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STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

**April 28, 2017** - 9:00 a.m.  
49 Donovan Street  
Concord, New Hampshire

*{Electronically filed with SEC 05-03-17}*

**IN RE: SEC DOCKET NO. 2015-06  
NORTHERN PASS TRANSMISSION - EVERSOURCE  
Joint Application of Northern Pass  
Transmission LLC and Public Service 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)

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

**COURT REPORTER:** Cynthia Foster, LCR No. 14

**APPEARANCES :****Reptg. Northern Pass Transmission and  
Public Service Company of NH d/b/a  
Eversource Energy (The Applicants):**

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  
NH Dept. of Justice  
Thomas Pappas, Esq. (Primmer Piper...)

**Reptg. the Society for the Protection  
of New Hampshire Forests (SPNHF):**

Jason Reimers, Esq. (BCM Environmental)  
Will Abbott

**Reptg. Intervenor Group 1-North:**

Brad Thompson

**Reptg. McKenna's Purchase:**

Michelle Kleindienst, Esq.

**Reptg. Kevin Spencer and Mark Lagasse.  
d/b/a Lagaspence Realty:**

Arthur B. Cunningham, Esq.

**Reptg. Abutting Property Owners  
(Underground portion) Bethlehem  
to Plymouth:**

Campbell McLaren  
Susan Schibanoff  
Walter Palmer

**Reptg. Easton Conservation Commission:**

Kris Pastoriza

**Reptg. Coos County Business and  
Employers Group:**

Jason Dennis, Esq.

**Reptg. the International Brotherhood  
of Electrical Workers (IBEW):**

Alan Raff, Esq. (Primary Legal Solutions)

1       **APPEARANCES: (C o n t i n u e d)**

2               **Reptg. Philip & Joan Bilodeau:**  
Philip H. Bilodeau

3  
4               **Reptg. Abutting Property Owners**  
**(Overhead portion) Deerfield:**  
Jeanne Menard  
5               Bob Cote

6               **Reptg. Non-Abutting Property Owners**  
**(Overhead portion) Ashland to Deerfield:**  
7               Maureen Quinn  
Charlotte Crane  
8               Heather Townsend

9               **Reptg. the City of Berlin and the City**  
**of Franklin:**  
10              Chris Boldt, Esq. (Donahue, Tucker...)

11              **Reptg. Conservation Law Foundation:**  
Melissa Birchard, Esq.

12  
13              **Reptg. Appalachian Mountain Club:**  
William Plouffe, Esq. (Drummond..)  
14              Ken Kimball

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

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

20  
21              **Reptg. the City of Concord:**  
Danielle L. Pacik, Esq.  
22              (Dep. City Solicitor)

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

1       **APPEARANCES: (C o n t i n u e d)**

2               **Reptg. Abutting Property Owners**  
3               **(Overhead portion) Ashland - Concord:**  
4               Mary Lee

5               **Reptg. Non-Abutting Property Owners**  
6               **(Overhead portion) Stark - Bethlehem:**  
7               Rebecca More

8               **Reptg. Wagner Forest Management, LTD:**  
9               Mike Novello

10              **Reptg. Sugar Hill Historical Museum:**  
11              Nancy Martland

12              **Reptg. North Country Scenic Byways Council:**  
13              Carl D. Martland

14              **Reptg. National Trust for Historic**  
15              **Preservation and Historic Preservation**  
16              **Intervenors Group:**  
17              Sharee Williamson

18              **Reptg. Whitefield to Bethlehem Abutters:**  
19              David Van Houten

20              **Reptg. New England Power Generators**  
21              **Association:**  
22              Carol J. Holahan, Esq.  
23              Bruce F. Anderson, Esq.  
24              Jim Monahan

**Reptg. Bethel Conservation Commission:**  
              Cheryl Jensen

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**AGENDA AND OTHER ITEMS DISCUSSED:**

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1           PRESIDING OFFICER IACOPINO: All right.  
2           Good morning, everybody. We are here in the  
3           Site Evaluation Committee Docket Number 2015-06,  
4           Joint Application of Northern Pass Transmission  
5           and Public Service Company of New Hampshire  
6           d/b/a Eversource Energy for Certificate of Site  
7           and Facility for the project known as the  
8           Northern Pass Transmission Project.

9           This is our second Prehearing Conference.  
10          We have already begun the adjudicatory hearings  
11          in this docket. We've gone through five days of  
12          them. This is what was sometimes colloquially  
13          referred to as the Track 2 Prehearing  
14          Conference. There is an agenda that I've  
15          prepared. It's at the back of the room for  
16          anybody who has not received one, as well as  
17          copies of the most recent Scheduling Order from  
18          the Administrator of the Committee. I think  
19          those things may be helpful to you during the  
20          course of our proceeding today.

21          There is a signup sheet going around the  
22          room. Please sign in. We use that so that the  
23          court reporter can check our accuracy of who's  
24          here before she prepares the transcript in these

1 matters.

2 The first order of business today, though,  
3 is going to be to do a roll call or take  
4 appearances, whatever you prefer to call it.  
5 I'm going to start with the Applicant and ask  
6 that we go from the Applicant back and then from  
7 the back of the room up to Counsel for the  
8 Public. Mr. Needleman?

9 MR. NEEDLEMAN: Barry Needleman from McLane  
10 Middleton representing the Applicant. To my  
11 right is Marvin Bellis, in-house at Eversource;  
12 and next to Marvin is Tom Getz also from McLane  
13 Middleton.

14 PRESIDING OFFICER IACOPINO: Mr. Boldt?

15 MR. BOLDT: Chris Boldt. Donahue Tucker  
16 Ciandella on behalf of the City of Berlin.

17 MS. PACIK: Danielle Pacik on behalf of the  
18 City of Concord and also the spokesperson for  
19 Municipal Group 3 South.

20 PRESIDING OFFICER IACOPINO: Ms. Fillmore?

21 MS. FILLMORE: Christine Fillmore for the  
22 towns of Bethlehem, Bristol, Easton, Franconia,  
23 Northumberland, Plymouth, Sugar Hill, and  
24 Whitefield, and spokesperson for Municipal Group

1           2.

2           PRESIDING OFFICER IACOPINO: Thank you.

3           MR. DRAPER: Barry Draper from the  
4 Pemigewasset River Local Advisory Counsel  
5 representing the length of the river.

6           PRESIDING OFFICER IACOPINO: Thank you.

7           MS. DRAPER: Gretchen Draper also from the  
8 Pemi Group.

9           PRESIDING OFFICER IACOPINO: Thank you. If  
10 we can go to the table behind you there?

11          MR. STAMP: Max Stamp. Pemi River Local  
12 Advisory Committee.

13          MR. COTE: Bob Cote, Deerfield Abutters.

14          PRESIDING OFFICER IACOPINO: Thank you.  
15 Maureen.

16          MS. QUINN: Maureen Quinn, Ashland to  
17 Deerfield Non-Abutters Group.

18          PRESIDING OFFICER IACOPINO: Thank you.  
19 Charlotte Crane, Ashland to Deerfield  
20 Non-Abutters Group.

21          PRESIDING OFFICER IACOPINO: Thank you.  
22 Mr. Bilodeau?

23          MR. BILODEAU: Phil Bilodeau representing  
24 Phil and Joan Bilodeau.



1 MS. TOWNSEND: Heather Townsend, Ashland to  
2 Deerfield Non-Abutters Group.

3 MS. MENARD: Jeanne Menard, Deerfield  
4 Abutters.

5 MR. NOVELLO: Mike Novello, Wagner Forest  
6 Management.

7 MR. DENNIS: Jason Dennis from Bianco  
8 Professional Association representing the Coos  
9 County Business and Employers Group.

10 PRESIDING OFFICER IACOPINO: Welcome,  
11 Jason.

12 MR. DENNIS: Thank you.

13 MR. RAFF: Alan Raff representing the  
14 International Brotherhood of Electrical Workers  
15 and the spokesperson for the Business  
16 Intervenors Group.

17 PRESIDING OFFICER IACOPINO: Go over to the  
18 other side of the room now.

19 MS. WILLIAMSON: Sharee Williamson,  
20 National Trust for Historic Preservation, and  
21 also the spokesperson for the Historic  
22 Preservation Intervenors Group.

23 PRESIDING OFFICER IACOPINO: Thank you. If  
24 we could go down the line there.

1 MS. MARTLAND: Nancy Martland, Sugar Hill  
2 Historical Museum.

3 MR. MARTLAND: Carl Martland, North Country  
4 Scenic Byways.

5 MR. VAN HOUTEN: David Van Houten,  
6 Whitefield to Bethlehem Abutters.

7 MS. MORE: Rebecca More, Non-Abutters,  
8 Stark to Bethlehem.

9 MS. SCHIBANOFF: Susan Schibanoff,  
10 Bethlehem to Plymouth Abutters.

11 PRESIDING OFFICER IACOPINO: Going that way  
12 down your table.

13 MS. PASTORIZA: Kris Pastoriza, Easton  
14 Conservation Commission.

15 MR. MCLAREN: Campbell McLaren. Central  
16 Abutters Group.

17 MS. LEE: Mary Lee, Ashland to Concord but  
18 representing Northfield as an intervenor.

19 MS. HOLAHAN: Carol Holahan on behalf of  
20 the New England Power Generators Association.

21 MR. ANDERSON: Bruce Anderson with the New  
22 England Power Generators Association.

23 MR. MONAHAN: Jim Monahan with the New  
24 England Power Generators Association.

1 MR. CUNNINGHAM: Arthur B. Cunningham for  
2 Kevin Spencer and Mark Lagasse.

3 MR. THOMPSON: Brad Thompson, spokesman for  
4 Abutters and Non-Abutters, Pittsburg,  
5 Clarksville and Stewartstown.

6 MS. JENSEN: Cheryl Jensen, Bethlehem  
7 Conservation Commission.

8 MR. REIMERS: Jason Reimers with BCM  
9 Environmental and Land Law representing the  
10 Forest Society, and I'm here with Will Abbott  
11 who's Vice President for Policy and Reservation  
12 Stewardship.

13 MS. BIRCHARD: Melissa Birchard, designated  
14 spokesperson for the NGO Intervenors comprised  
15 of Ammonoosuc Conservation Trust, Appalachian  
16 Mountain Club and Conservation Law Foundation.  
17 I myself represent Conservation Law Foundation,  
18 and with me today are Bill Plouffe representing  
19 the Appalachian Mountain Club, and Ken Kimball,  
20 also with the Appalachian Mountain Club.

21 PRESIDING OFFICER IACOPINO: Peter?

22 MR. ROTH: Peter Roth, Counsel for the  
23 Public, and with me is Tom Pappas of the Primmer  
24 law firm.

1           PRESIDING OFFICER IACOPINO: Mr. Palmer, I  
2 saw you sneak in the back door there.

3           MR. PALMER: Yes. Apologies for being  
4 late. Walt Palmer with the Abutting Property  
5 Owners from Bethlehem to Plymouth.

6           PRESIDING OFFICER IACOPINO: Thank you.  
7 Mr. Palmer, I don't know if you heard before,  
8 but there is an agenda and a copy of the last  
9 procedural schedule on the back table which may  
10 be helpful to you during today's proceeding.

11           Okay. Most of you have been through this,  
12 but I'm going to go over a short explanation of  
13 why we're here. This is a prehearing  
14 conference. It is an informal process by which  
15 we discuss informally basically procedural  
16 matters. I am not a judge at this particular  
17 conference. I am simply here to conduct a  
18 conference at the request of the Presiding  
19 Officer, Martin Honigberg. We will try to  
20 follow the agenda. I cannot rule on motions.  
21 We can discuss what may be pending if that's  
22 important to anybody, but I cannot rule on any  
23 motions.

24           Procedurally, I think the best way to start

1           this is to discuss what's coming up next which  
2           has been colloquially referred to as Track 2,  
3           but in reality is the balance of the witnesses  
4           presented by the Applicant.

5           Did everybody receive a copy of the  
6           Applicant's proposed schedule for those  
7           witnesses? My suggestion, what I would like to  
8           do at the outset is to try to get an idea of how  
9           long this is going to take when we get into the  
10          adjudicative proceeding so what I would like to  
11          do, and to the extent necessary, is to go  
12          through with each party what their anticipated  
13          good faith anticipation, understanding things  
14          change over time, your good faith anticipated  
15          amount of time that you think you're going to  
16          spend with each one of or each set where there's  
17          a panel of witnesses that the Applicant intends  
18          to call for the balance of the proceedings.

19          I anticipate, I think, as most of you do,  
20          that that very first panel they have on their  
21          list, the Construction Panel, is going to be the  
22          one that's going to have perhaps the most  
23          questioning. It is a large panel. So why don't  
24          we begin with that. And what I've done is I

1 have a list of the parties here, and I've got  
2 them number 1 being the Applicant through number  
3 26 being Pemigewasset, and what I'm going to do  
4 is I'm just going to go through each party and  
5 ask you for your best good faith estimate for  
6 the amount of time that you're going to spend,  
7 and we'll start with the Construction Panel.

8 So does the Applicant intend to present  
9 anything additional beyond the Prefiled  
10 Testimony and simply swearing the witnesses in  
11 and presenting them?

12 MR. NEEDLEMAN: No. That's it.

13 PRESIDING OFFICER IACOPINO: So number 2 on  
14 my list is the Business Organizations with  
15 Economic Interest. I think that's Mr. Raff. Do  
16 you anticipate any questions for the  
17 Construction Panel?

18 MR. RAFF: No.

19 PRESIDING OFFICER IACOPINO: There is a  
20 sign-in sheet going around, and also when we're  
21 done today, if you weren't here for the  
22 appearances, please come up and see me at the  
23 end so we make sure your name gets in the record  
24 as well. Yes?

1 MS. WILLIAMSON: I don't have a copy of the  
2 Proposed Witness List. Where could I find that?

3 PRESIDING OFFICER IACOPINO: That was  
4 emailed to the list. I don't have any extra  
5 copies. Does the Applicant have an extra copy  
6 of that by any chance?

7 MR. NEEDLEMAN: We don't have hard copies.

8 PRESIDING OFFICER IACOPINO: If you want to  
9 come up here, I can give you mine because I have  
10 probably memorized it by now.

11 MS. WILLIAMSON: Thank you.

12 PRESIDING OFFICER IACOPINO: Okay. So no  
13 questions from the Business Organizations. Mr.  
14 Boldt, City of Franklin and Berlin.

15 MR. BOLDT: Maybe 20 minutes, 30 minutes.

16 PRESIDING OFFICER IACOPINO: Put you down  
17 for 30 minutes. Is Wagner Forest Management  
18 here?

19 MR. NOVELLO: Yes, we are.

20 PRESIDING OFFICER IACOPINO: Okay. I'm  
21 sorry. I didn't see you back there. Will you  
22 have any questions for the Construction Panel?

23 MR. NOVELLO: Possibly up to about 15  
24 minutes.

1           PRESIDING OFFICER IACOPINO:   Number 5.  
2           Counsel for the Public.

3           MR. PAPPAS:   Probably about a day and a  
4           half.   Maybe a little more.

5           PRESIDING OFFICER IACOPINO:   Municipal  
6           Group 1 North.   Are they here?

7                           *(No verbal response.)*

8           PRESIDING OFFICER IACOPINO:   I think that's  
9           Mr. Ellis or County Commissioner Samson.   No?  
10          Okay.   Municipal Group 1 South.

11          MS. FILLMORE:   Speaking on behalf of  
12          Municipal Group 1 South, Group 2, Group 3 North  
13          and Group 3 South, we'd say between 4 and 6  
14          hours.   A day.

15          PRESIDING OFFICER IACOPINO:   Okay.   So then  
16          can we move on to --

17          MR. ROTH:   Before you move on, I was  
18          conversing with Tom, and I missed the last one.

19          PRESIDING OFFICER IACOPINO:   One day.

20          MR. ROTH:   What was that?

21          PRESIDING OFFICER IACOPINO:   That was the  
22          Joint Municipal Groups, except for North 1 who  
23          is not here.

24          MR. ROTH:   Okay.   Thank you.



1           PRESIDING OFFICER IACOPINO: And you  
2 weren't speaking for Municipal Group North 1,  
3 were you, Ms. Fillmore?

4           MS. FILLMORE: No, I was not.

5           PRESIDING OFFICER IACOPINO: My 11th party  
6 is the Grafton County Commissioners. Are they  
7 present?

8                           *(No verbal response.)*

9           PRESIDING OFFICER IACOPINO: Next is the  
10 Society for Protection of New Hampshire Forests.

11          MR. REIMERS: I'll guess four hours.

12          PRESIDING OFFICER IACOPINO: Thank you.  
13 The Environmental NGOs. Ms. Birchard?

14          MS. BIRCHARD: We don't plan any questions  
15 at this time.

16          PRESIDING OFFICER IACOPINO: Thank you.  
17 NEPGA?

18          MS. HOLAHAN: No questions at this time.

19          PRESIDING OFFICER IACOPINO: I have the  
20 Clarksville to Stewartstown Abutting and  
21 Non-Abutting Group. Is anybody here for them?

22          MR. THOMPSON: Yes. I am.

23          PRESIDING OFFICER IACOPINO: Okay.  
24 Construction questions for the Construction

1 Panel.

2 MR. THOMPSON: Best guess, 3 to 5 hours.

3 PRESIDING OFFICER IACOPINO: Thank you.

4 Dummer to Northumberland Abutting Property  
5 Owners.

6 MR. CUNNINGHAM: Mike, our Chairman or  
7 group spokesperson isn't here, but I have maybe  
8 a half an hour of questions?

9 PRESIDING OFFICER IACOPINO: One-half hour?

10 MR. CUNNINGHAM: One-half hour.

11 PRESIDING OFFICER IACOPINO: Thank you.

12 Whitefield to Bethlehem Abutters. I thought I  
13 heard them here. Didn't I?

14 MR. VAN HOUTEN: Less than an hour.

15 PRESIDING OFFICER IACOPINO: Okay. Thank  
16 you. Bethlehem to Plymouth Abutters,  
17 underground portion.

18 MR. PALMER: About 45 minutes.

19 PRESIDING OFFICER IACOPINO: Thank you.

20 Ashland to Concord Abutting Property Owners.

21 MS. LEE: Mary Lee would like to reserve 15  
22 minutes.

23 PRESIDING OFFICER IACOPINO: Thank you.

24 Deerfield Abutting Property Owners.

1 MS. MENARD: One hour.

2 PRESIDING OFFICER IACOPINO: Thank you.

3 Mr. Bilodeau?

4 MR. BILODEAU: Mr. Bilodeau, 30 minutes.

5 PRESIDING OFFICER IACOPINO: Thank you,  
6 sir.

7 Stark to Bethlehem Non-Abutting Property  
8 Owners.

9 MS. MORE: Not at this moment. Thank you.

10 PRESIDING OFFICER IACOPINO: Okay. And  
11 Bethlehem to Plymouth Non-Abutting Property  
12 Owners? Anybody here for them?

13 *(No verbal response.)*

14 PRESIDING OFFICER IACOPINO: Okay. Ashland  
15 to Deerfield Non-Abutters?

16 MS. QUINN: Hard to predict.

17 PRESIDING OFFICER IACOPINO: It's hard for  
18 all of us to predict.

19 MS. QUINN: Given that you don't want  
20 redundancy, but we'd like to reserve the right  
21 to about 20 minutes.

22 PRESIDING OFFICER IACOPINO: All we're  
23 looking for is your best good faith estimate at  
24 this point. We understand that nobody is going

1 to be held to it, but it's going to be helpful  
2 not only to the Committee but to all of you if  
3 we have a general idea of how long things are  
4 going to take.

5 Next group is the Historical NGOs.

6 MS. MARTLAND: No questions anticipated at  
7 this time.

8 PRESIDING OFFICER IACOPINO: Thank you.  
9 And then as always, bringing up the rear, the  
10 Pemi River Group.

11 MR. DRAPER: The rear is here, and it's  
12 about 45 minutes.

13 PRESIDING OFFICER IACOPINO: Okay. My  
14 initial review of that is that that will likely  
15 take up that first, maybe not quite all of it  
16 but that first week. May 1 through 4. At least  
17 May 1 through 3. But, of course, that's not,  
18 I'm not setting a schedule for anything. Just  
19 giving everybody my general view based upon the  
20 responses that we got.

21 Let's move on to the Environmental Panel  
22 which the Applicant would prefer to have go  
23 after the Construction Panel, and that contains  
24 six witnesses as well. Ms. Carbonneau,

1 Mr. Varney, Tinus, Magee. Actually, it's five.  
2 I have Tinus twice. Sorry. And Barnum. So  
3 again, Applicant, anything unusual in your  
4 Direct for these folks?

5 MR. NEEDLEMAN: No.

6 PRESIDING OFFICER IACOPINO: Okay.  
7 Business Organizations, any cross-examination  
8 for the Environmental Panel?

9 MR. RAFF: No.

10 PRESIDING OFFICER IACOPINO: Franklin and  
11 Berlin?

12 MR. BOLDT: None anticipated at this time.

13 PRESIDING OFFICER IACOPINO: Thank you.  
14 How about Wagner Forest?

15 MR. NOVELLO: If anything, it would be  
16 about five to ten minutes.

17 PRESIDING OFFICER IACOPINO: Counsel for  
18 the Public?

19 MR. PAPPAS: Maybe a half day to a day.

20 PRESIDING OFFICER IACOPINO: Put you down  
21 for a day.

22 Municipal Group 1 North. Is anybody here  
23 yet?

24 *(No verbal response.)*

1           PRESIDING OFFICER IACOPINO: No. Are the  
2           Municipals joining together on this panel as  
3           well?

4           MS. FILLMORE: They're joined.

5           PRESIDING OFFICER IACOPINO: Thank you very  
6           much. Appreciate that, actually. We do. And  
7           do you have an estimate?

8           MS. FILLMORE: About one hour, give or  
9           take.

10          PRESIDING OFFICER IACOPINO: So that brings  
11          us down to group 11. Grafton County  
12          Commissioners. No one's here for them.  
13          Society?

14          MR. REIMERS: 4 to 6 hours.

15          PRESIDING OFFICER IACOPINO: Put you down  
16          for 6 hours.

17          The Environmental NGOs?

18          MS. BIRCHARD: I would estimate one hour.

19          PRESIDING OFFICER IACOPINO: NEPGA? Any  
20          cross for the Environmentals?

21          MS. HOLAHAN: None anticipated at this  
22          time.

23          PRESIDING OFFICER IACOPINO: Clarksville to  
24          Stewartstown Abutting and Non-Abutters Group.

1 MR. THOMPSON: No questions.

2 PRESIDING OFFICER IACOPINO: Thank you.

3 Dummer to Northumberland Abutters?

4 MR. CUNNINGHAM: Don't expect any  
5 questions, Mike.

6 PRESIDING OFFICER IACOPINO: Okay. Thank  
7 you, Art. Whitefield to Bethlehem Abutters.

8 MR. VAN HOUTEN: No questions for now.

9 PRESIDING OFFICER IACOPINO: Bethlehem to  
10 Plymouth Abutters, underground portion.

11 MR. PALMER: Yes. About 30 minutes,  
12 please.

13 PRESIDING OFFICER IACOPINO: Thank you,  
14 Mr. Palmer.

15 Ashland to Concord Abutters?

16 MS. KLEINDIENST: Hi. Michelle Kleindienst  
17 for Steve Judge. He's sick today. He said he  
18 needed some time to question the Chalmers  
19 reporters or the Chalmers.

20 PRESIDING OFFICER IACOPINO: Mr. Chalmers  
21 is not on -- right now we're discussing  
22 the Environmental Panel.

23 MS. KLEINDIENST: I'm sorry. I just walked  
24 in. I just found out he's out.

1           PRESIDING OFFICER IACOPINO: That's fine.  
2           Ms. Kleindienst, there is a signup sheet going  
3           around. Please make sure you sign in. There's  
4           also an agenda in the back of the room if you  
5           haven't picked it up already.

6           MS. KLEINDIENST: Thank you.

7           PRESIDING OFFICER IACOPINO: Thank you.  
8           But we're still on that group in terms of  
9           questions for the Environmental Panel. Ms. Lee?  
10          I think you've responded before.

11          MS. LEE: Mr. Iacopino, I have a question.  
12          We're in the Ashland to Concord Group, but I've  
13          been representing Northfield as an individual so  
14          do I get a chance to name myself as a  
15          spokesperson?

16          PRESIDING OFFICER IACOPINO: No.

17          MS. LEE: No?

18          PRESIDING OFFICER IACOPINO: No. You don't  
19          get to name yourself as anything, and you really  
20          don't represent Northfield either. But we do  
21          recognize that you are a member of this group,  
22          and you have participated, and the Chair has  
23          allowed you to participate, and I assume that he  
24          will continue to do that. So what we're doing





1           PRESIDING OFFICER IACOPINO: Ashland to  
2 Deerfield Non-Abutters?

3           MS. QUINN: Half an hour.

4           PRESIDING OFFICER IACOPINO: The Historical  
5 NGOs?

6           MS. MARTLAND: No time anticipated  
7 necessary.

8           PRESIDING OFFICER IACOPINO: Thank you.  
9 And Pemigewasset?

10          MR. DRAPER: An hour, please.

11          PRESIDING OFFICER IACOPINO: Thank you.  
12 Looks like the Environmental is going to be  
13 about a day and a half to two days, if I have  
14 this correctly. And the Applicant, please  
15 correct me if I'm wrong, I have the next one in  
16 your order being the Economic Markets.

17          MR. NEEDLEMAN: Yes. Subject to the caveat  
18 we included in the list, but correct.

19          PRESIDING OFFICER IACOPINO: We'll talk  
20 about what happens if we finish sooner or go  
21 later after we have an idea of how much  
22 cross-examination there is.

23          Do you anticipate any additional Direct  
24 other than just qualifying the testimony?

1 MR. NEEDLEMAN: No.

2 PRESIDING OFFICER IACOPINO: Okay. Do the  
3 Business Organizations, and this witness is Ms.  
4 Frayer, will you have any questions for her?

5 MR. RAFF: We anticipate about 15 minutes  
6 tops.

7 PRESIDING OFFICER IACOPINO: Thank you.

8 MR. BOLDT: Mr. Boldt for Berlin and  
9 Franklin.

10 MR. BOLDT: 30 minutes tops.

11 PRESIDING OFFICER IACOPINO: Wagner Forest?

12 MR. NOVELLO: No questions expected.

13 PRESIDING OFFICER IACOPINO: Counsel for  
14 the Public?

15 MR. PAPPAS: Maybe a day.

16 PRESIDING OFFICER IACOPINO: Municipal  
17 Group 1 North, nobody's here yet?

18 *(No verbal response.)*

19 PRESIDING OFFICER IACOPINO: Do the  
20 remaining Municipal Groups intend to do this one  
21 jointly as well?

22 MS. FILLMORE: Yes. We intend to do most  
23 of them jointly.

24 PRESIDING OFFICER IACOPINO: Thank you.

1 MS. FILLMORE: Half an hour.

2 PRESIDING OFFICER IACOPINO: 30 minutes?

3 MS. FILLMORE: 30 minutes, but may I  
4 clarify?

5 PRESIDING OFFICER IACOPINO: Certainly.

6 MS. FILLMORE: By jointly, we mean we're  
7 pooling our time estimate. We may ask questions  
8 separately, but we will not overlap.

9 PRESIDING OFFICER IACOPINO: Okay.

10 MS. FILLMORE: Thank you.

11 PRESIDING OFFICER IACOPINO: Thank you.  
12 Has anybody arrived from Grafton County  
13 Commissioners' office?

14 *(No verbal response.)*

15 PRESIDING OFFICER IACOPINO: No. Number  
16 12. Forest Society.

17 MR. REIMERS: Two hours.

18 PRESIDING OFFICER IACOPINO: The  
19 Environmental NGOs?

20 MS. BIRCHARD: One hour.

21 PRESIDING OFFICER IACOPINO: NEPGA?

22 MR. ANDERSON: We'll need up to a day, and  
23 we'll ask questions concerning confidential  
24 materials.

1           PRESIDING OFFICER IACOPINO: Thank you.  
2           Clarksville to Stewartstown Abutters and  
3           Non-Abutters?

4           MR. THOMPSON: Ten minutes.

5           PRESIDING OFFICER IACOPINO: Dummer to  
6           Northumberland Abutters.

7           MR. CUNNINGHAM: One half hour.

8           PRESIDING OFFICER IACOPINO: Thank you.  
9           Whitefield to Bethlehem Abutters?

10          MR. VAN HOUTEN: Pardon me. I was napping.  
11          We're still on Economics, right?

12          PRESIDING OFFICER IACOPINO: Yes. Ms.  
13          Frayner.

14          MR. VAN HOUTEN: No questions at the  
15          moment. Thank you.

16          PRESIDING OFFICER IACOPINO: Yes. Let's  
17          not nap in between. I know it's boring, but  
18          it's important.

19          Bethlehem to Plymouth Abutters, underground  
20          portion.

21          MR. PALMER: No questions at this time.

22          PRESIDING OFFICER IACOPINO: Thank you.  
23          Ashland to Concord Abutters?

24          MS. LEE: Hi. Mary Lee, no. And Michelle

1 Kleindienst, no questions at this time.

2 PRESIDING OFFICER IACOPINO: Thank you very  
3 much.

4 Deerfield Abutters?

5 MS. MENARD: 30 minutes.

6 PRESIDING OFFICER IACOPINO: Thank you.  
7 Mr. Bilodeau?

8 MR. BILODEAU: No questions at this time.

9 PRESIDING OFFICER IACOPINO: Thank you.  
10 Stark to Bethlehem Nonabutters?

11 MS. MORE: No questions at this time.

12 PRESIDING OFFICER IACOPINO: Thank you.  
13 Bethlehem to Plymouth Nonabutters?

14 *(No verbal response.)*

15 PRESIDING OFFICER IACOPINO: Not here.  
16 Okay. I'm just losing my list here. Sorry.  
17 Ashland to Deerfield Non-Abutters?

18 MS. QUINN: 15 minutes.

19 PRESIDING OFFICER IACOPINO: Thank you.  
20 Historic Group?

21 MS. MARTLAND: No questions anticipated.

22 PRESIDING OFFICER IACOPINO: Thank you.  
23 And Pemigewasset?

24 MR. DRAPER: 15 would be fine.

1 PRESIDING OFFICER IACOPINO: Days?

2 MR. DRAPER: Yes, please.

3 PRESIDING OFFICER IACOPINO: I'll put you  
4 down for 15 minutes. Thank you very much. So  
5 it looks like we're going to run more than two  
6 days with Ms. Frayer and probably well into a  
7 third day based on this estimate.

8 Okay. I gave away my list. So is the  
9 Aesthetics Panel the next one, Mr. DeWan and Ms.  
10 Kimball?

11 MS. TOWNSEND: May I ask a question? Where  
12 are we in terms of dates at this point? Just  
13 roughly.

14 PRESIDING OFFICER IACOPINO: Oh, I don't --  
15 well, at this point, no dates have been assigned  
16 to any particular group. What we have is an  
17 order that the Applicant intends to present its  
18 case. They do have the right to present their  
19 case in a manner that they choose, subject to  
20 the call of the Chair, of course, if he decides  
21 that there has to be some changes. So where we  
22 are in dates, in terms of number of days, I can  
23 tell you. I can't tell you dates though. It  
24 looks like 11 days.

1 MS. TOWNSEND: So this is 11 days in. So  
2 we're into June.

3 PRESIDING OFFICER IACOPINO: If everybody's  
4 estimates are on track, there's no snow, you  
5 know. All the things that we've been dealing  
6 with all winter long. And any other possible,  
7 you know, possible schedule problems. And they  
8 do happen, folks. They do happen. We did,  
9 believe it or not, we did the first Antrim Wind  
10 in the middle of Hurricane Sandy. We had to  
11 shut down because of that. So there are things  
12 that occur. Hopefully, nothing like that will  
13 occur during these proceedings. But right now,  
14 my guess is we've just pretty much mentioned  
15 about 11 days' worth of cross-examination for  
16 the witnesses we've gone over so far.

17 The Applicant, you have an idea, too. Am  
18 I, is that consistent? Same thing with Counsel  
19 for the Public? And you guys take up most of  
20 the --

21 MR. NEEDLEMAN: I'm just not sure that your  
22 counting is entirely right, but we can talk  
23 about it. It's pretty rough.

24 PRESIDING OFFICER IACOPINO: I'm being



1 conservative high.

2 MR. NEEDLEMAN: No, I'm trying to do the  
3 same thing.

4 MR. PAPPAS: I agree. I was questioning  
5 your counting as well. I was kind of looking  
6 for a calculator.

7 PRESIDING OFFICER IACOPINO: I don't want  
8 to mislead anybody so let me just go back. I've  
9 gone three days on the Construction Panel.

10 MR. PAPPAS: I have a little more than  
11 that.

12 MR. NEEDLEMAN: I did also.

13 PRESIDING OFFICER IACOPINO: So let's say  
14 that's four days. Then on the Environmental  
15 Panel, I had a day. I'm sorry. Day and a half  
16 to two.

17 MR. NEEDLEMAN: I had more like two and a  
18 half.

19 PRESIDING OFFICER IACOPINO: So you guys  
20 have more days than me.

21 MR. PAPPAS: I was at two for that.

22 PRESIDING OFFICER IACOPINO: So that's,  
23 let's say four plus two, that's six, and then I  
24 had three days for Ms. Frayer. That's nine.

1           MR. NEEDLEMAN: I had a little less than  
2           that.

3           PRESIDING OFFICER IACOPINO: I'm pretty  
4           sure it's three days. Okay. Just must be my  
5           counting, that's all.

6           MR. ROTH: None of this accounts for the  
7           Committee time either.

8           PRESIDING OFFICER IACOPINO: Correct. That  
9           does not account for Committee time, and I'm  
10          sure there will be Committee questions.

11          So the next panel is the Aesthetics Panel.  
12          Was I correct in that? By the way, that gives  
13          you some comfort, whoever asked the question,  
14          about the time? I can't tell you what days  
15          we're talking about, I can't make your schedule  
16          for you, but we're looking at about 9 days  
17          consumed just with parties' questions, not  
18          counting Committee questions at this point.

19          MS. TOWNSEND: Thank you.

20          PRESIDING OFFICER IACOPINO: So let's move  
21          on. The Aesthetics Panel is Mr. DeWan and Ms.  
22          Kimball. Do you expect anything on Direct, Mr.  
23          Needleman?

24          MR. NEEDLEMAN: No.

1           PRESIDING OFFICER IACOPINO: Business  
2 Groups.

3           MR. RAFF: No questions anticipated at this  
4 time.

5           PRESIDING OFFICER IACOPINO: Thank you.  
6 Mr. Boldt?

7           MR. BOLDT: None at this time.

8           PRESIDING OFFICER IACOPINO: Thank you.  
9 Wagner Forest?

10          MR. NOVELLO: None expected.

11          PRESIDING OFFICER IACOPINO: Counsel for  
12 the Public?

13          MR. PAPPAS: Five or six hours.

14          PRESIDING OFFICER IACOPINO: Six hours.  
15 Thank you. Anybody here from Municipal Group 1  
16 North?

17                   (No verbal response.)

18          PRESIDING OFFICER IACOPINO: The remaining  
19 Municipalities?

20          MS. FILLMORE: Two to three hours.

21          PRESIDING OFFICER IACOPINO: Three hours.  
22 Okay. Anybody show up for Grafton County?

23                   (No verbal response.)

24          PRESIDING OFFICER IACOPINO: No. Forest

1 Society?

2 MR. REIMERS: 6 hours.

3 PRESIDING OFFICER IACOPINO: Thank you.

4 Environmental NGOs?

5 MS. BIRCHARD: One hour.

6 PRESIDING OFFICER IACOPINO: Thank you.

7 NEPGA?

8 MS. HOLAHAN: None.

9 PRESIDING OFFICER IACOPINO: Thank you.

10 Clarksville to Stewartstown Abutters and  
11 Non-Abutters.

12 MR. THOMPSON: No questions.

13 PRESIDING OFFICER IACOPINO: Dummer to  
14 Northumberland Abutters.

15 MR. CUNNINGHAM: 15 minutes, Mike.

16 PRESIDING OFFICER IACOPINO: Thank you.  
17 Whitefield to Bethlehem Abutters.

18 MR. VAN HOUTEN: 30 minutes.

19 PRESIDING OFFICER IACOPINO: Bethlehem to  
20 Plymouth Abutters, underground?

21 MR. PALMER: 15 minutes.

22 PRESIDING OFFICER IACOPINO: Thank you.  
23 Ashland to Concord Abutting Property Owners.  
24 And we're talking about Aesthetics.

1 MS. LEE: Mary Lee reserves 15 minutes.  
2 Michelle -- excuse me. Michelle Kleindienst for  
3 McKenna's Purchase, 15 minutes. That's it.

4 PRESIDING OFFICER IACOPINO: So you are  
5 estimating a half an hour between the two of  
6 you?

7 MS. LEE: Yes. Thank you.

8 PRESIDING OFFICER IACOPINO: Thank you.  
9 Deerfield Abutters?

10 MS. MENARD: One and a half hours.

11 PRESIDING OFFICER IACOPINO: Mr. Bilodeau?

12 MR. BILODEAU: No questions at this time.

13 PRESIDING OFFICER IACOPINO: Thank you,  
14 sir. Stark to Bethlehem Non-Abutters.

15 MS. MORE: 15 to 30 minutes. Thank you.

16 PRESIDING OFFICER IACOPINO: 30 minutes.  
17 Thank you. Bethlehem to Plymouth Non-Abutters.

18 (No verbal response)

19 PRESIDING OFFICER IACOPINO: Nobody's here.  
20 Okay. Ashland to Deerfield Nonabutters.

21 MS. CRANE: One hour.

22 PRESIDING OFFICER IACOPINO: Thank you.  
23 The Historical NGOs, any questions for the  
24 Aesthetics Panel?

1 MR. MARTLAND: One hour.

2 PRESIDING OFFICER IACOPINO: Thank you.

3 And Pemigewasset?

4 MR. DRAPER: 45 minutes, please.

5 PRESIDING OFFICER IACOPINO: Thank you.

6 I've got more than two days for them. Probably  
7 two to two and a half days is what I've figured  
8 out here.

9 Let's move to the Historical and  
10 Archeological Panel. Is that the next one in  
11 your list?

12 MR. PAPPAS: Yes.

13 PRESIDING OFFICER IACOPINO: That's two  
14 witnesses, Bunker and Widell. Anything unusual  
15 in the Direct, Mr. Needleman?

16 MR. NEEDLEMAN: No.

17 PRESIDING OFFICER IACOPINO: Will the  
18 Business Organizations have any cross for  
19 Historical and Archeological?

20 MR. RAFF: No questions at this time.

21 PRESIDING OFFICER IACOPINO: Thank you.

22 Mr. Boldt?

23 MR. BOLDT: None at this time.

24 PRESIDING OFFICER IACOPINO: Thank you.

1 Wagner Forest?

2 MR. NOVELLO: No questions.

3 PRESIDING OFFICER IACOPINO: Counsel for  
4 the Public?

5 MR. ROTH: One half day.

6 PRESIDING OFFICER IACOPINO: Okay. Thank  
7 you. Nobody's still here for Municipal Group 1.  
8 And the remaining Municipal Groups?

9 MS. FILLMORE: 45 minutes.

10 PRESIDING OFFICER IACOPINO: Nobody is here  
11 for Grafton. Society for Protection of New  
12 Hampshire Forests.

13 MR. REIMERS: Five hours.

14 PRESIDING OFFICER IACOPINO: Thank you, Mr.  
15 Reimers. Environmental NGOs?

16 MS. BIRCHARD: One quarter hour.

17 PRESIDING OFFICER IACOPINO: Did you say  
18 one quarter?

19 MS. BIRCHARD: That's right. 15 minutes.

20 PRESIDING OFFICER IACOPINO: Changing up my  
21 units here. NEPGA.

22 MS. HOLAHAN: No.

23 PRESIDING OFFICER IACOPINO: Thank you.  
24 Clarksville to Stewartstown?

1 MR. THOMPSON: No questions.

2 PRESIDING OFFICER IACOPINO: Got that out  
3 even before I could get it out. Thank you, sir.  
4 Dummer to Northumberland Abutters?

5 MR. CUNNINGHAM: No questions.

6 PRESIDING OFFICER IACOPINO: I'm hearing  
7 no.

8 MS. MORE: These are the Abutters? I'm  
9 sorry. Susan Percy asked me to reserve 15  
10 minutes.

11 PRESIDING OFFICER IACOPINO: Okay. So that  
12 is for Dummer to Northumberland?

13 MS. MORE: Correct.

14 PRESIDING OFFICER IACOPINO: Whitefield to  
15 Bethlehem Abutters.

16 MR. VAN HOUTEN: No questions at this time.

17 PRESIDING OFFICER IACOPINO: Thank you.  
18 Bethlehem to Plymouth Abutters on the  
19 underground?

20 MR. PALMER: 15 minutes, please.

21 PRESIDING OFFICER IACOPINO: Thank you.  
22 Ashland to Concord Abutters.

23 MS. LEE: Ashland to Concord, we have no  
24 questions at this time.



1 PRESIDING OFFICER IACOPINO: Thank you.

2 MS. LEE: And none for Michelle

3 Kleindienst.

4 MS. KLEINDIENST: None.

5 PRESIDING OFFICER IACOPINO: Ms.

6 Kleindienst, I'm sure you're going to report

7 back to Mr. Judge. If you just want to let him

8 know what you guys estimated, and if he's got

9 any big changes to give me a call.

10 MS. KLEINDIENST: I will.

11 PRESIDING OFFICER IACOPINO: Thank you.

12 Deerfield Abutters. I'm sorry. We're on the

13 Historic and Archeological.

14 MS. MENARD: Two hours.

15 PRESIDING OFFICER IACOPINO: Thank you.

16 Mr. Bilodeau?

17 MR. BILODEAU: No questions.

18 PRESIDING OFFICER IACOPINO: Thank you.

19 Stark to Bethlehem Nonabutters?

20 MS. MORE: 15 to 30 minutes.

21 PRESIDING OFFICER IACOPINO: Thank you.

22 Has anybody shown up for Bethlehem to Plymouth

23 Non-Abutters?

24 *(No verbal response.)*

1           PRESIDING OFFICER IACOPINO: Ashland to  
2 Deerfield Non-Abutters?

3           MS. CRANE: 30 minutes.

4           PRESIDING OFFICER IACOPINO: Thank you.  
5 Historic NGOs?

6           MS. MARTLAND: Four hours.

7           PRESIDING OFFICER IACOPINO: Thank you.  
8 And Pemigewasset River Local Advisory  
9 Committee?

10          MR. DRAPER: 15, please.

11          PRESIDING OFFICER IACOPINO: Thank you.  
12 Looks to be a day and a half to a day to three  
13 quarters without Committee questions. I'm  
14 correct. It's a little more than two days.

15          Okay. The next person that I have on my  
16 list which I think was taken directly from the  
17 Applicant's is Property Values. The single  
18 witness, Mr. Chalmers. Do you expect anything  
19 unusual on direct?

20          MR. NEEDLEMAN: No.

21          PRESIDING OFFICER IACOPINO: Mr. Raff for  
22 the business organizations?

23          MR. RAFF: No questions.

24          PRESIDING OFFICER IACOPINO: Okay. Mr.

1 Boldt for Franklin and Berlin?

2 MR. BOLDT: Maybe 15 minutes.

3 PRESIDING OFFICER IACOPINO: Thank you.

4 Wagner Forest Management?

5 MR. NOVELLO: No questions.

6 PRESIDING OFFICER IACOPINO: Counsel for  
7 the Public?

8 MR. PAPPAS: Half day.

9 PRESIDING OFFICER IACOPINO: Thank you.  
10 Municipal Group 1 North. Nobody's here.  
11 Unless, did somebody come?

12 *(No verbal response.)*

13 PRESIDING OFFICER IACOPINO: No. Remaining  
14 Municipals?

15 MS. FILLMORE: Half a day.

16 PRESIDING OFFICER IACOPINO: Nobody is here  
17 for Grafton County. Society?

18 MR. REIMERS: Three hours.

19 PRESIDING OFFICER IACOPINO: Thank you.  
20 Environmental NGOs?

21 MS. BIRCHARD: No questions.

22 PRESIDING OFFICER IACOPINO: NEPGA?

23 MS. HOLAHAN: No questions.

24 PRESIDING OFFICER IACOPINO: If you're

1 conversing back there, you want to make sure you  
2 turn off your mike because we can hear you.

3 Clarksville to Stewartstown, Abutters and  
4 Non-Abutters?

5 MR. THOMPSON: No questions.

6 PRESIDING OFFICER IACOPINO: Thank you.  
7 Dummer to Northumberland Abutters?

8 MR. CUNNINGHAM: 15 minutes.

9 PRESIDING OFFICER IACOPINO: Thank you.  
10 Whitefield to Bethlehem Abutters?

11 MR. VAN HOUTEN: 30 minutes.

12 PRESIDING OFFICER IACOPINO: Thank you.  
13 Bethlehem to Plymouth, underground abutters?

14 MR. PALMER: 15 to 30 minutes.

15 PRESIDING OFFICER IACOPINO: Thank you.  
16 Ashland to Concord Abutters?

17 MS. LEE: Mary Lee reserves 15 minutes.

18 MS. KLEINDIENST: A half hour in total.

19 PRESIDING OFFICER IACOPINO: Okay. Thank  
20 you.

21 Deerfield Abutters? We're on Chalmers.

22 MS. MENARD: Three hours. However,  
23 individuals within our group may have,  
24 collectively, an additional 15 to 20 minutes as

1 individual property owners as well.

2 PRESIDING OFFICER IACOPINO: I'm going to  
3 put that down as four hours. Does that sound  
4 right?

5 MS. MENARD: Thank you.

6 PRESIDING OFFICER IACOPINO: You will seek  
7 permission from the Chair?

8 MS. MENARD: Yes.

9 PRESIDING OFFICER IACOPINO: Thank you.  
10 Mr. Bilodeau?

11 MR. BILODEAU: No questions.

12 PRESIDING OFFICER IACOPINO: Stark to  
13 Bethlehem Non-Abutter Property Owners?

14 MS. MORE: No questions at this time.

15 PRESIDING OFFICER IACOPINO: Thank you.  
16 Bethlehem to Plymouth Non-Abutters.

17 *(No verbal response.)*

18 PRESIDING OFFICER IACOPINO: Oh, they're  
19 not here. I'm sorry. 25. The Historical NGOs.

20 MS. MARTLAND: Half hour.

21 PRESIDING OFFICER IACOPINO: Thank you. I  
22 missed somebody.

23 Ashland to Deerfield Non-Abutters. I'm  
24 sorry.

1 MS. CRANE: Yes. Sorry. We seem to have  
2 been lumped a group with many different kinds of  
3 concerns. I wish I could say on any one of  
4 these "no time," but --

5 PRESIDING OFFICER IACOPINO: Just your best  
6 estimate.

7 MS. CRANE: We're going to need 45 minutes.

8 PRESIDING OFFICER IACOPINO: Going to put  
9 you down for an hour.

10 I'm sorry. Pemigewassett?

11 MR. DRAPER: 15 minutes, please.

12 PRESIDING OFFICER IACOPINO: Thank you.

13 Next witness is Mr. Nichols on Tourism.  
14 Anything expected unusual on Direct Examination  
15 of Mr. Nichols?

16 MR. NEEDLEMAN: No.

17 PRESIDING OFFICER IACOPINO: And by the  
18 way, on Chalmers, Mr. Chalmers will probably be  
19 two- to 2-plus days. Again, all these estimates  
20 don't include Committee time.

21 Okay. Will the Business Organizations with  
22 Economic Interests have any questions for  
23 Mr. Nichols?

24 MR. RAFF: I would anticipate 15 minutes.

1           PRESIDING OFFICER IACOPINO: Thank you.  
2           Franklin and Berlin.

3           MR. BOLDT: Not at this time.

4           PRESIDING OFFICER IACOPINO: Thank you.  
5           Wagner Forest?

6           MR. NOVELLO: Not at this time.

7           PRESIDING OFFICER IACOPINO: Counsel?

8           MR. PAPPAS: Half a day.

9           PRESIDING OFFICER IACOPINO: Municipal  
10          Group 1 North has not arrived. Remaining  
11          Municipal Groups?

12          MS. FILLMORE: Two hours.

13          PRESIDING OFFICER IACOPINO: Thank you.  
14          Grafton Commissioners still not here?

15                   *(No verbal response.)*

16          PRESIDING OFFICER IACOPINO: Society for  
17          Protection of New Hampshire Forests.

18          MR. REIMERS: Two hours.

19          PRESIDING OFFICER IACOPINO: Environmental  
20          NGOs?

21          MS. BIRCHARD: 15 minutes.

22          PRESIDING OFFICER IACOPINO: NEPGA?

23          MS. HOLAHAN: No questions.

24          PRESIDING OFFICER IACOPINO: Thank you.

1 Clarksville to Stewartstown?

2 MR. THOMPSON: No questions.

3 PRESIDING OFFICER IACOPINO: Thank you.

4 Dummer and Northumberland Abutters?

5 MR. CUNNINGHAM: Half an hour.

6 PRESIDING OFFICER IACOPINO: Thank you.

7 Whitefield to Bethlehem?

8 MR. VAN HOUTEN: No questions at this time.

9 PRESIDING OFFICER IACOPINO: Thank you.

10 Bethlehem to Plymouth, underground?

11 MR. PALMER: 15 minutes.

12 PRESIDING OFFICER IACOPINO: Thank you.

13 Ashland to Concord Abutters?

14 MS. LEE: Excuse me. I was busy. What's  
15 the panel?

16 PRESIDING OFFICER IACOPINO: Tourism.

17 Mr. Nichols.

18 MS. LEE: No questions from Mary Lee or  
19 Michelle Kleindienst for McKenna's.

20 PRESIDING OFFICER IACOPINO: Thank you.

21 Deerfield Abutters?

22 MS. MENARD: Two hours.

23 PRESIDING OFFICER IACOPINO: Mr. Bilodeau?

24 MR. BILODEAU: No questions.



1           PRESIDING OFFICER IACOPINO: Stark to  
2 Bethlehem Non-Abutters?

3           MS. MORE: No questions at this time.

4           PRESIDING OFFICER IACOPINO: Thank you.  
5 Bethlehem to Plymouth Non-Abutters?

6                           *(No verbal response.)*

7           PRESIDING OFFICER IACOPINO: They're not  
8 here. Right. Okay. Ashland to Deerfield  
9 Non-Abutters?

10          MS. CRANE: 15 minutes.

11          PRESIDING OFFICER IACOPINO: Thank you.  
12 Historic NGOs?

13          MS. MARTLAND: Half hour.

14          PRESIDING OFFICER IACOPINO: And  
15 Pemigewasset River?

16          MR. DRAPER: 45 minutes, please.

17          PRESIDING OFFICER IACOPINO: Thank you.  
18 That's a day to a little over a day.

19          MR. REIMERS: Mike, what was your tally for  
20 Mr. Chalmers?

21          PRESIDING OFFICER IACOPINO: My notes, 2.5.  
22 Was a little over two days is what I had.

23          MR. REIMERS: Great. Thank you.

24          MS. HOLAHAN: Mike, what was your estimate

1 for the Aesthetics Panel?

2 PRESIDING OFFICER IACOPINO: 2.5 as well.  
3 That's 2.5 days. And again, none of these  
4 contain an estimate for Committee questions.

5 Is everybody ready to move on to Property  
6 Taxes. Ms. Shapiro? Anything unusual in your  
7 Direct, Mr. Needleman?

8 MR. NEEDLEMAN: No.

9 PRESIDING OFFICER IACOPINO: Okay.  
10 Business Groups. Any cross-examination from Ms.  
11 Shapiro?

12 MR. RAFF: No.

13 PRESIDING OFFICER IACOPINO: Mr. Boldt?

14 MR. BOLDT: 30 minutes tops.

15 PRESIDING OFFICER IACOPINO: Thank you.  
16 Wagner Forest?

17 MR. NOVELLO: None.

18 PRESIDING OFFICER IACOPINO: Counsel for  
19 the Public?

20 MR. ROTH: Two hours.

21 PRESIDING OFFICER IACOPINO: Municipal  
22 Group 1 North is still not here. The remaining  
23 Municipals?

24 MS. FILLMORE: One hour.

1                   PRESIDING OFFICER IACOPINO: Thank you.  
2                   Grafton County Commissioner still not here.  
3                   Society for Protection of New Hampshire Forests?

4                   MR. REIMERS: 15 minutes.

5                   PRESIDING OFFICER IACOPINO: Environmental  
6                   NGOs?

7                   MS. BIRCHARD: No questions anticipated at  
8                   this time.

9                   PRESIDING OFFICER IACOPINO: Thank you.  
10                  NEPGA?

11                  MS. HOLAHAN: No questions.

12                  PRESIDING OFFICER IACOPINO: Thank you.  
13                  Clarksville to Stewartstown?

14                  MR. THOMPSON: No questions.

15                  PRESIDING OFFICER IACOPINO: Thank you.  
16                  Dummer to Northumberland Abutters?

17                  MR. CUNNINGHAM: No questions.

18                  PRESIDING OFFICER IACOPINO: Whitefield to  
19                  Bethlehem Abutters?

20                  MR. VAN HOUTEN: No questions.

21                  PRESIDING OFFICER IACOPINO: Bethlehem to  
22                  Plymouth Abutters, underground?

23                  MR. PALMER: No questions.

24                  PRESIDING OFFICER IACOPINO: Ashland to

1 Concord Abutters?

2 MS. LEE: No questions.

3 PRESIDING OFFICER IACOPINO: Deerfield  
4 Abutters.

5 MS. LEE: Oh, excuse me.

6 MS. KLEINDIENST: 15 minutes, please.

7 PRESIDING OFFICER IACOPINO: Okay. Change  
8 that. Thank you. Deerfield.

9 MS. MENARD: 15 minutes.

10 PRESIDING OFFICER IACOPINO: Mr. Bilodeau?

11 MR. BILODEAU: No questions.

12 PRESIDING OFFICER IACOPINO: Stark to  
13 Bethlehem Non-Abutters? Wait a minute. I  
14 missed somebody, didn't I? No.

15 MS. MORE: No questions at this time.

16 PRESIDING OFFICER IACOPINO: Next group is  
17 not here. That's Bethlehem to Plymouth  
18 Non-Abutters. And then Ashland to Deerfield  
19 Non-Abutter?

20 MS. QUINN: 30 minutes.

21 PRESIDING OFFICER IACOPINO: And then  
22 Historic NGOs?

23 MS. MARTLAND: No questions.

24 PRESIDING OFFICER IACOPINO: And the

1 Pemigewasset River Local Advisory Committee?

2 MR. DRAPER: 15 minutes, please. And that  
3 could be Pemi.

4 PRESIDING OFFICER IACOPINO: I like to mix  
5 it.

6 MR. DRAPER: I know.

7 PRESIDING OFFICER IACOPINO: It looks like  
8 about half a day for Ms. Shapiro. Well, I've  
9 got, yes, I've got five hours, but my guess is  
10 some of these are conservative so I'd say about  
11 half a day. And then just one witness left, and  
12 that's on Orderly Development. Mr. Varney.  
13 Anything unusual in his Direct?

14 MR. NEEDLEMAN: No.

15 PRESIDING OFFICER IACOPINO: Okay. Any  
16 questions from the Business Organizations for  
17 Mr. Varney?

18 MR. RAFF: Maybe 15 minutes tops.

19 PRESIDING OFFICER IACOPINO: Thank you.  
20 City of Franklin and Berlin?

21 MR. BOLDT: Not at this time.

22 PRESIDING OFFICER IACOPINO: Thank you.  
23 Wagner Forest.

24 MR. NOVELLO: 15 minutes.

1           PRESIDING OFFICER IACOPINO: Counsel for  
2 the Public?

3           MR. PAPPAS: Two to three hours.

4           PRESIDING OFFICER IACOPINO: Municipal  
5 Group 1 North is not here. Remaining  
6 Municipals?

7           MS. FILLMORE: Half a day.

8           PRESIDING OFFICER IACOPINO: Grafton County  
9 Commissioners not here. Society for Protection?

10          MR. REIMERS: Five hours.

11          PRESIDING OFFICER IACOPINO: Environmental  
12 Groups?

13          MS. BIRCHARD: 20 minutes.

14          PRESIDING OFFICER IACOPINO: Thank you.  
15 NEPGA?

16          MS. HOLAHAN: No questions.

17          PRESIDING OFFICER IACOPINO: Clarksville to  
18 Stewartstown Abutters?

19          MR. THOMAS: No questions.

20          PRESIDING OFFICER IACOPINO: Dummer to  
21 Northumberland Abutters?

22          MR. CUNNINGHAM: No questions.

23          PRESIDING OFFICER IACOPINO: Whitefield to  
24 Bethlehem Abutters.

1 MR. VAN HOUTEN: 30 minutes.

2 PRESIDING OFFICER IACOPINO: Thank you.  
3 Bethlehem to Plymouth?

4 MR. PALMER: 30 minutes, please.

5 PRESIDING OFFICER IACOPINO: Thank you.  
6 Ashland to Concord Abutters.

7 MS. KLEINDIENST: No questions.

8 MS. LEE: No questions.

9 PRESIDING OFFICER IACOPINO: Deerfield  
10 Abutters.

11 MS. MENARD: 30 minutes.

12 PRESIDING OFFICER IACOPINO: Thank you.  
13 Mr. Bilodeau.

14 MR. BILODEAU: No questions.

15 PRESIDING OFFICER IACOPINO: Stark to  
16 Bethlehem Non-Abutters? I'm not hearing  
17 anybody.

18 MS. MORE: No questions. Thank you.  
19 Sorry.

20 PRESIDING OFFICER IACOPINO: Bethlehem to  
21 Plymouth Non-Abutters.

22 *(No verbal response.)*

23 PRESIDING OFFICER IACOPINO: Nobody here.  
24 Ashland to Deerfield Non-Abutters.

1 MS. QUINN: 15 minutes.

2 PRESIDING OFFICER IACOPINO: Thank you.

3 The Historical NGOs.

4 MS. MARTLAND: Half hour.

5 PRESIDING OFFICER IACOPINO: And Pemi.

6 MR. DRAPER: 45.

7 PRESIDING OFFICER IACOPINO: Okay. So that  
8 looks like a day-plus. Say a day and a half,  
9 day and three quarters. Any other witnesses  
10 that aren't on your list, Mr. Needleman?

11 MR. NEEDLEMAN: No.

12 PRESIDING OFFICER IACOPINO: So my rough  
13 tally does not include questions from the  
14 Committee and as most of you have been here  
15 through the adjudicatory proceedings know, they  
16 generally have a fair number of questions. I  
17 count 21 days. That's a bunch of lawyers adding  
18 things up in their head. So yes.

19 If you look at the most recent schedule  
20 that was put out by the Administrator from April  
21 24th, the Revised Notice of Adjudicative  
22 Hearings, those are the days that the Committee  
23 has been able to reserve at this point, and my  
24 guess is those days are going to be taken up,



1           virtually all of these days are going to be  
2           taken up, by just the Applicant's witnesses  
3           based upon where we are in our assessment here  
4           today. People smile, but it's not really  
5           surprising. I expect it to take a long time.  
6           We will be looking for further days from the  
7           Committee. We'll be in touch with you about  
8           that.

9           Just so everybody is aware, if we move on  
10          just to that new schedule for a minute, we have  
11          scheduled three periods of time, three half-days  
12          to take oral written comment from the public.  
13          And on the second page of that notice that was  
14          issued on the 24th is instructions for folks who  
15          want to sort of reserve a spot to do that on how  
16          they should go about that. So if there are  
17          folks that you intend or that you believe are  
18          going to come and speak, if you could please  
19          alert them that the best way to reserve a spot  
20          to make sure that they have the opportunity to  
21          do that is to follow the instructions on page 2  
22          of this order.

23          I know a question that we will receive is  
24          will there be more days for public comment.

1           That's yet to be determined. That will be left  
2           to the Administrator and the Chair of the  
3           Subcommittee to determine. Mr. Whitley, did you  
4           have a question?

5           MR. WHITLEY: Yes, Mike. If someone has  
6           submitted a public comment, would they be  
7           allowed to speak to the Committee during these  
8           three days?

9           PRESIDING OFFICER IACOPINO: You mean a  
10          written public comment?

11          MR. WHITLEY: Right. A written public  
12          comment.

13          PRESIDING OFFICER IACOPINO: They probably  
14          will be. But I would point out that there's  
15          really not a lot of point in being redundant.  
16          Those of you who are here are aware that we try  
17          to make all of the exhibits available to the  
18          Committee members during the adjudicatory  
19          hearings to make sure they all have a personal  
20          set of exhibits that they can review. Along  
21          with that set of exhibits is a complete copy of  
22          all of the public comments, the written public  
23          comments that were received. They also have  
24          available to them the transcripts from the, I

1 forget how many, public hearings and public  
2 information sessions that occurred.

3 So I certainly don't want to discourage  
4 anybody from seeking to make public comment.  
5 However, just as a practical matter, written  
6 public comment stays with the Committee members  
7 the longest, and each one of them will have  
8 actual copies of all of that as part of our  
9 process here. But I don't want to discourage  
10 anybody. I can't say they will be prohibited.  
11 I do know that Intervenors will be likely  
12 prohibited from standing up at the podium  
13 because you have lots of opportunities to make  
14 arguments during the course of this proceeding.  
15 However, just because you've provided a written  
16 comment, I can't say that you'll be -- you may  
17 be put to the back of the list.

18 MR. WHITLEY: That was my followup was that  
19 assuming it's allowed by the Chair, it will  
20 probably be time permitting and after those that  
21 have not submitted written public comments have  
22 already gone.

23 PRESIDING OFFICER IACOPINO: I don't know  
24 for sure, but my guess is that's probably what

1 the Chair would do is those who have already  
2 submitted have had an opportunity, and they  
3 would probably go to the end of the process.

4 MR. WHITLEY: Okay. Thank you.

5 MR. ROTH: Mike, as a practical matter  
6 there are hundreds, hundreds of public comments  
7 that have already been lodged, and --

8 PRESIDING OFFICER IACOPINO: "487 against,  
9 67 for" is my last tally, and the Subcommittee  
10 has all of them.

11 MR. ROTH: Yes, I believe they do. But  
12 some of them are simply named, you know, Mary or  
13 Sheila or John. And so I don't know how the  
14 Committee Chair is going to sort through the  
15 hundreds who have submitted something in writing  
16 and say Mr. Jones, you already submitted one in  
17 writing in May of 2015.

18 PRESIDING OFFICER IACOPINO: If he doesn't  
19 know, he doesn't know. But for those that he  
20 knows -- I mean, he can't guess at who somebody  
21 is. Some of them are like that, although I will  
22 say that most of them do have proper  
23 identification contained in them. Some are very  
24 short, to the point, and don't have a whole lot

1 of identifiers except for maybe an email  
2 address. So. Somebody else have a question?  
3 Yes, Melissa.

4 MS. BIRCHARD: Thank you. I guess my  
5 greater concern would be that if someone  
6 submitted comments two years ago they may have  
7 comments on additional information that has come  
8 to light in the interim and that that would, in  
9 my opinion, be appropriate to share.

10 PRESIDING OFFICER IACOPINO: Well, like I  
11 said, I'm not saying anybody's going to be  
12 prohibited. It just going to be the manner in  
13 which we get through people. Everybody can sit  
14 down and write a comment to the Committee.  
15 There's no stopping anybody from doing that. I  
16 think we probably have the most open public  
17 comment availability of any process in state  
18 government. In the back?

19 MS. WILLIAMSON: Is there going to be a  
20 limitation on time for each individual public  
21 comment on those days? If there's going to be a  
22 particular schedule or time limit, it would be  
23 good to communicate that to everyone ahead of  
24 time.

1           PRESIDING OFFICER IACOPINO: Depending upon  
2 the number of people who seek to speak, there is  
3 likely to be some limitation on time. There has  
4 been in virtually every public hearing that  
5 we've had because of the number of people who  
6 have requested to speak. That's generally been  
7 somewhere between 3 and 5 minutes.

8           COURT REPORTER: Could I have your name,  
9 please?

10          PRESIDING OFFICER IACOPINO: I'm sorry. I  
11 should have. If you could identify yourself for  
12 the court reporter.

13          MS. WILLIAMSON: I'm Sharee Williamson with  
14 the National Trust and Historic Preservation  
15 Intervenor Group.

16          COURT REPORTER: Thank you.

17          PRESIDING OFFICER IACOPINO: I'm sorry.  
18 And for everybody, when you do speak, if you  
19 could just identify yourself, it's very  
20 difficult for the court reporter to see beyond  
21 the first couple of rows. And the way the  
22 speakers work, when you speak we really don't  
23 know where it's coming from.

24          Was there another question? I'm sorry. I

1 thought I saw another hand. No. Okay. Let's  
2 move on.

3 Does anybody have any issues to raise or  
4 believe that they're going to raise any issues  
5 formally by motion regarding any of the  
6 exhibits, the exhibit lists, that haven't  
7 already been filed? Or the witnesses between  
8 now and when we begin on Monday? Has everybody  
9 been able to access the exhibits that all the  
10 various parties have filed? Very good. Okay.

11 Other than the scheduling that we've  
12 addressed today, and now I'm talking about just  
13 for the presentation of the Applicant's  
14 witnesses, does anybody see any scheduling  
15 difficulties or problems during that period of  
16 time, which I think we figured out is 21, 22  
17 days. What I want to do is turn to the  
18 Applicant because you have sort of a -- first  
19 there's a question. Just identify yourself.  
20 You're kind of behind Mr. Boldt there.

21 MS. CRANE: Charlotte Crane with the  
22 Ashland to Deerfield Non-Abutters. I greatly  
23 appreciate the benefit of having a predictable  
24 order, but when that predictable order means

1           that the members of the group that I'm part of  
2           are always looking at their watches at quarter  
3           of 4 and wondering whether they're going to,  
4           what time this is going to end, I'm wondering if  
5           it would be possible to go through the order  
6           down and then the order back up again so  
7           everybody knows where they're going to be, but  
8           you start from a different position.

9           PRESIDING OFFICER IACOPINO:   Meaning with  
10          the first panel you go 1 through 26 and the  
11          second panel you go 26 through 1?

12          MS. CRANE:   Yes, although I certainly would  
13          entertain the idea that those people who have  
14          asked for more substantial blocks of time  
15          probably ought to be the ones that go first, and  
16          I don't know where that cutoff is on the list,  
17          but I'd be willing to let you make it pretty  
18          much anywhere.

19          PRESIDING OFFICER IACOPINO:   Just speaking  
20          in response to your question, and not having any  
21          authority, I think that the problem is is that  
22          the order of cross-examination that was  
23          established at the first Prehearing Conference,  
24          there was actually some consideration of why



1           that was done in that particular way,  
2           particularly with respect to some of the folks  
3           that have substantial rebuttal witnesses. And,  
4           obviously, because of the staff of Counsel for  
5           the Public's statutory purpose.

6           What I can say to you, Ms. Crane, is if on  
7           a particular day when you have that issue, if  
8           you want to raise it with the Administrator, Pam  
9           Monroe, or myself, we can bring that to the  
10          attention of the Chair, and to the extent that  
11          it's not going to totally impede our process, we  
12          can always change the schedule around to  
13          accommodate somebody.

14          So, for instance, if somebody has to be out  
15          the door by a certain time, and you guys wish to  
16          go sooner because you're afraid you're going to  
17          pull up to that time, if you raise that with Pam  
18          Monroe or myself, we would bring that to the  
19          attention of the Chair, and he can then  
20          determine whether or not that's something that  
21          can be accomplished without disorder in the  
22          house.

23          MS. TOWNSEND: Heather Townsend. The  
24          problem was that in technical sessions, we would

1 get lapped over, not just by one day but by two  
2 days, and that becomes an economic hardship for  
3 the people who have to come and miss work for  
4 those multiple days.

5 PRESIDING OFFICER IACOPINO: I understand.  
6 That's why I suggest if you can identify when  
7 you have that issue and bring it to the  
8 attention of either Pam Monroe or myself, as  
9 soon as you know, we can try to, we can alert  
10 the Presiding Officer, and he likely will  
11 accommodate. I mean, we've tried to accommodate  
12 folks throughout these proceedings. There's a  
13 lot of you out there. It's a very complicated  
14 proceeding to run. But that's what I would  
15 suggest that you do.

16 I personally would not recommend to the  
17 Presiding Officer that we begin 1 through 26 and  
18 then go 26 through 1, even if we were to move  
19 some folks around because they have more  
20 questions, only because it makes for a difficult  
21 flow. And also as many of you may see when you  
22 start reading transcripts, you start to rely on  
23 that things are going in a certain order and  
24 whatnot. And there will be pages and pages of

1 transcripts coming from these hearings.

2 MR. ROTH: Mike, do you anticipate taking  
3 the information that you gathered today about  
4 the amounts of times for each of the groups per  
5 witness and creating more or less a schedule and  
6 a calendar so that it would show --

7 PRESIDING OFFICER IACOPINO: That's what I  
8 was about to turn to the Applicant about because  
9 with the Applicant's filing of this order of  
10 witnesses, they did have some caveats in there  
11 that I would like to hear from him on and then  
12 we can discuss. So Mr. Needleman?

13 MR. NEEDLEMAN: Sure. Here's what I can  
14 tell everybody. It's in many ways as  
15 complicated for us as it is for everyone else.  
16 We have witnesses who have availability issues,  
17 we have witnesses who have to travel great  
18 distances in some circumstances to be here, and  
19 despite everyone's best estimates about timing,  
20 it's difficult to predict exactly when we'll be  
21 done. And so we've tried to factor that all in.

22 We can say with certainty that the  
23 Construction Panel will go next week. It seems  
24 as though it's likely that panel may take most

1 if not all of that week. I think at the end of  
2 next week, we can give people more clarity on  
3 what comes next. Certainly, if we finish sooner  
4 than expected, we will go to the Environmental  
5 Panel next week so people know that.

6 The one other thing that I can say  
7 generally is that Ms. Shapiro is a local witness  
8 and somebody who has a lot of availability and  
9 someone who seems to be the one that's going to  
10 require the least time on this list. So she's  
11 someone who we are thinking of as a floater, so  
12 to speak, and if it becomes necessary at some  
13 point to slot someone in because we finished  
14 soon or late and another witness is not yet  
15 available, our expectation is we might turn to  
16 her.

17 I also understand that predictability for  
18 everybody is important and trying to have as  
19 much notice as possible as to who is coming is  
20 important. We will certainly expect and  
21 appreciate the same courtesy when we have to  
22 question witnesses and so we are going to do  
23 everything we can to try to stick to the  
24 schedule and try to provide that predictability

1 for people.

2 PRESIDING OFFICER IACOPINO: So if I were  
3 to translate that for the folks behind you, Mr.  
4 Needleman, I would tell them next week be  
5 prepared for the Construction Panel and the  
6 Environment Panel basically.

7 MR. NEEDLEMAN: Correct.

8 PRESIDING OFFICER IACOPINO: And I think it  
9 would be good if during the course of the  
10 proceedings if you can continue, and this goes  
11 for every party who has witnesses to present, if  
12 you can continue to keep us abreast of that.  
13 There will be a report that will come out of  
14 this Prehearing Conference, and the times that I  
15 have here will be not all my little chicken  
16 scratch, but the total times for each witness  
17 and witness panel will be in that Prehearing  
18 Conference Report so that everybody will have  
19 that as well.

20 Again, it doesn't bind the Applicant or any  
21 other party. But it does give you a general  
22 sense, and you'll have a document to look at,  
23 but I guess what I'm hearing Mr. Needleman  
24 saying is it sounds like next week is going to

1 be taken up by the Construction Panel. If they  
2 get finished with it, they'll pick up with the  
3 Environmental Panel, which quite frankly makes  
4 sense. We don't want to lose days because we  
5 were careful in assessing how much time you're  
6 going to need. Mr. Boldt?

7 MR. BOLDT: Mike, request. Is it possible  
8 to have an email sent out by Pam at the three  
9 o'clock or midafternoon break saying what the  
10 next day looks like? So that those folks that  
11 are coming from afar might be able to know a  
12 little bit in advance we're not going to get  
13 through that Construction Panel or Dr. Shapiro  
14 will go on tomorrow afternoon, it looks like.  
15 Something like that might be a way of giving us  
16 a heads-up.

17 PRESIDING OFFICER IACOPINO: I think that's  
18 a great idea. I assume everybody else in the  
19 room likes that idea because as many of you  
20 can't be here every day. I understand that.  
21 And I will recommend that to Ms. Monroe. I  
22 can't guarantee she'll do it, but I can tell you  
23 that if she doesn't want to do it, I will try to  
24 do it through my resources. Mr. Reimers?

1           MR. REIMERS: Just to follow up on that, it  
2 would be useful if that could go to the entire  
3 Distribution List rather than just the  
4 spokespeople.

5           PRESIDING OFFICER IACOPINO: Okay.  
6 Mr. Roth?

7           MR. ROTH: While I certainly appreciate the  
8 difficulties in arranging the schedules of all  
9 of the Applicant's witnesses, and the need for  
10 some flexibility, but I think the need for  
11 certainty about who is going to be appearing on  
12 a given day is kind of important and certainly  
13 having some notice of whether that lineup  
14 changes. So I would respectfully ask that the  
15 Applicant to the extent that it plans to change  
16 up the order at some point because of  
17 availability issues and plug in Ms. Shapiro or  
18 somebody else that they be required to do that  
19 with some minimal notice to people about that,  
20 and I was going to suggest five business days  
21 because preparing for cross-examination during  
22 the month of June in particular where there's  
23 hearings going on is not an easy thing and  
24 requires a lot of night work, and to be told

1           today that oh, by the way, tomorrow we're going  
2           to see Ms. Shapiro is kind of unfair.

3           And so I think it's important that we have  
4           some set schedule to the extent that it's  
5           possible, and if it's there's going to be a  
6           change, that we have five days' notice of it  
7           before it can get changed. Thank you.

8           PRESIDING OFFICER IACOPINO: Mr. Whitley?

9           MR. WHITLEY: I just wanted to raise with  
10          you, Mike, and can we get an update on the  
11          status of the site visits? I mean, that was  
12          scheduled at one point, and I haven't heard  
13          anything since then, and we're talking about  
14          filling in when there may be open days, and I  
15          don't know if there's any possibility of filling  
16          those in with a site visit. If you could speak  
17          to that, that would be great.

18          PRESIDING OFFICER IACOPINO: Word on the  
19          street, which I can't confirm, was they were  
20          looking at July, I think it was the 27th and  
21          28th.

22          MR. ROTH: That's what Pam told me the  
23          other day.

24          PRESIDING OFFICER IACOPINO: But I



1 understand that the Administrator is working  
2 with the Applicant and Counsel for the Public  
3 and anybody else who wants to chime in on that.  
4 So I think they were looking at the end of July.  
5 I only know those days because they're days when  
6 I can't be there. But those were two days and  
7 there was some discussion of a third day. I  
8 don't know where that's fallen out yet or if  
9 it's fallen out.

10 But it is anticipated that there will be  
11 further site visits, and when the dates for  
12 those are determined, there will be a formal  
13 notice that will issue from the Administrator,  
14 and it will be published on the website.

15 MR. REIMERS: Mike, getting back to Peter's  
16 request for notice, we were going to ask for at  
17 least 7 days' notice for the exact same reasons.  
18 So I just want to say I second that.

19 PRESIDING OFFICER IACOPINO: What's the  
20 Applicant think of that?

21 MR. NEEDLEMAN: I certainly appreciate  
22 where it's coming from, and one of the reasons  
23 we said in our disclosure that we are going to  
24 try to provide adequate notice is because I

1 understand the difficulties. I'm concerned that  
2 if we impose those absolute limits it takes away  
3 everyone's flexibility, and we could lose a half  
4 a day or three quarters of a day because we're  
5 just not ready to go with a witness.

6 And so one of the reasons I let everyone  
7 know about Ms. Shapiro is precisely because  
8 she's someone who we would likely turn to first  
9 to alter the order of things, if things changed  
10 significantly. And I'm not suggesting that on  
11 an afternoon we would say the next day we're  
12 going with Lisa, but I think if we can project  
13 out and say she might be coming a day or two  
14 from now, that was the purpose. It's just to  
15 try to make sure we use our time most  
16 efficiently.

17 PRESIDING OFFICER IACOPINO: I think that  
18 part of problem with the two time frames that  
19 have been thrown out there is that we don't  
20 really, even at this point, don't have any  
21 expected witness or panel that's going to go 5  
22 or 7 days so I think it would be difficult for  
23 the Applicant or any party to realize that  
24 there's going to be shorter-than-expected

1 examination of a particular witness or panel.  
2 So 5 to 7 days is longer than we anticipate any  
3 particular panel to go.

4 So it clearly, if there is something that  
5 occurs where the Applicant wants to change the  
6 order that they've suggested to accommodate your  
7 witnesses, that's a different story than if  
8 what's happened is we're just moving along  
9 faster. If we're moving along faster, I would  
10 expect that all the parties would have to say  
11 okay, we're moving faster than we thought, and  
12 we'll deal with it. But if you need to change a  
13 witness because they can't fly in from Chicago  
14 or something like that, that we should get  
15 substantial advance notice over.

16 MR. NEEDLEMAN: I would say that's fair,  
17 and I would also say we're not intending to  
18 surprise everyone, and if we see something like  
19 that coming, we would raise it, and we would  
20 talk about it with everybody.

21 PRESIDING OFFICER IACOPINO: Peter. You  
22 were going to say something?

23 MR. ROTH: Yes. I don't have a problem  
24 with that approach. I think we all understand

1           that if the order is and it moves faster than  
2           anticipated, that's fine, and I know the  
3           Applicants are not trying to surprise anybody,  
4           but the expectation that sort of by the end of  
5           May we have to have all the cross-examination  
6           for every witness all prepared in case they  
7           decide to change the order because it's  
8           convenient to them, without giving us 4 or 5  
9           days notice or 7 as the Forest Society has asked  
10          for, it essentially results in surprise and puts  
11          an unfair burden on everybody.

12           PRESIDING OFFICER IACOPINO: I suspect that  
13          a change merely for convenience without  
14          substantial notice would be frowned upon by the  
15          Chairman.

16           MR. NEEDLEMAN: And that's not what we're  
17          suggesting.

18           PRESIDING OFFICER IACOPINO: I will address  
19          this discussion that we just had in the  
20          Prehearing Conference Report so that the general  
21          public that's not here and the members of the  
22          Committee know what was discussed. Other than  
23          that, any other scheduling problems seen on the  
24          scheduling horizon?

1 MR. THOMPSON: Mike. Brad Thompson.

2 PRESIDING OFFICER IACOPINO: Yes, Brad.

3 MR. THOMPSON: I'm sure there's an answer  
4 to this question, but I'd like to hear it.

5 PRESIDING OFFICER IACOPINO: Not always.

6 MR. THOMPSON: It seems like we're using  
7 three weeks in May. Is that because of conflict  
8 or some other reason?

9 PRESIDING OFFICER IACOPINO: Yes. It's  
10 because of schedule of the Committee members.  
11 Various schedules. Sorry about that, but that  
12 is the way it is.

13 MR. ROTH: In terms of Track 3, are you  
14 expecting to add a bunch of days in August or  
15 are we now looking at September because the  
16 number of days that are on the schedule and the  
17 number of days that are more or less scheduled  
18 for the Applicant's witnesses would leave one  
19 day for all the other witnesses. And,  
20 obviously, that's not going to happen. But so I  
21 know we've been telling people, our witnesses,  
22 to be ready for June and July. And some of them  
23 have already said okay, I'm going to move my  
24 vacation plan from June to August. And so I

1 know August is traditionally a busy  
2 vacation-type month for everybody. And so do  
3 you have some idea of where the Committee is  
4 going to be trying to find additional days?

5 PRESIDING OFFICER IACOPINO: First, let me  
6 address the first part of your question.  
7 Everybody will have ample and sufficient  
8 opportunity to present their witnesses. We will  
9 go through as many days of hearing as it takes  
10 to do that. Nobody will be cut short. Nobody  
11 will be told that all of the rest of the  
12 witnesses have to be combined into one day, two  
13 days or even one week. That's not the way the  
14 Committee has ever operated. I don't see any  
15 reason why it would operate that way.

16 The Administrator is looking for days in  
17 August. You are right. August is a terrible  
18 month vis-a-vis vacations and things like that.  
19 But I know that she is working diligently to  
20 find more days, and we will, the Committee will  
21 have as many days as necessary to complete this  
22 hearing so that everybody has their due process  
23 and their ability to present their position and  
24 their case and their witnesses on here.

1           Now, it's no surprise, I know it's no  
2           surprise to the Applicant's counsel, in the past  
3           there have been, primarily under the prior  
4           statute, there have been occasions when the  
5           Committee has deemed it in the public interest  
6           to further suspend deadlines because the hearing  
7           process or deliberation process can simply not  
8           be completed within that period of time. That  
9           was set whether it was the nine-month limit or  
10          some subsequent limit that was set by the  
11          Committee. It is possible that that could  
12          happen. That is a decision that would be made  
13          by the Subcommittee. The standard for that is  
14          to have to determine whether it's in the public  
15          interest to do that.

16                 So just so that everybody is aware that  
17                 that's one thing that the Committee or various  
18                 subcommittees, I should say, in the past have  
19                 done. But I do know that I can assure everybody  
20                 in the room that everybody will have their  
21                 opportunity to present their cases. You won't  
22                 be limited in that you and everybody else has to  
23                 get all their evidence in on one day.

24                 MR. ROTH: I didn't mean to imply

1 otherwise, but I'm really more interested in  
2 knowing whether I can start telling my people be  
3 prepared for August or September.

4 PRESIDING OFFICER IACOPINO: I think what  
5 we're going to do is we're going to have a  
6 further Prehearing Conference, and I think that  
7 at that point in time we'll be looking to, there  
8 will be a notice that goes out, and we'll be  
9 looking to you and to the Intervenors that have  
10 witnesses for proposed schedules. But I hope to  
11 have more days available for you so that --

12 MR. ROTH: Before we do that.

13 PRESIDING OFFICER IACOPINO: Right, so that  
14 it makes some sense. And we'll schedule that  
15 and then we'll do something very similar to what  
16 we've done so far today with the balance of the  
17 witnesses from Counsel for the Public which I  
18 know they have a substantial bench of witnesses,  
19 for the Forest Society and everybody else.  
20 We'll have a proceeding similar to today, and  
21 we'll map that out as best as can be, and we'll  
22 get through it. Any other? Jason?

23 MR. REIMERS: Just along those lines of  
24 scheduling the Prehearing Conference for Track



1           3, if you could also include a date for pretrial  
2 motions related to Track 3. I don't know if  
3 there will be any, but there were for Track 1  
4 and there were for Track 2.

5           PRESIDING OFFICER IACOPINO: Well, I know.  
6 We get motions almost every day. So, I mean, I  
7 think we got a batch of motions on the 24th for  
8 the proceedings that are starting on Monday.  
9 Mr. Boldt?

10          MR. BOLDT: One clarification. Would it  
11 make sense to have the next Prehearing  
12 Conference be for Counsel for the Public's  
13 witnesses where there will be a great many and  
14 lengthy presentations, I'm sure, on those, and  
15 then get into another Prehearing Conference on  
16 the remainder of folks?

17          PRESIDING OFFICER IACOPINO: I'm not  
18 inclined to go that way right now. If it turns  
19 out that we get to the Applicant rests, and it  
20 turns out that there becomes an issue with  
21 scheduling, we can have a Prehearing Conference  
22 or Structuring Conference at any time that we  
23 want, and, indeed, these things can often take  
24 place at the end of the day during the course of

1 the adjudicatory hearings under the auspices of  
2 the Chair, but I don't want to predict the  
3 fourth Prehearing Conference at this point. I  
4 would love in a third Prehearing Conference to  
5 map out the schedule for the balance of these  
6 proceedings, and I think that would be the most  
7 helpful way for everybody in the room.

8 MR. BOLDT: Fair enough. I would request  
9 if there is a late afternoon called, we get  
10 hopefully a day's notice of that because some of  
11 us may not be attending each day.

12 PRESIDING OFFICER IACOPINO: I will make  
13 sure that the Presiding Officer is aware of  
14 that. But sometimes it just, you know, it  
15 happens because of something that happens during  
16 the course of the hearing, and we can't predict  
17 it. But in any event, any other scheduling  
18 questions?

19 MR. ROTH: Mike, one more.

20 PRESIDING OFFICER IACOPINO: Yes, sir.

21 MR. ROTH: With respect to the public  
22 comment periods, I would suggest that the  
23 Committee consider at least one such session to  
24 occur in the evening hours going from 6 to 9

1 because that would accommodate people who need  
2 to travel or who have to work.

3 PRESIDING OFFICER IACOPINO: I will relay  
4 that to the Presiding Officer. There is one  
5 thing, I don't know if it's still on the table  
6 or not, there was some suggestion that one of  
7 the public comment sessions might be held up  
8 north, perhaps in conjunction with the site  
9 visits. I'm not sure if that's still something  
10 that Ms. Monroe is still considering or not.

11 MR. ROTH: I would certainly support that  
12 as well.

13 PRESIDING OFFICER IACOPINO: Any other  
14 questions regarding scheduling, public comment?  
15 Okay. Moving right along. Any other business?  
16 Anybody have any issues they need to raise  
17 before Monday? In the back, please identify  
18 yourself for the court reporter.

19 MS. MORE: This is Rebecca More. I just,  
20 my question was about the transcripts, and I  
21 don't want to cause the court reporter to have a  
22 heart attack, but I'm wondering, how  
23 soon will -- will they be posted at the end of  
24 each day? Is that the --

1           PRESIDING OFFICER IACOPINO: No. They're  
2 not posted at the end of each day, but, quite  
3 frankly, they have been coming out pretty  
4 quickly for the adjudicatory hearings.

5           MS. MORE: I noticed that.

6           PRESIDING OFFICER IACOPINO: Yes, and they  
7 are posted on the website.

8           MS. MORE: Right. So my question, the  
9 reason I ask the question is because, in the  
10 interests of reducing redundancy, it occurred to  
11 me that being able to read your transcripts will  
12 allow us to prepare better. Perhaps our  
13 questions have been addressed sufficiently and  
14 we may want to alter them. So that's why I ask  
15 the question.

16           PRESIDING OFFICER IACOPINO: Unfortunately,  
17 it's not an easy process to go from the hearing  
18 to the final transcript. It does take some time  
19 to prepare. Our court reporters try to be as  
20 accurate as possible, and that does require --  
21 their job isn't just here in this room. It also  
22 takes place in their offices or at their homes  
23 where they are preparing the actual transcript.  
24 So I think they've actually done a very good job

1 of getting the transcripts out so far in this  
2 proceeding, and we will try to, I don't mean  
3 to -- speaking on their behalf, they will  
4 continue to do their very best, but I really  
5 don't think that you're going to get daily  
6 transcripts, in other words, at the end of the  
7 day have a transcript ready, even from the day  
8 before.

9 I think that the other thing that will  
10 probably happen is the further and further we  
11 get into the hearing, it may take them longer to  
12 get the transcripts out, because they'll be, I  
13 mean, there are three, I believe, that rotate  
14 through, but as they do more work in the hearing  
15 room, that increases the amount of work they  
16 have to do outside of the hearing room. But  
17 we'll do our best.

18 Ms. Menard?

19 MS. MENARD: Yes. The Deerfield Abutters  
20 were wondering if it would be possible to have  
21 all communication going forward now use the full  
22 Distribution List? Only because the last, let's  
23 say, week and a half or so there's been a lot of  
24 information that is coming through, and it is

1 falling on the responsibility of the  
2 spokesperson to just get that out to everybody.

3 PRESIDING OFFICER IACOPINO: That's a list  
4 that includes the Committee members?

5 MS. MENARD: No. It's our understanding  
6 that the Spokesperson List was primarily set up  
7 to aid in the distribution of like data requests  
8 and to just take care of some of the  
9 housekeeping details, but there's some very  
10 pertinent communication that is coming through  
11 the Spokesperson List that it would be of  
12 benefit for all of our Intervenor Groups to have  
13 and see and think about and then respond back  
14 through a spokesperson, but it's just -- a lot  
15 of people are very busy with other life  
16 responsibilities, and we would hate to miss out  
17 on an opportunity to respond. So if it doesn't  
18 create a burden for people to just use the  
19 regular Distribution List for all Intervenors in  
20 all communications going forward as we're  
21 entering into this critical hearing time period.

22 PRESIDING OFFICER IACOPINO: Does the  
23 Applicant have an objection to that? Assuming  
24 the Distribution List does not contain the

1 Committee members?

2 MR. NEEDLEMAN: Sounds like an  
3 administrative matter. I'm not sure it would  
4 bother us.

5 PRESIDING OFFICER IACOPINO: Okay. Does  
6 anybody have an objection to it?

7 MR. ROTH: My concern is it's already  
8 difficult when you file a motion to keep track  
9 of who's responding, and if we all of a sudden  
10 get responses from an additional 50 people to,  
11 kind of concurrence on a motion, trying to sort  
12 out who is actually the spokesperson for that  
13 group or who is just responding because they got  
14 an email that they think they need to respond to  
15 is going to be challenge.

16 PRESIDING OFFICER IACOPINO: We have, Ms.  
17 Menard, had some issues with people using that  
18 list for -- actually, I don't think even think  
19 it's the same list you're talking about.  
20 There's even a larger list that includes all of  
21 the Committee members, and we have had  
22 difficulties with people who aren't even parties  
23 in this case basically responding to things and  
24 giving their viewpoints on that list as well. I

1 mean, I'm not, I will raise it with the  
2 Presiding Officer. I'm not inclined to  
3 recommend it only because of the concern that  
4 Peter raises and the problems that we've had so  
5 far with just trying to keep things organized.

6 MS. MENARD: We appreciate you considering  
7 it.

8 PRESIDING OFFICER IACOPINO: Thank you.

9 MS. MENARD: Thank you.

10 MS. CRANE: I was just going to add. He  
11 may know about when he's gotten too many emails.  
12 He doesn't know about when he hasn't gotten any,  
13 and I would suggest, at least the experience in  
14 my group, both problems exist.

15 PRESIDING OFFICER IACOPINO: Ms.  
16 Schibanoff?

17 MS. SCHIBANOFF: Susan Schibanoff.  
18 Speaking in favor of this idea, it's going to  
19 become more and more difficult for group  
20 spokespersons over the summer to keep in contact  
21 with their groups. They're going to have to go  
22 on vacation and that then cuts other people in  
23 the group out of these necessary emails. I'm  
24 not necessarily talking about motions, but, you



1 know, for putting out midday announcements and  
2 so forth. So I'm in favor of this.

3 PRESIDING OFFICER IACOPINO: Just so you  
4 know, I think that this three p.m. thing that  
5 I've agreed that either Pam or I will take care  
6 of will go out to the Distribution List, not  
7 just to spokespeople. So that the email that  
8 goes out at the end of each day which I've  
9 committed to, that will go to the, actually that  
10 will probably also go to the Committee members  
11 as well. Because it's simply going to say what  
12 it looks like is going to occur the next day.  
13 But the, I mean, the concern I think that is  
14 expressed is that some of these Intervenor  
15 Groups are large, and it's sometimes going to be  
16 difficult to understand if you get a response  
17 from more than one person in the group, you've  
18 got to kind of -- I know how difficult it is,  
19 how difficult it was just to make the list of  
20 all the Intervenors, and then you have to go and  
21 figure out, well, who actually speaks for this  
22 group, especially if you've got two people  
23 saying two different things.

24 MS. SCHIBANOFF: In the groups, I think we

1 all know who our spokespersons are, and if there  
2 are bold caps at the beginning of an email that  
3 only spokespeople should answer, I think people  
4 will respect that. Thank you.

5 PRESIDING OFFICER IACOPINO: Thank you.  
6 Mr. Reimers?

7 MR. REIMERS: Maybe the solution is that  
8 more people from these particular Intervenor  
9 Groups who are having these issues could just  
10 simply be added to the Spokesperson List even  
11 though they're not spokespeople.

12 PRESIDING OFFICER IACOPINO: Will that  
13 result in the Spokesperson List becoming the  
14 Distribution List?

15 MR. REIMERS: No, but they can opt in  
16 rather than everyone get flooded with emails  
17 like Peter suggested.

18 PRESIDING OFFICER IACOPINO: I will raise  
19 the issue with the Administrator and with the  
20 Chairman, and we will report something back to  
21 you either formally or informally. Mr. Boldt?

22 MR. BOLDT: Is there any benefit in having  
23 the concurrence emails or objection emails go  
24 only to the requesting party?

1           PRESIDING OFFICER IACOPINO: Oh, I would  
2           love that, but I don't think we really can. I  
3           don't think it's really fair to the other  
4           parties. I mean, you know, I know that they are  
5           annoying and nine out of ten of them are totally  
6           expected, but I think in order to maintain  
7           proper pleading procedures, we do need them to  
8           go to everybody. Ms. Pacik?

9           MS. PACIK: I was just going to say I think  
10          maybe some parties don't understand that you can  
11          respond directly to the person and not copy the  
12          entire group, and that's maybe a personal  
13          preference, but that is an option for people.

14          PRESIDING OFFICER IACOPINO: Certainly have  
15          that option. But I think that for the people  
16          who are filing the motions, it becomes, well,  
17          whatever. To me, it doesn't make a difference  
18          because I don't have to concur or not concur.  
19          But generally, I mean, that's the way pleadings  
20          are normally filed so I kind of wouldn't want to  
21          mess around with that. Any other questions  
22          regarding the way we're filing things?  
23          Distribution Lists? Scheduling? Any other  
24          business anybody wishes to raise? Mr. Reimers?

1           MR. REIMERS: Mike, I do have one more  
2           issue, and it's regarding the ShareFile site and  
3           trial preparation. The Applicants have a unique  
4           access to the ShareFile records. I think that  
5           should be discussed. I'm aware of two instances  
6           in which the Applicants have accessed user  
7           records to determine whether another party has  
8           viewed a particular document.

9           One time that I know of is on March 31st of  
10          this year when Attorney Needleman sent Attorney  
11          Manzelli an email in which he stated that  
12          regarding a particular document, the ShareFile  
13          record indicates that you downloaded this on  
14          March 22nd, and he included a screen shot from  
15          the ShareFile site.

16          And then two days ago, Attorney Dumville  
17          noted in an email to Dr. Rebecca More that  
18          ShareFile records indicate that she had been the  
19          only person to access a particular document.

20          Citrix which created the ShareFile software  
21          offers a lot of options for administrators of a  
22          site, and it also offers a lot of options for  
23          those administrators to obtain email  
24          notifications and other information about who is

1 using what on the site. And I've got, I looked  
2 up Citrix on the internet and found out some of  
3 the options that are available.

4 I don't know what the Applicants monitor or  
5 if they do at all, and I'm happy to give them  
6 the benefit of the doubt. However, what  
7 intervenor or party would not be uncomfortable,  
8 especially now that we are beyond the stage of  
9 simply uploading and sharing documents and we're  
10 into trial preparation. Who wouldn't be  
11 uncomfortable with an opposing party having the  
12 ability to know what documents we're looking at  
13 or focusing on. And that could be a window into  
14 trial preparation. And I think that information  
15 that could be obtained is arguably work product.

16 So what I'm asking for is if the ShareFile  
17 function can be disabled, we ask that it be  
18 disabled. And if it can't be, I ask that all  
19 information previously accessed by the  
20 Applicants about the accessing of files by  
21 others be provided to everyone and that this  
22 practice not occur anymore.

23 PRESIDING OFFICER IACOPINO: Before I ask  
24 the Applicant to respond, let me ask you a

1 couple questions. First of all, for everybody's  
2 edification in the room, the ShareFile site is  
3 not administered by the Site Evaluation  
4 Committee. It was a voluntary method that the  
5 Applicant created in order to conveniently  
6 engage in the discovery process.

7 It has, however, I know that it has become  
8 very helpful to people, and just from my own  
9 example, it's very helpful to me when people are  
10 putting their exhibits, which presumably are not  
11 secret, on the ShareFile because it's easier for  
12 me to then download them and provide them to our  
13 Committee. And it makes a very, rather than  
14 taking a thumb drive, copying it on to a disk, a  
15 hard disk, and then copying on to thumb drives  
16 for the Committee. So it's a very convenient  
17 and useful tool.

18 But if all you're doing is downloading the  
19 material that has been uploaded to the  
20 Committee, so, for instance, and I have a  
21 limited experience with it, when folks have sent  
22 around emails saying here's my Exhibit List,  
23 I've loaded the exhibits to the ShareFile, I go  
24 on to the ShareFile, I click all the exhibits, I

1 download them onto my own system. And I'm sure  
2 there's probably some computer record that my IP  
3 address or my user name was on there and  
4 probably what I did.

5 Are you using it for more than just  
6 downloading the documents?

7 MR. REIMERS: I'm using it to download, but  
8 also to access particular documents that I don't  
9 necessarily download, and I suspect that others  
10 are in the same boat.

11 PRESIDING OFFICER IACOPINO: Let me go over  
12 to Ms. Fillmore first.

13 MS. FILLMORE: Thank you, Mike. We do  
14 considerably more at times, and it is possible  
15 to do more than simply download all of the  
16 documents onto a flash drive or onto your own  
17 computer. It has a search function. We don't  
18 know whether or not the administrative  
19 recordkeeping function allows someone in an  
20 administrator position to find out what we may  
21 have searched or which documents has this  
22 particular user accessed in the last three days.  
23 As Attorney Reimers said, it's a window into  
24 trial preparation.

1           PRESIDING OFFICER IACOPINO: Ms. Pacik?

2           MS. PACIK: I agree. There's tens of  
3 thousands, if not more, of documents on there,  
4 and a lot of people use it like their own  
5 database to look at documents periodically  
6 rather than downloading them all, and there are  
7 search functions by keyword.

8           PRESIDING OFFICER IACOPINO: Ms. More?

9           MS. MORE: Yes. I want to clarify, and I  
10 appreciate Mr. Reimers bringing up the question  
11 because that was an unusual circumstance. I'm  
12 going to speak here as an academic and say that  
13 I was actually just going to upload a document,  
14 some relevant documents to the Non-Abutters  
15 site, and to my horror I discovered documents  
16 relevant to the Section 106 consulting party.  
17 Those of us who are also Section 106 consulting  
18 parties have been lectured extensively by the  
19 Department of Energy on the need for  
20 confidentiality.

21           So when I opened, as any good teacher  
22 would, to see what was in this, I was  
23 flabbergasted to see documents which we had been  
24 told, and I want to point out that many of the



1 Section 106 consulting parties are also retired  
2 academics and we do know how to be confidential,  
3 and we had observed the process. We were  
4 shocked.

5 And so I think that to the Applicant's  
6 credit, they did take these documents down  
7 immediately, but I did pick up that statement  
8 that I was the only person who had happened to  
9 notice it. Well, I mean, first of all, it's not  
10 an excuse. I shouldn't have seen it at all.  
11 But I did pick that up and the Trust's lawyer  
12 also picked it up, and I was concerned. And I  
13 think that there are some privacy issues here  
14 that we expect to be taken care of.

15 So I think Mr. Reimers raises a deep  
16 concern that all of us should have. Thank you.

17 PRESIDING OFFICER IACOPINO: But, of  
18 course, in that case, had there been other  
19 people, the Applicant could have identified who  
20 they were and advised them that what they had  
21 downloaded was confidential.

22 MS. MORE: But this was none of anybody  
23 else's business. This was technically the  
24 Section 106 materials, including unredacted

1 emails from some of us to the landscape study  
2 group. Very innocent.

3 PRESIDING OFFICER IACOPINO: Which as I  
4 understand were mistakenly filed in the  
5 ShareFile, and then were taken down, and the  
6 Applicant was able to determine who actually saw  
7 the confidential material. Luckily, it had only  
8 been you. But had there been others, they could  
9 have identified them and say hey, we made a  
10 mistake. These are confidential materials.  
11 You're not supposed to have them. And try to  
12 take measures that way. Or at the very least  
13 report back to the folks at the 106 process that  
14 there's been a breach of, we mistakenly put  
15 these out there and folks got their hands on  
16 them. So that the ShareFile provided the  
17 Applicant the ability to do that apparently. So  
18 there are up sides and down sides to that.  
19 Anybody else have a concern before I turn to the  
20 Applicant? Ms. Pastoriza.

21 MS. PASTORIZA: I brought this subject up,  
22 I think, with the Applicant or their  
23 administrator way back that they could be  
24 following our browsing habits, and they pledged

1           that they would never do such a thing. In  
2           addition, I also downloaded that Section 106  
3           stuff. They apparently didn't notice that. But  
4           they have no right to be checking on our  
5           browsing habits.

6           PRESIDING OFFICER IACOPINO: Well, however,  
7           though, the ShareFile is something that they  
8           have provided for you. You're going on to their  
9           site.

10          MS. PASTORIZA: There's no way to get the  
11          data.

12          PRESIDING OFFICER IACOPINO: That is the  
13          case though. It was provided for the purpose of  
14          distributing documents. Okay? Ms. Holahan?

15          MS. HOLAHAN: NEPGA shares the same  
16          concerns as the Forest Society and some of the  
17          Municipal Intervenors. In addition, if these  
18          documents were going, browsing history or  
19          accessing documents was going to be something  
20          that the Applicants were going to be following  
21          or we knew that it had those capabilities, I  
22          think that should have been made clear to people  
23          at the time when the site was established. I  
24          think to say now that, well, they did it for

1 convenience and you're all using it, it's one  
2 thing to do it and accept that knowingly. It's  
3 another thing to not have appreciated or  
4 understood or have it been disclosed to you at  
5 the front end, and now all of a sudden in the  
6 back end, there's nothing you can do about it.

7 But I agree wholeheartedly with Jason's  
8 comments that it does provide an opportunity,  
9 especially as we are approaching the  
10 adjudicative hearings, who's accessing what  
11 documents, how many times are they accessing  
12 them, what keywords are they searching, and it  
13 does provide a window into litigation strategy  
14 which is protected.

15 MR. ROTH: Mike, if I may just have a brief  
16 word. I would not expect that anybody on the  
17 Applicant's team would do anything unethical  
18 such as analyze all of that search history and  
19 use it to their advantage. I just don't think  
20 that they would do that, but I think for  
21 appearances sake, it would be appropriate for  
22 them to acknowledge that that function is  
23 available and take steps, whatever are  
24 necessary, to disable it so that everybody can

1 have comfort in using that site without  
2 wondering about that.

3 PRESIDING OFFICER IACOPINO: Over here and  
4 then back to Ms. Holahan, and then I'm going to  
5 hear from Mr. Needleman.

6 MS. TOWNSEND: Heather Townsend. It seems  
7 like there was a line that was crossed when the  
8 ShareFile site went from being sharing documents  
9 for the purpose of technical sessions to sharing  
10 exhibits, and I feel that that's the point at  
11 which it becomes a much more serious issue.  
12 Thank you.

13 PRESIDING OFFICER IACOPINO: Ms. Holahan?

14 MS. HOLAHAN: And following up on Public  
15 Counsel's comment that the Applicants would not  
16 breach ethical duties, not everybody on the  
17 Applicant team is an attorney, nor are they  
18 subject to any of those ethical rules that those  
19 attorneys of us in the room are subject to.

20 PRESIDING OFFICER IACOPINO: Mr. Needleman?

21 MR. NEEDLEMAN: The Applicants aren't  
22 looking at anyone's documents. The Applicants  
23 aren't monitoring anyone's usage of the site.  
24 The Applicants aren't doing any of the things

1 that people are concerned about here. So let me  
2 start by assuring everyone that those things are  
3 not happening.

4 In the two instances that people have  
5 referred to, I think one, Ms. More, and the  
6 other Jason referring to a situation with Amy,  
7 we were responding to specific issues that  
8 people had raised. With Amy's case, she had  
9 asked when we were going to be providing certain  
10 information. We told her that we had already  
11 provided it and uploaded it to the ShareFile  
12 site, and we accessed the record and sent her  
13 the screen shot to demonstrate that we had  
14 provided it when we said we would provide it.

15 With respect to Ms. More's issues, she is  
16 correct. The materials were placed up there and  
17 shouldn't have been, and when that issue was  
18 identified, they were taken down. And as you  
19 described, Mr. Iacopino, we then figured out  
20 whether anyone had seen them who shouldn't have  
21 seen them and determined that they hadn't.

22 As far as the remainder of these issues go,  
23 if there had been concerns that people had, I  
24 wish they had just called us and raised them.

1 We would have addressed them directly with  
2 people. We're happy to have a conversation with  
3 anybody to satisfy their concerns about how the  
4 site is being used. If people want access to it  
5 in ways they think they should have, we're happy  
6 to have that conversation. If they think there  
7 are things that should be disabled, we're happy  
8 to have that conversation.

9 PRESIDING OFFICER IACOPINO: Do you have  
10 any objection to disabling the ability to  
11 search?

12 MR. WHITLEY: Mike?

13 PRESIDING OFFICER IACOPINO: Do you have  
14 any objection to, if you can, I don't know the  
15 code for the ShareFile site, but assuming there  
16 is a method by which you can disable your  
17 ability to track what other people are searching  
18 and looking at, do you have any objection to  
19 doing that?

20 MR. NEEDLEMAN: No.

21 PRESIDING OFFICER IACOPINO: All right. So  
22 I trust you'll look into that, and we'll take  
23 you at your word. If it becomes an issue again,  
24 we'll address it. Steve?

1 MR. WHITLEY: Just in response to Barry's  
2 representation that they'll look into disabling  
3 that, are we going to know when that has  
4 occurred or can we know when that has occurred?

5 PRESIDING OFFICER IACOPINO: I'm sure he'll  
6 report to me, and I'll let everybody know.

7 MR. WHITLEY: Okay. Thank you.

8 PRESIDING OFFICER IACOPINO: Any other  
9 questions about the ShareFile site? Okay. Any  
10 other issues that anybody wishes to raise?

11 There will be a notation in the report  
12 about the discussion regarding the ShareFile  
13 site and the representation made by Mr.  
14 Needleman. Ms. Pastoriza?

15 MS. PASTORIZA: Is there a way to get  
16 independent oversight that they've actually  
17 disabled that search function? I mean, you're  
18 asking us to trust the Applicant.

19 PRESIDING OFFICER IACOPINO: Well, there's  
20 a lawyer who has made a representation, and,  
21 quite frankly, I'm comfortable with that  
22 representation. He's going to report to me if  
23 it can be done, and he's agreed that they would  
24 do it if it can be done. I will report that to



1 Committee. That's about as much oversight as  
2 you're going to get, unfortunately. Mr.  
3 Reimers?

4 MR. REIMERS: Just for the record, I am  
5 happy to accept Attorney Needleman's  
6 representation, accept his word on that, just as  
7 the person who raised the issue.

8 PRESIDING OFFICER IACOPINO: I understand.  
9 Ms. More?

10 MS. MORE: Just a small comment which is  
11 that should the SEC ever have to face such a  
12 process again, perhaps having its own secure  
13 website might be the answer.

14 PRESIDING OFFICER IACOPINO: That has been  
15 recommended to the Administrator of the  
16 Committee. Ms. Menard?

17 MS. MENARD: Yes. Just critique from your  
18 perspective as a Committee sitting up there.  
19 During the hearing so far, are you, like when  
20 we're putting documents on the ELMO, is the  
21 information coming to you clearly? Could you  
22 give any tips or any preferences of what has  
23 been effective to help us troubleshoot doing a  
24 better job of getting you information?

1           PRESIDING OFFICER IACOPINO: I think the  
2           general view of the Committee given the first  
3           few days of the hearing is that you have all  
4           done a very good job. We had a couple snafus  
5           with a loose wire or something here and there,  
6           but all of the parties have presented their  
7           exhibits through the technology that we have  
8           here in a way that we get to see on these  
9           screens very well. You've all been pretty good  
10          about identifying what it is that you're looking  
11          at so that if either myself or a Committee  
12          member wants to look at that on their own  
13          computer and it's an exhibit that's been marked  
14          and has been provided, they've been able to do  
15          that as well.

16                 So I think on both, in both areas, both in  
17          your use of the electronic technology and in  
18          your courtroom mannerisms, all of the parties  
19          have done very well. And, actually, I've heard  
20          Committee members mention that they were very  
21          happy with how smoothly the first few days of  
22          the proceedings went. So keep it up. Any other  
23          questions or concerns? Mr. Thompson.

24                 MR. THOMPSON: Going back to the public

1 statements by people.

2 PRESIDING OFFICER IACOPINO: Yes, sir.

3 MR. THOMPSON: They would put it in  
4 writing and send it down and then get a time to  
5 come down. Are they here just to read their  
6 statement? Are there questions or answers or --

7 PRESIDING OFFICER IACOPINO: No. They are  
8 public comments only. These are folks who are  
9 not parties to the proceeding who want to make a  
10 public comment. They will not have the  
11 opportunity to cross-examine witnesses or  
12 anything like that. They'll simply be here to  
13 give their opinions to the Committee, and as I  
14 always do in all of these proceedings, I highly  
15 recommend written comment because that is --  
16 it's easier for the Committee to review that. I  
17 think you can say more than you get to say in a  
18 three or four-minute piece. And sometimes  
19 people back up their comments with attachments  
20 and the statute requires that the Committee  
21 consider all that.

22 MR. THOMPSON: Do I get to use their  
23 statement later on in my --

24 PRESIDING OFFICER IACOPINO: In your

1 argument?

2 MR. THOMPSON: In my argument?

3 PRESIDING OFFICER IACOPINO: Sure. Sure.  
4 We've heard many arguments that the weight of  
5 the public comment has been whatever it has been  
6 in other proceedings. And as I said,  
7 statutorily, the Committee is required to  
8 consider all of the comment that it receives,  
9 both written and oral.

10 Any further questions? I think we're about  
11 done. Anybody have any objection to adjourning?  
12 Hearing none, we are adjourned, and we will  
13 reconvene with the adjudicatory hearings on  
14 Monday.

15 (Hearing ended at 10:55 a.m.)

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C E R T I F I C A T E

1  
2 I, Cynthia Foster, Registered Professional  
3 Reporter and Licensed Court Reporter, duly authorized  
4 to practice Shorthand Court Reporting in the State of  
5 New Hampshire, hereby certify that the foregoing  
6 pages are a true and accurate transcription of my  
7 stenographic notes of the hearing for use in the  
8 matter indicated on the title sheet, as to which a  
9 transcript was duly ordered;

10 I further certify that I am neither  
11 attorney nor counsel for, nor related to or employed  
12 by any of the parties to the action in which this  
13 transcript was produced, and further that I am not a  
14 relative or employee of any attorney or counsel  
15 employed in this case, nor am I financially  
16 interested in this action.

17 Dated at West Lebanon, New Hampshire, this 30th  
18 day of April, 2017.

19  
20 \_\_\_\_\_  
Cynthia Foster, LCR