

1 **STATE OF NEW HAMPSHIRE**

2 **SITE EVALUATION COMMITTEE**

3 **October 31, 2016** – 9:37 a.m.
Public Utilities Commission
4 21 South Fruit Street Suite 10
Concord, New Hampshire
5

6
7 **IN RE: SEC DOCKET NO. 2015-05**
 SITE EVALUATION COMMITTEE:
8 **Joint Application of New England**
 Power Company d/b/a National Grid
9 **and Public Service Company of**
 New Hampshire d/b/a Eversource
10 **Energy for a Certificate of**
 Site and Facility.
11 ***[Hearing on Pending Motions and***
 deliberations thereto]
12

13 **PRESENT:**

SITE EVALUATION COMMITTEE:

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

16 Cmsr. Kathryn M. Bailey Public Utilities Commission
17 Dr. Richard Boisvert DCR-Div. of Historical Res.
Michele Roberge Dept. of Environmental Serv.
18 Patricia Weathersby Public Member

19 ***Also Present for the SEC:***

20 Michael J. Iacopino, Esq. (Brennan...
21 Pamela G. Monroe, SEC Administrator

22
23 COURT REPORTER: *Steven E. Patnaude, LCR No. 52*
24

OTHER APPEARANCES:

FOR THE APPLICANTS:

Reptg. Eversource Energy:

Barry Needleman, Esq. (McLane Middleton)

Adam Dumville, Esq. (McLane Middleton)

Christopher Allwarden, Esq. (Eversource)

Reptg. National Grid:

Mark Rielly, Esq. (National Grid)

COUNSEL FOR THE PUBLIC:

Christopher G. Aslin, Esq.

Assistant Attorney General

N.H. Department of Justice

INTERVENOR:

Margaret Huard, *pro se*

Also present:

State Rep. Gregory Smith

(Hillsborough District 37/Pelham & Hudson)

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P R O C E E D I N G

PRESIDING OFFICER ROSS: Good morning. I'm Anne Ross, Presiding Officer today for this hearing on motions. We have two pending motions: One for rehearing and a second for clarification. We are going to deal with the rehearing motion first.

And I would like to begin by having the Committee introduce themselves -- or, the Subcommittee, excuse me, and then we'll take appearances.

CMSR. BAILEY: Kathryn Bailey, Public Utilities Commission.

DR. BOISVERT: Richard Boisvert, New Hampshire Division of Historical Resource.

MS. ROBERGE: Michele Roberge, New Hampshire Department of Environmental Services.

MS. WEATHERSBY: I'm Patricia Weathersby, public member.

PRESIDING OFFICER ROSS: And I'm Anne Ross, Presiding Officer. And the docket number is 2015-05, and this is the Merrimack Reliability Transmission Project.

And we will take appearances,

1 beginning with the Applicant.

2 MR. NEEDLEMAN: Barry Needleman, from
3 McLane Middleton, representing the Joint
4 Applicants, and to my right is Adam Dumville,
5 also from McLane Middleton.

6 MR. RIELLY: Mark Rielly, in-house
7 counsel at National Grid.

8 MR. ALLWARDEN: Chris Allwarden,
9 in-house counsel at Eversource.

10 MS. HUARD: Peggy Huard, intervenor
11 on the docket.

12 PRESIDING OFFICER ROSS: State
13 Representative Smith, representing the Towns of
14 Pelham and Hudson, New Hampshire.

15 MR. ASLIN: Assistant Attorney
16 General Chris Aslin, as Counsel for the Public.

17 PRESIDING OFFICER ROSS: Thank you.
18 Before the Committee begins deliberating the
19 Motion for Rehearing, I would like to ask
20 Counsel Iacopino to review the legal standard
21 for us as we consider the motion.

22 MR. IACOPINO: I'm sorry. Thank you.
23 Motions for rehearing of a final order of the
24 Site Evaluation Committee are governed under

1 RSA 541, Section 2, which basically indicates
2 what needs to be filed by a party seeking
3 rehearing. A rehearing may be sought by any
4 party to the action or proceeding before the
5 Commission or any person directly affected
6 thereby. The motion for rehearing is supposed
7 to contain all grounds for rehearing. As a
8 Committee you may grant such rehearing if, in
9 your opinion, good reason for the rehearing is
10 stated in the motion.

11 The Supreme Court has characterized a
12 motion for rehearing as a matter that is to
13 direct attention to matters said to have been
14 overlooked or mistakenly conceived in the
15 original decision, and thus invite
16 reconsideration upon the record to which that
17 decision rested. Meaning that additional
18 testimony does not need to be taken, but that
19 you -- the motion for reconsideration rests
20 upon the record as it exists. And the
21 Committee may grant the motion for hearing if
22 it finds good reason, and it can be denied
23 where no good reason or good cause has been
24 demonstrated. So, the standard is essentially

1 good reason or good cause.

2 And there is a motion before the
3 Committee that has been filed by a party to the
4 action, Ms. Huard, as well a number of
5 individuals who have indicated that they are
6 directly affected by the order.

7 We did receive today, I believe this
8 morning, a fax which contained, and I'm not
9 sure it's been distributed to the entire
10 Committee yet, but that contained --

11 ADMINISTRATOR MONROE: Yes. They
12 should have it.

13 MR. IACOPINO: It's entitled a
14 "Motion for Rehearing Addendum Statements from
15 Signatories". And it contains a statement from
16 a Debora Covino, C-o-v-i-n-o, of 15B, as in
17 "Bravo", Lenny Lane, Hudson, New Hampshire; a
18 statement from a Deborah Holland Savoie,
19 -Savoie, S-a-v-o-i-e, 24 David Drive, Hudson,
20 New Hampshire; and Joe and Denise Barrett, of
21 14 David Drive, in Hudson, New Hampshire.

22 So, those are in addition to the
23 Motion for Rehearing that had been filed by
24 Ms. Hewitt -- Ms. Huard, I'm sorry, and I

1 believe others, actually, on the original
2 motion.

3 So, that's where we are, and that's
4 the standard that should be addressed by the
5 Committee during this hearing.

6 MS. HUARD: Excuse me.

7 *[Court reporter interruption.]*

8 MR. IACOPINO: Use the microphone.

9 MS. HUARD: There were other
10 statements submitted by those that you had
11 indicated.

12 MR. IACOPINO: Right. But these ones
13 you faxed to us this morning, correct?

14 MS. HUARD: I have faxed several --
15 four other ones.

16 MR. IACOPINO: This morning?

17 MS. HUARD: Yes.

18 MR. IACOPINO: Or previously?

19 MS. HUARD: In that batch, from Andy
20 Renzullo, of 2C Hopkins; Lavina Miller, 50
21 Griffin Road; Ben Runco, from 24 Lenny Lane;
22 and the Halls from 11B Lenny Lane; and the
23 Hardcastles, from 26 David Drive.

24 So, if those didn't come through, I

1 have copies here.

2 PRESIDING OFFICER ROSS: Okay. Why
3 don't you distribute your copies.

4 MS. HUARD: I just have one copy. I
5 had sent them all. I had faxed. Did anyone
6 else get these?

7 MR. IACOPINO: You faxed these things
8 this morning?

9 MS. HUARD: Last night.

10 MR. IACOPINO: Last night, but,
11 actually, early this morning --

12 MS. HUARD: Of course. That's when
13 you got them, right?

14 MR. IACOPINO: Yes. Well, --

15 ADMINISTRATOR MONROE: And I copied
16 what I received.

17 MR. IACOPINO: And my office copied
18 it as well and it wasn't -- that was what we
19 got.

20 So, if you could bring those other
21 ones up to the Administrator please.

22 *[Ms. Huard handing documents to*
23 *Administrator Monroe.]*

24 ADMINISTRATOR MONROE: Does everyone

1 want copies?

2 PRESIDING OFFICER ROSS: Yes.

3 ADMINISTRATOR MONROE: It will take
4 me a minute.

5 *(Short pause.)*

6 PRESIDING OFFICER ROSS: While we're
7 waiting for copies to be made, Attorney
8 Iacopino has just indicated that we received a
9 fax of a lengthy report dated February 2013
10 from a group "Golder Associates". It deals
11 with induced voltage. And this is evidence
12 that is not to be considered. In order to
13 bring evidence in after the close of the
14 hearing, an applicant would have to establish
15 that the evidence was not available at the time
16 of the hearings. This report clearly is a
17 couple of years old. So, it would have been
18 available during the hearing.

19 So that we will not be considering
20 the information contained in the report that
21 was faxed last night to the Committee.

22 *(Administrator Monroe*
23 *distributing documents.)*

24 PRESIDING OFFICER ROSS: All right.

1 I believe we now all have the additional faxes
2 from parties who I understand are signatories
3 on the Motion for Rehearing. And I assume the
4 purpose of this is to indicate what their basis
5 for having standing to request rehearing is.

6 So, we will accept the fax that was
7 submitted.

8 All right. The Subcommittee, I think
9 we will try now to walk through the issues that
10 we believe -- the major issues that have been
11 presented in the Motion for Rehearing and just
12 review our earlier decision and determine
13 whether or not there's any basis for granting
14 any rehearing of the original decision.

15 And the first sort of area of concern
16 that I think we should talk about is the impact
17 on aesthetics. There are some factors that we
18 consider in that area: The existing character
19 of the area and the potential visual impact;
20 the significance of any affected scenic
21 resources and their distance from the proposed
22 facility; the extent, nature, and duration of
23 public uses that may be affected on those
24 scenic resources; the scope and scale of the

1 change in the landscape visible from those
2 resources; the evaluation of the overall
3 daytime and nighttime visual impacts of the
4 facility as described in the visual impact
5 assessment; the extent to which the facility
6 would be a dominant and prominent feature
7 within a natural or cultural landscape of a
8 high scenic quality as viewed from the scenic
9 resource; and the effectiveness of measures
10 proposed by the Applicant to avoid, minimize or
11 mitigate those impacts. Those are from our
12 rules, those factors.

13 Do any of the Committee members
14 believe that we did not consider any of these
15 items as we were deliberating?

16 CMSR. BAILEY: Thank you, Madam
17 Chair. I do not believe that the Motion raises
18 anything that we overlooked or mistakenly
19 conceived. And, in fact, seems to just
20 disagree with the decisions that we made.

21 As an example, Ms. Huard, in her
22 Motion, seems to think that, because I
23 acknowledged that she thinks that there's an
24 unreasonable adverse impact on her property,

1 that the only finding that we could make is
2 that there's an unreasonable adverse impact.
3 And I reviewed the deliberations, and clearly
4 articulated my belief that there is not an
5 "unreasonable" adverse impact.

6 And, so, I believe that she is trying
7 to reargue decisions that we made because she
8 doesn't agree with them. So, I don't think
9 there's been anything raised, and I would not
10 support a motion for rehearing.

11 PRESIDING OFFICER ROSS: Yes.

12 MS. WEATHERSBY: I guess I would note
13 that our analysis concerning aesthetics does
14 deal primarily with the effect on scenic
15 resources. And that's a defined term that
16 requires that the property be more public in
17 nature. And there certainly was ample
18 testimony and evidence presented concerning the
19 lack of effect on defined scenic resources.

20 I think Ms. Huard's complaint is that
21 we didn't do enough concerning the effect on
22 private property, visual effects on private
23 property. And I guess I would disagree with
24 that. As I recalled, and as I looked back

1 through the testimony, there was a number of
2 conversations, and a lot of it came in with the
3 property value, I think, analysis as well,
4 concerning the effect of this Project on
5 private property, particularly those in her
6 neighborhood, where there will be a fairly
7 significant increase in the view of the power
8 lines. And there was discussion that the
9 property value may be affected because of that,
10 that aesthetic.

11 So, I think that the two
12 conversations were fairly intertwined. But
13 there was, I think, quite a bit of discussion
14 concerning the changes in views of certain
15 affected properties and the mitigation measures
16 that were being attempted and being offered by
17 Eversource to deal with those.

18 So, I do disagree with Mrs. Huard
19 concerning her allegation that we didn't
20 significantly address the aesthetics involved.

21 PRESIDING OFFICER ROSS: Thank you.
22 Are there any other comments by the
23 Subcommittee members?

24 *[No verbal response.]*

1 PRESIDING OFFICER ROSS: Okay. I
2 think what we should do then is move on to the
3 orderly development, which I think will touch
4 on some of the issues that we've just commented
5 on.

6 Under the orderly development
7 consideration of the rules, we consider the
8 extent to which siting, construction, and
9 operation of the proposed facility will affect
10 land use, employment and the economy of the
11 region. We also consider provisions of and
12 financial assurances for the proposed
13 decommissioning of the proposed facility, and
14 the views of municipal and regional planning
15 commissions and municipal governing bodies
16 regarding the proposed facility.

17 And Ms. Huard has indicated that she
18 doesn't believe the Committee correctly
19 considered the orderly development. And I
20 think we were just talking a bit about impacts,
21 which is the first consideration under orderly
22 development.

23 MS. WEATHERSBY: I guess I would just
24 echo what I just said. I think that we did

1 have a fair amount of testimony concerning
2 Dr. Chalmers' report. I think we grilled him
3 pretty extensively concerning the effect on
4 property values in the area. He, I think,
5 acknowledged -- I know he acknowledged that the
6 property has -- the Project has the potential
7 to affect certain properties that are close to
8 the power lines and that the view of the lines
9 are changing.

10 And I personally do feel as though
11 some properties will have a effect on their
12 property values. But we were required -- and
13 I'm troubled by that, but I couldn't vote other
14 than the way I did, because our analysis is to
15 look more at the systemic market values of the
16 area and not just some isolated homes.

17 So, I do think that we heard a lot of
18 testimony concerning that the market values of
19 the area, in general, and the economy, in
20 general, of the area will not be affected. And
21 I think that was the correct decision.

22 PRESIDING OFFICER ROSS: Yes. Go
23 ahead.

24 MS. ROBERGE: I share that same

1 sentiment. And I also recall the testimony, I
2 believe it was from Public -- from Eversource,
3 but I'd have to go back and look, but
4 mitigation measures that the Company was taking
5 for certain properties that had, you know, more
6 extensive tree-clearing or what have you. That
7 they were reaching out to those people that own
8 the properties to try to mitigate to the extent
9 that they could.

10 So, I do recall conversation or
11 testimony on specific impacts of properties,
12 and perhaps some steps that the Companies were
13 taking to try to mitigate those measures. In
14 that, you know, I'm sure the same sentiment in
15 that recognizing that certain properties may be
16 impacted, but, overall, the testimony that we
17 heard was that -- that it was -- it didn't meet
18 the standard.

19 So, I feel like that our decision was
20 correct.

21 PRESIDING OFFICER ROSS: Are there
22 any other comments on that area of concern?

23 *[No verbal response.]*

24 PRESIDING OFFICER ROSS: I would just

1 like to echo that we did hear testimony from
2 Mr. Chalmers about the fact that the impact
3 generally on market value was pretty minimal.

4 And I would agree that we concluded
5 that, of those properties that were closest to
6 the right-of-way that might have the greatest
7 visual impact, that the Company had made
8 efforts to help assist people in helping that
9 view to be improved by screening and some
10 landscaping assistance.

11 So, I think the Committee was pretty
12 thorough in its review of both the evidence
13 that there wasn't a general market impact and
14 that there was a minimal specific property
15 impact. So, I think we balanced the evidence
16 fairly carefully when we made our finding on
17 the orderly development of the region.

18 We also, I think, were cognizant of
19 the fact that there is an existing major
20 transmission line running through that area
21 that has been there for a long time, so
22 development around that line has already
23 accommodated the existence of the line.

24 I think, with that, maybe we'll move

1 on to a next area that the motion covers, and
2 that deals with public health and safety. And
3 Ms. Huard does not believe that the Committee
4 correctly assessed the potential for electric
5 shocks or perhaps causing heart attacks in the
6 area of the lines. And, also, that the
7 Committee failed to consider whether the poles
8 or towers could collapse and cause damage to
9 the surrounding areas.

10 And all of those concerns Ms. Huard,
11 in her Motion for Rehearing, indicates that we
12 failed to take into account when we looked at
13 adverse impact or adverse effect on the public.

14 Are any of the Committee members
15 prepared to comment on our earlier
16 deliberations on those issues?

17 DR. BOISVERT: Yes. I believe that
18 we did give a good deal of consideration to the
19 health and safety aspects, it consumed a good
20 deal of our discussion. We took steps to have
21 conditions that will look into the issue to
22 guide this and other projects. I think we gave
23 it a very careful consideration. And I don't
24 believe that we erred in our decision.

1 CMSR. BAILEY: I agree. I don't
2 believe that there's anything that we
3 overlooked or mistakenly conceived.

4 Once again, I think Ms. Huard is
5 arguing that her personal experience, which she
6 supplied no scientific evidence about, should
7 be given more consideration than the National
8 Electrical Safety Code.

9 The Company has testified that it
10 will construct and maintain the facilities
11 within the requirements of the National
12 Electrical Safety Code, which establishes
13 requirements to keep the wires high enough so
14 that there isn't any impact on public health
15 and safety.

16 And I do not believe that we have
17 mistakenly conceived our decision.

18 PRESIDING OFFICER ROSS: Yes. Go
19 ahead.

20 MS. WEATHERSBY: I guess I'd just
21 like to make a couple of observations.
22 There's -- Ms. Huard makes a fair amount of --
23 or, alleges that our deliberations were -- came
24 up short in a number of areas. And the

1 decision that's being challenged is more than
2 what we said during deliberations. It's what
3 we said in our order. It's the evidence we
4 considered.

5 I know I'm not the most, by far,
6 articulate person, and I may not have said
7 everything that was on my mind and everything
8 that went into the decision. But, you know, I
9 certainly considered the safety booklet,
10 Bonneville Power Administration, when I was
11 considering this. I considered the testimony
12 of Dr. Bailey. I considered the reports that
13 were submitted, Exponent, and all the reports
14 that were considered. So, I -- although
15 sometimes what we say comes up a little bit --
16 may have come up a little bit short, there's a
17 lot more that goes into it. And, hopefully,
18 our decision fleshed some of that out a bit
19 more.

20 I also just wanted to speak to, Ms.
21 Huard seemed to take offense that we considered
22 her or termed her testimony "lay testimony".
23 And, certainly, there's no disrespect or
24 discounting. It's not a negative term. It's

1 simply a term that means that she was not a
2 qualified expert, and, therefore, her testimony
3 is "lay". It's just a -- it's a defined term.
4 It's not a -- one that has a negative
5 connotation. So, I just wanted to say that.

6 But that's -- all that said, I think
7 that I agree with what has been said here.
8 That we carefully considered all aspects of
9 public health and safety. I think our
10 condition regarding the EMF modeling --
11 measurements further assures that. There was a
12 comment regarding pole collapse. And there was
13 evidence concerning the poles not necessarily
14 collapsing directly out, but being pulled
15 sideways, because of the lines.

16 So, there's a lot that went into our
17 decision. And I do not feel as though we erred
18 concerning public health and safety.

19 PRESIDING OFFICER ROSS: Are there
20 any other further comments by Committee members
21 with regard to the public safety concerns,
22 public health and safety?

23 *[No verbal response.]*

24 PRESIDING OFFICER ROSS: I would just

1 echo the comments that we were just discussing,
2 evidence and expert evidence versus lay
3 evidence. And part of our job here is to weigh
4 evidence. And, when we are in a technical
5 area, like the EMF, we do have to rely on
6 scientific evidence, and not just anecdotal,
7 personal evidence, as we're weighing what the
8 public health and safety impacts are likely to
9 be of this future project. And I think we did
10 that. I think we considered all of the
11 evidence.

12 And I think our conclusions were
13 based on what we heard. And I don't believe
14 that the Motion for Rehearing introduces
15 anything that we didn't consider in that area.

16 Perhaps we could look at our public
17 interest determination, which was also an area
18 that the Motion for Rehearing challenged, in
19 terms of whether we had accurately considered
20 what was the evidence that was presented. And
21 the factors that we have to consider under the
22 statute when we make a public interest finding
23 are the welfare of the population; private
24 property; the location and growth of industry;

1 the overall economic growth of the state; the
2 environment; historic sites; aesthetics; air
3 and water quality; the use of natural
4 resources; and the public health and safety,
5 which is the item we just discussed.

6 MR. IACOPINO: Madam Chair, I would
7 just point out that, in Ms. Huard's Motion, she
8 has a separate section entitled "site visits".
9 And I would suggest to you that that concern
10 falls within the public interest determination
11 as well. So, as you deliberate, you may wish
12 to consider her arguments about site visits as
13 well, as that obviously could come under
14 aesthetics, private property, environment, and
15 I suppose public health and safety as well,
16 which are all repeated in the public interest
17 determination.

18 CMSR. BAILEY: Beginning with the
19 motion for a site visit, that occurred after
20 the record was closed. And we talked -- we
21 considered that, I think, carefully, and
22 determined that taking a look at the site
23 before anything was constructed, in its
24 existing form, was not going to help us in our

1 deliberations any more than the visual impact
2 pictures that we considered did. We could
3 envision the impact on the neighborhood. And,
4 because the motion was filed after the record
5 was closed, I didn't think that it was
6 necessary to make a site inspection.

7 As far as the public interest is
8 concerned, this is a reliability project. If
9 it's not built, reliability of the electric
10 system could be impacted in the future, and
11 that has a big impact on the public interest.
12 It could have a big impact on the public
13 interest.

14 There was testimony that the state
15 would grow economically as a result of this.
16 It certainly would not be good if we didn't
17 have a reliable electric system.

18 So, I don't believe that, once again,
19 that we mistakenly conceived or overlooked
20 anything in our determination of public
21 interest.

22 PRESIDING OFFICER ROSS: Any other
23 comments? Yes.

24 MS. ROBERGE: I would just add that

1 there were a lot of consideration that went
2 into the -- certainly for the environmental
3 aspects of it, and specific conditions were
4 included as part of the Certificate for, you
5 know, wetlands, shorelands, and other
6 environmental considerations. So, I know that,
7 from that perspective, we looked very closely
8 and heard a lot of testimony from experts, and
9 lots of plans that were submitted as part of
10 mitigation measures. And those were all
11 incorporated, along with Department of
12 Environmental Services' specific permit
13 conditions along with the Certificate.

14 So, I feel we certainly, you know, we
15 looked at all the conditions relative to the
16 public interest, and, in particular, looked
17 very closely at environmental considerations as
18 well.

19 MS. WEATHERSBY: I just, as I look
20 down the list of the things that we were to
21 consider, I think we heard a lot of testimony
22 and considered each of those. We talked about
23 the effects on private property. We've heard
24 testimony, talked about it this morning, the

1 welfare of the population, concerning health
2 and property values, location and growth of
3 industry, we heard about the jobs, the
4 reliability, this is a reliability project, the
5 economic growth. We heard about the economy,
6 effects on tourism, traffic, there wouldn't be
7 any unnecessary delays, employment, the
8 environment. We had a lot of discussion about
9 self-weathering steel poles and water quality,
10 and the wetlands and ponds, and the proximity
11 of the towers to those, aesthetics. We've
12 already talked about historic sites, that there
13 weren't any that were affected, weren't really
14 any in the area, historic and archeological
15 sites. Air and water quality with the
16 conditions, natural resources, health and
17 safety we've already talked about. We also
18 talked about the road workers and motorists.

19 And we had a lot of testimony and a
20 lot of discussion on each of these factors.
21 And I think that we made the correct
22 determination after considering all of that,
23 including the stipulations between the
24 Applicant and Public Counsel concerning that

1 the Project was indeed in the public interest.

2 PRESIDING OFFICER ROSS: Yes.

3 DR. BOISVERT: In looking at the
4 request -- in looking at the request regarding
5 the public interest, as mentioned, we had
6 considered all of these individually. We put
7 great weight on the expert testimony. In some
8 areas, there are subjective judgments, I would
9 say, in terms of aesthetics, that is the area
10 where it is most subjective. But our standard
11 is an "unreasonable adverse effect". And,
12 while some individuals may see adverse effects,
13 we have to look at the totality of the project
14 and the overall consideration.

15 And, while there are some changes,
16 and while some individuals may view them as
17 highly negative, I do not believe that this
18 Project meets the standard of an "unreasonable
19 adverse effect".

20 PRESIDING OFFICER ROSS: Yes.

21 MS. ROBERGE: And just one further
22 thing to add is that, along with the expert
23 testimony we heard here during the hearing, we
24 also relied on decisions relative to state

1 agencies, like the New Hampshire Department of
2 Environmental Services, whose experts reviewed
3 applications submitted to the various agencies,
4 and then the agencies provided us with
5 decisions as well, which were also pertinent to
6 this, our decision, as well.

7 PRESIDING OFFICER ROSS: Okay. Thank
8 you. I think we'll maybe touch on property
9 rights specifically, because I know we -- I
10 know Ms. Huard raises that again in her Motion
11 for Rehearing. She also made some arguments
12 about the legality of the use of the
13 right-of-way.

14 (Presiding Officer Ross and Mr.
15 Iacopino conferring.)

16 PRESIDING OFFICER ROSS: And I think
17 the Committee, none of us are experts in real
18 estate law, and, to the extent that there are
19 some issues or any issues with regard to the
20 existence of the right-of-way on someone's
21 private property, it would be up to that party
22 to litigate that in a court of competent
23 jurisdiction, which typically would be the
24 superior courts in this state. This Committee

1 does not attempt to ferret out those kinds of
2 specific legal issues that may exist with
3 regard to a property.

4 So, once the Applicant has
5 established with us that the right-of-way
6 exists, we don't try to litigate the real
7 estate issues regarding claims on that.

8 But I think that we did consider the
9 property rights and the impacts. I think we've
10 stated that several times today, and I think it
11 was clearly part of our deliberations,
12 including all of the testimony on potential
13 market impacts by I believe it was
14 Mr. Chalmers.

15 So, I don't think we need to cover
16 that any further. I think we've weighed that
17 evidence. And the additional evidence from
18 Ms. Huard is a repetition of the concerns that
19 we've already reviewed. That is, that there
20 may be some properties located very close to
21 the right-of-way who will have a greater visual
22 impact than other properties further away, and
23 that we balanced that evidence in our overall
24 decision.

1 Are there any further comments from
2 the Committee members on that point?

3 *[No verbal response.]*

4 PRESIDING OFFICER ROSS: I think
5 we've covered the major areas that have been
6 raised in the Motion for Rehearing. I don't
7 know if we're ready for a motion with regard to
8 our ruling on that Motion for Rehearing, but I
9 would entertain one.

10 MS. HUARD: Excuse me. Do I have a
11 small opportunity to recap at all?

12 PRESIDING OFFICER ROSS: No. This
13 is -- this is a deliberative session.

14 MS. HUARD: Okay. Thank you.

15 PRESIDING OFFICER ROSS: Thank you.

16 MS. WEATHERSBY: I move that we deny
17 the rehearing request by Ms. Huard.

18 PRESIDING OFFICER ROSS: Is there a
19 second?

20 CMSR. BAILEY: Second.

21 PRESIDING OFFICER ROSS: Is there any
22 discussion before we vote? Any further
23 discussion?

24 *[No verbal response.]*

1 PRESIDING OFFICER ROSS: All right.
2 Hearing none, all those in favor of denying Ms.
3 Huard's Motion for Rehearing say "aye"?

4 *[Multiple members indicating*
5 *"aye".]*

6 PRESIDING OFFICER ROSS: Any opposed?
7 *[No verbal response.]*

8 PRESIDING OFFICER ROSS: All right.
9 The Motion for Rehearing is denied.

10 I'm going to suggest we take a
11 five-minute break, and then we will take up --
12 I'll make it a ten-minute break, so we'll start
13 at 10:30. And we will take up the Motion to
14 Clarify at that time. Thank you.

15 *(Recess taken at 10:19 a.m. and*
16 *the hearing resumed at 10:33*
17 *a.m.)*

18 PRESIDING OFFICER ROSS: All right.
19 We will reopen the deliberations. And the
20 Subcommittee will now deliberate on the Motion
21 for Clarification that was filed by the
22 Applicant.

23 This Motion has to do with the
24 testing for electromagnetic fields along the

1 right-of-way, both before the Project is placed
2 in service and after it is actually
3 functioning.

4 I think we've all read the Motion.
5 And I'll accept any comments now from the
6 Subcommittee.

7 CMSR. BAILEY: Madam Chair, I'll
8 start this discussion, because I think I made
9 the original motion that may have been a little
10 ambiguous.

11 And I'll start by telling you what I
12 thought I was doing when I made the motion.
13 What I wanted to do was compare the modeling
14 that the Company did to what actually exists in
15 the field pre-Project and post-Project, because
16 those are the terms that they use in the model,
17 in the table. And I didn't consider whether
18 that meant pre-construction, you know, based on
19 removal of the first tree or not, I wasn't
20 thinking about that. I was thinking about what
21 they meant in the table.

22 And, now, upon thinking about it
23 more, I think it might make sense to, if the
24 trees are removed, that's going to be -- the

1 measurement that they said they were taking was
2 at the edge of the right-of-way. It wasn't
3 clear in my mind whether the "edge of the
4 right-of-way" meant the edge of the
5 right-of-way as of a property -- you know, a
6 property right, or the edge of the right-of-way
7 as it exists with the clearing today. But, I
8 think, if they have to clear more, and the
9 trees reduce some of the screening, it may make
10 sense to measure it at the edge of the new
11 right-of-way after the trees have been cleared,
12 pre-Project. So, before they move the line
13 that they have to move in order to accommodate
14 the 3124 in the center of the right-of-way.

15 So, I want -- I really would like an
16 apples-to-apples comparison, to see how the
17 actual measurements compare, not at peak load
18 for the pre-Project, that was another -- that
19 was something, I think, that was just
20 inadvertently added to the motion without
21 understanding what that meant. I never
22 intended them to wait until the peak load.
23 And, in fact, you can't predict when the peak
24 load is going to be, because, you know, it

1 happens for one hour in the year. And, so, you
2 know, around the peak load is what I would like
3 to see for the post-construction measurements.
4 And, if it needs to be adjusted, because they
5 didn't hit the exact hour of the peak load,
6 they can show us what the measurements were at
7 one of the hottest days of the summer, after
8 it's on line, and compare it to what they
9 thought it was going to be in their modeling.

10 Does that clarify or --

11 MS. HUARD: Absolutely not.

12 CMSR. BAILEY: And, so, I think
13 actually --

14 PRESIDING OFFICER ROSS: Maybe some
15 of the -- maybe some of the other members would
16 like to chime in with regard to what we were
17 trying to accomplish with the measurements that
18 we required in our order?

19 DR. BOISVERT: When this came up
20 during deliberations, I felt fairly clear on
21 the terminology. "Right-of-way", to me, is a
22 real estate term. It is well-defined and
23 understood, and I think especially so among
24 people in the legal profession. The cleared

1 zone in a transmission corridor is only part of
2 the right-of-way in some instances, sometimes
3 it goes the whole way. But, because of my own
4 background, I'm aware of that distinction, and
5 that's how I viewed it at the time.

6 And, in my comments during the
7 deliberations, I made it a point to say that I
8 wanted to see a comparison before and after,
9 and it's in the record, so as to get a good,
10 clear idea of effects, a control of before and
11 testing done after.

12 How that is accomplished is a
13 technical issue, and I can see that it can have
14 a lot of factors that I may not have been aware
15 of at the time. But I would think that it
16 would be conducted, if there were problems,
17 that the Company would come to the PUC to ask
18 for the clarifications and so forth before
19 actions were taken.

20 And, in terms of definitions,
21 "construction", to me does indeed include tree
22 removal. That's an important part of the
23 overall construction of the Project. So, my
24 understanding at the time is my

1 understanding -- at the time of the
2 deliberations is my understanding now.

3 PRESIDING OFFICER ROSS: Yes.

4 MS. ROBERGE: As I recall from our
5 deliberations, the important aspect for me was
6 to compare the measurements, again, was to
7 replicate the accuracy of the model, because
8 our decision was based on the conditions, you
9 know, what the modeling predicted. The
10 modeling has an accuracy percentage. And I
11 think, for me anyways, it was "how accurate is
12 the model predicting?" And the model had a pre
13 and a post.

14 But, again, it wasn't necessarily the
15 comparison between what's happening before and
16 what's happening after. We're going to see a
17 change, just as the model shows, that you're
18 going to see a change in those numbers. The
19 important thing is is how -- how do those
20 numbers compare with the standard itself? Is
21 it at or below the standard -- the health-based
22 standard for magnetic field levels? And that's
23 really, in my mind, when we constructed this
24 condition, was to try to drive, you know,

1 replicate these conditions in which the
2 modeling was occurred at.

3 So, you know, when looking at this
4 table, Table A-1 and A-2, they reference
5 "Distance from Centerline of Right-of-Way".
6 So, you have a centerline mark, and you go out
7 a certain distance to see, you know, and,
8 again, this was done in a modeling -- in a
9 modeling perspective on a computer-simulated
10 modeling.

11 Now, when you go out into the field,
12 it can be a little bit challenging sometimes,
13 because you have field conditions that you need
14 to, you know, do your best to replicate the
15 conditions of the modeling.

16 So, in my mind, it wasn't so much
17 about the comparison of pre-Project to
18 post-Project, we're definitely going to see
19 differences in those. It's how, when we're out
20 in the field, how do those numbers that we're
21 measuring compare with the standards
22 themselves, to make sure that they are at, you
23 know, at or below the standard or, you know, or
24 at the levels that they predicted in the model

1 or near the levels that they predicted in the
2 models.

3 So that, in my mind, when we were
4 coming up with that condition it was "okay, how
5 do these -- this modeling that they submitted
6 to us, how are the field conditions going to
7 compare to those standards?"

8 MS. WEATHERSBY: I agree with
9 Ms. Roberge. The important thing is that we
10 have assurance that the modeling that shows
11 that health standards are not violated are
12 fairly accurate -- are accurate that they're
13 not violating any health standards, but the
14 modeling itself is fairly accurate.

15 And I'm wondering, I think along some
16 line is, is that they can go out and do field
17 measurements in the locations that are
18 represented on Tables A-1 and A-2, for each
19 section of the line, and do a pre-Project,
20 which, in my mind, is pre-Project, before any
21 construction, including trees. I know that
22 some trees have been removed. And we can
23 discuss whether there's some -- what affect
24 that has, I'm not quite sure. But to go out as

1 soon as possible, do the pre-Project
2 measurements, and then go back after it's
3 complete and do the post-Project measurements.

4 I do feel as though it should be at
5 something approximating a peak load. I know
6 you don't know peak load until it occurs. But,
7 you know, maybe you do -- there's -- Ms.
8 Huard's indicated there's a winter peak season
9 as well as a summer peak season. I'll leave it
10 to the electric folks to know whether, you
11 know, approximately when that is. Or,
12 alternatively, maybe you go out and you do, you
13 know, November 15th of 2016 and November 15th,
14 you know, the same day on two different years
15 that might approximate, or the same week
16 perhaps, so that you get -- you are comparing
17 apples-to-apples, and not a low peak day versus
18 a high peak day. So, that's just one -- one
19 suggestion is to go out and do the field
20 measurements as depicted on A-1 and A-2, and
21 then have it be done approximately the same
22 timeframe, time of year, before and after.

23 PRESIDING OFFICER ROSS: There was
24 some language suggested in the Motion for

1 Clarification, I might just ask the Committee
2 to take a look at it. It's on Page 4,
3 Paragraph 10. This is just suggested language
4 we might want to consider. "...that the
5 Applicant, in consultation with the PUC's
6 Safety Division, shall measure actual electric
7 and magnetic field levels along the Project ROW
8 both before and after the Project is placed
9 into service. If peak or near-peak conditions
10 do not occur before elements of the Project are
11 placed into service, pre-Project measurements
12 should be presented in both raw form and
13 adjusted to reflect a peak load condition, at
14 each measurement location. Post-construction
15 measurements will be taken during the summer
16 peak loading season and a similar procedure
17 will be used, if necessary, in acknowledgement
18 that the Applicant cannot know in advance when
19 peak loading will occur and that the days
20 planned for measurements may occur when line
21 loadings are below the forecasted peak
22 loading."

23 So, that is -- that is some suggested
24 language. One of the things that appeals to me

1 a little bit about the language is the
2 reference to the "PUC Safety Division", because
3 I feel as if part of what the Committee
4 struggles with, when we place this condition on
5 a certificate, is that we're not engineers.
6 And, so, -- and we're not necessarily familiar
7 with exactly how the peaks occur. So, we may
8 inadvertently create technical problems for the
9 Applicant, and without realizing it, in trying
10 to meet our goals of comparing the model
11 results to actual measurements, to see whether
12 the information that we're being given with
13 regard to the EMF is correct.

14 CMSR. BAILEY: I want to repeat what
15 I think I heard Ms. Roberge say, and see if I
16 understood what you were saying correctly. And
17 that is that -- maybe this is what I think, and
18 ask if it differs from what you think. That
19 the pre-Project measurement is taken to test
20 the model and see how accurate the model is,
21 and that the post-Project measurement is taken
22 to not only test the model, but to ensure that
23 it meets the health and safety standards.
24 Because part of the condition that we imposed,

1 or maybe it was a separate condition, is, to
2 the extent that the post-Project measurements
3 don't meet the health standards that we
4 anticipated, that they would give us a
5 mitigation plan to reduce the levels of EMFs so
6 that they did meet the standards.

7 Is that -- I think you were saying
8 something a little bit different than that, and
9 I'm trying to figure out what our differences
10 are.

11 MS. ROBERGE: What I was -- excuse
12 me. What I was trying to say was that we
13 relied on this modeling data to make our
14 decision relative to this Project. My thinking
15 behind requiring the measurement, the field
16 measurement, is to ensure that the modeling is
17 accurate, so, both pre and post. You know, the
18 numbers that they provided are accurate.

19 Now, the fact that really this
20 Application is for a project that's going to be
21 built, we want to ensure, obviously, that the
22 Project itself isn't going to cause any, you
23 know, public health concerns.

24 But, really, our basis was the result

1 of this model. And my thinking of the field
2 measurement is to make sure that this model is
3 accurate. So -- and, again, it's not
4 necessarily just to compare -- you know, I'm
5 looking at a table. So, if we get a number
6 that is -- I'm looking at a number here of
7 "6.2". If it comes in at 6.3, that doesn't
8 necessarily mean the Project, you know, there's
9 a problem with the Project. Because, again,
10 what we -- what the modeling does is it
11 compares it to the standard. And the standard
12 is something higher than what the modeling is
13 predicting. It's not right at the model.

14 So, no matter what we -- you know,
15 what the field measurements do, once we get the
16 results of the field measurements, we would
17 look at them and compare them to the model, and
18 we would also compare them to the standard,
19 because that is really the -- that is really
20 the public health standard that we need to
21 protect for. It's not necessarily the
22 modeling, but it's the standard itself.

23 But, again, you know, we're relying
24 on the model. We don't have the data. And we

1 require them to do field data to support the
2 results of the model and compare that to the
3 standard.

4 I don't know if that helps or not, or
5 it confuses it further.

6 CMSR. BAILEY: I think it helps a
7 little it, but it also adds another layer.

8 MS. ROBERGE: Okay.

9 CMSR. BAILEY: Because the table in
10 the model predicted the pre-Project annual
11 average load. So, that's not on one day.

12 MS. ROBERGE: Right.

13 CMSR. BAILEY: And we can't take
14 measurements every day --

15 MS. ROBERGE: No.

16 CMSR. BAILEY: -- to get an average.

17 MS. ROBERGE: Right.

18 CMSR. BAILEY: So, I don't think that
19 the pre-Project number that we want would
20 necessarily need to be on any particular day.
21 It doesn't need to be on a peak day. They're
22 going to have to --

23 MS. ROBERGE: Right.

24 CMSR. BAILEY: -- model the number

1 that they -- take the measurement and apply it
2 to the annual average load, in order to get a
3 number that we can compare to this table.

4 MS. ROBERGE: Yes. And I -- let me
5 preface that I'm not an expert in this area.
6 But, you know, kind of comparing it to
7 something that we do on a daily basis at my
8 agency is, yes, we have a stack test. We go
9 out and we get a number. And, if there's an
10 annual average, then there is some, you know,
11 averaging of the data that we get. But we
12 always would then compare that to a standard.
13 So, it isn't --

14 CMSR. BAILEY: Yes.

15 MS. ROBERGE: So, again, the modeling
16 is giving us a prediction. It's a scientific
17 methodology that has, you know, been tested and
18 verified. And, so, we have good reason to rely
19 on these numbers. In our deliberations, we
20 decided to, you know, further require some
21 testing, some field testing, to support this
22 data.

23 But, again, how that's done, yes, I
24 would rely on, you know, people with expertise

1 in this area that deal with this kind of
2 testing all the time, "how would you predict an
3 annual peak?" Yes. I'm sure there's a
4 methodology, a scientific methodology that
5 would be used to determine what that would be,
6 from a measurement -- from a given period of
7 time measurement.

8 MS. WEATHERSBY: Not to boot this to
9 somebody else, but I'm wondering if we want to
10 have the Applicant, in consultation with PUC
11 Safety Division, to develop a plan to measure
12 the actual electric and magnetic fields, along,
13 I would add, each section of the Project
14 right-of-way before and after. So that the PUC
15 is weighing in on how to accurately measure,
16 and where, the field levels.

17 Alternatively, I suppose we could
18 have them measure each section of the
19 right-of-way in the locations as they did on
20 Tables A-1 and A-2.

21 CMSR. BAILEY: That's what I would
22 really prefer to see. Because I really want to
23 see how accurate this modeling --

24 MS. ROBERGE: Right.

1 CMSR. BAILEY: -- the modeling that
2 they have done is. And, so, they're going to
3 have to take a measurement on a day, and then
4 they're going to have to calculate what that
5 measurement would be based on the annual
6 average load, to make an apples-to-apples
7 comparison to these tables.

8 And, then, if we get them to take, on
9 the post-Project, a measurement as close to
10 possible as the annual peak, and, you know,
11 usually the annual peak is in, you know, two or
12 three days in a row of the hottest summer days.
13 And, so, they know that that's pretty close,
14 and they may not hit the exact hour, but I
15 think that they would be very close to what the
16 EMF would look like when the system is under
17 heavy load. That's really what we want to see.
18 And then make sure that that is as well under
19 the standard as they said it was going to be.

20 MS. ROBERGE: Yes. I like the idea
21 of a plan, in our -- in our world -- in my
22 world, the Air Resources Division in the
23 Department of Environmental Services, any
24 testing that's done, you know, the Applicant

1 would submit a test protocol or a plan and get
2 it approved by the agency prior to testing.
3 And, in that way, it's very clear what's being
4 tested, for why, what are the methodologies
5 used, what any calculation methodology that
6 might be needed is sort of worked out in a plan
7 ahead of time and approved. And, in that way,
8 you know, specific conditions of the test are
9 outlined and understood prior to testing. So,
10 I like that idea.

11 MS. WEATHERSBY: The only downside of
12 that is that it delays things. In the plan, it
13 was kind of a -- you go the plan route or do
14 the -- mimic the Table A-1 and A-2 test sites.
15 And, if we're trying to see the accuracy of the
16 model, I'd be inclined to go with the Table A-1
17 and A-2 locations.

18 MS. ROBERGE: I think you'd do both.

19 MS. WEATHERSBY: And if that is the
20 plan, --

21 CMSR. BAILEY: Yes.

22 MS. WEATHERSBY: -- essentially, --

23 CMSR. BAILEY: That would be the plan
24 of where the measurements would be taken.

1 MS. WEATHERSBY: Right. So, I kind
2 of like the suggested language, except adding
3 "the Applicant, in consultation with the PUC
4 Safety Division, shall measure actual electric
5 and magnetic field levels along the Project
6 right-of-way in" -- then add "in locations
7 identified on Tables A-1 and A-2 of the
8 Exponent, whatever the technical name of the
9 Exponent plan is, Appendix A of the Exponent
10 plan.

11 CMSR. BAILEY: AG.

12 MS. WEATHERSBY: It's Table -- yes,
13 it's AG to the Application.

14 CMSR. BAILEY: And then maybe make
15 another condition that they create a plan with
16 the PUC Safety Division and get this done
17 before -- get the pre-Project measurements
18 taken before January? Or do we not need to do
19 that?

20 MS. WEATHERSBY: Yes. For timing, it
21 just -- it needs to be done before the line, of
22 course, is operational, --

23 CMSR. BAILEY: Before the Y line gets
24 moved.

1 MS. WEATHERSBY: Right.

2 CMSR. BAILEY: Because that's
3 pre-Project.

4 MS. WEATHERSBY: Right. And, then,
5 the tree-clearing and all that comes in as
6 well. And the tree-clearing, in some ways,
7 works against the Applicant. Because it's not
8 the difference in the before and after
9 measurements that really matters, it's the
10 safety level. And the trees do provide a bit
11 of a -- they seem to provide a bit of a buffer.
12 And, without those trees, their numbers will
13 be -- could be higher. The trees kind of cut
14 both ways.

15 DR. BOISVERT: I want to be
16 comfortable with the assumption that there
17 would be a pre-Project measurement made on the
18 existing line. This is what we're comparing
19 against, is it not?

20 CMSR. BAILEY: Yes.

21 DR. BOISVERT: And I want to be
22 confident that that is possible will take
23 place, this Project is proceeding along, they
24 have already done some tree-clearing, which, in

1 my mind, is construction, and they should have
2 done the testing before that. But that's
3 another issue.

4 But I don't know the other aspects of
5 the engineering and construction of this line.
6 Are we confident that there is the ability to
7 get the pre-construction measurements? I know
8 we can't take testimony, but any condition that
9 I would support would be contingent upon that
10 capability.

11 CMSR. BAILEY: Well, I think that
12 their proposed language assumes that they can
13 get it done pre-Project.

14 DR. BOISVERT: Okay.

15 CMSR. BAILEY: The other thing is
16 about the tree removal. I mean, we don't know
17 where they have removed the trees. They may
18 have removed trees in Massachusetts, they may
19 have removed trees not in areas that these test
20 points occurred, or they may have. We don't
21 know. And I don't think that we're here today
22 to necessarily figure out whether they violated
23 this provision or not. I think we can save
24 that for another day.

1 But we do need to figure out whether
2 we expect them to test with the trees or
3 without the trees. And, as Ms. Weathersby
4 indicated, the trees may provide some buffer.
5 So, it may be harder for them to meet the
6 standard without the trees. And, so, that's a
7 more conservative approach I think.

8 PRESIDING OFFICER ROSS: Yes. Go
9 ahead.

10 MS. ROBERGE: I guess I would just
11 like to clarify, I don't want to get hung up on
12 a plan, *per se*. If consultation is enough,
13 that's fine. I would rather have it done
14 sooner than later. I just want to make sure
15 that we're -- you know, that the consultation
16 piece with the folks that really know this
17 stuff, the PUC Safety Division, is done that
18 way, and it's an acceptable approach. So, I
19 don't want to delay it any further by requiring
20 a plan. I had heard that. And, so, I kind of
21 like the idea, but I don't want to delay this
22 further. As long as we have a -- there's an
23 agreement in place of how -- what the procedure
24 will be to do this.

1 I'm assuming that there are
2 conditions that went into the model that we
3 would need to understand or that the folks at
4 the PUC Safety Division would need to
5 understand how the modeling was done. And, you
6 know, I'm guessing that they don't have tree by
7 tree put into the model. They probably have a
8 factor for percent clearing or percent -- I
9 don't know how the model is run. But I can
10 only imagine that there's some estimation
11 that's done as to replicate the conditions that
12 are currently there and what will be proposed
13 to be there. So, you're not going to, you
14 know, you're not going to see -- there is going
15 to be some difference in measurements, as I can
16 see from the prediction in the model.

17 But, again, it goes back to the
18 standard itself. How close is the model
19 predicted to the standard? And what are we
20 seeing when we're out there measuring versus
21 the standard? And we need to pull out the
22 safety standard.

23 DR. BOISVERT: Trying to think as
24 broadly as possible, will all of this -- all of

1 these results be in the public record and not
2 considered proprietary by the Company? To do
3 this testing is to find out the utility and the
4 validity and reliability of the model. I'm
5 assuming this is public record, is it not?

6 PRESIDING OFFICER ROSS: Yes.

7 MR. IACOPINO: I'm assuming it's the
8 same type of information that they have already
9 filed in their appendix. I don't see why it
10 would now be considered to be proprietary.

11 DR. BOISVERT: Okay.

12 PRESIDING OFFICER ROSS: I'm
13 wondering if we're at a point where we might
14 see if we can craft language, building on the
15 suggested language that the Applicant and the
16 Counsel for the Public have agreed to. I made
17 one note of inserting, at the end of the first
18 phrase that ends "Project ROW at the locations
19 identified in Tables A-1 and A-2 of Exhibit AG
20 to the Application". I think that does
21 pinpoint the locations.

22 I wonder if we need to add anything
23 else that captures the need for pre-Project
24 testing to be before any of the existing lines

1 are moved, and with conditions as nearly as
2 possible identical to when the modeling -- to
3 the conditions that the modeling was based on?

4 DR. BOISVERT: I agree. And I think
5 that's something that I made clear in my
6 original comments in the deliberation.

7 MS. WEATHERSBY: I know I made that
8 suggested insert. And I just want to get a
9 consensus of whether people feel as though that
10 is sufficient, the language being "the
11 locations identified on the tables", that that
12 is sufficient in that it identifies the five
13 measurements for each section as represented on
14 the table. I think that that captures it, but
15 I just want to be sure that that is what I was
16 proposing when I made that suggestion.

17 CMSR. BAILEY: So, if we do that,
18 then they need to -- we need to add directions
19 to them in the discussion -- in the sentence
20 that says "If peak or near-peak conditions do
21 not occur before elements of the Project are
22 placed into service, pre-Project measurements
23 should be presented in both raw form and
24 adjusted to reflect a peak loading condition

1 and the annual average load", I think we would
2 need to add that. If you want to have every
3 measurement in the table -- I mean, if you want
4 to have the measurements that they take
5 compared to every data point in the table, then
6 we need to have -- we need to have them
7 estimate or calculate the annual average load
8 based on the measurement.

9 And there's post-Project annual peaks
10 for 2018 and 2023, and that also would have to
11 be a calculation.

12 MS. WEATHERSBY: Yes. I wasn't
13 considering that, and I don't know enough about
14 the average annual load information, whether
15 that would be helpful.

16 What I just wanted to be sure was
17 that the five locations of "West Right-of-Way
18 Edge minus 100 feet", "West Right-of-Way Edge",
19 "Max on Right-of-Way", "East Right-of-Way
20 Edge", and "East Right-of-Way Edge plus
21 100 feet" were all being measured. So, there's
22 a cross-section, essentially, of the line, it's
23 five measurements taken at each location. I
24 just want to be sure that was captured.

1 And I'll leave it up to Commissioner
2 Bailey as to whether the other calculation
3 should also be -- would be useful.

4 MS. ROBERGE: I would just add that
5 those would be calculated numbers probably.

6 PRESIDING OFFICER ROSS: Be what
7 numbers?

8 MS. ROBERGE: Calculated probably, as
9 opposed to actually measured.

10 CMSR. BAILEY: The annual average,
11 not the -- but I think what Ms. Weathersby is
12 suggesting is they take five measurements, and
13 then they calculate the -- calculate what those
14 measurements would equate to on the annual
15 average load and on the peak loads.

16 MS. ROBERGE: Right.

17 CMSR. BAILEY: And then they take --
18 and then they take one during the peak, during
19 the peak, not necessarily at the exact hour of
20 the peak load, because we --

21 *[Multiple parties speaking at*
22 *the same time.]*

23 CMSR. BAILEY: Right. And then we
24 compare those to the numbers that were

1 predicted by the model, based on the number --
2 the measurements that they take now.

3 MR. IACOPINO: Madam Chair, can I
4 just ask a question? And I guess the question
5 is, is does the language in the locations
6 identified in Tables A-1 and A-2 address Ms.
7 Weathersby's concern about getting the
8 centerline and then each edge?

9 MS. WEATHERSBY: It would be more
10 specific, we could -- we could be more specific
11 and eliminate the ambiguity by saying "the
12 Applicant" -- after "Project Right-of-Way", add
13 "in each section five measurements shall be
14 taken, one each on west right-of-way edge minus
15 100 feet, west right-of-way edge, max on
16 right-of-way, east right-of-way edge, and east
17 right-of-way edge plus 100 feet".

18 MR. IACOPINO: How about if we said
19 "in the locations and at the distances in the
20 tables"?

21 MS. WEATHERSBY: Even more succinct.
22 Thank you.

23 MR. NEEDLEMAN: Mike, can I point out
24 one issue?

1 PRESIDING OFFICER ROSS: I'm sorry.

2 MR. IACOPINO: He asking a question.

3 PRESIDING OFFICER ROSS: Oh, I'm
4 sorry. We don't generally take testimony while
5 we're deliberating. So, I think I'm going to
6 just let us see what we can do up here.

7 MR. NEEDLEMAN: Okay.

8 PRESIDING OFFICER ROSS: Yes. Go
9 ahead.

10 MS. ROBERGE: And I'm saying this,
11 but I don't have the expertise on this. But,
12 when you say the "five measurements", I'm
13 looking at the table, and the "Max on the
14 Right-of-Way", I'm guessing, you know, further
15 down in this appendix you have some graphs that
16 kind of show right-of-ways. And, then, I'm
17 guessing a simulated line -- two stimulated
18 lines, one is for pre-Project and one is for
19 post-Project, to modeled calculations, I'm
20 guessing, of what the electric/magnetic fields
21 would be between the two right-of-ways. And,
22 obviously, centerline being highest, and then
23 it moves along there outward, you know,
24 decreasing to the right-of-way, roughly. And

1 each configuration is slightly different based
2 on the line configuration, based on, you know,
3 where the existing power lines are, what they
4 are, you're going to see that change.

5 I don't know how difficult it would
6 be for a field measurement to go and try, you
7 know, max on right-of-way, I don't know if
8 that's centerline, I don't know what that
9 necessarily means. I would -- I personally
10 would rely on the experts to determine where
11 that would be. I mean, I can only imagine that
12 perhaps getting as close as you can to the
13 biggest line might predict the max on the
14 right-of-way. But, also, we're talking about a
15 pretty big, you know, potentially a big
16 distance to try to figure out where that might
17 be.

18 And I would worry that, if we're very
19 specific, that we might be back here again.
20 That, you know, the experts may need to kind of
21 talk about this and figure out what would be
22 the most appropriate procedure to hopefully
23 capture what we're trying to capture, which is,
24 you know, using this model data and trying to

1 verify it for its accuracy, and also using the
2 data that we do get in comparison to the
3 standards. So, --

4 PRESIDING OFFICER ROSS: I think I
5 agree that having a -- having the PUC Safety
6 Division be in consultation on this is going to
7 get us our best result. It's going to get us,
8 I think, to something comparable to the A-1 and
9 A-2. And I don't think that this Committee,
10 especially without, you know, getting the
11 Applicant's experts up here and questioning
12 them further, is going to be able to fashion
13 their testing plan. We can't do that. And the
14 more specific we get, I think, the more we risk
15 putting something in place that isn't going to
16 work.

17 So, I think I'd rather sort of try to
18 keep it a little more high level. I do find
19 these tables useful, because they generated
20 their predictions.

21 MS. ROBERGE: Uh-huh.

22 PRESIDING OFFICER ROSS: So, they had
23 a methodology that was generated, produced by
24 an expert, who theoretically knows how to do

1 measurements that capture the categories that
2 they have listed. And I'm assuming that, by
3 having a conversation with the Safety Division
4 at the PUC, the Applicant and the Applicant's
5 expert can come up with a way to test these
6 locations pre- and post-Project.

7 So, I'm feeling like we're way beyond
8 our league when we get into much specifics. I
9 think referencing the table is a good anchor
10 for us.

11 Let's take a five-minute break. I
12 think we may need a little. Thank you.

13 *(Recess taken at 11:15 a.m. and*
14 *the hearing resumed at 11:25*
15 *a.m.)*

16 PRESIDING OFFICER ROSS: All right.
17 We're going to go back on the record.

18 I'm going to ask Counsel Iacopino to
19 read sort of a composite draft of our
20 discussions to this point, and see if we can
21 formulate a motion.

22 MR. IACOPINO: Thank you, madam
23 Chair. I was -- if I understand what the
24 deliberations of the Committee so far have been

1 on this issue, I have taken the Applicant's
2 proposed language for a substitute condition
3 and I have modified that language to include
4 the concerns that I heard expressed by the
5 members of the Committee. And I will read that
6 language to you. And, again, this is just in
7 my capacity as a scribe here.

8 So that the language, if you go to
9 the -- I'm reading language that is modified
10 from the Applicant's proposed language, I
11 believe, on Page 4 of their Motion for
12 Clarification. The language would read as
13 follows: "...that the Applicant, in
14 consultation with the PUC's Safety Division,
15 shall measure actual electric and magnetic
16 field levels along the Project ROW in the
17 locations and at the distances as near as
18 possible to those identified in Tables A-1 and
19 A-2 in the Application, Appendix AG, Attachment
20 A, both before and after the Project is placed
21 into service. If peak or near-peak conditions
22 do not occur before elements of the Project are
23 placed into service, pre-Project measurements
24 should be presented in both raw form and

1 adjusted to reflect a peak loading condition
2 and the average annual load, at each
3 measurement location. Pre-Project measurements
4 shall be taken before any existing lines are
5 moved and under conditions as near as possible
6 to conditions assumed in the original modeling
7 shown in Tables A-1 and A-2. Post-construction
8 measurements will be taken during the summer
9 peak loading season and a similar procedure
10 will be used, if necessary, in acknowledgement
11 that the Applicant cannot know in advance when
12 peak loading will occur and that the days
13 planned for measurements may occur when line
14 loadings are below the forecasted peak
15 loading."

16 So, that's the language that I've
17 gleaned. And I leave it up to you guys to
18 deliberate.

19 PRESIDING OFFICER ROSS: Yes. Go
20 ahead.

21 MS. ROBERGE: Sorry, not to
22 complicate, but I was just looking at the
23 tables. When you look at Table A-1, which is
24 magnetic field levels, you have the annual peak

1 in there. But, when you look at Table A-2,
2 which is the electric field levels, they just
3 have "Pre-Project average height", "Pre-Project
4 minimum height", "Post-Project average height",
5 and "Post-Project minimum height".

6 So, I, again, excuse me, not being an
7 expert in this area, maybe that annual peak is
8 only for magnetic fields. In any case, we
9 wouldn't have an annual peak number to compare
10 to for the electric fields.

11 CMSR. BAILEY: They're sort of
12 related, I think. The average height and the
13 minimum height probably reflects the fact that,
14 when the lines are under heavy loads, they're
15 hotter and they sag. So, they're closer to the
16 ground a little bit. I mean, you know, and
17 that -- and, in order to comply with the
18 National Electrical Safety Code, they have to
19 take the maximum load into consideration, and
20 the requirement for the height of that
21 conductor has to do with, you know, they look
22 at what the worst-case scenario is. So, I'm
23 thinking that it has to do with that.

24 But maybe we could just make the

1 language a little less specific with respect to
2 that aspect of it, so that we get -- I mean,
3 really, what we want them to do is recreate
4 these tables using real data.

5 MS. ROBERGE: Right. As close as
6 possible.

7 CMSR. BAILEY: Yes.

8 MS. ROBERGE: Knowing that this is a
9 simulated exercise.

10 CMSR. BAILEY: Right.

11 MS. ROBERGE: It just -- I just
12 happened to notice that when I was look at
13 these two tables, that there was some data
14 that, you know, they're measuring slightly
15 different things.

16 MS. WEATHERSBY: Commissioner Bailey,
17 are you saying that the minimum height on Table
18 A-2 is essentially equivalent to the annual
19 peak load?

20 CMSR. BAILEY: I think that's --

21 MS. ROBERGE: Oh, it is?

22 CMSR. BAILEY: I think that might be
23 true. But, you know, again, this is something
24 that our Safety Division would be able to know

1 and be sure about. And, I think, probably the
2 average height is, you know, some kind of
3 average based on the average annual load, this
4 is what it is usually or, you know, on average,
5 this is the height from the ground. But I'm
6 not here as an expert, so, I don't know that
7 for sure.

8 So, I think we really should give
9 some discretion to the Safety Division and put
10 in the condition that we really want them to,
11 as close as possible, using measurements,
12 recreate these two tables.

13 DR. BOISVERT: I'd like to reiterate
14 or support the statement that flexibility
15 should be given to the Safety Division. They
16 really know much, much more about this than any
17 of us could. I would want -- not want to see
18 us create a condition that worked cross
19 purposes to our goal. We can, with good
20 intentions, come up with a condition that may
21 frustrate our desires unknowingly. So, giving
22 discretion to the PUC Safety Division, I think,
23 is a prudent way to go.

24 MS. WEATHERSBY: I'm just a little

1 bit concerned about giving them too much
2 discretion, because what we really want is
3 these two -- these tables to be replicated.

4 So, Attorney Iacopino, would you mind
5 just repeating the proposed language, --

6 MR. IACOPINO: Sure.

7 MS. WEATHERSBY: -- and see if it
8 still captures what we want with the peak
9 issue.

10 MR. IACOPINO: "That the Applicant,
11 in consultation with the PUC Safety Division,
12 shall measure actual electric and magnetic
13 field levels along the Project ROW in the
14 locations and at the distances as near as
15 possible to those identified in Tables A-1 and
16 A-2 in the Application, Appendix AG, Attachment
17 A, both before and after the Project is placed
18 into service. If peak or near-peak conditions
19 do not occur before elements of the Project are
20 placed into service, pre-Project measurements
21 should be presented in both raw form and
22 adjusted to reflect a peak loading condition
23 and the average annual load, at each
24 measurement location. Pre-Project measurements

1 shall be taken before any existing lines are
2 moved and under conditions as near as possible
3 to conditions assumed in the original modeling
4 shown in Tables A-1 and A-2. Post-construction
5 measurements will be taken during the summer
6 peak loading season and a similar procedure
7 will be used, if necessary, in acknowledgement
8 that the Applicant cannot know in advance when
9 peak loading will occur and that the days
10 planned for measurements may occur when line
11 loading are below the forecasted peak loading."

12 The portions that were inserted are
13 in the first sentence, "in the locations and at
14 the distances as near as possible to those
15 identified in Tables A-1 and A-2 in the
16 Application, Appendix AG, Attachment A".
17 That's the first change we made to the
18 Applicant's language.

19 The next change is in the second
20 sentence, and these are long sentences, where
21 we added the words "and the average annual
22 load" just before "at each measurement
23 location".

24 And, then, the third change is a new

1 third sentence "Pre-Project measurements shall
2 be taken before any existing lines are moved
3 and under conditions as near as possible to
4 conditions assumed in the original modeling
5 shown in Tables A-1 and A-2".

6 So, those are the three changes that
7 we made to the proposed language from the
8 Applicant.

9 CMSR. BAILEY: What if we add, at the
10 end of the second addition, "or average
11 height". So, you added "an annual average
12 load", we could say "or average height" --

13 MS. ROBERGE: "As may be applicable".

14 CMSR. BAILEY: -- "as may be
15 applicable". And, then, we probably need to
16 add "or minimum height" after -- let's see --

17 MS. ROBERGE: Could you -- sorry.
18 Could you just say something along the lines of
19 "adjusted to reflect a peak loading condition
20 and other represented" -- you know,
21 "represented conditions in the tables", or
22 something along those lines? Or is that too
23 vague?

24 CMSR. BAILEY: Yes.

1 MR. IACOPINO: Where would you like
2 that? I'm sorry.

3 PRESIDING OFFICER ROSS: Instead of
4 your more specific language --

5 *[Court reporter interruption.]*

6 PRESIDING OFFICER ROSS: Okay. I was
7 just suggesting it's actually a substitution
8 for the language "and the average annual load
9 or average height as applicable", that, instead
10 of that, you make a more general reference
11 to -- what was your language?

12 MS. ROBERGE: "To reflect a peak
13 loading condition and other represented
14 conditions in Table A-1 and A-2", I don't know.
15 Just very --

16 MR. IACOPINO: As a substitute?

17 MS. ROBERGE: Yes. As opposed to
18 saying "the average annual load", just
19 substituting language that's a little more --

20 CMSR. BAILEY: A little less
21 specific.

22 MS. ROBERGE: Thank you. A little
23 less --

24 MR. IACOPINO: So I can write this

1 down, can you say the language again?

2 PRESIDING OFFICER ROSS: "And other
3 represented conditions in Table A-1 and A-2".

4 MS. ROBERGE: Yes.

5 PRESIDING OFFICER ROSS: "In Tables".

6 MS. WEATHERSBY: Michele, would you
7 mind just clarifying. Are you adding that
8 after "peak loading condition" or after "annual
9 load"?

10 MS. ROBERGE: I would -- I would take
11 out "and the average annual load". So, it
12 would read "to reflect a peak loading condition
13 and" -- what was the --

14 PRESIDING OFFICER ROSS: "Other
15 represented conditions in Tables A-1 and A-2",
16 so that you're just kind of --

17 MS. ROBERGE: Yes. So, I would keep
18 "peak loading condition" in there, and, then,
19 as opposed to getting really specific on this,
20 on the other conditions that we just
21 referenced, those --

22 *[Court reporter interruption.]*

23 MS. ROBERGE: -- those contained in
24 the tables.

1 PRESIDING OFFICER ROSS: I think
2 we -- are we ready with that change? Would you
3 like a final reading and see if someone would
4 like to adopt it as a motion?

5 *[Multiple members nodding in the*
6 *affirmative.]*

7 PRESIDING OFFICER ROSS: Okay. Let's
8 do one more reading.

9 MR. IACOPINO: So, again, we've taken
10 the language on Page 4 of the Applicant's
11 motion, and replaced -- and modified that
12 language to state as follows: "...that the
13 Applicant, in consultation with the PUC Safety
14 Division, shall measure actual electric and
15 magnetic field levels along the Project ROW in
16 the locations and at the distances as near as
17 possible to those identified in Tables A-1 and
18 A-2 in the Application, Appendix AG, Attachment
19 A, both before and after the Project is placed
20 into service. If peak or near-peak conditions
21 do not occur before elements of the Project are
22 placed into service, pre-Project measurements
23 should be presented in both raw form and
24 adjusted to reflect a peak loading condition

1 and other represented conditions in Tables A-1
2 and A-2, at each measurement location.
3 Pre-Project measurements shall be taken before
4 any existing lines are moved and under
5 conditions as near as possible to conditions
6 assumed in the original modeling shown in
7 Tables A-1 and A-2. Post-construction
8 measurements will be taken during the summer
9 peak loading season and a similar procedure
10 will be used, if necessary, in acknowledgement
11 that the Applicant cannot know in advance when
12 peak loading will occur and that the days
13 planned for measurements may occur when line
14 loadings are below the forecasted peak
15 loading."

16 MS. WEATHERSBY: I don't mean to be
17 picky, but would it be preferable to say "other
18 conditions represented on the tables", rather
19 than "represented conditions"?

20 MR. IACOPINO: Probably would.

21 MS. WEATHERSBY: So, just to be
22 slightly more -- okay. Other than that, I like
23 that. And I would move that we amend our
24 condition to reflect the language just read by

1 Attorney Iacopino, with that word switch.

2 PRESIDING OFFICER ROSS: Well, we are
3 probably substituting that language for
4 language. So, we're clarifying our earlier
5 motion. To the extent there's any
6 inconsistency, I think, between the language
7 we're approving now and our prior language,
8 this language would control. That's my
9 understanding of what we're doing.

10 CMSR. BAILEY: Did we ever move to
11 approve prior language?

12 PRESIDING OFFICER ROSS: It was in
13 our order.

14 CMSR. BAILEY: Oh.

15 PRESIDING OFFICER ROSS: We have an
16 existing order that we're clarifying today.
17 So, I was trying to describe my understanding
18 of the way this new language that we're
19 proposing as a motion now to vote on would
20 interact with our prior language. Because we
21 have other language in there about mitigating,
22 in the event that, you know, they exceed levels
23 that are -- and I don't want to lose that
24 language. So, I think we're simply adding this

1 language as a clarification to what we've
2 already ordered.

3 MR. IACOPINO: Just, Madam Chair, if
4 I may, if you look at Page 4 of the Order and
5 Certificate, I think this language would go in
6 on the second from the bottom full ordering
7 paragraph, that states right now "Further
8 Ordered that the Applicant, in consultation
9 with the PUC Safety Division, shall measure
10 actual electric and magnetic fields associated
11 with operation of the Project both before and
12 after construction of the Project during
13 peak-load, along each section number listed in
14 Tables 12 and 13 of the Application".

15 PRESIDING OFFICER ROSS: Okay.
16 That's helpful. And, then, if we're going to
17 be doing a motion, what we would be moving
18 would be to substitute this language for --
19 that's not a numbered paragraph, but it's the
20 second from the bottom on Page 4.

21 MS. WEATHERSBY: So, I withdraw my
22 earlier motion, and make a new motion that we
23 substitute the proposed language, as read by
24 Attorney Iacopino, with the word order switch,

1 for the language in the Order and Certificate
2 of Site and Facility with Conditions,
3 substituting that for the second to last
4 paragraph on Page 4.

5 PRESIDING OFFICER ROSS: Yes. Is
6 there a second to that?

7 *[Dr. Boisvert indicating by*
8 *raising his hand to second the*
9 *motion.]*

10 PRESIDING OFFICER ROSS: Okay. Is
11 there any discussion, any further discussion of
12 this amendment?

13 *[No verbal response.]*

14 PRESIDING OFFICER ROSS: In that
15 case, all in favor of adopting this amendment
16 as a new clause in our Order indicate by saying
17 "aye"?

18 *[Multiple members indicating*
19 *"aye".]*

20 PRESIDING OFFICER ROSS: And any
21 opposed?

22 *[No verbal response.]*

23 PRESIDING OFFICER ROSS: None are
24 opposed.

1 CMSR. BAILEY: Madam Chair?

2 PRESIDING OFFICER ROSS: Yes.

3 CMSR. BAILEY: I think that that's
4 really good language and it's very -- I think
5 it should be easily understood.

6 But I'm wondering if, in the event
7 there comes -- a question comes up, whether we
8 could delegate the authority to the PUC Safety
9 Division to resolve it, to the extent that they
10 can? And, if they can't, to notify the
11 Administrative -- Executive Director of the
12 Committee, and then we'll take it up again.
13 But, if there are technical issues that they
14 can resolve -- I don't feel strongly about
15 this, but I'm bringing it up as a suggestion,
16 to see if the Committee would like to delegate
17 that authority to the PUC Safety Division?

18 I guess the benefit of it would be
19 that the Project would theoretically get -- may
20 get advanced sooner, rather than later, if we
21 have to come back again to address something.
22 I'm not suggesting that they -- that, you know,
23 if the Applicant were to violate the terms of
24 this condition, that the Safety -- I'm not

1 suggesting that the Safety Division would be
2 allowed to decide that that should be waived.
3 But, if there's some technical question that
4 comes up that needs to be clarified, that the
5 Safety Division maybe could clarify it, based
6 on, you know, our discussion here today.

7 DR. BOISVERT: I'm comfortable with
8 that approach. For the technical issues, I
9 would feel much more comfortable with them
10 getting first pass, and, obviously, only on the
11 technical aspects. I'm comfortable with your
12 suggestion.

13 MS. WEATHERSBY: I'm not sure it's
14 necessary. Because we have the -- as near as
15 possible, what's the phrase? That they don't
16 have to adhere exactly, it's just they have to
17 come as close as they can. So, I don't know if
18 there would -- what issues can come up, if
19 they're doing everything that's reasonably
20 possible to mirror the data that they present
21 in their model. Not "mirror", but replicate.

22 CMSR. BAILEY: I agree. But I'm
23 thinking of things that we haven't thought
24 about. Like, you know, whether it's supposed

1 to happen before the trees are removed or after
2 the trees are removed, and I think we've
3 discussed that aspect of it. But that wasn't
4 even a thought in my mind the first time we
5 deliberated it.

6 And I don't know if it would have
7 been appropriate if we had delegated it to the
8 Safety Division for them to decide that it was
9 either okay or not okay to do it after the
10 trees were removed. But that's just an
11 example.

12 It's just like in case we've
13 forgotten something. I don't think it's
14 likely, but I don't know.

15 PRESIDING OFFICER ROSS: Yes. Go
16 ahead.

17 MS. ROBERGE: I'm sure that there
18 will be some technical things that come up in
19 any testing scheme, it could be monitored, do
20 you use -- what methodology do you use, how do
21 you calculate. I mean, there could be many
22 questions that come up, just thinking of it
23 from a perspective of measuring and doing a
24 stack test, there's very technical things that

1 could come up.

2 So, I would be comfortable with --
3 you know, I think "in consultation with the
4 PUC" probably covers it, and those would be,
5 when I was originally thinking of a plan, those
6 are the conversations that would happen, to
7 kind of come to an agreement on how the testing
8 would be done. Perhaps the "in consultation"
9 covers it. But, in my mind, the PUC would have
10 some -- you know, the Safety Division would
11 have some ability to make some decisions
12 relative to the testing, because they are the
13 technical experts in this area.

14 So, I already sort of had that
15 thought in my mind that they would be making
16 very technical decisions on how the testing was
17 going to be completed, in consultation with the
18 Applicant.

19 CMSR. BAILEY: Okay. So, maybe we
20 don't need to have any further delegation, if
21 "in consultation" means that.

22 Does anyone disagree that it doesn't
23 mean that or --

24 PRESIDING OFFICER ROSS: I think I'm

1 comfortable with the language as it is, because
2 we haven't set out the specific testing in our
3 order. So, it wouldn't be a matter of -- I
4 mean, other than sort of trying to get it to
5 mirror the chart that was generated, we've
6 refrained from doing a lot of specifics,
7 because we believe that that's better handled
8 by the Applicant and the Safety Division. So,
9 I think we have delegated in that sense.

10 But I don't have an objection to
11 making the delegation more formal, if we want
12 to do that. I don't think it's -- you know, I
13 don't know that it's needed, but I also don't
14 think it would hurt. So, --

15 CMSR. BAILEY: Counsel, in your
16 experience, do you think we need to delegate or
17 do you think it's covered?

18 MR. IACOPINO: You certainly have the
19 legal authority to delegate the appropriate
20 authority to the PUC Safety Division to specify
21 the use of any technique, methodology, practice
22 or procedure approved by the Committee within
23 your Certificate. And this would be that type
24 of delegation under RSA 162-H:4, III-a.

1 You've already required consultation
2 with the PUC. So, it all -- it really is not
3 a -- I can't say that "consultation" means that
4 the PUC can dictate what the Applicant can do.
5 If you want them to be able to dictate what the
6 Applicant can do, then I would recommend that
7 you specifically provide the authority through
8 delegation.

9 But, if you're comfortable that the
10 Applicant and the PUC Safety Division can work
11 their way through anything technical that might
12 come up, then you do not need to do that.

13 And, ultimately, that's a decision
14 for each one of you to make as Committee
15 members. Sorry.

16 PRESIDING OFFICER ROSS: Is that a --
17 would you like to make that in the form of a
18 motion, and we'll see if we can --

19 CMSR. BAILEY: No. I think I'll
20 leave it as is.

21 PRESIDING OFFICER ROSS: Anyone else
22 feel strongly?

23 *[No verbal response.]*

24 PRESIDING OFFICER ROSS: All right.

1 Is there anything else that we need to deal
2 with today before we close the deliberative
3 session? Any other procedural issues that we
4 haven't dealt with?

5 *[No verbal response.]*

6 PRESIDING OFFICER ROSS: Hearing
7 none, this deliberative session is closed.

8 CMSR. BAILEY: Move we adjourn.

9 DR. BOISVERT: Second.

10 PRESIDING OFFICER ROSS: All in
11 favor?

12 *[Multiple members indicating*
13 *"aye".]*

14 PRESIDING OFFICER ROSS: We are
15 adjourned.

16 ***[Whereupon the hearing and***
17 ***deliberative session was***
18 ***adjourned at 11:52 a.m.]***