13 environment as proposed, assuming that the  
14 project is constructed in accordance with all  
15 of the permits and conditions thereto.

16 Probably the largest impact is  
17 due to tree clearing. We've heard testimony  
18 about the 71 acres of tree clearing that will  
19 be part of this project. That tree clearing is  
20 within the right-of-way, but it will have some  
21 impacts, lesser extent to the environmental  
22 aspects, but a significant effect to visibility  
23 to abutters. That is a subject of the Public  
24 Interest test, which is now formally part of

1 the SEC review.

2 Under Rules 301.16(b), private  
3 property is a subset of the Public Interest  
4 test and something that is to be reviewed as  
5 part of consideration of any project.

6 In this instance, we've heard  
7 testimony that there will be some properties  
8 which will have potentially significant impact  
9 in terms of visibility, and an impact of  
10 perhaps unknown but not insignificant levels,  
11 in terms of market value impact to property.  
12 Those impacts account for -- are significant  
13 for those limited number of properties.  
14 However, given the scope of the project and the  
15 relatively small number of impacted properties,  
16 in terms of visibility and potential market  
17 value impacts, the balance of those impacts,  
18 looking at the project in the lens of the  
19 public at large and the context of a  
20 reliability project which is needed for  
21 adequate supply of energy and reliability in  
22 the region, Counsel for the Public finds that  
23 the balance swings in favor of the project in  
24 this circumstance.

1                   There are some issues that I  
2                   would recommend that the Committee consider in  
3                   terms of conditions to be imposed if the  
4                   Committee decides to grant a certificate to the  
5                   project. The first has to do with cost  
6                   containment.

7                   As we heard, this project is  
8                   subject to a FERC tariff. And the cost of the  
9                   project will be at this point borne in part by  
10                  New Hampshire ratepayers. And those costs --  
11                  the recovery of those costs from ratepayers is  
12                  somewhat regardless of what the cost ends up  
13                  being. Is the cost exceeds the projected costs  
14                  that have been set forward in the record, the  
15                  increase in costs will be passed on to  
16                  ratepayers, barring somewhat extraordinary  
17                  measures by a third party to seek disapproval,  
18                  but at the FERC level.

19                  In order to keep the Committee  
20                  apprised of potential cost overruns, I would  
21                  recommend that there be a condition that  
22                  requires a certificate holder to promptly  
23                  notify the Committee if the certificate holder  
24                  becomes aware that it will or that there's a

1       substantial likelihood that it will exceed the  
2       projected project costs by an amount greater  
3       than 15 percent. That would give the Committee  
4       information, and it can choose whether to do  
5       something with that information if it ever  
6       comes to pass.

7                       With regard to decommissioning,  
8       we've heard some testimony about whether this  
9       project has an obligation to be decommissioned,  
10      and I believe that testimony is it does not  
11      currently. The Committee, as you know, granted  
12      a waiver of the requirement to submit a  
13      decommissioning plan as part of the  
14      application. However, there are possible  
15      future scenarios where decommissioning could  
16      become necessary. To that extent, I would  
17      again recommend consideration of a condition  
18      that would require the certificate holder to  
19      submit a report to the Committee every 10 years  
20      indicating any change in the need for the  
21      project to ensure the continued reliability of  
22      the regional bulk transmission system and that  
23      the certificate holder promptly notify the  
24      Committee of any retirement obligation that

1       arises.

2                       In addition, to the extent that  
3       a decommissioning obligation does arise, I  
4       recommend the consideration of a condition that  
5       requires the certificate holder to submit to  
6       the Committee a decommissioning plan in  
7       accordance with the then-applicable SEC rules  
8       upon any imposition of a decommissioning  
9       obligation, or prior to the retirement of any  
10      part of the facility.

11                     The final area that I would put  
12      forward to the Committee's consideration is  
13      with regard to public health and the electric  
14      and magnetic fields. We've heard testimony  
15      that the projected modeling of the project  
16      suggested it was well within safe levels. And  
17      Counsel for the Public is convinced by that  
18      modeling. However, to ensure the safety of the  
19      public, I would recommend consideration of a  
20      condition requiring that the certificate holder  
21      conduct field testing of the electric and  
22      magnetic field strength at representative  
23      sampling of locations along the project  
24      following construction and energizing of the

1 project, and submit those results to the  
2 Committee. That would ensure that the  
3 Committee has a sense that the project, after  
4 construction, actually meets the model results  
5 that have been presented.

6 With those three, or perhaps  
7 four recommendations, I believe that the  
8 project does meet the standards that are  
9 required for approval of the certificate and  
10 would suggest to the Committee that they  
11 consider those conditions as part of any  
12 certificate that is granted. Thank you very  
13 much.

14 PRESIDING OFFICER ROSS: Thank you.  
15 Ms. Huard.

16 (Pause in proceedings)

17 MS. HUARD: As intervenor and  
18 resident that lives in and around the area  
19 proposed to be affected by the Merrimack Valley  
20 Reliability Project, I am so disappointed in  
21 the process and what I've heard and seen in the  
22 last year. I can't begin to tell you how  
23 disgusted I am with what I've heard from the  
24 Applicants and their expert witnesses, and what

1       they indicate and conclude as to what this  
2       project will not cause to those that live  
3       there. I have lived there for 15 years. I  
4       have studied the environment that I live in.  
5       And I'm disgusted that money is more important,  
6       that rare, precious and endangered species,  
7       plants and animals are more precious than human  
8       beings, and that scenes from -- that the  
9       aesthetics from scenic views are more important  
10      than the aesthetics from the homes that people  
11      live in every single day. I've heard  
12      inconsistencies that I cannot prove.

13                   I do not agree that the New  
14      Hampshire SEC or the Committee does not have  
15      the responsibility to uncover this fraudulence  
16      in so many areas. The reliability and  
17      instability is undoubtedly false to me, and you  
18      refuse to let me present that. You claim that  
19      it's not your responsibility, that it's FERC's  
20      responsibility and the ISO's responsibility.  
21      The residents have undergone so much in the  
22      last year and a half because of this industry,  
23      because of the electric generation industry --  
24      the electric transmission and electric

1 industry. I can see so clearly what the real  
2 reason behind this is, and it is an aggressive,  
3 greedy grab for the natural gas industry to  
4 take over the generation of our electricity by  
5 closing down all of the coal plants and nuclear  
6 plants and replacing them with natural gas.  
7 There's so much evidence to that.

8 We will undoubtedly have a  
9 change in aesthetics. We will undoubtedly have  
10 a change in the perception that other people  
11 will view our home. We will undoubtedly have a  
12 change in our beautiful, natural environment.  
13 We will undoubtedly have an emotional upheaval  
14 by seeing the trees come down. You are going  
15 on people's property that don't even know  
16 you're coming.

17 I've listened to the testimony  
18 of the witnesses state that they have made  
19 accommodations to the people along the ROW and  
20 offered them landscaping. I have a neighbor  
21 with me who has never been approached. Another  
22 one of my neighbors has never been approached.  
23 I don't know how many other people are not  
24 being approached.

1                   I have a basic understanding of  
2                   the law, and there are some laws being  
3                   violated, in my opinion. The easement law, you  
4                   are going onto people's private property and  
5                   just telling them that you're coming. And  
6                   there are people that do not want you there.  
7                   So you are trespassing on their property, and  
8                   you are going to create an undue burden for  
9                   their piece of the land that they live on.  
10                  There are other people, and they are my  
11                  neighbors and my friends, and I have to care  
12                  for their well-being. I go down and visit  
13                  them. I have to be on their property. And you  
14                  are leaving them on a small piece of livable  
15                  land.

16                 My son's bus stop is actually at  
17                 the right-of-way. I used to bike around the  
18                 circle there. I hike the trails at the tree  
19                 farm. So, you're just changing the  
20                 environment. You're failing to admit what  
21                 you're going to do. And I look forward to see  
22                 the lies unfold. That's all I have to say.

23                 I still stand by my request that  
24                 you seriously consider the alternatives to

1           issuing the certificate.

2                       PRESIDING OFFICER ROSS:   Thank you.  
3           Whenever you're ready.

4                       MR. NEEDLEMAN:   Thank you, Madam  
5           Chair, members of the Committee.  We appreciate  
6           the time that you've all taken during the  
7           course of the last year or so to review this  
8           application.

9                       You have before you, I think, a  
10          very full record which combines the  
11          application, all the testimony you've heard,  
12          all of the supporting documents.  And we are  
13          quite confident that all of those materials  
14          collectively demonstrate that the Applicants  
15          have met all of the requirements under RSA  
16          162-H, as well as your implementing regulations  
17          for the issuance of a certificate.  I'm not  
18          going to bother to go through all those.  You  
19          know them very well.  I will make a couple  
20          points.

21                      First of all, I think, as you've  
22          heard during the course of these proceedings,  
23          the Applicants are quite aware that projects  
24          like this have different kinds of effects.  And

1 the Applicants have worked very diligently to  
2 try to identify and mitigate all of those  
3 effects in various places, whether it's to  
4 cultural resources, environmental resources or  
5 project neighbors. And I think that they've  
6 done so very successfully. I would suggest,  
7 actually, that one indicator of the success  
8 that we have had mitigating those effects is  
9 the fact that the four host communities here  
10 are not present and have not expressed any  
11 concerns to the Committee about this project.  
12 I think it's probably very unusual in SEC  
13 practice that you don't see host communities  
14 here in the proceeding. And I do think that's  
15 a testament to the fact that there has been an  
16 enormous outreach effort, an outreach effort  
17 that has been directed at those host  
18 communities, at various public officials and  
19 planning bodies within those communities, at  
20 regional planning bodies, at other elected  
21 officials, and at neighbors and abutters,  
22 extensively. And I think that the fruits of  
23 those efforts you've heard about during the  
24 course of this proceeding.

1                   And so I would summarize our  
2                   views by saying that I think we do meet all of  
3                   the conditions laid out in the statute and  
4                   regulations and would ask that you issue the  
5                   certificate to us.

6                   And then I just wanted to  
7                   briefly comment on the four conditions that  
8                   Counsel for the Public asked for. Maybe  
9                   working backwards, with respect to field  
10                  testing for electric and magnetic fields after  
11                  the project is constructed, we would have no  
12                  objection to a condition like that, assuming  
13                  that it was reasonably limited and designed to  
14                  achieve a measurable outcome.

15                  With respect to the  
16                  decommissioning obligation, I think we've  
17                  already agreed that, if at any point a need to  
18                  decommission this project arises, we would  
19                  submit a decommissioning plan to the Committee.  
20                  So we have no concerns about that. With  
21                  respect to whether or not a retirement  
22                  obligation were to arise and asked that we  
23                  promptly notify the Committee, we have no  
24                  concerns about that. I would think we would,

1 of course, do that in combination with  
2 decommissioning. I'm not sure that a report to  
3 the Committee every 10 years talking about the  
4 continued vitality of the line is something  
5 that would really be helpful.

6 And then with respect to the  
7 15 percent cost overrun, I haven't had an  
8 opportunity to discuss it with my clients. I  
9 would be concerned about that because it's  
10 sometimes hard to measure in real time where  
11 costs are and when overruns might be occurring,  
12 and I would be very nervous about having some  
13 type of obligation imposed that perhaps would  
14 not be practical for us to comply with in real  
15 time. So I'm uneasy about that requirement.

16 And with that, I will close and  
17 thank you.

18 PRESIDING OFFICER ROSS: Thank you.  
19 I think that concludes the hearing. The  
20 Committee will now deliberate. But I think we  
21 might take a quick break before we start. So  
22 we'll be back in 15 minutes. Thank you.

23 (Whereupon a brief recess was taken at  
24 5:40 p.m., and the hearing resumed at

1                   6:07 p.m.)

2                   PRESIDING OFFICER ROSS: We did  
3 receive a request from Counsel for the Public  
4 that he have an opportunity to clarify the  
5 conditions that he had described in his closing  
6 statement, and I believe he's received  
7 agreement from the other parties that he may do  
8 that. And so with that, go ahead.

9                   MR. ASLIN: Thank you. Just in  
10 discussions with the Applicant, I wanted to  
11 clarify with regard to the recommended  
12 condition on cost overruns.

13                   Based on the Applicants'  
14 statement that there's some practical  
15 difficulties, I would offer up that, if that's  
16 a condition that the Committee is interested in  
17 moving forward with, that the Applicants and  
18 Counsel for the Public would be willing to put  
19 together some proposed language to specify how  
20 that condition might be imposed. So I guess  
21 the request would be that, if the Committee  
22 wants to go to that condition, they can leave  
23 the language broad at this stage, with an  
24 expectation that the Applicants and Counsel for

1 the Public could submit some more detailed  
2 language.

3 PRESIDING OFFICER ROSS: What is  
4 the -- is it simply an issue of not being able  
5 to get the costs -- to have an accurate  
6 assessment of the costs in real time? Is that  
7 the problem?

8 MR. ASLIN: That's part of the  
9 problem.

10 PRESIDING OFFICER ROSS: Okay. As  
11 long as we understand that's the issue, if we  
12 do take that condition up, we'll try to work  
13 with that.

14 MR. ASLIN: Thank you.

15 MR. IACOPINO: Can I ask one  
16 question?

17 I just wanted to clarify one  
18 thing. With respect to Exhibit 23, the  
19 stipulation between Counsel for the Public and  
20 the Applicant, there was reference earlier to a  
21 change in Paragraph 51. My understanding is  
22 that paragraph is not changed; correct? That  
23 is the --

24 MR. NEEDLEMAN: Is that costs?

1                   MR. IACOPINO: The \$1,557,550 the  
2 first year the project was placed into service.

3                   MR. NEEDLEMAN: Yeah, I believe Ms.  
4 Shapiro testified that it did change, and it's  
5 now \$1.5 million.

6                   MR. IACOPINO: So it's reduced by  
7 \$57,550.

8                   MR. NEEDLEMAN: That's right.

9                   MR. IACOPINO: Okay.

10                  MR. ASLIN: And I concur with that.  
11 (Whereupon the Day 2 hearing, Afternoon  
12 Session ONLY, was adjourned at 6:08 p.m.)  
13  
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**DAY 2 AFTERNOON SESSION ONLY - June 14, 2016**  
**SEC 2015-05 MVRP ADJUDICATIVE HEARING BEFORE SITE EVALUATION COMMITTEE**

	<b>accepted (1)</b> 98:17	<b>101:4;169:2</b>	<b>AFTERNOON (5)</b> 6:1,5;45:23;	<b>allows (1)</b> 88:20
<b>\$</b>	<b>access (3)</b> 15:5;59:15;131:15	<b>additional (1)</b> 80:14	100:24;180:11	<b>almost (1)</b> 23:16
<b>\$1,557,550 (2)</b> 7:5;180:1	<b>accommodate (1)</b> 43:5	<b>address (4)</b> 64:14;111:9; 113:22;137:17	<b>again (20)</b> 16:20;22:13;37:3; 41:23;65:17;68:22; 69:1;72:12;77:19; 79:8;80:7;84:2; 87:18;89:21;96:4; 105:19,22;118:11; 141:8;168:17	<b>alone (1)</b> 161:13
<b>\$1.5 (2)</b> 7:6;180:5	<b>accommodations (1)</b> 172:19	<b>addressed (3)</b> 21:24;38:18; 134:16	<b>against (5)</b> 46:15;56:1;58:11, 12;165:4	<b>along (30)</b> 11:6;13:13;16:13, 15,21;25:13;36:8,10; 37:8;38:6;39:20; 41:23;46:23;48:9,24; 49:8,11;51:7;52:6; 66:1;73:2,5;91:19; 92:10;96:24;100:2, 16;109:3;169:23; 172:19
<b>\$57,550 (1)</b> 180:7	<b>accordance (2)</b> 165:14;169:7	<b>adequate (4)</b> 15:5;164:15,24; 166:21	<b>agencies (3)</b> 20:21;92:18; 102:21	<b>alternating (1)</b> 82:4
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