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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

June 2, 2017 - 9:02 a.m. DAY 12
49 Donovan Street **Morning Session ONLY**
Concord, New Hampshire

{Electronically filed with SEC on 06-12-17}

IN RE: SEC DOCKET NO. 2015-06
Joint Application of Northern
Pass Transmission, LLC, and
Public Service Company of
New Hampshire d/b/a Eversource
Energy for a Certificate
of Site and Facility.
(Hearing on the merits)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Chrmn. Martin P. Honigberg Public Utilities Comm.
(Presiding as Presiding Officer)

Cmsr. Kathryn M. Bailey Public Utilities Comm.
Dir. Craig Wright, Designee Dept. of Environ. Serv.
Christopher Way, Designee Dept. of Resources &
Economic Development
Patricia Weathersby Public Member
Rachel Whitaker Alternate Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel to the SEC
Iryna Dore, Esq.
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

I N D E X

PAGE NO.

WITNESS PANEL: KENNETH BOWES
 (resumed) LYNN FARRINGTON
 SAMUEL JOHNSON
 JOHN KAYSER

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E X H I B I T S

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1 **P R O C E E D I N G**

2 CHAIRMAN HONIGBERG: All right. So,
3 the order of business this morning, see if I
4 get this right, the Deerfield abutters are
5 going to question the remaining members of the
6 panel. Ms. Schibanoff has requested, and the
7 Applicant does not object, to spending a few
8 minutes asking the panel about a couple of
9 small issues. The Committee members are going
10 to question the members of the panel who are
11 here. And then the Applicant will have an
12 opportunity to redirect.

13 Did I miss anything to finish this
14 panel?

15 *[No verbal response.]*

16 CHAIRMAN HONIGBERG: All right. I
17 see shaking heads, that's a good sign.

18 All right, Deerfield abutters, I
19 don't know who's going to start, but you may
20 proceed.

21 (Continuation of the witness
22 panel including **Kenneth Bowes,**
23 **Lynn Farrington, Samuel Johnson,**
24 and **John Kayser.**)

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 MR. COTE: My name is Bob Cote. I'm
2 with the Deerfield Abutters Group. And, Dawn,
3 could I ask you to put the Apple TV on.

4 [Short pause.]

5 MR. COTE: Okay. I would like to --
6 most of my questions are --

7 WITNESS KAYSER: Our screens aren't
8 up yet.

9 MR. COTE: Okay.

10 [Short pause.]

11 MR. COTE: Do you see the image up
12 there?

13 WITNESS FARRINGTON: Yes.

14 MR. COTE: Okay. Most of my
15 questions are relating to an area in Deerfield
16 that I'm pretty familiar with. But I just
17 wanted to show a couple of slides first to give
18 you an overview.

19 **CROSS-EXAMINATION (resumed)**

20 BY MR. COTE:

21 Q. So, this is Applicant Exhibit 2, Attachment 2,
22 Sheet 178. And this is in Deerfield. And
23 right about in the center of the image right
24 now is our home. And we have just a small

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 piece of property where the Project actually
2 crosses our land that is in the center image
3 right now. And you can see a large yellow
4 hashed area, which is a wetland. And I'm going
5 to switch to Deerfield Abutter 34, Page 2. And
6 this is the wetland that I mentioned in the
7 previous slide. And that gate that you see is
8 right about on our property boundary, looking
9 down into the wetland. And this view is
10 looking east. And I am -- this picture
11 actually was taken from Mr. Berglund's
12 hayfield. The drop from that gate, down to the
13 wetland, is about 40 feet over a distance of
14 maybe 130 feet or so. So, that's the overview.

15 And I'm going to switch to Applicant
16 Exhibit 03, and it's a wetland map, S1. And
17 I'm going to look at the -- not the satellite
18 view, but the plan view of that. So, if you
19 could see on this drawing that there's an area
20 of vegetation removal? Looks like it's maybe
21 about 30 feet of removal. And I just wanted to
22 confirm, will that actually -- will there
23 actually be trees beyond the right-of-way that
24 will be cut in this area or does that

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 vegetation removal just indicate overhanging
2 trees?

3 A. (Bowes) So, it looks like there are -- there's
4 clearly no tree removals beyond the
5 right-of-way. And it looks like most of it is
6 side-trimming. There may be one or two trees,
7 based on where the crown is on our visual here,
8 that might come down. But they're trees that
9 are already on the right-of-way. But very
10 minor tree-clearing, I would say.

11 Q. Okay. How is the actual boundary of the
12 right-of-way determined?

13 A. (Bowes) So, we'll have a survey done, and then
14 we'll stake it. And we'll actually mark the
15 trees that would be removed.

16 Q. And are there reference points existing out
17 there to -- how, I mean, how -- I guess what
18 I'm asking is, how will be a surveyor determine
19 where they measure from to determine where the
20 actual boundaries are?

21 A. (Bowes) So, they will use the easement
22 documents. And, then, if there are markers,
23 they will obviously go off markers. If there
24 are no markers, then they will find a portion

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 of the right-of-way where there are markers and
2 then go from there. Use that as the -- as a
3 triangulation point.

4 Q. Okay. And, if there's a dispute, how would
5 that be resolved?

6 A. (Bowes) So, as part of the pre-construction
7 process, we will be out knocking on doors.
8 And, if you have a particular concern, we can
9 obviously come out and mark the right-of-way
10 right now and work through that process. But,
11 about six weeks before we start construction,
12 we'll go out and do the marking, and have
13 conversations with the abutters. And,
14 hopefully, disputes can be resolved at that
15 point.

16 And, if not, you know, obviously, you have
17 the opportunity to ask right now. And you've
18 heard many of the people asked us questions,
19 we've already been out to their homes and done
20 markings.

21 Q. Okay. Thank you. Going back to this
22 topography, it's a little hard to see, but that
23 lower elevation line near the wetland is about
24 400 feet, and that would be at the upper right

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 of the construction pad. And the lower left of
2 the construction pad, the elevation is about
3 440 feet. Do you see that?

4 A. (Bowes) Yes.

5 Q. So, if that construction pad is at the
6 elevation of the wetland, then that would mean
7 at the opposite corner there would be about a
8 40-foot cut. Could you clarify what might
9 actually be happening in this area?

10 A. (Kayser) We don't have the specifics of this
11 area. But the contractor could also build up
12 in that area where the -- where you see the
13 matting of the wetlands, they can stack mats to
14 provide a level site for that. So, they could
15 also do it that way, put -- stack mats, level
16 that off with the land above that for a level
17 construction pad.

18 Q. So, do you know what elevation the base of that
19 tower will be at right now or when it's
20 constructed?

21 A. (Kayser) We do have that information. I do not
22 have that specifically.

23 A. (Bowes) We do, yes. It's 413 feet.

24 A. (Kayser) Okay.

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[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. Okay. So, it's reasonable to assume that the
2 pad would be at 413 feet?

3 A. (Bowes) Exactly, yes. And I would think,
4 again, in this case, we permitted a very large
5 area. We obviously have to get onto the pad
6 with the access road. And I'm thinking we
7 probably wouldn't necessarily use all of the
8 area where the wetland is, nor would we cut
9 40 feet out of -- 30 feet out of the side.
10 They would probably arrange their work to
11 minimize both of those things. Both corners of
12 that pad probably will not be used, other than,
13 you know, the top right for access. They're
14 going to look at this situation and say "why
15 would we cut all this dirt out, take all the
16 time and cost to do that." They will try to
17 reposition the vehicles to do that work for the
18 new four sets or the four foundations, without
19 having to cut, without having to fill. We just
20 are permitting a much larger space to make sure
21 they do have some options if they run into
22 difficulties out there.

23 Q. It's reasonable to assume there will be some
24 leveling in that area for the pad, or you're

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 saying it's going to be a lot smaller than --
2 likely be a lot smaller than is indicated on
3 this?

4 A. (Bowes) I think it will be definitely smaller
5 than indicated on this. And I think there will
6 be less cut on the bottom left and less fill in
7 the wetland. I think they will be able to work
8 this from, you know, basically where the
9 G146-23 is, inward on that slope. You know,
10 they may have 10 feet of fill and 10 feet of
11 cut, rather than, you know, 20 and 20.

12 Q. Okay. Thank you. Do you know what kind of
13 foundations will be used there? Will it
14 involve concrete?

15 A. (Bowes) Yes. It definitely will involve
16 concrete, for the --

17 A. (Kayser) Right.

18 A. (Bowes) -- for the Northern Pass line. And the
19 G146-23 probably will just be a drilled hole,
20 just drilling, and then set the pole directly
21 in the ground.

22 Q. Okay. So, from that, I don't know if you can
23 see the gate there, but I did want to ask a
24 question that's been brought up a little bit

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 before. From that gate, down to that elevation
2 of 413, is still quite a drop. It's probably
3 about 20 feet vertically. Would you actually
4 get -- it's probably more than a 20 percent
5 grade there. It's difficult to walk up right
6 now even. Can you really get a concrete truck
7 down in there?

8 A. (Bowes) Yes. It would have to be built up to
9 do that. So, there's going to be some
10 temporary fill added there.

11 Obviously, if we come in from that
12 direction, which seems logical in this case.

13 Q. All right. Thank you. So, I'd like to switch
14 back to Deerfield Abutter Exhibit 34. So, do
15 you see this photo?

16 A. (Kayser) Yes.

17 A. (Bowes) Yes.

18 Q. Your wetland maps indicate timber or timber
19 mats out to that first -- that pole that's in
20 the middle of the wetland area. And I think
21 you've indicated that you may not use this
22 route. You may come from the other direction.
23 Is that correct?

24 A. (Bowes) That's a potential opportunity, yes.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Or, you know, if we don't get a heavy freeze,
2 you know, we would attempt to use an ice road,
3 but that may not be practical here.

4 Q. Well, that's what I was going to ask you about.
5 Because I walked across that on January 1st,
6 actually, this year, and it was still a little
7 iffy just for foot traffic. It was quite
8 slushy. And I wasn't sure the ice was even
9 completely frozen. And this photograph was
10 taken April 11th, which is just a little late
11 in the winter, and you can see there's open
12 water in part of that area.

13 So, if you encounter these kind of
14 conditions, what would be the -- and, from one
15 direction or another, you'll need to put mats
16 down in that general area, correct?

17 A. (Bowes) That is correct.

18 Q. So, if the water is -- if you came from the
19 opposite direction, and the water is 6 feet
20 deep, you would put multiple layers of matting
21 in there?

22 A. (Bowes) That is correct.

23 Q. That water, since it's a deeper part of that
24 wetland, do you know what you would practically

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 do to determine if there were turtles
2 over-wintering in that area?

3 A. (Bowes) I do not. The environmental panel
4 probably would have a better answer for that.

5 Q. Okay. Sticking with that photo, and you may
6 want to look back at a project map. It's my
7 understanding that that existing pole that's
8 right there, that existing 115 kV line, is
9 going to be relocated. And I would guess it's
10 going to go about 30 feet to the left, which is
11 north, and then about 70 feet towards the east,
12 which is away from where this photo was taken.
13 Is that approximately correct?

14 A. (Bowes) Yes. It's about approximately right,
15 yes.

16 Q. So, do you see the beaver lodge?

17 A. (Bowes) Yes.

18 Q. What would happen to that?

19 A. (Bowes) So, we would work with our
20 environmental personnel and the DES. If it had
21 to be removed or relocating, we would do that.
22 Otherwise, we'd attempt to work around it. So,
23 there may be an opportunity to, you know, slide
24 that structure a few feet around this beaver

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[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 house.

2 Q. So, your construction pad would typically be
3 about 90 feet by 90 feet. So, I think that
4 would involve more than a few feet of
5 relocation?

6 A. (Bowes) I would agree with that. Right now,
7 the permitted pad is much larger, and certainly
8 covers that whole beaver house. But I think we
9 can probably work from one side or the other,
10 again, depending on the conditions out there,
11 and work around this.

12 Q. When would that decision be made about
13 reconfiguring the work in that area, if it were
14 determined to be necessary?

15 A. (Bowes) So, probably right during that
16 construction phase. Because, again, the first
17 attempt would be to try to use an ice road.
18 That's probably a low probability. So, we
19 would have to build an access road out, unless
20 the conditions were ideal. In that case, we
21 would have to determine which side we were
22 going to come from. And, then, ultimately, how
23 we would reposition around this beaver home, or
24 remove the beaver.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. So, if that construction were done in the
2 winter, would that be an appropriate time to
3 relocate beavers?

4 A. (Bowes) It's probably a better question for the
5 environmental panel. I understand your issue.
6 I think it's probably not the right time to
7 relocate beavers.

8 Q. Thank you. Do you know what the height of that
9 existing tower is there? It's, I think,
10 G146-22.

11 A. (Bowes) Yes. Hold on just a second.
12 Sixty-five (65) feet.

13 Q. And, when it's relocated, it will be?

14 A. (Bowes) Ninety-seven (97) feet.

15 Q. So, almost -- did you say 65 to 97?

16 A. (Bowes) Yes.

17 Q. So, it will be 32 feet taller?

18 A. (Bowes) Yes.

19 Q. I assume that's typical of most of the
20 relocated line. It's going to be significantly
21 taller than the existing 115 kV lines?

22 A. (Bowes) So, I would say this location is
23 somewhat unique, just because of the span
24 length. But, in general, the structures are

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[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 taller for the relocated than the existing.

2 Q. Okay. Will that relocated structure have a
3 concrete foundation?

4 A. (Bowes) Highly unlikely. So, I would say it
5 would be a direct embedment. So, we wouldn't
6 have to build a foundation for the one in the
7 water.

8 Q. So, how deep would you need to drill for direct
9 embedment?

10 A. (Kayser) Probably, I would say, 12 to 15 feet.
11 Until we get the actual soil borings, it will
12 give the exact location. But, typically, it's
13 10 percent of the pole height, plus two to
14 four feet.

15 Q. Isn't the soil in a wetland likely to not
16 really be structurally very stable?

17 A. (Kayser) Yes. Exactly. They will have to
18 determine, you know, how deep they would need
19 to go with that one. And there's a possibility
20 it could go deeper.

21 Q. So, would they -- what if they hit ledge?

22 A. (Kayser) Then, that's ideal. Then, we have a
23 good solid base for the pole.

24 Q. So, you'd drill into the ledge?

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Kayser) Yes, we may, depending on where they
2 hit the ledge.

3 Q. Okay. I'd like to switch back to Applicant's
4 Exhibit 02, Project Maps, Sheet 178. And I'm
5 looking at G146-24, and the adjacent Northern
6 Pass towers. Do you see what I'm looking at?

7 A. (Kayser) Yes.

8 Q. And, if you go to the key, for G146-24, it
9 shows a cross section S1-20, which indicates
10 that the Northern Pass line in that vicinity is
11 a lattice structure. And, if you look at one
12 of the Northern Pass lines, that's 297 and 298,
13 and they both indicate "S1-20T" as the cross
14 section, which shows the Northern Pass tower as
15 a monopole. So, which configuration is the
16 correct?

17 A. (Johnson) So, you are correct. That is
18 incorrectly labeled on the diagram. It is
19 correct for the DC line, but incorrect for the
20 AC line, the relocated 115. So, it should be
21 "S1-20T".

22 Q. So, how do we, you know, avoid a alternate
23 opinion? At some point in the future, are
24 these plans going to be corrected?

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Johnson) Yes, they will. So, the set that's
2 about to come out in a week or so, those -- it
3 will be updated in that set.

4 Q. Are you aware that that same discrepancy exists
5 for -- on this map, for G146-25 through
6 G146-33, where they are all indicate "lattice
7 structures", and then the corresponding towers
8 on the Northern Pass indicate "monopoles"?

9 A. (Johnson) Yes. It looks to me like, when we
10 updated the 345 line, that we forgot to update
11 the relocated 115 line. So, we will make the
12 adjustment, and then check all of these to make
13 sure that they're correct.

14 Q. Okay. I would like to take a quick look at --
15 this is Applicant's Exhibit 06, Supplemental
16 Testimony of Mr. Quinlan. And it's Page 49 of
17 59. But I just wanted to point out that the
18 last two sentences reference "best management
19 practices prior to and during construction".
20 Would you agree that that is appropriate
21 practice?

22 A. (Bowes) Yes.

23 Q. So, going back to Deerfield Abutter 34 exhibit.
24 So, what we've got here on the screen is the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 gate leading down to our property. This photo
2 was taken March 1st of this year, during a
3 conductor replacement maintenance project or
4 upgrade. And you can see the ruts from the
5 vehicle traffic. And, if you look in the
6 opposite direction, down towards the wetland,
7 you can see that the vehicles went actually
8 maybe 30 feet beyond where the transmission
9 line is actually located and into the wetland.
10 And I think this work actually was probably the
11 end of February, as you can see the wetland is
12 not even frozen at this point. So, would you
13 say that appropriate best management practices
14 were in place?

15 A. (Bowes) I will assume that this was done by
16 Eversource contractors, so for the sake of the
17 discussion today. I'm not going to dispute
18 that. So, in this case, no, I would say it's
19 not a best management practice. There should
20 have been some matting provided, as well as
21 some marking of the wetland area. And that
22 does not appear to be followed in this picture.

23 Q. Okay. I'm going to switch back to Applicant
24 Exhibit 02, Attachment 2. And what I wanted to

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 note is the conservation easements along this
2 segment of the right-of-way, you see -- I'm not
3 sure what these designations are, but you see
4 9707, the Levesque [sic] lot; and 9711, the
5 conservation easement; 9710, conservation
6 easement. And, then, continuing onto the next
7 sheet, there's 9712, a large Menard easement;
8 then 9714 easement, conservation easement;
9 another adjacent conservation easement; and
10 then, in the center here, is a Menard property,
11 with a pond. And going back to just the view
12 of that wetland. So, most of the land in this
13 vicinity is conservation land.

14 And this isn't really an exhibit, but the
15 definition of "conserve", and "protecting
16 something of environmental or cultural
17 importance from harm or destruction". So,
18 would you say that it's reasonable to assume
19 that, in this segment of the Project, that
20 there are a lot of property owners who have an
21 interest, a significant interest, since their
22 land is in conservation easement, to protect
23 their properties from development?

24 A. (Bowes) I can agree with that, yes. It's very

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 common for transmission rights-of-way, you
2 know, after the easement has been granted, to
3 place those lands into a conservation easement.

4 Q. So, would it be a logical assumption that
5 mitigating impacts from the Project in this
6 area would be maybe a higher objective than
7 other areas of the Project?

8 A. (Bowes) For this particular picture, definitely
9 yes. I mean, we're inside, you know, a wetland
10 area. So, I would definitely agree with that.

11 Q. Okay. So, starting at this structure here, and
12 continuing from there to the Deerfield
13 Substation, it's my understanding that most of
14 the Northern Pass structures will be lattice
15 structures, is that accurate?

16 A. (Bowes) Yes. That's correct.

17 Q. So, do you think the visual impact of a lattice
18 structure is greater or less than a monopole?

19 A. (Bowes) So, I know some people believe that a
20 monopole is more aesthetically pleasing. As an
21 engineer, I'm probably not the correct person
22 to ask, and I think I've stated that before. I
23 don't really have an opinion one way or the
24 other for the aesthetics of a transmission

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 structure, whether it's a monopole or a lattice
2 structure.

3 Q. This is a transcript from Day 1 of
4 Mr. Quinlan's testimony: "We have some areas
5 committed to use monopoles, that's a more
6 slender, lower structure, lower visual impact
7 type of construction. It's kind of a
8 streamline single pole, as opposed to kind of
9 an erector set."

10 So, I guess I'm coming back to this area
11 of the Project, and wondering why, you know,
12 from the top of Eversource, that the opinion
13 that the monopole is "lower visual impact", why
14 didn't -- why isn't the design decision made
15 with, you know, consideration of the properties
16 in this area?

17 A. (Bowes) So, I believe Mr. Quinlan shared his
18 opinion of monopoles being more aesthetically
19 pleasing. Is this a request you're making of
20 us? It's not clear.

21 Q. Well, my question was regarding the design
22 criteria, and why an effort was not made to
23 minimize the visual impact in this area?

24 A. (Bowes) So, obviously, you'll have the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 opportunity to ask our aesthetic or visual
2 expert these type of questions. We try to
3 balance both the required foundations, the
4 amount of construction activities along the
5 right-of-way, and it is definitely a balance
6 between, you know, a larger single foundation
7 for a monopole and four smaller foundations for
8 a lattice structure. That's part of what goes
9 into the decision. And, in this case, we had
10 chosen lattice structures for this base design.

11 Q. Okay. I've got up here Applicant's Exhibit 16,
12 Prefiled Testimony of DeWan and Kimball. And
13 "we consider mitigation an action to avoid,
14 minimize, or eliminate adverse visual impacts".
15 So, I guess, did they consult with you on
16 minimizing the impact in this area?

17 A. (Bowes) They did with Mr. Bradstreet. And I
18 know they didn't feel that this particular area
19 warranted monopole structures. Again, a
20 question better posed to them than to me.

21 Q. Okay. So, back to this wetland. That this
22 relocated 115 kV pole is going to be a monopole
23 structure 97 feet in height, with a direct
24 drilled foundation?

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Bowes) A direct buried, but, yes. Probably
2 drilling would be used, yes.

3 Q. And then what will be the height of the
4 Northern Pass structure in that area?

5 A. (Bowes) One hundred twenty (120) feet.

6 Q. So, it's 20 feet taller. And, so, it's
7 essentially a similar structure to the
8 relocated 115 kV line. It's 97 versus 120.
9 And, in one instance, you're using a monopole,
10 but adjacent to it you're using a lattice
11 structure. It's difficult -- could you explain
12 why that design decision makes sense?

13 A. (Bowes) So, all of the 115 structures on the
14 Project, not just in this area, but along the
15 entire route, are monopoles. And it's really a
16 function of the requirements for the structural
17 integrity and the connection to the foundation.
18 In this case, we can use direct embedment, in
19 most cases, for the 115 line. We don't have
20 that option for too much of the 345 or the 320
21 kV DC line.

22 Q. But I guess I'm not understanding your
23 explanation why two poles in essentially
24 similar locations, why one would be the lattice

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 and the other would be a monopole? So, it's
2 the justification for the 20-foot taller
3 Northern Pass structure in that area not being
4 a monopole?

5 A. (Bowes) So, I guess I'm getting confused now.
6 Is it the height of the structure or the type
7 of the structure?

8 Q. The type.

9 A. (Bowes) Okay. So, the type is set as we just
10 described, around the basis design was a
11 lattice structure, and that based upon the
12 foundations that were necessary, the access
13 roads supporting that, and the ease of
14 construction within the right-of-way, types of
15 vehicles, all of that.

16 For the 115 lines, they are all the same
17 type of structure for the entire Project. In
18 this case, there's an existing delta
19 configuration. There will either be a delta or
20 a monopole structure for all of the 115
21 structures. That's the common design we have
22 used for the entire Project.

23 We do have two different designs for the
24 345 AC and the 320 DC. Some are monopoles and

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 some are lattice structures. Our visual expert
2 and, obviously, Mr. Quinlan have expressed an
3 interest that monopoles provide less visual
4 impact. It sounds like you share that opinion.
5 And I'm still not clear if you're asking us to
6 change the lattice structures to monopoles in
7 this location?

8 Q. Well, I think that would have been a good
9 design decision from the start. And I still am
10 having trouble understanding why the
11 constructability in that area of Northern Pass
12 requires a lattice structure, but a very
13 similar 115 kV structure next to it doesn't
14 require a lattice?

15 A. (Bowes) So, if you're asking why we chose
16 different types of structures? The 115, again,
17 because of the size of the conductors, because
18 of the amount of loading, the stresses on that,
19 we can use a structure without a foundation.
20 It's just the physical nature of the equipment,
21 the separation of the phases, and the loading
22 of that structure. So, we can do a structure
23 without a foundation.

24 We do not have that option for the 345 kV

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 AC or the 320 kV DC. Those structures, in most
2 case, you know, with the exception of the
3 H-frames on the Project, will require a
4 foundation for structural integrity.

5 MR. IACOPINO: Mr. Bowes, I'm going
6 to interrupt you for just a minute, because I
7 have a question about this that I would have
8 asked later, but I think it's probably more
9 efficient if you do it right now.

10 BY MR. IACOPINO:

11 Q. Is there -- you had mentioned the other day as
12 well that a decision is made for each structure
13 along the route. Is there a database or
14 something that actually has the reasons why a
15 particular type of structure was chosen for
16 each place? Or do you guys just know that from
17 looking at the plans and looking at the terrain
18 and things like that?

19 In other words, is there a database that
20 says "the reasons why we're using lattice in
21 these areas is", "reasons why we're using a
22 monopole is"?

23 A. (Bowes) So, there's a base database for the
24 entire Project that lists the type of structure

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 in the original design that Mr. Bradstreet did.
2 Every design variation from that, so every time
3 we've made a change to a lattice to monopole is
4 documented with a reason.

5 But the base design for the Project was
6 all the 115 structures would be monopoles, all
7 the 345 and 320 kV DC structures would be
8 lattice. So, in effect, the base design was
9 that, but every variation from that he has
10 recorded and documented the reason why we
11 either moved the pole, changed the height of
12 the pole or changed the type of structure.

13 So, yes, there is a database. And I think
14 he's up to more than a thousand design changes,
15 based upon comments from our visual experts or
16 comments from customers, or for environmental
17 reasons, too, to move a foundation that's
18 either in a sensitive area or wetland area.

19 Q. And I assume that database has not been made
20 part of the record? In other words, it hasn't
21 been submitted as an exhibit?

22 A. (Bowes) I don't believe it has.

23 MR. IACOPINO: Thank you.

24 BY MR. COTE:

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. Okay. So, you said the constructability was
2 the basis for the decision there. I guess just
3 a general question for the rest of this, what's
4 visible here and beyond, you know, in the area
5 where there's a lot of conservation property,
6 and perhaps all the way to the Deerfield
7 Substation, because it crosses a scenic road,
8 why the decision to relocate the 115 kV line
9 with significantly higher poles, closer to the
10 heights of the Northern Pass proposed line, if
11 those were all monopoles, and the Northern Pass
12 going the rest of the distance from here to the
13 substation was all lattice structures. And,
14 so, it doesn't make sense to me, as an
15 engineer, why one new construction line would
16 be monopoles, and the other you would choose
17 lattice structures. Could you comment on that
18 design decision?

19 A. (Bowes) I think I've shared with you the
20 rationale why we chose lattice as the base
21 design. Less environmental impact, easier to
22 construct, smaller roads would be needed, the
23 crane sizes would be different, the vehicle
24 sizes would be different to access the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 right-of-way. That was the base design
2 decision. And, then, from that, where people
3 have requested changes, we have considered
4 that. And, as I just mentioned, we have over a
5 thousand design changes on the overhead portion
6 of the right-of-way.

7 Q. Well, I hear your argument about the
8 constructability. But you're going to need
9 those roads and the equipment for the relocated
10 115 kV line that's monopole?

11 A. (Bowes) But much smaller equipment. And those
12 are, again, direct embedment. There's no
13 foundations required for the 115 line.

14 Q. So, are you saying that a structure that's
15 100 feet tall is significantly different to
16 erect than one that's 120 feet?

17 A. (Bowes) So, the size of the equipment needed,
18 the size of the structures are very different
19 between 115 kV and 345 kV.

20 Q. Okay. Just a couple of other minor questions.
21 At the Deerfield Substation, I don't know if
22 you're the right person to answer this, but the
23 SVC transformer will contain approximately
24 27,000 gallons of -- not sure what the correct

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 term is, dielectric fluid or cooling oil. Do
2 you know what is the containment structure that
3 typically would retain that volume of fluid in
4 the event of a major leak?

5 A. (Bowes) So, beneath the transformer, in the
6 foundation and design of it, we provide a
7 secondary containment measure, which is
8 110 percent of the volume of the -- in this
9 case, mineral oil or dielectric fluid.

10 Q. Of concrete, basically?

11 A. (Bowes) Yes, or a lined earthen pit, depending
12 on what the final design is. But there will be
13 a liner in there that would contain 110 percent
14 of the volume of the contents above.

15 Q. And is that exposed to the -- is that outside
16 or is that under cover?

17 A. (Bowes) It's underground.

18 Q. So, precipitation, rain falling in the general
19 vicinity won't get into the enclosure, is that
20 what you're saying, or the containment area?

21 A. (Bowes) No, it will. And, at the base of the
22 containment, secondary containment, there are
23 oil/water separators that act to allow the
24 water to flow through, but close as oil is

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 encountered.

2 Q. Okay. So, it would have an overflow structure
3 for water/precipitation levels build-up?

4 A. (Bowes) Well, it allows the water to pass
5 through the membrane at certain locations and
6 enter the ground. But, when oil hits that
7 device, it closes.

8 Q. Okay. And will the substation expansion be at
9 capacity when the Northern, you know, when
10 Northern Pass is present, or will it -- will
11 the extended design allow for other inputs to
12 the substation?

13 A. (Bowes) So, there's no other design or projects
14 planned at this point. I don't think we're
15 going to use the entire -- I think we're taking
16 about 8.4 acres for the expansion of Deerfield
17 Substation. I think we're using about half of
18 that in the new portion. So, there would be
19 room to add other devices or other equipment.
20 We have nothing planned at this point.

21 Q. Okay. Thank you. And my last question, coming
22 back to this, and regarding construction
23 sequencing, and the timber -- the temporary
24 access roads. So, it's my understanding that

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 the Project sequencing will be to build the new
2 115 kV line, then transfer the wires over,
3 dismantle the existing 115 line, and put in the
4 Northern Pass line. Is that correct?

5 A. (Kayser) Yes.

6 Q. What --

7 A. (Kayser) Yes. That is correct.

8 Q. What kind of time frame do you think it would
9 take to complete all of those stages of work in
10 a wetland area like this?

11 A. (Kayser) Yes. I would say 30 to 60 days total
12 construction time in that area. But that would
13 be spread out over time, as they -- because the
14 contractor would do the entire 115 kV line in
15 this area. So, they would work here, and then
16 continue on, come back, demo out the old line,
17 and then similar with the 345 kV. But the
18 actual time they're in that area would probably
19 be 30 to 60 days.

20 Q. Okay. So, I want to confirm, this is not
21 something that could span several seasons, from
22 start to finish?

23 A. (Kayser) It would depend on the sequence of the
24 115 kV, when they move that, and then come back

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 and do the construction. But it could be two
2 seasons, two construction seasons.

3 Q. So, would the temporary wetland matting and any
4 potential disruption to the wetland be in place
5 over extended period of time?

6 A. (Kayser) It would be in place in accordance
7 with our permits. And I don't know the exact
8 days that we can leave wetland matting in in
9 the permit, I haven't looked through all that
10 yet with the stipulations. But they would
11 be -- they would be left in accordance with our
12 permits.

13 Q. So, is it possible, for example, that you could
14 put in the access roads to do the 115 kV
15 relocation part of the Project, and then leave
16 them there, and come back six months later or a
17 year later and do the Northern Pass segment of
18 the Project?

19 A. (Kayser) Yes. That is possible.

20 MR. COTE: Okay. Thank you. That is
21 the end of my questions.

22 CHAIRMAN HONIGBERG: Mr. Berglund.

23 MR. BERGLUND: Good morning to
24 members of the Site Evaluation Committee. Good

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 morning, members of the panel. I'm Erick
2 Berglund, Deerfield, NH.

3 BY MR. BERGLUND:

4 Q. I live on Nottingham Road. And you can see
5 some of the lands that surround where we live.
6 You're looking at here is a familiar, I think
7 we just had it up before. This is a hayfield,
8 with the -- showing the right-of-way, --

9 MR. IACOPINO: Mr. Berglund, perhaps
10 Mr. Pappas can turn that other monitor around,
11 so that you can see it a little bit better when
12 you speak.

13 MR. PAPPAS: Yes.

14 MR. BERGLUND: Thank you.

15 MR. PAPPAS: You're welcome.

16 MR. BERGLUND: Thank you.

17 BY MR. BERGLUND:

18 Q. The right-of-way is actually two right-of-ways,
19 two 100-foot right-of-ways cross this 10-acre
20 hayfield. And this is about a few hundred feet
21 from our home. The one in the north, which is
22 the upper one, was established in 1926. The
23 one in the south is the one that we understand
24 Northern Pass will be attached to, Northern

[WITNESSES: Boves~Farrington~Johnson~Kayser]

1 Pass is attached to the southern 100-foot
2 conservation -- excuse me, easement, utility
3 easement. Is that agreed?

4 A. (Boves) Yes. Yes, that's correct.

5 Q. Thank you. The Northern Pass towers then and
6 poles will be built on the southern 100-foot
7 right-of-way, is that correct?

8 A. (Boves) Yes, that's correct.

9 Q. Would you agree that Northern Pass has no right
10 to access the northern 100-foot right-of-way
11 for any of the Northern Pass construction?

12 A. (Boves) Sounds like that's a legal question,
13 and I don't know the answer to it.

14 Q. Well, I'm going to see if we can get to the
15 bottom of this. There is a handout that Jo
16 Anne is going to bring forth. It's actually
17 two handouts. This is the deed for this
18 easement, 1926 July. And there are two copies.
19 One is the original deed from the Rockingham
20 County Registrar. And you'll see it's a little
21 difficult to read. So, I have transcribed it.
22 I won't say I'm a perfect transcriber, but I
23 think it looks pretty close, if not right on,
24 for the key points to be made here.

{SEC 2015-06} [Day 12/Morning Session ONLY] {06-02-17}

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 *[Ms. Bradbury distributing*
2 *documents.]*

3 MR. BERGLUND: So, the transcribed
4 one is "DA 90". The original one, the copy, is
5 "DA 91".

6 BY MR. BERGLUND:

7 Q. As soon as everybody has this before them, I'd
8 like to bring your attention to the transcribed
9 one, which is DA 90. And I believe there -- in
10 my view, the operative paragraphs here are one,
11 three, and four. And I would ask, Mr. Johnson,
12 your area of responsibility, one of them is
13 permitting?

14 A. (Johnson) In general, yes.

15 Q. Okay. So, I'd like to ask you to read these
16 paragraphs, one, three, and four.

17 CHAIRMAN HONIGBERG: He's not reading
18 them out loud. That's not happening. If you
19 want him to read it, he can read it to himself,
20 and then you can ask questions about it.

21 MR. BERGLUND: Yesterday, we did have
22 people reading.

23 CHAIRMAN HONIGBERG: We're not
24 reading three paragraphs out of this deed out

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 loud into the record. They're in the record.
2 You can refer to them and ask questions about
3 them, just give him a few minutes to read it.

4 MR. BERGLUND: Okay.

5 BY MR. BERGLUND:

6 Q. Please read one, three, and four.

7 CHAIRMAN HONIGBERG: And let us know
8 when you're done, Mr. Johnson.

9 WITNESS JOHNSON: Okay. I've read
10 it.

11 MR. BERGLUND: All right.

12 BY MR. BERGLUND:

13 Q. Do you agree that the easement language of the
14 northern right-of-way does not grant the right
15 to access this land for construction of
16 Northern Pass Transmission?

17 MR. NEEDLEMAN: Objection. This
18 calls for a legal conclusion.

19 CHAIRMAN HONIGBERG: Mr. Berglund,
20 what's your response to that?

21 MR. BERGLUND: We have a deed. It's
22 pretty clear, to me, that we're talking about
23 the second easement that's not involved with
24 Northern Pass. There's nothing in this deed,

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 which was July 1926, it didn't reference any
2 future lines, it didn't talk about operating
3 outside of the easement. The rights of Public
4 Service at that time were strictly for work in
5 that easement for that one line that's in the
6 middle of the easement.

7 CHAIRMAN HONIGBERG: That's an
8 excellent legal argument. That is really a
9 fine legal argument. And you have just proven
10 that you've asked for a legal conclusion from
11 Mr. Johnson.

12 If you want to ask him if he has some
13 understanding of what rights, if any, they have
14 regarding that second easement, you're free to
15 ask him that. But, if you ask him for a legal
16 conclusion, you're not going to get one.

17 MR. BERGLUND: Okay. Well, then,
18 I'll take your guidance here.

19 BY MR. BERGLUND:

20 Q. Mr. Johnson, what do you understand the rights
21 of the Northern Pass Transmission construction
22 activity are on this easement?

23 A. (Johnson) So, I can just tell you that I have
24 been given no limitations on the use of either

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 easement, either the north 100 feet or the
2 southern 100 feet, for use to construct
3 Northern Pass. So, I would say that my
4 legal -- there have been no legal limitations,
5 if you will.

6 Q. So, if I understand you correctly, you're
7 saying that the 200 feet, the sum of the two
8 right-of-ways, is accessible and useable by
9 Northern Pass construction?

10 CHAIRMAN HONIGBERG: To be more
11 precise, he's saying that's what his
12 understanding is.

13 **BY THE WITNESS:**

14 A. (Johnson) That is correct. That is my
15 understanding.

16 BY MR. BERGLUND:

17 Q. Was that from your Legal Department?

18 A. (Johnson) Yes, because I have been given no
19 restrictions on where I can place equipment or
20 access roads, *etcetera*.

21 Q. Okay. I guess we know where we stand at this
22 point in time.

23 A. (Johnson) To clarify, the "line" versus "lines"
24 issue we're well aware of. So, if you'll

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 notice the design of the relocated 115 and the
2 new 345 kV line through this area is fully
3 contained within the southern section.

4 Q. Yes. I have noticed that.

5 A. (Johnson) Right. And, so, --

6 Q. And -- I'm sorry.

7 A. (Johnson) I'm sorry. That was the limitation
8 that was prescribed upon the design and
9 permitting of this Project, not the access
10 roads or anything else of that nature.

11 Q. Okay. Let's move on to hear about a major
12 wetland accident. Are you aware that the
13 wetland adjacent to our hayfield, and that's --

14 MR. BERGLUND: You can put back the
15 hayfield one momentarily, and then we'll move
16 to the other one.

17 BY MR. BERGLUND:

18 Q. In the Northern Pass right-of-way, this wetland
19 is a high quality wetland, according to
20 Normandeau Associates, as stated in the report:
21 "Wetlands, rivers, streams, and vernal pools
22 resource report and impact analysis Northern
23 Pass Transmission Projects." Are you aware of
24 that?

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Bowes) Generally, yes. And I think it's
2 actually a PSNH easement. That's the only
3 thing I could maybe offer.

4 Q. Okay. Do you know that the principal function
5 of this wetland identified as "DF 31" is to
6 support wildlife habitat?

7 A. (Bowes) I will accept that. Again, it's
8 probably a better question for our
9 environmental panel. But I'll accept that.

10 Q. Okay. Are you aware that this wetland is
11 classified under the New Hampshire Fish & Game
12 Wildlife Action Plan as being in the category
13 of "highest ranked wildlife habitat" in New
14 Hampshire?

15 A. (Bowes) I didn't know that, but I'll accept
16 that.

17 Q. Are you aware that there was a major accident
18 in the wetland -- in this wetland during the
19 Public Service New Hampshire G146 rebuild
20 project in 2003?

21 A. (Bowes) Yes, I am.

22 Q. Thank you. David Plante was the leader there.

23 MR. BERGLUND: And, if you put up the
24 next slope, yes.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 BY MR. BERGLUND:

2 Q. So, in this instance, what you're looking at is
3 the day after this accident. And the accident
4 occurred to the left off the photo. It was in
5 the wetland, where an 80-foot, I may be a
6 little bit high on that, but something in the
7 vicinity, transmission pole was pulled down in
8 the wetland. So, are you aware of that?

9 A. (Bowes) Generally aware of it, yes. I know
10 there was an issue at this location.

11 Q. Are you aware there were multiple immediate
12 attempts to retrieve the downed pole?
13 Bulldozers were driven into and across the
14 wetland, causing damage to this sensitive
15 environment?

16 A. (Bowes) I know that vehicles were. I did not
17 know bulldozers were.

18 MR. BERGLUND: So, would you put up
19 the next photo.

20 BY MR. BERGLUND:

21 Q. This will show you -- this is looking down from
22 the hayfield, to the wetland. And a
23 bulldozer/track vehicle drove around, was going
24 down to where the pole was down. This was the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 next day now. So, it probably looks, well,
2 approximately the same.

3 There were also other vehicles going
4 straight to this downed pole. It was a panic
5 attack, in my view. There's another photo here
6 that can show you a close-up.

7 So, would you agree that bulldozers and
8 track vehicles caused some damage here?

9 A. (Bowes) Again, I believe vehicles were driven
10 in. I do not know if a bulldozer was.

11 Q. Do you agree these actions and behaviors
12 violated best management practices for
13 responding and resolving this accident?

14 A. (Bowes) Yes, I do.

15 Q. What are the key takeaways that you believe
16 PSNH learned to prevent major accidents like
17 this, and to respond without creating
18 collateral damage, if they do occur?

19 A. (Bowes) What are the key actions?

20 Q. What are the key takeaways? In other words,
21 the learning experience here, you could call it
22 that?

23 A. (Bowes) So, in this case, there was some
24 actions taken with the contractor. Those

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 remain in place today. That was probably the
2 most severe action taken. Also, we looked to
3 stay within the permit conditions that we have,
4 as well as have implemented best management
5 practices and training for our contractors.

6 Q. What about for the -- I mean, obviously, there
7 was something wrong in the pole being pulled
8 down, this was when they were pulling the wire
9 through from the substation?

10 A. (Bowes) Well, obviously, the contractor was not
11 qualified to perform the work they were trying
12 to do. And they were removed from the
13 Eversource property.

14 Q. But what about preventive actions? Or, I mean,
15 on the part of Public Service? Just pick the
16 right contractor? Or, it's probably more than
17 that, right?

18 A. (Bowes) So, I said that we, you know, we
19 implemented best management practices and
20 training for our contractors to follow.

21 Q. Okay. So, here's the question, Mr. Bowes.
22 Will you commit that Eversource will have the
23 necessary safeguards in place for Northern Pass
24 Transmission to ensure that zero major

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 accidents will occur on this Project?

2 A. (Bowes) We will certainly set the expectations
3 with our contractors and subcontractors. We
4 will provide the necessary management
5 oversight. And we'll provide training to all
6 of the workers. And hold subcontractors and
7 contractors accountable for their actions. I
8 think that's the most I can do. I can't
9 guarantee there will be zero incidents on this
10 Project. We have had projects of this size and
11 magnitude where we've gone with an exceptional
12 safety and environmental record. But in every
13 case we have not been perfect. I think I've
14 said that before.

15 Although we strive for perfection, we
16 realize humans are human. And we want to have
17 the right management systems in place and the
18 right corrective actions in place to minimize
19 any impacts, whether it's to the environment or
20 to worker or public safety.

21 Q. Thank you.

22 MR. BERGLUND: Okay. And go back to
23 the hayfield please.

24 BY MR. BERGLUND:

{SEC 2015-06} [Day 12/Morning Session ONLY] {06-02-17}

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. Probably getting sick of the hayfield by now.

2 Turning to the hayfield, are you aware that its
3 principal purpose is to provide habitat for
4 wildlife, particularly ground-nesting birds and
5 species that require open-space fields?

6 A. (Bowes) I was not, in this case.

7 Q. You're not aware?

8 A. (Bowes) That that was the primary purpose? I'm
9 not aware of that, no.

10 Q. Do you agree there will be significant
11 construction activity in the hayfield requiring
12 heavy trucks, cement trucks, cranes, and
13 bulldozers, to list a few?

14 A. (Bowes) Yes.

15 Q. Are you aware that the right-of-way through the
16 hayfield will also see significant heavy
17 construction vehicle traffic, traveling across
18 and down to the wetland, to build the lattice
19 towers planned to be installed in the wetland
20 below the hayfield?

21 A. (Bowes) That is one route, yes.

22 Q. What's the approximate weight of a loaded
23 cement truck with this application here?

24 A. (Bowes) Fifty (50) to 60 tons, probably.

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[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. Okay. Can you tell me how many cement trucks
2 are necessary to build a single lattice tower
3 base or whatever, however it's used?

4 A. (Kayser) A lot of it will depend on the size of
5 the foundations there, but --

6 Q. Well, these are all laid out, you know, the
7 lattice towers, --

8 A. (Kayser) Right. But, as we've stated
9 previously, you've got to do the geotech
10 borings to determine exactly what the depth of
11 the foundations are.

12 Q. Okay.

13 A. (Kayser) If it's a --

14 Q. Can you give me a range?

15 A. (Kayser) It's probably two to three trucks,
16 typically, for the foundations.

17 Q. Okay.

18 A. (Kayser) I'd have to go through some
19 calculations to get the exact number.

20 Q. Is that all at the same time or is there space
21 in between to allow things to set up and --

22 A. (Kayser) They would probably pour all of the
23 four foundations at the same time, so they
24 could go from one to the other. But, you know,

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[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 they may not be able to finish all of them.

2 But, once they start a foundation, they will

3 continue to pour in that same day.

4 Q. Okay. What's the approximate weight of a crane
5 used to erect lattice towers?

6 A. (Bowes) Probably 20 to 30 tons, or less.

7 Q. Thank you. This heavy equipment traversing the
8 hayfield and descending to the wetland will
9 cause severe compaction of the soil. Agree?

10 A. (Bowes) Yes.

11 Q. Even if mats are used for the vehicles to
12 travel on, you agree there is still soil
13 compaction?

14 A. (Bowes) Yes. There will be some.

15 Q. Thus, long after the construction ends, the
16 hayfield will suffer the environmental impact
17 of construction, correct?

18 A. (Bowes) I'm not sure that that's an accurate
19 statement. We'll do restoration as we remove
20 the matting or remove the access roads. So,
21 our intention is to leave it in the same
22 condition as we found it.

23 Q. Are you aware that soil that is compacted does
24 not repair itself, and that it requires

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 specialized mechanical means to de-compact it?

2 A. (Bowes) Yes.

3 Q. Would that be a step that Northern Pass would
4 take?

5 A. (Bowes) Yes.

6 Q. To de-compact?

7 A. *[No verbal response.]*

8 Q. Are you aware that the hayfield will be
9 unavailable to the owners and to the public,
10 this land is not posted, for their personal use
11 and enjoyment for the duration of the Northern
12 Pass construction and beyond?

13 A. (Bowes) Certainly, during the construction.
14 Maybe you could be more specific about "beyond
15 construction"?

16 Q. Well, I think I meant -- what I meant there was
17 the repair effort that goes on, if you include
18 that as part of the construction activity, then
19 that would be what I mean.

20 A. (Bowes) I would agree with that, yes.

21 Q. What's the duration of time that this hayfield
22 will be out of service? I realize, from
23 previous discussion, that events will be
24 happening in a certain sequence.

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[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Bowes) So, the --

2 Q. But start to finish? Excuse me.

3 A. (Bowes) So, the construction activities in the
4 hayfield for those structures would be probably
5 a little less than in the wetland. But,
6 because this is potentially the access over to
7 the wetland area, that would have to be added
8 to the total duration of time. So, take the
9 time that we talked about during the wetland of
10 30 to 60 days, and I would say add another 30
11 to 60 days for the work within the field.

12 Q. But didn't we also hear that there's probably
13 two seasons that this work would be done in.
14 And, so, are you saying that between those two
15 seasons things are half done, pull all the
16 matting out and everything else and then put it
17 back in? Or just is it totally set up for
18 construction from one season, through the end
19 of the second season, which would be probably a
20 year and a half?

21 A. (Bowes) So, it could be two seasons, as you
22 just described, for 18 months.

23 Q. Okay.

24 A. (Bowes) It will depend upon the permit

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 conditions for the mat removal within the
2 wetland.

3 Q. Okay. Thank you. Now, I have a question for
4 Mr. Johnson, if I may. I'm referring now to
5 this exhibit. This is Application Exhibit 11,
6 Page 11, of Direct Testimony of Samuel Johnson.
7 And, in there, Mr. Johnson, you said -- you
8 stated that "Each landowner is assigned a
9 unique parcel identification number, which
10 allows the team to specifically track issues",
11 and so on.

12 Are these already assigned? And, if so,
13 do I have a number?

14 A. (Johnson) You do. I believe your associate
15 there was naming off numbers earlier.

16 Q. Oh, in the parcels?

17 A. (Johnson) Within the parcels.

18 Q. Is that what those are?

19 A. (Johnson) So, that's what we've --

20 Q. ID numbers.

21 A. (Johnson) Those are ID numbers, yes.

22 Q. Okay.

23 A. (Johnson) We call them "line list numbers".

24 Q. Pardon me?

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1 A. (Johnson) "Line list numbers".

2 Q. Line list numbers.

3 MR. BERGLUND: I don't have any more
4 to go up there.

5 BY MR. BERGLUND:

6 Q. This is my last set of questions here. It has
7 to do with design. Everybody familiar with
8 Yogi Berra? He's a friend -- he's not a
9 friend.

10 [Laughter.]

11 BY MR. BERGLUND:

12 Q. I don't like the Yankees, but I like him. I
13 like what he says, the way he says things. One
14 of his quotes is "It's never over until it's
15 over." So, I have taken that and adapted it a
16 little bit to what we're trying to do here.
17 And I think the final design is never final
18 until it's final. I think that that paraphrase
19 is what he would say.

20 So, what's the definition of a "final
21 design", the "final design" for this Project?

22 A. (Kayser) Yes. I would say the "final design"
23 would be the "Issued for Construction"
24 documents that are provided to the contractors

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 when they start construction.

2 Q. Okay. So, at the time, if I hear you right,
3 understand it, the final design is given to the
4 contractor?

5 A. (Kayser) Correct.

6 Q. Okay.

7 A. (Kayser) As we go through the design process,
8 we complete the design, and then the contractor
9 builds the final design.

10 Q. So, is that final design given to the Site
11 Evaluation Committee for consideration and
12 review and evaluation?

13 A. (Johnson) So, the actual documents themselves
14 will be provided. The design of the structures
15 are basically 100 percent complete, as far as
16 the location and everything. The only thing
17 that hasn't been fully determined is the
18 foundation. So, the type of structure, the
19 location of the structure, the height of the
20 structures won't change in this final
21 refinement, if you will, of the "Issued for
22 Construction" drawings.

23 Q. And that's -- that would go to the Site
24 Evaluation Committee. And then there might be

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 some adjustments through that process, if this
2 is approved, and that goes to the contractor --

3 A. (Johnson) No. So, we're asking the Site
4 Evaluation Committee to evaluate the design
5 that's been put in front of them. That last
6 set of "Issued for Construction" drawings is
7 produced most likely six weeks prior to
8 construction commencing.

9 Q. Now, the contractor has some wiggle-room in
10 here, right?

11 A. (Johnson) No. Let me rephrase that. They do
12 not from the type of structure, location of
13 structure, *etcetera*. The wiggle-room they do
14 have is working within the bounds of the
15 permits. So, if they want to make a crane pad
16 smaller, or, if they want to adjust an access
17 road that does not affect any wetlands or any
18 other historical or archeological or rare and
19 threatened/endangered species, *etcetera*, there
20 is some latitude for them to do that.

21 But, for the most part, you know, once the
22 permit is set, and whatever conditions are part
23 of that permit, they must adhere to that.

24 Q. Well, I heard yesterday, and I don't remember

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 who made the statement, --

2 A. (Johnson) Yes.

3 Q. -- we were talking about alternative ways to
4 get into -- and I think it was actually this
5 wetland that we've been discussing, because
6 there's a long four or five hundred foot access
7 road to that crane pad or the tower that will
8 be -- the second tower in the wetland. And,
9 that there's an entrance possibility from the
10 east side, probably from Nottingham Road, which
11 would be better from an environmental
12 standpoint.

13 And, so, I think I heard that that would
14 be up to the contractor or there could be a
15 commitment made or statement of assurance made
16 by your team that it's going to be from this
17 direction or from that direction. Does the
18 contractor have the opportunity and power to
19 change that, because "we can't do that" or
20 something like that?

21 A. (Bowes) So, in general, I would say "no". What
22 they can request of the owner is a change, a
23 change order. "We'd like to locate a
24 structure, say, 20 feet to this side or

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 20 feet, you know, longitudinal along the
2 right-of-way, because we've encountered this
3 new condition in the field." Either something
4 that was not mapped, an underground
5 obstruction, something like that. So, they
6 would request of the owner that change. We
7 would evaluate that change against the permit
8 conditions. And, if it was within the permit
9 conditions, we may grant that change to the
10 contractor.

11 Q. Now, what if that was a commitment made by your
12 team that the contractor wants to change, and
13 the commitment was made based on a request
14 from, you know, an intervenor or a group of
15 intervenors and so on?

16 A. (Bowes) I understand.

17 Q. Do they have any involvement in this decision?

18 A. (Bowes) Yes, they would. So, every commitment
19 that we've made, including the ones we've made
20 in the last few days, Mr. Johnson tracks in
21 that database. And it's tracked against that
22 line list number. So, we've made some
23 commitments to mark a well, for example,
24 yesterday. That will now be tracked in our

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 line list number against that particular piece
2 of property. So, if we've made a commitment
3 that we're going to do something a certain way,
4 the contractor is bound by that commitment.
5 And they will have access to that in real-time
6 to see what commitments are on each land
7 parcel.

8 Q. But -- so, you're saying, if I understand
9 correctly, the contractor cannot change that
10 commitment, or, because before that you said,
11 when they go out in the field, and they see
12 something that's different, it sounded to me
13 like they could change? They could --

14 A. (Bowes) They can only change with the owner's
15 permission.

16 Q. Who's the owner?

17 A. (Bowes) Northern Pass. So, they would have to
18 come back to the Project, and the Project would
19 reach out, as required, to the local landowner
20 to say "The contractor has encountered this
21 situation. Here is their proposed alternative.
22 Is this something that we can work through?"
23 If we've already had a stipulation that says we
24 can't do that, then the contractor is bound.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 If there's some flexibility, then we'll try to
2 work out an arrangement that has less impacts
3 for the contractor to continue their operation.

4 Q. So, you're saying the intervenors, if you will,
5 that were involved in that request that
6 resulted in a commitment, will be part of
7 that -- will be approached and asked to accept
8 it or not?

9 A. (Bowes) If it's within their realm of
10 decision-making, yes.

11 Q. I'm not sure what that means.

12 A. (Bowes) Well, maybe if we use a specific
13 example, then I could answer it. Right now,
14 you're giving me a hypothetical.

15 Q. Okay. Let's take an example from Bob Cote's.
16 Let's say there was a commitment made to put
17 monopoles, instead of lattice towers, in the
18 wetland that we were discussing before. And,
19 for some reason, when this goes through the
20 final design, and that's what goes to the
21 contractor, the contractor says "we can't do
22 that", for whatever the reason. They went out
23 in the field and found it's not possible, it's
24 not feasible.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 So, then, who would go, let's say it's

2 Mr. Cote, --

3 A. (Bowes) Uh-huh.

4 Q. -- as well as others that might request this,
5 the commitment was made, who talks to him? Or,
6 the contractor goes back to Northern Pass and
7 says "we can't do this". Next step?

8 A. (Bowes) So, in that case, it would probably be
9 a little more complicated. Is the contractor
10 would come to Northern Pass, we would have
11 discussions with, in this case, the landowner.
12 That probably will trigger going back to the
13 DES as well. Because something is significant
14 enough where they can't do the construction in
15 that wetland, so we would probably have to seek
16 guidance with DES for the resolution of that.
17 So, it's probably beyond just the owner and the
18 landowner, Northern Pass and the landowner
19 talking, it's probably the permit agency would
20 have to be involved.

21 Q. Is avoidance a possibility here?

22 A. (Bowes) I'm not sure I understand,
23 "avoidance" --

24 Q. Well, in other words, do the monopole. Just

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 avoid the problem. We heard about this the
2 other day. Avoidance is a measure of
3 mitigation. So, in this case, I'm using it to
4 suggest -- to describe monopoles or nothing.

5 A. (Bowes) So that, I think what you're saying is,
6 that would avoid a visual impact, but could
7 create a much greater environmental impact.
8 So, that would be the balance that we would
9 have to weigh for that particular example. Do
10 you want us to, in essence, create a much
11 larger foundation within the wetland area, as
12 opposed to the lattice structure? So, that's
13 why I'm saying that's probably a three-way
14 conversation to have at that point. If it's
15 just -- if you're just mitigating one impact,
16 it becomes quite simple. I think we talked
17 about a couple yesterday, where Northern
18 Pass -- or, PSNH was the landowner, request was
19 made to move back from the riverbank, that's a
20 request I could grant, basically, on the spot.

21 In this case, it's a little more
22 complicated, if you're asking to have a larger
23 environmental impact, and we just heard how, I
24 don't know if the word is "pristine", but how

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 high quality this wetland is, and now you're
2 asking us to do more impacts within the wetland
3 than what we've proposed. So, in that case,
4 it's a broader conversation of weighing two
5 impacts at the same time: One for potential
6 visual and one for potential environmental.

7 Q. Okay. I think maybe we have a tough example
8 here.

9 A. (Bowes) It is a tough example.

10 Q. Yes. I picked the wrong one. But, anyway, I
11 think I understand what you're saying, in the
12 general, there's going to be some room for
13 discussion here.

14 A. (Bowes) And, for example, we were asked
15 yesterday, I think the attorney for McKenna's
16 Purchase asked us "can we move one of the
17 structures off their property onto someone
18 else's?" And the answer was a little more
19 complicated there as well. If it was all
20 within one person's property, a much easier
21 discussion.

22 In this case, I think we'd want to go to
23 the -- as you would probably want yourselves,
24 if we're going to relocate a structure onto

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 your property, you'd probably want to be
2 involved in that decision.

3 Q. Absolutely. All right. Okay. Thank you.

4 This last point, following up on Bob's
5 discussion about beaver dams -- the beaver
6 house and so on. I would like it known that
7 beavers are critical to that wetland, because
8 they maintain the dam. And this was blown out
9 20-25 years ago, Hurricane Bob, if you remember
10 that huge rainstorm. So, just keep that in
11 mind. I don't know about moving beaver lodges
12 and so on. But we need them, because they are
13 doing a good job.

14 MR. BERGLUND: Thank you very much.

15 CHAIRMAN HONIGBERG: Ms. Schibanoff.

16 MS. SCHIBANOFF: I'm going to speak
17 from here please.

18 CHAIRMAN HONIGBERG: Off the record.

19 *[Brief off-the-record discussion*
20 *ensued.]*

21 MS. SCHIBANOFF: And I'm going to
22 address my questions mainly to Lynn Farrington.
23 So, if we could keep a line of sight between
24 us, that would help. My name is Susan

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1 Schibanoff. And I am a member of the
2 Non-Abutting Property Owners Bethlehem to
3 Plymouth. I live in Easton, on 116, the
4 proposed underground route just off, just off
5 it.

6 BY MS. SCHIBANOFF:

7 Q. And I'm going to refer to a document that's
8 called -- the acronym is "SHEB", which I
9 believe stands for "Sugar Hill/Easton/Bethlehem
10 Underground Plans", is that correct? It's a
11 "SHEB" document.

12 A. (Farrington) It's "Sugar Hill/Easton Bypass
13 Underground Alignment", yes.

14 Q. Okay. I have it in a printout here 11 by 17.
15 And I think I'm one version back. So, I'm
16 talking -- I'm talking about the 12/08/16
17 version, and I believe you've got the 12/13/16
18 version. And we'll --

19 A. (Farrington) Correct.

20 Q. Okay. We'll get to that in a second. I think
21 the initial part is the same. If you would
22 turn to Page SHEB G001, which is essentially
23 the first page of the document after the title
24 page, Ms. Farrington.

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1 A. (Farrington) Okay.

2 Q. And I'm using a magnifying glass, literally.
3 On the left is a legend of different symbols.
4 Could you tell me what the second one from the
5 bottom is please, Ms. Farrington?

6 A. (Farrington) That's a proposed "underground
7 splice with link".

8 Q. No, I'm sorry. I'm up in the "existing", the
9 symbols under the "existing".

10 MS. WHITAKER: I'm going to interrupt
11 for just a second. Could you tell us where we
12 could find that, so we all could follow along?

13 MS. SCHIBANOFF: I believe, has
14 Counsel for the Public uploaded SHEB?

15 MS. DORE: Yes. But what is the
16 exhibit number you're referring to?

17 MS. SCHIBANOFF: I do not have it.

18 MS. DORE: Can you describe the
19 document? What are you looking at?

20 CHAIRMAN HONIGBERG: Let's go off the
21 record for a minute.

22 *[Brief off-the-record discussion*
23 *ensued.]*

24 CHAIRMAN HONIGBERG: We're going to

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1 take a ten-minute break now.

2 *[Recess taken at 10:33 a.m. and*
3 *the hearing resumed at 10:45*
4 *a.m.]*

5 CHAIRMAN HONIGBERG: All right. Why
6 don't we go back on the record.

7 Mr. Pappas, you wanted to say
8 something real quick, and then we'll let
9 Ms. Schibanoff begin.

10 MR. PAPPAS: Yes. The first page on
11 the ELMO is a legend. Counsel for the Public's
12 Exhibit 176 contains the same legend, if you
13 want to follow on your computers.

14 CHAIRMAN HONIGBERG: Thank you, Mr.
15 Pappas. Ms. Schibanoff, you may proceed.

16 MS. SCHIBANOFF: Thank you. My
17 apologies. I'm a verbal, not a visual person.

18 BY MS. SCHIBANOFF:

19 Q. Ms. Farrington, could you look at this document
20 on the ELMO, which is SHEB G001. And, on the
21 left side is the legend under "Existing".
22 Could you tell me what the second symbol from
23 the bottom is please?

24 A. (Farrington) Mailbox.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. Thank you. And this is a, for the record, a
2 physical steel mailbox, the old kind. It's not
3 an in-box. Okay.

4 Now, could we go in the plan please, to
5 SHEB C154. Thank you. And I will represent to
6 you that there are mailboxes up and down 116.
7 I can give you a count, if you'd like an
8 approximate count. On my way home yesterday,
9 between the 116/18 intersection and where the
10 National Forest boundary is, I counted 85
11 mailboxes. I probably missed a few. I was
12 tired last night and it was getting dark. But
13 there are a lot of mailboxes along the road,
14 and they're on both sides of the road.

15 One of the places that there's a mailbox,
16 on SHEB C154, is at the residence of, as it's
17 listed here, Anne Peckett, which you will see
18 on the top of the ELMO picture.

19 A. (Farrington) Yes.

20 Q. And the Pecketts have a mailbox on the road
21 that would be in the work zone.

22 Ms. Farrington, can you find that mailbox on
23 the plan?

24 A. (Farrington) I don't see it.

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1 Q. Can you find a mailbox in any of the plans,
2 mailboxes anywhere, any page?

3 A. (Farrington) I haven't specifically looked.
4 But, if you're telling me that there aren't
5 mailboxes on the survey, I will believe you.

6 Q. So, there are no mailboxes noted on the survey,
7 in the 12/13, the latest version, the latest
8 iteration?

9 A. (Farrington) I don't know. But, if that's what
10 you're telling me, I will believe you.

11 Q. Well, you're the traffic expert, not me.
12 You're the planner.

13 CHAIRMAN HONIGBERG: Ms. Schibanoff,
14 I think she's willing to accept your
15 representation that you didn't find any in the
16 papers. You may proceed with your next
17 question.

18 MS. SCHIBANOFF: All right.

19 BY MS. SCHIBANOFF:

20 Q. I'm establishing the point that, even though
21 I'm working with the 12/08, one version back,
22 you agree that, in the current version, 12/13,
23 the mailboxes aren't there?

24 A. *[No verbal response.]*

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1 Q. Okay. So, to go back to this example of the
2 Anne Peckett property, how will the Pecketts
3 get their mail when the work zone is up and
4 running?

5 A. (Farrington) Sure. So, when the work zone is
6 directly front of the home, this is how we've
7 typically done it with roadway projects, we
8 will provide a -- if we have to remove and
9 replace or remove and reset the mailbox, we
10 would provide a temporary mailbox during the
11 time that it's directly impacted, and allow
12 access either with the help of construction
13 workers or on the other side of the road.

14 Q. And what if Ms. Peckett didn't own the other
15 side of the road?

16 A. (Farrington) If it's in the DOT right-of-way, I
17 don't know that that's a factor.

18 Q. So, your contention is that you would have the
19 right to put a mailbox into someone else's
20 property, underlying property, even though that
21 the DOT has an easement over?

22 A. (Farrington) It's my understanding, and how
23 we've done it in other places, yes.

24 Q. Okay. Let's say Joe Johnson lives across the

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1 road. Every town has one. And he says "no way
2 are you putting a mailbox in my property"?

3 A. (Farrington) Okay. No problem. We can
4 instruct the construction workers at that site
5 to work with the mail delivery service, and
6 ensure that the mail is delivered to a mailbox
7 on Anne Peckett's side of the road.

8 Q. And how would that happen please?

9 A. (Farrington) The construction workers on-site
10 would take the mail from the mail delivery and
11 guide them to the mailbox or escort them
12 around. We could put down a temporary metal
13 plating to walk them across.

14 Q. So, we have one lane closed, one lane open, the
15 mail carrier stops, waits for you to find a
16 worker to take Ms. Peckett's mail, hop across a
17 trench, and put it in their mailbox?

18 A. (Farrington) Well, not hopping, no. So, I
19 imagine, if this situation was a particular
20 issue for a landowner, there will be plenty of
21 coordination done ahead of time, so the workers
22 would be aware and be ready for what time the
23 mail delivery person usually drives along. And
24 they would actually open up the work zone by

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1 moving a few barrels, or barriers, depending on
2 the situation, and allow the mail delivery
3 service to drive onto a previously placed steel
4 plate, so they could park out of the way of
5 traffic, through-traffic on the roadway.

6 Q. Let's talk about the steel plate for a moment
7 please.

8 A. (Farrington) Sure.

9 Q. In your prefiled testimony, when you were
10 talking about maintaining access for the
11 homeowner to come and go, you said, I believe,
12 it would either be "a short time" or "a matter
13 of a few minutes" for the workers to get this
14 steel plate down?

15 A. (Farrington) Correct. So, the steel plates are
16 on-site. So, it's just a matter of pushing
17 them into place.

18 Q. Do these workers physically run over and pick
19 up the steel plates and throw them across the
20 trench?

21 A. (Farrington) No. They use equipment. The
22 plates are pretty heavy.

23 Q. And what equipment do they use?

24 A. (Farrington) Have to defer to John Kayser.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Kayser) Probably like a bobcat or a similar
2 piece of equipment like that, or a backhoe.

3 Q. And where would that be parked?

4 A. (Kayser) It's in the work zone.

5 Q. So, I'm coming out to my driveway in the
6 morning to go to work. How many extra minutes
7 do I have to anticipate waiting for you to find
8 a worker, get a bobcat, hook up a plate, move
9 it over the trench, drop it down, so I can
10 leave?

11 A. (Farrington) Each case is different. But I
12 wouldn't anticipate it to be more than a few
13 minutes.

14 Q. A few minutes.

15 A. (Farrington) And I do believe there will be
16 door-knocking at each residence impacted. So,
17 if at that time you let them know what your
18 usual departure time is, they can have it ready
19 in advance.

20 Q. And you represent that as a feasible solution
21 to maintaining access for a homeowner?

22 A. (Farrington) Yes. Absolutely. I mean, I've
23 had paving projects in front of my house with
24 much less consideration for me getting into my

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1 driveway.

2 MS. SCHIBANOFF: I have no further
3 questions. Thank you.

4 CHAIRMAN HONIGBERG: All right. I
5 think we're up to members of the Committee.

6 (Chairman Honigberg conferring
7 with Atty. Dore.)

8 CHAIRMAN HONIGBERG: All right. So,
9 we're up to members of the Committee
10 questioning the panel. Who's ready to go?

11 Mr. Way, you look like you're ready.

12 MR. WAY: Good morning.

13 WITNESS JOHNSON: Good morning.

14 BY MR. WAY:

15 Q. I guess I'd like to focus a little bit more on
16 the business impacts today. And, like
17 Mr. Oldenburg said the other day, some of this
18 has already been covered. I'm looking for some
19 clarification, maybe some closure on a few
20 issues that we've talked about, so it's clear
21 in my mind what has been said. And, in my
22 position, I oftentimes hear from businesses
23 that are having an issue or have concerns.
24 And, with regards to this Project, you have the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 issues that are during the construction phase,
2 and then, of course, you have issues during the
3 operations phase. So, I'd like to maybe focus
4 a little bit on the construction phase, and
5 that's your expertise.

6 One, to circle back, let's start here in
7 Concord. I think Counselor Pacik raised the
8 issue of the Sabbow Company that has also come
9 to us a while back. They are located on
10 Regional Drive, I think, right here in Concord.
11 I drove by their facility. They're right in
12 your right-of-way.

13 Now, as I recall, and maybe, Mr. Bowes,
14 you mentioned this, that you are in discussions
15 with the Sabbow Company about the issues that
16 they were having in the right-of-way?

17 A. (Bowes) That is correct. We've had a
18 longstanding relationship with that customer.
19 They approached us several years ago to use the
20 easement area for the PSNH rights-of-way for
21 some of their concrete product storage. And we
22 executed a Special Use Agreement with them for
23 that. And, in that agreement, if there's
24 change, material changes from either the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 customer or from the owner in this case, then
2 we have to have a discussion around what type
3 of structures, in the case of Northern Pass, we
4 had to provide them information on what type of
5 structures we're going to place on the
6 property, how that will impact the Special Use
7 Agreement. And we've provided them a whole set
8 of data on the types of activities that will
9 take place on that easement area.

10 Q. Thank you. And I don't think I want to get
11 into the details, that's your agreement with
12 the company. But one of the -- I guess I
13 imagine, one of the concerns, they have a lot
14 of inventory. These are precast cement
15 structures. So, they're not small in that
16 area. And they're going to have to do
17 relocation, I would imagine, during that
18 period?

19 A. (Bowes) Yes, they are.

20 Q. And, so, is that relocation, I'm looking at
21 that, is that considered a business hardship
22 for them? Is that something that you'll work
23 with them, in terms of locating a new area for
24 their inventory?

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Bowes) Yes, we will.

2 Q. When you look at special use permits, and you
3 look at the business hardship discussions that
4 we've had, if I have activities within the
5 right-of-way, that doesn't limit my ability to
6 ask for hardship from Eversource with regards
7 to this Project?

8 A. (Bowes) You are correct.

9 Q. All right. I would think that also would apply
10 I believe it was called the "Concord Equestrian
11 Center", going up north a little bit as well?

12 A. (Bowes) Yes. I know Mr. Johnson has had
13 conversations with them.

14 Q. And that's sort of the same thing, the fact
15 they -- do they have a special use permit for
16 the right-of-way or did it just so happen that
17 they have used the right-of-way?

18 A. (Johnson) They have used the right-of-way. I
19 am unsure if they have a special use permit or
20 not. However, if there was a need to relocate
21 animals, or temporarily while we are
22 constructing through there, that would be
23 certainly something that we would consider as
24 part of the business interruption.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. All right. Very good. How many other
2 businesses, and I would imagine, by this time,
3 you folks have a pretty good inventory of
4 businesses that are impacted along the route.
5 How many other businesses have special use
6 permits for the right-of-way?

7 A. (Bowes) I would say it's very few.

8 Q. Very few?

9 A. (Bowes) Maybe ten at the most.

10 Q. Ten?

11 A. (Bowes) That includes -- that includes, though,
12 homeowners, as well as businesses.

13 A. (Johnson) So, I'd say that that also would
14 exclude agricultural lands. They have their
15 own easement language that they're allowed to
16 continue to use the agricultural aspects of
17 those lands. So, they wouldn't necessarily
18 need a special use permit, is where I'm going.

19 Q. All right. Fair enough. And, along that same
20 line, Mr. Johnson, I would imagine there are
21 several other businesses that do not have
22 special use permits, but, just by the way of
23 the years, they have migrated in -- or, is that
24 something where, if they have migrated into the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 right-of-way, your team would call them on that
2 or was it something that was permitted?

3 A. (Bowes) So, there are many uses along the
4 right-of-way. Most of them are allowable uses,
5 whether it's, as Mr. Johnson said, an
6 agricultural situation. Tree farms, for
7 example, are very typical along or inside the
8 right-of-way. Some agricultural activities are
9 actually planting, horse farms, horse corrals,
10 things like that. Those are probably allowable
11 under the easement and there's no Special Use
12 Agreement.

13 There are certain circumstances where an
14 encroachment has actually been placed inside
15 the easement. That's typically when we try to
16 reach out and find agreement with the either
17 homeowner or business, so to make sure that
18 their operations don't interfere with the
19 electric system, and, vice versa, our
20 operations for routine maintenance don't
21 interfere with what they have. And, then,
22 that's typically where we enter into a more
23 formal agreement, like with Sabbow, a formal
24 agreement.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. Very good. And can I assume that, for all
2 those that have a Special Use Agreement, and
3 for those that border on a Special Use
4 Agreement, that you have given them
5 notification or that you've already sat down
6 and are in discussions?

7 A. (Bowes) So, we've certainly given them
8 notification. I can't say we've sat down with
9 every one of them. I know we recently notified
10 all of the businesses along the underground
11 route as well, that was, what, about how long
12 was that? A few months ago we notified all the
13 businesses we could identify by doing our
14 searches along the underground route as well.

15 Q. All right.

16 A. (Bowes) So, those normally wouldn't be part of
17 the right-of-way. So, that was a little bit
18 different situation, in the case of businesses
19 along the underground route.

20 Q. But, if you do have a business that's directly
21 in the right-of-way, that has operations in the
22 right-of-way, you have notified them, I'm
23 assuming a letter, and asking them to contact
24 you?

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Bowes) Yes, we have. Multiple times,
2 actually.

3 Q. And, so, when you look at -- those are on the
4 same level of the Sabbow Company. Because I
5 would look at that company as a high priority,
6 because their operations are totally dependent
7 on that area. Are there any other companies
8 that, regardless of whether they have notified
9 you or not or responded, you've identified them
10 as a critical piece here, and that you've
11 reached -- you've gone out to visit them or --

12 A. (Johnson) So, I can give you two examples. One
13 is, just a little bit farther up this
14 right-of-way, a company by the name of the
15 "Dirt Doctors" --

16 *[Court reporter interruption.]*

17 **CONTINUED BY THE WITNESS:**

18 A. (Johnson) -- a company by the name of the "Dirt
19 Doctors". They do mulching and then dirt
20 activities where they have stored material
21 underneath the conductors in the right-of-way.
22 We have met with them, I want to say, more than
23 a year ago. And, again, I can get you the
24 specific details, if you'd like that.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Another company is the distribution
2 company, again, a little bit farther down the
3 right-of-way here. They have relocated a
4 driveway and sort of expanded their facility to
5 add new trailer parking in the back.

6 BY MR. WAY:

7 Q. At Pembroke?

8 A. (Johnson) I believe so, yes.

9 Q. All right.

10 A. (Johnson) So, we met with them at the time, and
11 discussed the plans and our activities, to
12 ensure that their expansion didn't conflict
13 with our Project.

14 And the most recent one, I know I said
15 "two", but this is three, the most recent one
16 is I believe the Army is planning a new -- I
17 believe it's the Army, is planning a new
18 facility. And there was a driveway crossing
19 that came across our right-of-way. So, we've
20 been coordinating with them to ensure that,
21 again, that their design of the driveway does
22 not conflict with any of our infrastructure.

23 Q. All right. Thank you. Let's move up to
24 Plymouth. We had sort of a limited time with

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Mr. Scott and Mr. Bradstreet for questions
2 yesterday, and I had asked some questions about
3 collocation, or using that term, I know it's
4 not the exact term, with the sewer initiative
5 in the Town of Plymouth, maybe to identify
6 issues there. I'm still trying to get a handle
7 on Plymouth, because Plymouth, we're going down
8 the main street. And that seems -- would you
9 agree that, at this point, that seems like a
10 pretty safe bet in the planning stage?

11 A. (Johnson) So, from the planning perspective,
12 yes.

13 Q. All right. And, so, the sense was that going
14 down, the next one down, as I recall it, was
15 Pearl Street and Green Street -- Green
16 Street, --

17 A. (Johnson) Yes.

18 Q. -- going down that road. That was probably
19 your initial proposal was to go down Green
20 Street?

21 A. (Johnson) Yes. So, our initial plan was to go
22 down Main Street, as is our current plan. We
23 had some discussions with the City or the Town
24 of Plymouth. I believe we have an exhibit, if

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 you'd like us to show that to you, specifics of
2 the design options that we chose. We can pull
3 it up on the screen, if you'd like us to. But,
4 effectively, it was looking at options that
5 would bring us off of Main Street, and then put
6 us back onto Route 3 south of town. That was
7 our primary objective.

8 Q. And, obviously, I don't have the Town of
9 Plymouth here to ask the questions. So, just
10 from your perspective, you said that those
11 communications stopped?

12 A. (Johnson) Correct.

13 Q. That's interesting to me. So, when you say
14 "stopped", they just didn't return phone calls
15 or no more meetings? Or, did they give an
16 example of why this stopped, in other words,
17 because I think even there was reference to
18 private property issues? Or what's -- because
19 that seems it's going to be a major disruption,
20 in my mind, for the Town of Plymouth?

21 A. (Johnson) Sure.

22 Q. And, so, something had to stop this in its
23 track going down Green Street. And I'm kind of
24 interested in what that is?

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Johnson) So, we were informed by the Town of
2 Plymouth that they no longer wanted to have
3 conversations with the Project, and they would
4 like to have the Project go down I-93.

5 Q. Okay.

6 A. (Johnson) And that was the end of our
7 communications with the Town. That's the
8 official. And, so, the public water, the
9 Public Village -- or, Plymouth Village Water &
10 Sewer, we're still having ongoing conversations
11 with. But, from the municipality itself, it
12 was a very abrupt end to our discussions.

13 Q. So, going down the Main Street of Plymouth, and
14 I think it's fair to say that Plymouth is not
15 acknowledging that as viable either?

16 A. (Johnson) Correct.

17 Q. Okay. And, so, when you say that you're in
18 discussions with the -- it would be the Sewer &
19 Water Commission?

20 A. (Johnson) It's actually a separate entity in
21 Plymouth. It's the Plymouth Village Sewer &
22 Water.

23 Q. Still reportable to the Selectboard, though?

24 A. (Johnson) There is some tie there, but I'm not

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 exactly sure. I do not believe that it is a --
2 meaning, I think they have their own budgets
3 and their own thing.

4 Q. They do?

5 A. (Johnson) I believe it's somewhat of a separate
6 entity, yes.

7 Q. I was looking at some of their meetings,
8 meeting minutes from the last, what, six, seven
9 months or so, and I didn't see anything. Were
10 these discussions taken place -- did they take
11 place a while ago?

12 A. (Johnson) Yes. So, there's sort of two levels.
13 We did a whole series of meetings with them up
14 front, and it was us going to visit them during
15 our data-gathering phase. We did another
16 series of meetings with them that were in the
17 field, when we were identifying their sewers
18 and their depths to the tops and bottoms of
19 their facilities. And that was all done sort
20 of prior to the November/December. So, it
21 would have been in sort of August and September
22 of 2015, leading up to the submittals that went
23 in in early 2016.

24 So, we've also now recently kicked off

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 with this new initiative that they have with
2 their replacement projects that are now on the
3 horizon. And we just started that process of
4 setting up meetings, so that we can discuss,
5 with their engineering company, the initial
6 designs that they're going to put forward, and
7 see if there are synergies between the two
8 projects. But we're in the phase of just
9 setting up those meetings.

10 Q. And I had asked yesterday whether we were
11 opening a can of worms, in terms of, you know,
12 co-working with a sewer project, which I've
13 seen in other communities. And, so, I would
14 have to imagine that there's -- do you
15 anticipate major problems coming from that? I
16 ask once again, do you anticipate major
17 problems coming from that that could derail?

18 A. (Johnson) So, clearly, when you're doing two
19 types of construction, and I don't mean that
20 either of them are difficult, it's just that
21 you're doing another set of installation, the
22 length of time would definitely be increased.

23 There are some synergies, however, with
24 the paving and the structural base that would

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 have to be replaced, that where you literally
2 wouldn't be digging the streets up twice. So,
3 it makes sense, I think, that, from an overall
4 perspective, that you wouldn't have a complete
5 project come through, and then another complete
6 project come through that would cause two major
7 sets of disruptions. It might be better to do
8 it at once.

9 Part of it is for us to determine, are we
10 going down the same street? Are we, you know,
11 sort of in conflict with each other? Is one
12 much deeper than the other? And, if there, you
13 know, if there are synergies of design and
14 construction, then we certainly want to
15 capitalize on that.

16 Q. And how long a stretch are they interested in
17 looking at?

18 A. (Johnson) I'm not 100 percent sure, but I
19 believe it's from the traffic circle, to the
20 south end of their facilities, which is about
21 three-quarters of a mile down the street.

22 Q. All right.

23 A. (Johnson) So, effectively, through town.

24 Q. And they're located on Green Street, too, are

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 they not?

2 A. (Johnson) They are, over -- up by the bridge,
3 yes.

4 Q. Okay. Very good.

5 A. (Johnson) I'm sorry, not Green Street.

6 Q. Pearl Street.

7 A. (Johnson) They're on Route 3, farther up by the
8 bridge, is where the actual office is.

9 Q. Okay. Very good. Trying to get a sense of the
10 outreach that was done to businesses. And I
11 guess my understanding, and maybe, Mr. Johnson,
12 you're the right one to talk about, as it
13 stands right now, you have notified businesses
14 along the underground route?

15 A. (Johnson) That's correct.

16 Q. You've given them the option of responding to
17 you?

18 A. (Johnson) Correct.

19 Q. Some have responded?

20 A. (Johnson) Yes.

21 Q. And some have not. And, as I mentioned
22 earlier, I imagine you're getting a pretty good
23 inventory, a list of impacted businesses,
24 regardless of whether they have responded or

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[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 not, you've identified who they are?

2 A. (Johnson) That's correct. We've also done
3 physical driving through the underground route
4 to identify -- a lot of times, unfortunately,
5 the owner of the facility is not necessarily
6 the business that's there. So, you can't just
7 go to the yellow pages, for example, and find
8 them. So, we've done the physical driving by
9 trying to identify.

10 We also try to update that on a
11 semi-regular basis, because, as you know,
12 businesses open and close across this length of
13 underground in a somewhat frequent basis. So,
14 we're trying to identify those and keep up to
15 date.

16 Q. And that inventory of businesses, that list, is
17 that something that's available to us? Is that
18 something we have?

19 A. (Johnson) We have not provided it to date. But
20 I'm sure that we could.

21 Q. Could I request that?

22 A. (Johnson) Sure.

23 Q. That would be great. So, when you're looking
24 at reaching out to businesses, and then sort of

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 the recognition that some will respond, some
2 will never even know about it, some for
3 whatever reason. As you're going down, let's
4 say -- let's use Plymouth, because it's a good
5 urban setting, and you're doing your drive-by.
6 At any point, are your field representatives,
7 are they stopping on the street? Are they
8 walking down? Are they going to talk with some
9 of the business owners? Are you -- and I
10 think, Mr. Johnson, you said before that that
11 level of contact was premature?

12 A. (Johnson) Correct.

13 Q. Why is it premature again?

14 A. (Johnson) So, at this phase, like I said, we're
15 informing folks and asking them if they would
16 like us to come out. Part of the discussion
17 that business owners, in my experience, they're
18 much more interested in "When are you going to
19 be there exactly? How long are you going to be
20 in front of me exactly? How are you going to
21 maintain access to my driveway?" Those kind of
22 things.

23 So, from a construction perspective, we're
24 still figuring out exactly where we're going to

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 do the work first, second, and third. And, so,
2 it's as we firm up those details is more when
3 we would start that more vigorous outreach to
4 the business owners, so that we have a much
5 more robust story to tell them.

6 Q. But we're pretty much at a point now where you
7 know this line is going to go --

8 A. (Johnson) Yes.

9 Q. -- downtown. So, you've got a pretty good
10 sense of, and I think, Ms. Farrington, you
11 talked about lane closures, we have a pretty
12 good sense of what the layout is going to be.
13 So, wouldn't this be a good time to be reaching
14 out, as a matter of fact, wouldn't it be a good
15 time, particularly if you're going to be
16 altering this design in any way, shape, or form
17 to accommodate that business, that the time
18 would be now, much like we're hearing about
19 individual properties? Wouldn't this be a good
20 time?

21 A. (Johnson) Absolutely. We'd love to hear from
22 folks. From a design perspective, the fact
23 that a trench or a splice pit is going to be
24 under or located in a certain location probably

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 won't change, unless there's a wholesale design
2 change in this particular downtown corridor.
3 So, the fact that it's going to be there is not
4 the same.

5 I think it would be interesting to hear
6 whether the business community would like
7 things like night work or other things that
8 would limit or alleviate some of the traffic
9 impacts.

10 A. (Bowes) To add to what Mr. Johnson said, I
11 think now is probably the time, when everything
12 is coming together. We notified businesses a
13 couple months ago. Our last conversations with
14 the DOT, in our monthly meeting, we're starting
15 to go around some of the town centers, where we
16 thought there would be more disruption, and how
17 we would approach that in the future. So, I've
18 kind of laid the groundwork at our last meeting
19 in May, around specifically Plymouth and
20 Franconia, of how we would like to approach the
21 DOT, after we get agreements with the town.

22 And I committed to the DOT Commissioner,
23 for example, that we're not going to come and
24 ask for night work in downtown Plymouth without

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 the Town also with us. So, we want to make
2 sure we come together, and we try to resolve
3 all the issues before we request an exception
4 with the DOT.

5 The types of things for individual
6 business owners in Plymouth, though, those will
7 tend -- I think we saw four examples, I think
8 it was Counsel for the Public that presented
9 them, or it may have been one of the other
10 attorneys, is that they may have disparate
11 interests, as far as work schedule, as far as
12 time of year, as far as time of day. So,
13 ultimately, what we tried to attempt to was to
14 hire this consultant, Louis Karno, is to gather
15 those local businesses together and try to come
16 up with the optimum schedule. We know what our
17 construction placement will now be, in general.
18 We know what -- our constructor is now putting
19 together a schedule. Once they have that draft
20 schedule, that would be the perfect time now to
21 sit with our consultant, Louis Karno, and these
22 four businesses, but there's probably, you
23 know, 40 businesses in downtown Plymouth, and
24 say "Here's what we're thinking. Tell us how

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 we can accommodate your businesses in general."
2 And some will have -- some will want nighttime
3 construction, some will want daytime
4 construction. So, there's going to be a
5 give-and-take. But those are the exact type of
6 conversations we have to have.

7 And, then, if we want a variance from the
8 DOT, the Town of Plymouth and Northern Pass go
9 to the DOT, they're already presoaked for it,
10 they know we're going to be coming at some
11 point, and hope to get their approval for, I
12 would say, staggered work hours is what I will
13 expect will come out of that. It's not going
14 to be nighttime and it's not going to be
15 daytime. It's going to be, for this segment,
16 it's going to be this month of the year and
17 these work hours; for this segment, it could be
18 a very different month of the year and
19 different work hours.

20 Q. I can imagine that, in an urban setting, trying
21 to set the schedule is a "no win" situation
22 regardless?

23 A. (Bowes) I wouldn't say "no win". We're trying
24 to make the most wins for everyone.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. Right. But The Flying Monkey may say "I can't
2 have any construction during the evening
3 hours", and someone at the Grille could say,
4 "But the morning hours simply does not work for
5 our cafe".

6 A. (Bowes) So, there will be some compromises, I'm
7 sure.

8 Q. All right. So, and that's good to hear,
9 because one of the things, as, Mr. Johnson, you
10 said "this would be the right time to hear from
11 them". And I guess my point is, and I think
12 to, Mr. Bowes, your point, this is the right
13 time to be reaching out to them aggressively,
14 so that they have a sense of where they're
15 going to be in this Project.

16 In terms of what they might be able to
17 expect with regards to what we have in place
18 right now, I'm very interested in the
19 day-to-day how they operate. And let's say
20 that something happens, they experience -- it
21 could be loud noises beyond what they expected,
22 there could be smells, there could be dust, I
23 think that was raised a little -- that was
24 raised yesterday, something that is beyond what

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 they were anticipating. How do they rectify
2 that? Do they -- is there a website? Is there
3 a phone call? Is there -- are they walking out
4 the door and, frankly, going -- seeing the
5 construction and finding the man or woman with
6 a clipboard? How are they addressing that
7 issue?

8 A. (Johnson) So, the answer is "all the above".
9 If it was me, I'd go straight out to the
10 construction representative and have a
11 conversation with them. I think Mr. Bowes has
12 sort of said, you know, if you don't get any
13 satisfaction there, there are sort of levels
14 that you can continue to go up. Clearly,
15 calling a hotline or sending an email triggers
16 a response from the community relations person.
17 As part of our original door-knocking, there
18 will be contact information given, so that
19 every business owner along that route is aware
20 of the process.

21 I know that, when Mr. Karno was working
22 through the downtown Concord area, they set up
23 their own sort of mini hotline, where somebody
24 would call him directly or his office or

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 representative directly, and they would have
2 somebody on-site within minutes, since they
3 were located downtown.

4 So, those are the kind of things that we
5 would advocate and agree to, as far as
6 construction representation.

7 Q. Okay. Very good.

8 A. (Bowes) And, possibly, even with the Town of
9 Plymouth, they may want us to have local -- I'm
10 sorry -- open a local office in the downtown
11 area, so that we have someone there, you know,
12 all the time during construction. That's
13 something we'd certainly consider as part of
14 the MOU.

15 Q. That would seem to make sense.

16 A. (Bowes) For that particular area, I think it
17 probably does.

18 Q. Ms. Farrington, when you look at what's being
19 proposed for the line, I would have to imagine
20 that, one, to me, and having gone down
21 Plymouth -- I happen to have been in Plymouth
22 quite a bit and park -- trying to park in the
23 Main Street quite a bit, it can be challenging.
24 And, so, now we're adding this new dynamic, in

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 terms of things like loss of crosswalks, loss
2 of handicap parking. How do you deal with
3 that?

4 A. (Farrington) Sure. So, part of it is the
5 timing, as I think was mentioned. If we can do
6 it during kind of the slower seasons for the
7 businesses, and we're only taking a few parking
8 spaces at a time, there is going to be that
9 very limited, probably 150 feet of actual work
10 zone. So, 150 feet is six parking spaces. So,
11 we'll only be affecting a minimal number at one
12 time. We often will temporarily assign a
13 nearby parking space as handicap, if we're
14 taking away the handicap ones. And we have to,
15 that's a requirement. And, also, crosswalks
16 have to be temporarily moved, and all the ADA
17 requirements have to be met at that temporary
18 location. The --

19 *[Court reporter interruption.]*

20 WITNESS FARRINGTON: I'm sorry.

21 **CONTINUED BY THE WITNESS:**

22 A. (Farrington) Tip-downs are required, and
23 crosswalk detours and pedestrian signing are
24 all required.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 BY MR. WAY:

2 Q. Tip-downs? What's a "tip-down"?

3 A. (Farrington) I'm sorry. So, it's kind of that
4 little ramp at a road.

5 Q. Okay.

6 A. (Farrington) And they usually have the yellow
7 kind of thumped mats to help with visually
8 impaired folks.

9 Q. So, along this entire stretch of Main Street,
10 in Plymouth, we're talking about only you say
11 "150 feet" at any one time?

12 A. (Farrington) Yes. I believe that's the plan
13 with the speciality construction crew.

14 A. (Johnson) So, our contractor understands the
15 fact that having a big train of construction
16 through there, while it might be faster, is
17 going to be a lot more interrupted. So, he's
18 committed to using a much smaller work zone.
19 It's going to be slightly slower, but less
20 impactful, as far as parking and some of the
21 other interferences, like sidewalk crossings
22 and things like that.

23 Q. Probably about the 20 feet per day, as I --
24 that's the lower end, --

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Johnson) Correct.

2 Q. -- because of that.

3 A. (Johnson) Yes.

4 Q. In terms of other things, for example, if
5 loading docks -- have you identified loading
6 docks? Have we identified where we have large
7 suppliers? Can large -- are large trucks going
8 to be able to navigate through this? How is
9 that going to work?

10 A. (Johnson) So, for the most part, the loading
11 docks are behind the buildings. However, I
12 will say that I have seen, for instance, a
13 Cisco truck dropping off food products to a
14 restaurant or something, typically early in the
15 morning. Those are the exact kind of
16 conversations that we need to have with the
17 business owners, to understand their traffic
18 and the needs, as far as deliveries and things
19 like that. So, that's something definitely
20 that's kind of in this phase of outreach and
21 communication.

22 Q. All right. And the overflow parking, I think
23 as we talked about now, and as I recall,
24 Ms. Farrington, you said this was not set in

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 stone in any way, but probably you would be
2 steering them to a place like Green Street, as
3 I recall?

4 A. (Farrington) Yes.

5 Q. The only challenge with that is someone who has
6 gone for parking on Green Street, and, as a
7 matter of fact, if you look at, I think -- I
8 don't have the exhibit number, but if you look
9 at the picture of your exhibit, it shows all
10 full parking. Which, you know, from a business
11 standpoint is great, but I would imagine that's
12 going to be a challenging piece to, and
13 particularly with the ADA issues that was just
14 raised, but that's not going to be an easy
15 piece to do, I would imagine?

16 A. (Farrington) I think that goes back to the
17 scheduling, the time of year as best we can,
18 and the time of day. So, hopefully, we can do
19 it at a time where the loss of six or eight
20 parking spots isn't quite as impactful as when
21 there's absolutely no parking left.

22 Q. And I imagine that scheduling is tough, because
23 you're going to have to work around Plymouth
24 State University, plus you're also going to

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 have to accommodate our tourism season, and
2 you're going to have to accommodate that
3 construction season?

4 A. (Farrington) Exactly.

5 Q. Good luck with that.

6 MR. WAY: Bear with me a moment.

7 MS. WHITAKER: Can I --

8 MR. WAY: Sure.

9 MS. WHITAKER: Actually, he just said
10 something I literally just wrote down in my
11 notes.

12 BY MS. WHITAKER:

13 Q. How do you determine what those busy times
14 might be? Do you actually talk with the
15 business owners or do you make assumptions and
16 move forward on those assumptions?

17 A. (Farrington) So, it's a mix. We start by doing
18 a little research in the assumptions. So, we
19 work with the Plymouth State schedule, that's a
20 big one. If at all possible, Spring Break is a
21 great time to get started. The summer break
22 isn't ideal, because then we see the traffic
23 volumes in downtown go up. So, maybe -- and
24 right around graduation we would certainly

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 avoid. So, we have some general guidance to
2 get started with. If there are any festivals
3 in town or any major events, we would certainly
4 find out and avoid those.

5 And, then, once we have kind of a rough
6 idea of what we think our best choice is that's
7 where we start to get the real discussions
8 going about time of day with the business
9 owners, and the University.

10 Q. And do you actually go and talk to the business
11 owners face-to-face or is that, again, a
12 mailing or a phone call or --

13 A. (Farrington) I don't know if I personally will,
14 but, certainly, face-to-face, Sam and
15 Communications.

16 A. (Johnson) So, the Communications Team will most
17 likely set up mini forums, if you will, where
18 we can present the Project and then solicit
19 feedback, and it's in a live manner.

20 MS. WHITAKER: Great. Thank you.

21 BY MR. WAY:

22 Q. I was looking at an exhibit from the Counsel
23 for the Public. This was, I believe, Number
24 148, Kavet/Rockler Supplementary Testimony,

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Exhibit A. I believe it was even introduced
2 by -- maybe by Christine Fillmore the other
3 day. And this was interesting, because it was
4 the feedback from downtown Plymouth businesses.
5 And, you know, when I look at that, that's
6 probably represents 150-200 employees when it's
7 all said and done, and they all had a variety
8 of concerns.

9 And I guess, you know, it would be my hope
10 and my understanding that, you know, and I
11 understand premature, but the time is now, I'd
12 be using that as first, you know, as something
13 that maybe to use as a template for talking
14 with businesses, that direct face-to-face.

15 And, then, when you look at places like
16 Franconia, I think the same thing, and try to
17 get a sense of how Franconia is going to
18 operate. And I think about things like, as I
19 think was discussed, like a bed-and-breakfast.
20 Now, a bed-and-breakfast can be pretty
21 unforgiving, in terms of its customer base. If
22 you have a bad experience at a bed-and-
23 breakfast, chances are you're not back there
24 again. So, there's -- I believe there's one on

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 16, and probably -- and several, actually, in
2 Sugar Hill/Franconia area that I'm familiar
3 with.

4 What can you do for them? How are you --
5 how, and I'm not sure there's an easy answer
6 for this, what is your pitch to them on how you
7 might be able to help?

8 A. (Bowes) So, I would say the basics are the
9 same. It's "what's the lowest season you have?
10 If you're going on vacation yourselves? Is
11 there a time of year that is, I won't say the
12 "best", but the least impact to you? Is there
13 certain days of the week that we should be
14 there?"

15 Is it an opportunity to do, you know,
16 accelerated construction or, you know,
17 decelerated construction in that area? How
18 fast should we go through that area or how slow
19 should we go through that area? But it's
20 ultimately, you know, access to the business.
21 It's access, you know, sidewalks, if the case
22 may be, probably not in this case, but, in
23 other businesses in downtown areas, keeping the
24 sidewalks open.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 For example, if we're going to be in that
2 area of 116, our workers are going to need to
3 stay somewhere. Maybe we say "We'll make an
4 agreement with you. We will rent that
5 bed-and-breakfast out and our workers will stay
6 there. So, this whole idea of providing
7 vouchers or moving business towards a business
8 is another thing that we haven't spent a lot of
9 time talking about, but we've used that
10 successfully. We give our workers vouchers to
11 go eat at a local restaurant. So, then, the
12 revenue possibly could even increase for that
13 business.

14 If you're in hospitality, we understand
15 that there aren't a lot of rooms in the North
16 Country where our workers will be able to stay.
17 So, they're going to have to travel quite some
18 distance. If we can cut down the travel time
19 for them, it's in our economic interest, as
20 well as the local businesses' economic
21 interests, to have our workers stay there.

22 Q. Well, you answered another one of my questions,
23 and that was housing. And, so, I would imagine
24 you'll have someone on the ground that's sole

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 job is to locate places for these people to
2 stay?

3 A. (Johnson) That is correct.

4 Q. All right.

5 A. (Bowes) The whole feeding and lodging of
6 potentially, you know, a thousand or more
7 workers in kind of a small geographic area is
8 going to present some unique challenges for us.
9 But also some unique opportunities for local
10 businesses.

11 Q. All right. Very good. We'll get to that in a
12 moment a little bit more. Also, on 116, I'm
13 trying to recall, in Franconia, I believe the
14 transfer station is on that road. Is that
15 correct?

16 A. (Johnson) That is correct, yes.

17 Q. That is correct. And do you see any issues of
18 access there for residents? Do you see any
19 issues of large trucks that are coming in and
20 out, with regards to the proposed route?

21 A. (Johnson) So, similar to a residential
22 neighborhood, if there was a vehicle that
23 needed to access that, we would have steel
24 plating available. I think this particular

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 case is unique, where we might want to do, you
2 know, an evening or later into an evening to
3 get across that particular intersection, just
4 due to the fact that people do come in and out
5 of that on a regular basis with somewhat larger
6 vehicles.

7 But, very similar to anything else, we
8 would have an ability to maintain access to
9 that at all times.

10 Q. All right. Very good. Ms. Farrington, and I'm
11 just going to leap off with what we talked
12 about with Mr. Bowes a moment ago, and that was
13 in terms of the economic impact. And one of
14 the statements you said in your testimony was
15 that these type of activities tend to result in
16 more dollars flowing into the community,
17 correct? More economic impact?

18 A. (Farrington) It makes sense. I'm not sure if
19 that was in my testimony or not.

20 Q. I did have something where you said that.

21 A. (Farrington) Okay. It sounds like something
22 I'd say.

23 Q. It sounds like something you'd say. And, so, I
24 guess I want to put some flesh on the bones for

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 that. You know, because I think the idea here
2 is that does the impact that comes from workers
3 spending money and, you know, taking up
4 housing, and putting their local dollars, does
5 that offset the losses that might occur from
6 some of the temporary, and, like a
7 bed-and-breakfast, could be a long-term impact,
8 something like that, is that going to be an
9 offset?

10 And, so, I guess, and I know we're going
11 to be hearing about more detailed economic
12 impacts, but I wondered if you might -- what
13 are you using as a basis for that statement, in
14 your experience?

15 A. (Farrington) So, yes, I can't speak to it
16 necessarily -- well, I guess it's a personnel
17 experience that I've had, in that I was
18 assigned to a construction site in the airport
19 in Warwick, Rhode Island for a couple months.
20 And I had never known about Warwick, Rhode
21 Island until that time. And, now, we're
22 actually planning to fly out of there for our
23 honeymoon, just because it's a place I'm now
24 accustomed to. It's a small airport that I

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 never would have known about, you can get in
2 and out easily. And I have an awful lot of
3 Sheraton Points right there, and they have free
4 parking.

5 So, I think, in that case, it's just on my
6 mind that people go where they have already
7 been, and it's familiar and comfortable for
8 them. So, perhaps some of these construction
9 workers will come to appreciate the North
10 Country community, and hopefully come back with
11 their families in a few years.

12 Q. Thank you. So, I appreciate it. So, it's more
13 of an opinion, just based upon your experience,
14 that --

15 A. (Farrington) Yes. Absolutely.

16 Q. And, so, maybe, Mr. Bowes, will we be seeing,
17 in the modeling that will be coming up, does
18 that -- because, when I've seen larger projects
19 before and they're placed into a community, you
20 really have a good sense of, and I think I've
21 seen testimony that will address this, but of
22 the direct and indirect impacts that are going
23 to occur in the community to address what I
24 just talked about, whether the loss of

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 something over here is made up for, and then
2 some, with something on the other end?

3 A. (Bowes) Yes. We have, I think, a series of
4 witnesses that cover various aspects of that,
5 including the direct effect of tourism, and
6 also the economic impact of placing this number
7 of workers, and all of the supply chain that
8 requires. I mean, we've talked about some of
9 the negative aspects of all of these trucks.
10 But there's also all the positive impacts. So,
11 you know, all of these people are now going
12 into an area that aren't necessarily workers on
13 the Project. There's going to be a lot of
14 deliveries being made for all the primary, as
15 well as the secondary, products that are going
16 to need to be supporting all of these workers
17 and all of the construction activities.

18 Q. And I remember you saying specifically that you
19 would work with the business to promote the
20 business?

21 A. (Bowes) Most definitely.

22 Q. And that word "promote" stuck with me. And I
23 would like to know more about what does that
24 mean, the word "promote"?

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Bowes) So, I have given a couple examples. I
2 used the local restaurants. Where it's to our
3 advantage to have our workers fed and on the
4 job site promptly for the start of work. That
5 doesn't mean we want them traveling a large
6 distance. So, as they're working along the
7 route or along the right-of-way, we want them
8 to be fed and on the work site as soon as
9 possible.

10 At lunchtime, for example, we don't want
11 them leaving the work site, especially if it's,
12 you know, on a right-of-way. So, there's going
13 to be a unique business opportunity here for
14 the lunch vans and the feeding of all of these
15 workers that probably does not exist today.
16 So, there's going to be some start-up
17 businesses that take advantage of this.

18 I mean, if you think about all of the
19 other services that a large workforce needs.
20 They're going to need a place to use the
21 facilities, obviously. So, there's going to be
22 temporary facilities for that. All of the
23 road-building activities is going to generate a
24 gravel industry. We're going to have waste

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 product, for example, in some of our transition
2 stations that's going to be turned into a
3 product that can be used either for local roads
4 or for the Project itself. So, there's going
5 be a recycling here, but all of that's going to
6 take manpower to make that happen.

7 Whether it's in the retail side, you know,
8 feeding and lodging side, or the construction
9 side. There's going to be a cycle that's
10 generated here. And I know there will probably
11 be some discussion around whether it's a
12 temporary or permanent impact, I understand
13 that. So, at least for the construction phase,
14 there's going to be a huge economic impact in
15 these local areas. And it makes perfect sense
16 for us to use the local businesses to support
17 that. We don't want our workers traveling an
18 hour or more a day to get to work and to leave
19 work.

20 A. (Johnson) And, if I may add one more thing,
21 that the Project has started a business
22 directory, if you will. We have, I think,
23 somewhere between 200 and 300 businesses that
24 have registered with us through our jobs

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 hotline. And, effectively, we've provided
2 that, that list of interested businesses that
3 want to work with us, to our general contractor
4 as a starting point for them to outreach
5 exactly in this way out to various people. And
6 that encompasses the gamut of things, even from
7 banks, where people are going to cash their
8 checks, to industrial or large commercial
9 operations, hardware stores, the grocery
10 stores, just anything that would touch a
11 project or our Project would touch, I guess,
12 from a secondary or tertiary type of thing.

13 So, we do have an ongoing business list,
14 which we can provide to you, if you're
15 interested in that as well.

16 Q. I would.

17 A. (Johnson) And, then, we've provided that to our
18 contractors, so that they're, like I said,
19 informed.

20 Q. And, so, this list is -- you said you register
21 to get on this list?

22 A. (Johnson) Yes.

23 Q. And I would -- is this something, when you sent
24 a notification out to the businesses, you made

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 that offer that "if you go to this website and
2 put your name in, we'll put you on the list"?

3 A. (Johnson) I believe that's so. I can verify
4 that in a break here. But, yes. That, in
5 effect, is the way we do it.

6 A lot of the North Country businesses are
7 very interested in this. Obviously, they're
8 sort of, if you will, in my opinion, more
9 advanced, as far as -- in compared to some of
10 the southern businesses, as far as their
11 knowledge of the Project. And, so, that list
12 is available and we'll continue to grow it.
13 And any time somebody registers, we'll provide
14 that to our contractor.

15 Q. All right. I would like to request that, if I
16 could?

17 A. (Johnson) Uh-huh.

18 Q. Ms. Farrington, in your traffic studies, and
19 I've had to -- I'm working to make sure I
20 understand the difference between the traffic
21 study and the traffic management study that
22 will be coming up. And that will be coming up
23 at a later date?

24 A. (Farrington) Yes.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. All right. And, so, trying to get a sense of
2 how detailed this traffic study was. Tried
3 also to get a sense as to you have extensive
4 experience in, you know, a heavy setting, urban
5 settings, and how that translates to the more
6 rural settings, even though, for us, it may be
7 urban. In your experience, it may be something
8 less. And, then, how that's going to
9 translate.

10 So, and I'm trying to get a sense how much
11 that took into account the various aspects like
12 travel time, like when I hear "30 seconds to a
13 minute" at each location, there's a part of me
14 that goes "really?" Because that oftentimes
15 isn't the experience.

16 And, when we look at, you know, I think as
17 Mr. Oldenburg said the other day, something
18 every 2.7 miles, particularly when we look at
19 like a 116, as someone said, that's a major
20 tourism route, are we taking into account -- is
21 that do you feel comfortable with those
22 projections and do you feel comfortable with
23 those projections in that area?

24 A. (Farrington) Sure. So, as Mr. Oldenburg

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 alluded to, there is a lot of theory in traffic
2 engineering. We kind of get heckled by the
3 other disciplines. But, basically, for a
4 two-way one-lane roadway, with an alternating
5 traffic, so, either a flagger or a traffic
6 signal, for the initial analysis, we really
7 just did a base comparison. So, it's dependent
8 on two different things: The work zone length
9 and the number of vehicles per hour on that
10 roadway. We were supplied with the number of
11 vehicles per day on each roadway. So, we went
12 through and did a comparison to make sure that
13 all -- all the roadways we're impacting with
14 this setup are below 850 vehicles per hour.
15 So, once we have that information, now we can
16 start to do kind of a more detailed "what is
17 right for each location?"

18 So, as I -- there have been some recent
19 studies that came out. And, basically, the
20 shorter the work zone, and the less number of
21 vehicles per hour, the less delay you're going
22 to have. It's all very dependent on exactly
23 the moment you hit and the experience you have.
24 So, we talk a lot about averages. But the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 acceptable, say you have a thousand vehicles
2 per hour, that's a fairly high number. We
3 don't hit that on any of the roads that we are
4 looking at. A work zone length for that would
5 be 500 feet. That would be considered
6 acceptable by Federal Highway.

7 So, in downtown Plymouth, where the work
8 zone is much shorter, 150 feet, we will
9 actually be able to move far more vehicles per
10 hour through this. So, the delays will be even
11 more minimal.

12 For the longer work zones, we set a
13 maximum work zone of 1,600 feet in our traffic
14 control plans. So that can handle up to 625
15 vehicles per hour. And, once we -- once we get
16 down to the very details of the transportation
17 management plan, we can set the work zone
18 length for each roadway based on the actual
19 number of vehicles per hour that we're
20 expecting.

21 Q. Because one of the things, as you make these
22 projections, is it -- right now, it's a lump
23 number per day. It doesn't take into -- does
24 it take into account the hourly traffic? So,

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 for example, all of our towns, they're one of
2 three things: They're a net importer of
3 employees or an exporter, or everybody is doing
4 business right within the area.

5 A. (Farrington) Yes.

6 Q. And I'm trying to remember what Franconia is,
7 and I don't even want to hazard a guess. But,
8 you know, if you're having -- if, during a
9 certain period of time, that's when your
10 employees have to get in to Garnet Hill,
11 whatever, and they're having a challenge. Did
12 you take that -- that level of detail wasn't
13 taken into account, was it?

14 A. (Farrington) Yes, to the best of our ability.
15 So, we use what is called the "K factor". And
16 it allows you to calculate the vehicles per
17 hour in the peak hour of that day. So, whether
18 it's the morning, going in, or the afternoon,
19 coming out. And it's usually around 10 or
20 12 percent of the vehicles per day volume. So,
21 that will give you the highest vehicles per
22 hour volume to expect. And those are the
23 numbers that I use this for. So, it's more of
24 a "worst case" analysis. Of course, if all of

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 those vehicles are -- if 90 percent of those
2 vehicles are heading in one direction, it makes
3 the flagger's job much easier, because there's
4 not as much conflict.

5 Q. Right. And, when I was listening to
6 Ms. Schibanoff today, I thought she raised a
7 good point about mailboxes. But, not just
8 mailboxes, it could be a million things on the
9 road that, every time someone stops, they're
10 stopping traffic, and they're essentially
11 becoming another work zone at that moment in
12 time.

13 So, when you look at these traffic
14 studies, do you take into account the fact that
15 there's going to be, you know, things such as
16 that that, you know, sort of muck up the
17 calculations?

18 A. (Farrington) So, the delay for someone turning
19 in and out of the work zone isn't specifically
20 factored in. But we do consider, from a safety
21 perspective, how these folks are going to
22 access their driveway. So, the ideal situation
23 is, of course, working between two driveways,
24 and there's nothing on the opposite side of the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 road, and traffic moves freely between the two.

2 In order to, I guess, promote that ideal
3 situation, we're hoping to impact only half of
4 a driveway at a time. So, you would just cut
5 the trench and dig to sort of the middle of the
6 driveway, backfill that, and then go forward
7 from there. It's not the most efficient way to
8 do work. So, the steel plating is going to
9 come into effect. And, for any of these longer
10 work zones, where we are impacting their
11 driveway in the middle or a business in the
12 middle, there will need to be multiple flaggers
13 to allow access in and out of those sideroads,
14 businesses, things like that.

15 Q. And I imagine it would have to also be
16 challenging I think to the point that was
17 raised about access to the driveways, putting
18 down the pads, and you said that you -- I got
19 the sense, you said that that would be sort of
20 a personal thing. That people would be
21 knocking on the doors, you know, I may leave at
22 7:00 in the morning, and you may leave at 8:00
23 in the morning.

24 A. (Farrington) Sure.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. And, so, you're going to have enough workers on
2 the crews to be able to accommodate all of
3 these individual touches that you're going to
4 have to do every day?

5 A. (Farrington) Yes. Definitely. I mean, they
6 won't be impacting so many driveways at a time
7 that this will be an issue, because the
8 flaggers won't be able to handle it safely.
9 And we just can't open up that much of a work
10 zone and still allow traffic to flow.

11 And the steel plating, while it is
12 personalized, that part doesn't concern me, so
13 much as I guess the emergency call. And that's
14 where we're really working to get coordination
15 with the emergency response service. So that,
16 if they're coming to an address that we're
17 working nearby, we can respond while they're on
18 their way.

19 Q. And the school is out there on Route 116 as
20 well, is it not?

21 A. (Farrington) Yes, it is. And that will also be
22 included. We'll speak with school officials,
23 and work with their bus routes and bus hours.

24 Q. All right. I think I'm about there. So, I

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 guess the only, Mr. Bowes, everybody asks you
2 for a commitment. So, you know, I think it's
3 fashionable. So, I'm going to ask for one,
4 too.

5 A. (Bowes) Hopefully, it's my last day. So, you
6 can make a commitment, too.

7 Q. On your last day, make him go. So, in terms of
8 the business outreach, that's the one thing
9 that seems to be lacking for me to be able to
10 evaluate.

11 A. (Bowes) Uh-huh.

12 Q. That's something you see coming up. If you
13 were to say "well, when will that happen?"
14 When do you see aggressive business outreach,
15 now that we have a lot of this in front of us,
16 when do you see that happening?

17 A. (Bowes) So, I'd say it's starting right now,
18 with the letters that have gone out, with the
19 hiring of Louis Karno, with the conversations
20 with the DOT about acceptance that we may need
21 in the future. And I would say now on, the
22 last step of that process is getting a high
23 level schedule from our construction
24 contractor. They have hired resources to do

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 that. It's in process right now. So, I would
2 say, over the next six to eight weeks, they
3 will have a proxy that we can go to. And I
4 find it much better to place a piece of paper
5 in front of a business owner, rather than a
6 blank piece of paper. So, the piece of paper
7 has "Here's our plan. Tell us how we can make
8 it better." If we just start out with a blank
9 piece of paper, they're going to look at their
10 business needs, and maybe not their neighbors'
11 business needs.

12 So, we're trying to come up with a plan
13 that is executable by the constructor, and then
14 modify it based on that. We're going to seek
15 input from those businesses, and also our
16 consultant for this, and try to come up with
17 something that's workable for everyone.

18 And I mentioned, for example, I think it
19 was the DOT representative that questioned us
20 about that traffic circle in Plymouth. And I
21 mentioned maybe that's a weekend-long event,
22 where we would take a weekend and we get
23 through it, and then we don't have that traffic
24 issue around that circle to deal with. It's

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 one weekend of pain, I understand that. But we
2 get agreement with the Town, for example, to
3 use some local roads for detours, and we just
4 go through that area very quickly. That would
5 alleviate a lot of the congestion that comes
6 into Plymouth, from both ways, north and south.
7 So, that's an example.

8 But I think we need to have that plan in
9 place to say "how would we be able to do
10 that?", before we go to the Town of Plymouth
11 and say "Here's a thought. Well, you know,
12 tell us how we can make it better."

13 Q. And I would just stress, I think we have -- you
14 have enough now to really start making that
15 contact. And, as was said earlier, it would be
16 great to be able to do it in writing, and if
17 that would work. But, typically, and
18 unfortunately, it takes that face-to-face walk,
19 from place to place to place, and have those
20 discussions, and, then, as you mentioned,
21 having those more mass discussions. But I
22 certainly would encourage that sort of activity
23 now and very intimately.

24 A. (Bowes) I understand completely. Yes.

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1 MR. WAY: Thank you very much.

2 WITNESS JOHNSON: And I did confirm
3 that the letters that were sent did invite
4 people to register to our business directory.

5 BY MR. WAY:

6 Q. That's good. And, so, when you visit them
7 face-to-face, that's one of the things you can
8 put in front of them and register them right
9 there.

10 A. (Johnson) Exactly.

11 MR. WAY: Excellent.

12 CHAIRMAN HONIGBERG: Before we leave
13 Mr. Way, he made two specific requests for
14 documents. And I think Ms. Monroe noted what
15 they were. Let's just get everybody on the
16 same page as to what they were.

17 ADMIN. MONROE: I have the first item
18 as a list of businesses that Northern Pass
19 contacted, and that request was made to
20 Mr. Bowes.

21 And the second one was you just
22 referenced the materials that you sent
23 outreaching to businesses, I believe Mr. Way
24 asked for a copy of what was sent out to the

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1 businesses.

2 WITNESS JOHNSON: As well as the
3 business directory itself.

4 ADMIN. MONROE: Yes.

5 MR. WAY: Right. And, Pam, I think
6 also, too, what I was talking about on the
7 first one, is I'm very interested in what
8 businesses have been identified, not
9 necessarily -- though, I mean, I'm interested
10 in those that have been responded. But, along
11 your route, you have a -- you have a list,
12 regardless of whether they have interacted with
13 you or not, you probably know who they are now.
14 I'd be interested in that.

15 WITNESS JOHNSON: Sure. We can
16 provide you the mailing list, if you'd like,
17 because that basically details the entire
18 outreach.

19 MS. DORE: Just to clarify, could you
20 please provide the list of businesses you
21 contacted, identify the business by the
22 business name, location, and identify the
23 subject matter of communication?

24 WITNESS JOHNSON: Sure.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 MS. DORE: Thank you.

2 MR. WAY: Thank you.

3 CHAIRMAN HONIGBERG: All right. Mr.
4 Needleman, how long do you think it will take
5 to get that information together?

6 MR. NEEDLEMAN: Can I let you know
7 after the lunch break?

8 CHAIRMAN HONIGBERG: You may. Thank
9 you.

10 All right. Ms. Whitaker, are you
11 ready to go?

12 MS. WHITAKER: Yes. Sure. I have
13 just a couple of -- I feel like they're a
14 little random, but they're clarification
15 questions, I guess.

16 BY MS. WHITAKER:

17 Q. And the first is, when the Wagner Forest rep.
18 was asking questions, there was reference to a
19 "culvert study", and that it was submitted to
20 DES. And I was curious where this is and if we
21 can have access to it?

22 A. (Johnson) Absolutely, you can have access to
23 it. I don't know whether it's an official
24 exhibit or a submittal to the DES. But,

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1 certainly, if it's not on ShareFile today, we
2 can make it available.

3 Q. Can somebody check to see if it's on the
4 ShareFile?

5 A. (Johnson) I think they're looking right now.

6 Q. Okay. Perfect. Then, I'll move on to my other
7 questions, we can follow up on that afterwards.

8 There has been talk about a claims process
9 for lost business revenues for -- or, lost
10 revenue for businesses.

11 A. (Johnson) Yes.

12 Q. And I'm curious how the general public knows
13 about this claims process? Has that been part
14 of outreach letters that you guys have sent?
15 Have you guys referenced that claims process?

16 A. (Johnson) We have, as part of both this
17 business communication, as well as some other
18 communications that we put out. I will tell
19 you that we have successfully used it
20 already --

21 Q. Excellent.

22 A. (Johnson) -- in a couple of instances, mostly
23 with agricultural folks.

24 Q. Okay.

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1 A. (Johnson) But the process has worked on past
2 programs that we've -- that Ken and I have been
3 involved in, and John. And it has already been
4 successful on this one.

5 Q. Is that something that could continue to be
6 emphasized as you make contact with people,
7 either individuals or farms or businesses? And
8 the reason I'm asking or talking about that is,
9 I would think that, in order to get refunded
10 from you guys or compensated from you guys,
11 people would need to provide data, and they
12 would need to know what type of data they might
13 need to be noting or collecting for upcoming
14 construction seasons, in order to provide that
15 data for compensation later.

16 A. (Johnson) Exactly. So, that is part of our
17 communication outreach already.

18 Q. Okay.

19 A. (Johnson) And continuing going forward.

20 A. (Bowes) We'll make sure we add that with Louis
21 Karno as well, so there will be a process
22 that -- a description of what we basically need
23 to justify a claim.

24 MS. WHITAKER: Excellent. Patty, did

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1 you have a follow-up?

2 BY MS. WEATHERSBY:

3 Q. That was my question, I guess, is -- sorry to
4 jump in here, --

5 MS. WHITAKER: Go for it.

6 BY MS. WEATHERSBY:

7 Q. -- but just while we're on the same topic.
8 What is it that you ask them to prove? Do you
9 need two years of business records? Or what do
10 you ask them, what kind of data is expected in
11 order to approve their claim?

12 A. (Bowes) So, I will answer it in general terms.
13 And we have a set of claims people that deal
14 with this every day. But we have to have a
15 sense that it's a valid claim. So, you
16 provided an example of "business records".
17 Many businesses are reluctant to share that
18 information with us. So, that's why we want to
19 communicate up front. It could be a tax
20 return, that is, you know, something that is
21 not just a, you know, a ledger, let's say, but
22 something that actually gets filed with a state
23 or federal agency. Certainly, that gives us
24 much more comfort that the numbers have been

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1 certified. A certified audit report, for
2 larger businesses, things like that, are
3 certainly more useful. We realize that some
4 small businesses may not have that type of
5 record keeping. But it has to be somewhat
6 reasonable, I guess, before we can pay a claim.

7 Does that answer it or --

8 Q. It sounds like it varies on a case-by-case
9 basis, depending on the type of business?

10 A. (Bowes) Yes. The more detailed records that
11 they actually provide to a state or federal
12 agency, the easier it is to pay a claim. If
13 they don't have that level of detail, then
14 we're going to have to get some comfort with
15 their losses.

16 Q. And, in the notice that you are sending to
17 these -- to businesses in general, is the
18 claims process -- I think I heard the claims
19 process is part of that, is that correct, that
20 there is a claims process in place?

21 A. (Bowes) Yes.

22 Q. And do you say in that notice that they should
23 be keeping records or what do you tell them
24 about the claims process in that notice?

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Bowes) So, that's what we're going to add with
2 this Louis Karno description, maybe even come
3 up with a sample of what we'd like to have to
4 see, so, for instances. But, even in that
5 case, we can't just take a one-page document
6 and say "Here are our losses." We have to have
7 the supporting material to justify a payment.

8 But we can certainly make it clear of the
9 types of information we need to collect from a
10 business.

11 MS. WHITAKER: Excellent.

12 WITNESS JOHNSON: So, just to --
13 sorry, just to add.

14 MS. WHITAKER: Go for it.

15 WITNESS JOHNSON: The agricultural
16 side of this is completely different. So, we
17 took photographs in the field of a growing
18 season, and how there was an impact to that.
19 And we calculated the crop value, and then paid
20 the farmer that difference, if you will, or the
21 impacted amount.

22 So, again, from a business to
23 business perspective, it completely is
24 different across the board.

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1 BY MS. WHITAKER:

2 Q. So, that example that you just gave, is that
3 specifically for agricultural fields or whether
4 it's hayfields or vegetable gardens that are on
5 the right-of-way?

6 A. (Johnson) That's correct, yes.

7 Q. Okay. Switching gears a little bit. Ms. Lee
8 questioned -- asked some questions about access
9 via Fiddlers Choice Road, in Northfield. And I
10 don't have a reference to an exhibit. But
11 somebody had mentioned that Fiddlers Choice
12 Road would not be used for access to get to the
13 right-of-way. And, so, I was looking through
14 some of the maps, of which we all know there
15 are so many, and I was looking at those areas
16 that were outlined as access roads within the
17 right-of-way that are all sort of outlined in
18 red.

19 And I was curious where, and, again, I was
20 looking at these, and I might have missed the
21 ones that have this information on those maps,
22 but where do we know how the construction
23 vehicles are going to get from main roads, say,
24 interstates or highways, onto the right-of-way,

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1 if they're not using smaller town roads, like
2 Fiddlers Choice Road? Like where's the
3 connection?

4 A. (Johnson) So, clearly, that level of detail has
5 not yet been identified.

6 Q. Okay.

7 A. (Johnson) So, what we've stated in our
8 Application is that the right-of-way will be
9 accessed through public roads. There are
10 certain levels of roads, such as Fiddlers
11 Choice Road, --

12 Q. Uh-huh.

13 A. (Johnson) -- that happened to be in somewhat of
14 disrepair, unfortunately, through whatever,
15 whether it's weather or just not maintained.
16 The contractor ultimately, prior to
17 construction, will assess the best way to get
18 somewhere. Clearly, interstates to start, from
19 a material delivery perspective. But, wherever
20 their laydown yards are as well, or the
21 marshalling yards, they will also have to map
22 out routes to get to and from the right-of-way.

23 For the most part, we have not -- we have
24 not sought, in this Project, to have

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1 off-right-of-way access roads or individual
2 agreements with landowners. Again, I think
3 we've testified that it's not to say that we
4 won't in the future, --

5 Q. You'd say "yet". You haven't done that yet,
6 maybe?

7 A. (Johnson) Correct. Correct.

8 Q. Okay.

9 A. (Johnson) However, it has to meet all the
10 requirements of and implications of
11 environmental and archeological and visual
12 impacts as well. So, the idea is that we'll be
13 accessing from roads that have the width to get
14 equipment down, or the strength, if you will,
15 or the strength to hold those types of loads.

16 Q. Okay. And, in terms of --

17 A. (Farrington) Can I add to that? Sorry.

18 Q. Please do.

19 A. (Farrington) So, for the transportation
20 management plan, and we've done this in heavier
21 populated areas, where there are more options,
22 but I think the contractor has found it useful.
23 So, we would lay out kind of a map of all the
24 roads that are possible. And the New Hampshire

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1 DOT actually puts out an over weight and over
2 height permit map. So, there are certain roads
3 that over weight and over height vehicles can
4 not go on. So, we'll identify those. And,
5 then, we also identify heavy computer roads, so
6 the contractor knows "avoid it, you know, from
7 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m." Or,
8 really, it helps them to, also heavy
9 residential areas, so that traveling at night
10 they can kind of avoid that. So, we kind of
11 give them a nice color-coded picture of the
12 whole study area, and then they can kind of
13 work out their more detailed routes from that.

14 Q. And, in terms of time frame, would those or
15 would that level of specification come in
16 around the same time frame as the IFCs, I mean
17 coming in maybe like six weeks before
18 construction starts?

19 A. (Farrington) Probably a little sooner, the
20 transportation management plan. So, we've
21 actually started it, the traffic control plans
22 are included. So, that's getting close. It
23 would probably be before, just because there
24 has to be some approvals from the Traffic

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1 Control Committee, and we want to have a lot of
2 time to discuss and communicate with the towns
3 and get everyone on the same page. However, if
4 you do it too soon, everyone kind of forgets
5 about it. So, we try to --

6 Q. Okay.

7 A. (Farrington) -- try to find a balance.

8 Q. And, if somebody had a question about a
9 specific road that they use to access their
10 home or farm fields or what have you, could
11 they contact you guys and ask at this point if
12 that road is going to be used? Would you have
13 that information?

14 A. (Johnson) So, the individual roads next to a
15 residence, probably not.

16 Q. Okay.

17 A. (Johnson) But, again, as Ms. Farrington alluded
18 to, in the relatively near future, we will be
19 beginning that process. Again, as part of the
20 MOU process with towns, that they will help us
21 identify roads that they would like us to stay
22 off of. But, I think, in the next, I would
23 say, several months, those plans will be
24 completed. And, then, yes, the general public

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1 is absolutely welcome to call us and find out.
2 And we can certainly have individual landowner
3 meetings with them, as we have and continue to
4 do.

5 Q. Yesterday, when Ms. Lee was asking questions,
6 somebody said pretty emphatically that Fiddlers
7 Choice Road would not be used. I was just
8 curious that --

9 A. (Johnson) So, that was me. And it was more
10 based on the quality of that particular road.

11 Q. That road.

12 A. (Johnson) As Ms. Lee alluded to, it has its
13 challenges.

14 MS. WHITAKER: Okay. Let me just do
15 a quick check here.

16 *(Short pause.)*

17 MS. WHITAKER: I think I'm all set.
18 Thank you.

19 CHAIRMAN HONIGBERG: All right.
20 Ms. Monroe, Ms. Whitaker also made a request.
21 Can you remind us what it was?

22 ADMIN. MONROE: I believe it was a
23 copy of the culvert study that was submitted to
24 DES.

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1 WITNESS JOHNSON: That is correct.

2 CHAIRMAN HONIGBERG: Right. And
3 there was a reference to the "ShareFile". You
4 said "it's on the ShareFile", or someone said
5 that. I think folks should understand that we
6 don't really have access to that.

7 ADMIN. MONROE: You don't. I do.

8 CHAIRMAN HONIGBERG: You do, we
9 don't.

10 ADMIN. MONROE: And Mr. Iacopino
11 does.

12 CHAIRMAN HONIGBERG: So, is that how
13 it's going to be provided to us, Ms. Monroe?

14 ADMIN. MONROE: That isn't what I'm
15 anticipating.

16 WITNESS JOHNSON: I believe it's an
17 exhibit. So, they're going to tell you what it
18 is.

19 CHAIRMAN HONIGBERG: Ah. That would
20 be good. Mr. Needleman.

21 MR. NEEDLEMAN: Yes. The culvert
22 study I think is part of Applicant Exhibit 72.

23 CHAIRMAN HONIGBERG: All right.

24 MS. WHITAKER: Thank you.

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1 CHAIRMAN HONIGBERG: Ms. Weathersby.

2 MS. WEATHERSBY: Thank you.

3 BY MS. WEATHERSBY:

4 Q. While we're on the topic of traffic and
5 notifying people about road closures or when
6 they're not able to access their homes or
7 putting down the temporary access ways, we
8 discussed allowing people to access their
9 homes. But what is the process for when
10 there's a cross street, and the -- in the
11 underground portion, when the access to that
12 street is blocked, do you go then down the
13 street and notify everyone on that street that
14 they can't get out? Or, like how long -- how
15 far do you do that this? And maybe it's easier if
16 the road is a dead-end road. What is the
17 process with cross streets?

18 A. (Farrington) We will make sure that they will
19 be able to get out. If it's across the street,
20 if the cross street is across the street from
21 the work zone, as flagger will be positioned
22 there to get people in and out with the correct
23 directional flow of traffic. If we're going
24 through the work zone, that situation applies

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1 that I was talking about, where we would dig
2 halfway across, and cross streets are generally
3 wider than driveways, so that's a much more
4 manageable approach, so that they'll always
5 have access. And, if the road isn't wide
6 enough, then the steel plate would be put in
7 place to kind of make up the difference. So,
8 it's going to slow down a little at cross
9 streets, but access will always be provided.

10 A. (Johnson) So, if I may add, that the trench
11 halfway across, do all the work necessary,
12 close that work zone, go across the street,
13 open up a new work zone, and then the original
14 side would be open. So, at all times there
15 would be one of the two lanes available to go
16 through the work zone.

17 A. (Farrington) Right. And then shoring at the
18 point where they stop and switch over, so that,
19 you know, the dirt doesn't slide and it's safe
20 to travel across.

21 Q. Okay. Thank you. Now, I'm going to kind of
22 jump around a whole bunch of different topics.
23 As part of Mr. Fortier testimony, we were
24 provided with the org. chart that we went

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1 through yesterday. And I think you've each
2 been provided a copy again today.

3 A. (Johnson) Yes.

4 Q. I was just hoping we could go through that and
5 actually put names into the different boxes. I
6 understand what's blue, it's kind of grayish
7 color, is Burns & McDonnell folks. Could
8 someone help go through this, maybe Mr. Bowes
9 and Mr. Johnson, --

10 A. (Johnson) Sure.

11 Q. -- and actually put names to this, so we --

12 A. (Johnson) We will try and do it together, yes.

13 Q. Thank you.

14 A. (Bowes) So, I would say, in the top box that
15 says "Eversource Energy", that will be Jerry
16 Fortier. He's the Project Director.

17 A. (Johnson) So, under the "Design
18 Engineering", --

19 A. (Bowes) So, we'll go from left to right.

20 A. (Johnson) Derrick Bradstreet and Nathan Scott.
21 To the right of that is "Owner's Engineer
22 Senior Project Manager", that's myself. So, to
23 the left again, under the blue, the "Project
24 Controls Manager", is a woman by the name of

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1 Stephanie Jaeger. She works in Manchester, is
2 part of my staff.

3 Q. "Stephanie Daeger"?

4 A. (Johnson) "Jaeger".

5 Q. "Jaeger".

6 A. (Johnson) J-a-e-g-e-r. Our "Environmental
7 Project Manager", below that, is a gentleman by
8 the name of "Jake Tinus", and he's part of the
9 Environmental Committee that's coming up,
10 T-i-n-u-s.

11 Our "Customer Relations Manager", and we
12 actually have two folks that are doing a dual
13 role here: Chris Marshall is one and Sarah
14 Hoodlett is the other.

15 If we go back up to the top of the next
16 line, so "Sourcing Administrator" has not been
17 identified yet, and that's a future -- a future
18 person.

19 A. (Bowes) I would add that there is an Eversource
20 person assigned for sourcing as well, and
21 that's Fran O'Keefe. There is a dual role here
22 between both Burns & McDonnell and the
23 Eversource side of this.

24 A. (Johnson) So, the "Project Manager -

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1 Construction" is Mr. Kayser, sitting right
2 here. The "Overhead T-line Project Manager" is
3 Mr. Roshon [sic], who happens to be in the
4 audience. The "Underground Converter EPC
5 Project Manager" is a gentlemen by the name of
6 Tim Teel [sic], he's also located in
7 Manchester. And the remainder of the boxes
8 there are future folks.

9 From the right side, now this is sort of
10 the -- our quantum fields, the pink. The
11 "Overhead T-Line Project Manager", and I guess
12 I would categorize that as the overall manager
13 of the program right now, is Lance Clute.

14 Q. I'm sorry, his last name is?

15 A. (Johnson) Clute, C-l-u-t-e. He is the Vice
16 President of PAR, or a Vice President of PAR.

17 As far as anything else underneath that, I
18 don't believe that any of them have been
19 identified yet. Those are all more related to
20 construction activities and will come in the
21 next sort of phase, post-permitting.

22 If you look to the right, under the "HVDC
23 Underground Project Manager", I'm trying to
24 think of the gentleman's name. It's the guy

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1 from California, who I haven't -- I'm
2 completely blank.

3 CHAIRMAN HONIGBERG: It will come to
4 you.

5 WITNESS JOHNSON: Yes.

6 MS. WEATHERSBY: We'll come back to
7 it.

8 WITNESS JOHNSON: We'll move on.

9 MS. WEATHERSBY: No problem.

10 WITNESS JOHNSON: Yes.

11 **CONTINUED BY THE WITNESS:**

12 A. (Johnson) If we go down to the -- and,
13 again, --

14 A. (Farrington) Oscar.

15 A. (Johnson) Oscar. Thank you. Yes, and I'll get
16 his last name. Bakar [*correct name: Bashaw*], I
17 think is his last name, B-a-k-a-r. But I'll
18 verify that.

19 The "Contractor Substation Project
20 Manager" is Stephanie Labbe, L-a-b-b-e. And,
21 again, the folks below them have not been --
22 they're more the construction-related folks.

23 The "Contractor HVDC Converter and Cable
24 Project Manager", this would be the ABB folks.

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1 I believe it's Ulf Samuelsson, is the Vice
2 President of ABB. And they have a whole litany
3 of folks that are in Sweden that sort of fall
4 underneath that. They probably have 40 or 50
5 engineers and project managers working on this.
6 I can't really, off the top of my head, tell
7 you who that all is, but suffice to say there's
8 a giant team here.

9 A couple other folks of interest. Brian
10 Bosse is an Eversource engineer, who is
11 effectively sort of hand-in-hand with Ulf,
12 managing the converter station and some of the
13 underground cable. There is a Project Controls
14 Manager from Eversource, Anthony Zawadski
15 [sic]. Good luck with that one. It's actually
16 phonetic. And he is on-site in Manchester, as
17 well as Brian is.

18 And, then, Eversource also has, on a
19 part-time basis, a bunch of other directors and
20 employees that are assisting with the
21 permitting process, whether it's in
22 environmental compliance, whether it's liaisons
23 with the Forest Service or the DHR, for
24 example. So, there are other folks that are

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1 involved, and that they're not really on this
2 chart here.

3 BY MS. WEATHERSBY:

4 Q. Okay. Great. Thank you. That's helpful. The
5 contracts with PAR or, for that matter, with
6 ABB, are they incentivized at all for finishing
7 early?

8 A. (Johnson) So, not to finish early, but they are
9 decentivized to be finishing late. So, part of
10 our commitments are to the ISO-New England grid
11 that our Project will be available for their
12 use at a certain date. And, if we are not part
13 of that date, there are -- potentially, the
14 ISO-New England could have issues, because they
15 are relying on our Project to be there.

16 So, they aren't incentivized to be early.
17 But they are definitely incentivized to be
18 late -- or, decentivized to be late.

19 Q. Penalized.

20 A. (Johnson) Penal, thank you. Yes.

21 Q. Ms. Farrington, when a shoulder of a road is
22 used so that there can be travel along a
23 roadway that's passing a work zone, what is the
24 speed limit that the vehicles can safely travel

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1 down that shoulder area?

2 A. (Farrington) So, there's no speed limit
3 requirement because of the shoulder,
4 necessarily. That's more of a structural
5 capacity of the road and if the loading causes
6 cracking. The speed limit is more defined by
7 the speed limit of the original roadway and the
8 width that we are giving them. So, in these
9 conditions, it's usually 10 miles an hour less
10 than the posted speed limit.

11 Q. And has that been taken into account into your
12 projections or is it just the stoppages?

13 A. (Farrington) It's just the -- well, we don't
14 have detailed projections by the second, *per*
15 *se*. So, that slowdown, conceptually, it's
16 included, but it's not anything that isn't --
17 has been included in the calculations.

18 Q. So, in the analysis, say, that you went through
19 with Mr. Oldenburg, or that you referred to, I
20 think, the following day, those concern
21 stoppages. And those weren't -- so, in
22 addition to those delays, there would be some
23 delay in someone's trip because of a slower
24 travel speed in certain sections?

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1 A. (Farrington) Yes. Correct. And, if you have
2 to stop, the time it takes you to get up to
3 speed.

4 Q. Again, a total change of subject. I told you
5 I'd be jumping around. On the maps that have
6 been provided, there's been some testimony that
7 some structures that exist today are not
8 depicted on those structures, particularly, I
9 think we saw a house down by Turtle Pond.
10 So -- and the maps, I think, are -- are the
11 maps based on aerials from 2010, '11, '12?
12 What is the date that the -- the date of the
13 conditions the maps are based on and what are
14 the plans, if any, for updating those maps?

15 A. (Johnson) Right. So, I believe that the
16 original maps, and it depends where you are,
17 unfortunately, across such a broad stretch of
18 the state, were in the vintage of 2013-2014.
19 Those maps are being -- the base mapping, if
20 you will, is being updated, and will be
21 available in the next week or so with 2017
22 information.

23 Q. And, then, will there also be a corresponding
24 update in, say, the abutter cards that -- or

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 tax cards for perhaps new properties that
2 have -- properties that have changed or, you
3 know, there's a vacant lot, and now there's a
4 house on it, or there's now a business
5 somewhere that wasn't or it's doubled in size.
6 What is the process for providing us with the
7 information as to the changed conditions on the
8 ground, other than maps, if any?

9 A. (Johnson) I actually don't know. That's a
10 unique situation that's part of the actual SEC
11 process. I'll have to defer to lawyers and get
12 you an answer on that.

13 Q. All right. Thank you. And you indicated at
14 some point that we may have new maps as early
15 as next week?

16 A. (Johnson) Yes. They're in my in-box to do
17 QA/QC review. So, I'll be doing that over the
18 next week or so, and then we'll get those out
19 to folks, for sure, by the absolutely worst
20 case, the end of June they will be available.
21 There have been some updates noted even today
22 that would need to be inputted in.

23 Q. Ever changing. Just a general question
24 concerning the lattice towers, in particular.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Are those towers reflective at all?

2 A. (Johnson) So, they have a galvanizing finish
3 upon them. Which, I suppose, in certain unique
4 light conditions could be mildly reflective.
5 That dulls over time very, very quickly. So,
6 you end up with a -- sort of a mottled gray, if
7 you will, which has no reflective properties.

8 Q. But they're not polished, --

9 A. (Johnson) No.

10 Q. -- they're all sort of galvanized?

11 A. (Johnson) Yes.

12 Q. Okay.

13 A. (Johnson) Yes.

14 Q. And the same with the metal structures, those
15 are -- are they all self-weathering steel?

16 A. (Johnson) Yes. Those will come sort of in a
17 brownish color already.

18 Q. In a couple instances, we've seen tower pads
19 that are -- actually, in a lot of instances,
20 we've seen tower pads that are in highway or
21 road right-of-ways. What happens if that road
22 needs to be widened? A state highway, and, you
23 know, New Hampshire is booming, and we need to
24 now go to four lanes, instead of a two-lane

{SEC 2015-06} [Day 12/Morning Session ONLY] {06-02-17}

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 highway?

2 A. (Johnson) Are you talking about the underground
3 portion or the overhead?

4 Q. Let's talk about overhead first.

5 A. (Johnson) So, overhead, the crane pads
6 themselves are temporary and will be removed at
7 the end of the Project. So, the impacts there
8 are relatively finite, and, hopefully, it's no
9 surprise that the DOT is not coming through
10 with a two-lane expansion of a road to us.

11 Further to that, if there's a structure
12 that ends up encroaching, I believe that it's
13 the obligation --

14 A. (Bowes) So, we've just -- I would say it's
15 fairly common across the Eversource system
16 where the state DOT has a project that expands
17 their existing roadway, and we have to relocate
18 a structure. So, it's a coordination process
19 with the DOT to make those changes. And,
20 again, depending on which state it is, there's
21 a cost-sharing or a cost-causing component to
22 that. I believe, in New Hampshire, is
23 Eversource or Northern Pass would be
24 responsible for that relocation cost.

{SEC 2015-06} [Day 12/Morning Session ONLY] {06-02-17}

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Q. Is that something that Eversource is willing to
2 commit to at this time?

3 A. (Bowes) If that's the established process in
4 this state, yes. We will follow the same
5 process that Eversource has today, which I
6 believe is we have to pay for the cost to
7 relocate our facilities.

8 Q. And, if it's not the established procedure, if
9 there isn't one, or perhaps it differs, is that
10 something that Eversource is prepared to commit
11 to now, or would you rather defer that?

12 A. (Bowes) I'm not aware of any plans on the
13 overhead section from New Hampshire DOT at this
14 point that would cause that. I don't think
15 there's any reason why we would not commit to
16 that at this point, for the overhead portion,
17 yes.

18 Q. Okay. Thank you.

19 A. (Johnson) As far as the underground portion,
20 because the facilities will be underground,
21 unless there's a reason for the highway
22 improvement to go into our facilities, they
23 wouldn't need to be affected. However, if
24 there was an opportunity, I think the same

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 rules would apply.

2 Q. Okay. Thank you. Ashland Sewer & Water, we've
3 heard testimony and seen your mapping
4 concerning the septic lagoons and the potential
5 to possibly damage the septage lagoons or the
6 monitoring wells there, particularly when
7 excavating for the foundations. You
8 acknowledge that's a possibility?

9 A. (Johnson) So, we met with the Water & Sewer
10 group in Ashland. They provided detailed
11 mapping that shows where their wellheads are.
12 And we certainly will be communicating and
13 working with them to make sure that those are
14 clearly identified, either with the snow fences
15 or some more robust, whether it's a jersey
16 barrier or something that we can put in front
17 of those, to make sure that the contractors do
18 not accidentally damage them in any way.

19 If they do, obviously, the Project is
20 liable for that, and we'll have to make them
21 whole in kind.

22 Q. So, in addition to the jersey barriers,
23 fencing, *etcetera*, are there any other
24 protections that will be in place? And the

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 second part of that, I guess, is, if something
2 unforeseen happens and there is a release, say,
3 of a lagoon or damage to a well, let's look at
4 the lagoon situation first, what would be the
5 response?

6 A. (Johnson) So, if a lagoon released, I think
7 that would be a catastrophic type of failure.
8 And we certainly don't want to be in that realm
9 of the world in any way. You know, certainly,
10 we'd have to have discussions with the DES, as
11 far as a pre-plan, if you will, what kind of
12 expectations of damage are there? Is there
13 even a possibility of that happening? Do we
14 believe our construction can be done without
15 impacting them? Which we do believe that.

16 But, you know, if there are special
17 requirements that are mandated that basically
18 say "you have to have such and such pieces of
19 equipment available", whether it's boom trucks
20 or something that would be immediately
21 available to soak up an inadvertent spillage of
22 some sort. On a lagoon-size failure, then we'd
23 certainly be amenable to that.

24 If you're asking more about a fuel spill

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 or a hydraulic leak, every -- there are
2 established procedures for those types of
3 things, and, depending on the severity of it,
4 would include the excavation of the affected
5 material. There are immediate steps that
6 happen. So that containment-type of material
7 has to be on-site at all times. So, there are
8 different sort of levels, if you will, of
9 preparedness for such activities.

10 Q. Okay. But you anticipate working with DES, in
11 addition to the Ashland Water & Sewer?

12 A. (Johnson) So, there are a certain number of
13 conditions that DES automatically imposes on
14 you, as far as having to have Speedy Dry, for
15 example, for a fuel spill on a piece of
16 concrete. So, there are those basic things
17 that have to happen.

18 From a lagoon perspective, a failure of a
19 lagoon, certainly that puts us clearly in a
20 different class. We'd have to have discussions
21 with all three parties, to make sure that we're
22 all on the same page as far as any kind of
23 corrective action or preventative action.

24 Q. And you're planning on having those

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 discussions?

2 A. (Johnson) Absolutely. Yes.

3 Q. Okay. There was some cross-examination and
4 testimony concerning the right-of-way widths,
5 particularly in the Town of Easton, and the
6 surveys that were -- are relied upon by
7 Eversource or Northern Pass have been called
8 into question. In particular, it appeared as
9 though the surveyors may not have had access or
10 may not have used complete information. A list
11 of some other materials, I think by Ms.
12 Pastoriza, were provided that seemed to
13 conflict a little bit. So, I think it would
14 just be important to -- could you provide the
15 SEC with a list of the surveys that were used
16 in making the Project maps in the Towns of
17 Easton and Franconia?

18 A. (Johnson) Yes.

19 Q. Thank you. Did I hear correctly that there's a
20 parcel in Northumberland, in the Cape Horn
21 State Forest, for which Northern Pass
22 Transmission does not have an easement to cross
23 that is part of the planned route?

24 A. (Bowes) So, I think there is a parcel in that

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 State Forest that we believe has a error in the
2 easement, in the original easement with Public
3 Service New Hampshire, and then that would be
4 shared by Northern Pass. We think, and we have
5 gone through the process to have that
6 corrected, at the same time, Northern Pass has
7 applied for, in its crossing of statistic State
8 lands and roadways, the right to go across that
9 piece of property.

10 So, I would classify it as the belt is
11 trying to go through the normal process of
12 having that transcription error corrected, and
13 the suspenders are we've also asked for the
14 State's permission to cross that piece of
15 property in the other proceeding before the New
16 Hampshire PUC. So, we think we're going
17 through and doing it in two different methods
18 to get the proper rights for this piece of
19 property.

20 Q. So, you have a legal action to clarify the
21 terms of the acquired title or something to
22 determine the rights under the easement?

23 A. (Bowes) Correct.

24 Q. And, then, there's a second --

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 A. (Bowes) A regulatory action with the PUC to get
2 permission to cross that land.

3 Q. With the PUC. Okay. And what is the status of
4 each of those actions?

5 A. (Bowes) The regulatory action I know is
6 pending. That's part of the docket that is
7 upcoming. I don't know the status of the legal
8 action. We can find out at the break.

9 Q. Okay. Thank you. Are there any other parcels
10 along the right-of-way for which you don't
11 have -- for which the easement is -- you have
12 an action to determine your rights of that
13 other -- I'm not phrasing that well. Do you --
14 are there any other parcels for which you don't
15 have easement -- you question your easement
16 rights for the route?

17 A. (Bowes) No.

18 Q. For the easements which you have yourself or
19 PSNH is allowing you to share those rights, are
20 any of those easements -- are all those
21 easements continuing in perpetuity or do
22 some of them have deadlines, termination
23 dates?

24 A. (Bowes) So, I know the lease for the Wagner

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 Forest, for example, I think is a 99-year
2 lease. So, that does have a termination
3 provision in it. That's the only one that I'm
4 aware of. None of the easements, to my
5 knowledge, have any termination in them.

6 Q. So, the Wagner Forest is a lease, right, not an
7 easement?

8 A. (Bowes) That is correct.

9 Q. And I have read, just in the news, there's the
10 whole controversy of Bayroot and Yale, that
11 that lease can perhaps be terminated as sort of
12 within a year. Do you have any reason to
13 dispute that?

14 A. (Bowes) I think there is a provision in it, if
15 Northern Pass fails to make a payment in a
16 certain period of time, then the lease can be
17 terminated.

18 Q. Is that lease provided to the Committee as part
19 of the -- part of the Application?

20 A. (Bowes) I'm not sure if it has or not. I can
21 check.

22 Q. If it hasn't, could it be provided please?

23 A. (Bowes) Yes.

24 Q. Thank you.

[WITNESSES: Bowes~Farrington~Johnson~Kayser]

1 CHAIRMAN HONIGBERG: Off the record.

2 [Brief off-the-record discussion
3 ensued.]

4 CHAIRMAN HONIGBERG: We're going to
5 take our lunch break now, and resume as close
6 to 1:30 as we can.

7 (Lunch recess taken at 12:32
8 p.m. and concludes the **Day 12**
9 **Morning Session.** The hearing
10 continues under separate cover
11 in the transcript noted as
12 **Day 12 Afternoon Session ONLY.**)
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C E R T I F I C A T E

I, **Steven. E. Patnaude**, a Licensed Shorthand Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Steven E. Patnaude, LCR
Licensed Court Reporter
N.H. LCR No. 52
(RSA 310-A:173)