STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

April 4, 2017 - 9:17 a.m. MORNING SESSION
49 Donovan Street ONLY
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.
(Prehearing conference)

PRESIDING: Michael J. Iacopino, Esq. (Brennan...)
(Presiding as the Presiding Officer)

Pamela G. Monroe, SEC Administrator

ALSO PRESENT: Iryna N. Dore, Esq.
(Brennan, Caron, Lehehan & Iacopino)

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

Barry Needleman, Esq. (McLane...)
Thomas B. Getz, Esq. (McLane...)
Marvin Bellis, Esq. (Eversource)

Reptg. Counsel for the Public:
Peter C.L. Roth, Esq.
Sr. Asst. Attorney General
N.H. Dept. of Justice
Thomas Pappas, Esq. (Primmer Piper..)

Reptg. the Society for the Protection of New Hampshire Forests (SPNHF):
Amy Manzelli, Esq. (BCM Environ.)
Jason Reimers, Esq. (BCM Environ.)
Will Abbott

Reptg. Intervenor Group 1-North:
Brad Thompson

Reptg. Individual Land Owners Schrier, Beland, Olson & Moore:
Alan Robert Baker, Esq.

Reptg. McKenna's Purchase:
Stephen J. Judge, Esq. (Wadleigh...)

Reptg. Kevin Spencer and Mark Lagasse d/b/a Lagaspence Realty:
Arthur B. Cunningham, Esq.

Reptg. Dixville Capital, LLC, and Balsams Resort Holdings, LLC:
Mark Beliveau, Esq. (Pierce Atwood)

Reptg. Grafton County Commissioners:
Lara Saffo, Esq.
APPEARANCES: (Continued)


Reptg. Abutting Property Owners (Underground portion) Bethlehem to Plymouth:
Campbell McLaren
Susan Schibanoff
Bruce Ahern
Walter Palmer

Reptg. Easton Conservation Commission: Kris Pastoriza

Reptg. Coos County Business and Employers Group:
Jamie Myers, Esq. (Bianco)

Reptg. the International Brotherhood of Electrical Workers (IBEW):
Alan Raff, Esq. (Primary Legal Sol.)

Reptg. Philip & Joan Bilodeau:
Philip H. Bilodeau

Reptg. Abutting Property Owners (Overhead portion) Deerfield:
Jeanne Menard
Erick Berglund
Jo Anne Bradbury

Reptg. Non-Abutting Property Owners (Overhead portion) Ashland to Deerfield:
Thomas Foulkes
Maureen Quinn

Reptg. the City of Berlin and the City of Franklin:
Chris Boldt, Esq. (Donahue, Tucker..)
APPEARANCES:  (Continued)

Reptg. Conservation Law Foundation:
Melissa Birchard, Esq.

Reptg. Appalachian Mountain Club:
William Plouffe, Esq. (Drummond..)

Reptg. Pemigewasset River Local
Advisory Committee (PRLAC):
Max Stamp
Gretchen Draper
Barry Draper

Reptg. Towns of Bethlehem,
Northumberland & Whitefield
(MG 1-South); Towns of Easton,
Franconia, Plymouth & Sugar Hill
(MG 2); Town of Bristol (MG 3-North):
Christine Fillmore, Esq. (Gardner..)
Shawn M. Tanguay, Esq. (Gardner..)

Reptg. the City of Concord:
Danielle L. Pacik, Esq.
(Dept. City Solicitor)

Reptg. Town of Littleton (MG 1-South);
Town of New Hampton & Ashland Water &
Sewer Dept. (MG 3-North); Towns of
Pembroke & Deerfield (MG 3-South):
Steven Whitley, Esq. (Mitchell Mun.)

Reptg. Abutting Property Owners
(Overhead portion) Ashland – Concord:
Mary Lee
Taras Kucman

Reptg. Non-Abutting Property Owners
(Overhead portion) Stark – Bethlehem:
Rebecca More

Reptg. Abutting Property Owners
(Overhead portion) Dummer, Stark,
and Northumberland:
Susan Percy
## INDEX

<table>
<thead>
<tr>
<th>AGENDA ITEMS DISCUSSED:</th>
<th>PAGE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXPLANATION OF PREHEARING CONFERENCE PROCESS</td>
<td>15</td>
</tr>
<tr>
<td>DISCUSSION OF SCHEDULING TRACKS AND SCHEDULE REQUIREMENTS</td>
<td>17</td>
</tr>
<tr>
<td>DISCUSSIONS OF STIPULATIONS OR ISSUES NOT IN DISPUTE</td>
<td>83</td>
</tr>
<tr>
<td>DISCUSSION OF WITNESS SCHEDULE AND ORDER OF CROSS-EXAMINATION</td>
<td>87</td>
</tr>
<tr>
<td>IDENTIFICATION OF EACH GROUP SPOKESPERSON REGARDING CROSS-EXAMINATION</td>
<td>117</td>
</tr>
</tbody>
</table>
PRESIDING OFCR. IACOPINO: Okay.

Good morning, ladies and gentlemen. We are here today for a prehearing conference in Site Evaluation Committee Docket Number 2015-06, the Joint Application of Northern Pass Transmission, LLC, and Public Service Company of New Hampshire, doing business as Eversource Energy, for a Certificate of Site and Facility. Today is the 4th of April. My name is Michael Iacopino. I've been designated by the Presiding Officer on this docket to preside over this prehearing conference today. To my left is the Committee Administrator, Pamela Monroe. To my right is an associate from my office, Iryna Dore.

And what I'd like to start off by doing first is just, I know there's a sign-up sheet, but what I'd like to do is start with the Applicant, go to Public Counsel, and just take appearances for the record.

So, Mr. Needleman, if you would start off please.

MR. NEEDLEMAN: Barry Needleman, from
McLane Middleton, representing the Applicant.
To my right is Marvin Bellis, in-house counsel
at the Applicant, and to his right is Tom Getz,
also with McLane Middleton.

PRESIDING OFCR. IACOPINO: Thank you.
Mr. Roth.

MR. ROTH: Peter Roth, New Hampshire
Department of Justice, Counsel for the Public.
And with me, to my left, is Tom Pappas, from
the Primmer law firm, also for Counsel for the
Public.

PRESIDING OFCR. IACOPINO: Okay. I'm
going to go to Mr. Pappas's left.

MS. MANZELLI: Thank you. Amy
Manzelli, and, to my immediate left, Jason
Reimers, from the law firm of BCM Environmental
& Land Law, representing intervenor the Forest
Society. And, to my farther left, from the
Forest Society, is Will Abbott.

Thank you.

PRESIDING OFCR. IACOPINO: Behind Amy
there, please tell us your name and which
intervenor group you're representing.

MR. THOMPSON: Brad Thompson,
Intervenor Group North 1 of Pittsburg, Clarksville, and Stewartstown. And I'm the spokesman.

PRESIDING OFCR. IACOPINO: Thank you. Mr. Baker.


PRESIDING OFCR. IACOPINO: And which groups are those?

MR. BAKER: Two different groups. Two of them are in the group that Mr. Thomas, to my left, is the spokesperson for. And two of them are in the Dummer/Stark Abutters Group.

PRESIDING OFCR. IACOPINO: Thank you.

Mr. Judge.

MR. JUDGE: Stephen Judge, from the Wadleigh Starr firm in Manchester. I represent one member of the Ashland to Deerfield Group, and that is the Condominium Association called "McKenna's Purchase".

PRESIDING OFCR. IACOPINO: Thank you.

Mr. Cunningham.

MR. CUNNINGHAM: Arthur B.
Cunningham, representing Legaspace Realty, a member of the Dummer/Northumberland Group.

ADMIN. MONROE: Folks, there are two microphones on each set of tables. So, there's a switch on them. Please be sure to turn on the microphone. We do have a court reporter here today. Thank you.

PRESIDING OFCR. IACOPINO: Mr. Beliveau.

MR. BELIVEAU: Mark Beliveau, from the law firm of Pierce Atwood, representing Dixville Capital, LLC, and Balsams Resort Holdings. And we're a part of the Business & Organizations with Economic Interests.

PRESIDING OFCR. IACOPINO: Is there some -- Lara.

MS. SAFFO: Lara Saffo, on behalf of the Grafton County Commissioners.

PRESIDING OFCR. IACOPINO: Yes, sir.

MR. SAMSON: Rick Samson, Coos County Commissioner, District 3, representing Municipal Group 1 North, Pittsburg, Stewartstown, and Clarksville.

PRESIDING OFCR. IACOPINO: Thank you.
And to your right?

MR. McLAREN: Campbell McLaren, Central Abutters Group.

PRESIDING OFCR. IACOPINO: Are the spokesperson for that group, Mr. McLaren?

MR. McLAREN: I'm spokesperson for myself. But our spokesman has not yet arrived.

PRESIDING OFCR. IACOPINO: Okay.

Thank you.

MS. PASTORIZA: Kris Pastoriza, Easton Conservation Commission, which is a member of Central and municipals.

PRESIDING OFCR. IACOPINO: Thank you.

MS. SCHIBANOFF: Susan Schibanoff, Bethlehem to Ashland, underground route. Our group spokesperson, Walt Palmer, is on route. He's about twenty minutes out. There's really bad weather in northern New Hampshire.

PRESIDING OFCR. IACOPINO: Thank you.

MR. AHERN: Bruce Ahern, Plymouth -- Bethlehem to Plymouth Group.

MS. MYERS: Jamie Myers, of Bianco Professional Association, representing the Coos County Business and Employers Group.
MR. RAFF: Alan Raff, spokesperson for the Business Intervenors Group, and representing the IBEW.

MR. DUMVILLE: Adam Dumville. I also represent the Applicants.

PRESIDING OFCR. IACOPINO: Mr. Bilodeau.

MR. BILODEAU: Phil Bilodeau, representing Joan and Phil Bilodeau, abutters.

PRESIDING OFCR. IACOPINO: I can't see if there is anybody else at that table. If not, why don't we move up to -- oh, okay.

MS. GAGNON: Dawn Gagnon, from McLane Middleton.

PRESIDING OFCR. IACOPINO: Thank you. All right. And, then, Ms. Menard, actually --

MR. BERGLUND: Erick Berglund, Deerfield Abutters.

MS. MENARD: Jeanne Menard, Deerfield abutters.

MS. GREGG: Denise Gregg, Deerfield.

MS. BRADBURY: Jo Anne Bradbury,

Deerfield abutter.

PRESIDING OFCR. IACOPINO: Who's the
official spokesperson for that group? Jeanne?

MS. MENARD: Jeanne Menard.

PRESIDING OFCR. IACOPINO: Thank you.

Okay. If you can move up ahead of Ms. Menard, if we're done with that table or -- oh, one more, I'm sorry. Two more.

MS. QUINN: Maureen Quinn --

ADMIN. MONROE: Flip the switch.

There you go.

MS. QUINN: Maureen Quinn, Ashland to Deerfield non-abutter.

MR. FOULKES: Tom Foulkes, southern non-abutters, Ashland to Deerfield. I'm the spokesperson.

PRESIDING OFCR. IACOPINO: Thank you.

MR. BOLDT: Chris Boldt, Donahue, Tucker, Ciandella, for the City of Berlin. Also the spokesperson today for the City of Franklin, who's represented by Paul Fitzgerald, who could not be here today.

MS. BIRCHARD: Melissa Birchard, designated spokesperson for the NGO Intervenors Group, and representing Conservation Law Foundation. And to my right is William
Plouffe, with Appalachian Mountain Club.

MR. STAMP: Max Stamp. I'm the spokesperson for the Pemi River Local Advisory Committee.

MR. DRAPER: Barry Draper, with PRLAC.

MS. DRAPER: Gretchen Draper, with PRLAC.

PRESIDING OFCR. IACOPINO: Thank you. Ms. Lee.

MS. LEE: I'm Mary Lee, with the Ashland to Allenstown Group, pro se.

MS. FILLMORE: I'm Christine Fillmore -- there we go. Christine Fillmore, representing the Towns of Bethlehem, Northumberland and Whitefield in Municipal Group 1 South; Easton,Franconia, Plymouth, and Sugar Hill in Group 2; and Bristol in Group 3 North. And I'm the spokesperson for Municipal Group 2. And to my right is Shawn Tanguay, also with the same firm.

PRESIDING OFCR. IACOPINO: Ms. Pacik.

MS. PACIK: Danielle Pacik, represent the City of Concord. And I'm the spokesperson
[Prehearing conference]

for Municipal Group 3 South.

PRESIDING OFCR. IACOPINO: Steve.

MR. WHITLEY: Stephen Whitley, from Mitchell Municipal Group, on behalf of New Hampton, Littleton, Pembroke, Deerfield, Ashland Water & Sewer Department, in Municipal Groups 1 South, 3 North, and 3 South.

PRESIDING OFCR. IACOPINO: Thank you. Whoops. Did I miss somebody back there? Please find a microphone. Thank you.

MS. MORE: Can you hear me?

PRESIDING OFCR. IACOPINO: Yes.


PRESIDING OFCR. IACOPINO: Thank you. Did I miss anybody else?

[No verbal response.]

PRESIDING OFCR. IACOPINO: Okay. As you can see today, it's a little different than if you've been attending the tech sessions. We have a court reporter here. He is taking down what we say verbatim. So, one of the things I'm going to ask everybody to do is, before you

{SEC 2015-06} [Morning Session ONLY] {04-04-17}
speak during the course of this conference, just identify yourself, because I don't think he's going to be able to remember all of your names and designate your -- what you have to say from his memory. So, I'm going to ask, when you do please, please identify yourself. Please use the microphone. It's a big room. And it's very important that he hears you.

So, first thing that's on our agenda is an explanation of the prehearing conference, what this is. This is a means and a method for the parties to get together and discuss various issues that may arise during the course of the upcoming adjudicative hearings. We expect this to be a rather complex proceeding as it goes forward. And there are going to be a lot of witnesses and a lot of exhibits.

Some of you, especially those who are not represented by counsel, or even some counsel who may have not participated in a Site Evaluation Committee hearing before, may have questions about how -- what procedures we use and how we operate our adjudicative hearings. The purpose of today's prehearing conference is
to address those issues.

There will be no substantive
decisions made here today. As you can see, the
Committee is not here. There will be a
transcript of this proceeding. And there will
be a report of the prehearing conference, which
will be issued by myself at some point after we
conclude.

I have passed around agendas. And,
also, there's a Frequently Asked Questions
sheet that I prepared regarding marking of
exhibits.

My hope is that, at the end of this
prehearing conference, after we've dealt with
all the formal agenda items, those of you who
would like to discuss informally things like
"How do I mark exhibits? How should I get
organized? What happens during the course of
the hearings, as far as things like what kind
of questions can I ask and things like that?"
We can speak informally after the hearing about
those types of things.

Yes. And the Presiding Officer in
this docket, the Chairman of the Public
Utilities Commission, Martin Honigberg, is present. He's over, my right, your left. But he's not going to be running the proceeding today. All right.

We're going to start off by discussing the scheduling and the tracks. And I want to start off by apologizing to some of you, because I think there is some confusion about the track -- the manner in which the hearing is going forward. And I think part of that confusion was started by my misunderstanding of something. I believe that I told at least one intervenor, maybe more than one, that the hearing would go forward by starting with the Track 1 witnesses for the Applicant, followed by Track 1 witnesses for the rest of the groups. And, then, when we moved into Track 2, we would then go to the Track 2 witnesses for the Applicant, followed by the Track 2 witnesses for the rest of the groups.

I went back and looked at the -- after I was advised that that wasn't everybody's understanding, I went back and
looked at the order. And I think the order is a little bit ambiguous in that respect. So, some of you, and I'm just going to ask for a show a hands, how many of you expected that the tracks would be by issue? In other words, it would be the Applicants' witnesses, followed by all the rest of the witnesses in Track 1, and then Applicants' witnesses, followed by the other parties' witnesses in Track 2. How many thought it was going to be done that way?

[Show of hands.]

PRESIDING OFCR. IACOPINO: Okay. And how many understood that it would be a situation where all of the witnesses for the Applicant would be put on first, followed by the witnesses for the other parties?

[Show of hands.]

PRESIDING OFCR. IACOPINO: Okay. Well, more people thought like I did, I guess. So, I think that's the first thing that we need to discuss. I did hear concerns from some of the intervenors about that prospect. And, so -- and I know that Ms. Manzelli was one of the ones that had the
biggest concern.

So, let me turn to her. And, Amy, if you can tell us what your concern is with moving forward the way that I had originally thought we were going to proceed?

MS. MANZELLI: Thank you, Mr. Iacopino. So, Amy Manzelli, for the Forest Society. And, actually, we can be agreeable to proceeding in a fashion where Track 1 would have all of the Applicants' witnesses on the Track 1 topics, and then Track 2 would have all of the Applicants' witnesses on the Track 2 topic, as long as it's crystal clear, and I would ask that the order following this clarify this, that when an intervenor takes the stand, so to speak, that they would be allowed to address all of the topics. You know, that there wouldn't be any suggestion that, because Track 2 has closed, the topics that were included in Track 2 are now somehow, you know, done, completely done, nobody can say anything.

So, if it were clarified that "no, it was the Intervenors' and Counsel for the Public's turn to address those topics", then
that would be acceptable to us.

PRESIDING OFCR. IACOPINO: Let me just ask you -- let me ask you one question about that. Is it -- for the Forest Society, for your client, would it be easier to just proceed in the standard way that the Site Evaluation Committee would proceed? That is, allow the Applicant to put their witnesses on first, followed by Counsel for the Public and the Intervenors, including the Forest Society.

MS. MANZELLI: I don't think that either one of the scenarios is going to be easy for the Forest Society, also potentially for other parties. But it would be fine with us if we proceeded in the normal fashion.

PRESIDING OFCR. IACOPINO: You did raise to me a concern about some witnesses may wind up testifying twice, because they have overlapping testimony. Is that part of your concern as well?

MS. MANZELLI: Yes, it is.

PRESIDING OFCR. IACOPINO: Okay. Mr. Judge.

MR. JUDGE: As a practical matter, my
witness and my exhibits are Track 2. So, I did
not file an exhibit list and I did not file a
witness list for Track 1. So, I'm a little
confused as to -- with the procedure that
you're suggesting now. Does this mean that I
need to file a witness list and an exhibit list
for Track 2?

PRESIDING OFCR. IACOPINO: No.
There's still going to be a separate deadline
for that. It's in the order. I think what --
the order expressed those deadlines. What it
didn't express real clearly was how the
witnesses would actually come before the
Committee.

MR. JUDGE: If I could follow up on
that --

[Court reporter interruption.]

PRESIDING OFCR. IACOPINO: Yes. Get
right close to that microphone there.

MR. JUDGE: If I have an exhibit that
I want to cross-examine one of the Applicant's
witnesses, regarding, for example, the effect
on the property of McKenna's Purchase, that's a
Track 2 item. Am I understanding that the

{SEC 2015-06} [Morning Session ONLY] {04-04-17}
Applicant's witnesses are going to be crossed on Track 2 items, they're going to only go up there one time? So, do I need to put that exhibit in, if I want to use it?

PRESIDING OFCR. IACOPINO: Well, let me ask the Applicant. You have your witnesses segregated from Track -- between Track 1 and Track 2. Do you anticipate crossover on any of those witnesses, in other words, that they would have to come back in the second track to testify, regardless of how the witnesses for the other parties are presented?

MR. NEEDLEMAN: I think the general answer is "no", we don't expect any crossover, and I speak to that more specifically. The Applicant has two witnesses that are disclosed and have filed testimony on separate panels. Only one of those witnesses, Ken Bowes, is a witness in Track 1 and Track 2. And the issues that Mr. Bowes is speaking to in each track I think are separate and distinct, and the subject of physically separate pieces of testimony. So, to address Mr. Judge's issue, I don't think there is an issue there, based on
what I'm hearing.

PRESIDING OFCR. IACOPINO: So, I guess the next question to the Applicant then is do you object to, for instance, the Track 2 witness lists -- Track 2 exhibit list, I'm sorry, and Track 2 exhibits being exchanged at the time in the order, as opposed to before we begin Track 1?

MR. NEEDLEMAN: No, we don't. And let me pick up just to be clear on what Amy said. I agree with the way she described this. Our vision has always been that the Applicant would present its case in its entirety, and then we would turn to the other witnesses in whatever order is decided by the Hearing Officer. And, when those other witnesses testify, whoever they may be, our view is that they are entitled to testify about anything and everything that is within their testimony, regardless of which track it deals with.

PRESIDING OFCR. IACOPINO: Mr. Judge, does that answer your concern?

MR. JUDGE: I'm not sure. I'm still a little confused about this. Let me see if I
can make it more pointed. The witness that I'm
interested in is Mr. Chalmers. Is Mr. Chalmers
going to testify during Track 1?

MR. NEEDLEMAN: No. We actually
filed the witness list the other day that
listed all of our Track 1 witnesses. Chalmers
is a Track 2 witness.

MR. JUDGE: All right. So, there
will be a Track 1 panel from the Applicant, and
then there will be witnesses from other
parties, and then there will be a Track 2 panel
from the Applicant?

MR. NEEDLEMAN: No. Our view is that
the Applicant puts up all of its Track 1
witnesses. When those are complete, the
Applicant turns to its Track 2 witnesses. We
complete those as is normally done in these
cases. Once the Applicant is done putting its
entire case in, other parties, in their
particular order, put their cases in.

So, you will have a full opportunity
to question Mr. Chalmers in Track 2.

MR. JUDGE: Right. And I don't want
to monopolize the conversation here, but what
is the timing of my obligation to file a
witness list and exhibit list in relation to
when your Track 1 panel is going to be done and
your Track 2 panel starts?

MR. NEEDLEMAN: Well, I guess I'll
defer back to Mike. But I think there is a
standing order right now which specifies when
those Track 2 materials are due. It's April
24th, I think.

PRESIDING OFCR. IACOPINO: Right.
Their supplemental prefiled testimony for Track
2 witnesses are to be filed by April 17th,
according to the outstanding order. And, then,
prehearing motions and stipulations on Track 2
topics shall be filed on or before April 24th.
And, then, there will be a prehearing
conference on April 28th.

It doesn't specifically reference
exhibits. If you note, in the first round,
there was a memorandum that was sent out about
when the exhibit lists should be due, and that
would be same -- that would occur the same way.
The reason why that happened in the beginning
is because I was hearing concerns from folks
about when they could do things. So, we're trying to accommodate everybody in terms of when that stuff would be traded amongst the parties.

So, what I would envision is that there would be a supplemental memorandum that would designate a date after we've spoken today for when exhibit lists for Track 2 would be filed by all the parties.

MR. JUDGE: And I've been doing this long enough that I shouldn't be this naive. I just assumed Track 1 would be done by April 28th.

PRESIDING OFCR. IACOPINO: Well, I had assumed that, too. And I didn't realize that the Applicant, some of the other parties were under a different thing. Actually, I will tell you this. If we did it the way I thought we were originally going to do it, is one of the reasons why I wasn't so sure that was a great idea, we're not going to be done with Track 1 by April 28th. Because we would have their witnesses on, and then Track 1 witnesses from everybody else, and we would be well into
May before we got to Track 2.

And I'm not sure -- I think it's probably easier, and for those who may be -- I may be confusing here, you might think of it as three tracks. Two tracks, the first -- and I'll tell you why. The first track being the witnesses in the first track is designated in the order; the second track being the Track 2 witnesses is in the order; and a third track being everybody else putting their witnesses on. That may be an easier way of thinking of that, of that idea. Although, technically, it's not a track that's broken down by issues.

MR. JUDGE: Thank you.

PRESIDING OFCR. IACOPINO: Mr. Roth -- I'm sorry, Mr. Judge?

MR. JUDGE: You've answered my question. Thank you.

PRESIDING OFCR. IACOPINO: Okay.

Mr. Roth.

MR. ROTH: We're fine with the Applicant's approach, provided that it's clear that, once the Applicant's case is finished, then Counsel for the Public's case begins, and
that there isn't sort of a sandwiching in of intervenor witnesses with subject matter Track 1 type issues that comes before us. Because, typically, Counsel for the Public follows the applicant's case in its entirety. So, we don't want to sort of get bucked down because of that sandwiching effect. And, so, all of the intervenors' issues, whether they're related to the Track 1 type stuff or the Track 2 type stuff would follow our witnesses in the -- what you're now describing as, essentially, "Track 3".

PRESIDING OFCR. IACOPINO: Right. And you would put all of your witnesses on, rather than breaking them into tracks.

MR. ROTH: We don't really have Track 1 witnesses.

PRESIDING OFCR. IACOPINO: Okay.

MR. ROTH: And, so, that's how it would work.

The other concern that I have, and I've seen this play out in other instances or other cases, is that, if a person has -- if an intervenor has a sort of a Track 2 type
question, let's say a property valuation question, that they want to pose to Mr. Quinlan, for example, that it be clear that their opportunity to do so is when Mr. Quinlan is there at the beginning, and that there be no expectation that Mr. Quinlan be available again a second time. Not that I don't -- you know, I'm not that concerned about Mr. Quinlan's time, but I don't want people to be confused about it, so that if, for example, they get to their opportunity during Mr. Chalmers' testimony, for example, and they say "Well, I have a question for Quinlan, can you bring him back?" And they're told "No, that ship has sailed." So, it has to be really clear, I think, for everybody that (a) you can question any witness in the so-called "Track 1" group about any topic that you think is germane, and (b) you cannot expect them to be brought back and to be cross-examined a second time.

PRESIDING OFCR. IACOPINO: And, of course, you mean subject to whatever objections might be lodged by the parties?

MR. ROTH: Yes, of course.
PRESIDING OFCR. IACOPINO: Okay.

MR. ROTH: And, then, the last thing I would say is, you know, we have a fairly complicated calendar of our folks' availability for hearing time. And, so, that's going to be a real interesting puzzle to piece together with our witnesses and everybody else's during Track 2. But we'll get to that, I suppose, when that comes.

MR. NEEDLEMAN: Could I speak?

PRESIDING OFCR. IACOPINO: Well, theoretically, it would be what I've just described as "Track 3".

MR. ROTH: Yes.

PRESIDING OFCR. IACOPINO: Okay. Yes. And we would -- and I think that just so there's no misunderstanding, the prehearing conference on April 28th, I think we would then -- one of the tasks at that prehearing conference would be to schedule everything that's to come, including Counsel for the Public's witnesses, and all of the other witnesses. So that it would be at that hearing that any concerns about witness availability
for most of the parties, other than the Applicant, would probably be addressed.

So, so far I'm hearing from at least the Applicant, Counsel for the Public, and I think at least some agreeability from SPNHF, that we should proceed with the Applicant's Track 1 witnesses, followed -- subject to cross-examination by all the parties, followed by the Applicant's Track 2 witnesses, subject to cross-examination by all the parties, followed by Counsel for the Public, which is traditional, by the way, is that Counsel for the Public's witnesses would normally follow the applicant's. And, then, we would hear from the witnesses for the rest of the intervenor groups. And, of course, everybody is subject to cross-examination by the other parties.

Is there any objection to that in the room? Ms. Menard.

MS. MENARD: Jeanne Menard, Deerfield abutters. I'm not objecting. I would just like to ask for a clarification regarding the timing of exhibit lists that were originally thought to be Track 2, but dovetailing on what
Mr. Roth has just presented, Mr. Quinlan, Track 1, has presented in his supplemental testimony real estate matters. So, would we be allowed to bring in some of our Track 2 exhibits that we weren't expecting to file later, and amend our Track 1, so that they are available for that cross-examination period?

PRESIDING OFCR. IACOPINO: I'm not sure that the Applicant agrees with your characterization. But, if that is -- if that is the case, what a party should do is file an amended exhibit list. And, if the Applicant objects to it, they will object to it. And, at the time of the hearing, the Presiding Officer will determine whether or not the exhibit can be used in the examination of that witness or not. That's something that I can't determine. I'm not going to be the presiding officer over the adjudicatory hearing.

But I would recommend that, if there is -- because of something that's changed, there's now an exhibit that you wish to use in Track 1 that you didn't expect to use until Track 2, you amend your exhibit list and file

{SEC 2015-06} [Morning Session ONLY] {04-04-17}
that. And the Applicant may object. And, at the time of the hearing, the presiding officer will make a determination --

MS. MENARD: Thank you.

PRESIDING OFCR. IACOPINO: -- as to whether or not you can use that exhibit. And, again, even exhibits -- all exhibits, even an exhibit that's on your exhibit list, may draw an objection at the time of the hearing, and you may learn from the Presiding Officer that he is not going to allow you to use that exhibit. But that's, you know, that can happen at any point in time in the hearing anyway. So that everybody is on the same level playing field, and this goes to the Applicant as well, if there is something that's came in, and you feel that there's an additional exhibit you need to use for that, because of that filing, you should amend your exhibit list as soon as you know you're going to do it. So, --

MS. MANZELLI: Mike, can I make a clarification, --

PRESIDING OFCR. IACOPINO: Yes.

MS. MANZELLI: -- before we close
this topic. I think I heard the Applicant, Attorney Needleman saying that "only Kenneth Bowes would be a witness in both of the tracks". So, could you confirm, Barry, is Mr. Quinlan going to be only in one of the tracks, not both?

MR. NEEDLEMAN: Yes. I mean, in a sense, now that we've clarified that the Applicant is going to put on their whole case, it may not even be helpful to think about it in terms of tracks. We are going to put on the five witnesses that we disclosed the other day. When we're done with those five, we're going to move forward with the rest of our witnesses, and then we're going to be finished. We're not going to keep calling witnesses back. They will be up once, and then they will be done. Except for Ken, who will be up in the first, and then will come back and speak to construction issues regarding his separate pieces of testimony. And the other one who I mentioned earlier, Bob Varney, who has one environmental issue to talk about, I believe that's air impacts, and then also separately
Bob speaks to some orderly regional development issues. So, those are the only witnesses who will come back, and they will come back only for discrete purposes, not as follow-up.

MS. MANZELLI: Thank you.

PRESIDING OFCR. IACOPINO: Ms. Fillmore, and then -- I'm sorry? Oh, okay.

Why don't we go with Ms. Fillmore first.

MS. FILLMORE: Thank you very much.

I have a bit of a confusion. Aren't both those subjects that Mr. Varney is speaking to, aren't those both Track 2 subjects?

MR. NEEDLEMAN: Correct.

PRESIDING OFCR. IACOPINO: But he might be on two different panels in Track 2, I think is what Mr. Needleman is saying.

MR. NEEDLEMAN: Correct.

MS. FILLMORE: Okay. Understood.

Thank you very much.

PRESIDING OFCR. IACOPINO: Yes, sir.

MR. BERGLUND: Erick Berglund, Deerfield abutters. We're getting a little wrapped around the axle here, I think, with two
exhibit lists, and trying to figure out what has to be in each one based on the sequence.

What if we had just one exhibit list, which could be, really, the sum of the two. And, if it's in 2, and we need it for 1, it's still there. So, we don't get caught with having to put a particular discussion in both exhibit lists, because we want to cover 1 and 2.

PRESIDING OFCR. IACOPINO: Well, I don't think any exhibit has to be listed more than once. What we were doing is, because of the manner, for instance, the Department of Transportation stuff came in last night, okay? There may be exhibits that people want to put together, and that's all in Track 2. And the whole reason for the tracks was so that people could properly prepare.

So, I wouldn't want to say "okay, get your exhibit lists in, you know, tomorrow, for everything", because I don't think that would be fair to everybody. Do you understand what I'm saying?

MR. BERGLUND: I wasn't suggesting
that we speed things up.

PRESIDING OFCR. IACOPINO: Okay.

MR. BERGLUND: We're moving pretty quick right now. But just to simplify it, it seems like, if you put it in Track 2 or Track 1 list, it's there, it's an exhibit for across the whole board.

PRESIDING OFCR. IACOPINO: Yes. And I don't disagree with you on that.

MR. BERGLUND: Okay.

PRESIDING OFCR. IACOPINO: You don't have to -- you don't have to list the exhibits separately if you're going to use them in both tracts. In fact, you don't start with new numbers. On Track 2, you're just going to pick up with the last number you used on your first exhibit list and continue through.

MR. BERGLUND: So, we, in effect, have one exhibit list.

PRESIDING OFCR. IACOPINO: Right. It's just coming in multiple parts so that you could properly prepare.

MR. BERGLUND: Thank you.

PRESIDING OFCR. IACOPINO: Ms. Saffo.
Use a microphone please.

MS. SAFFO: I didn't think I should close this discussion without noting two things. One is that we still have a Motion to Continue pending that we haven't gotten an order on yet. So, I didn't want to like close this and make it sound like we didn't object to this proposal, when this motion is still pending, we're waiting for an order on it. That's along the line of what you just said.

You noted that the Department of Transportation is all in Track 2. Our concern is, we felt being able to review the track -- Department of Transportation track was important to Track 1 topics as well.

So, we're finding it hard to prepare for Track 1 topics without information, which includes proposed route selection and public safety. And, so, the DOT review has been really important. We haven't had a chance to look at it yet.

So, I just -- and I believe, for right now, I'm just stating this for the record, you know. But I just felt that it was
important to go on the record as saying that we feel that, especially DOT review, which I believe was due yesterday, and I suspect, you just indicated that is available, we don't feel --

PRESIDING OFCR. IACOPINO: Oh, I didn't say "it's available". It came in last night.

(Presiding Officer Iacopino conferring with Admin. Monroe.)

PRESIDING OFCR. IACOPINO: Okay. Apparently, it has gone -- it has been sent out.

MS. SAFFO: Yes. No -- yes, it isn't on the website yet, but I'm sure it will be shortly.

PRESIDING OFCR. IACOPINO: Yes.

MS. SAFFO: And just that's -- and just again, I can state that for the record right now, and we could address it later, if you would like.

PRESIDING OFCR. IACOPINO: Okay. Let me take what you mention in two points first. You have a Motion to Continue or Postpone
pending, I believe there are at least two other ones, those will be ruled on by the Presiding Officer at some point between now and the start of the hearings. There are a number of other motions, some motions to compel, and various other motions. Those will be ruled on as well. There are some recently filed motions. We will try to get those ruled on as well.

With respect to your objection, I understand that you're just -- that you object to this going forward, because you haven't had the opportunity to review the DOT materials yet. That's not something that we can resolve here today. And I know you understand that, but just so the other folks in the room understand that. That would all be considered in the course of your motion -- the resolution of your Motion to Continue.

MS. SAFFO: Okay. Great.

PRESIDING OFCR. IACOPINO: But, in terms of your other question about DOT, I'm going to look at the Applicant for a minute. Is there anybody on your -- the so-called "Track 1" witnesses that intends to address the
Department of Transportation petitions, conditions, or the area that they are expected to provide information on or have provided information on that we've not yet had a chance to review?

MR. NEEDLEMAN: No. We view those as Track 2 issues related to the construction and design.

PRESIDING OFCR. IACOPINO: Okay. So I think, Ms. Saffo, one of the things that you might -- if you ask questions about those things of Track 1 witnesses, and I'm just going to lay this out, I would expect that there might be an objection from the Applicant, and that would have to be -- the propriety of the question would have to be determined by the Presiding Officer at that time, assuming that, of course, that your Motion to Continue is denied. So, if we start on the 13th or the 14th like we're supposed to, that may be a situation that you're in, so you may want to just prepare for that. In other words, if you think that a witness on one of their panels in Track 1 has information that they can answer,
and you want to ask them the questions, you go right ahead and ask the questions. I assume there will be objections, and just like any other trial, the Presiding Officer will make a determination.

MS. SAFFO: A follow-up please?

PRESIDING OFCR. IACOPINO: Yes.

MS. SAFFO: And if there's a question about whether something is in Track 1 or Track 2, in previously hearings, for example, there's been some concerns that there were some topics that aren't included in either, for example. Should we just file a motion on that or what do you recommend we do?

I'm trying to make -- I'm trying to make things go as smoothly as possible. So, I want to make sure I don't, myself, think something's a Track 2 thing, and then to hold off asking it, and then get to Track 2 and someone say "you should have asked that earlier." You know what I mean? So, I just want to go in and not mucky up the process with a lot of objections and discussions over whether something is Track 1 or Track 2 or
other.

PRESIDING OFCR. IACOPINO: Okay. Well, that's one of the things that we're here today --

MS. SAFFO: Okay. Good.

PRESIDING OFCR. IACOPINO: -- to talk about.

MS. SAFFO: Thank you.

PRESIDING OFCR. IACOPINO: And, also, just generally, at any point, for everybody going forward, if you have questions like that, you can ask Pam or myself, or you can talk to the other parties, of course. Usually, you know, the applicant has their application in here. It usually makes sense to talk to the Applicant and say "well, what is your intention?" Because that might clear up your concern.

And the same thing, as we move forward, if you have a concern about what, for instance, the Counsel for the Public's witness might be testifying about, you can always ask them as well, and that may clear up any concerns.
Ultimately, as always, if there is something that is unresolvable, you should file a motion.

MS. SAFFO: Thank you.

PRESIDING OFCR. IACOPINO: Ms. Pastoriza.

MS. PASTORIZA: Kris Pastoriza, Easton Conservation Commission. I just want to object as well. The central municipals has a Motion to Delay. Already I think I'm not the only person in deep confusion as to how the two tracks are going to work out. As we move forward, the confusion is only going to increase. And it's putting the small people at a huge disadvantage, because we don't have the resources the Applicant has, to deal with the issues of what track is what track.

Right now, the Track 2 people are having to prepare to redo everything on the basis of DOT response to NPT new spec sheets that we also have to look at. So, we don't even have time to see if there's something in Track 1 perhaps we should be looking at.

So, the two-track thing is still --
it's mind-boggling that we're proceeding this way.

PRESIDING OFCR. IACOPINO: Ms. Pastoriza, you have counsel, Easton Conservation Commission has counsel in this matter, and I subject that you raise those concerns with her. Thank you for airing them. Ask that you speak with her to make sure there's no confusion about what that particular intervenor group's choice of decisions to make is.

Is there -- Ms. Fillmore.

MS. FILLMORE: Thank you. Christine Fillmore, for Municipal Group 2. There is a motion pending, as Ms. Pastoriza has noted. But, on the subject of confusion about what's in Track 1 and Track 2, there are two questions that others may have that I have. One is, where does decommissioning fall in the tracks? And the second is, Samuel Johnson is not listed as a Track 1 witness. And there was a little bit of confusion about whether he was or he was not?

PRESIDING OFCR. IACOPINO: Let me
[Prehearing conference]

MR. NEEDLEMAN: So, let me pick up on something you said a moment ago, Mike. To the extent that people have these sorts of questions, they should not be shy about coming and speaking to us. We would be happy to try to clarify these things and work them out with folks.

With respect to Christine's questions, I think that, to the extent we are talking about the financial aspects of decommissioning, I believe that is addressed in Mike Ausere's initial and supplemental prefiled testimony, and that is a Track 1 issue. I can't recall -- right, with respect to construction issues and physical aspects of decommissioning, I believe that is contained in Mr. Bowes' Track 2 construction testimony.

And one of the things that I would encourage people to do, which may help to clarify their issues, is to actually look at the testimony that witnesses have put in,
because I think that would be helpful for understanding this.

With respect to the question about Sam Johnson, he is not a Track 1 witness. We have listed our Track 1 witnesses.

PRESIDING OFCR. IACOPINO: Does that answer your -- sorry. Does that answer your question, Ms. Fillmore?

MS. FILLMORE: I think so, for now. Although I note that the Forest Society is concerned.

PRESIDING OFCR. IACOPINO: I will get to them. Jason.

MR. ROTH: I -- I'm sorry.

MR. REIMERS: I have a question. So, will Sam Johnson be a Track 2 witness? And, if so, what topics does he fit under?

MR. NEEDLEMAN: Sam Johnson will be in Track 2 with the construction panel. And he will testify to everything that's in his initial and supplemental testimony.

PRESIDING OFCR. IACOPINO: Mr. Roth.

MR. ROTH: And maybe this is a point of clarification for Attorney Needleman. But,
as I understood it, Mr. Bowes and Mr. Johnson submitted testimony last October -- or, October 2015. And, then, if I'm not mistaken, did Bowes submit supplemental as well?

MR. NEEDLEMAN: Yes. And I can elaborate on that a little bit, and hopefully it will clarify --

MR. ROTH: Well, if I can finish the question. And I think the Decommissioning Plan came in summertime, something like that?

MR. NEEDLEMAN: I don't remember.

MR. ROTH: And I don't believe it was at that point sponsored by any particular testimony. Did somebody's supplemental or was there testimony submitted with the Decommissioning Plan that, in fact, at that time sponsored it?

MR. NEEDLEMAN: It certainly wasn't done at the time.

MR. ROTH: Okay. And did -- so, was the supplemental sponsoring the Decommissioning Plan, other than the Ausere, which I understand covered the financial side of it?

MR. NEEDLEMAN: Yes. I believe so.
I believe that Ken Bowes' supplemental -- well, yes. Ken Bowes' supplemental construction testimony has not yet been filed. It's not due until, --

MR. ROTH: Okay.

MR. NEEDLEMAN: -- I think, April 17th. So, I think that may be the confusion.

PRESIDING OFCR. IACOPINO: Does that answer your question, Mr. Roth?

MR. ROTH: Yes. Thank you.

PRESIDING OFCR. IACOPINO: Okay.

MS. MANZELLI: Can I --

PRESIDING OFCR. IACOPINO: Ms. Manzelli.

MS. MANZELLI: Just to clarify, I want to make sure I'm not misunderstanding. So, when Mr. Bowes' supplemental testimony comes in, which, you know, I agree it's not due. So, it will be timely filed later this month. That will formally -- he will formally be the witness who has, as a supporting material to his testimony, the Decommissioning Plan?
PRESIDING OFCR. IACOPINO: The construction aspects of the Decommissioning Plan is what I think I heard the Applicant say. But why don't you answer the question for Ms. Manzelli.


PRESIDING OFCR. IACOPINO: So, just so everybody is aware, if you're going to deal with the financial aspects of the Decommissioning Plan, that is going to be the witnesses that are coming up in Track 1 on financial capability.

So, Ms. Saffo, you had a question?

MS. SAFFO: Yes. I think this is a really good example of some real confusion in this process. We have decommissioning under -- the interpretation of the Applicant is decommissioning goes under Track 1 and Track 2, depending on whether you talk about financial aspects separate or whether you talk about construction aspects.

That certainly wasn't my
understanding. I just thought it wasn't included, and that was one of the issues we were raising today.

So, I think that's one of the big issues, is there's a real lack of clarity as to what's Track 1 and Track 2, that I'm sure we'll deal with today. But I think that's a really good example of people operating under different presumptions. So, we could really be asking the wrong questions at Track 1 and inadvertently waiving our right to that.

PRESIDING OFCR. IACOPINO: And that's why we're here. And that's why you now know that the financial aspects of decommissioning are going to be addressed by Mr. Ausere, I believe, at least that's the Applicant's plan. And they can put on the witnesses that they choose to put on.

And the construction aspects, like what's going to be left in the ground after decommissioning, would be addressed by Mr. Bowes in his Track 2 testimony.

MS. SAFFO: But I guess I'm kind of concerned that the Applicant is basically
saying "this is how we're going to do it", but we're not getting notice of that. So, it's like the Applicant -- we've just decided that financial aspects are going to be dealt with in Track 1, and not financial aspects are going to be dealt in Track 2, with no discussion on it, it's just the Applicant said so, and now that's what we're doing.

I just find that to be a difficult way to proceed. And, again, I know you have an agenda. So, I don't know if you're discussing this later on in the agenda. I don't want to be like one of those students in class that asks a question that you're addressing later on in a lecture.

PRESIDING OFCR. IACOPINO: You're not a gunner. Don't worry.

MS. SAFFO: So, you can interrupt me at any time. You will not hurt my feelings. But I think that's exactly it. We are completely operating under different presumptions. And, okay, so now we would just address decommissioning. What else is out there that the Applicant think are going to be
addressed that some intervenors might agree with the Applicant, some intervenors may not. We just don't know.

PRESIDING OFCR. IACOPINO: And just so you understand, that's what we're doing right now in here. That's what the agenda is right now. "Clear up confusion concerning phasing and what it means."

MS. SAFFO: Yes. But --

PRESIDING OFCR. IACOPINO: Okay? So, if you have questions about whether -- if you think there's something else that's missing or you have a question about what's going to be presented through what witness, now is the time to raise those questions.

MS. SAFFO: Okay.

PRESIDING OFCR. IACOPINO: With respect to the Track 1 specifically. Obviously, there's going to be some discussion of Track 2 here, but with respect to Track 1 specifically.

MS. SAFFO: I just -- so, for the record, on the issue of decommissioning, I don't think that should be a Track 1 issue at

{SEC 2015-06} [Morning Session ONLY] {04-04-17}
all. I have not prepared for that to be a Track 1 issue. And, so, that's just, for the record, my request is that decommissioning be dealt with in one discussion, and it be part of Track 2.

You could disagree with me, obviously. That's just my position.

MR. ROTH: Mike, if I could --

PRESIDING OFCR. IACOPINO: There is supplemental testimony regarding the financial aspects of decommissioning.

MR. ROTH: Yes. Mr. Ausere covered that, I believe.

PRESIDING OFCR. IACOPINO: Yes. That was filed by the 24th by Mr. Ausere. And Mr. Ausere is anticipated, I understand, to be a Track 1 witness.

Mr. Roth, and then Ms. Birchard.

MR. ROTH: This may be a helpful suggestion, maybe, maybe not. But, in light of Attorney Saffo's comment, perhaps it wouldn't be a bad idea for people's witness lists, and I guess that would include the Track 1 witnesses that have already been disclosed, to identify,
at least in, you know, sort of Twitter-type of description, what it is that their subject matter is that they're going to be offered for. And I don't know whether -- you know, I haven't looked at the witness list carefully enough to know whether people have done that, and maybe some have, some haven't.

But that could perhaps kind of put some light on the mystery about who's expected to say what.

PRESIDING OFCR. IACOPINO: Anybody else have anything to say about Mr. Roth's comment? Mr. Bilodeau.

MR. BILODEAU: I'm sorry.
Mr. Bilodeau. It's not about Mr. Roth's comment.

PRESIDING OFCR. IACOPINO: Oh, yes. Let me just stick with Mr. Roth for a minute, because then I'm going to go to Ms. Birchard after that. But I'm asking this, because I actually think that this is a pretty good idea. And I'm not even thinking about you people out there. I'm thinking about my Committee. And it may be good for them to have a nice little
snapshot to remind them about what the next witness panel is going to testify about when they have their witness lists.

So, that's why I'm just throwing this out. Ms. Manzelli.

MS. MANZELLI: Thank you, Mike. I think it's a very helpful suggestion. And I think it would be -- there would be great efficiency if parties would do this on their own behalf. I think many parties, the Forest Society has done this, you know, trying to characterize other people's testimony.

But I have two sort of pointers within that. To the extent that we do this, we should all try to use either the language in the statute or the tracks as they have been described in the order setting up the track system. And, then, two, I think we should have an understanding, and it would be helpful if this was documented in the prehearing order, that it need not be an exhaustive list. You know, it's sort of a high-level overview. So, if you have some little comment about another topic, you're not going to be excluded from --
you know, that topic won't be excluded. Thank you.

PRESIDING OFCR. IACOPINO: And I
would prefer it to be less than the
140-character Twitter limit, too.

Ms. More.

MS. MORE: Can you hear me?

PRESIDING OFCR. IACOPINO: No.

You're going to need a microphone. Do you wish
to address Mr. Roth's suggestion?

MS. MORE: I do.

PRESIDING OFCR. IACOPINO: Thank you.

ADMIN. MONROE: There's a table up
here with a mike, Ms. More.

MS. MORE: No, it's fine.

PRESIDING OFCR. IACOPINO: She's got
a mike there.

MS. MORE: I was just going to say
that, for my -- I think that, for those of us
who are trying to keep up with all the
material, that before things begin, the
adjudicative process begins, it would be
helpful to have an integrated list of what's
going to be coming. You may be planning to do
that, and that's what I'm taking away from
Mr. Roth's suggestion. Is something that is a
roadmap of who's going to be presenting and on
what topics. It can be in a table form,
something that people can continually refer to.
And I think that that will go a long way to
keeping us all organized and orderly.

PRESIDING OFCR. IACOPINO: There will
be such a list that comes out of this hearing
today.

In addition, this wonderful lawyer to
my right is in the process of putting together
all of your exhibit lists into a single
document, so that they can be -- so everybody
has a single thing to refer to.

And, then, as the hearing goes along,
our wonderful court reporter, to the extent
there are additional exhibits that come in sort
of randomly, he will make sure that they are
all reflected in the transcripts of the
proceedings as well.

Anybody else want to address
Mr. Roth's suggestion? Does the Applicant have
any objection to that?
MR. NEEDLEMAN: In the end, if people would find it helpful, we'll find a way to do that. What I would say to folks is, unlike a regular trial, where witnesses stand up and the first time you know what they're going to say is when they take the stand, one advantage of a proceeding like this is that everything a witness is going to say is in their prefilled testimony. And, so, I would -- if people have confusion, I would encourage them to read it, and I would hope that that would resolve it.

PRESIDING OFCR. IACOPINO: I agree with that point. And, look, there's no question but that everybody's witnesses in this room, the first substantive question in most of these prefilled testimonies is "what is the purpose of your testimony?" And, then, the purpose of the testimony is laid out in the answer. That's the way I think everybody in this room has pretty much proceeded.

However, I think it would be a good idea, especially from -- and I'm thinking of the Committee members, because it's sort of like a snapshot, it just reminds them where
[Prehearing conference]

we're at.

So, you may see that in the
prehearing order.

MR. NEEDLEMAN: Well, if the
Committee would find it helpful, of course,
we'll do it.

PRESIDING OFCR. IACOPINO: Thank you.

Ms. Birchard. Sorry.

MS. BIRCHARD: I agree with
Mr. Roth's suggestion, but subject to the
condition that it not necessarily be considered
exhaustive. And, excuse me, in that vein, I
guess, you know, given that Mr. Bowes is the
only witness who is intended to appear in both
segments of the testimony, you know, my concern
is that anything within the written testimony
of any one of these individuals who appears in
Track 1, but who will not appear in Track 2,
should be fair game for cross-examination.

So, any objection to a question being
raised would have to be based on the scope of
their written testimony, not on the scope of
Track 1, as it has been defined in a memo. But
that those objections would be based on the
[Prehearing conference]

substance of the testimony, and that we can address anything in the substance of that testimony, if the witness is only planning to appear once. Is that correct?

PRESIDING OFCR. IACOPINO: I am not hearing anybody suggesting anything other than that. So that, if it's in the witness's prefilled testimony, it's subject to cross-examination by the other parties. And that goes for everybody's witnesses, not just the Applicant's. If it's in your witness's prefilled testimony, it's generally going to be fair game, unless there is some other order that issues from the Chair for cross-examination.

MS. BIRCHARD: Thank you. And, to be clear, my concern is that we may characterize things differently from each other, and that, you know, is not something that can be defined in this short list of Track 1 issues that's been identified in a footnote.

PRESIDING OFCR. IACOPINO: I don't really disagree with you on that. So, --

MS. BIRCHARD: Thank you.
MR. CUNNINGHAM: Art Cunningham --

PRESIDING OFCR. IACOPINO: Let me just try to get these questions answered. In the back there, sir. Please identify yourself.

MR. PALMER: Yes. My name is Walter Palmer. I'm the --

PRESIDING OFCR. IACOPINO: Oh, welcome, Mr. Palmer.

MR. PALMER: Thank you. I'm the spokesman for the Middle Abutters Group along the underground portion of the proposed route. I'd just like to echo some of the other people's concerns in the room about this, the whole idea of bifurcation of testimony. As an intervenor group, we do not have the luxury of having a counselor representing us. You suggested to Ms. Pastoriza that she "speak to counsel", we can't afford a counsel. We're working on our own. And we are having a difficult time determining what is in Track 1 and what is in Track 2, especially for the underground portion of the route, which many of the issues seem to overlap into both tracks.

So, I would like to ask agreement
from the group that everything having to do
with the underground portion of the route be
considered part of Track 2, or even the Track 3
topics that you mentioned earlier. In order to
simplify our work, so that we don't have to try
to guess whether we're in Track 1 or Track 2.

I'm concerned that this bifurcation
process is going to result in disallowing a lot
of testimony that the Subcommittee should be
hearing.

PRESIDING OFCR. IACOPINO: Well, no
testimony is going to be disallowed unless
there's an objection to it and the ruling is
made by the Chair. So, that's a concern that
you might have regardless of how we proceed.

But, aside from that, the other thing
I want to clear up is, when I talk about "Track
3", that's everybody, other than the Applicant.
It wasn't meant to be a delineation by issues.

So that, when I talk about "Track 3",
it's just the Applicant is going to put their
witnesses -- Track 1 witnesses on first, then
they're going to put their Track 2 witnesses
on, and then Track 3 is everybody else about
everything else. So, I don't know if you were here when we had that discussion, but that's what we spoke about at the beginning of the conference.

   So, Ms. Saffo.

MS. SAFFO: I think the concern, though, is that we understand that you can't guarantee what's going to be admissible or not, what's going to be deemed material and relevant, but we don't want to lose on a technicality. So, I think that's the concern that people have in the room, is that, because we didn't raise it under Track 1, we're now barred from raising it.

   If we're barred because it's not material and relevant, that's just the rules. That's fine. But barred because we made the mistake of not asking it earlier, I think that's what you're speaking to, back in the back.

MR. ROTH: Mike, if I may?

PRESIDING OFCR. IACOPINO: Let me hear from Ms. Pacik first. She had her hand raised, okay? Ms. Pacik.
MS. PACIK: This might be a good opportunity, in terms of being required to identify documents and exhibits by topic, I know there is a question about rebuttal exhibits and impeachment exhibits. And I didn't know if now is a good time to talk about it. But, I think, as Melissa raised, to the extent we know what documents we want to use, we can try to identify the topic area. But there may be documents that come up, that we weren't expecting to need, that we would like to reserve the right to introduce.

PRESIDING OFCR. IACOPINO: Okay. I think that that question would move us on down the agenda, but I think there may be still some things we need to address with respect to the phasing issues, and make sure everybody understands what we're discussing here, in terms of the phasing, because I sense that there's still some confusion.

Mr. Roth.

MR. ROTH: It seems to me, and I share some of this concern, although I haven't fully articulated my position on it, there are
two motions right now that are pending with respect to the -- kind of the due process issues surrounding the underground route. And this is kind of showing up in the -- in a perception of this bifurcation between Track 1 and Track 2, and are you asking the right question of the right witness at the right time? And that it's confusing, people don't want to be prejudiced by making the wrong choice.

And it strikes me that, if the Applicants were willing to make available any of the so-called "Track 1 witnesses" in Track 2, with respect to the construction panel, that might resolve the issue. So that people didn't have to sort of predict about, you know, whether a particular question was related to construction or not, and whether they needed to ask it now, when Mr. Quinlan, Mr. Bowes, Mr. Ausere were testifying, or could they ask Quinlan and Bowes questions during the construction panel?

I haven't -- I don't know myself whether I would ask Quinlan and Bowes
construction-related or underground-related questions. But it seems to me that that's --
what I'm hearing is there's a concern about
that, and maybe that's the way to address it.

PRESIDING OFCR. IACOPINO: Mr. Needleman, I'd like you to respond to
Mr. Roth's question. But, also, is there any
intention to put on underground testimony,
about the underground portion of the route, in
Track 1?

MR. NEEDLEMAN: Certainly nothing at
all having to do with underground construction.
That's all Track 2. There are issues
associated with cost of underground
generically, and I think those are things that
both Mr. Quinlan and Mr. Bowes have spoken to
at a high level. And, so, to the extent, I
think -- I have two thoughts on this. One is,
I really do think that, if people focused on
the testimony that people have filed, you will
see what they're going to cover. And I suppose
the other way to deal with this is, if any
questioner has any doubt about an issue, ask
the witness the question. And the witness will

{SEC 2015-06} [Morning Session ONLY] {04-04-17}
either be able to answer or they won't.

But I really think, if people focus on the substance of the testimony that witnesses have filed, it should resolve this.

PRESIDING OFCR. IACOPINO: Well, I think the starkest question, when I look at the tracks, okay, is public health and safety. Because, obviously, safety issues that come with the undergrounding of the route. Is it your intention that those are going to be covered by your Track 2 witnesses or your Track 1 witnesses?

MR. NEEDLEMAN: I think, if you're talking about things like traffic management, for example, as a public health and safety issue, plainly, that's Track 2. That would Ms. Farrington. If you are talking about mechanisms for underground construction and how that will be accomplished in a safe manner, plainly, that's Track 2. Those are underground construction issues.

There is an entirely separate aspect of health and safety that has nothing to do with those issues, that would be sound and EMF.
Those are plainly Track 1 issues. So, that's the way we're thinking about it. And I think that's what the testimony reflects.

PRESIDING OFCR. IACOPINO: All right. We're going to take a ten minute break. Be back at 25 of.

(Recess taken at 10:24 a.m. and the prehearing conference resumed at 10:43 a.m.)

PRESIDING OFCR. IACOPINO: Okay. So, the way that I look at this, at our agenda here, I think that we have dealt with, I don't know if it's to everybody's satisfaction, but we've dealt with the confusion around the track schedule. I am confident that the way we're going to proceed is the way that we have discussed. We will not be putting on Counsel for the Public and the Intervenor witnesses until all of the witnesses, both Track 1 and Track 2, from the Applicant have testified.

If there's any -- if you, at any point in time, on the hearings coming up for which we have witnesses lists now -- or, for the witness list we have from the Applicant,
everybody in the room should have a copy of it. It is on the website.

ADMIN. MONROE: It's not on the website.

PRESIDING OFCR. IACOPINO: It will be on the website. Excuse me.

ADMIN. MONROE: Well, I did want to clarify that. I did not post all of the witness lists, the amended witness lists, because my concern was that it would cause a problem.

So, my plan was, and those were shared with all the parties, once we have the final prehearing memorandum that establishes everything, that will be posted. So, I just want to clarify that.

PRESIDING OFCR. IACOPINO: Well, we should get the Applicant's list up, only because what I'm going to say to you is if anybody has any questions about what they can or cannot ask these witnesses, look at the list of witnesses, go to their prefiled testimony, see what they testify about. And, if you have questions about what's in that prefiled
testimony or their supplemental prefiled testimony, some of them have already filed some supplemental prefiled testimony, you should feel free to ask it. And, with respect to the one witness, I believe, that's going to be in the second track, again, Mr. Bowes, at that point you might be told "well, that question is better left to when he comes back with that panel", but be prepared to ask any questions that you want, as long as it's contained within their prefiled testimony. That's probably the best way to prepare for those witnesses. And, if there's an objection to it, we will deal with the objections as we go along.

So, let's move on to --

MR. ROTH: Mike, before we do that, --

PRESIDING OFCR. IACOPINO: Yes, sir.

MR. ROTH: Peter Roth, for Counsel for the Public. During the break, I spoke with a couple of parties. And there was one idea that I had that I'd like to float and see if it sails.

Given there's confusion about Track {SEC 2015-06} [Morning Session ONLY]  {04-04-17}
[Prehearing conference]

1, Track 2, and now Track 3, does it -- would it help or make sense to have an additional prehearing conference and deadlines for Track 3? That is -- so, that's the basic question.

PRESIDING OFCR. IACOPINO: I was kind of -- later on in the agenda I was going to actually suggest that we do it at the Track 2, the April 28th -- at the April 28th prehearing conference, that we plot out what is everybody else's witnesses as well. That's what I was going to suggest when we got down to that.

But when is it that you would anticipate that such a third prehearing conference would occur?

MR. ROTH: Once we know when the Applicant's Track 2 people are reasonably expected to be finished. Because it has always struck me that the number of hearings days that have been scheduled is somewhat conservative, or maybe "not conservative", depending on how you use the term, but --

PRESIDING OFCR. IACOPINO: Less days than there should be.

MR. ROTH: Yes. It's probably not
going to be enough. And what I don't want to have happen is for the Track 3 to be staring at the wrong end of the last, you know, six hearing days. And, so, I think, you know, that is a possibility.

But that's not what I'm trying to get at with this suggestion, however. But I'm just trying to, in terms of clarity, it would be perhaps useful to have a third prehearing conference, after the Applicant's Track 2 witnesses have been completed or appear to be about to be completed.

PRESIDING OFCR. IACOPINO: Mr. Needleman is that something that the Applicant is considering or that you are in agreement with?

MR. ROTH: And I would have liked to have discussed it with him during the break, but I just simply didn't have time. I apologize.

MR. NEEDLEMAN: I think it's a good idea. I think, when we get a clearer sense of when the Applicant's case is approaching its end, I think we should schedule it.
PRESIDING OFCR. IACOPINO: Anybody in the room disagree?

[No verbal response.]

PRESIDING OFCR. IACOPINO: Okay. We'll put -- okay. Now, I think nobody's disagreeing, and all of a sudden three hands go up. Mr. Whitley.

MR. ROTH: They all want to agree. That's it.

MS. WHITAKER: Stephen Whitley for various municipal groups.

In principle, I agree and I like that approach. And I'm only raising a partial objection, because I'd rather have it be a prehearing conference that is separate and apart from the Track 2 prehearing conference. That's the only suggestion that I might raise.

MR. ROTH: That's what I had in mind.

PRESIDING OFCR. IACOPINO: That's what the suggestion is.

MR. WHITLEY: Well, you had mentioned doing it during Track 2. And, so, I just wanted to kind of make my preference clear on the record.
PRESIDING OFCR. IACOPINO: Well, I think, if everybody agrees with Counsel for the Public, the way the prehearing conference will come out, as long as it's okay with the Presiding Officer, and I don't see that that's something that he would object to, because it doesn't affect his calendar, is that -- that's why I'm asking the question. If there's no disagreement, that's likely to show up in the order out of this hearing.

MS. WHITAKER: Okay. Thank you.

PRESIDING OFCR. IACOPINO: Ms. Manzelli -- I'm sorry, Mr. Boldt, you were first. Sorry, Amy.

MR. BOLDT: Not a problem.

PRESIDING OFCR. IACOPINO: Okay.

Amy.

MS. MANZELLI: I just wanted to say that we agree with that. And the Track 3 prehearing conference would also be a good opportunity to determine if there were enough days of trial left to accommodate, you know, what needed to be done for all the intervenor witnesses.
PRESIDING OFCR. IACOPINO: Just so everybody in the room is aware, we will have this hearing go for as many days as it takes to have everybody's witnesses heard. And, you know, just because we have certain days blocked out now doesn't mean that there won't be additional days. Our calendar is primarily a function of the calendars of the five people who sit -- seven people who sit on the Subcommittee, five of whom have State jobs during the day, and two of whom also are trying to make a living, you know, other than being on the Site Evaluation Committee.

So, just because there may not seem to be enough days doesn't mean that there won't be enough days. And everybody's witnesses will be heard. We're not going to stop because we've run out of time. That's never been the case. I've been representing the Site Evaluation Committee for quite a few years now, and we've never stopped a case because "well, we just don't have enough time."

But, with respect to the issue of having a third prehearing conference, I suspect
that will come out in the order which comes out of this prehearing conference.

PRESIDING OFCR. IACOPINO: Mr. Boldt.

MR. BOLDT: I'm in favor of that idea of having a third prehearing conference for the intervenors. I am also wanting to suggest that, if we have that, we scrap the Intervenors' exhibit lists, witness lists, that are currently in multi-fashion numbers right now. And I would respectfully request that we be clear that our cross-examination exhibits need to be premarked prior, but not necessarily listed. I would think that would be a great relief to the smaller intervenors, and to the municipals, for that matter.

But it's definitely one where that removes a lot of the fear that appears to be driving some folks on being caught "Are we Track 1? Track 2? Which witnesses are we going?"

Would be a suggestion that I would ask the Applicant and the Counsel for the Public, as well as yourself, to consider.

PRESIDING OFCR. IACOPINO: Mr.
MR. NEEDLEMAN: It's certainly not our intention to have anybody trapped. And, if there's anything about managing this that helps to clarify for people when they can use exhibits and when they should be put in, that's fine with us. That doesn't mean we may not object to the substance of the exhibit, but we don't want procedural hurdles to get in the way of people using exhibits that they believe they're entitled to try to use.

PRESIDING OFCR. IACOPINO: Mr. Bilodeau.

MR. BILODEAU: Philip Bilodeau, 140 Nottingham Road, in Deerfield. Thank you very much, Mr. Iacopino. I'm probably the least knowledgeable of the practice of law in this procedure in the room, and the confusion that's taking place now.

But I'm looking at your agenda handout that you provided us earlier this morning. And Item Number 1 is "Offers of settlement". I would like, for the record, to indicate that we have reached out to the
Applicant for some resolution or settlement on our behalf, and we have yet to be successful to date. Thank you.

PRESIDING OFCR. IACOPINO: Thank you. Anybody else wish to address? Ms. Saffo, go ahead.

MS. SAFFO: Does that mean that -- does that mean that our earlier Track 1 witness lists and exhibit lists previously filed are kind of null and void? That we're going to resubmit a Track 3 witness list and exhibit list?

PRESIDING OFCR. IACOPINO: I would prefer, personally, for the sake of the Committee, that you just add on to those witness lists, as opposed to retracting them. You know, I can't believe that what's on those lists right now wouldn't be used by each of the parties. You thought it was important enough to put it on your list. So, I would ask that it's just that anything that you're going to add to that listen be added on the date that the -- I don't really want to call it "Track 3", but on the date that the Counsel for the
Public and the Intervenors' exhibit lists are determined to be due. So, in other words, I forget how many exhibits you had, 1 through 16, or whatever, --

MS. SAFFO: Yes.

PRESIDING OFCR. IACOPINO: -- for Grafton County, so that, when you file the witness list before the next -- before the last prehearing conference, it starts at 17 and goes through 23, or whatever it is that you're going to do.

MS. SAFFO: Okay. That's fine. But now that we're at Track 3, are we supposed to still file -- will the order outline if we're supposed to still file --

PRESIDING OFCR. IACOPINO: Your --

MS. SAFFO: -- witness lists for Track 2?

PRESIDING OFCR. IACOPINO: I'm sorry. Yes. The order will outline when witness lists for Track 2 and exhibit lists for Track 2, and I suppose Track 3, as well if you want to call it "Track 3". But, for the rest of the Applicant's witnesses, those are in Track 2,
and then for the Counsel for the Public and the Intervenors' witnesses, if we want to call that "Track 3".

MS. SAFFO: So, the idea of "topics" are kind of not the determining factor anymore, but rather, for Track 2, I would be submitting the exhibits I want to use to cross-examine Track 2 witnesses. And, then, for Track 3 would be the exhibits that I would add on for my own witnesses, which are really what I've already filed, by the way.

PRESIDING OFCR. IACOPINO: Right.

MS. SAFFO: And I won't retract it. I don't mind providing stuff early. But just to make sure we understand we can add things up until the Track 3 prehearing conference?

PRESIDING OFCR. IACOPINO: Yes.

MS. SAFFO: Thank you.

PRESIDING OFCR. IACOPINO: And one of the things that we're also going to discuss later on today is what happens, somebody raised it before, is "well, what happens if it turns out that there's an exhibit that you found out about, forgot to mark, or whatever?" We will
address what to do in those circumstances.

Understand is that there's going to be a lot of exhibits. If you've look at the exhibit lists already, you understand that. One of the key things we try to do is keep it all organized.

MS. SAFFO: Uh-huh.

PRESIDING OFCR. IACOPINO: For both the purposes of deliberation of the Committee, because, after you're all done, the Committee sits up here and tries to, in public, sit here and understand and deliberate and speak to each other, they're going to have those exhibits in front of them, and they're going to be discussing them. So, we want to have it organized for the purposes of deliberation. And also for the purposes of appellate review, if indeed anybody chooses to take an appeal from whatever the Committee decides.

MS. SAFFO: Yes.

PRESIDING OFCR. IACOPINO: So, that's, you know, where we're coming from, with respect to the exhibit lists and having them premarked.
I know that there is some concern out there about the issue of impeachment exhibits, and things like that. We'll get to that in a moment. Okay?

But Mr. Bilodeau had started us down another road, which I think we should address. I don't think it's going to take too long.

Under the statute, we are required to consider whether there are any -- whether we can identify whether there are issues in dispute and issues not in dispute. Generally, the way this Committee operates is, when we speak about "issues", we talk about the issues that are contained in RSA 162-H, Section 16, which are the criteria that the Site Evaluation Committee has to consider in determining whether to grant or deny a certificate.

Having sat through a whole lot of technical sessions and spoken to a lot of you, I have not seen too many issues where there are stipulations or agreement. Is anybody aware of any areas where there are stipulations amongst any subset of the parties or any agreements amongst any subset of the parties that you
would like to put out there here at this
hearing today?

MR. NEEDLEMAN: I can start with
that, if you'd like.

PRESIDING OFCR. IACOPINO: Thank you, Barry.

MR. NEEDLEMAN: The Applicant has reached out to, I believe, all of the
municipalities along the route and inquired whether they would be interested in having a
discussion about stipulations. We have received a range of responses. And I can't
tell you what the number is, but we are engaged in some kind of discussions with a fair number
of those municipalities trying to come up with some stipulations. I don't expect that any of
that would be done or the vast majority would probably not be done before the proceeding commenced. But it's the goal, consistent with how it's been done in other proceedings, to try, town by town, to take as many issues off
the table as we can. So, that is one thing we're working on.

To the extent that there are any
other parties in the docket that are not municipalities that are interested in talking with us about trying to come up with some stipulations, we're happy to do that with anyone. And I can't recall whether that's happening at the moment, but we're certainly open to that.

PRESIDING OFCR. IACOPINO: Does anybody in the room think they have a stipulation or agreement with the Applicant that Mr. Needleman has not mentioned?

[No indication given.]

PRESIDING OFCR. IACOPINO: Okay. Are there any -- Mr. Palmer.

MR. PALMER: Just a quick question there. Is it necessary for parties to have a discussion with the Applicant about stipulations? Can we not just submit stipulations directly to the SEC?

PRESIDING OFCR. IACOPINO: Stipulations, by their definition, are agreements amongst the parties. So, generally, the Applicant is involved in those agreements. Although, I'm sure I could envision some
agreements from parties who are not the Applicant. But I don't know why they would be submitted to the Site Evaluation Committee, unless it's over something procedural, like, you know, "we agree that we're going to combine our intervenor groups" or something like that.

MR. PALMER: Right. I may not be -- I may not be using the right terminology then. But can we not submit conditions that we would like to see in the final permit directly to SEC?

PRESIDING OFCR. IACOPINO: Yes. And you'll be encouraged to do that before the end of the proceedings.

But, when we speak of "stipulations", we're talking about things that are "agreed upon".

MR. PALMER: Okay.

PRESIDING OFCR. IACOPINO: Not something that you wish to see.

MR. PALMER: Right.

PRESIDING OFCR. IACOPINO: Not requests for relief or conditions, but agreements.
MR. PALMER: Okay.

PRESIDING OFCR. IACOPINO: Okay. We have, for the Applicant's witnesses, the Applicant has indicated that they intend to call Mr. Quinlan on April 13th. They anticipate that Mr. Bowes and Mr. Ausere will testify from the 14th through the 17th, those days. That a panel including William Bailey, Gary Johnson, and Doug Bell will testify on the 18th. And that Robert Andrew will testify on the 19th.

What I would like to do at this point in time is to address the order of cross-examination for those witnesses. Generally, we will set up an order of cross-examination, and we'll probably stick to that throughout all of these. We won't be changing that order, generally, for each witness.

So, I'm going to first turn to -- obviously, the Applicant is putting these witnesses on. I'm going to turn first to Counsel for the Public. Counsel for the Public plays a very important statutory role, and
generally we allow Counsel for the Public to go
last, in terms of cross-examination, if he so
chooses, or go first, if he so chooses, or
third, fourth, fifth. So, what is your
preference in this proceeding, Mr. Roth?

MR. ROTH: Our preference at this --
in this proceeding is to go first.

PRESIDING OFCR. IACOPINO: Okay. So,
that will be the beginning of the order of
cross-examination. It's now open for a
discussion, in terms of how we follow up
Counsel for the Public.

So, anybody want to go second?

MS. MANZELLI: Oh. I thought you
were going to say "Does anybody have a
suggestion?" Can I answer that question?

PRESIDING OFCR. IACOPINO: Sure.

MS. MANZELLI: I think that the order
of inquiry following Counsel for the Public
that we used for the technical session --

{Court reporter interruption.}

MS. MANZELLI: Sorry. I suggest we
use the order of inquiry that we used for
technical sessions. Because we've all gotten,
I think, relatively comfortable with that order of inquiry. And, you know, there's no perfect way to order the parties. So, that's all I was going to suggest, Mike. Thank you.

PRESIDING OFCR. IACOPINO: Did we have that written down somewhere because my understanding -- my recollection of the technical sessions is we did Counsel for the Public, and then "anybody else have questions?"

ADMIN. MONROE: No. The first round, and I'm looking for it. So, let me pull it up.

PRESIDING OFCR. IACOPINO: Okay. That may be a good suggestion. So, we'll wait for Ms. Monroe to pull it up.

MR. ROTH: I just would make this comment while she's looking for that. I think it perhaps goes without being said that at some level we would want to be flexible to accommodate people's schedules. If being last means they can't conduct their cross-examination, then maybe we bump them up a little bit.

PRESIDING OFCR. IACOPINO: Oh. I'm sure we will be flexible. The thing is,
though, is people have to ask. You can't expect that the Chair is going to know that you have a problem on any particular day. You have to make us aware of it. And, if we can accommodate, we will. There's a large number of you in this room. And it's -- you know, sometimes we're not going to be able to accommodate everybody. But what I would like to do is have at least the general order of inquiry, and that's what we'll use, so that we don't have to set up a separate order of inquiry for every witness or every panel of witnesses. And, then, if anybody says "Look, I need to leave at, you know, two o'clock today, because I'm going to go get a root canal. Can I move up in the order?" That's something that generally, quite frankly, has usually been worked out by the parties.

MR. ROTH: Some people will do anything to get out of this case.

ADMIN. MONROE: So, for those of you that have the website up, it was -- the initial technical session agenda was published on August 5th. And the order was Counsel for the

{SEC 2015-06} [Morning Session ONLY] {04-04-17}
Public; Municipal Group 1-North; Group 1-South; Group 2, Group 3-North, Group 3-South, City of Franklin and Berlin; Grafton County Commissioners; followed by the Forest Society; the -- I guess we'll call them the "Environmental NGOs", Ms. Birchard; NEPGA; then Mr. Thompson's group; Ms. Percy, the Abutting Property Owners, Dummer, Stark, and Northumberland; Mr. Van Houten for the Abutting Property Owners, Whitefield, Dalton, and Bethlehem; Mr. Palmer, for the underground section, Bethlehem to Plymouth; Ms. Kleindienst, for the Ashland, Northfield, Canterbury, Allenstown, and Concord; the Deerfield group, following Ms. Kleindienst; Mr. Bilodeau; Mr. Baker, for the Non-Abutting, and this is, again, things could have changed, I'm just reading of from -- Non-Abutting Property Owners, Clarksville and Stewartstown; Ms. More, Non-Abutting Property Owners, Stark, Lancaster, Whitefield, Dalton, and Bethlehem; we have a group that we have never had a spokesperson named, nor have I had any correspondence from them. That's the
Non-Abutting Property Owners, Bethlehem to Plymouth; then we have Ms. Crane on behalf of the Non-Abutting Property Owners, Ashland to Deerfield; Ms. Williamson, who I'll call the "Historic NGOs"; Mr. Raff, on behalf of the "Economic Groups" I'll call them; Wagner Forest, Mr. Novello, who I don't believe has asked any questions at the technical sessions; closed by Mr. Stamp for the Pemigewasset Local Advisory Committee.

That's the lineup we had for the technical sessions.

PRESIDING OFCR. IACOPINO: Ms. Pacik.

MS. PACIK: One modification I would request is that I know certain intervenors have taken positions in favor or opposed to the project. And, to the extent that there's groups that are in favor of it, we'd actually request that they go after Counsel for the Public. So that, if there's follow-up, the intervenors who have opposed the Project could then address those questions.

PRESIDING OFCR. IACOPINO: Let me ask Counsel for the Public, if you would prefer
that those intervenors go before you go?

MR. ROTH: Yes. We would like the parties that support the Project to go ahead of us in cross-examination. It has occurred to me that it's a bit unusual to have their testimony and participation be mixed in with the other intervenors, many of whom are -- or, all of whom, apparently, oppose the Project. My office, of course, not taking a position on the Project.

But I think that, at a minimum, that would be the way to manage that.

PRESIDING OFCR. IACOPINO: And, quite frankly, it's the way that we've done most of these in the past.

Mr. Cunningham. Please use the mike.

Thank you.

MR. CUNNINGHAM: My question is, if the exhibits are going to be organized in accordance with your memorandum to the parties, if they're going to be organized that way, why not conduct cross-examination in the same order?

I think that would be a much more
PRESIDING OFCR. IACOPINO: Well, much to the chagrin of the wonderful lawyer to my right, that may not be the order in which the exhibits -- the final Exhibit List actually gets set up. We'd probably do it based on whatever the order of witnesses -- the order of inquiry is that we adopt here today, if we adopt one.

But, either way, and, quite frankly, from my standpoint, I would prefer to leave it to Counsel for the Public, given his statutory role.

So, I guess, when we talk about the parties who you think would go before you Mr. Roth, I assume you're talking about Mr. Raff's group, Mr. Boldt's group, Wagner Forest Management, and --

UNIDENTIFIED SPEAKER: The Balsams.

[Court reporter interruption.]

ADMIN. MONROE: Be Mr. Raff, would be --

PRESIDING OFCR. IACOPINO: Mr. Boldt, and Wagner Forest Management.

{SEC 2015-06} [Morning Session ONLY] {04-04-17}
ADMIN. MONROE: Well, the Balsams is included in the "Business Organizations with Economic Interests".

MR. ROTH: And that includes the Coos County --

ADMIN. MONROE: -- Business and Employers Group, North County Chamber -- North Country Chamber, Dixville Capital, Balsams Resort Holdings. That is the Business with Economic Interests, and then Wagner Forest.

So, there's three I count.

PRESIDING OFCR. IACOPINO: So, in the order of inquiry for cross-examination then would be those three, and then we would start with Counsel for the Public. And my -- I actually like Ms. Manzelli's suggestion, that we then use the order that we used at the technical sessions.

But I want to ask a question, because that order has many of the intervenor groups that are not represented by counsel sort of at the end. So, I do want to hear from them, if they have a preference one way or another about that. I think that, in some ways, it can be
helpful to you, because you've -- you know, the lawyers have taken their crack already, and it may take some of the burden off of what you've got to ask. But I don't know what your feelings are.

So, Ms. Schibanoff, if you could speak to that.

MS. SCHIBANOFF: Yes. Susan Schibanoff. Yes. It would be very helpful to learn from the lawyers. But what I'm concerned about is that we could get ruled out as repetitive.

PRESIDING OFCR. IACOPINO: Well, if you are repetitious, in other words, if you are asking the same questions as the lawyers asked, that probably would be what the ruling would be, assuming it -- I mean, obviously, there are some questions that are always, you know, there's always going to be some repetition. But, if it's repetition to the point where the Chair of the proceeding believes that it's simply going over the same -- the same material, that's, you know, it will be ruled out. I mean, that's one of the things that the
Chair's responsibility is, is to determine whether questioning is unduly repetitious.

MS. SCHIBANOFF: So, I think what you're advising us then, if we go last, is to make very sure that we are asking a question in a different way or don't ask it?

PRESIDING OFCR. IACOPINO: Yes. Or, if you have a question about whether something is repetitious or not, to raise it with the Chair first. That's always a good way to do things for folks who are not represented, is, if you have a question, when it's your turn, stand up and turn to him and say "Mr. Chairman, I have a question about" -- "I have questions about this. I am concerned you might consider them to be unduly repetitious." And, you know, and then there will probably be a discussion about what you're planning on asking.

But, in my experience, it's really only when -- people have not been cut off at this Committee willy-nilly. I mean, it's only been when it's something that has been, usually, repeated more than once, before there's any kind of action by the Chair.
And, of course, if you come at a particular issue from a different angle, that's not unduly repetitious, and the Chair will usually allow those questions. And, if he asks me, as Counsel to the Committee, he'd be told "yes, I think you should allow that question."

But, you know, there is, obviously, pros and cons to every decision that folks make. And, so, what I'm saying to the intervenor groups that are not represented by counsel, one of the benefits of going at the end is some of the burden on you may be lifted, because those questions will get asked by the lawyers for the parties who are represented. And the disadvantage is that they may ask all the questions you wanted to ask. But that might not be a disadvantage. That's a personal decision, I guess, at that point.

Over at the Pemi, I'm sorry, I forgot your name, ma'am.

ADMIN. MONROE: Ms. Draper.

PRESIDING OFCR. IACOPINO: Ms. Draper, sorry.

MS. DRAPER: I'm Gretchen Draper,
PRESIDING OFCR. IACOPINO: Thank you.

MS. DRAPER: And we're quite happy to be last. We like that, getting in the last word.

PRESIDING OFCR. IACOPINO: There will be no pizza just because you're last.

[Laughter.]

MS. DRAPER: As long as you promise that we end at a reasonable time.

PRESIDING OFCR. IACOPINO: Oh, we're going to get to that issue, too, as we move down the list.

MS. DRAPER: All right. Well, thank you.

MR. SAMSON: I have one.

PRESIDING OFCR. IACOPINO: Commissioner. Sorry.

MR. SAMSON: Thank you.

PRESIDING OFCR. IACOPINO: Ms. Monroe, am I to understand --

{Court reporter interruption.}

PRESIDING OFCR. IACOPINO: Oh, I'm sorry. Please identify yourself.
MR. SAMSON: Rick Samson, spokesman.

Rick Samson, spokesman, for Municipal Group 1-North.

Ms. Monroe, is the North Country Chamber listed in the intervenors supporting this Project group?

PRESIDING OFCR. IACOPINO: It's on the list that she read. But understand that list was from months ago.

MR. SAMSON: Okay.

ADMIN. MONROE: And I believe at one point we did receive a letter from them, it's a little fuzzy, but they're currently listed there.

MR. SAMSON: Because it's my understanding that they were neither opposed nor in favor of the Project.

ADMIN. MONROE: Yes.

MR. SAMSON: Okay. Thank you.

PRESIDING OFCR. IACOPINO: Mr. Judge.

MR. JUDGE: I just want to put a different wrinkle on this. I represent McKenna's Purchase. You read out "Michelle Kleindienst" as the spokesperson for the
Ashland to Allenstown Group. I don't represent that group. I don't anticipate that Michelle Kleindienst is going to be speaking for that group. The remainder members of that group are pro se, and they will be speaking for themselves.

PRESIDING OFCR. IACOPINO: There will only be one person from the group doing the cross-examination of each witness. The next thing we're going to do, after we get the order of inquiry, is I'm going to go around, for each witness, to each group and ask who will be doing the cross-examination of that witness or that panel. And -- because we're not going to have multiple people from the same intervenor groups asking questions.

So, I don't know how your particular group pans out, Mr. Judge. But, if Ms. Kleindienst is not planning on participating, you may want to speak with her, and the other members of your group, about letting you do the questioning with respect to that group.

But that's, you know, there's only
going to be -- we're not -- every person in every intervenor group is not going to have the opportunity to cross-examine every witness.

MR. JUDGE: I think this is something that bears a lot more discussion. I don't believe that there is any authority for the SEC to order me to represent people who don't want to be represented by me. And I think it's a due process issue if McKenna's Purchase isn't allowed to proceed by their counsel.

But I'll leave it at that for the moment.

PRESIDING OFCR. IACOPINO: You were combined under the statute as a group. And it's up to the group to consider how they're going to proceed. You should speak to Ms. Kleindienst about that.

MR. JUDGE: I represent --

PRESIDING OFCR. IACOPINO: I'm sorry, you should speak to the other -- you represent her. You should speak to the other members of your group about that.

MR. JUDGE: And I asked the other members of the group if they wanted me to
PRESIDING OFCR. IACOPINO: Well, the group is going to designate a spokesperson who will be the person who's cross-examining, that's what the order says. And that's the way we're going to proceed. So, --

MR. JUDGE: Just for the record, we filed a Motion to Reconsider on that order. That motion was denied. I think it's still alive, as far as an appeal is concerned.

And I'll just repeat, I don't think you can order me to represent people who don't want me to represent them. And I don't think you can tell McKenna's Purchase that they can't be represented by their counsel.

PRESIDING OFCR. IACOPINO: I understand your objection.

Mr. Palmer, did you have a question?

MR. PALMER: Yes. I have a logistical question. Again, representing an intervenor group, which is probably going to be at the end of the questioning -- the end of the order. What's going to happen if, in the earlier part of the cross-examination, things
take a lot longer than anticipated, and we
don't get to our part of the cross-examination
order until late in the day? Are we going to
be running until midnight every night or are we
going to be pushing things back and rearranging
the schedule every time this happens?

PRESIDING OFCR. IACOPINO: See, I'm
not going to be the Chair. So, you won't be
running to midnight every night. But, no.
We're going to discuss a stopping time later in
our proceeding today. There's been a
suggestion from the Forest Society about that
in the memo that they filed last -- yesterday
or the day before, I forget when it was filed.
But -- and nobody will not get a chance to
cross-examine a witness because we've run out
of time. And, presumably, we will not be going
into unreasonable hours. So, that's all I can
say about that at this point in time.

Somebody -- Ms. Pacik.

MS. PACIK: Just a couple items.
First, in terms of the spokesperson, my
understanding from the order was that, if you
were the spokesperson for a group, and you
refused or chose not to ask a specific question
that dealt with another party in your group,
then that party would have the right to ask
those questions.

PRESIDING OFCR. IACOPINO: To ask
permission to ask those questions, yes.

MS. PACIK: Okay.

PRESIDING OFCR. IACOPINO: You are
correct about that.

MS. PACIK: And, along those same
lines, the municipal groups are all full
intervenors. So, I represent Concord, Stephen
represents Deerfield. If he has Deerfield
questions, I assume he can ask those questions
when he's dealing with, for example, a group
that he represents, like Municipal Group
1-North, would that -- or, 1-South, would that
be fair?

PRESIDING OFCR. IACOPINO: You lost
me in the question.

MS. PACIK: So, Deerfield --

PRESIDING OFCR. IACOPINO: Because
you represent separate intervenor groups, what
you're asking is "can I be designated as a
spokes" -- let's say for Mr. Quinlan, can you be designated as a spokesman for questions that pertain to your town, and he asks questions with respect to a separate intervenor?

MS. PACIK: For example, if he's dealing with a different group that doesn't include Deerfield, he can still ask Deerfield questions when he's the spokesperson for that group?

PRESIDING OFCR. IACOPINO: Oh.

MS. PACIK: There's no limitation on the questions that we can ask?

PRESIDING OFCR. IACOPINO: Right. He represents more than one -- well, yes. Actually, there's no limitation on the questions you can ask, other than those that are in RSA 541.

MS. PACIK: Okay.

PRESIDING OFCR. IACOPINO: That they be relevant to issues. I mean, just because Deerfield might not have an issue, for instance, with, I don't know, air quality, doesn't mean that -- actually, Deerfield is probably the only one that does, but there's --
doesn't mean that they can't ask questions about it. If Deerfield doesn't have, for instance, the wetland that's up in Northumberland that might be damaged, doesn't mean they can't ask questions about that wetland impact.

MS. PACIK: Okay.

PRESIDING OFCR. IACOPINO: They certainly can.


MS. BIRCHARD: Thank you. Melissa Birchard, for the NGO Intervenors.

So, it seems to me, if I can just get a little bit further clarity, that there may be three situations to consider. One would be when there's a conflict or potential disagreement among the parties within one intervenor grouping. And you've just addressed that, I believe, in saying that, if there is such a conflict or disagreement, then you would request permission to speak separately on behalf of your organization.

Then, there's also the situation
where a witness panel extends over two or three days. And, for example, if I can make it on Monday, but I can't make it on Tuesday, could we then, you know, switch off as necessary?

PRESIDING OFCR. IACOPINO: I really want to discourage that. Obviously, if it's something that is necessary, we'll discuss it. And we're not inflexible. But we really don't want to be in a situation where we keep adjusting the schedule, because people may not want to be there that day. I think we need to -- you know, we're going to have a schedule. The witnesses that are going to be there are the witnesses that are going to be there. And, if you want to cross-examine them, you should probably be there to do it, you know?

And I also encourage you to be there for the cross-examinations performed by other parties, so that you know whether you're asking, when it's your turn, when you're up, that you know what's been asked of the witness. I don't think that just because "I don't want to come to all the hearings" is going to be a good enough excuse.
MS. BIRCHARD: I'm sorry. So, just to clarify, what I'm saying is that, if there are two attorneys working with one intervenor grouping, --

PRESIDING OFCR. IACOPINO: Oh. I'm sorry. Okay.

MS. BIRCHARD: -- and on one day I cannot attend, can the other attorney speak on behalf of the group on that day?

PRESIDING OFCR. IACOPINO: Yes. My goal in this is just to know who is going to -- who from each group is going to be the spokesperson. We have said to everybody that, if you wanted to break up the issues, and this is primarily for the pro se intervenor groups, if you wanted to break up the issues so that one member of your group might deal with water quality and one might deal with public safety, that we allow, and have allowed traditionally in the past, because it let's people break up the -- all the work that needs to be done.

MS. BIRCHARD: Okay. You know, actually, that gets to my third question, which was, if there's one, you know, Applicant's
witness who speaks to three different issues, and, you know, I'm best at addressing two of them, and Bill, sitting next to me here, is best at addressing the third, could we then take that opportunity to transition to a new attorney during the course of cross-examination?

PRESIDING OFCR. IACOPINO: We would prefer that you didn't. But, if it's done in an organized fashion, I doubt that there's going to be a whole lot of objection to it.

MS. BIRCHARD: Thank you very much.

PRESIDING OFCR. IACOPINO: Mr. Whitley, sorry.

MR. WHITLEY: That's okay. You indicated before -- Stephen Whitley, for the municipal groups. You indicated before, in answering Danielle's question that, if a spokesperson declined to answer [ask?] questions, that another person from the group could ask for permission to then do the questioning. And I'm looking for some clarification about, in terms of ruling on that request, what is going to be considered by the
Presiding Officer in making that determination?

PRESIDING OFCR. IACOPINO: Probably whether -- I mean, I would imagine, I can't speak for the Presiding Officer, but, given the issue that comes up, I would imagine it's whether that individual, who was in that intervenor group and has a disagreement with the spokesperson about what to ask, whether or not they have a right or interest, a claim that somehow not being protected by the questioning done by the spokesperson. I would imagine that would be it.

The language from the order that we're discussing says that "Any individual intervenor, however, if unable to agree with the group, has a right to file a motion stating its disagreement and a motion for alternate relief." Obviously, the alternate relief would be requesting to continue the cross-examination.

MR. WHITLEY: And I think, and to use, I think, we're Group 3-South is what Concord and Deerfield are in, I think the disagreement would stem from the fact that I'm
representing Deerfield and Ms. Pacik is representing Concord. And, so, when there are issues that relate specifically to Deerfield, you know, I think we would both prefer that I would be the one handling those questions and those topical areas. And I'm hoping that that satisfies that language in the order of a "disagreement", and that there will be no objections, but that the Presiding Officer will understand why we want to handle it in that fashion.

PRESIDING OFCR. IACOPINO: I can't speak for whether there will be any objection, and I can't speak for the Presiding Officer on what he would decide. Although, if it's done in an organized fashion, I can't imagine there's going to be a lack of flexibility for you.

MR. WHITLEY: And I guess the kind of corollary to this issue is, is there going to be a similar limitation on the Applicant's handling of witnesses? Are they going to be limited to one attorney to particular witnesses, topical areas?
PRESIDING OFCR. IACOPINO: That's the way that we've -- that's the way that we've proceeded, and I don't know why we wouldn't do it for the Applicant as well.

Do you have an objection to that, Mr. Needleman?

MR. NEEDLEMAN: A minor one. I think the answer is, generally, that's how we intend to proceed. There are several unique circumstances where we intend to carve up the questioning for particular witnesses, based exclusively on topic area, as we did in the technical sessions.

PRESIDING OFCR. IACOPINO: So, then, I assume you don't have any objection when other parties do that as well?

MR. NEEDLEMAN: Actually, no. Stephen gave a good example. I think that, if he has very specific Deerfield questions, which are distinct from Concord questions that Danielle may have, I would expect we probably would not object to that.

What we would object to is, if one of them had started off talking with the witness
about methodology, and then the other
overlapped with that, at that point, I think
that would probably be a problem for us.

PRESIDING OFCR. IACOPINO: Doesn't
seem like you're going to have an objection to
that, from the Applicant at least.

Anybody in the room who would object
to the scenario set forth by Mr. Whitley?

[No indication given.]

PRESIDING OFCR. IACOPINO: I don't
see any hands raised. So, --

MR. ROTH: Mike, this isn't really an
objection, as much as it is maybe an
observation and a comment.

I think that the mischief that this
discussion is designed to address is a sort of
a tag-team approach. And I know that, during
the tech sessions, there's been a fairly
free-flowing back-and-forth, both on my side
and on the Applicant's side.

I think, for purposes of the tech
sessions, that that works well enough, and we
sort of, you know, get along. But I'm
cconcerned that the tag-team approach in the
actual hearing is going to be less smooth and more problematic.

And I guess I'd like to have some understanding that, if there's going to be more than one attorney examining a witness, that there be some, I don't know how to put it exactly, be some limits on that or that it be, you know, really ample -- amply clear to everybody what's going to happen. Because the sort of free-form, back-and-forth, I don't think is going to work that well at the hearing.

MR. NEEDLEMAN: Mike, if I could? I agree with Peter on that. I think that the tag-teaming style approach at the tech sessions would not be appropriate for the hearings. And what I would envision is, to the extent that a party, for some good reason, had two attorneys questioning a witness, the first attorney would do their questioning, and they would be finished, and then the second attorney would do their questioning. And they would not be allowed to come back and revisit. It's not meant to be a tag-team event.
PRESIDING OFCR. IACOPINO: I didn't even consider anything other than that. I mean, I'm not going to have people just chiming in. And I think that it would have to be, as Mr. Roth has indicated, would have to be some clear delineation on what you're changing. And the other thing that I think the Committee appreciates is that, when it's your turn to cross-examine, you explain, "Mr. Chairman, I'm going to begin the cross-examination. I'm going to ask the witness about Items A, B, and C, and then my colleague is going to ask about Exhibits D, E, and F." And that way we all know what to expect. And that's what I would expect, that all of the -- that, in any case where you have more than one attorney, or if some of the intervenors have broken up their work that way, that they do that as well.

I think the Deerfield group actually did a very nice job of that during the course of the technical sessions. And, so, they can give you guidance on how to do it. So -- but I think that we've sort of gotten this idea down now.
Okay. What I would like to do is turn to identification for each group, who you anticipate doing the cross-examination of these witnesses that we know are going to be called between April 13th and April 19th.

Starting off with Mr. Quinlan, and I guess we'll go -- Yes. Mr. Raff, would you be the person who's going to question Mr. Quinlan, if there are any questions for your group?

MR. RAFF: For the time being, but with the right to change that --

PRESIDING OFCR. IACOPINO: You need a microphone, my friend.

MR. RAFF: Yes. For the time being --

ADMIN. MONROE: Please identify yourself first for the --

MR. RAFF: Alan Raff, for the Business Intervenor Group. And, for the time being, I will be the spokesperson. And, if that changes, I will be sure to let you guys know.

PRESIDING OFCR. IACOPINO: And there is nobody here from Wagner?
[Prehearing conference]

[No indication given.]

PRESIDING OFCR. IACOPINO: And,

Mr. Boldt, I assume --

MR. BOLDT: Chris Boldt, for the City of Berlin. Primarily, it will be me. There may be times that I cannot be here, and my junior partner, Eric Maher, will be here, M-a-h-e-r.

PRESIDING OFCR. IACOPINO: Counsel for the Public?

MR. ROTH: I think I can shortcut a little bit here, and say, with respect to all of the witnesses that are on the calendar for April, --

MR. PAPPAS: Track 1.

MR. ROTH: -- Track 1, it will be either Mr. Pappas or me, to be determined at the time of the hearing.

PRESIDING OFCR. IACOPINO: Do you anticipate any examples where you may split up a witness due to -- in other words, one of these witnesses, one does some issues and other --

MR. ROTH: I can't identify anything
in particular at the moment. It's possible. And we'll make that clear at the time of the cross.

PRESIDING OFCR. IACOPINO: So, Municipal Group 1-North?

MR. SAMSON: Mr. Chairman, I believe that Steve Ellis not being here today, I will appoint him as the spokesman.

[Laughter.]

PRESIDING OFCR. IACOPINO: Good idea. Is that for all the witnesses, too?

MR. SAMSON: Yes, it is.

PRESIDING OFCR. IACOPINO: Okay. Mr. -- I'm going to go back to Mr. Raff for a minute, because -- do you anticipate that you'll be on all of these witnesses for the Applicant between the 13th and the 19th, it will be you for your group?

MR. RAFF: I honestly would think that it's possible that Attorney Beliveau might want to ask more questions in that stretch. But I'm happy to be the primary for right now. And should we need to do what you were speaking about prior about, you know, "Attorney Raff is
going to discuss issues A, B, and C. Attorney Beliveau is going to discuss, you know, X, Y, Z issues." But --

PRESIDING OFCR. IACOPINO: If you guys could confirm and get back to me at some point before we start?

MR. RAFF: Yes. Absolutely. Thank you.

PRESIDING OFCR. IACOPINO: Municipal Group 1-South?

MR. WHITLEY: Steven Whitley, for the Municipal Groups. I'll be handling the questioning for Group 1-South.

PRESIDING OFCR. IACOPINO: Okay. And would that be true for all of these witnesses?

MS. WHITAKER: For all the witnesses in Track 1, yes, from Group 1-South.

PRESIDING OFCR. IACOPINO: Muni Group 2?

MS. FILLMORE: That would be me, Christine Fillmore. Or, depending on availability, possibly my colleague, Shawn Tanguay, from my firm, for all of the witnesses on behalf of Municipal Group 2.
PRESIDING OFCR. IACOPINO: Municipal Group 3-South?

MS. PACIK: Danielle Pacik, for all the witnesses. You want to know about 3-North?

PRESIDING OFCR. IACOPINO: I'm sorry?

MS. PACIK: Would you like to know about 3-North?

PRESIDING OFCR. IACOPINO: Didn't I just ask about it? Oh, did I skip it? Yes, 3-North?

MS. PACIK: Who is that?

MR. WHITLEY: Steven Whitley, spokesperson for 3-North. I'll be handling the questioning for all witnesses of Track 1 on behalf of 3-North.

PRESIDING OFCR. IACOPINO: Lara, I assume you will be questioning for the commissioners?

MS. SAFFO: Yes. Thank you.

PRESIDING OFCR. IACOPINO: And that's for all three of the Track 1 witnesses -- all four days of the Track 1 witnesses, four sittings?

MS. SAFFO: Yes. I have some
scheduling conflicts. So, I might have to appoint somebody else in my stead. But, obviously, due to my unavailability.

PRESIDING OFCR. IACOPINO: Thank you.

Clarksville/Stewartstown Abutting and Non-Abutting Property Owners -- oh, I'm using the wrong one? Who's next?

ADMIN. MONROE: It would be Forest Society?

MR. REIMERS: Yes. I'm Jason Reimers. I will be questioning Messrs. Quinlan, Bowes and Ausere. And Beth Boepple, B-o-e-p-p-l-e, will be questioning Mr. Bailey, Johnson, Bell, and Andrew.

PRESIDING OFCR. IACOPINO: Ms. Birchard?

MS. BIRCHARD: I anticipate representing the NGO intervenors for the witnesses scheduled in April. Thanks.

PRESIDING OFCR. IACOPINO: Thank you.

Is anybody here from NEPGA?

[No indication given.]

PRESIDING OFCR. IACOPINO: Okay.

ADMIN. MONROE: Combined group of
intervenors, Mr. Thompson?

MR. THOMPSON: Yes.

ADMIN. MONROE: It would be you and only you?

MR. THOMPSON: So, I'm the spokesman, and I'll be representing our group. But we do have other participants. And I don't know if that's what you're looking for. Like Attorney Steve Nix, or is he just a witness?

ADMIN. MONROE: He's a witness. So, what we're looking for are who would be questioning the Applicant's witnesses for April?

MR. THOMPSON: Me.

ADMIN. MONROE: Okay.

PRESIDING OFCR. IACOPINO: And, then, Ms. Percy's group, the Abutting Property Owners from Dummer, Stark, and Northumberland?

MR. CUNNINGHAM: Art Cunningham.

I've talked to Susan. And my expectation is that I would cross-examine Quinlan, Bowes, and Ausere. But I haven't talked to Bob about it, Bob Baker, because he has a couple clients involved in that group as well.
PRESIDING OFCR. IACOPINO: What do you have to say about that, Mr. Baker?

MR. BAKER: I would defer to Art, and let him take the lead on any cross-examination. If there's a problem with attendance, which I will have coming up, for Art, I will be happy to step in and do the examination.

PRESIDING OFCR. IACOPINO: So, we should anticipate Mr. Cunningham, though, for the most part?

MR. CUNNINGHAM: Yes. Thanks, Bob.

ADMIN. MONROE: So, Mr. Cunningham, you said "Quinlan, Bowes and Ausere"?

MR. CUNNINGHAM: Yes.

ADMIN. MONROE: What about the Bailey, Johnson, Bell, and Andrew?

MR. CUNNINGHAM: I probably won't have questions for them. But I can talk it over with Susan. She may. But my interests wants Quinlan, Bowes and Ausere.

PRESIDING OFCR. IACOPINO: If there are questions for the other four, that would most likely be Ms. Percy?

MR. CUNNINGHAM: I assume so. But I
will have to discuss it with her, Mike.

PRESIDING OFCR. IACOPINO: Thank you.

Abutting Property Owners Whitefield to
Bethlehem (Overhead portion), Mr. Van Houten's
group?

[No indication given.]

PRESIDING OFCR. IACOPINO: Is there
anybody here?

[No indication given.]

PRESIDING OFCR. IACOPINO: Let's move
on to Mr. Palmer's group, the Abutting Property
Owners Bethlehem to Plymouth (Underground)?

MR. PALMER: This is Walt Palmer.

I'll be asking most of the questions. Or, I
will be acting as the spokesperson, but I
reserve the right to substitute other people
in, which we will agree with the chairperson
ahead of time.

PRESIDING OFCR. IACOPINO: Next is
Abutting Property Owners from Ashland to
Concord. The group's spokesperson is listed as
Ms. Kleindienst. Mr. Judge?

MR. JUDGE: I'm going to sound like a
broken record here.
PRESIDING OFCR. IACOPINO: Uh-huh.

MR. JUDGE: I have filed an appearance in this proceeding for McKenna's Purchase, and only for McKenna's Purchase. I know that there are other members of this group -- and let me just add that McKenna's Purchase is a condominium association that has nothing in common with any other members of the group. I know there are other members of the group that have questions.

Until I looked at Mr. Quinlan's testimony -- supplemental testimony, I didn't think I had any Track 1 questions. But he is proposing some sort of economic makeup that's really not very clear regarding some property, which is not very clear. So, I think I will have questions for Mr. Quinlan.

That order on intervention can be modified at any time and it's supposed to protect the due process interests of the intervenors. I don't have anything to do with the other intervenors in this group. And we'll have to cross that bridge or burn it when we come to it.
PRESIDING OFCR. IACOPINO: Do you know if your group has designated anybody to cross-examine the other witnesses other than Quinlan?

MR. JUDGE: No. I asked the rest of the group if they wanted me to represent them, and they said "no", and that's the end of the conversation.

PRESIDING OFCR. IACOPINO: Ms. Lee, is it your intention to ask questions of the Track 1 witnesses for the Applicant?

MS. LEE: Is this on?

PRESIDING OFCR. IACOPINO: Yes.

MS. LEE: I had -- as I understand it, Track 1 would include --

PRESIDING OFCR. IACOPINO: I can tell you their names: Mr. Quinlan, Mr. Bowes, Mr. Ausere, Mr. Bailey, Mr. Johnson, Mr. Bell, and Mr. Andrew. Those are the Track 1 witnesses.

MS. LEE: Only if they address health and safety I would have a question. And, as I'm pro se, and it's a very difficult understanding of my group being Ashland to Allenstown. Mr. Judge represents McKenna's...
Purchase. And, during the tech sessions, I've been representing myself. And I believe there's no real concern or overlap between living in a condo of 150 plus people and living in a very remote, little town of Northfield. I've been speaking for myself.

So, I would hope that, if the witness has a turn to ask any questions that have to do with Track 1, during Track 1, I would be able to say to Mr. Judge "Mary Lee go". And I'm trying to understand what you just explained, which means only one spokesperson, even though we don't have the same issues. But it's not exactly a disagreement. And I also had submitted as a place marker Taras -- Taras Kuchman [sic]?

ADMIN. MONROE: Kucman.

MS. LEE: Taras Kucman's name as a witness, because we share a health and safety issue. And I had submitted his name so that, when it came my turn to discuss health and safety, I would just turn it over to him. He has a slight different take on the health and safety.
So, I'm kind of confused, and I'm thinking due process wouldn't allow me as a pro se to have my two cents.

PRESIDING OFCR. IACOPINO: Well, you're a member of an intervenor group, just as I discussed with Mr. Judge. What we're looking for is "who within that intervenor group is going to conduct the cross-examination of these witnesses?" What I think I'm hearing you say is that Mr. Kucman might have questions for cross-examination, sounds at least you and him might be on the same page about that.

MS. LEE: Yes.

PRESIDING OFCR. IACOPINO: Do you know which witness it is that you would be anticipating that to occur? And, Mr. Kucman, if you know, chime in. And identify yourself first.

MR. KUCMAN: Yes. My name is Taras Kucman. I'm an intervenor from Concord.

I would have issues with those individuals that have a direct engineering discussion about the transmission lines.

PRESIDING OFCR. IACOPINO: Okay.
What I'm going to ask you to do, at least to the extent that at least two members of your group here are in agreement on that, is if you and Ms. Lee would look at the prefiled testimony filed by these witnesses.

MR. KUCMAN: Uh-huh.

PRESIDING OFCR. IACOPINO: And if you could let the Administrator, Ms. Monroe, know which witnesses you, Mr. Kucman, may have questions for, I think that would be the easiest way to do that. Okay?

MR. KUCMAN: Thank you. I'll do that.

PRESIDING OFCR. IACOPINO: And, you know, Mr. Judge, obviously, you've made your objection. I can't rule on it. And it's already been ruled on by the Chair.

Okay. Who's the next group?

MR. SAMSON: Mr. Iacopino, if I may please?

PRESIDING OFCR. IACOPINO: Yes, sir.

MR. SAMSON: We have a late arrival here.

PRESIDING OFCR. IACOPINO: Oh-oh.
Who's here?

MS. PERCY: Susan Percy, and I'm always late. So, I apologize. But I understand that I represent Stark, Dummer, and Northumberland as the spokesperson for the group?

PRESIDING OFCR. IACOPINO: That's what we have you down as.

MS. PERCY: Okay. And did you have a question?

PRESIDING OFCR. IACOPINO: Yes. Well, Mr. Cunningham indicated that he was designated to ask questions of Mr. Quinlan, Mr. Bowes, and Mr. Ausere in that -- in that first group of witnesses.

That leaves Mr. Bailey, Mr. Johnson, and Mr. Bell, who are going to testify as a panel, and Mr. Andrew, who is going to testify separately.

And the question for your group was, who, if anybody, is going to cross-examine those witnesses? Because Mr. Cunningham said he did not -- he was not designated to do that.

MS. PERCY: Okay.
PRESIDING OFCR. IACOPINO: Would it be you, because that's what I wrote down?

MS. PERCY: Okay. That sounds like a plan.

PRESIDING OFCR. IACOPINO: All right. That's what Mr. Cunningham said as well. Thank you.

MS. PERCY: Great. Thank you.

PRESIDING OFCR. IACOPINO: Okay. So, Mr. Cote, on behalf of the Deerfield abutters, or Ms. Menard?

MS. MENARD: Thank you. Jeanne Menard, Deerfield abutters. I'll be prepared to question Mr. Quinlan. And Jo Anne Bradbury will cover the panel of Mr. Bailey, Mr. Bell, and Mr. Johnson.

And it would be our preference, as an abutter group, to have Bob Cote question Mr. Ausere and Mr. Andrews. However, I do need to confirm his availability for that. And, so, in the event that he is not able to, it will either be Jo Anne or myself.

PRESIDING OFCR. IACOPINO: Thank you.

MS. MENARD: But we're hoping that he
is indeed the spokesperson for that time, those
topics.

PRESIDING OFCR. IACOPINO: Who's next
here? Mr. Bilodeau, actually, will Mr. Hogan
be here or will you be --

MR. BILODEAU: I will make myself
available as much as I can, and Mr. Hogan will
make himself as much available as he can.

PRESIDING OFCR. IACOPINO: Okay. All
right. Mr. Baker, for the Non-Abutting
Property Owners Clarksville and Stewartstown?

MR. BAKER: That group has been
combined with the abutting property owners in
those towns.

PRESIDING OFCR. IACOPINO: Yes.

MR. BAKER: So, my job as
spokesperson for that group has been merged out
of existence.

PRESIDING OFCR. IACOPINO: Lucky you.

Is there anybody here for the Non -- did I miss
one? Oh, Ms. More, for the Non-Abutting
Property Owners Stark to Bethlehem?

MS. MORE: I would be the
spokesperson, but we do not anticipate asking
any questions.

PRESIDING OFCR. IACOPINO: Thank you.

The Non-Abutting Property Owners for the underground portion from Bethlehem to Plymouth. This is the group that Ms. Monroe indicated before we don't have a spokesperson for. Is anybody here from that group?

[No indication given.]

PRESIDING OFCR. IACOPINO: Let's turn now to the Non-Abutting Property Owners for the overhead portion for Ashland to Deerfield. I understand Mr. Foulkes is here for them?

MR. FOULKES: I am. The personal designate to question Mr. Quinlan, Bowes, Ausere, Bailey, Johnson, and Bell will be Maureen Quinn.

PRESIDING OFCR. IACOPINO: And, Mr. Foulkes, just identify yourself so that the stenographer has your name down.

MR. FOULKES: Tom Foulkes, designated spokesman for Ashland to Deerfield non-abutters.

PRESIDING OFCR. IACOPINO: Thank you.

ADMIN. MONROE: So, we have Quinlan,
Bowes, and Ausere are you, Mr. Foulkes?

MR. FOULKES: No. That will be -- the questioning will be done by Maureen Quinn. And that also applies to Bailey, Johnson, and Bell.

PRESIDING OFCR. IACOPINO: Thank you. Is there anybody here from the Historical NGOs? [No indication given.]

PRESIDING OFCR. IACOPINO: And, then, bringing up the rear, the Pemi?

MR. DRAPER: Here we are.

MR. STAMP: Yes. Max Stamp, Pemi River Group. We've been operating with a division of labor format. And we are going to have to have a conference, and we'll do that soon, if we could. And we'll get back to you fairly shortly with who in our group will question what witness.

PRESIDING OFCR. IACOPINO: Okay. All right. It's about five of twelve. Why don't we take a lunch break. When we come back, we're going to discuss exhibits, exhibit lists, if anybody has questions about where they're going to sit or
presentation of exhibits, things like that. We need to discuss the site visits that are scheduled. And we also need to discuss generally starting and stopping times.

And, Amy, I think there was one other thing you had raised in your memo that I haven't addressed that --

MS. MANZELLI: Confirming -- it may be moot now, based on the 1, 2, 3 track considerations, but confirming --

[Court reporter interruption.]

MS. MANZELLI: Confirming when the historic and public interest standards would be addressed.

PRESIDING OFCR. IACOPINO: Okay.

MS. MANZELLI: Whether we might anticipate the scheduling of any additional hearing dates in particular in May. The conclusion of the hearing days, the time. I thought that we were going to go over the technology, you know, --

PRESIDING OFCR. IACOPINO: We were going to do that last.

MS. MANZELLI: Okay. Marking of
illustrative exhibits. When public comment might occur. And I thought it would be helpful to talk about a couple Track 2 issues, including when we might -- if we should anticipate any additional hearing days, you know, if there are any experts that already have blocks of unavailability, it might be helpful if that was stated now, if it's known.

PRESIDING OFCR. IACOPINO: Yes.

Okay. So, we'll address those issues as well when we come back after lunch, at one o'clock. Thank you.

MS. MANZELLI: Thank you.

(Lunch recess taken at 11:54 a.m. and concludes the Morning Session of the Prehearing Conference. The Prehearing Conference continues under separate cover in the transcript noted as Afternoon Session ONLY.)