

1 STATE OF NEW HAMPSHIRE
2 SITE EVALUATION COMMITTEE

3 June 2, 2017 - 1:10 p.m. DAY 12
4 49 Donovan Street Afternoon Session ONLY
5 Concord, New Hampshire

6 {Electronically filed with SEC on 06-18-17}

7
8 IN RE: SEC DOCKET NO. 2015-06
9 Joint Application of Northern
10 Pass Transmission, LLC, and
11 Public Service Company of
12 New Hampshire d/b/a Eversource
13 Energy for a Certificate
14 of Site and Facility.
15 (Hearing on the merits)

16 PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

17 Chrmn. Martin P. Honigberg Public Utilities Comm.
18 (Presiding as Presiding Officer)
19
20 Cmsr. Kathryn M. Bailey Public Utilities Comm.
21 Dir. Craig Wright, Designee Dept. of Environ. Serv.
22 Christopher Way, Designee Dept. of Resources &
23 Economic Development
24 Patricia Weathersby Public Member
Rachel Whitaker Alternate Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel to the SEC
(Brennan, Caron, Lenehan & Iacopino)
Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Susan J. Robidas, NH LCR 44

I N D E X

1
2
3 WITNESS PANEL: KENNETH BOWES
4 (resumed) LYNN FARRINGTON
5 SAMUEL JOHNSON
6 JOHN KAYSER

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AFTERNOON SESSION

(Hearing resumed at 1:32 p.m.)

CHAIRMAN HONIGBERG: Ms. Weathersby,
you may continue.

MS. WEATHERSBY: Thank you.

INTERROGATORIES BY COMMITTEE MEMBERS

BY MS. WEATHERSBY (cont'd):

Q. So I'm a bit of a news junky. In addition to reading things we just talked about concerning Bayroot and Wagner Forest, et cetera, through the miracle of Google Translator I've also been reading some articles concerning Hydro-Quebec and the lines going from the dams to connect to this project. And there seems, according to the articles that I've read, there seems to be some push to bury those lines as well. Could you provide any status concerning that section, the Hydro-Quebec portion of the route?

A. (Bowes) So I'm somewhat familiar with it. As well I try to translate myself to what they say. So I've been looking at some of the BAPE web site, which is equivalent to the SEC

1 in Canada, and there are some documents up
2 there. And we've had some conversations with
3 HQ as well. They're a little bit of ahead of
4 us in the siting process, and they expect to
5 have at least the provincial approval in the
6 June-July time frame and then final approval,
7 similar to the U.S. DOE approval, sometime
8 later in the year, possibly at year end for
9 the Canadian Government approval.

10 As part of their siting process, they
11 again have been challenged on routing and
12 type of construction. And especially in one
13 area near the New Hampshire border they've
14 been asked to evaluate placing a portion of
15 that underground, I believe. HQ's position,
16 as far as I understand it, is they're going
17 forward with an all-overhead solution, and
18 that's what they have filed or reaffirmed
19 with their regulator because that's their
20 plan to move forward.

21 Q. Is there a significant chance that the
22 permitting will either get delayed or will
23 not be granted?

24 A. (Bowes) Not to my knowledge. I don't -- I

1 mean, that's speculative, I would say, for me
2 to even comment. HQ seemed to be confident
3 that they would get approval as proposed.

4 Q. Concerning the laydown and staging areas, I
5 think it's been indicated that three of
6 those -- three laydown areas have been
7 specifically identified, but approximately 25
8 are needed. Is that correct?

9 A. (Bowes) I would say that's reasonable, yes.
10 I think that's what we said.

11 Q. And that Quanta/PAR's responsible for
12 locating those additional areas?

13 A. (Bowes) Yes.

14 Q. So when those are identified, do those
15 plans -- what is the process? I'm wondering
16 how it integrates with the SEC process. Do
17 they -- what's the review for -- you know,
18 maybe DES permits are needed. Are they
19 evaluated for historical or archeological
20 significance? What happens when these
21 additional parcels are added to the Project?

22 A. (Bowes) So we would propose we would do the
23 same thing we did with the Merrimack Valley
24 Reliability Project. We would ask the SEC to

1 delegate that responsibility to the New
2 Hampshire DES to evaluate the laydown areas
3 as presented and provide a ruling on that.
4 If it's a positive ruling, then we would go
5 forward. If it's a negative ruling, we'd
6 either work with the permitting agency to
7 understand the complications or restrictions
8 on that site or select another site to use.

9 Q. A day or two ago, I think perhaps when you
10 were talking with Mr. Oldenburg, you
11 indicated that probably sitting in your
12 mailbox were the DOT waiver request results.
13 Have you received those?

14 A. (Johnson) We did get the first batch back, if
15 you will. Two were approved, and seven were
16 requested to be refined. So they asked for
17 additional information on the first set of
18 seven.

19 Q. And are those results provided to the
20 Committee?

21 A. (Johnson) They will be, yes. I don't have
22 them with me at this time.

23 Q. Okay. Earlier today we were talking about
24 using monopoles versus lattice towers, and

1 there was a discussion about the changes in
2 the site preparation that is needed for both.
3 But is there a price difference just between
4 the pole itself, a monopole tower and a
5 lattice tower at the same height?

6 A. (Kayser) From a materials standpoint, a
7 lattice tower is cheaper. Just the steel is
8 cheaper from a materials standpoint;
9 although, the labor to put up a lattice tower
10 is more than a steel pole, and the biggest
11 difference is the foundation. Typically the
12 foundation for a steel monopole costs
13 significantly more than the lattice tower
14 because the lattice tower has four smaller
15 foundations. A monopole has one large
16 foundation, which typically is significantly
17 more concrete and more expensive.

18 Q. So a monopole is more expensive because of
19 the foundation and the pole itself.

20 A. (Kayser) Yes.

21 Q. The lattice tower is more expensive than the
22 monopole in its erection.

23 A. (Kayser) Yeah, more labor in the erection of
24 it. Sorry. So, overall, typically, and I

1 know Derek talked about this, or Mr.
2 Bradstreet, if you look at just one single
3 pole sometimes, a monopole may be more
4 cost-effective. But overall, when you get a
5 really long line with lattice towers,
6 typically lattice towers are a more economic
7 choice.

8 Q. And just ballpark, would you say it's half
9 again as much to use monopoles or twice as
10 much? Or what's kind of a ballpark figure?

11 A. (Bowes) I think Derek indicated around
12 10 percent, probably, if you looked at a
13 large number or a large cross-examination.
14 Again, each type of structure weighs into
15 that as well. If it's an in-line structure,
16 the prices tend to be closer. But if it's a
17 tangent structure, or an angle structure,
18 rather, the price tends to go up because of
19 the foundation requirements, the tensions on
20 the structures.

21 Q. How much of a factor, if any, has that price
22 been in the selection of the towers for this
23 project?

24 A. (Bowes) I would say one of the factors, but

1 probably one of the less impactful criteria
2 we used, was really more around getting a
3 base design in place that was constructable,
4 especially in areas that were more
5 challenging to build roads into. And the
6 terrain in the North Country and overall with
7 a very long line, economics plays some role.
8 But as the price of steel has gone down, that
9 factor is more minimized now. So it's really
10 about getting the material into the site and
11 the type of equipment that would be necessary
12 to erect those structures.

13 Q. Okay. That's all I have. Thank you.

14 CHAIRMAN HONIGBERG: Commissioner
15 Bailey.

16 MR. IACOPINO: Can I jump in one
17 second, Mr. Chairman? I just want to point out
18 that the reference just before the lunch break
19 to the Cape Horn State Forest in Applicant's
20 Exhibit 3, which is the Application,
21 Appendix 13, there is a filing with the Public
22 Utilities Commission to cross over state lands,
23 and the Cape Horn parcel is included in that.
24 So I just want to make the Committee aware of

1 that.

2 BY CMSR. BAILEY:

3 Q. Thank you. Good afternoon. Let's start
4 where we left off yesterday about the
5 consideration you gave to routing along I-93.
6 Can you describe that for me? And I guess
7 I'm interested in underground, which is what
8 I think most people would prefer, but why you
9 wouldn't look at overhead along that
10 corridor.

11 A. (Bowes) So we'll start with overhead and then
12 we'll go to the underground.

13 It was obviously a route that was looked
14 at. We tend not to co-locate on transmission
15 lines along highways except for short
16 distances, really, because of the necessary
17 right-of-way we would need to acquire in this
18 case. There really aren't any rights-of-way,
19 with the exception of existing X178 line
20 that's near the White Mountain National
21 Forest. So in order to acquire 150- or
22 120-foot right-of-way for the entire length
23 adjacent to the DOT corridor, it would be
24 quite a large amount of land to acquire for

1 that length. If we were to go inside the DOT
2 right-of-way, again we'd still need that
3 120 feet. In some locations that would be
4 obtainable, but other locations we'd still
5 have to go off that DOT right-of-way. Our
6 visual experts indicated that would be quite
7 a visual impact as well if we were to
8 co-locate along I-93 for its entire length.
9 As I said before, we do it in short segments,
10 usually where the right-of-ways just happen
11 to come together. So we have done that in
12 other locations.

13 As far as the underground goes, we had
14 that question a lot as we did the public
15 outreach and public meetings, public hearings
16 for this project. And Mr. Quinlan had made
17 some statements about the approximate costs,
18 which were not necessarily a detailed
19 analysis. So I think about a year ago he
20 asked me to commission a study. It was done
21 under my direction with Burns & McDonnell.
22 We had some legal input as well around what
23 we could do for various underground
24 alternatives. We actually looked at three of

1 those. Two were identified in the Department
2 of Energy draft EIS as 4A and 4C, which
3 included routes that co-located along I-93,
4 and in some cases went all the way through
5 Franconia Notch and others avoided Franconia
6 Notch. And then we looked at what the
7 Project considered was a viable alternative.
8 And I'll get back to why we didn't think 4A
9 and 4C were viable.

10 We looked at a third alternative that
11 was all within state roads, including some of
12 the roads we're using for this Application
13 for the SEC. We've done that in other
14 states. We've co-located within an existing
15 state highway. We have never done that on a
16 limited-access highway.

17 The reasons why we haven't done
18 limited-access highways are similar to those
19 we found in New Hampshire. First, the DOT
20 Utility Accommodation Manual says you can't
21 be in the travel lanes. Obviously, you can't
22 be in the median. Can't be in the travel
23 lanes, can't be in the breakdown lane, and
24 really can't be in the shoulder either. You

1 have to be all the way off to the right-hand
2 side of the right-of-way. Now I'm talking
3 about the DOT right-of-way. And that's done
4 for many good reasons. First is the public
5 safety aspect. Again, on state roads, and
6 even town roads, the traffic control measures
7 are very different than on a limited-access
8 highway. Speeds are much different, and the
9 expectations of people are much different as
10 well. They expect to be on that unencumbered
11 and travel the full length. From regular
12 state roads or town roads, we can service our
13 facilities and construct those facilities
14 from that road. For a limited-access
15 highway, that's not allowed. Basically have
16 to build your own road next to the existing
17 interstate in order to do the construction.
18 And that's really whether it's overhead or
19 underground because they don't want traffic
20 coming off the limited-access highway, you
21 know, onto the shoulder and, you know, into
22 the right-hand side of the DOT right-of-way
23 and then coming back on, for obvious reasons
24 for public safety.

1 So then we looked at what the
2 environmental impacts would be of going along
3 I-93. And over on that side of the shoulder
4 there's lots of wetlands, lots of rock and
5 ledge. And we had to build a 20- to 30-foot
6 access road in order to get the vehicles in,
7 same as we talked about on the rights-of-way,
8 and then to do the trenching. So that posed
9 many challenges. And then all of the
10 on-ramps and off-ramps on the highway we
11 would have to go under. So we have far more
12 and far longer horizontal directional drills
13 or other trenchless construction, so the
14 environmental impacts and now
15 constructability. We thought it would take
16 us at least another year, possibly two years
17 to do that construction just because of the
18 length of time. And the constructability of
19 that is challenging, especially where we have
20 raised roads in many segments for water
21 crossings. So now we're talking about fairly
22 long directional drills or some other means
23 to get across, and there's far more, many
24 more of them.

1 That ultimately leads to cost. And
2 that's really how we built this. We looked
3 at all the requirements and then ultimately
4 did the cost. And it did come out to be
5 approximately \$2.6 billion for each one of
6 the three alternatives. They came up very
7 close in cost, actually, even though the
8 lengths were different, the construction
9 methods would be somewhat different in state
10 roads versus along the interstate highway.
11 But they all added an amount of cost that,
12 when we took it back to our senior management
13 and the senior management at Hydro-Quebec,
14 they said the Project would not be viable by
15 adding approximately a billion dollars to the
16 cost and an extra one or two years of
17 construction.

18 So that's the analysis we went through
19 and documented in the report. I attached it
20 to my Prefiled Supplemental Testimony. And
21 that's kind of the basis of what we came to.

22 So, kind of to summarize, we don't do
23 longitudinal, overhead transmission next to
24 the interstate highways because of

1 right-of-way needs. And then for the
2 underground, it's really the four things:
3 Public safety, environmental impacts,
4 constructability and then ultimately the cost
5 of underground.

6 Q. Thank you. I think, Mr. Johnson, you said in
7 response to one of Ms. Weathersby's
8 questions -- I had a brain cramp -- that
9 there would be penalties for the contractors
10 who were constructing the Project if they
11 were late. Do you recall that?

12 A. (Johnson) Yes.

13 Q. And the reason was because you have or are
14 going to have a commitment to the ISO?

15 A. (Johnson) That's correct.

16 Q. And is that commitment the capacity supply
17 obligation that would be three years from the
18 date of an auction that you were awarded, a
19 capacity supply auction, or something else?

20 A. (Johnson) It could be both capacity
21 obligation or just an energy obligation. So,
22 for instance, if we have sold a contract to
23 somebody for that supply, if we don't provide
24 that supply that they're relying on, they

1 have to go buy it somewhere else, and there's
2 an obligation to pay for that difference.

3 Q. Is that an obligation to the person you sold
4 it to or to ISO?

5 A. (Johnson) That would be the owner. So,
6 whoever is supplying that. So in this case,
7 Hydro-Quebec, who is supplying the
8 electricity, if the transmission line isn't
9 available for them to deliver that product,
10 then the person who bought the product is
11 going to come back to who's supplying the
12 product, who will then come back to Northern
13 Pass and say you owe us the money.

14 Q. I understand. But is the obligation to
15 deliver it at the time you say it will be
16 delivered? If it's under a PPA, for
17 instance, would the obligation be to the EDCs
18 in Massachusetts who --

19 A. (Johnson) Yes.

20 Q. -- have the -- so that's not an ISO
21 obligation.

22 A. (Johnson) No. That's correct. So that's the
23 energy side. Correct.

24 Q. Right. So when you were referring to an ISO

1 obligation, that's in the event that you get
2 a capacity supply obligation from the Forward
3 Capacity Market?

4 A. (Johnson) That's correct.

5 Q. Okay. And so when do you expect the earliest
6 you could have such an obligation would be in
7 the capacity market?

8 A. (Johnson) Right. So our current in-service
9 date is the end of 2019, if we can construct
10 this completely within two windows. I
11 believe the Forward Capacity Market for that
12 has already passed. So it would be whatever
13 the next Forward Capacity Market is in three
14 years beyond that.

15 Q. So three years from next February?

16 A. (Johnson) Yes, I believe that's correct.

17 Q. So that would be like 2021, in probably June
18 of 2021?

19 A. (Johnson) Correct.

20 Q. The line that comes from Des Cantons to
21 Franklin is all one DC line; correct?

22 A. (Johnson) That is correct.

23 Q. And is the Canadian segment of the DC line
24 being built brand new like this is?

1 A. (Johnson) Yes.

2 Q. Do you know how much that's expected to cost?
3 Does anybody know that?

4 A. (Johnson) Around \$200 million U.S. dollars.
5 But I'm hesitating on that because I'm not
6 sure.

7 Q. Can you check on that and just --

8 A. (Johnson) That's just the transmission
9 portion. They also have a substation on
10 their side --

11 Q. Oh, that was my next question.

12 A. (Johnson) Sorry.

13 Q. That's okay.

14 A. (Johnson) A DC station --

15 Q. A converter station. Right.

16 CMSR. BAILEY: Sorry.

17 BY MS. BAILEY:

18 Q. They have a converter station they have to
19 build as well in Des Cantons.

20 A. (Johnson) Correct.

21 Q. Okay. So you think it's \$200 million to
22 build the transmission line. And you'll
23 correct that later if that's not accurate.

24 A. (Johnson) Correct.

1 Q. And do you have any idea how much it'll cost
2 to build the converter station?

3 A. (Johnson) About another \$200 million.

4 Q. Okay. Has the I-93 study been completed?

5 A. (Johnson) It has.

6 Q. And do you know what the estimated capital
7 cost for upgrades to the existing system that
8 are required by that study?

9 A. (Johnson) It's approximately \$100 million. A
10 little bit less.

11 Q. And is that hundred million included in the
12 \$1.6 billion total estimate?

13 A. (Johnson) It is, yes.

14 Q. Okay. Is the \$400 million that they need to
15 spend in Canada included in the \$1.6 billion
16 estimate?

17 A. (Johnson) It is not. Hydro-Quebec will
18 absorb that as part of their normal rates.
19 And because they're the energy supplier, that
20 will be part of that cost of energy that they
21 would then sell into the market.

22 Q. Do you have any idea how much they're going
23 to sell their energy for?

24 A. (Johnson) I have no idea, no. It's not part

1 of my part of this.

2 Q. Okay. Are there any cost constraints on any
3 of the contracts that you have for building
4 it?

5 A. (Johnson) Can you be more specific? Sorry.

6 Q. Well, the estimate is \$1.6 billion to build
7 the Project.

8 A. (Johnson) Correct.

9 Q. Is there any cap on that amount? Or if it
10 costs 3.2 billion, is that "so be it"?

11 A. (Johnson) No. The prices that we've got from
12 our contractors are firm, fixed prices for
13 the scope of work that we put in front of
14 them and put in front you guys. So it is
15 basically, effectively a guaranty of a price,
16 so that it will be \$1.6 billion at the end of
17 the Project.

18 Q. Okay. Mr. Bowes, I think these are for you.
19 But Mr. Johnson, you're free to answer if you
20 have an answer.

21 I was just curious. When you
22 direct-bury the transmission line and it's
23 4 inches below grade, how is that protected?

24 A. (Bowes) Direct buried 4-inches below grade?

1 Q. Oh, probably 4 feet.

2 A. (Bowes) So I don't know if we're proposing to
3 do that in any locations on this project. I
4 know there's some private property as we
5 enter the transition stations. But I believe
6 we're still using a duct bank in those cases,
7 which means plastic conduits and then encased
8 in some sort of concrete material, whether
9 it's fluidized thermal backfill or just a
10 concrete cap.

11 Q. So there's no direct buried --

12 A. (Bowes) So I don't believe we're proposing
13 that. But how would you do that and how
14 would you protect it?

15 Q. No, I -- thank you. I must have read
16 something wrong or maybe -- that's fine. If
17 you're not using direct bury on this project,
18 then I don't need to know, today.

19 Mr. Bowes, your most recent testimony
20 from April, you say that Applicants are
21 required to leave enough space between the
22 existing transmission line to provide space
23 for future expansion by the generator. Do
24 you recall that?

1 A. (Bowes) Yes. There's a section of line in
2 Dummer --

3 A. (Johnson) Yes, Dummer.

4 A. (Bowes) -- from the existing wind farm down
5 to where it interconnects with the PSNH
6 right-of-way on the Coos Loop, where there's
7 an existing 115 kV transmission line. And
8 they have some requirements in that
9 right-of-way to add more facilities.

10 Q. Who is "they"?

11 A. (Bowes) Granite State Renewable.

12 A. (Johnson) Granite State Reliable -- Granite
13 State Renewable Energy.

14 Q. And they have rights to your right-of-way
15 there?

16 A. (Bowes) No. It's their right-of-way on that
17 portion. It goes from the Coos Loop north to
18 the generators. That's the portion that
19 we're adjacent to.

20 A. (Johnson) So they also have a deal with the
21 Wagner Forest for a right-of-way. And part
22 of their deal is that they are able to expand
23 and potentially build another line if they
24 build another set of turbines. So the

1 requirement put upon us was you can't be
2 right next to them, which we had first
3 thought we would be, but to be offset so that
4 there's room for them to build their
5 facilities in between ours.

6 Q. And this issue is only in the Wagner Forest?

7 A. (Johnson) Yeah, that's correct.

8 Q. Okay. Mr. Bowes, somewhere in that same
9 testimony you listed all the visual impact
10 mitigation efforts that you considered. And
11 it sounded like there wasn't a good solution
12 for most of them. But there was one that was
13 on North Side Road in Stark that seemed --
14 that it seemed to me you were saying would
15 reduce temporary wetland impacts and reduce
16 the visual impact. Do you remember that?

17 A. (Bowes) Yes, I believe it's on Page 6 through
18 8 of my Supplemental Prefiled. And actually,
19 I might characterize it a little differently.

20 What I tried to do is identify what
21 other visual experts had indicated the
22 potential changes we could make. And it
23 wasn't to say they couldn't be done. It was
24 just to offer that in each of the cases there

1 may be some other impacts that should be
2 considered. You could minimize the visual
3 impact potentially, but it might create a
4 temporary or permanent wetland impact. And
5 that's the balance that we try to strike.
6 And we're not saying we always get the
7 balance right, but there's -- this would be
8 the impact if we were to make that change,
9 really the purpose of that part of the
10 testimony.

11 Q. Okay. Thanks. And so on North Side Road in
12 Stark, it looked like there were no
13 offsetting impacts. It looked like the
14 impact, the other impact was improving the
15 impact on temporary wetlands. And so I
16 wondered why you didn't decide that you could
17 do that.

18 A. (Bowes) Yeah. Let us call it up and take a
19 look.

20 Q. Okay.

21 (Witness reviews document.)

22 A. (Bowes) So I believe this is on Page 6, and
23 it starts with Line 14 and goes into 15 and
24 16. "Two structures along North Road in

1 Lancaster..." and then you jump down to --
2 basically we concluded that monopoles at
3 these locations would not provide significant
4 benefits. And that's where -- I know we had
5 some discussion the other day because our
6 visual expert didn't consider them scenic
7 resources. Again, that's not necessarily a
8 constructability or even an engineering
9 decision. We're not saying that you couldn't
10 change those structures from lattice to
11 monopoles. It's just that these are two
12 locations that weren't identified as scenic
13 resources. One of the consultants, I think
14 it may have been Counsel for the Public's,
15 suggested we do it anyway. So it's really
16 just a description of trying to be complete
17 in the record of saying we looked at those.
18 They weren't considered scenic resources.
19 Doesn't mean we couldn't be told you should
20 do that in these locations. But there wasn't
21 a criteria established for us to attack them.
22 Q. And that's specifically the one on North Side
23 Road?
24 A. (Bowes) Yeah, the two structures along North

1 Road. Maybe I'm looking at the wrong
2 location.

3 Q. I'm pulling up your testimony because that
4 doesn't sound like the one I was talking
5 about. But it could be.

6 MS. WHITAKER: I'll just throw in
7 that there's a North Road in Lancaster, but
8 there's a North Side Road in Groveton.

9 CMSR. BAILEY: Thank you.

10 A. (Bowes) So I have the structure number being
11 DC433 and 0154-82. It's actually in my
12 testimony on Page 9 of 16, beginning on
13 Line 24.

14 Q. I think that's it because I have a note that
15 says Page 9, Line 27 through Page 10, Line 2.

16 A. (Bowes) And it is right next to the North
17 Road, Lancaster discussion. So that probably
18 led to more confusion.

19 Yes, we could move those structures.
20 Looks approximately 40 feet would reduce
21 potential visual impact and reduce temporary
22 wetland impacts.

23 Q. So it looked like a win-win. And there was a
24 reason in every other case why you wouldn't

1 do it because the balancing test didn't favor
2 moving it. But in that case, it looked to me
3 like it would make sense to move it, and you
4 didn't say you would. And I was just
5 wondering why you wouldn't do that.

6 A. (Bowes) I think if requested we would.

7 Q. Okay. I don't know the area. It was
8 strictly from an analytical point of view.
9 Looked like a no-brainer, so I wondered why
10 you didn't say you would do that.

11 Ms. Farrington, was the current traffic
12 volume that you analyzed during the peak
13 period?

14 A. (Farrington) So it was vehicles per day from
15 the New Hampshire DOT web site. And they do
16 sort of random counts on the roads once in a
17 while. So we didn't have detailed per-hour
18 information. So we had to use that K factor
19 of 10 or 12 percent of the vehicles per day
20 to assume the vehicles during the peak hour.

21 Q. And does that take into account increased
22 traffic in the summer?

23 A. (Farrington) It doesn't. It's an average
24 over the course of the year. There are

1 seasonal factors that we can apply. They're
2 usually in the range of 1.1 to 1.2 percent.

3 Q. Okay. Did you add 1.2 percent to your
4 traffic volumes?

5 A. (Farrington) No, because we were just doing
6 it as a comparison. When we go into the
7 detail of giving the exact work zone lanes,
8 then we will certainly consider seasonal
9 factors. Yeah.

10 Q. So did you identify any locations where
11 demand exceeds capacity?

12 A. (Farrington) Not currently. During
13 construction, it is my expectation that the
14 one location that needs further analysis is
15 the intersection of Route 18 and Route 116 in
16 Franconia, and that's currently a traffic
17 signal. So, for that location, we would
18 actually need to go out and do the manual
19 turning movement counts during the peak hours
20 and do further analysis, which will be
21 included in the Transportation Management
22 Plan.

23 Q. And you would do that during the peak time of
24 year or during the time of year that you

1 would be anticipating construction activity?

2 A. (Farrington) Ideally, yes. If not, then
3 again we'd use the seasonal adjustment
4 factors to increase to that volume.

5 Q. Okay. I think this is my last area.

6 In Canada, I understand that under the
7 transmission lines the utilities sometimes
8 create bike trails or snowmobile trails or
9 ATV trails, and people in Canada like that.
10 Is there a technical reason why you couldn't
11 do that in New Hampshire?

12 A. (Bowes) No. In fact, many of our
13 rights-of-way in New Hampshire are used by
14 snowmobile clubs and ATV clubs. So there's
15 no reason why we couldn't do that.

16 CMSR. BAILEY: Okay. Thank you.

17 CHAIRMAN HONIGBERG: Mr. Wright.

18 BY DIR. WRIGHT:

19 Q. Good afternoon. I'll try not to be
20 repetitive here, but I certainly have some
21 areas that I want to have clarified in my
22 mind. And also, the good thing about going
23 later in this process is I don't have as many
24 questions.

1 Let me start with Mr. Bowes and Mr.
2 Johnson, I believe, and talk a little bit
3 about your field inspection teams.

4 You had mentioned you envisioned two
5 sets of teams. There'd be one set of teams
6 for your contractors, either ABB or PAR, and
7 then there would also be a Northern Pass
8 team. Is that accurate?

9 A. (Johnson) That is correct.

10 Q. And the purpose of these teams is to go out
11 into the field and inspect the sites for
12 environmental safety and community relations?
13 Is that what I heard described earlier as
14 well?

15 A. (Johnson) So I will add a fourth one, and
16 that would be safety. And so while safety is
17 able to be managed by any of those
18 inspectors, clearly an unsafe activity needs
19 to be stopped immediately. There will be
20 specialty inspectors for environmental,
21 specialty inspectors for quality control,
22 then we'll have our community relations staff
23 out there as well.

24 A. (Bowes) So it's actually different people in

1 most cases --

2 Q. That's what I was going to ask.

3 A. -- not the same.

4 (Court Reporter interrupts.)

5 DIR. WRIGHT: Sorry.

6 Q. Thank you. That helps me. It's not one
7 person doing all this. There are multiple
8 people within these teams with different
9 areas of expertise.

10 A. (Johnson) Correct.

11 Q. I think you mentioned there would be 25 or 30
12 active construction sites at any given time.

13 A. (Johnson) Approximately, yes.

14 Q. And you envision these teams going out to
15 each site at least once a day? Is that what
16 I heard?

17 A. (Johnson) Ideally, yes, you want to touch
18 each construction site once a day. I think
19 as we discussed earlier, sites like Franklin
20 or Deerfield will have a permanent resident
21 that is going to be monitoring because that's
22 such a large construction site. For
23 instance, if we had a work zone every
24 2.7 miles along the underground, you might be

1 able to drive back and forth between three or
2 four sites in a day and still have a
3 meaningful inspection and meaningful
4 validation of the work.

5 Q. Yeah, that's the key I'm look for is the term
6 "meaningful inspection," because obviously
7 you can't just walk onto a site and walk off
8 a site. You need to spend some time there
9 making sure things are being done properly.

10 A. (Johnson) Exactly.

11 Q. Obviously, PAR and ABB would be responsible
12 for inspecting their sites. Now, the
13 Northern Pass Team, I assume, would be
14 inspecting all sites.

15 A. (Johnson) Correct.

16 Q. And these teams will have the ability to stop
17 the work.

18 A. (Johnson) Absolutely.

19 Q. What's the mechanics of that? How does that
20 occur in the field?

21 A. (Johnson) So, first and foremost, from a
22 safety perspective, an immediate stop, where
23 the person that was there would then -- or
24 identified an issue would talk to the foreman

1 and demand immediately that all work be
2 stopped. The foreman would then inform his
3 crew to cease activities, and then we'd
4 probably have a meeting to discuss what's
5 going on and whether we could form corrective
6 action immediately, or why there was an issue
7 that had to be brought back to the senior
8 management of either PAR, ABB or Eversource,
9 and then the teams would work together to
10 rectify whatever that situation was.

11 Q. If there was A situation found in either a
12 PAR site or an ABB site by their teams, would
13 that be reported back to you guys?

14 A. (Johnson) Yes. That's in their contract.
15 They must do that.

16 Q. Are there internal protocols to report any
17 environmental violations to DES?

18 A. (Johnson) Absolutely, yes. Also a
19 requirement of our permit.

20 Q. Yes, it is.

21 I did notice in the DES final decision
22 there's a requirement on Page 5, Condition
23 36, that requires the Company to have a
24 certified wetlands scientist to monitor the

1 Project during construction. I don't know if
2 you're familiar with that.

3 A. (Johnson) I am, yes.

4 Q. Is that the same person as these inspection
5 teams or a stand-alone person?

6 A. (Johnson) Typically that would be part of our
7 environmental inspection team, that minimum
8 qualifications would be a certified wetland
9 scientist. Once you've identified the rare
10 and threatened or endangered and
11 archeological, those tend not to be the types
12 of activities that you disturb or have a
13 potential to disturb on a regular basis
14 because you clearly identified them to the
15 contractor in the field. It's more the
16 impact of wetlands from, as we've seen
17 earlier, driving in or accidentally impacting
18 them in some way.

19 Q. So let's use that as an example then. Say
20 your inspection team was out there. We've
21 seen some pictures today that you guys I
22 think accepted as being unacceptable
23 practices from an environmental standpoint.

24 A. (Johnson) Correct.

1 Q. What would have transpired in that situation
2 had your inspection team come across that?

3 A. (Johnson) We would have shut the job site
4 down immediately.

5 Q. Just to try to close the loop on laydown
6 areas, Mr. Bowes, you mentioned that DES
7 would delegate certain authorities under, I
8 think you mentioned the Merrimack Valley
9 certificate?

10 A. (Bowes) Yes, that's correct.

11 Q. I'm looking again at the DES final decision,
12 Condition 22 on Page 4. I could put this up
13 if necessary or just read it real quick. It
14 just basically says DES shall be notified of
15 any additional laydown areas that are needed
16 for construction purposes. And then it goes
17 on to say that DES shall evaluate those for
18 whether it needs additional permitting
19 requirements or not. Mr. Bowes, is that the
20 level of authority you were talking about, or
21 was there additional conditions in the
22 certificate?

23 A. (Bowes) So I believe the SEC has to delegate
24 that to you as well as a condition of the

1 certificate, that you can review and approve
2 laydown areas, to cover all of the aspects of
3 that laydown area. You'd be the point agency
4 to do that.

5 Q. There's been a number of discussions and
6 commitments on your part to -- I think we've
7 covered this, so I'm not going to beat this
8 to death -- about moving either construction
9 pads out of roadways or to make -- to move
10 away from wetlands in some cases. But I do
11 recall at least one case, I believe it was
12 when Attorney Whitley was asking, in the
13 Pembroke area and Flag Road. I think it was
14 Map 318. I don't remember exactly. But it
15 looked like, to me, if you were going to move
16 that construction pad, the only way to move
17 it would be into the wetland a little bit
18 more. I assume you have to go back to DES
19 and get approval for that situation?

20 A. (Johnson) Absolutely. If we did move it into
21 a wetland, that would have to be recirculated
22 back through the entire process, as it would
23 be in any field condition that was come
24 across where the contractor would suggest

1 another way or anything. We have to come
2 back to the agency first. I believe in this
3 particular case we were going to sort of
4 limit the contractor. We were going to
5 truncate it at that road and not move it into
6 a wetland. But, for example, yes, we would
7 have to come back.

8 A. (Bowes) And, for example, the discussion we
9 had yesterday around the vernal pool, we were
10 able to see on our mapping that if we did
11 relocate that to the right -- or I'm sorry --
12 to the left, there was a wetland there, but
13 we could avoid that by going further to the
14 left. That's why I was able to commit to
15 that. We still have to go back to DES for
16 approval for the change in the work pad, but
17 it would not impact the wetland. That's why,
18 with the tool we had, we could see that. But
19 in this case you were talking about with Mr.
20 Johnson, I think we might have to go back to
21 DES if we're going to change the work pad
22 that's already in the wetland.

23 Q. Okay. That's what it looked like to me.

24 Shifting gears a little bit to blasting.

1 I know we haven't spent too much time talking
2 about that, but there have been some areas
3 identified for blasting.

4 Mr. Kayser, in your Prefiled Testimony,
5 I believe you indicated that the Company
6 would be testing private wells or public
7 drinking water wells that were within
8 500 feet of a blast zone; is that correct?

9 A. (Kayser) Yes, that's correct.

10 Q. Where does that 500-foot number come from?

11 A. (Kayser) I believe it comes -- I know there's
12 some New Hampshire DES guidelines on testing.

13 But that's a fairly standard distance that
14 we've used before for blasting, to test
15 within 500 feet.

16 Q. And when you blast in an area, how do you
17 draw the center of that 500-foot circle? Do
18 you put it in the center of the blasting, or
19 do you go to the outside edges of the
20 blasting zone?

21 A. (Kayser) It depends how big our blasting zone
22 is. In the overhead, it's usually a pretty
23 small area. Say for Transition Station No.
24 4, it's going to be a pretty big area, so

1 you're going to have to go from the outside
2 edges of that to 500 feet.

3 Q. Okay. If I were a private homeowner and I
4 lived 600 feet away, could I request the
5 Company to do the pre- and post-testing?

6 A. (Kayser) Have to ask Mr. Bowes.

7 A. (Bowes) Yes. And, for example, Mr. Kayser
8 just mentioned we made some commitments to go
9 much further than that for some wells near
10 Transition Station No. 4. So, yes, it's not,
11 okay, you're 510 feet and you're not going to
12 get monitoring. We'll honor reasonable
13 requests so far beyond the 500 feet.

14 Q. And also in the area of blasting, do you
15 recall, I believe it was Mr. Thompson, when
16 he was talking about DES recommendations on
17 blasting.

18 A. (Bowes) Yes.

19 Q. And as I understand, I believe the document
20 is an exhibit. It's the combined group of
21 intervenors, Clarksville to Stewartstown,
22 CS-5. This outlines a system where normally
23 blasting regulations are adopted at a local
24 level. Is that your understanding?

1 A. (Bowes) Without reviewing the document, I'm
2 not sure I can say. I just don't remember.

3 Q. Let me ask you this then: If I was to say
4 that most blasting ordinances are at the
5 local level, is the Company committed to
6 following those local ordinances, or at a
7 minimum, what's in the DES recommendations,
8 or both?

9 A. (Bowes) So, certainly what's in the DES
10 recommendations. And I don't know the
11 differences between the local ordinances and
12 DES. So on a case-by-case basis we would
13 look at that. And that would be something we
14 would include in the town MOUs as well, if
15 there were differences between the DES
16 blasting requirements and the local blasting
17 requirements.

18 Q. Okay. I think I just have one more area, and
19 that dealt with this morning there was some
20 discussion about we know that when you enter
21 a right-of-way and there are wetlands impacts
22 that it could occur over two construction
23 seasons.

24 A. (Kayser) Correct.

1 Q. And there were some questions about whether
2 the wetlands matting would be left in place
3 over the winter and into the next season.

4 A. (Kayser) Correct. And that's -- I wasn't
5 sure on the New Hampshire rules. Some states
6 have different rules on how long the matting
7 can be left. We feel that if we're going to
8 be coming back there, it's better to leave
9 that. There's less impact than taking it
10 back up and putting it back down. But we
11 would work with DES in those individuals
12 areas.

13 Q. Okay. And I'm certain that's an area I'll
14 follow up with the environmental panel. But
15 I did look at the wetlands permit, and it
16 does indicate that all -- this is Page 5,
17 Condition 41, that all distribution mats
18 shall be removed from the wetland as soon as
19 practical, but no more than seven days from
20 when the construction is completed.

21 A. (Kayser) Right.

22 Q. So, in theory, how would you interpret that
23 condition then?

24 A. (Kayser) Yeah, and that's where we have to

1 work with them: When is construction
2 complete? You know, "construction complete"
3 you would take to be done with all of the
4 construction we're doing in the area for both
5 of the lines. So then we would have to work
6 with the DES: If we're going to have a long
7 gap in there, is it better environmentally to
8 remove the mats and then replace them again,
9 or would we just leave them there and reuse
10 them when we come back in the next season?
11 And that would be in conjunction with our
12 environmental people and the DES to see what
13 is the least impactful way to do that.

14 Q. I lied. I do have one more question. I
15 think this was mainly answered yesterday by
16 Mr. Scott in response to Attorney Iacopino
17 about the HDD drilling contingency plans.
18 This is how you're going to respond to a
19 breakout or a frack-out or some sort of
20 leakage of the spill of the mud here. I
21 think what was described is there would be,
22 depending on the crossing, there would be a
23 case-by-case contingency plan developed, in
24 terms of what materials would be necessary to

1 respond to a spill. Is that a fair summary?

2 A. (Kayser) Yeah, that's correct. We will have
3 an overall Monitoring Operations Plan.
4 There's a draft one in my testimony.

5 Q. Yup.

6 A. (Kayser) But then, as they develop each
7 individual area, they will be able to get
8 more detail on the risks of an inadvertent
9 return at each of those individual HDD sites.
10 And part of our permit is also that we have
11 to submit the Monitoring Operations Plan at
12 least 90 days prior to construction for DES
13 approval.

14 Q. Okay. Is part of that contingency plan to
15 ensure that you have the necessary manpower
16 to deploy the equipment?

17 A. (Kayser) Yes, I believe manpower, materials
18 that you would need based on, you know, where
19 the risk is. Do you need a back truck in the
20 area, divers? I think that would be part of
21 that whole plan.

22 DIR. WRIGHT: I think I'm done.

23 BY CHAIRMAN HONIGBERG:

24 Q. I have a couple of things I wanted to --

1 first, there's been a lot of discussion about
2 what utilities generally and what Northern
3 Pass feels it could do within a right-of-way,
4 that it has rights to. I'm not intending
5 that as asking for any legal conclusions
6 about what you own or what you don't own.
7 I'm talking generally about utility
8 rights-of-way, which in this state there are
9 hundreds of miles of electric distribution
10 companies' transmission rights-of-way
11 crisscrossing the state.

12 When a utility needs to do something in
13 the right-of-way -- it sees trees or other
14 growth that needs to be dealt with -- what
15 are its rights and obligations? And what
16 generally is a utility like Eversource's
17 practices with respect to working with a
18 landowner? So, rights, obligations and
19 practices.

20 A. (Bowes) So the rights in general, I'll say
21 because each easement could be unique -- and
22 in this case I think we have almost 1500
23 easements and permitted crossings for this
24 project, so what we've done for the Project

1 is develop a matrix of those and understand
2 those would be passed on to the contractor as
3 well. But in general, those allow us to
4 construct, operate and maintain a line within
5 that specific width of corridor, and it
6 allows the maintenance activities to allow
7 the electricity to flow in an unimpeded
8 manner, which means vegetation management
9 within the corridor and to the sides of the
10 corridor. We don't always clear the entire
11 corridor, so there may be some areas that
12 vegetation grows over time.

13 Q. Right. That's a different question which I
14 was going to ask you about separately. But
15 when you are in the corridor that you're
16 using and see things that need to be dealt
17 with or a utility sees things that need to
18 dealt with, what are its rights? What
19 obligations does it have to the landowner,
20 and what practices does Eversource follow in
21 dealing with landowners?

22 A. (Bowes) So, schedule-type work, we tend to
23 notify the landowner that we're going to be
24 there. The emergency work, we have to take

1 actions as needed. But I would say that is
2 more rare than the case for planned
3 activities. Like vegetation management is
4 probably the most common, as well as the most
5 cyclical in nature. We would notify the
6 landowners of the vegetation management
7 activities that would occur. Foot patrols
8 and things like that, there may not be as
9 much notification. We may just be going
10 along the right-of-way walking the line. For
11 aerial patrols, because of concern after
12 9/11, we now do a more broadcast of
13 indicating that we're going to be patrolling
14 with helicopters at low altitudes or
15 fixed-wing aircraft at low altitudes. We
16 tend to send that to the media to give people
17 an idea that you're going to see, you know,
18 activity in this area over a certain period
19 of days.

20 Q. As long as you're working within the
21 right-of-way, do you need to seek permission
22 from the landowner to do any of that work?

23 A. (Bowes) In most cases, no. There may be some
24 special requirements in an easement --

1 Q. Separate and apart from bilateral agreements
2 or easement conditions. The general
3 situation.

4 A. (Bowes) General? No, there is not.

5 Q. You mentioned rights-of-way that are wider
6 that are actually being used. And that's a
7 point that I want to make sure people
8 understand and that I understand. When we
9 drive by an area that's cleared and we see
10 distribution lines or transmission lines, and
11 we see a cleared area on either side of those
12 lines, is that the extent of the right-of-way
13 always?

14 A. (Bowes) In fact, I would say in most cases
15 it's not the full extent of the right-of-way.
16 There may be wetlands adjacent, for example,
17 that we would not trim or do vegetation
18 management in. We would try to avoid those
19 and let the growth grow to a certain point,
20 and then potentially even have to handcut
21 that to avoid the impacts of a wetland.
22 That's just one example. But typically we
23 don't clear the entire width of the
24 right-of-way. Usually a few feet of buffer

1 on either side, sometimes only half of the
2 right-of-way would be cleared.

3 Q. When we look at some of the aerials --
4 actually, many of the aerial photos that have
5 been -- that are exhibits here, the various
6 maps where the right-of-way lines are drawn,
7 there's often vegetation within those lines
8 already that we can see; is there not?

9 A. (Bowes) That's true. Yes.

10 Q. And that's at this point just vegetation that
11 the utility that owns that right-of-way
12 hasn't felt it needs to deal with; right?

13 A. (Bowes) It doesn't pose an immediate safety
14 risk. And the cycle for doing the side
15 trimming is much longer than the cycle for
16 doing the flora maintenance.

17 Q. In some instances that provides part of the
18 buffer if it's close to buildings, occupied
19 buildings; right?

20 A. (Bowes) Yes, it does.

21 Q. The other area I wanted to touch on, I think,
22 Mr. Johnson, you brought something for show
23 and tell. You have something that is a
24 cross-section a few inches long of what might

1 be underground; is that right?

2 A. (Johnson) So what I brought today is an
3 example of an AC underground cable, very
4 similar design and characteristics of our DC
5 cable.

6 Q. How comfortable are you coming over to the
7 ELMO, putting it on the ELMO, having the hand
8 mic in your hand and pointing to the various
9 elements of what you've brought?

10 A. (Johnson) No problem at all.

11 CHAIRMAN HONIGBERG: Let's go off the
12 record and have Mr. Johnson set himself up to
13 do that.

14 (Pause in proceedings)

15 Q. Mr. Johnson, you may proceed.

16 A. (Johnson) Thank you. So what I have on the
17 ELMO here is a representation -- or is the
18 actual cable that was installed on the
19 Middletown-Norwalk Project, on the
20 underground portion of the project. So this
21 represents a 345 kV underground cable. And
22 I'm going to describe basically the various
23 components of what this is and then how it
24 would differ to the DC cable that we will be

1 installing.

2 This manufacturer happens to be Sila
3 cable, I believe manufactured somewhere in
4 Europe. Italy, I believe. But that's kind
5 of irrelevant to this conversation.

6 So here is the copper core. This is the
7 actual conductor where the electricity and
8 the electrons are passed. This particular
9 distance here happens to be
10 3,000 millimeters -- or I'm sorry -- 3,000
11 kcmil. Our conductor will be 2500 kcmil, or
12 slightly smaller. It'll be sort of just
13 inside of that ring. There is a protective
14 jacket basically that holds the strands of
15 the conductor together. And then this area
16 around here is a cross-linked polyethylene
17 insulation. So this is the proprietary
18 design that ABB has and each individual cable
19 manufacturer has and is purely an insulator
20 of the conductor itself.

21 Along the edges here, if you can just
22 see these colored areas here, this design of
23 this cable happened to have fiberoptic built
24 into it. This is not the fiberoptic that

1 we're using as communication or as
2 temperature-detecting devices. This just
3 happens to be the manufacturer putting it in
4 for their own use.

5 Surrounding that is a metal jacket.
6 This is again another layer of protection for
7 the cable. It also adds weight to the cable
8 to make sure that it stays where it is. And
9 then the very outside is a hard, rubber-type
10 compound. And what that compound does is
11 allow the cable to be pulled through the
12 conduit as we go from each end.

13 This particular cable here weighs about
14 20 pounds a foot. And the configuration of
15 the insulator versus the fiberoptics versus
16 the metal versus the jacket will slightly
17 change from different manufacturers but
18 basically is represented here.

19 The one thing we were discussing earlier
20 is the temperature gradients across this
21 cable. As Mr. Scott was discussing, the
22 center of this core at its hottest place will
23 be 70 degrees C. Once you get to the edge of
24 this jacket just before the metal, the

1 insulation is dropped back to about
2 50 degrees C, and then the remaining heat is
3 dissipated as you get into the full fill of
4 the concrete and then the natural surrounding
5 ground.

6 Q. Thank you.

7 A. (Johnson) You're welcome.

8 MR. NEEDLEMAN: Mr. Chair.

9 CHAIRMAN HONIGBERG: Mr. Needleman.

10 MR. NEEDLEMAN: Do we want a picture
11 of this that could be turned into an exhibit?

12 CHAIRMAN HONIGBERG: Yes. And what I
13 was thinking is if you can do this angle and
14 then on its end so you can see the two
15 different aspects of it.

16 MR. NEEDLEMAN: We'll provide that.

17 CHAIRMAN HONIGBERG: All right. I
18 have nothing else for the panel. I know some
19 of the other Committee members do, and I know
20 Mr. Iacopino has questions.

21 So, Commissioner Bailey, why don't
22 we do you first since you had the recent
23 questions. You wanted follow-up on
24 something.

1 BY CMSR. BAILEY (CONT'D):

2 Q. Okay. Well, now I want to follow up on that
3 cable. Why would the manufacturer use fiber
4 in the cable? What would they use it for?

5 A. (Johnson) Honestly, I don't know.

6 Q. So could you use it?

7 A. (Johnson) I believe they're using it to
8 measure for their own purposes over time
9 whether -- how the cable performance is,
10 temperature variations, those kind of things.
11 We as the designer would want our own
12 temperature-sensing devices and communication
13 devices independent of whatever the
14 manufacturer has, and that's why we have a
15 separate DTS system.

16 Q. So they have electronics hooked up to your
17 cable to monitor the performance of it over
18 time?

19 A. (Johnson) Yes.

20 Q. Oh, okay.

21 Mr. Bowes, this is the follow-up that I
22 had. Can you look at your February 26th
23 testimony at the bottom of Page 7? This is
24 where I got the direct-buried cable idea.

1 (Witness reviews document.)

2 A. (Bowes) Yes. So originally, we had planned,
3 I started to say, on private property as we
4 enter and exit the transition stations.
5 There was some initial thought of placing
6 that conductor directly in the ground and
7 then covering it over, probably with, again,
8 either a concrete encasement or a concrete
9 mattress for physical protection from above.
10 But over time we realized that it's probably
11 just as well to put all of those in duct
12 banks and then create a trench and do the
13 construction all in the same method; that
14 way, we'd have more control over the
15 temperature characteristics of the cable.

16 Q. Okay.

17 A. (Bowes) So that kind of changed over time as
18 the design evolved.

19 Q. Okay. Thank you very much.

20 CHAIRMAN HONIGBERG: Mr. Way.

21 BY MR. WAY:

22 Q. Thank you. I just have a couple more
23 questions. Following up on my earlier
24 inquiries into the business directory and

1 such, I did look on the Northern Pass web
2 site to see what sort of registration there
3 was. I saw a business directory. Great. I
4 saw a job sign-up as well, which is for the
5 construction project. So if someone's
6 interested, they can sign up as an
7 individual. I also looked and saw a supplier
8 sign up as well, so if someone has goods or
9 services to sell to you. One thing I noticed
10 on that, and just maybe get an explanation, a
11 little different than the business directory
12 or the job sign-up, you're looking at the
13 business size and ownership classification on
14 that: Minority-owned, woman-owned, small
15 disadvantaged, certified, HUBZone. Great.
16 And typically, though, that's what you would
17 use for government contracting if you were a
18 prime and then subbing out; correct?

19 A. (Johnson) Correct.

20 Q. And so I guess my only concern would be that
21 anybody could sign up for this. And so if
22 you're prioritizing like a government
23 contract would prioritize -- I don't know if
24 that's the intent -- if you -- for example,

1 if you add small disadvantaged, we only have
2 seven or eight in the state. I don't think
3 we have any up north. I want to make sure
4 that our businesses aren't at a disadvantage
5 for a classification system that you've put
6 in place when you're not going for the --
7 when this isn't involving a federal contract.

8 A. (Johnson) Correct. So I believe that kind of
9 information is just kind of being brought
10 forth on a general basis. I don't know. But
11 there's no obligation to limit contracts as a
12 government contract would in this case. I
13 believe our commitment is to New Hampshire
14 First. So it would be New Hampshire
15 businesses first, and then, if not enough
16 services or a specific service is not
17 available in New Hampshire, we would then
18 look to go outside of New Hampshire.

19 Q. All right. Very good. Thank you.

20 The other thing, too, is, Mr. Bowes, you
21 mentioned this was -- the contract is a fixed
22 contract; correct?

23 A. (Bowes) I think Mr. Johnson --

24 Q. Mr. Johnson. I'm sorry. A fixed contract.

1 A. (Johnson) Correct.

2 Q. Well, over the last, you know, few days we've
3 seen quite a few change orders coming down as
4 a result of commitments and discussions. Is
5 that going to impact things? I have to
6 imagine that those are not going to
7 necessarily come inexpensively. As we go
8 along and you make those changes, is that
9 already figured into the contract?

10 A. (Johnson) So the way we structured the
11 contract is that these type of small moves --
12 so, just the movement of a structure has no
13 bearing on cost from the contractors'
14 perspective; they still have to build the
15 road, erect the structure. But within the
16 contract itself, we have asked them to, if
17 you will, build in a little bit extra for
18 these types of changes. So there will be no
19 increase in the project cost.

20 Q. All right. Thank you.

21 And Ms. Farrington, one last question
22 for you. And I was listening to what
23 Commissioner Bailey was asking a little bit
24 about the traffic counts again. And the one

1 thing I'm wrestling with on traffic counts is
2 it keeps coming back to 116 for me in
3 Franconia, a major scenic area. Matter of
4 fact, one would say that the tourism aspect
5 of that is its biggest feature for a road
6 like that. And so when we look at the fact
7 that you're basing your traffic study off of
8 the automatic traffic counts -- I think is
9 that what they're called, "automatic
10 traffic" --

11 A. (Farrington) Yes.

12 Q. -- the "automatic traffic counts" that come
13 from DOT. It's not an hourly thing. It's
14 just -- and I heard the word "random." It's
15 a random count that you get?

16 A. (Farrington) The time of year is random,
17 whenever they can fit it into the count
18 season. Although, it won't be done during
19 the winter because the plows hold them up.

20 Q. And I don't want this to come out wrong. And
21 again, I'm sure you've heard something like
22 this before. But for someone like me whose
23 second largest industry in this state is
24 tourism, and I'm looking at potential roads

1 that, you know, is tourism-related roads, how
2 much value does that have for me to be able
3 to assess the impact of that business, that
4 tourism business?

5 A. (Farrington) So I guess it's an admitted flaw
6 in our industry that -- for example, traffic
7 signal. We go out and do this count one day
8 out of the year and we set up our traffic
9 signaling timing and phasing and we expect it
10 to last for a minimum of five years and work
11 well. So we are coming up with ways around
12 that. Surprisingly enough, the data, because
13 they collect it every couple of years, it
14 actually turns out to be quite consistent.
15 The seasonal factors reported are fairly
16 consistent year to year. And the seasonal
17 fluctuations are fairly consistent. So while
18 it seems fairly -- I've heard it described
19 like "voodoo." There actually is a very
20 repetitive nature to traffic on a daily,
21 seasonal, yearly basis. So I have fairly
22 strong confidence in it. We have done things
23 like this previously, and it certainly has
24 worked. If you would like, we can certainly

1 do either a request for counts from DOT, if
2 they have them available by hour, or do our
3 own counts just to verify that data on that
4 roadway.

5 Q. Well, I would request it. And I would think
6 you would definitely want it. I'm just
7 trying to get a sense as to whether,
8 particularly on roads like that, you know,
9 tourism season -- and, you know, for that
10 area, tourism season could be Cannon Mountain
11 snow. It could be the foliage. It varies
12 throughout the year. And so I think, you
13 know, going forward we would definitely want
14 to see something more on that. Thank you.

15 CHAIRMAN HONIGBERG: Mr. Iacopino.

16 MR. IACOPINO: Thanks.

17 BY MR. IACOPINO:

18 Q. Mr. Bowes or Mr. Johnson, the first question
19 I think should be an easy one.

20 Of the entire proposed route, how many
21 miles of it is co-located with the gas
22 pipeline?

23 A. (Bowes) Twelve, I believe.

24 Q. Mr. Bowes, Commissioner Bailey asked you

1 about the I-93 considerations that you used.
2 And I was wondering if RSA 162-R that was
3 passed in 2016 factored into your
4 considerations in rejecting I-93.

5 A. (Bowes) I'm sorry?

6 Q. That's the utility corridor bill that was
7 passed by the Legislature that requires the
8 Department of Transportation to amend the
9 Accommodation Manual.

10 A. (Bowes) So I think we were aware of it. I
11 don't think it had any bearing on the
12 analysis that we did. It may have had a
13 bearing into Mr. Quinlan's request to have us
14 study that. He never shared that
15 specifically with me. But we did an analysis
16 to look at what it would take to build an
17 all-underground project. Two of the routes
18 were what the DOT had suggested, 4A and 4C.
19 And then we selected another route that we
20 thought was more viable, and we came up with
21 a cost estimate as requested and identified
22 the concerns or risks to doing an
23 all-underground project.

24 Q. Do either Mr. Johnson or Mr. Bowes or Mr.

1 Kayser or Ms. Farrington, do any of you know
2 if the Utility Accommodation Manual has been
3 amended in response to RSA 162-R?

4 A. (Johnson) It is my understanding that we were
5 still using the 2010 Utility Accommodation
6 Manual. So I would assume that, no, it is
7 not.

8 Q. Okay. Thank you.

9 Mr. Johnson, I mentioned this yesterday
10 and told you we would return to it today.
11 Can you just tell us a little bit -- well,
12 not a little bit. Please explain the nature
13 of any proposed changes to Transition Station
14 No. 5. You indicated that the whole parcel
15 is only about 1500 feet long yesterday. Can
16 you just tell us what's under discussion for
17 any changes there?

18 A. (Johnson) So it would be the actual location
19 of the transition station compared to where
20 it is today, which is the intersection of the
21 right-of-way in Route 302 to some location
22 along the edge of the right-of-way, but
23 further north on the developer's property.

24 Q. And are there any changes in elevation

1 involved there, and would it affect the
2 visual impact?

3 A. (Johnson) Absolutely. Yes.

4 Q. And are your visual impact experts involved
5 in that discussion?

6 A. (Johnson) Yes.

7 Q. Ms. Farrington, I think it was back on
8 May 1st you said you would not be doing an
9 analysis of how many work trucks may use the
10 access points to access roads. Do you recall
11 that testimony?

12 A. (Farrington) Yes. Correct.

13 Q. Okay. You told us it was not a necessary
14 parameter and that it is taken into
15 consideration as part of the driveway permit
16 side of things. You also told us that it was
17 already assessed as part of the DEIS. Okay.

18 First, with respect to the DEIS, where
19 in the DEIS is that study?

20 A. (Farrington) So I'm sorry. It's not -- they
21 didn't do an analysis. They created a number
22 of vehicles expected due to each type of
23 construction activity in an area.

24 Q. And who performed that?

1 A. (Johnson) It's part of the --

2 Q. The contractor hired by the Department of
3 Energy. But do you know who the contractor
4 was? Usually the competitors know it right
5 away.

6 A. (Johnson) EME is the environmental, but
7 that's not the --

8 Q. All right. I don't want to waste too much
9 time with it. But if you could just get that
10 to us.

11 A. (Johnson) Yes.

12 Q. Okay. Did you agree with that study, Ms.
13 Farrington?

14 A. (Farrington) Parts of it. There was a
15 representation where they describe the
16 increase of traffic on each roadway. And it
17 showed, you know, 150 percent increase. But
18 the initial traffic, you know, might have
19 been three vehicles that hour. So it was
20 very, I thought, misleading.

21 Q. So, like 150 percent of 3 is 1-1/2. So it'd
22 be 5-1/2 vehicles? Is that what you're
23 talking about?

24 A. (Farrington) Exactly, yes. And they didn't

1 take into account the capacity of roadways
2 per hour. So I thought it was a little
3 misleading.

4 Q. You also said you didn't think it was a
5 necessary parameter, and I didn't quite
6 understand what you meant by that.

7 A. (Farrington) Sure. So, for the access roads
8 in particular, a traffic impact analysis --
9 to back up.

10 So there are two types of driveway
11 permits, a minor and a major. So these
12 access areas, if a driveway permit was
13 required, would be minor. They're evaluated
14 based on safety conditions, site distance
15 adjacent to intersections, that sort of
16 thing.

17 Q. Does the size of the equipment that's going
18 to be going in there make a difference
19 whether they're major or minor?

20 A. (Farrington) It does not. So the minor -- I
21 recently learned that the minor driveway
22 permit, DOT may not even want to consider
23 that because it's such a temporary impact.
24 So what triggers the major driveway permit is

1 a 100-vehicle-per-hour number. So you'll see
2 100 vehicles per hour in a peak hour at maybe
3 a Dunkin' Donuts, Wal*Mart, something like
4 that.

5 Q. I have.

6 A. (Farrington) So it's -- and they all go to
7 the drive-thru.

8 So the intent of that is to not
9 necessarily consider the traffic on Main
10 Street, for instance, because you're not
11 really -- traffic turning into and out of a
12 Dunkin' Donuts is what is going to be
13 delayed, especially coming out. So in those
14 cases, like a right-turn lane or a signal
15 installation or something like that would be
16 considered, which actually generally slows
17 down traffic on the main road. So, for
18 something like this, it's not something we
19 would want to consider. I don't think it
20 would help anyone but the contractor, other
21 than perhaps back to the safety conditions,
22 making sure the truck turning movements are
23 appropriate.

24 Q. Okay.

1 A. (Farrington) Does that make sense?

2 Q. Yeah.

3 Mr. Johnson, I think you were asked
4 this, but I wasn't sure you answered it
5 earlier in the testimony. But we understand
6 from the testimony that town roads in the
7 underground portion, when they're -- after
8 you've done the construction will be restored
9 to as good a condition as before or "to DOT
10 standards" I think is what was testified to.
11 I guess my question is: Do any of the towns
12 that are going to have the underground work
13 done, do any of them have standards beyond
14 what DOT requires?

15 A. (Johnson) I don't believe so, no. But again,
16 we coordinate with the road agents to make
17 sure that whatever we're going to restore
18 would be acceptable to them.

19 Q. So, sort of subsidiary to that was that a
20 town could wind up with a better road than
21 what previously existed I think somebody said
22 during the course of this.

23 A. (Johnson) That's correct.

24 Q. Which led me to ask this question: As part

1 of the road restoration, are you willing to
2 pave a road that was previously unpaved?

3 A. (Johnson) I'll defer that one.

4 A. (Bowes) I'm not going to rule it out. I
5 guess we'd say we'd certainly consider that.
6 And oftentimes the rural nature of a road
7 being dirt is what the people want. But we'd
8 certainly consider it. I know there's a
9 portion of one of the roads in the North
10 Country that's partly paved now and partly
11 dirt now. So there might be an opportunity
12 there, or even some of the dirt roads.

13 Q. The road agent might want it paved; right?

14 A. (Bowes) They might, yeah.

15 Q. All right. During cross-examination by the
16 City of Concord, we saw a couple of instances
17 where there was a house, a garage, a shed
18 right smack on the right-of-way and very
19 close to where there's going to be
20 construction and installation of the new
21 facility. And my question which I wanted to
22 ask then is how does that happen, that
23 somebody's garage is underneath the wires,
24 basically?

1 A. (Johnson) So in most cases it's because of an
2 expansion of a building or the addition of a
3 garage without seeking the appropriate
4 authority from the utility. You may have it
5 okay'd by the zoning in the town, but without
6 having a Joint Use Agreement with the
7 utility, it's illegal, if you will. It's an
8 encroachment.

9 Q. Doesn't Eversource or the owner of the
10 easement, doesn't that company have the
11 obligation to enforce that, even if it's just
12 for public safety?

13 A. (Johnson) So, mostly these don't actually
14 cause public safety, meaning that the
15 conductors are high enough that they don't
16 cause a public safety issue. But certainly
17 the Company -- and I'll speak for Ken at this
18 point.

19 WITNESS JOHNSON: You can tell me if
20 I'm wrong.

21 A. (Johnson) But the Company would prefer that
22 they not be there.

23 Q. Yeah, but there's lots of things I would
24 prefer. But when there's something that

1 impacts my assets and my ability maybe to run
2 my business, I'm going to take action. Why
3 wasn't there action taken, for instance, with
4 respect to the Hoit Road property? I assume
5 that garage was built after the easement was
6 granted.

7 A. (Bowes) Yes, it was. And I believe we did
8 ultimately arrange a Special Use Agreement
9 with that customer to allow the continued use
10 and to prevent further future growth onto the
11 right-of-way. I will say that, you know, an
12 annual inspection, or more frequently
13 sometimes, isn't enough to catch especially
14 temporary impacts underneath a right-of-way.
15 Unfortunately, we have encroachments,
16 especially on a temporary basis, where people
17 store things underneath the conductors, maybe
18 even use vehicles and cranes underneath
19 conductors. And every year there's usually a
20 story in the newspaper about something bad
21 happening when the clearances are encroached
22 upon. Typically the permanent-type sheds and
23 things like that can be allowed. And most
24 times the customers do contact us and request

1 that. And we'll either note it on the
2 drawings or create it. If it's going to be
3 an expanded use, create a Special Use
4 Agreement, as we did with Sabbow, for
5 example. So in this case it probably should
6 have never happened. And I think Public
7 Service has the responsibility, as you said,
8 to patrol that.

9 Q. Speaking of patrols, actually, this thought
10 came to me before when you were asked
11 questions by Mr. Wright, I think.

12 You use unmanned aerial vehicles now?

13 A. (Bowes) We're starting to, yes.

14 Q. And do you have a policy in place, in terms
15 of when and how you use those?

16 A. (Bowes) Yes, we do.

17 Q. Is that policy part of the Application as
18 well?

19 A. (Bowes) I don't believe it is.

20 Q. Okay. Mr. Johnson, you've had several
21 questions about the certified survey provided
22 to DOT. We know that's been provided to
23 them. We know that they've issued a
24 condition that you provide it to them. Have

1 they accepted those letters, or have they
2 asked you to do more survey work? Or don't
3 you know?

4 A. (Johnson) So I don't believe that the DOT is
5 going to accept them, if you will, from a
6 verification perspective. They are accepting
7 the fact that our surveyors have certified
8 them and that we believe that's where the
9 boundaries lie. The DOT is not going to
10 validate, if you will, that those are
11 correct.

12 Q. Well, I guess my question is more they
13 required you to provide a certified survey.

14 A. (Johnson) That's correct.

15 Q. And is what you provided to them
16 satisfactory, or are they requiring you to
17 provide more?

18 A. (Johnson) So in a couple discrete locations
19 they are asking for more information, but
20 that's actually part of the exception request
21 process.

22 Q. That was going to be my next question then.
23 How many separate variances or exceptions are
24 you seeking from those conditions in the --

1 that the Department of Transportation has put
2 on you?

3 A. (Johnson) So, over the 60-1/2 miles we're
4 asking for approximately 2 a mile, on
5 average. So I believe the number is just
6 around 140 in total. The vast majority of
7 those have to do with constraints where the
8 infrastructure needs to be under the roadway
9 because we're either crossing from one side
10 of the road to the other --

11 Q. Condition 12?

12 A. (Johnson) Correct.

13 Q. How many are Condition 15 requiring you to go
14 under existing utilities?

15 A. (Johnson) That would be the second highest
16 number. Off the top of my head, I want to
17 say that's in the 20 to 30 range.

18 Q. And the other ones are all various
19 conditions; is that correct?

20 A. (Johnson) Correct. So it would be an HDD
21 entry or exit area that would be slightly in
22 the shoulder or in a pavement lane type of
23 thing. Temporary impacts.

24 Q. And if I understand the Application

1 correctly, one of the things that you're
2 requesting is that you be allowed to -- that
3 the Committee grant you a certificate, but as
4 a part of that certificate, that you be
5 allowed to work out these variance requests
6 with the Department of Transportation and
7 that any authority the Committee has over
8 them be delegated to the Department of
9 Transportation; is that correct?

10 A. (Johnson) Yes, I believe so.

11 Q. In other words, because you don't expect --
12 you expect these considerations and these
13 exception requests to go on beyond obtaining
14 a certificate, if one is granted; right?

15 A. (Johnson) Sorry. Yes. So the answer is yes,
16 within the bounds that the DOT has prescribed
17 in their April 3rd letter.

18 Q. We've had a lot of discussion during your
19 panel about things like that, about
20 conditions that might be set because of
21 things that might happen beyond the granting
22 of a certificate because of delegations that
23 you have requested that the Committee make to
24 state agencies. Just some examples, so you

1 know what I'm talking about: The DOT
2 variances is one example; the delegation to
3 DES to approve laydown yards and access
4 roads. You indicated that there will be an
5 interference study with the co-located gas
6 pipelines that will be sometime down the
7 road. Mr. Bowes, you mentioned a number of
8 MOUs with various towns that you're trying to
9 negotiate. We know you have to test the
10 fluidized thermal backfill and get back to
11 DOT on that. There's a request for using
12 local roads for detours, using I-93 for
13 detours. There's the site-specific plans for
14 inadvertent returns, the Concord overpass
15 issue, approval of final construction plans
16 the Traffic Management Plan. All of these
17 things are the types of things I understand
18 you to be asking the Committee to either
19 delegate to a state agency or create a
20 condition down the road that you have to
21 comply with in order to maintain your
22 certificate.

23 A. (Bowes) Yes, that is accurate.

24 Q. Can we get a list of all of those things that

1 you are requesting that would go beyond the
2 granting of a certificate, should one be
3 granted?

4 A. (Bowes) Yes.

5 Q. Thank you. When do you think you could have
6 that? And for you guys, I'm only talking
7 about for the construction panel. I'm sure
8 we'll have some of the issues when we get to
9 the environmental panel.

10 A. (Bowes) By the end of June?

11 Q. Thank you.

12 MR. IACOPINO: All done. Thank you.

13 CHAIRMAN HONIGBERG: Does the
14 Committee have anything else for this panel?

15 [No verbal response]

16 CHAIRMAN HONIGBERG: All right. You
17 gentlemen are excused. Thank you.

18 Oh, yeah, you want to ask
19 questions, too, Barry?

20 [Laughter]

21 MR. IACOPINO: We already gave them
22 an opportunity to do a show and tell.

23 CHAIRMAN HONIGBERG: Oh, man, I
24 thought we were done.

1 Do you need a break? I think some
2 people probably do.

3 MR. NEEDLEMAN: Whatever you want.

4 CHAIRMAN HONIGBERG: Off the record.

5 (Discussion off the record.)

6 CHAIRMAN HONIGBERG: All right. Why
7 don't you continue, Barry.

8 MR. NEEDLEMAN: Couple of quick
9 housekeeping items. Before the break you asked
10 me for timing on when we could get the list of
11 business information that Mr. Way wanted. We
12 will get that to you next week.

13 Yesterday, Commissioner Bailey, you
14 asked about whether we were seeking approval
15 for crossing of local roads. We are. That's
16 in the Application at Pages 82 to 84, and the
17 permit drawings associated with that are in
18 Appendices 9 and 10 of the Application.

19 Let me start by asking, Dawn, if
20 you could pull up the first of the new
21 exhibits. This will be Exhibit 144.

22 (Exhibit App 144 marked for
23 identification.)

24 MR. NEEDLEMAN: This is speaking to

1 the issue, Mr. Way, you raised about business
2 outreach. I thought it would be helpful to put
3 an example of one of the letters in the record.
4 Exhibit 144 is an example.

5 If you could pull that up, Dawn.
6 Oh, I'm sorry. There we go. Looking in the
7 wrong place.

8 REDIRECT EXAMINATION

9 BY MR. NEEDLEMAN:

10 Q. Exhibit 144 is an example of a letter that
11 went to overhead -- to overhead businesses.
12 And then in Mr. Quinlan's Supplemental
13 Testimony at Attachment J, that's an example
14 of a letter that went to the underground
15 businesses. Mr. Johnson, do you know how
16 many of these letters have been sent out to
17 date?

18 A. (Johnson) I believe the number is just under
19 350. And there was sort of 80 that went to
20 the overhead and the remainder being to the
21 underground.

22 Q. With respect to the business claim process,
23 we've heard something about that. Ms.
24 Weathersby asked a little bit more about it

1 today. In the Applicant's Exhibit 6, which
2 is Mr. Quinlan's Supplemental Testimony, at
3 Attachment J, I believe, Mr. Bowes, there's a
4 further description of that claims process;
5 is that correct?

6 A. (Bowes) Yes, there is.

7 Q. Is there other information provided there
8 that would also be helpful?

9 A. (Bowes) There's a claim form as well with
10 identification of the information needed.

11 Q. Mr. Bowes, earlier Commissioner Bailey asked
12 about the use of the right-of-way for
13 snowmobiles and ATVs. And I think her
14 question was: Is there any technical reason
15 that would restrict the use? And I think you
16 said, no, there wasn't. I just want to make
17 sure the record is clear. There may be other
18 reasons why it couldn't be used for those
19 purposes; is that correct?

20 A. (Bowes) That is correct. There could be, you
21 know, sensitive areas, cultural, endangered
22 species, wetlands, things like that.

23 Q. How about landowners' rights? These
24 easements are subject to other landowners who

1 ultimately own the property. Could that be a
2 restriction?

3 A. (Bowes) Yes, it could.

4 Q. Again, Mr. Bowes, earlier Commissioner
5 Bailey, and later Mr. Iacopino, asked about
6 the study related to I-93 and reasons why you
7 didn't go there. During the public
8 information sessions that the Committee held
9 early on in this project, one of the issues
10 that was raised about the potential use of
11 I-93 were legal restrictions going through
12 the Notch. I wonder if you could speak to
13 that issue as well.

14 A. (Bowes) Sure. There were some other
15 restrictions in a Memorandum of Agreement
16 with various parties for -- actually, for DOT
17 changing their roadways through the Notch.
18 And it also has some limitations on what is
19 done within the roadway and also outside of
20 the roadway. That was a constraint that we
21 looked at and actually dismissed as far as
22 having a viable route of trying to build a
23 transmission line either overhead, which
24 would clearly not be practical, or

1 underground, which again has some limitations
2 as well through Franconia Notch. So we
3 really never pursued that as a viable option
4 for an underground route.

5 Q. Mr. Johnson, let me turn to you. And I want
6 to ask you some questions about town
7 outreach. There have been multiple occasions
8 during the course of the panel's testimony
9 when questioners have asked about
10 communications with particular towns. And I
11 want to focus on some of those towns. And I
12 want to start with Stewartstown and ask Dawn
13 to bring up Exhibit 145.

14 (Exhibit App 145 marked for
15 identification.)

16 Q. When Mr. Thompson was questioning the panel,
17 he raised concerns about the Project not
18 talking to Stewartstown now and instead
19 waiting until it would be too late for the
20 town to have meaningful input.

21 Exhibit 145 is a summary, I believe, of
22 the outreach that the Project has engaged in
23 with Stewartstown. Could you briefly
24 summarize that, Mr. Johnson?

1 A. (Johnson) Sure. So what this is, is a list
2 of the number and types of correspondence
3 and/or meetings that have been held with the
4 Town of Stewartstown's administrative body,
5 whether it's selectmen or -- and I'm
6 generalizing here -- or a conservation
7 commission or an administrator of a town. So
8 you can see we've had one public open house
9 in Stewartstown; we've had four public
10 information sessions and public hearings of
11 which the entire route was invited to; we've
12 had four outreach letters; we've had 12
13 municipal contacts and meetings, and we've
14 had five other types of correspondence with
15 town officials.

16 Q. Is it correct that there are existing
17 exhibits in the record already that summarize
18 the range of the outreach that the Project
19 has engaged in?

20 A. (Johnson) Correct. I believe that is in
21 Appendix 42 and was recently updated with my
22 Supplemental Testimony.

23 Q. When you say that, you mean Appendix 42 to
24 the Application?

1 A. (Johnson) I'm sorry. Yes. That's correct.

2 Q. And also in your Supplemental Testimony --
3 that's Applicant's Exhibit 86?

4 A. (Johnson) Correct.

5 Q. And was there also information in your
6 Original Prefiled Testimony, which was
7 Applicant's Exhibit 11?

8 A. (Johnson) Yes, there was.

9 Q. Is it correct that on March 15, 2017, the
10 Project reached out to the Town of
11 Stewartstown and asked if they would be
12 interested in having discussions about an
13 MOU?

14 A. (Johnson) Yes, it is.

15 Q. And what was the result of that outreach?

16 A. (Johnson) There's been no communication since
17 then.

18 Q. Mr. Bowes, we've heard a lot about the MOUs
19 and stipulations here. When Ms. Saffo was
20 questioning you, she characterized NPT's
21 offer as essentially "one-sided," and she
22 said, quote, But if they say they don't want
23 something, your answer is "tough," close
24 quote. Is that an accurate description of

1 the process that you have been engaging in to
2 try to reach MOUs with towns?

3 A. (Bowes) No, I don't believe it is.

4 MR. NEEDLEMAN: I want to put
5 something up on the ELMO for a minute. This is
6 going to be Exhibit 146.

7 (Exhibit App 146 marked for
8 identification.)

9 Q. This is the second MOU that the Project has
10 executed at this point, and this one is with
11 Lancaster; is that correct?

12 A. (Bowes) Yes, it is.

13 Q. And before we began here, I asked you to star
14 particular provisions of this MOU that you
15 thought were particularly important. And so
16 we're just going to flip. I don't want to go
17 through the whole thing. But if we could
18 flip a few pages and just have you explain
19 why you starred particular provisions.

20 A. (Bowes) So the first one was to make sure
21 everyone understood that the term of it
22 wasn't just during construction, but the term
23 of the MOU is actually for the entire
24 operation of the Project, however long it

1 continues in its operation.

2 Q. And could we flip the page, please. And you
3 have several stars on the next page. Could
4 you explain those, please.

5 A. (Bowes) So these are really some of the
6 things that we've talked about in several of
7 the hearings around the construction
8 schedule, how traffic control would be
9 handled, and one I think is very important to
10 people is the work hours. In this case,
11 Lancaster was agreeable to, you know, the
12 7 a.m. to 7 p.m. that we had proposed. But
13 they did have a request of us around the
14 Lancaster County Fair, which we will
15 certainly accommodate, which comes in the
16 fall of each year. The others, equipment,
17 material and staging areas, again, they were
18 interested in having some part in that
19 discussion as well.

20 Q. And maybe flip one more page. Why did you
21 star these?

22 A. (Bowes) So the first one is around the
23 oversized vehicles and any special deliveries
24 that we'd have to make. In this case, we

1 wanted to give advanced notice to the town
2 and also look at when we could avoid peak
3 rush hours and coordinate that with the town.

4 Q. So is the Project requesting that this
5 Exhibit 146 now be attached to the
6 certificate as conditions if the Committee
7 issues a certificate?

8 A. (Bowes) Yes, we are.

9 Q. And to the extent that the Project and other
10 towns enter into executed MOUs, would it also
11 be your intention that those be attached to
12 any certificate, if issued?

13 A. (Bowes) Yes.

14 Q. Let me talk to you about Franconia for a
15 minute. When Ms. Saffo was questioning you
16 about outreach with Grafton County towns, and
17 Franconia in particular, she raised some
18 issues. I think Dr. McLaren also raised
19 issues regarding interactions with Franconia.

20 When you were going back and forth with
21 Ms. Saffo, you said a good example of how you
22 could work with the town would be with
23 respect to the Gale River Crossing. Do you
24 recall that?

1 A. (Bowes) Yes, I do.

2 Q. You said it was a place where, if you had a
3 good, cooperative relationship with the town,
4 you could minimize impacts from the existing
5 proposal. Do you recall that?

6 A. (Bowes) Yes.

7 Q. So I'd like to call up that crossing on
8 OneTouch if we could. And while we're doing
9 that, maybe let me go to Sam for a minute.

10 I think there was a question yesterday
11 as to exactly what OneTouch is. Can you
12 explain that briefly?

13 A. (Johnson) Sure. So, OneTouchPM is
14 effectively a way that Burns & McDonnell has
15 developed that we can superimpose any of the
16 project designs onto Google Earth. So we
17 have the flexibility of moving around in the
18 Google Earth environment, but still having
19 our actual design, the actual wetlands and
20 then other project information, such as
21 landowners et cetera on here. Effectively,
22 it's all the maps that we've given through
23 the Application condensed onto one platform
24 for ease of zooming back and forth.

1 MR. NEEDLEMAN: Ovid, before we
2 screenshot this as an exhibit, can you just
3 zoom out a little bit so there's more context
4 as to where we are? That's fine.

5 BY MR. NEEDLEMAN:

6 Q. So this is now coming down from, I believe
7 it's coming from down from 302 toward
8 Franconia; is that correct?

9 A. (Johnson) That is correct. Yes.

10 MR. NEEDLEMAN: Now, can you zoom in
11 on the intersection, please.

12 BY MR. NEEDLEMAN:

13 Q. And I'm going to ask you, Mr. Bowes, to speak
14 to this. Is that the appropriate size right
15 there?

16 A. (Bowes) Yeah, that's fine.

17 Q. All right.

18 MR. NEEDLEMAN: Could you screenshot
19 that, please, Ovid. And that will be
20 Exhibit 147.

21 (Exhibit App 147 marked for
22 identification.)

23 Q. And so, Mr. Bowes, now speaking off of
24 Exhibit 147, could you explain what you meant

1 when you were speaking to Ms. Saffo about
2 this being a good opportunity here to reduce
3 impacts?

4 A. (Bowes) So, many of the same things we talked
5 about with Lancaster would apply here. And
6 because it's a downtown area as well, the
7 things we described earlier today about
8 working with business owners in the Town of
9 Plymouth would apply also to a MOU. This is
10 also somewhat unique in the fact that
11 Ms. Farrington said the traffic control at
12 this location is probably the more
13 complicated of any of the locations along the
14 route dealing with this, you know, basically
15 90-degree sweep across the highway and then
16 going underneath the Gale River. We talked
17 about that at great length, and I'm not going
18 to go through all the details again, other
19 than to say that this would be a location --
20 because there is town property right about
21 where that 116 indicator is just over the
22 Gale River, that's town property there. So
23 either a temporary construction easement or
24 even a permanent easement to place the shaft

1 for the microtunnel would take all of the
2 traffic impacts off this intersection. I
3 realize it's a burden on the town to grant
4 that to us, but that's one example where, if
5 we had cooperation with the town, we could
6 greatly improve the conditions for the
7 residents of the town and anyone else
8 traveling on 116.

9 MR. WAY: Excuse me. Where exactly
10 is that again?

11 WITNESS BOWES: So you can see the
12 soccer field. So it's between the soccer field
13 goal and the roadway. We could put the shaft
14 in that location and take the construction
15 completely off the road.

16 MR. NEEDLEMAN: Dawn, would you bring
17 up the next exhibit, please, which is the
18 outreach history with Franconia. This will be
19 Exhibit 148.

20 (Exhibit App 148 marked for
21 identification.)

22 Q. Mr. Johnson, similar to what we had with
23 Stewartstown, can you briefly describe the
24 Project's efforts to have outreach in

1 Franconia?

2 A. (Johnson) Yes, as soon as it gets here. It
3 always comes up last.

4 Okay. So, for the Town of Franconia,
5 again, if you recall --

6 Q. Sam, let me interrupt.

7 MR. NEEDLEMAN: Can everyone read
8 that, or do we need it larger?

9 MR. IACOPINO: I would like it
10 larger.

11 MR. NEEDLEMAN: Larger, please, Dawn,
12 if you could.

13 (Pause in proceedings)

14 BY MR. NEEDLEMAN:

15 Q. All right. Sam, please continue.

16 A. (Johnson) Yeah, so as people recall,
17 Franconia was not one of the original towns
18 on the original route, so communications with
19 them don't go back as far as some of the
20 other towns. But we've had three public
21 information sessions and public hearings;
22 we've had four sets of outreach letters;
23 we've had four meetings with town officials,
24 and then we've had three other types of

1 correspondence with the Town.

2 Q. Is it correct that on March 15th of this
3 year, the Project reached out to Franconia to
4 inquire about their interest in a
5 stipulation?

6 A. (Johnson) That is correct.

7 Q. And what's the status of that?

8 A. (Johnson) We have not heard from the Town
9 regarding this particular letter. In fact,
10 we haven't heard from the Town since October
11 of 2015.

12 Q. Mr. Bowes, when Mr. Lakes was asking the
13 panel questions, he was discussing with you
14 the use of bentonite for drilling mud and
15 suggesting that it would be appropriate to
16 provide material safety data sheets to towns
17 like Easton. You responded that this would
18 be a good topic for an MOU. And then he
19 asked you, quote, What MOU do you have with
20 Easton? And you said, "None." Is it correct
21 that, like the other towns, you've reached
22 out to the Town of Easton seeking an MOU?

23 A. (Bowes) That is correct. We started the
24 initial discussions.

1 MR. NEEDLEMAN: Could I, Dawn, have
2 the next exhibit, please, which were minutes, I
3 believe, from the Easton Select Board Meeting
4 on March 15th of this year. And this is
5 Exhibit 149.

6 (Exhibit App 149 marked for
7 identification.)

8 Q. And Mr. Bowes, if you could just look at the
9 paragraph on the bottom of the first page.
10 And everybody can read it, but can you
11 summarize your understanding of Easton's
12 willingness to have discussions about an MOU
13 with the Project?

14 A. (Bowes) It appears that, you know, a vote was
15 taken and the opinion was raised not to
16 cooperate with the Project for this
17 construction phase.

18 Q. All right. Let me turn now to Plymouth.
19 We've heard a lot about Plymouth. Let me
20 first of all ask Mr. Johnson.

21 MR. NEEDLEMAN: Let's bring up
22 exhibit, I guess this will be 150. Again,
23 outreach summary with Plymouth.

24

1 (Exhibit App 150 marked for
2 identification.)

3 Q. And if you could summarize for us the
4 Project's efforts at outreach with Plymouth,
5 focusing on Plymouth and not saying anything
6 about the sewer and water district, which
7 we've already covered.

8 A. (Johnson) Okay. As a reminder, Plymouth was
9 not one of the original overhead towns. So
10 this town was added when the underground
11 portion of the Project was put forth, so we
12 don't have the old history of communication.
13 But since basically mid-2015 there have been
14 three public information sessions and public
15 hearings; there have been three outreach
16 letters to town officials; there have been
17 eight meetings with town officials; and there
18 have been four other types of correspondence
19 with town officials.

20 Q. And is it correct that on March 15, 2017, the
21 Project reached out to Plymouth inquiring
22 about their interest in discussing
23 stipulations?

24 A. (Johnson) I believe it's March 14th. But

1 yes.

2 Q. Thank you. And what is the status of those
3 discussions?

4 A. (Johnson) We've heard nothing from the Town.

5 Q. Okay. Earlier Mr. Way was asking you
6 questions about construction on Main Street.
7 And there was some discussion about the
8 possibility of moving the Project off of Main
9 Street, and I wanted to circle back to that
10 for a minute.

11 Is it correct that the Project did
12 engage in discussions with Plymouth at one
13 point about moving the Project off of Main
14 Street?

15 A. (Johnson) Yes, I believe that's the subject
16 of those eight meetings, or some of the
17 subjects of those eight meetings with town
18 officials.

19 MR. NEEDLEMAN: Dawn, could you bring
20 the map up that shows those alternative routes
21 up. And that will be Exhibit 151.

22 (Exhibit App 151 marked for
23 identification.)

24 Q. So, Mr. Johnson, if you could just --

1 MR. NEEDLEMAN: And I want to make
2 sure that's large enough. Can everyone see it?
3 Tom, does that work?

4 BY MR. NEEDLEMAN:

5 Q. Okay. Can you briefly walk us through what
6 we're looking at here?

7 A. (Johnson) Sure. So, starting from the north
8 coming to the south, you can see that there's
9 the green line or a light green line. And
10 where it intersects with the orange line,
11 that is the town circle, or the traffic
12 circle that's there. So the original route
13 is that orange line that effectively extends
14 from the top of the page down through Main
15 Street, right through the bottom of the page.

16 So the Project evaluated, I believe
17 eight or nine different types of routes that
18 would get us off of Main Street, three that
19 we thought were viable as we discussed
20 earlier in the process. All of them start by
21 exiting the traffic circle and going down
22 towards Green Street. From there, there are
23 basically three options: One, Green Street
24 does kind of hook back up to Main Street

1 about halfway down, and that's that darker
2 green color, if you will. Another option is
3 to hook up a little bit onto Depot Street; go
4 down Depot Street and connect into where the
5 skate park is today and then ultimately down
6 to Route 3. And then the third option would
7 be continuing down South Street -- or South
8 Road to the water treatment facility, and
9 from the parking lot of the water treatment
10 facility doing directional drill all the way
11 out to connect back into Route 3.

12 Q. And is it correct that the Project was
13 willing to consider all three of these
14 options?

15 A. (Johnson) Yes, we were.

16 MR. NEEDLEMAN: Dawn, could you bring
17 up Exhibit 152, please.

18 (Exhibit App 152 marked for
19 identification.)

20 Q. This is a summary, I believe, of your course
21 of dealings with Plymouth regarding this
22 issue. Can you briefly walk us through it?

23 A. (Johnson) Sure. So we began meetings back in
24 August of 2015. Effectively, we presented

1 the Project. The Town articulated to us
2 their concerns with impacts to the downtown
3 Plymouth corridor. We then, in a subsequent
4 meeting in February of 2016, were instructed
5 to identify alternative underground routes,
6 if you will. In March of 2016, we presented
7 the eight or nine options and were directed
8 to focus on the three options that we
9 discussed according to the map. So we --
10 Point C is noted there. We started to work
11 with the Town's engineering firm and town
12 departments, including the water and sewer
13 division, to focus on alternative route
14 No. 1.

15 In April of '18 [sic] we met with the
16 Highway Department, the Town Planner and the
17 Plymouth Village Water and Sewer Department
18 as part of the land ownership assessment.
19 One of the particular issues with this is
20 that the Project did not have the land rights
21 to perform a directional drill, one, where
22 the city is; two, where the railroad is; and
23 then three, where the directional drill would
24 then come up over by the skate park. So we

1 were working with the Town, first of all, to
2 assess who owned the property, but then to
3 work with them to come up with a solution as
4 far as getting permission from them.

5 In May of 2016, we continued and
6 basically met with them. It was a meeting
7 where the Town inquired about locating the
8 route within the I-93 corridor and that they
9 basically informed us that they would no
10 longer be engaging in conversation. And
11 then, basically by the end of that month, or
12 early June, the town indicated that with the
13 exception of I-93, it was not interested in
14 further pursuit of any alternative routes.

15 Q. Having in mind the concerns that Ms. Fillmore
16 and Mr. Pappas and others raised about the
17 Project's location on Main Street, do you
18 believe that if the Project were to have
19 taken one of these other routes, it would
20 have addressed many of those concerns?

21 A. (Johnson) Sure. Every route has its own
22 issues, but I believe that getting off of
23 Main Street would have alleviated a lot of
24 issues.

1 Q. When Ms. Pacik was questioning you, she
2 raised some concerns about the Project's
3 consultations with the City of Concord and
4 also about McKenna's Purchase.

5 MR. NEEDLEMAN: Could we have exhibit
6 what will now be 153, Dawn.

7 (Exhibit App 153 marked for
8 identification.)

9 Q. Can you briefly summarize the Project's
10 outreach efforts with Concord?

11 A. (Johnson) Okay. So, Concord, there has been
12 one public open house; there have been public
13 informations and public hearings; there have
14 been four outreach letters similar to the
15 other towns; there have been 15 individual
16 meetings with town officials, again whether
17 it's the administrator, selectmen,
18 conservation commission, et cetera; and there
19 have been nine types of other correspondence
20 with the deputy city manager and other folks.

21 Q. And is it correct that the Project reached
22 out to the City of Concord about discussing a
23 stipulation?

24 A. (Johnson) We did.

1 Q. And is it correct that those discussions are
2 underway at this point?

3 A. (Johnson) They are underway at this point,
4 yes.

5 MR. NEEDLEMAN: Dawn, can you bring
6 up Exhibit 154.

7 (Exhibit App 154 marked for
8 identification.)

9 Q. We've also heard a lot about McKenna's
10 Purchase. Could you briefly describe for us
11 the Project's efforts to communicate with
12 McKenna's Purchase.

13 A. (Johnson) Sure. So, again, there was one
14 public open house in which the McKenna's
15 Purchase folks were invited to. I know that
16 I dealt with a couple of those folks
17 personally. Correspondence with property
18 owners. So there were two sets of mailings
19 that went out to folks. There were other
20 correspondence to McKenna's Purchase. There
21 were five meetings with McKenna's Purchase
22 representation, and there were two telephone
23 calls that were held also with McKenna's
24 Purchase representatives.

1 Q. We've heard -- and I'm not going to go
2 through every town. But we've heard other
3 parties raise issues about towns like
4 Clarksville, New Hampton, Bristol, Woodstock
5 and others. Is it correct that the Project
6 has reached out to every town along the route
7 at this point to discuss stipulations?

8 A. (Johnson) We have, again, as we discussed a
9 couple days ago, except for Dixville and
10 Millsfield who are unincorporated. So, yes.

11 MR. NEEDLEMAN: Dawn, put up Exhibit
12 155, please.

13 (Exhibit App 155 marked for
14 identification.)

15 Q. This exhibit, as I understand, summarizes the
16 status of those efforts to engage in
17 stipulations with towns. Can you briefly
18 walk the Committee through that?

19 A. (Johnson) Sure. So as the Committee recalls,
20 there are 31 affected towns; 28 are the
21 number of towns that received the MOU letter;
22 2 are the unincorporated, and 1 is Franklin,
23 that we've already concluded our negotiations
24 with. So, 14 towns have responded; 13 are in

1 active negotiation; and 1 is completed, and
2 that would be Lancaster; 10 additional
3 towns -- sorry. Drop to the bottom. The
4 number of towns that did not respond is 14 of
5 the 28 that were initially mailed.

6 Q. Okay. Thank you.

7 Mr. Bowes, let me turn to you now. I
8 want to follow up on some topics that Mr.
9 Pappas raised when he was questioning the
10 panel. We talked about laydown areas. And
11 Mr. Pappas suggested that the Project can't
12 know the impacts at laydown areas because you
13 don't know the precise locations yet. Do you
14 agree with that?

15 A. (Bowes) I would say no.

16 Q. Why?

17 A. (Bowes) Because we do know the
18 characteristics of the laydown areas. We
19 know the location; they're going to be within
20 a few miles of the construction activities.
21 We know the size, generally 5 to maybe a
22 maximum of 50 acres. We know we're going to
23 place them in disturbed areas, previously
24 disturbed, not pristine areas. We know we

1 have to have highway access. So, in general,
2 it's going to be a commercial or industrial
3 type of facility that the Project would use
4 to store materials and store vehicles for the
5 work that needs to be done.

6 Q. Ms. Farrington, how about the traffic
7 aspects?

8 A. (Farrington) Very similar to the access roads
9 that we discussed with Mr. Iacopino. We did
10 do a calculation of the highest number of
11 vehicles per hour we would expect to see
12 going in or out during a peak hour, and it
13 actually turned out to mostly be workers
14 arriving in the morning or leaving in the
15 afternoon. That number was 30 vehicles per
16 hour, so it would not trigger a change of
17 use, major driveway permitting need.

18 Q. Ms Farrington, continuing with you. Mr.
19 Pappas asked you at one point if you had
20 studied traffic impacts on tourism or on the
21 orderly regional development. You said you
22 didn't, but you didn't have a chance to
23 elaborate, so I want to look at that right
24 now.

1 MR. NEEDLEMAN: Dawn, could you call
2 up Applicant's Exhibit 91.

3 Q. And that, I believe, is your Supplemental
4 Prefiled Testimony, Ms. Farrington?

5 A. (Farrington) Yes.

6 Q. And I want to focus on the bottom of Page 3
7 and over to the top of Page 4.

8 A. (Farrington) Okay.

9 Q. First of all, the question in the middle of
10 Page 3 that is then addressing the
11 information on the bottom of Page 3, what was
12 that question?

13 A. (Farrington) "Please describe the expected
14 impacts due to the planned lane closures."

15 Q. And so in your evaluation of lane closures,
16 at the end you offer a concluding statement
17 at bottom of 3 that begins with the word
18 "however" and goes over to Page 4. Can you
19 read that, please?

20 A. (Farrington) Yes. "However, it is my opinion
21 that impacts to the traveling public will be
22 limited and will be considered acceptable by
23 New Hampshire DOT."

24 Q. And then in the middle of Page 4, Lines 14

1 and 15, you also are offering conclusions
2 with respect to the traveling public. Can
3 you describe those?

4 A. (Farrington) Yes. "Based on this approach,
5 the proposed detour routes and preferred
6 routes are expected to have a minimal
7 impact."

8 Q. So that "minimal impact" relates to detours;
9 is that correct?

10 A. (Farrington) Yes. That was specific to the
11 North Country --

12 MR. NEEDLEMAN: And then Dawn --

13 A. -- the three detours in the North Country.

14 (Exhibit App 156 marked for
15 identification.)

16 Q. And the Project also furnished a response to
17 Counsel for the Public's data request which
18 has relevant information. We're going to put
19 that on the screen, call this Exhibit 155
20 [sic]. Am I correct, Ms. Farrington, that
21 you participated in preparing this response?

22 A. (Farrington) Yes.

23 Q. And can you tell us what relevant information
24 that has in there that relates to tourism?

1 A. (Farrington) This is similar statements to my
2 Prefiled Testimony, that delays will be
3 intermittent, temporary and minimal to the
4 traveling public, and therefore we concluded
5 that it would also be temporary to visitors
6 and vacationers. It also goes into detail
7 about pedestrian routes and Americans With
8 Disabilities Act for pedestrian detours and
9 rerouting in downtown areas. And our
10 Transportation Management Plan would also
11 consider bicycle routes.

12 Q. So based on the work you've done in this
13 case, do you feel you have helpful
14 information regarding traffic impacts on
15 tourism?

16 A. (Farrington) Yes.

17 Q. And what is that information?

18 A. (Farrington) I would say that we, the
19 Project, will work to minimize impacts not
20 only on the traveling public, but in turn on
21 vacationers and tourists.

22 Q. Another area that Mr. Pappas asked you about
23 was detours. There were a number of
24 questions about detours around the 7-1/2

1 miles of underground construction in the
2 North Country.

3 Have you been able to make any sorts of
4 comparisons between the kinds of detours that
5 the Project is proposing and the sorts of
6 detours that people in the North Country
7 might typically encounter with other types of
8 highway construction projects?

9 A. (Farrington) Yes. So we talked a little
10 yesterday, or two days ago I think, about a
11 similar project in the North Country, because
12 it was brought up that if Route 116 had to be
13 detoured, the detour would be -- I can't
14 remember -- in the range of 25 miles because
15 there aren't a lot of local and state routes
16 within the North Country that's not densely
17 populated. So the New Hampshire DOT
18 currently, today, is detouring -- has put in
19 place a detour for one of their bridge
20 repairs, and it's over Bishop Brook Road on
21 Route 145, and that detour route is around
22 25 miles. It is signed along state routes,
23 so there are local roadways. But some of the
24 locals, if they know the route, could find

1 their way a bit shorter, but it would also
2 likely be a lower speed limit. And just for
3 comparison, Route 145 in that area has an
4 expected number of vehicles per day of 520,
5 whereas Bare Rock Road, which we are
6 detouring, has 140. So, significantly less.

7 Q. Mr. Johnson, when Mr. Pappas was questioning
8 you, he asked you about Beecher Falls Road,
9 and I think he pointed out an omission in the
10 design drawings. And DOT subsequently
11 identified a work area that they thought
12 would lead to a road closure, and you said
13 that it was the intent not to have a road
14 closure. Can you clarify this issue?

15 A. (Johnson) Sure. So I believe what Mr. Pappas
16 was referring to was during the phase where
17 we'd be assembling the conduit along the side
18 of the road and then having to pull it back
19 through the directional drill. And the work
20 zone that's shown on the plans shows that
21 actually crossing right in front of Beecher
22 Falls Road as it intersects with Route 3. We
23 realized that and have had discussions with
24 the DOT for a temporary sort of excavation

1 where we will install a PVC pipe underneath
2 the road, and then we'll repave the road to
3 keep Beecher Falls Road open. And we will
4 pull the conduit back through that larger
5 culvert, if you will, into the HDD.

6 A second alternative, as we've
7 discussed, would be extend the HDD past
8 Beecher Falls Road, and then we could tie in
9 the trench as it came around that corner at a
10 later date. So we wouldn't impact Beecher
11 Falls Road at all.

12 Q. Mr. Johnson, you were asked a lot of
13 questions about road layouts and the proper
14 right-of-way boundaries. For example, Ms.
15 Pastoriza asked you about the road layout
16 information that the Project had for Easton
17 and Sugar Hill. Do you recall that?

18 A. (Johnson) I do recall that.

19 Q. And I think the implication in her
20 questioning was that the Project lacked
21 adequate information to be able to define the
22 right-of-way and ensure that it stayed off
23 private property.

24 Do you believe that the Project has

1 adequate information to ensure that it will
2 stay within the right-of-way when doing the
3 underground work in Easton, Franconia and
4 Sugar Hill?

5 A. (Johnson) I do.

6 Q. Why do you believe that?

7 A. (Johnson) Because I believe that our
8 surveyors have done the appropriate research
9 and field assessments to verify that.

10 Q. Ms. Pastoriza also implied that your
11 surveyors missed relevant information in
12 Easton and Sugar Hill. How do you respond to
13 that?

14 A. (Johnson) So I believe Ms. Pastoriza's
15 testimony was basically that a lot of these
16 roads were laid out in the late 1700s and
17 early to mid-1800s. And she's correct that
18 those are the original road layouts. I
19 believe, as Mr. Oldenburg stated when he was
20 questioning us, these are the unbuilt roads,
21 if you will, that just evolved over time.
22 Over time, there have been -- sorry. The
23 issue with some of those original layouts is
24 that they're from Farmer Brown's tree to

1 Farmer Smith's wall. They do identify a
2 width, whether it's two rods, three rods or
3 four rods, but they do not identify
4 geographic or spatially where they are. So
5 there's no GPS coordinates that would say
6 it's from this edge to this edge.

7 So how do we sort of get around that?
8 And it's sort of a multi-tiered answer, if
9 you will. There have been a lot of
10 betterment projects over the years, where
11 either towns have put in sewers or water
12 lines. The DOT has built I-93. There have
13 been paving projects, bridge replacement
14 projects. All of these projects have defined
15 a boundary, if you will, of the right-of-way.
16 So there are many instances up and down, all
17 the way from, you know, I believe Woodstock
18 right through the entire underground route.
19 But specifically to Ms. Pastoriza, from
20 Woodstock through Sugar Hill and ultimately
21 up to Bethlehem, where the DOT has -- or the
22 towns have prescribed where those edges of
23 rights-of-way are.

24 So the Project survey teams went to the

1 state archives, they went to the town
2 archives, they went to the DOT archives, and
3 they pulled those plans and found those
4 boundaries and used them as the base of the
5 project. They also went to municipalities
6 and looked at landowner deeds and landowner
7 plans, whether they were subdivision plans or
8 individual lot plans, where the individual
9 landowners have acquiesced, if you will, the
10 boundaries of the DOT or the right-of-way.
11 And we have further corroborated that with
12 the iron pins and other boundary markers that
13 we found during our field surveys. It showed
14 them on the plans, and we went out and found
15 them where we could, you know, on the actual
16 field work. So that again sort of sets
17 another set of boundaries.

18 And then the third set of boundaries
19 would then be the prescriptive rights of the
20 road -- meaning road surface, the shoulder,
21 the ditch line -- a very small area outside
22 of that, that would then be the prescriptive
23 rights of the road. So we feel that our
24 surveyors have taken all that into

1 consideration in the preparation of our
2 survey lines.

3 Q. Mr. Pappas was walking you through the
4 highway right-of-way drawings and the quality
5 of information that the surveyors had. And
6 he walked you through three kinds of
7 classifications. Do you recall that?

8 A. (Johnson) I do.

9 Q. Is it true that the surveyors here relied on
10 New Hampshire DOT's own plans to establish
11 the right-of-way limits?

12 A. (Johnson) Absolutely. Yes.

13 Q. So if that's the case, why didn't the
14 surveyors -- why did they use the highest
15 classification so sparingly?

16 A. (Johnson) Basically the surveyors in general
17 are conservative, and they are not going to
18 validate, if you will, somebody else's work
19 unless they've redone the work of going out
20 and doing their own research and effectively
21 redoing what the DOT did previously.

22 Q. The plans that you're relying on, are these
23 the same plans that New Hampshire DOT uses
24 for its own construction projects?

1 A. (Johnson) It is.

2 Q. And how familiar is Eversource with those DOT
3 right-of-way plans?

4 A. (Johnson) For the Eversource projects that
5 I've worked on, very, very familiar.

6 Q. And how reliable have you found those DOT
7 plans to be in your personal experience?

8 A. (Johnson) Extremely reliable.

9 Q. We were shown an e-mail at one point. It was
10 Joint Muni Exhibit 198, and it contained --
11 it was an e-mail from DOT that contained a
12 general disclaimer about the use of these
13 plans. Why would that disclaimer be in
14 there?

15 A. (Johnson) So I believe that that disclaimer
16 is used whenever the DOT provides information
17 to other parties, that effectively they're
18 not going to certify or be responsible for or
19 liable for work done by others.

20 Q. In locations where the right-of-way lines are
21 marked as "undetermined," what has the
22 Project done to address uncertainties in
23 those locations?

24 A. (Johnson) So, from a design perspective, what

1 we've tried to be is very conservative and
2 make sure that our designs are either within
3 the disturbed roadway or exactly right off of
4 the disturbed roadway.

5 Q. Overall, then, what's your level of
6 confidence that for all the underground
7 sections the Project will be able to stay
8 within the right-of-way and off private
9 property?

10 A. (Johnson) Very high.

11 Q. Going back to when Ms. Pacik was questioning
12 you, she went through a list of properties in
13 Concord that were adjacent to the line. And
14 she asked you in a number of cases about the
15 Project's contacts with property owners, and
16 you didn't have that information available.
17 Have you had a chance to go back and check?

18 A. (Johnson) I have, yes.

19 Q. So I want to just ask you quickly about those
20 properties. There were six in particular:
21 12 Brookwood, 10/8 Brookwood, 41 Hoit,
22 516 Mountain Road, 37 Snow Pond Road and 5/7
23 Old Loudon Road. Can you tell us briefly
24 what outreach the Project has engaged in with

1 those properties?

2 A. (Johnson) Sure. So I went back to the
3 Contract Manager, which is our data base of
4 all contacts that we've had with folks. For
5 8 Brookwood Drive, we had a meeting with the
6 landowner at an August 18th open house in
7 2013. We also had a site visit with them in
8 late August of 2016, where we discussed the
9 Project. We walked out into their yard and,
10 you know, basically discussed what would be
11 happening.

12 For 12 Brookwood Drive, in September of
13 2015 we had a meeting with the current
14 landowner at that time, and we again talked
15 about the Project and potential clearing. It
16 was actually noted in the notes that there
17 was a discussion regarding tree-clearing.

18 For 41 Hoit Road, there have been two
19 meetings, one in May of 2013 and one in July
20 of 2014, again, discussing both the
21 encroachment of the garage, or the living
22 quarters now, that are in the right-of-way,
23 as well as the Project and the plans to span
24 over the top of them.

1 On 516 Mountain Road, in January of 2017
2 we received an inquiry from the project
3 owner, and we responded by mailing them a
4 certified letter with some general
5 information regarding the Project and the
6 construction process, as well as the design
7 in that area.

8 For 37 Snow Pond Road, we have no direct
9 contact with them, although we've had a
10 mailing and contact with both neighbors.

11 And on Old Loudon Road, 5 and 7 Old
12 Loudon Road, if you recall, that's across the
13 street from the Starbucks and the Joseph A.
14 Banks residence, and we've had no direct
15 correspondence with them or site visits with
16 them.

17 Q. When Ms. Pacik was questioning the panel, she
18 also pointed out that there were four
19 properties along the right-of-way in Concord
20 that were not actually included on the
21 original Project maps that were submitted to
22 the Committee. Do you recall that?

23 A. (Johnson) I do.

24 Q. Those four properties were: 61 Sanborn,

1 67 Sanborn, 87 Oak Hill Road and 83 Appleton
2 Road. Can you explain why they were not
3 included on the maps?

4 A. (Johnson) The maps were of an older vintage
5 before those houses were actually
6 constructed.

7 Q. And has there been any outreach to any of
8 those properties?

9 A. (Johnson) There has, yes.

10 Q. Can you explain that, please?

11 A. (Johnson) So, 61 and 67 Sanborn Road, if you
12 recall, they were the houses that were built
13 on both sides of the right-of-way. Actually,
14 the land developer or the real estate agent
15 contacted us to inquire about project
16 information as they were building. That was
17 in April of 2011. So any project knowledge
18 would have to be disclosed within the sale of
19 that property.

20 87 Oak hill Road I believe is a little
21 farther down the right-of-way. There were
22 two individual contacts with that landowner
23 in 2012 and -- sorry -- April of 2012 and
24 December of 2013, and in both cases an

1 inquiry came in, phone calls were sent, and
2 then further correspondence on project
3 information was delivered to the landowner.

4 And 83 Appleton Street, which is that
5 nice house with the view of the pond there,
6 there's been no direct contact with them, so
7 no individual meetings or individual phone
8 calls.

9 MR. PAPPAS: Mr. Chairman, a point of
10 clarification. It appears to me that Mr.
11 Johnson is reading as opposed to testifying
12 from his memory. I don't know if he's reading
13 prepared or just his notes, but he seems to be
14 reading these answers rather than testifying
15 about his answer. And I'm just --

16 CHAIRMAN HONIGBERG: Your
17 impression's a little different from mine.

18 But Mr. Johnson, I assume you're
19 not doing that one hundred percent from
20 memory. You have some notes in front of you.

21 WITNESS JOHNSON: I have some written
22 notes, yes.

23 MR. PAPPAS: That's fine. I
24 understand it's okay for the witnesses to have

1 their material up there. I just wanted to know
2 that it was his material and not prepared notes
3 or prepared testimony, because it looked like
4 to me he was reading.

5 CHAIRMAN HONIGBERG: Yeah, as I said,
6 I have a different impression. But I think
7 we've clarified what he has in front of him.

8 MR. PAPPAS: That's fine.

9 BY MR. NEEDLEMAN:

10 Q. Mr. Bowes, there have been several
11 discussions about the Sabbow Concrete
12 property. Mr. Way was asking you about that
13 earlier.

14 MR. NEEDLEMAN: Dawn, can you put up
15 Exhibit 156 [sic], please.

16 (Exhibit App 157 marked for
17 identification.)

18 Q. What is this document, Mr. Bowes?

19 A. (Bowes) So we call it a Special Use and
20 Consent Agreement, or Joint Use Agreement.

21 Q. And this is the Joint Use Agreement between,
22 I guess it was Public Service of New
23 Hampshire and Sabbow Concrete?

24 A. (Bowes) Yes.

1 Q. What's the purpose of these agreements?

2 A. (Bowes) So, most often it's either when a new
3 customer wants to use an eased area of their
4 property or -- in this case, I believe we
5 identified that a customer was using it, and
6 we wanted to put in place an agreement that
7 clearly defines how you will use the eased
8 area for Public Service of New Hampshire.

9 Q. So in this case, the PSNH easement was there
10 long before Sabbow was there?

11 A. (Bowes) Yes.

12 Q. And then Sabbow located there?

13 A. (Bowes) Yes.

14 Q. And then the two companies entered into this
15 Joint Use Agreement?

16 A. (Bowes) Yes.

17 Q. And this is for the purpose of defining how
18 each company will relate to each other so
19 that you do your best to avoid interfering
20 with each other; is that correct?

21 A. (Bowes) Yeah, so both uses can continue
22 undisturbed.

23 Q. Mr. Johnson, when Mr. Reimers was questioning
24 you, he went through in his cross-examination

1 a very detailed description of all the
2 conservation areas in and around the overhead
3 line. Do you recall that?

4 A. (Johnson) I do.

5 Q. So, focusing for a moment on the 32 miles of
6 new overhead line in the North Country from
7 Coos -- in Coos County, is there any place in
8 that new 32 miles of line that sits on
9 conservation land?

10 A. (Johnson) No.

11 Q. So the Project made a deliberate effort to
12 avoid locating on conservation land there; is
13 that correct?

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

15 Q. And then focusing on the remainder of the
16 overhead line, which I think is approximately
17 100 miles, is it correct that all of that
18 100 miles of line, if it goes through a
19 conservation area, the easement predated all
20 of those conservation areas?

21 A. (Johnson) That is correct.

22 Q. Is there any conservation area in that
23 98-mile segment that did not predate the
24 line?

1 A. (Johnson) No, there is not.

2 Q. So, okay, let me turn now back to you, Mr.
3 Bowes. Actually, let's go to Ms. Farrington.

4 When Mr. Oldenburg was asking you
5 questions the other day, he mentioned the DOT
6 Traffic Control Committee. He noted that he
7 ordinarily chaired that committee, and I
8 think that he urged you and the Project to
9 appear before that committee as soon as
10 possible. Do you recall that?

11 A. (Farrington) I do.

12 Q. Can you just tell us briefly what that
13 committee does?

14 A. (Farrington) Sure. So they're made up of
15 representatives that review each roadway
16 project and give it a level of significance,
17 and depending on that level of significance,
18 request either a memo or a full
19 transportation management plan which studied
20 the impact, the expected impacts of the
21 proposed construction, as well as there's
22 actually a list of options for mitigation
23 that you can pick from and put into your
24 report or into your memorandum. And then the

1 TCC reviews and approves that report or gives
2 suggestions to improve it.

3 Q. What have the Project's dealings to date been
4 with the Traffic Control Committee?

5 A. (Farrington) So we have not yet gone before
6 the Traffic Control Committee. We actually
7 had a meeting with New Hampshire DOT I think
8 a few weeks ago, and the representative there
9 said she would like to go before the
10 committee ahead of us and kind of introduce
11 the Project. So we are waiting for New
12 Hampshire DOT's okay before we fill out the
13 form and have our official presentation.

14 Q. Does the Project consider it to be important
15 to appear before that committee and interact
16 with them?

17 A. (Farrington) Absolutely.

18 Q. Mr. Oldenburg asked you also about
19 transportation management plans that were
20 described in your Prefiled Testimony, which
21 is Applicant's Exhibit 15. And I thought
22 there was some confusion in one of your
23 answers about how the plan was going to be
24 prepared and approved. Can you clarify that?

1 A. (Farrington) Sure. So we, being PAR, is
2 responsible for preparing the plan. They
3 have signed a contract with Louis Berger for
4 us to prepare their transportation management
5 plan which will then be put before, first,
6 New Hampshire DOT, and then, after New
7 Hampshire DOT and us come to agreement, then
8 it goes before the Traffic Control Committee
9 for official approval.

10 Q. And Condition 22, A-B of the DOT letter
11 actually requires you to submit it to the
12 Traffic Control Committee; is that correct?

13 A. (Farrington) That is correct.

14 Q. Mr. Bowes, Mr. Oldenburg was asking you about
15 the issue of differential frost. Do you
16 recall that?

17 A. (Bowes) Yes, I do.

18 Q. Is it correct that this issue has been one of
19 DOT's concerns from the beginning regarding
20 the Project's dealings with them?

21 A. (Bowes) Yes. It's the first, you know, long,
22 linear project that they've had in state
23 roads.

24 Q. And have you been working with DOT on this

1 issue since you first began interactions with
2 them?

3 A. (Bowes) Yes.

4 Q. Is it your understanding that in order to get
5 ultimate approval, you're going to have to
6 satisfy DOT's concerns about this issue?

7 A. (Bowes) Yes. And they've placed three
8 conditions that I think are probably the most
9 important for the differential frost issues:
10 Condition 12, which deals with being as far
11 off to the right or off the roadway as
12 possible; Condition 14, which deals with the
13 depth, and then Condition 38, which deals
14 with the warranty period that they're
15 imposing. He also showed a diagram that had
16 a depth of the trench that has since been
17 revised. So as part of the latest conditions
18 with the DOT, we are now 1 to 2 feet lower
19 than the diagram that he was using. He also
20 drew kind of a red semicircle above the
21 trench line and indicated that that would be
22 where frost would be less likely to occur.
23 If you look at that diagram now, and also the
24 information that Mr. Scott presented in the

1 ABB report, it's clear to me, at least, that
2 there will be potential for frost underneath
3 the duct bank -- I'm sorry -- above the duct
4 bank will still occur, or there will still be
5 frost there, and it'll be basically to the
6 level of the concrete cap. So there'll still
7 be maybe not 4 feet of frost under the duct
8 bank, but clearly not the same situation that
9 was displayed with that red semicircle.
10 Probably be at least 3 feet of frost in those
11 roadways.

12 Q. Continuing with you, Mr. Bowes. Mr.
13 Oldenburg also raised concerns about the
14 manner in which the Project was designed in
15 relation to the requirements of the New
16 Hampshire Utility Accommodation Manual. He
17 pointed out that utilities use roads as a
18 privilege, not a right, and that there was a
19 preference for utilities to be located at the
20 edge of the right-of-way. Do you recall
21 that?

22 A. (Bowes) Yes, I do.

23 Q. So can you explain what the Project's
24 thinking was regarding its design in light of

1 your understanding of the Utility
2 Accommodation Manual?
3 A. (Bowes) So, first, we're very aware and fully
4 understand what was in the Utility
5 Accommodation Manual. Early in the process
6 we also verified, for example, the use of the
7 interstate highways. So where we didn't have
8 a full understanding or just wanted to verify
9 what our understanding was, we did that with
10 the DOT. We've had, you know, monthly
11 meetings with the DOT now for well over a
12 year. So we have described what we wanted to
13 do and got interaction with the DOT for this
14 entire process. We understood that they
15 wanted it off the roadway where possible, but
16 we also were trying to balance both the
17 customer impacts of being, you know, in
18 people's front yards and into the ditch line,
19 for example, and the environmental impacts
20 with the New Hampshire DES of being off the
21 road and into a wetland. So what we tried to
22 do was balance all three of those concerns
23 and present a plan to the DOT that they have
24 since asked us, especially with Condition 12,

1 to move to the right or move to the side of
2 the travel lane as much as possible.

3 Q. Can you explain what the traffic impacts
4 would be of being in the road versus off the
5 road?

6 A. (Bowes) So there's probably -- we're still
7 going to take a full lane, whether we're off
8 to the shoulder or still within the roadway.
9 What it may do, though, is it may prolong the
10 length of construction by being off-road.

11 Q. Why is that?

12 A. (Bowes) So the progress will be potentially a
13 little bit slower, will be under or off to
14 the shoulder, so there may be guardrails we
15 have to deal with. In some cases there may
16 be some embankments. We may have to be a
17 little bit deeper in the ditch line than we
18 would if we were just under the road. So,
19 real slow progress when we're off to the side
20 of the road versus being within the road, and
21 thus duration of the traffic impact would be
22 longer.

23 Q. What's the experience of the panel in terms
24 of transmission lines being located in roads?

1 A. (Bowes) So in my case, we've always had, when
2 we've done underground transmission
3 construction, a portion has always been in
4 the roadway.

5 A. (Kayser) That's my experience also.

6 A. (Johnson) Similar.

7 Q. Before the December 2016 Project submittal to
8 DOT, is it correct that you had had
9 discussions with DOT about what your
10 rationale was going to be for your proposal?

11 A. (Bowes) Yes, we did.

12 Q. And then you submitted the proposal in
13 December. And did you continue to have
14 dialogue with DOT?

15 A. (Bowes) Yes, we have a monthly meeting, and
16 then obviously correspondence in between
17 those meetings.

18 Q. So now you've received this April letter
19 which we've heard a lot about, and we've also
20 heard a lot about the requested exceptions
21 that you're making. Is it correct that the
22 letter actually contemplated that you could
23 request exceptions?

24 A. (Bowes) Yes. And the discussions we had,

1 they actually encouraged us to provide
2 exceptions, for example, especially for some
3 of the abutter concerns. And we have asked
4 for some of those exceptions as well. So,
5 some examples would be, you know, when a
6 house was very close to the edge of the
7 roadway, clearly within the right-of-way,
8 there's a location on 12 -- I'm sorry --
9 17 Lost River Road in Woodstock is an example
10 of that. An example in the North Country,
11 near the cemetery that we've talked a lot
12 about, just to the south of that there's a
13 rock wall. And we wanted to be more into the
14 roadway to avoid stone walls and rock walls.
15 And where there's a splice pit that goes into
16 an embankment, we talked about one of those
17 on Route 116. That's an area where we would
18 ask for an exception to be within the
19 roadway, or it was going to cause an impact
20 to either an abutter or other impacts -- in
21 that case, a retaining wall -- where we think
22 it makes sense to go within the roadway and
23 maintain the flow of traffic and speed the
24 construction.

1 Q. When you were answering Mr. Oldenburg's
2 questions the other day, you gave the example
3 of being in the road versus being in a
4 wetland and trying to balance those competing
5 impacts. Are these other examples of efforts
6 to try to balance competing impacts?

7 A. (Bowes) Yeah, those are three examples that
8 would impact customers' property.

9 Q. Ms. Farrington, Mr. Oldenburg provided the
10 example of traveling the 52 miles of the
11 underground route and walked through his
12 calculations about what the expected delays
13 might be. And yesterday, I think it was, you
14 talked about a calculation you had made
15 traveling from the Rocks Estate in Bethlehem
16 to the intersection of 112 and 116. Do you
17 recall that?

18 A. (Farrington) Yes.

19 Q. Why did you undertake this calculation? What
20 was the point of that?

21 A. (Farrington) So it was our thinking that it
22 would be unlikely for someone to travel the
23 entire 52-1/2-mile route without using other
24 roads, such as 93 or other roads.

1 Q. And so you chose this section to try to get a
2 sense of what a local traveler might
3 encounter during construction?

4 A. (Farrington) Yes.

5 Q. And when you did your calculations, I
6 understand that you used Mr. Oldenburg's
7 numbers to do those calculations?

8 A. (Farrington) Yes. So, number of construction
9 zones, one minute of delay at each.

10 Q. All right. And so what was the length, the
11 mileage from the Rocks Estate to the 112/116
12 intersection?

13 A. (Farrington) I measured it as 16-1/2 miles.

14 Q. And you assumed how many construction zones
15 in that 16-1/2 miles?

16 A. (Farrington) Six.

17 Q. And so what delay did you calculate?

18 A. (Farrington) So, again, assuming a full
19 minute delay at each construction zone
20 approached, that would add six minutes worth
21 of delay to that route.

22 Q. Did you do a Google Map search to figure out
23 what the typical travel would be between
24 those two points without any construction?

1 A. (Farrington) Of course. It was 25 minutes.

2 Q. And so adding the delay that you calculated
3 would be 31 minutes?

4 A. (Farrington) Yes.

5 Q. Let me just ask you about some of the
6 assumptions. When you say six minutes of
7 delay, are you assuming that somebody
8 traveling and encountering each of those six
9 construction zones would have to wait the
10 full one minute at each zone?

11 A. (Farrington) So, yes, they would either need
12 to come to a complete stop, and that would
13 include the slow-down due to a reduced speed
14 limit. So, one full minute of delay at each
15 site encountered.

16 Q. Is it possible somebody could pass through
17 all six zones with little or no delay?

18 A. (Farrington) Yes, it is possible.

19 Q. Not a very likely outcome, though; right?

20 A. (Farrington) No, not that good.

21 Q. So is there some average between waiting the
22 full amount at each place and passing through
23 each one of them unencumbered?

24 A. (Farrington) Yeah, I think 30 seconds at each

1 would be reasonable.

2 Q. So what would you calculate the delay to be
3 in that circumstance?

4 A. (Farrington) That would make a three-minute
5 delay.

6 Q. Did you factor in -- well, let me ask you
7 this: What is your experience in situations
8 like this with people finding alternate
9 routes if they're available?

10 A. (Farrington) So, again, with the Bishop Brook
11 Road, which is a New Hampshire DOT
12 bridge-replacement job, there was actually a
13 newspaper article where the locals described
14 the routes they were planning to take that
15 were not the planned detour route. So I
16 found especially the local community will
17 usually find their way around, whether we
18 sign it or not.

19 Q. And is it correct to assume that in this day
20 and age with people having navigation systems
21 and navigation systems on their phones, that
22 that's another opportunity for people to find
23 alternatives if they exist?

24 A. (Farrington) Yes.

1 Q. And is it reasonable to assume in these
2 circumstances that at least some people would
3 take advantage of alternatives if they were
4 available?

5 A. (Farrington) Sure.

6 Q. Mr. Bowes, when Mr. Van Houten was
7 questioning you, I think it was yesterday, he
8 asked you about the transition station in
9 Bethlehem and the proposed hotel next to that
10 station. Do you recall that?

11 A. (Bowes) Yes.

12 Q. In one of his questions he made the assertion
13 that the hotel developer was "horrified" --
14 and I think that was his word -- when he
15 learned about the transition station. Do you
16 recall that?

17 A. (Bowes) I do.

18 MR. NEEDLEMAN: Dawn, do you have
19 Applicant's No. Exhibit 6? Can you pull that
20 up?

21 Q. Mr. Quinlan, in his Prefiled Testimony at
22 Attachment K, I believe attached a letter
23 from that hotel developer; is that correct?

24 A. (Bowes) Yes, he did.

1 Q. Is it your understanding that that hotel
2 developer is horrified about the transition
3 station?

4 A. (Bowes) No.

5 Q. What's your understanding?

6 A. He's happy that we're working with him. He's
7 actually using some of the properties that we
8 have adjacent to do his construction
9 activities today.

10 Q. Ms. Farrington, when Dr. McLaren was
11 questioning you, he was asking you about
12 emergency vehicles passing the construction
13 sites, and he was expressing concern about
14 ensuring that there would be no delays. And
15 he offered the view, quote, There's a pretty
16 strong possibility of human collateral
17 damage, close quote. Do you agree with that?

18 A. (Farrington) Absolutely not.

19 Q. Why?

20 A. (Farrington) Because flaggers, pre-emption
21 systems, we are going to put all of the
22 standard traffic control devices into effect,
23 as well as obviously common sense, to
24 expedite emergency vehicles through this

1 travel zone in the best manner possible.

2 Q. And last topic, Mr. Bowes. Dr. McLaren was
3 questioning you about the use of fly ash and
4 fluidized thermal backfill. And we've heard
5 more about that. He was suggesting that
6 these environmental concerns here could be
7 substantial and that the Project's use of
8 this was experimental. Do you remember that?

9 A. (Bowes) Yes, I do.

10 Q. You said at one point that concrete or fly
11 ash had been used in concrete for decades.
12 Do you recall that?

13 A. (Bowes) Yes.

14 Q. You didn't get a chance to elaborate. So I
15 want to get a couple of exhibits --

16 MR. NEEDLEMAN: What number are we
17 on, Dawn?

18 MS. GAGNON: 158.

19 MR. NEEDLEMAN: All right. So pull
20 up 158.

21 (Exhibit App 158 marked for
22 identification.)

23 BY MR. NEEDLEMAN:

24 Q. So, Dr. McLaren showed you a couple of

1 articles. My recollection is they were from
2 around the 2010 time period. This exhibit is
3 EPA's December 2014 determination about fly
4 ash. And is it correct that EPA made the
5 determination that it was not going to treat
6 fly ash as hazardous?

7 A. (Bowes) Yes.

8 Q. If you look at the highlighting on the bottom
9 of the page, what does EPA say about the use
10 of fly ash?

11 A. (Bowes) Basically they're supporting it's
12 reuse for other activities.

13 MR. NEEDLEMAN: And then, Dawn, can
14 we call up Exhibit 159.

15 (Exhibit App 159 marked for
16 identification.)

17 Q. And let's start with the cover page. Ms.
18 Farrington, there is an acronym on that cover
19 page. Can you tell us who this organization
20 is?

21 A. (Farrington) Yes. The American Association
22 of State and Highway Transportation
23 Officials.

24 Q. Okay. And can we go to the next page,

1 please. And Ms. Farrington, just in the
2 yellow highlighting, what does this
3 organization say about the use of fly ash?

4 A. (Farrington) The survey had 52 respondents:
5 46 state DOTs, DC DOT, Illinois Tollway,
6 Western Federal Lands, Ontario, and the FAA
7 and DOD, and I believe they all said they
8 have used fly ash.

9 Q. And I guess I should have asked that question
10 to Mr. Bowes.

11 So is this what you had in mind when you
12 were saying that it's used in a widespread
13 manner?

14 A. (Bowes) Yes, it is.

15 Q. Or at least illustrative of that. I'm sure
16 you didn't have this document in mind.

17 And then just the next page, please.
18 And Mr. Bowes, that last point, what was the
19 other -- what was the concern expressed in
20 this document about the availability of the
21 fly ash?

22 A. (Bowes) Just that there's a growing shortage
23 of it for highway use.

24 MR. NEEDLEMAN: Dawn, can you call up

1 Exhibit 160.

2 (Exhibit App 160 marked for
3 identification.)

4 Q. So these are going to be two pages. These
5 are screenshots we took last night I think
6 from the New Hampshire DOT web page. And
7 this is talking about various New Hampshire
8 DOT environmental goals and then the way in
9 which they implement those goals.

10 What is one of the objectives or
11 implementation goals that DOT highlighted
12 there in yellow, Mr. Bowes?

13 A. (Bowes) So one of their construction
14 initiatives is for use of fly ash from power
15 plants.

16 Q. And then finally Exhibit 161.

17 (Exhibit App 161 marked for
18 identification.)

19 Q. When Mr. Wright was questioning you
20 yesterday, he asked whether any of you knew
21 about whether the Department of Environmental
22 Services had spoken on this issue. We were
23 able to locate this document last night. I
24 don't think we're going to represent this as

1 definitive because we had a limited amount of
2 time to look. But am I correct that this is
3 a 1997 request of DES to use fly ash as a
4 certified waste-derived product?

5 A. (Bowes) Yes, it is.

6 MR. NEEDLEMAN: And Dawn, could you
7 flip over to I think the third page.

8 Q. And could you just read No. 1, please, Mr.
9 Bowes.

10 A. (Bowes) "Coal ash generated at Merrimack
11 and/or Schiller Station may be reused to
12 produce Controlled Low Strength Material, AKA
13 flowable fill, under the terms of this
14 certificate."

15 MR. NEEDLEMAN: Okay. And I think
16 that's it.

17 CHAIRMAN HONIGBERG: All right.
18 Looking at the hour, I'm not sure it makes
19 sense to try to do anything else today.

20 MR. PAPPAS: Agreed.

21 MR. NEEDLEMAN: Ms. Frayer is here.
22 We could --

23 CHAIRMAN HONIGBERG: We're going to
24 have to take a break, anyway. I apologize to

1 Ms. Frayer, who I know has been here earlier.

2 Off the record.

3 (Brief recess was taken at 4:06 p.m.,
4 and the hearing resumed at 4:18 p.m.)

5 CHAIRMAN HONIGBERG: We're going to
6 pick back up now and get started with the next
7 witness, Ms. Frayer. Mr. Needleman.

8 MR. NEEDLEMAN: Thank you. Shall we
9 swear her in?

10 (WHEREUPON, JULIA FRAYER was duly sworn
11 and cautioned by the Court Reporter.)

12 DIRECT EXAMINATION

13 BY MR. NEEDLEMAN:

14 Q. Please state your name and where you work.

15 A. My name is Julia Frayer, and I'm a managing
16 director at London Economics International,
17 LLC.

18 Q. And just generally, what's the purpose of
19 your testimony in this matter?

20 A. I will be presenting the analysis that I was
21 responsible for that speaks to the
22 electricity market impacts of the Northern
23 Pass Project, the state economic impacts of
24 the construction operations of the Northern

1 Pass Project, and the emissions-related
2 impacts of the Project.

3 Q. And you have a series of documents in front
4 of you. Some of them are your reports which
5 have been filed in this case and then some is
6 your Prefiled Testimony. And I wanted to
7 focus on your Prefiled Testimony.

8 There are three pieces: Applicant's
9 Exhibit 28, which is your October 16, 2015
10 Prefiled Testimony; Applicant's 82, which is
11 your March 17th, 2017 updated Prefiled
12 Testimony; and then Applicant's Exhibit 101,
13 which is your Supplemental Testimony of
14 April 17th, 2017. Do you have all those?

15 A. Yes, I do.

16 Q. And do you have any changes or corrections to
17 any of those three pieces of testimony?

18 A. No, I do not.

19 Q. Do you then adopt those testimonies and swear
20 to them today?

21 A. Yes, I do.

22 Q. Great. Thank you.

23 CHAIRMAN HONIGBERG: Mr. Needleman, I
24 know there was a motion regarding the original

1 testimony, and the motion -- it was a Motion to
2 Strike. Can you or the witness briefly explain
3 how the updated testimony and the Supplemental
4 Testimony affect the original testimony?

5 MR. NEEDLEMAN: I think I'll let
6 Julia do that.

7 WITNESS FRAYER: The updated analysis
8 that I believe is Exhibit 82 -- and please
9 correct me if I get the wrong numbers -- the
10 testimony associated with that updated analysis
11 was actually in response to data requests we
12 received from -- that we were asked to
13 complete. But it is using the same
14 methodology, the same approach that we used in
15 our original report. We were simply updating
16 certain assumptions and inputs. And then our
17 Supplemental Testimony and the associated, what
18 we labeled as our "Rebuttal Report," was
19 responding to the reports that we reviewed in
20 January of 2017. They were filed in December
21 of 2016 from some of the other parties. We
22 were essentially responding to and creating
23 some additional foundation and context for the
24 Committee to consider in consideration of our

1 analysis and in consideration of other analyses
2 that the Committee is going to hear about or
3 read about.

4 CHAIRMAN HONIGBERG: But the original
5 testimony that was filed with the Application
6 and the update, from your perspective, the
7 original testimony still has viability and is
8 still relevant to what we're considering.

9 WITNESS FRAYER: Of course, yes.

10 CHAIRMAN HONIGBERG: All right.

11 Mr. Boldt.

12 MR. BOLDT: Thank you, Mr. Chairman.

13 CROSS-EXAMINATION

14 BY MR. BOLDT:

15 Q. Ms. Frayer, I'm over here. And I represent
16 the City of Berlin, and I have just a couple
17 questions that I believe are "Yes" or "No,"
18 but I could be wrong in the way of the
19 answers that you need to give me.

20 I wanted to simply confirm that in your
21 Prefiled Testimony and in your reports there
22 is no separate analysis of the impacts of the
23 improvements to the Coos Loop in northern New
24 Hampshire; is that correct?

1 A. Yes, that is correct.

2 Q. And I believe, also, your reports do not
3 reflect your expectation of any retirements
4 of the existing generating facilities in the
5 North Country of New Hampshire, primarily in
6 Berlin and Gorham, New Hampshire, as a result
7 of Northern Pass coming in; correct?

8 A. That's correct as well.

9 Q. And finally, it's my understanding that you
10 did no independent analysis of the tax
11 benefits, the property tax benefits generated
12 by Northern Pass, or the improvements to the
13 Coos Loop, that you instead relied only on
14 Dr. Shapiro's analysis, who's a later
15 witness; correct?

16 A. It is correct that I have relied on Dr.
17 Shapiro's calculations and estimates of the
18 property taxes. And in the Rebuttal Report
19 that was filed in April, we did incorporate
20 Dr. Shapiro's analysis into the Local
21 Economic Impact Analysis that I then
22 presented.

23 Q. But you didn't do an analysis of the tax
24 benefits separate from her report; correct?

1 A. That's correct.

2 MR. BOLDT: No further questions,
3 Your Honor.

4 CHAIRMAN HONIGBERG: Mr. Boldt, that
5 didn't even take five minutes.

6 MR. BOLDT: I strive to be brief,
7 sir.

8 CHAIRMAN HONIGBERG: Well, I believe
9 everybody thanks you.

10 All right. If there's nothing else
11 that we can accomplish today, and I think
12 there probably isn't, we'll adjourn for the
13 day. And the next time we're together is a
14 week from yesterday, right, next Thursday.

15 MS. MONROE: June 8th.

16 CHAIRMAN HONIGBERG: June 8th, 9:00.
17 Thank you all.

18 (Whereupon the hearing was adjourned at
19 4:24 p.m.)
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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, 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.

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

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