

November 22, 2017

VIA FIRST CLASS MAIL AND EMAIL

Pamela G. Monroe, Administrator
New Hampshire Site Evaluation Committee
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**RE: New Hampshire Site Evaluation Committee Docket No. 2015-06
Joint Application of Northern Pass Transmission, LLC and
Public Service Company of New Hampshire d/b/a Eversource
Energy for a Certificate of Site and Facility for Construction of
a New High Voltage Transmission Line in New Hampshire**

Dear Ms. Monroe:

As you know, when Attorney Needleman cross-examined the Forest Society's witness, Harry Dodson, on Friday 11/3/17, Attorney Needleman asked questions indicating that the Forest Society had not produced material responsive to data requests propounded by the Northern Pass. The Forest Society and the Applicants have communicated extensively regarding this issue. The purpose of this letter is to correct the record on certain issues that we have discussed with the Applicants.

First, confusion arose with respect to Exhibit 1 to Mr. Dodson's Supplemental pre-filed testimony (also SPNF Exhibit 66) because it did not exist in its current state until Mr. Dodson filed his supplemental testimony on April 17, 2017. The Applicants and the Forest Society have unraveled the confusion as described below. The Applicants do not contend that SPNF did not comply with discovery deadlines.

The document at issue is a Microsoft Excel worksheet. An earlier version of SPNF Exhibit 66 had been provided to all parties on December 30, 2016 as contained in Appendix F of Mr. Dodson's Visual Impact Assessment (dated December 28, 2016). On January 13, 2017, the Applicants requested that Mr. Dodson provide "all the matrices that were used to assess the aesthetic quality for all resources and landscapes contained in Appendix A" and to provide "the Scenic Quality ratings for all evaluated resources based on the Aesthetic Quality Evaluation chart provided in Appendix D Page 2." No responsive documents existed at that time.

The Applicants asked questions to Mr. Dodson at the technical session which resulted in additional data requests. Specifically for the purpose of responding to those data requests, Mr. Dodson supplemented the Excel worksheet by adding in several columns of information that assess aesthetic quality by using the Aesthetic Quality



Evaluation Chart found in Mr. Dodson's VIA. During cross-examination, Mr. Dodson mistakenly represented that he had not "added a bunch of columns" to the April 17, 2017 spreadsheet, *see* Tr. Day 55 PM at 66, and that the rating for things like "aesthetic quality" existed on December 30, 2017. *See* Tr. Day 55 PM at 74. Also for clarification, with respect to Attorney Needleman's question stating that at no point in the process did he ever see those documents, he meant that he had not seen the additional columns during discovery and did not see them until April 17, 2017. *See* Tr. Day 55 PM at 74. SPNF and the Applicant agree that both the Forest Society and Mr. Dodson did not possess documents that should have been produced during discovery but were not.

The Forest Society provided the updated Excel worksheet with additional columns to the Applicants (and all other parties) as part of Mr. Dodson's supplemental pre-filed materials on 4/17/17. That was the first time that the document existed in its current form (with the additional columns added in response to Applicants' questions). It has not changed since that time.

Second, regarding the "memo" that Attorney Boepple displayed on re-direct examination of Mr. Dodson on 11/3/17, that was an inadvertent use of privileged draft of what eventually became the Forest Society's 2/22/17 responses to data requests. Neither the Applicants nor any other party (or the Subcommittee) has ever had a copy of this internal and privileged draft. The Forest Society does not intend to introduce this draft as an exhibit into the official SEC record, and does not plan to rely on it for any purpose whatsoever, aside from attempting to use it to refresh Mr. Dodson's recollection on 11/3/17. As discussed above, the Forest Society acknowledges that the current version of SPNF Exhibit 66 did not exist until the filing of Mr. Dodson's supplemental testimony on April 17, 2017 and any representation that the document existed before that time was a reference to the earlier version of the document (without the additional columns added in response to data requests resulting from technical session question).

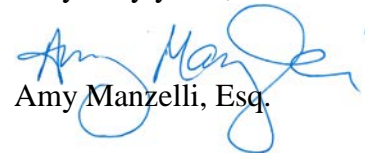
Third, during discovery, the Applicants requested that Mr. Dodson provide any "field notes" developed by Dodson and Flinker (once in a data request dated January 13, 2017 and again through a technical session data request). The Forest Society did not produce any "field notes" during discovery. Attorney Needleman cross-examined Mr. Dodson about whether he relied on any additional documents when developing his VIA and Mr. Dodson explained that he did not rely on any additional information when making determinations about the extent, nature and duration of use, the scope and scale of the project, and his ratings of dominance and prominence. Attorney Needleman asked "what information specifically did you rely on to make determinations about the extent or nature of use . . . , other than your own observations." Tr. Day 55 PM at 79. Mr. Dodson responded by saying "By being there and driving on the road." Mr. Dodson said that other than driving around and taking photographs, he had no additional information that he relied on. *Id.*



However, when questioned by Committee member Dandaneau, Mr. Dodson stated that he “took field notes relative to the location, the conditions, the weather, the time of day, written impressions of the site features, terrain vegetation, water and some notes on the character and extent of the views.” Tr. Day 55 PM at 117. Mr. Dodson also testified that he “took notes and made comments about what the experience of visiting that site is.” Tr. Day 55 PM at 119.

The Forest Society would like to clarify that what Mr. Dodson was referring to, was in fact, Appendix F of Dodson and Flinker’s initial report dated December 30, 2016. In particular, on one site visit, Mr. Dodson’s associate, Nate Burgess, had a computer in the field, which he used to begin Appendix F, which was eventually completed in the office, and which the Forest Society has produced as Appendix F on December 30, 2016. Mr. Dodson did not create any hand-written field notes while conducting site visits aside from Appendix F.

Very truly yours,



Amy Manzelli, Esq.

/nmm

cc: Client
Distribution List (11/21/17)

