STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

December 7, 2015 - 9:07 a.m.
Public Utilities Commission
21 South Fruit Street Suite 10
Concord, New Hampshire

IN RE: SEC 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.
(Meeting of Subcommittee members
to determine whether the
Application as filed contains
sufficient information to carry
out the purposes of RSA 162-H.)

PRESENT FOR SUBCOMMITTEE:      SITE EVALUATION COMMITTEE:
Chairman Martin P. Honigberg   Public Utilities Commission
(Presiding as Presiding Officer)
Cmsr. Kathryn M. Bailey   Public Utilities Commission
Craig Wright, Designee      Dept. of Environmental Serv.
Christopher Way, Designee   Dept. of Resources &
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby        Public Member

ALSO PRESENT FOR THE SEC:  Michael J. Iacopino, Esq.
(Brennan Lenehan)
Pamela G. Monroe, Administrator

COURT REPORTER: Steven E. Patnaude, LCR No. 052
OTHER APPEARANCES NOTED:

Counsel for the Applicants: Barry Needleman, Esq.  
(McLane Middleton)  
Elizabeth Maldonado, Esq.  
(Eversource Energy)  
Thomas B. Getz, Esq.  
(Devine Millimet)  
Adam Dumville, Esq.  
(McLane Middleton)  

Counsel for the Public: Peter C. L. Roth, Esq.  
Senior Asst. Atty. General  
N.H. Department of Justice  
Elijah D. Emerson, Esq.  
(Primmer Piper)  
Thomas Pappas, Esq.  
(Primmer Piper)
INDEX

QUESTIONS TO COUNSEL TO THE COMMITTEE BY:

Chairman Honigberg               10
Commissioner Bailey          18, 26
Ms. Weathersby                   21
Mr. Way                          23
Mr. Wright                       24

STATEMENTS FROM SUBCOMMITTEE MEMBERS BY:

Commissioner Bailey              27
Ms. Weathersby                   28

MOTION BY MR. WRIGHT to accept the Application as complete and to authorize counsel to prepare a written order to proceed
SECOND BY MR. WAY

DISCUSSION ON THE MOTION BY:

Chairman Honigberg               29

VOTE ON THE MOTION

MOTION BY COMMISSIONER BAILEY to adjourn
SECOND BY MS. WEATHERSBY

VOTE ON THE MOTION

{SEC 2015-06} [Public Meeting] {12-07-15}
CHAIRMAN HONIGBERG: Good morning, everyone. We're here this morning in the SEC Docket 2015-06, which is the 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 and operation of a new electric transmission line, with a 1,090 megawatt transfer rating, extending approximately 192 miles from the Canadian border in Pittsburg, New Hampshire to a substation in Deerfield, New Hampshire.

The purpose of today's meeting is for the Subcommittee that was appointed under RSA 162-H to consider the status of the application and whether to accept it as sufficient for the Committee to fulfill its purposes.

Before we go any further, I'm going to ask the members of the Subcommittee, who have been appointed and/or designated by appointees, to introduce themselves.

MS. WEATHERSBY: Patricia Weathersby, public member.

CHAIRMAN HONIGBERG: Martin Honigberg. I'm the Chair of the Public Utilities Commission and, by
statute, that makes me the Chair of the Site Evaluation Committee as well.

COMMISSIONER BAILEY: Kathryn Bailey, Public Utilities Commission.

MR. WAY: Christopher Way, Department of Resources & Economic Development.

MR. WRIGHT: Craig Wright, Department of Environmental Services.

MR. OLDENBURG: William Oldenburg, Department of Transportation.

CHAIRMAN HONIGBERG: Sitting immediately to my right is Mike Iacopino, who's an attorney, who has been appointed by the Attorney General's Office at our request to represent the SEC in this proceeding. Under the law, we are allowed to have a lawyer advise us, and we are able to confer with him in accordance with state law.

There are two parties, if you will, to this proceeding at this time, maybe three, if you want to count the Applicants as two. Northern Pass Transmission and PSNH, who filed the Joint Application, and Public Counsel, who has been appointed by the Attorney General to represent the interests that Public Counsel represents. I will now ask them to enter their appearances for today's proceeding.
MR. NEEDLEMAN: Good morning, Mr. Chairman. Barry Needleman, from McLane Middleton, representing the Joint Applicants. And, to my right -- actually, I'll let them introduce themselves.

MS. MALDONADO: Elizabeth Maldonado, from Eversource Energy.

MR. GETZ: Good morning, Mr. Chairman, members of the Committee. Tom Getz, from Devine, Millimet & Branch.

MR. DUMVILLE: Good morning. Adam Dumville, representing the Joint Applicants, from McLane Middleton.

MR. ROTH: Good morning, Mr. Chairman, members of the Committee. I'm Peter Roth, with the New Hampshire Department of Justice. And, I serve as Counsel for the Public. And, with me today, to my left, are Elijah Emerson and Thomas Pappas, who are with the Primmer law firm, and who have been selected by me to serve as counsel for Counsel for the Public, subject to a motion pending now before the committee under 162-H:10.

CHAIRMAN HONIGBERG: In a few minutes, the Subcommittee is going to break and confer with its lawyer. Under RSA 91-A, the Right-to-Know law, that is not a meeting, it is not, therefore, covered by the
provisions of RSA 91-A. We're going to be doing that in another room here in this building. I don't think we'll be gone for long, but that's what's going to be happening in a few minutes, after I do a few other pleasantries.

I'll note for the record that we've received numerous comments from individuals and groups, as well as correspondence directed specifically at the decision we're going to be discussing today regarding acceptance of the Application. I'm going to go through them briefly.

We heard from a number of state agencies that have various levels of responsibility for aspects of the proposed project. They include: The Department of Resources and Economic Development, Division of Forests and Land, and the New Hampshire Natural Heritage Bureau, the Department of Environmental Services' Water Division, the Division of Historic Resources, the Public Utilities Commission, the Department of Transportation, the Fish & Game Department, the Department of Safety, the Division of Fire Safety and the Office of Fire Marshal, and the Office of Energy Planning.

We also received comments from Counsel for the Public, which we received in the middle of last
week and was distributed to everyone on the Subcommittee, the New England Power Generators Association, the Society for the Protection of New Hampshire Forests, and The Dupont Group.

They all shared their views on, if they were state agencies, on aspects that are relevant to their oversight of aspects of the Committee, the other entities, Public Counsel, New England Power Generators, and groups like that, and many of the individuals, shared their views as to whether the Subcommittee should accept the Application at this time.

I will tell everyone who is out there that, at this point, this is solely a decision for the Subcommittee. It is really between the Subcommittee and the Applicant. Others' views, while worthy of consideration, are not directly -- do not directly affect how the Committee or the Subcommittee makes its decision today. But all of the comments have been reviewed. There is a lot of information, some of it only came in at the end of this week. And, one of the reasons we want to have an opportunity to meet with counsel is that some of the documentation really did only arrive in people's inboxes on Friday afternoon. So, it's important to give people a bit of time to process that.
One other thing I want to make clear for people is that, unlike some state agencies that can do things in conference rooms, private meetings, when there's one person in charge of an agency and a decision needs to be made, this group can only act when it is meeting in public. Even, as I said, if we -- if we confer with our counsel, but we can't make decisions that are binding on anyone when we're meeting with counsel. All that has to be done in public, all of the deliberations will have to take place in public. Whatever public processes go on will be in a room like this or a room someplace else where people can see and hear what's going on.

Does anyone on the Subcommittee have any questions or comments at this time?

[No verbal response]

CHAIRMAN HONIGBERG: Seeing none.

Mr. Needleman, or anyone else from the Applicants, do you have anything you want to add at this time?

MR. NEEDLEMAN: I don't think so. Thank you.

CHAIRMAN HONIGBERG: Mr. Roth, do you have anything?

MR. ROTH: No, sir.

CHAIRMAN HONIGBERG: All right. We are
going to break then. I don't know exactly how long it
will be, but I don't think it will be long. Thank you.

(Recess taken at 9:14 a.m. for Committee
members to confer with Counsel to the
Committee, and the meeting resumed at
9:50 a.m.)

CHAIRMAN HONIGBERG: All right. Thank
you all for your patience. It was helpful for the
Subcommittee members to get a chance to review some of the
documentation that came from attorney Iacopino, and to
have a conversation with him about some of those issues
and the legal issues.

I'm going to open it up to discussion.
A number of the questions that I have, I think others
have, are really for Attorney Iacopino, to help us
understand and, in some ways, help members of the public
understand what's happening now and what will happen going
forward. And, I'm going to start.

Really has to do with the standard that
we are supposed to apply today in answering the question
"should this application be accepted?" At least one of
the commenters made an argument that this is like a court
pleading. And, if you look at it, and it has everything
in it, if you knew nothing else, that you would be
granting it. Is that what we're doing here or are we doing something else.

MR. IACOPINO: No, that's not the case, Mr. Chairman. The statute requires you to determine expeditiously whether or not the application contains sufficient information to carry out the purposes of the chapter, and that chapter is RSA 162-H. It is not necessary that what is filed would be enough for the granting of a certificate, if there were no other evidence.

Basically, what the purpose of this decision is is to determine whether or not there is sufficient information for this Committee to proceed with the process laid out in RSA 162-H. And, it's not whether or not you would grant it based on this particular Application as it presently exists.

CHAIRMAN HONIGBERG: If we accept today, what happens next? Is this the last opportunity that we have to get information? Will agencies that are working on aspects of this, will they be able to continue to get information that they need to fulfill their obligations?

MR. IACOPINO: Yes. There will be plenty of options for information trading and obtaining on many different levels. I'll start with the state
agencies. The statute envisions that the state agencies will continue to process the various permits that have been requested at those state agencies. There is a 150-day deadline for state agencies to either request additional information or to propose draft conditions or permits.

CHAIRMAN HONIGBERG: When does that 150 days start?

MR. IACOPINO: It starts upon the issuance of a decision accepting the Application for review, which would be the issuance of a written decision on whatever your vote -- if you vote to accept the Application today, when that written decision comes out, it will be 150 days from then.

In addition, the state agencies have 240 days from that same date to issue what we call "final permits" or "final conditions".

In addition, the Committee can, at any time, hire its own experts. The Committee can, at any time, make data requests of the parties, not just the Applicant, but any party, and that can be done. That can be done in the course of a hearing, it can be done through counsel, it can be done in a number of ways.

And, finally, any parties to this
particular -- to this particular docket, the Applicant, Counsel for the Public, and any intervenors, are going to go through a process where they will trade information. Generally, that's done by issuing interrogatories to each other, sometimes called "data requests", going through a series of what we call technical sessions, where expert witnesses meet and are permitted to ask each other questions in preparation for what eventually will be an adjudicative hearing before the Committee.

And, at that adjudicative hearing, that's when evidence will be taken by the Committee. And, ultimately, at the end of the adjudicative hearing, the Committee will deliberate to determine whether or not to grant the certificate.

But the short answer to your question is that, on every level, there is significant opportunities for the Committee to obtain additional information, for the state agencies to obtain additional information, and for the parties to obtain additional information.

CHAIRMAN HONIGBERG: There's a lot of people, some are in this room, who want to participate in this docket, in one way or another. Can you outline what's going to happen with respect to what are -- what the law would call "intervenors" and others who want to
MR. IACOPINO: Sure. If the Committee accepts the Application, 45 days after the date of the written acceptance, or within 45 days, there will be a public information session conducted by the Applicant, but with the participation of the Committee, through either the Administrator or a designee that you designate. And, at those public information sessions, it has been our tradition to both take questions from the public, and also to take public comment from the public.

Ninety (90) days, within 90 days after an application is accepted, we have a joint public hearing with all of the state agencies. There will be one in each county. And, again, at that proceeding, generally, we take questions from the public, submit them to the Applicant, and we also take public statements and public comments there.

In addition, a party who believes that they meet the standards for intervention, which essentially means that you have to demonstrate that you have a right, claim, title or interest that may be affected by this project, they can file a motion to intervene as a party. And, I suspect that, if the Application is accepted by this Committee, that there will
be a procedural order that will contain a deadline for the 
filing of those petitions to intervene, and that will be 
published. And, there will be an opportunity for them, if 
they establish that they have such a right, to intervene 
as parties and participate, not only in the public 
hearings and public information sessions, but also through 
the adjudicative process, which is similar to a trial in 
court that will occur either in this room or in some other 
room that may be larger.

CHAIRMAN HONIGBERG: Related to that, we 
get a lot of letters and e-mails from people directed to 
us. I know I get a number, pretty much on a daily basis, 
directly into one of my e-mail addresses. Can you talk 
briefly about what my obligations are in responding or not 
responding to the inquiries that I get, which would also 
apply to the other members of the Subcommittee?

MR. IACOPINO: I will. Mr. Chairman, in 
addition to what I just explained for opportunities for 
the public to participate, the Committee is also required 
to take written comment right up through the date that we 
issue a final decision on an application. And, we do do 
that. Unfortunately, many times those public comments are 
directed to individual members of the Committee. In 
reality, they should not be. They should be sent to the
Administrator of the Committee.

We do maintain them all, all the public comments. They are maintained, at this point, both on the website and in a hard format in the docket room. The Committee is required to review those and consider those during the course of your deliberations.

But you have an obligation, as does every member of this Committee, not to engage in ex parte communications with individuals who may have an interest in this proceeding, and also you have an obligation not to prejudge the -- not to prejudge this docket. And, what that means is that you can't respond, you can't write back to folks and say "oh, you're right" or "you're wrong", or something like that, because you can't prejudge the issues. Because we're going to go through a very extensive process, that's going to consider pretty much every aspect of this proposed project, if you accept the Application. And, due process requires, for the Applicant's purposes, as well as everybody else, that no member of the Committee makes a prejudgment on the issues involved in the case.

Therefore, we usually request that the public, when they send in public statements, in writing or in e-mail, that they send them to the Administrator of the
Committee. And, they will be distributed to all of the members of the Committee, and they will be reviewed by all the members of the Committee and considered in the course of their deliberation.

CHAIRMAN HONIGBERG: Two things about that. You made a reference to the "Administrator". And, I was remiss in not introducing the Administrator, who is sitting two seats to my left, Pam Monroe, who is the SEC's Administrator, the SEC's only employee. And, so, she is here, and she's helping us in that capacity.

The other follow-up on what you just said is you used the phrase "ex parte". And, there's a lot of non-Latin speakers in the room. What does "ex parte" mean? Not literally, but what does it mean for these purposes?

MR. IACOPINO: "Ex parte" means "private", in other words, trying to have a private conversation or a private -- or try to persuade somebody on the Committee of your views. That's improper. They're all instructed that they're not to engage in ex parte communications, in other words, in private communications with people who have an interest in or a viewpoint on this particular -- on any particular project.

CHAIRMAN HONIGBERG: I know others have
questions on some other topics, but I have one more topic I wanted to ask you about. I've read that there is a lawsuit going on in one of the superior courts somewhere in this state that is related to this project. What, if any, effect does that have on us?

MR. IACOPINO: That lawsuit has no effect on the Site Evaluation Committee carrying out its duties. And, you know, it may affect the rights between the parties who are involved in that lawsuit, I understand I understand it's the Forest Society and the Applicant. But it does not have any bearing on the Site Evaluation Committee, at least at this point.

If, at some point, some court tells us we have to stop what we're doing, that's something that will be dealt with in due course.

But, at this point in time, the Site Evaluation Committee is not a party to any lawsuit. And, the lawsuits that are pending really don't have any impact on the obligation to proceed of the Committee.

CHAIRMAN HONIGBERG: I know a number of people wanted to ask you about the public interest standard. Commissioner Bailey, I think you were one of those people. Do you want to take this?

COMMISSIONER BAILEY: Thank you. And,
an argument was made -- well, first of all, let me ask a
setup question. We have a couple petitions to intervene.
We aren't going to deal with those until some other time
right now, right? Right?

MR. IACOPINO: Correct. It's been the
practice of the Committee that we deal with intervention
issues after an application is accepted. If an
application is not accepted, obviously, those issues
become pointless or moot.

COMMISSIONER BAILEY: Okay. All right.
So, I won't call them a "party", but somebody made an
argument that the Application isn't complete because the
Applicant makes a statement that part of the public --
it's in the public interest -- or, the Northern Pass
Project is in the public interest because it's going to
reduce energy rates, and it's going to do that because
PSNH is going to enter into a purchase power agreement, a
power purchase agreement with Hydro-Quebec, and I think
sell the power into the market. And, if it makes a
profit, it's going to use that to reduce default service
rates. And, so, therefore, New Hampshire customers'
energy rates will be lower, and that makes this project in
the Public Service.

But the PUC hasn't seen the power
purchase agreement yet. And, the person making -- or, the
party making the argument said that it's really not --
it's not fair to the public that they don't have all the
information at this time to consider whether this project
is in the public interest.

And, my understanding is that we do need
to make a public interest determination in this case,
because that's a new provision under the statute. But the
Applicant has also made other assertions about the project
being in the public interest. So, for instance, creation
of jobs and lower carbon emissions in the region, and a
number of other factors.

So, is that, is the fact that we don't
have the PPA, a legitimate reason to find that the
Application is not complete?

MR. IACOPINO: That's an individual
determination that each of you, as members of this
Committee, will have to make. The statute requires that
you ascertain if the Application contains sufficient
information to carry out the purposes of this chapter.

That, as you indicate, there are
sections of the Application itself which point to public
interest benefits that the project will bring. And,
whether or not there is sufficient information for you to
determine if that -- if the Application is complete with respect to those issues is an individual determination that each of you must make as a Committee member.

And, you know, is there a application requirement in our rules that says "there must be a power purchase agreement submitted"? No, there is not. But, if you believe that the Application, as a whole, is insufficient for you to carry out your purposes, which are to weigh the impacts and benefits, which are to provide a public forum, which are to provide a process to -- that considers energy facilities in a integrated and land-use fashion, then you should find the Application to be complete.

If you don't -- if you believe that the absence of that power purchase agreement does not allow you to do that, then you should vote to find the application incomplete.

COMMISSIONER BAILEY: Thank you.

CHAIRMAN HONIGBERG: Attorney Weathersby.

MS. WEATHERSBY: Yes. Attorney Iacopino, as you know, we've been working long and hard to adopt new administrative rules for the Committee, and hoping that that will conclude soon. What effect will
that have on this Application?

MR. IACOPINO: The statute actually required -- the Legislature actually required the Committee to go through that rulemaking process, which has been going on since, well, since 2014 at least now. And, my understanding of what the statute requires is that, if the new rules go into effect, and any proceeding, this proceeding or any other proceeding, has not yet reached an adjudicatory hearing, that the applicant in those proceedings will then have to comply with the new rules, to the extent that they are different than the old rules. And, that the Committee must give them an ample opportunity to supplement their Application and filing in order to do that.

CHAIRMAN HONIGBERG: Attorney Weathersby.

MS. WEATHERSBY: So, the fact that there may be additional application requirements or site control elements, they would have to meet those down the road?

MR. IACOPINO: If the new rules contain those elements, and if the new rules go into effect, yes.

CHAIRMAN HONIGBERG: And, if the Application doesn't already comply with them.

MR. IACOPINO: Doesn't already include
them, right.

MS. WEATHERSBY: Correct.

MR. IACOPINO: Correct.

CHAIRMAN HONIGBERG: I think I can report that the Joint Legislative Committee on Administrative Rules approved the rules with no objection last week. And, the full SEC will be meeting either this Friday or next Tuesday to take what we believe will be final action on that. For those who have been attending those hearings, meetings, comment periods, that is expected to be a very short meeting, largely pro forma, to take care of that last piece of administrative business necessary for those rules to take effect.

Are there other questions for Attorney Iacopino or other kind of scene-setting types of issues?

Mr. Way, and then Mr. Wright.

MR. WAY: Thank you, Mr. Chair.

Michael, in terms of state agencies, just to clarify, are there any state agencies that have not responded with completeness letters? And, for those who have done completeness letters, are there any outstanding issues?

MR. IACOPINO: There are none that have not responded. We have had some that have responded and didn't need to. There is -- there are no completeness
issues as of Friday afternoon. The last thing that came in was a signed memorandum of understanding between the Applicant and the Division of Historical Resources, indicating that they had reached an agreement, and that the Division of Historical Resources then found the Application to be complete for that state agency's purposes.

MR. WAY: Thank you.

CHAIRMAN HONIGBERG: Mr. Wright.

MR. WRIGHT: Thank you, Mr. Chairman.

Mike, how does the current rule address the issue of site control, in terms of our standard of review?

MR. IACOPINO: The current rule essentially -- in terms of your standard of review?

MR. WRIGHT: In terms of acceptance.

MR. IACOPINO: Okay. In terms of acceptance, the present existing rule requires the applicant to identify its relationship to the site. And, it talks about a business relationship to the site, so that the application requirement is that the applicant lay out for the site what its business relationship is with respect to each part of the site.

In this particular case, and you have all reviewed the Application as well, so, if I missed some
of it, my understanding is that there are some portions of this site which are in existing right-of-way owned by one of the Applicants and will be leased to the other. There are portions of this site that are owned by another subsidiary of Eversource, I believe, which will -- there's an option to lease involved in this.

And, there are some areas where the Applicant has asserted that they intend to underground the facility under either state or public roadways. And, they rely upon RSA 271, Section 160, for their right to do that.

Obviously, there are some disputes about that. The Chairman mentioned the lawsuit in -- I believe it's in Coos County, there are some disputes about their right to do that going on outside of this Committee at this point in time. But those are the -- as I understand it, essentially, the ways in which the Applicants have addressed that issue in this present Application. And, there may be other ways, if you all remember something different from the Application, take your own memory, not mine, because you're the decision-makers.

MR. WRIGHT: Thank you.

CHAIRMAN HONIGBERG: Commissioner Bailey.
COMMISSIONER BAILEY: Can you explain to me what "option to lease" means?

MR. IACOPINO: Sure. An "option to lease" is the right to enter into a lease agreement. It's a binding contract to go into a lease agreement upon certain conditions being met.

COMMISSIONER BAILEY: So, like, if the Site Evaluation Committee granted the Certificate, then they would -- then whoever they have the option with would be required to lease the land?

MR. IACOPINO: Correct.

COMMISSIONER BAILEY: So, that demonstrates that they have --

MR. IACOPINO: A business relationship.

COMMISSIONER BAILEY: Okay. Thank you.

MR. IACOPINO: It's one type of business relationship.

CHAIRMAN HONIGBERG: Other questions or comments from members of the Subcommittee that Attorney Iacopino might be able to respond to right now? And, this will not be your last chance to do so.

[No verbal response]

CHAIRMAN HONIGBERG: All right. Seeing none, does anyone want to start the discussion or to make
a motion regarding acceptance or not of the Application?

(Short pause.)

CHAIRMAN HONIGBERG: Don't all jump at once. Commissioner Bailey.

COMMISSIONER BAILEY: I've looked at the Application. I note that all the state agencies with permitting authority have said that the Application is complete. I have a ton of questions about the Application. But I'll start the discussion by saying that I think that what they're required to provide, in order for us to proceed, is complete.

CHAIRMAN HONIGBERG: I note that that was not in the form of a motion, but -- and we don't have to make it in the form of a motion at this point, if you want to start the discussion that way.

Does anyone have any similar thoughts or contradictory thoughts? I'm sure you do.

Attorney Weathersby. Oh, I'm --

MS. WEATHERSBY: Putting me on the spot?

CHAIRMAN HONIGBERG: Well, you inhaled, and that indicated to me that you were ready to speak.

[Laughter.]

MS. WEATHERSBY: No, it was just --

CHAIRMAN HONIGBERG: That will teach
you.

MS. WEATHERSBY: I would say I think I agree with Commissioner Bailey. I have a number of concerns, and would like more information about this Application going forward. But, I think, for the standard that needs to be met today for completion, I'm comfortable with that, because I think we can flesh out these other issues during the process.

So, it does seem, based on the review by the state agencies, my review, the review of everyone else here, that the Application does contain, at least in my opinion, sufficient information to carry out the purposes of the statute.

CHAIRMAN HONIGBERG: We're going to go off the record for a minute.

[Brief off-the-record discussion ensued.]

CHAIRMAN HONIGBERG: Back on the record. Any other thoughts or comments? Would anybody like to make a motion?

(Short pause.)

CHAIRMAN HONIGBERG: Anybody? Anybody at all? Mr. Wright.

MR. WRIGHT: Thank you, Mr. -- sorry.
Thank you, Mr. Chairman. In light of what Ms. Bailey has brought up, and the fact that we have heard from the state agencies that have the regulatory authority that they have the information they need in order to proceed with their technical reviews, in addition we've heard from other state agencies that don't have regulatory reviews, but they have weighed in that they are able to proceed and participate in the process, based on my own independent review of the Application, I believe that it comports with all the requirements of RSA 162-H. And, I would make a motion that we accept the Application, and that we authorize counsel to prepare a written order to proceed.

CHAIRMAN HONIGBERG: Is there a second for that motion?

MR. WAY: I'll second that motion.

CHAIRMAN HONIGBERG: Seconded by Mr. Way. Further discussion?

[No verbal response]

CHAIRMAN HONIGBERG: I'm going to agree with those who have spoken, that, for purposes of this stage of the proceeding, the Application contains enough for us to fulfill the objectives of RSA 162-H. My perception, and it is still preliminary, based on the extensive information that was submitted, is that there's
going to be a heavy lift by every member of this Subcommittee, by the Applicant, by Public Counsel, by anybody who wants to come into this proceeding to participate in any meaningful way, to become educated about all of the issues that are out there, and all of the possible ways that this can get resolved. People are going to have to do a lot of reading, not just the things that they think they agree with, in order to understand all the positions being taken.

But that doesn't mean that it's not complete enough for us to accept it and direct counsel to prepare an appropriate order. Those are my thoughts on this right now.

Anybody else want to weigh in, before we vote?

[No verbal response]

CHAIRMAN HONIGBERG: All right. Seeing no further discussion, are you ready for the motion?

[Multiple members nodding in the affirmative.]

CHAIRMAN HONIGBERG: All those in favor, please say "aye"?

[Multiple members indicating "aye".]

CHAIRMAN HONIGBERG: Are there any
opposed?

    [No verbal response]

CHAIRMAN HONIGBERG: All right. The "ayes" have it unanimously. The Committee has voted to accept the Joint Application and directed counsel to prepare an appropriate order.

Is there any other business we need to transact today, Attorney Iacopino, that you're aware of?

MR. IACOPINO: Not that I'm aware of. I assume we'll also issue a procedural order?

CHAIRMAN HONIGBERG: Yes. We will be issuing a procedural order that will have a time for people who want to intervene to file appropriate motions to intervene. There will be a -- what's called -- I think we call it a "prehearing conference", and then a technical session, usually.

MR. IACOPINO: Yes. There will also be a deadline for motions to intervene contained in that procedural order, and we will be asking the Applicants to publish that in the newspaper.

CHAIRMAN HONIGBERG: Right. I think I said that.

MR. IACOPINO: Oh, did you? I'm sorry.

CHAIRMAN HONIGBERG: I didn't talk about
"publishing in the paper", but I think I did say that, or
something along those lines. It sounded brilliant when
you said it, though.

Ms. Monroe, is there anything else we
need to do?

MS. MONROE: No.

CHAIRMAN HONIGBERG: Mr. Needleman, is
there anything that we need to do, from your perspective?

MR. NEEDLEMAN: I don't think so. Thank
you. I just want to say that we recognize that this is
going to be a very substantial undertaking, and that
people will be looking for additional information, and
we're going to do everything we can to help to provide
that in the most timely way possible.

CHAIRMAN HONIGBERG: Mr. Roth, you're
the only other one who has standing to speak right now.
Do you have anything you need us to do?

MR. ROTH: Yes, Mr. Chairman.

CHAIRMAN HONIGBERG: Ooh.

MR. ROTH: I would like the Committee to
rule on the motion of Counsel for the Public to retain
counsel and pay him.

CHAIRMAN HONIGBERG: That motion is
decidable by the Chair, the Presiding Officer. The motion

{SEC 2015-06} [Public Meeting] {12-07-15}
will be granted. There's an order, it being drafted right
now. So, the lawyers from Primmer can now exhale.

[Laughter.]

CHAIRMAN HONIGBERG: The payment, I
expect, is going to be coming from the Applicant, not from
the SEC fund. I think the better reading of the statute,
the better reading of how this is supposed to go, is that
it's not -- that is not an appropriate use of the SEC
fund. If that turns out to be something that is
unacceptable, then there's going to be satellite
litigation regarding that.

I know there are terms that have been
proposed by the parties regarding review. That's really
the -- we're incorporating some of that stuff into the
order, and that order will come out I would expect in the
next few days.

MR. ROTH: Thank you. That's great.

CHAIRMAN HONIGBERG: Anything else,

Mr. Roth?

MS. WEATHERSBY: No, sir. That's all.

CHAIRMAN HONIGBERG: All right. All
right, seeing no other business to transact today, I will
entertain a motion to adjourn?

Commissioner Bailey moves we adjourn.
Ms. Weathersby seconds.

All in favor, say "aye"?

[Multiple members indicating "aye".]

CHAIRMAN HONIGBERG: Any opposed?

[No verbal response]

CHAIRMAN HONIGBERG: We are adjourned.

(Whereupon the meeting was adjourned at 10:19 a.m.)