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STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

July 18, 2017 - 1:44 p.m. DAY 21  
49 Donovan Street Afternoon Session ONLY  
Concord, New Hampshire {REDACTED for Public Use}

{Electronically filed with SEC on 07-27-17}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:  
Chrmn. Martin P. Honigberg Public Utilities Comm.  
(Presiding as Presiding Officer)

Cmsr. Kathryn M. Bailey Public Utilities Comm.  
Dir. Craig Wright, Designee Dept. of Environ. Serv.  
Christopher Way, Designee Dept. of Resources &  
Economic Development  
William Oldenburg, Designee Dept. of Transportation  
Patricia Weathersby Public Member  
Rachel (Whitaker) Dandeneau 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 No. 44

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I N D E X

WITNESS: MITCH NICHOLS

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AFTERNOON SESSION

(Hearing resumed at 1:44 p.m.)

CHAIRMAN HONIGBERG: Mr.

Pappas, you may proceed.

MR. PAPPAS: Thank you, Mr.

Chairman.

CROSS-EXAMINATION

BY MR. PAPPAS:

Q. Good afternoon, Mr. Nichols.

A. Good afternoon.

Q. This morning I asked you some questions about the study element with your Table 5.1. And you had mentioned that you had updated this in your supplemental testimony, so that's what I put on the screen right now. Is it in front of you?

A. It is.

Q. So your supplemental testimony asked to please identify and explain any previous correction to your testimony, and you have the first part of your testimony relates to Table 5.2. And then the last sentence says, "Second, the table on Page 20 of my report should read as shown below," and then you

1           have a corrected Table 5.1. See that?

2       A.     I do.

3       Q.     Now, all of the numbers in the top category,  
4           Average Annual Change in Number of  
5           Establishments, all the numbers in the  
6           right-hand column, All Other Counties, have  
7           changed; correct?

8       A.     That's correct.

9       Q.     And the same thing for the bottom category,  
10          Average Annual Change in Number of Employees;  
11          all the numbers on the right-hand side, the  
12          right-hand column have changed; correct?

13      A.     That's correct.

14      Q.     But your prefiled testimony -- your  
15          supplemental prefiled testimony doesn't  
16          explain the change, does it?

17      A.     It might not explain that.

18      Q.     You can look on the next page, but I didn't  
19          see an explanation.

20      A.     Okay.

21      Q.     And it didn't explain why the numbers on the  
22          prior table have changed to the new table;  
23          correct? You just didn't provide any  
24          explanation in your prefiled testimony.

1 A. Correct.

2 Q. And you didn't file a supplemental report,  
3 did you?

4 A. I'm sorry. This was the supplemental.

5 Q. So this is all you filed in terms of  
6 supplemental testimony.

7 A. Correct.

8 Q. Okay. So, reading that, we wouldn't know why  
9 the change, correct, just reading what you've  
10 put in your supplemental testimony? And by  
11 all means, check your testimony.

12 (Witness reviewing document.)

13 A. No, it did not include the explanation.

14 Q. Okay. While you're on your supplemental  
15 testimony, I just want to ask you questions  
16 about Estes Park that you testified about  
17 this morning.

18 A. Okay.

19 Q. And you included as an exhibit to your  
20 supplemental testimony some pictures;  
21 correct?

22 A. That's correct.

23 Q. And one of the pictures you included was the  
24 visitor center. Do you see that?

1 A. I do.

2 Q. Now, the visitor center is away from the  
3 park; correct? The visitor center looks to  
4 be at sort of an intersection of roads;  
5 correct?

6 A. That's correct.

7 Q. Yeah. The visitor center is sort of an area  
8 where people go to learn about the park;  
9 correct?

10 A. That's correct.

11 Q. All right. And then you note that the  
12 substation is about a half-mile away from the  
13 visitor center?

14 A. Approximately.

15 Q. Yeah. Now, this visitor center, it's not the  
16 national park center; correct?

17 A. No, this is Estes Park Visitor Center.

18 Q. Yeah. This is sort of in the nature of sort  
19 of like a chamber of commerce or area where  
20 people go to get information about the park;  
21 correct?

22 A. And the broader environment. Estes Park  
23 characterizes themselves as the "base camp."  
24 And so this would be the visitor center as

1 people are arriving and getting their  
2 bearings of what to do in the region.

3 Q. Okay. And then you had some pictures of  
4 transmission lines along the road; correct?

5 A. Correct.

6 Q. And that's along the road to get to the park;  
7 correct?

8 A. That's leading up to Highway 36 as you're  
9 coming in from the south. You go past the  
10 substation, past the visitor center, and the  
11 lines would have been all along that lake  
12 along Highway 36.

13 Q. Those transmission lines are on the road to  
14 get to the town of Estes Park; correct?

15 A. Correct.

16 Q. Yeah. Those transmission lines are not in  
17 the park itself, are they?

18 A. No, not in the park itself. But a large  
19 percentage of the visitors coming to the  
20 area, this would be how they arrived at Estes  
21 Park. It's just a couple of miles outside of  
22 the park boundaries.

23 Q. But visitors going into the park itself  
24 aren't going to be viewing these lines,

1 correct, inside the park?

2 A. Getting to the park, many of them would,  
3 sure.

4 Q. No, no. My question is: Once they -- the  
5 park is the destination; correct?

6 A. Well, for many.

7 Q. Yeah.

8 A. The hotels, the resorts, the downtown area,  
9 the broad Estes Park is certainly a big part  
10 of the destination.

11 Q. And for the visitors that are going to the  
12 park, once they get inside the park, that's  
13 their destination. They're not viewing these  
14 transmission lines; correct?

15 A. When they're in the park proper, that's  
16 correct.

17 Q. Okay. Now, finishing up on your study  
18 element comparing the Phase II line, would  
19 you agree with me that there are physical  
20 differences between the Northern Pass Project  
21 and the Phase II line?

22 A. There are differences, yes.

23 Q. The Phase II line was built entirely within  
24 an existing right-of-way; correct?

1 A. That's correct.

2 Q. And the Northern Pass Project includes  
3 32 miles of new right-of-way; correct?

4 A. That's correct.

5 Q. The Phase II line towers are shielded by the  
6 crown of the tree line; correct?

7 A. In many areas.

8 Q. In most areas. Isn't that the case?

9 A. I haven't, you know, looked exactly at the  
10 full line. But many, many areas, I think  
11 that's correct.

12 Q. Many of the towers in the Northern Pass line  
13 are taller above the crown of the tree line;  
14 isn't that correct?

15 A. In some instances, yes.

16 Q. In many instances; isn't that correct? You  
17 have to say "Yes" or "No" for the  
18 stenographer.

19 A. Okay. Many.

20 Q. So the view of the two lines is different; is  
21 it not?

22 A. There are differences, yeah.

23 Q. And that different view could result in  
24 different impacts. Would you agree?

1 A. Possibly. But I believe most visitors don't  
2 recognize the difference of 10 or 20 or 25  
3 feet. It's transmission lines. There are  
4 significant transmission lines. And the vast  
5 majority of visitors would not have the  
6 expertise to understand exact differences or  
7 variations in transmission line heights.

8 Q. Would you agree that most visitors could tell  
9 the difference between whether a tower is  
10 below the crown of the tree or above the  
11 crown of the tree?

12 A. Certainly if we could or could not see it,  
13 that certainly is a difference.

14 Q. Yeah. And if most visitors don't see the  
15 Phase II line because it's below the crown of  
16 the tree, it's different than if most  
17 visitors see the top part of the structures  
18 for Northern Pass because it's above the  
19 crown of the tree; correct?

20 A. That's a variance, yes.

21 Q. Now, regarding the Maine Power Reliability  
22 Program, in your supplemental testimony you  
23 included data through 2015 when the Project  
24 was completed; correct?

1 A. That's correct.

2 Q. Okay. Now, how many counties are there in  
3 Maine, total?

4 A. I don't know that. I'd have to look at one  
5 of the maps that we used. I'm not sure.

6 Q. Okay. Now, would you agree with me that the  
7 majority of Maine's tourist-related industry  
8 is along the Maine coast?

9 A. Correct.

10 Q. And the Maine Power Reliability Program is in  
11 counties where this tourist industry is  
12 located; correct?

13 A. That's correct.

14 Q. Now, the Maine Power Project included  
15 removing some transmission lines, putting  
16 some new ones in and doing some substation  
17 work; correct?

18 A. That's correct.

19 Q. Now, none of the tourist-related businesses  
20 along Maine's coast are within the viewshed  
21 of any of the new transmission lines that  
22 were installed as part of the Maine Power  
23 Reliability Program; correct?

24 A. I'm not sure if it would be some individual

1 businesses. Certainly visitors traveling to  
2 and from those Maine visitor areas would have  
3 gone by or under many of the areas where the  
4 line is positioned.

5 Q. Do you know -- did you look at all the  
6 visibility points along the Maine highway for  
7 these transmission lines?

8 A. I looked at a number of them and drove them  
9 and looked at aerial photography.

10 Q. More than 25?

11 A. Hmm. I'm not sure of the total number.

12 Q. You can't see any of the new towers from any  
13 of the Maine beaches, can you?

14 A. Not from the beaches. But again, traveling  
15 to and from and on many of the highways  
16 there, you would see the line.

17 Q. And you can travel on many of the highways to  
18 and from destinations along the coast and not  
19 see any of the new transmission lines;  
20 correct?

21 A. There could possibly be routes where you  
22 never saw any of the lines.

23 Q. You didn't study the Maine tourist areas, did  
24 you, the individual tourist areas?

1 A. I did.

2 Q. You studied each of the Maine tourist areas?

3 A. The main areas. And I noted here that some  
4 of the key regions in which the project is  
5 primarily located account for about two  
6 thirds of the spending within the state, and  
7 one of the regions that the project went  
8 through was one of the fastest growing and  
9 expanded by more than 17 percent in 2015.  
10 And I saw that as an important one, where a  
11 project had significant -- a transmission  
12 line project had been built in what is  
13 envisioned as a beautiful state, was under  
14 construction for five years plus, and at the  
15 completion in 2015, Maine had record  
16 visitation. They had never had visitation as  
17 high as it had. And, again, many of the  
18 tourism regions in which the line bypassed  
19 had very significant. And a final point, the  
20 recreation segment of Maine's tourism  
21 industry was the fastest growing region of  
22 all the tourism segments. The recreation was  
23 the fastest growing. So all of that was  
24 achieved after five years of construction and

1 the completion of that project.

2 Q. My question was you cited some general  
3 statistics, but you didn't study individual  
4 Maine tourist areas, did you?

5 A. Well, I drove the route. I looked at the --  
6 just similar to New Hampshire, Maine has a  
7 tourism office. They have estimates of  
8 visitation and spending within the key areas.  
9 I looked at those individual regions. I  
10 looked at the change in visitation. So I did  
11 look and think about the various regions and  
12 the impacts and influence of the Project on  
13 their tourism industry.

14 Q. Other than generally looking at regions,  
15 whether it's from some brochures at the Maine  
16 tourist office or driving by, you didn't do a  
17 specific analysis region by region, did you?

18 A. Well, again, I looked at the spending  
19 estimates region by region at the Maine  
20 Tourism Office. I looked at the trends in  
21 those over a number of years. I evaluated  
22 the extent of the increases in visitation.  
23 And I looked at some of the thematic areas,  
24 the outdoor or the recreation being the

1 fastest growing. So I did not study business  
2 by business, but I certainly drove it, looked  
3 at it, investigated the various regions as  
4 reported by the Maine Tourism Office.

5 Q. How much time did you spend doing that?

6 A. It was about a day of driving. There was a  
7 couple of days of looking at the different  
8 regions, looking at the various reports and  
9 publications that the state had published.

10 Q. So you've covered now a period in Maine from  
11 2008 through 2015; correct?

12 A. That's correct.

13 Q. And so you started at a period when the  
14 country, Maine included, was in a deep  
15 recession; correct?

16 A. That's correct.

17 Q. And yet, Maine and the country has come out  
18 of that depression through that seven-year  
19 period; correct?

20 A. That's correct.

21 Q. Yeah. So it wouldn't surprise you to learn  
22 that tourism activity in Maine is higher in  
23 2015 than it was in 2008; correct?

24 A. Well, I'm not just talking 2008. I'm talking

1           about the kind of growth that they've  
2           experienced here in these most recent years,  
3           years in which the --

4    Q.   My question was, sir:  It wouldn't surprise  
5           you that in 2015 that the amount is  
6           significantly greater than in 2008; correct?

7    A.   To your specific question, correct.

8    Q.   Yeah.  So it wouldn't surprise you that over  
9           a seven- or eight-year period, 2015 would be  
10          the highest; correct?

11   A.   No.

12   Q.   Now, in looking at this, you didn't control  
13          for any other variables or factors, such as  
14          the economy, other things that were going on  
15          in Maine, to make this comparison of where it  
16          was in 2008 to 2015; correct?

17   A.   Well, we took the same approach as we did in  
18          New Hampshire.  We looked at the counties in  
19          which the transmission lines were being  
20          developed and compared that to the counties  
21          where there was no construction.  And again,  
22          those broad variables that could affect one  
23          region of Maine I would believe would also  
24          influence those other areas.  So, by

1 benchmarking the performance in those  
2 counties in which there was development to  
3 all other counties, we believe there was a  
4 good comparison where those other factors  
5 were controlled for.

6 Q. All you looked at is number of employees,  
7 number of businesses; correct?

8 A. In the SIC code analysis. And then as you  
9 mentioned, as the project was completed, we  
10 looked more specifically at actual visitor  
11 spending, visitor volumes and the character  
12 of visitation that was experienced upon  
13 completion.

14 Q. And for looking at those categories, you  
15 again used SIC numbers?

16 A. We did. We wanted to be consistent with the  
17 approach we had used going back on the Phase  
18 II line.

19 Q. And for many of the categories of industries  
20 in Maine, there were no numbers; correct?

21 A. There were some non-reporting in the federal  
22 data bases. If the numbers are so small that  
23 there could be confidentiality issues, they  
24 don't report that. So there were some areas

1           where there was too small a number of  
2           establishments, so they were not reported.  
3           But again, whether that was in the counties  
4           that we had construction in or the counties  
5           that we benchmarked to, the same issues would  
6           have occurred in both sets, I believe, that  
7           our fundamental conclusion would not be  
8           changed at all.

9       Q.   Well, there are numerous areas where there  
10       simply were no numbers reported; correct?

11      A.   That's correct.

12      Q.   And so you didn't have a value for those  
13       areas, did you?

14      A.   No.  And again, the reason they aren't  
15       reported is because the number is so small,  
16       it could risk confidentiality disclosures,  
17       and so those weren't reported.  So, No. 1,  
18       they were very small in size.  And those  
19       would have occurred both in the areas in  
20       which the counties in which the development  
21       was occurring, as well as the counties in  
22       which they weren't.  So both had those  
23       non-disclosure cells.

24      Q.   And those cells in the aggregate add up to

1 quite a few numbers, don't they?

2 A. I don't believe you can make that case.

3 Q. Let me show you the printout we received the  
4 end of last week on your data for this. And  
5 if you scroll through here, and you can do it  
6 at your leisure, you'll see page after page  
7 after page of non-reporting. Do you see  
8 that?

9 A. I do.

10 Q. So would you agree with me that page after  
11 page after page after page of non-reporting  
12 adds up to quite a few non-reporting areas?

13 A. If you're talking about number of cells. But  
14 again, by their nature, they wouldn't have  
15 been reported because of non-disclosure  
16 purposes, essentially meaning that there were  
17 so small a number of establishments, that  
18 they couldn't report that because of  
19 disclosure. So there were quite a number of  
20 cells. But I believe, in terms of the  
21 representation of the bulk of the industry,  
22 that our analysis incorporated that.

23 Q. But you don't know the aggregate amount, the  
24 total amount that all of those non-reported

1 cells equals, do you? You don't know how  
2 much they all add up to; correct?

3 A. I don't.

4 Q. So you don't know whether or not it's  
5 significant enough to skew your numbers, do  
6 you, because you don't know what the total  
7 adds up to.

8 A. Again, I do know the reason they weren't  
9 reported was because the numbers are so  
10 small. I believe that the reporting areas  
11 that we aggregated here provides a reasonable  
12 estimate of the establishments and the  
13 changes in those establishments and provided  
14 us one additional approach and methodology to  
15 try and determine if there was an impact of  
16 the transmission line development.

17 Q. And your analysis of employees and spending  
18 didn't control for the fact that during the  
19 years you considered it, the construction  
20 project was going on and you had a lot of  
21 construction workers working in that area and  
22 spending money in that area; correct?

23 A. No, we did not. That would have been one of  
24 the facets that influence those numbers.

1 Q. Sure. And so that would have increased the  
2 number of employees and the spending within  
3 the counties where the program existed or  
4 went through; correct?

5 A. I think whether it's in Maine or whether it's  
6 in New Hampshire, the positive impacts of  
7 construction on the tourism industry has the  
8 potential to have strong, positive elements.

9 Q. So because you didn't control for that, the  
10 only way to really make a determination based  
11 on your methodology would be to look at years  
12 after the program was completed. And those  
13 construction workers are no longer present in  
14 those counties and spending money; correct?  
15 Because that way it would remove them from  
16 the calculus, and it would be more of an  
17 apples-to-apples comparison; right?

18 A. That would be one approach. Correct. We  
19 believe that as the Project completed,  
20 looking at actual visitation levels, looking  
21 at actual spending activity, looking at  
22 actual composition of visitor interest areas  
23 was even more relevant. I believe the  
24 employment provided us a basis to go back 30

1 years in the past with the Phase II. But the  
2 more relevant approach is looking how Maine  
3 has actually performed once the Project was  
4 completed, in terms of visitation, spending  
5 and thematic attraction.

6 Q. But you haven't done that because the program  
7 ended in 2015, correct, and your numbers end  
8 in 2015 as well?

9 A. No. The numbers that we cited in terms of  
10 actual visitation, in terms of actual visitor  
11 spending, in terms of the regional spending  
12 and in terms of the thematic growth were all  
13 experiences that occurred in 2015, the year  
14 that the project was fully completed.

15 Q. Right. So that's the year that workers are  
16 still working and spending money in those  
17 counties; correct?

18 A. Certainly that's a -- but again my point:  
19 This is not the employment analysis I'm  
20 talking about. I'm talking about the visitor  
21 market now, where this is actual visitation  
22 levels. This is actual visitation  
23 expenditures. And this is actual thematic  
24 and interest areas that were attractive to

1 Maine. And so it's a separate, I think even  
2 a more accurate representation that goes  
3 beyond the employment.

4 Q. But the visitation -- the spending numbers  
5 you're talking about includes spending by  
6 construction workers; does it not?

7 A. No, it does not --

8 Q. Well, you don't think they spend money in  
9 restaurants and hotels?

10 A. If it was in a hotel. But in the econometric  
11 models that you had spoken of earlier, there  
12 are a whole range of steps that are  
13 undertaken to carve out those expenditures  
14 from the visitor segment themselves. And so  
15 whether it's a local resident with food and  
16 beverage, those are all excluded, and so the  
17 numbers I'm showing here are actual visitor  
18 expenditures.

19 Q. Well, the numbers you cite to are from the  
20 Maine Office of Tourism Visitor Tracking;  
21 correct?

22 A. Correct.

23 Q. And you didn't come up with these numbers.  
24 You just got their numbers; correct?

1 A. That's correct.

2 Q. And did you go -- and so did you look at  
3 their source documents to come up with these  
4 numbers?

5 A. Not --

6 Q. No.

7 A. -- in detail, but I --

8 Q. Did you review their economic model they  
9 used? Do you know what economic model they  
10 used?

11 A. Not off the top of my head, no.

12 Q. All right. So you don't -- and you didn't  
13 obviously review their backup data for these  
14 numbers; correct?

15 A. I have reviewed hundreds and hundreds of  
16 spending studies --

17 Q. Yeah, I wasn't asking about your hundreds and  
18 hundreds before this. I was asking about  
19 these specific numbers. You didn't review  
20 the backup data for these specific numbers,  
21 did you?

22 A. I assumed the State of Maine and their  
23 tourism office utilized standard  
24 methodologies and approaches in developing

1           visitation estimates and spending estimates.  
2           I did not go in to verify or recalculate the  
3           methodologies that the state used in  
4           developing those numbers.

5   Q.    Did you talk to them about it?

6   A.    I did not.

7   Q.    So that's an assumption you made.  But you  
8           don't know that, sitting here, do you?

9   A.    If the question is --

10  Q.    Do you know --

11  A.    I did not verify that the State of Maine  
12           Tourism Office knows how to accurately count  
13           and estimate visitation volumes or spending.  
14           I did not go back and evaluate their  
15           methodologies.  I assumed that the state and  
16           their tourism office used traditional  
17           methodologies that are used in states all  
18           around the country and they would have  
19           followed a similar pattern.

20  Q.    Okay.  So let me ask you some questions about  
21           the fifth and final study element in your  
22           report.

23  A.    Okay.

24  Q.    Now, the final study element was an

1 electronic survey; is that correct?

2 A. That's correct.

3 Q. And so this is the beginning of your fifth  
4 study element, which is the survey. As I  
5 understand it, the purpose was to better  
6 understand the attitudes of prospective New  
7 Hampshire visitors towards New Hampshire;  
8 correct?

9 A. That's correct. And to understand what  
10 influenced their decision to potentially  
11 choose New Hampshire as a visitor  
12 destination.

13 Q. Okay. The purpose of the survey was not to  
14 specifically determine whether the Northern  
15 Pass Transmission Line would impact their  
16 decision to visit New Hampshire; correct?  
17 You didn't test that specific question.

18 A. We tested the role of transmission lines in  
19 general in the broad array of factors that a  
20 visitor would consider in determining whether  
21 or not to choose New Hampshire.

22 Q. And when you say you "tested transmission  
23 lines in general," are you referring to the  
24 one question that related to power lines?

1 A. That's correct.

2 Q. Your survey did not attempt to estimate how  
3 visitors in New Hampshire would react to a  
4 high-voltage transmission line; isn't that  
5 right?

6 A. That's correct. Our focus was on  
7 understanding how power lines fit into the  
8 broader decision process. And that was the  
9 area of our focus, to understand how that  
10 particular factor played into that broad  
11 array of factors that would be present in  
12 trying to determine if they chose New  
13 Hampshire as a destination.

14 Q. So as I understand it, this is a web-based  
15 survey of 465 [sic] respondents?

16 A. That's correct.

17 Q. And it was done in September of 2014?

18 A. That's correct.

19 Q. And the survey participants themselves were  
20 selected by the survey company you used?

21 A. Correct. Survey Sampling International.

22 Q. And the participants were from a pool of  
23 participants that company uses?

24 A. Yes. They refer to it as their "survey

1 panel."

2 Q. And each participant spent about ten minutes  
3 taking the survey?

4 A. Probably, approximately.

5 Q. And each participant was paid \$4.20 to take  
6 the survey?

7 A. You know, I'm not exactly sure of the fee  
8 that was paid to each.

9 Q. On the screen in front of you is Counsel for  
10 the Public 366. And this is a breakdown of  
11 the survey. Do you see that?

12 A. I do.

13 Q. So if you look at this exhibit, it shows  
14 that, you know, roughly eight to ten minutes  
15 per person, many of them are on the  
16 ten-minute range. Do you see that?

17 A. I do.

18 Q. And do you see where it says \$4.20?

19 A. I do.

20 Q. And that's the amount that each person was  
21 paid to take the survey?

22 A. Yes.

23 Q. Okay. Now, would you agree with me --

24 A. I'm sorry.

1 Q. Go ahead.

2 A. This is the first -- I have not looked  
3 closely. I'm not sure that is reflecting  
4 what people were paid. I believe that was  
5 our cost of accessing their panel.

6 Q. Okay. So your total cost was \$1,915.20;  
7 correct?

8 A. That's correct.

9 Q. And out of that money, the survey company  
10 would have paid the respondents; correct?

11 A. Yes. Survey --

12 Q. Presumably they wouldn't have spent more  
13 money than they collected from you; correct?

14 A. I would assume so, yes.

15 Q. So if the \$4.20 per person was your cost,  
16 it's likely that the participants were paid  
17 even less than \$4.20; correct?

18 A. Yes. A group like Survey Sampling  
19 International has a panel of respondents that  
20 they use on an ongoing basis. And I'm  
21 frankly not exactly sure how that they  
22 remunerate those panel members. But they're  
23 involved in a whole host of surveys over the  
24 course of a year.

1 Q. Yeah. But chances are these folks didn't get  
2 paid more than \$4.20.

3 A. Again, I don't know that. But that general  
4 premise probably is accurate.

5 Q. Okay. Now, would you agree with me that when  
6 conducting a tourism-related survey, it's  
7 important for the respondents to be  
8 decision-makers with the financial ability to  
9 travel?

10 A. That's one factor, one parameter.

11 Q. Well, presumably if you want to determine why  
12 people come to New Hampshire, you want to ask  
13 people who have the financial ability to come  
14 to New Hampshire; correct?

15 A. Sure.

16 Q. Yeah. Would you also agree with me that it's  
17 important for the responders to have the  
18 financial ability to spend while they're  
19 traveling to New Hampshire?

20 A. Again, I think in any destination there's a  
21 wide gamut of visitors, some very high-end  
22 that are staying at the top-level resorts and  
23 others that are at the lower end of the  
24 spending parameter, and it's that whole host

1 of visitors that are attracted to the state.

2 Q. But in order to reach the decision-makers,  
3 it's important that they have the financial  
4 ability to travel and the financial ability  
5 to spend while traveling; correct?

6 A. Yes. And I think that's why in the survey we  
7 identified that the sample that we received  
8 were very active travelers overall and were  
9 active in the Northeast as well, well  
10 traveled, and they knew New Hampshire.

11 Q. So what's on the screen now is a copy of your  
12 report to the State of New Hampshire in 2003.  
13 Do you see the bottom, Nichols --

14 A. I do.

15 Q. And this is Counsel for the Public Exhibit  
16 373. And if you look at the first sentence,  
17 you wrote, "As mentioned in the Methodology  
18 Section, an emphasis was placed on soliciting  
19 survey responses from decision-makers in  
20 households that had the financial ability to  
21 travel frequently and to spend impressively  
22 while traveling." Do you see that?

23 A. I do.

24 Q. And you thought that was important in doing

1 surveys of tourist-related surveys; correct?

2 A. Well, this is a completely different project  
3 with a completely different purpose. In this  
4 project back in the early 2000s, we were  
5 doing a marketing and branding study for the  
6 state, where the state has very limited  
7 marketing resources. And the whole focus was  
8 on the higher spending segments that they  
9 were trying to direct their marketing dollars  
10 towards. That's very different to the survey  
11 approach and goal that we had here, where we  
12 were trying to get a random sample of  
13 prospective visitors to New Hampshire to  
14 understand their perspectives as it related  
15 to coming and traveling to New Hampshire.  
16 So, two very different surveys, two very  
17 different purposes. And obviously you'd have  
18 a different population that you were looking  
19 to sample.

20 Q. About a third of the people who responded to  
21 your survey in this case earn less than  
22 \$40,000 a year; correct?

23 A. That's correct.

24 Q. And that income level is not the financial

1 ability to travel often, is it?

2 A. I disagree. The survey -- 90 percent of the  
3 visitors said they had traveled in the region  
4 in the past three years; 77 percent said they  
5 agreed or strongly agreed they traveled a  
6 great deal in the Northeast; and 44 percent  
7 said they traveled a great deal throughout  
8 the U.S. So our sample very much included  
9 respondents who were very active travelers,  
10 both countrywide and much more specifically  
11 within the Northeast.

12 Q. And you think a third of those people who  
13 make less than \$40,000 a year traveled  
14 frequently throughout the U.S. as well as the  
15 Northeast?

16 A. I guarantee you, families earning \$40,000  
17 absolutely vacation and recreate throughout  
18 the country.

19 Q. Frequently throughout the country?

20 A. You know, depends on what you want to refer  
21 to as "frequently." But they absolutely  
22 vacation and are part of the visitor base.

23 Q. Now, less than \$40,000 a year is not the  
24 income level of having the financial ability

1 to "spend impressively" while traveling.

2 Would you agree with me?

3 A. I'd agree with that statement, yeah.

4 Q. Would you agree with me that the more -- that  
5 the travelers who have the financial ability  
6 to travel frequently and spend impressively  
7 are unlikely to be spending ten minutes  
8 taking a survey for \$4 an hour -- or \$4 for  
9 taking the survey?

10 A. No. I believe, actually, it's the office at  
11 Survey Sampling International is one of the  
12 highest-regarded sampling operations. They  
13 operate internationally, and their clients  
14 include a whole host of Fortune 500  
15 companies. They are very well recognized for  
16 paying very close attention to the quality of  
17 their panel and the ability to provide a  
18 representative mix in the respondents that  
19 they provide.

20 Q. So on the screen now is your report in this  
21 fifth study element section. And looking at  
22 Table 6.3, these are key destination  
23 attributes. This is -- this comes from your  
24 survey results; correct?

1 A. That's correct.

2 Q. Okay. So your survey participants were asked  
3 what was an essential or very important  
4 benefit to them to choose to come to New  
5 Hampshire; correct?

6 A. That's correct.

7 Q. All right. And your survey participants  
8 responded that, or 12 percent of them,  
9 12 percent of them responded that visible  
10 cell phone towers were essential or very  
11 important for them to visit New Hampshire;  
12 correct?

13 A. That's correct.

14 Q. Nine percent of the participants responded  
15 that the presence of wind turbines was  
16 essential or a very important benefit for  
17 them coming to New Hampshire; correct?

18 A. That's correct.

19 Q. Seven percent of the respondents tested -- or  
20 answered that seeing commercial or industrial  
21 from the highway was essential or very  
22 important for them coming to New Hampshire.

23 A. That's correct.

24 Q. And 6 percent of the respondents responded

1           that possible traffic delays was either  
2           essential or a very important benefit for  
3           them coming to New Hampshire?

4    A.    Correct.

5    Q.    Now, for a state like New Hampshire, where a  
6           lot of money is spent promoting New  
7           Hampshire's beauty, and your prior reports  
8           noted that the beauty of New Hampshire was  
9           one of its main attributes, would you agree  
10          with me that responses such as this --  
11          visible cell phone towers, presence of wind  
12          turbines, visible power lines, commercial or  
13          industrial from the highway, or possible  
14          traffic delays -- doesn't make any sense?

15   A.    No, I'd disagree with that.

16   Q.    Do you believe that the respondents  
17          themselves firmly believe that that's the  
18          reason they come to New Hampshire, or at  
19          least that percentage come to New Hampshire,  
20          or would come to New Hampshire?

21   A.    You know, this was one of the --

22   Q.    No.  It helps if you answer the question  
23          first.  Do you believe that 12 percent of the  
24          respondents come to New Hampshire for visible

1 cell phone towers?

2 A. I believe that's what they answered.

3 Correct. Yes.

4 Q. You believe that 9 percent of respondents  
5 would come to New Hampshire because of the  
6 presence of wind turbines?

7 A. I think that's what the respondents answered.

8 Q. And do you believe that 9 percent of the  
9 respondents, that the reason they would come  
10 to New Hampshire, an essential reason, is  
11 because we have visible power lines?

12 A. Again, that's the answer. And if I could --

13 Q. But I asked do you believe that that's --

14 A. Absolutely. I believe there's a small  
15 percentage of the sample that we went out to  
16 that is looking for a more urban, commercial,  
17 active kind of experience. And those kinds  
18 of elements would -- you know, it's not a  
19 rustic, out-of-the-way vacation experience  
20 they're looking for. They're looking for a  
21 more dense, urban. And those kinds of facets  
22 would indicate that's the kind of urban  
23 experience that they're going to experience.

24 Q. And they're coming to New Hampshire to get

1           that experience?

2       A.    I think for some, they're looking -- just as  
3           we talked earlier with Manchester and  
4           Concord, you know, some of that is in the  
5           larger cities, larger communities,  
6           Portsmouth. Some of them are coming for that  
7           more involved -- obviously, it's a different  
8           experience than the White Mountains or Great  
9           North Woods.

10       Q.   If you look above, under Table 6.2, New  
11           Hampshire ranked last for sophistication. Do  
12           you see that?

13       A.    I do.

14       Q.    And we ranked pretty low for luxurious or  
15           hip. Do you see that?

16       A.    I do.

17       Q.    Okay. So you still think that 6 to  
18           12 percent of the respondents coming to New  
19           Hampshire --

20       A.    I believe 90 percent don't. But there is  
21           that small percentage that are looking for a  
22           different experience. And they look to some  
23           of the urban areas in New Hampshire as  
24           potential getaways and vacation areas that

1           they'd be attracted to.

2    Q.    Do you agree with me that responses such as  
3           this call into question the reliability of  
4           the survey?

5    A.    No.  I think just the opposite.  I think the  
6           real focus is on the areas at the top of that  
7           list which are extremely consistent with what  
8           we've said throughout our analysis.  It's the  
9           same kind of macro factors that the Draft  
10          Environmental Impact Statement said these are  
11          the factors that drive visitation.  It's the  
12          same factors that we heard on our listening  
13          session.  And I believe that this survey  
14          helped identify the power, the importance of  
15          these other macro variables, and placed  
16          things like cell towers and power lines in a  
17          context where we can see that these other  
18          attributes are three to six times more  
19          powerful, more important.  And even though to  
20          some that might not like a power line or cell  
21          tower, it's these other variables.

22                 So I believe this survey and the results  
23                 reinforce much of what we found in other  
24                 areas and were essentially sort of a

1 foundation of what I've seen in my 20 years  
2 of work.

3 Q. So if you believe that people are coming to  
4 New Hampshire for our beauty and our scenery  
5 and our landscape, they're not coming to look  
6 at power lines; correct?

7 A. And, again, the survey said 90 percent of the  
8 respondents would concur. But there was a  
9 small percentage that were looking for this  
10 more urban, denser kind of environment --

11 Q. So, for 90 percent of the people, visible  
12 transmission lines would be a negative  
13 attribute; would it not?

14 A. It --

15 Q. Isn't that what you're telling me?

16 CHAIRMAN HONIGBERG: And Mr.  
17 Pappas, why don't you let him answer one of  
18 the questions.

19 A. Yes. And I think what we found was for some,  
20 whether it's traffic congestion or power  
21 lines or wind turbines, to some that is a  
22 negative factor as well. But again, I really  
23 believe a critically important point of our  
24 analysis and report is we don't believe you

1 can look at any one of these factors in a  
2 vacuum. You have to look at it in the fuller  
3 context. And I think that's when any of us  
4 think about how we make our own vacation  
5 decisions, it's these range of factors that  
6 are at the top of the list, that were at the  
7 top of the list in the Draft EIS and in  
8 listening sessions. Those are the factors.  
9 And understanding, yes, there can be negative  
10 perceptions as it relates to power lines or  
11 traffic delays or those kinds of things, but  
12 the visitors still come. It's these more  
13 powerful, more important factors that really  
14 drive that fundamental traffic and visit  
15 decision.

16 Q. Now, you had this survey conducted as one of  
17 your study elements to assess potential  
18 impact on New Hampshire tourism from the  
19 Northern Pass line; correct?

20 A. Correct.

21 Q. And Northern Pass line involves a  
22 high-voltage transmission line?

23 A. That's correct.

24 Q. And the tower structures are as high as 130,

1 140 feet?

2 A. In some instances.

3 Q. And the tower structures and lines go through  
4 some very scenic areas.

5 A. They do.

6 Q. And your survey did not ask any questions  
7 about high-voltage transmission lines, did  
8 it?

9 A. No. We asked about transmission lines in a  
10 more general context.

11 Q. Yeah. Your survey didn't provide any visual  
12 simulation about a proposed transmission line  
13 to get respondents' reaction, did it?

14 A. It did not.

15 Q. The only question you asked on your survey  
16 that related at all to transmission lines was  
17 the question about, quote, The destination  
18 has visible power lines in certain areas,  
19 close quote. Correct?

20 A. That's correct. And I believe that's the  
21 essence of the question that I'm being posed:  
22 How would the transmission lines influence  
23 that fundamental decision of a traveler to  
24 choose New Hampshire? And to answer that

1 question, you have to understand how  
2 transmission lines relate to the broader  
3 array of factors that would factor into that  
4 decision.

5 Q. There's no information in your survey about  
6 the size of the power lines, was there?

7 A. No, we did not --

8 Q. There was no information about the height of  
9 the tower structures, was there?

10 A. No. And I --

11 Q. Correct?

12 A. That's correct.

13 Q. And there was no information about how  
14 prominent the power lines might be in any  
15 particular area; correct?

16 A. That's correct. And I'd like to just  
17 reinforce a point I made earlier. For that  
18 visitor coming to a destination, the vast  
19 majority of them do not understand if it's  
20 10 feet or 15 feet higher or if the  
21 transmission line is directly adjacent to the  
22 highway versus a quarter-mile or a half-mile  
23 in a viewshed. What they're looking at is  
24 what's the presence of these transmission

1 lines. And we believe that a question asking  
2 them how transmission lines relate to the  
3 broader, their broader decision process is  
4 the appropriate question to be asking.

5 Q. You didn't ask about transmission lines. You  
6 asked about power lines; correct?

7 A. "Power lines" is the term that we used, yes.

8 Q. Right. And there is no information about the  
9 type of power lines, whether it's a small,  
10 wooden pole that you see for distribution  
11 lines along a street or it's a 130-foot  
12 lattice tower, did you?

13 A. We did not.

14 Q. And you would agree with me that any visitor  
15 can know the difference between a 40-foot or  
16 30-foot transmission or distribution line and  
17 a 130-foot steel lattice tower transmission  
18 line; correct? That's something someone can  
19 figure out. Would you agree with me?

20 A. Well, I think there would be --

21 Q. Would you agree with me that --

22 A. No.

23 Q. -- someone can know the difference between  
24 that?

1 A. Well, they would know the difference, yes.

2 Q. Yes. And they would visually know the  
3 difference. They could see the difference.

4 A. They could see the difference, yes.

5 Q. Okay. Now, your question didn't provide any  
6 information of how long the power lines would  
7 be visible, did it?

8 A. It did not.

9 Q. So it didn't indicate whether they'd be  
10 visible for 10 or 15 seconds as you're  
11 driving up the road or if they'd be visible  
12 all day because you can see them from your  
13 destination; is that right?

14 A. That's correct.

15 Q. And by indicating in certain areas, your  
16 question didn't indicate how often one would  
17 view these power lines; correct?

18 A. That's correct.

19 Q. So if you wanted to get a true read of  
20 someone who is going to see the Northern Pass  
21 Transmission Line longer than 10 or 15  
22 seconds, or it's going to see it above the  
23 tree line versus a distribution power line,  
24 your question didn't go to that, did it?

1 A. We did not ask in much of the north area  
2 where there are very visible transmission  
3 lines directly adjacent to the highway for a  
4 long, linear period. We did not ask how  
5 intrusive that was versus seeing Northern  
6 Pass at this height. We did not get into  
7 that. We asked in a broader kind of context.

8 Q. And that's the only question you asked that  
9 related in any way to a transmission line;  
10 correct?

11 A. I think it's --

12 Q. No.

13 A. -- the essential question in terms of how do  
14 power lines relate to the visitor in that  
15 broader decision process.

16 Q. That part I've got because you've repeated it  
17 repeatedly.

18 My question is: That's the only  
19 question in your survey that related in any  
20 way to transmission lines; correct?

21 A. That's correct.

22 Q. Okay. Now, the last point on this survey.  
23 If you look at what's on the screen, which is  
24 Page 25 of your report, in the highlighted

1 section it talks about the traveler's  
2 decision is based on their general attitudes  
3 about a state and the feelings they associate  
4 with the destination. Do you see that?

5 A. I do.

6 Q. And as we saw earlier, New Hampshire ranks  
7 high for such things as beautiful, peaceful,  
8 and charming; correct?

9 A. That's correct.

10 Q. And you would agree with me that seeing large  
11 transmission towers and conductors is not  
12 consistent with beautiful, quaint and  
13 charming?

14 A. I think there's destinations that are  
15 absolutely perceived as beautiful and quaint  
16 and that have transmission lines.

17 Q. Would you agree with me that if you had a  
18 beautiful, quaint spot without any  
19 transmission lines, adding a transmission  
20 line doesn't make it any more beautiful or  
21 any more quaint?

22 A. I would agree with that.

23 Q. And the challenge for New Hampshire is to  
24 attract those visitors with the qualities

1           that we have, which is beautiful, charming  
2           and quaint; correct?

3       A.    Those are important and powerful qualities  
4           the state possesses, yes.

5       Q.    And if visitors to New Hampshire for the  
6           first time now see large transmission lines  
7           and conductors, that's not likely to help us  
8           competitively vis-a-vis Maine or Vermont or  
9           Western Mass; correct?  Doesn't add to our  
10          competitive advantage.

11      A.    Well, I believe many destinations possess  
12           this.  And I guess, you know, one of the  
13           examples here in the chart is --

14      Q.    Let me interrupt you for a second.  It does  
15           work better if you answer my question than  
16           giving me an explanation.  I'll ask it again.

17                   Introducing new, large transmission  
18           lines and conductors doesn't improve or add  
19           to our competitive advantage of being  
20           beautiful, charming and quaint; correct?

21      A.    It doesn't add to it, no.

22      Q.    Thank you.

23                   Now let me ask you a few questions about  
24           the Draft EIS.  You reviewed the Recreation

1           Technical Report for the Draft EIS; correct?

2    A.    I did.

3    Q.    Okay.  And the Recreational Technical Report  
4           found that recreation is a primary land use  
5           across New Hampshire; correct?

6    A.    Correct.

7    Q.    And the Recreational Technical Report also  
8           found that the Northern Pass Project would  
9           affect recreation in two ways.  Impacts from  
10          construction; correct?

11   A.    Correct.

12   Q.    And impacts from operation, including  
13          long-term visual impacts throughout the  
14          Project's viewshed; correct?

15   A.    That's correct.

16   Q.    Now, the Recreational Technical Report  
17          reviewed these impacts to specific areas  
18          along the proposed route; correct?

19   A.    That's correct.

20   Q.    You didn't analyze the impact to the Project,  
21          to the specific areas identified in the Draft  
22          EIS, did you?

23   A.    I did not.

24   Q.    So, since you didn't do the same analysis

1           that they did for those specific areas, you  
2           don't have a basis in which to agree or  
3           disagree with the findings; correct?

4    A.    I absolutely agree with the findings of the  
5           Draft EIS as it relates to the tourism  
6           industry, in which they found that the  
7           impacts weren't measurable.  And even if  
8           there were short-term construction types of  
9           impacts, that they would moderate and would  
10          not have an impact to the state.

11   Q.    Do you remember my question?

12   A.    I was trying to answer it.

13   Q.    Do you remember it?

14   A.    It was --

15   Q.    I'll try it again.

16   A.    All right.

17   Q.    Because you didn't analyze the impact of the  
18          Project to the specific areas identified in  
19          the EIS, the Draft EIS, you don't have a  
20          basis to agree or disagree about the impact  
21          to those specific areas because you didn't  
22          look at them; correct?

23   A.    We did not look at individual businesses or  
24          individual areas.  That's correct.

1 Q. Okay. Now I'm going to ask you a few  
2 questions about traffic delays. I'm not  
3 going to -- I'll try to not cover areas that  
4 I understand Attorney Manzelli covered  
5 earlier this morning, but I'll ask you just a  
6 few other areas.

7 A. Okay.

8 Q. Now, I asked you this morning about some  
9 testimony that the Project's going to be over  
10 2-1/2 years and up to 20 or 25 crews working  
11 at a time, with up to 25 laydown areas. So  
12 you can assume that that testimony has  
13 already been heard.

14 A. Hmm-hmm.

15 Q. Now, nearly all of the access points to the  
16 overhead section are from public roads. Are  
17 you aware of that?

18 A. In general, yes.

19 Q. Okay. And you're aware that construction  
20 vehicles and supplies and workers have to  
21 access the right-of-way from those public  
22 roads, both access it and get off the  
23 right-of-way; correct?

24 A. Correct.

1 Q. Is that --

2 A. Yes. I said "Correct." I'm sorry.

3 Q. Now, I think we established earlier that  
4 you're not familiar with the number of  
5 construction vehicles or supply vehicles or  
6 construction workers at any given access  
7 point; correct?

8 A. That's correct.

9 Q. Now, you did drive a good portion of -- how  
10 much of the proposed route did you drive?

11 A. You know, all the way north to the south, but  
12 areas that you could access via, you know,  
13 the general roadways. But all the way north  
14 and all the way south.

15 Q. When you say "all the way north," did you go  
16 all the way to Pittsburg?

17 A. I did.

18 Q. And south to Deerfield?

19 A. I did.

20 Q. And in between?

21 A. I did.

22 Q. Good for you.

23 Now, you observed that when you get off  
24 of I-93, that the state roads along which

1           this above ground will travel are narrow, in  
2           most places two-lane roads; correct?

3    A.    Correct.

4    Q.    And just to summarize, on the above-ground,  
5           other than your general testimony you gave us  
6           this morning, you didn't really analyze  
7           whether at a specific location or group of  
8           locations or an area what the impact of  
9           construction on the overhead portion would  
10          have on traffic entering -- the construction  
11          traffic going on and off the right-of-way and  
12          how that would impact the public roads  
13          they're using; correct?

14   A.    I did not do that type of study.

15   Q.    Now, let me ask you questions about the  
16          underground portion. Did you analyze the  
17          underground portion at all?

18   A.    I certainly, you know, am aware of the  
19          underground orientation in the White  
20          Mountains. We met with many of the White  
21          Mountains representatives. I traveled many  
22          of the attractions in the area. So I'm  
23          certainly familiar with those areas in the  
24          underground portions.

1 Q. All right. So, to construct the 7-1/2 miles  
2 of underground route in the Great North  
3 Woods, you're aware that that will require  
4 some road closures and some lane closures and  
5 some detours.

6 A. I'm sure it will, yes.

7 Q. And would you agree with me that road  
8 closures and lane closures and detours will  
9 cause traffic delays?

10 A. Very likely.

11 Q. But you didn't do any analysis to determine  
12 the impact to traffic and potential impact to  
13 tourism from these traffic delays; correct?

14 A. I didn't do a specific analysis, as I  
15 mentioned this morning. My understanding is  
16 that the steps and the initiatives that will  
17 be undertaken to try and minimize those  
18 delays, those congestions, would be limited  
19 in many instances, you know, a few minutes,  
20 and certainly there could be delays. But  
21 again, as I mentioned earlier, I think  
22 visitors often experience here in New  
23 Hampshire and elsewhere long traffic delays.  
24 So I did not study specifically that, but I

1 did consider it in a broader kind of context.

2 Q. Do you know where Old County Road is?

3 A. Not without seeing it on a map.

4 Q. Do you know how long the detour is going to  
5 be when they close Old County Road to do the  
6 underground through there?

7 A. No, I do not have that answer.

8 Q. Yeah. Would you agree with me that a  
9 2-1/2-mile or 4-1/2-mile or 6-1/2-mile detour  
10 is more than a couple minutes?

11 A. In that instance, yes.

12 Q. Are you aware of any of the likely road  
13 closures or lane closures or detours in that  
14 7-1/2-mile northern part?

15 A. I have not studied the specific construction  
16 programming in that area.

17 Q. Okay. So let me ask you some questions about  
18 the 52-mile underground segment.

19 A. Okay.

20 Q. Now, would you agree with me that that  
21 52-mile underground segment is in the White  
22 Mountain Region?

23 A. Yes.

24 Q. And that's a significant tourist area?

1 A. It is.

2 Q. Are you aware that throughout the whole  
3 52-mile segment, at one time or another there  
4 will be a single lane closure, be down to one  
5 lane?

6 A. I have not studied the exact lane-closure  
7 program or plan, but that wouldn't surprise  
8 me.

9 Q. And you're aware that that segment will be  
10 built between April 1 and perhaps November 1?

11 A. I'm sure that, with many others, would have  
12 to occur during that general seasonal  
13 pattern.

14 Q. And about 82 percent of the visitors to New  
15 Hampshire come in that period?

16 A. In the summer and fall --

17 Q. Spring, summer, fall.

18 A. Summer and fall, I think it's about  
19 two-thirds --

20 Q. If you look at the chart, it comes up to  
21 about 82 percent.

22 A. Okay.

23 (Pause)

24 Q. Now, that's a little more readable. So are

1           you familiar with this being the highway map  
2           of New Hampshire?

3    A.    I am.

4    Q.    And we talked a moment ago how I-93 is the  
5           main access to go north and then there are  
6           the state roads off of that?

7    A.    Correct.

8    Q.    Okay. Now, are you familiar with Exit 20,  
9           which is near Northfield, to get to the Lakes  
10          Region, starting in Laconia?

11   A.    Okay. I can't see that detail on the map,  
12          but --

13   Q.    Well, I'll tell you it's going to be between  
14          35 and 36. Do you see where it says --

15   A.    Sure. I know where Laconia and --

16   Q.    That's Exit 20.

17   A.    Okay.

18   Q.    All right. Now, if you -- so would you agree  
19          with me, just generally as you move up the  
20          highway -- and I'll represent to you Exit 20  
21          is Laconia; 23 is New Hampton and Meredith;  
22          24 is Ashland; 25 and 26 are Plymouth and  
23          up --

24   A.    Okay.

1 Q. -- that each of those are potential choke  
2 points, because what you tend to have in New  
3 Hampshire is a state road at those  
4 intersections, but one small state road going  
5 east to west, or sometimes north to south?

6 A. Yes. I don't know about the characterization  
7 as "choke hold," but certainly those state  
8 roads feed into 93.

9 Q. Okay. Would you also agree with me that  
10 because of construction of the underground  
11 route, if any of either the exits or the  
12 state roads that feed off of those exits  
13 become clogged or choked, if you will,  
14 because of construction activity, that will  
15 have an impact of tourists being able to  
16 travel into various areas, whether it's off  
17 Exit 20 into the Lakes Region, whether it's  
18 off Exit 24 into the Upper Lakes Region  
19 through Ashland? Or I think earlier this  
20 morning you heard about Exit 32 through  
21 Lincoln, that if construction activity causes  
22 a choke hold, if you will, a backup on those  
23 secondary roads, that will delay traffic and  
24 therefore could have an impact on visitors

1 reaching their destination?

2 A. Yes, it could have an impact on the time that  
3 is required for them to reach their  
4 destination. I agree with that.

5 Q. All right. And just as a general thing,  
6 again, that's nothing that you specifically  
7 analyzed to see what potential delays could  
8 occur during construction, to see how that  
9 would affect traffic, and therefore how that  
10 would impact tourists getting to their  
11 destination; correct?

12 A. I did not analyze that, no.

13 Q. On the screen now is Counsel for the Public  
14 368. And this is a listing of annual  
15 festivals in New Hampshire. And there are --  
16 another page there's fall, there's summer and  
17 there's spring.

18 Did you look in your analysis to see  
19 what large events, such as festivals,  
20 occurred at different times, different place?

21 A. Yes. Generally I reviewed all of the states  
22 and these documents outlining the main  
23 festivals. Also looked in the Plymouth State  
24 Research that talked about the percentage of

1 visitors that come specifically for festivals  
2 or events.

3 Q. Okay. And would I be -- would you agree with  
4 me that often festivals draw large number of  
5 people, and they themselves create some  
6 traffic problems?

7 A. Absolutely.

8 Q. Would you also agree with me that if  
9 construction of the underground is occurring  
10 at the same time as any of these large events  
11 and festivals, that would make the traffic  
12 delays even more longer or more prominent?

13 A. My answer to that would be yes. I also, as I  
14 mentioned earlier this morning, I believe  
15 that's one of the steps and initiatives  
16 Northern Pass is taking, trying to understand  
17 the timing of these and to adjust  
18 construction activities to minimize those  
19 kinds of conflicts.

20 Q. Hmm-hmm. Now, it's your understanding that  
21 these things go on all spring, summer and  
22 fall in New Hampshire?

23 A. Festivals and events, no matter where you're  
24 at, continue throughout the year.

1 Q. And in New Hampshire, we not only have  
2 festivals, we have county fairs that go on.

3 A. Sure.

4 Q. And you would agree with me that for many  
5 areas, those are vital for the small  
6 businesses in the area?

7 A. Yes, they're an important part of the product  
8 mix, yes.

9 Q. Now, would you agree with me that first  
10 impressions are important in the tourist  
11 industry?

12 A. Sure.

13 Q. And would you agree with me that for  
14 first-time visitors, if they encounter  
15 significant traffic delays, that would likely  
16 lead them to decide not to return to New  
17 Hampshire but instead go to one of our  
18 competitors?

19 A. I don't think I'd agree with that statement.

20 Q. Would you agree with me that if a visitor  
21 encountered long traffic delays two seasons  
22 in a row coming to New Hampshire, that would  
23 deter them from coming back and instead maybe  
24 divert them to Maine or Vermont?

1 A. No. I think back to the discussion we were  
2 having on the survey. I think it's the broad  
3 array of what's the products was the broader  
4 experience. And in my experience, there's  
5 oftentimes, and I'm sure it's the same here,  
6 that many of these festivals, many of the  
7 activities already have traffic congestion  
8 and activities. That is just part of the  
9 experience. And those visitors come year  
10 after year. They know that's part of the  
11 experience. But what is offered up in the  
12 collective experience is worth some of the  
13 challenges of getting and experiencing that  
14 festival or events.

15 Q. But add to that additional delay because of  
16 construction of the transmission line would  
17 make that traffic condition worse; correct?

18 A. In your scenario, it could, yes.

19 Q. And you would agree with me that some  
20 visitors may expect a certain level of  
21 traffic delay from their past experience,  
22 whether it's the Highland Games or Motorcycle  
23 Weekend or whatever. But if you add to that  
24 a significant delay from construction over a

1 two-season period, that could tip the scales  
2 for them to go see the beauty and serenity  
3 and charmingness of Vermont and Maine as  
4 opposed to New Hampshire?

5 A. It's possible. I think it's much more  
6 dependent upon the quality of the experience  
7 and the attraction potential of that festival  
8 or event to that individual visitor.

9 Q. Is it your understanding that there are many  
10 festivals and fairs and large events all  
11 along the 192-mile route of the transmission  
12 line?

13 A. New Hampshire certainly has a large range of  
14 festivals and events as part of their  
15 offerings.

16 Q. But you looked at those. So you would agree  
17 with me that they run all up and down the  
18 192 miles.

19 A. Yes. Certainly.

20 Q. Yeah. So, Mr. Nichols, what's on the screen  
21 now is Counsel for the Public Exhibit 370.  
22 This is a letter from the police chief in  
23 Franconia. Do you remember going through  
24 Franconia?

1 A. I do.

2 Q. And do you understand Franconia to be a major  
3 tourist area?

4 A. I do.

5 Q. And do you understand that Franconia has many  
6 small tourist-related businesses?

7 A. Certainly.

8 Q. Do you understand that those small  
9 tourist-related businesses rely heavily on  
10 events during the busy summer season to stay  
11 in business?

12 A. Events are part of the product offerings that  
13 are an important part of that collective  
14 offering, yes.

15 Q. Okay. So in this letter, if you look down --  
16 and I'm not going to take the time to read it  
17 all -- the sentence that starts with, "The  
18 impact is significant..." in the middle. Do  
19 you see that?

20 A. Okay.

21 Q. It says, "The impact is significant, and  
22 certain days, months and seasons can  
23 literally mean the difference between staying  
24 in business or closing up shop permanently."

1 Do you see that?

2 A. I do.

3 Q. And for a small tourist-related business,  
4 would you agree with that statement?

5 A. A small business is certainly influenced by  
6 their ability to attract visitation and  
7 business and, as it says here, for days,  
8 months and seasons, certainly.

9 Q. Okay. Now, if you look at this -- and I  
10 understand you'll be asked about this later,  
11 so I'm not going to spend a fair amount of  
12 time on it.

13 A. Okay.

14 Q. But just look at it generally. If you look  
15 at the first page, the letter talks about the  
16 Profile High School Time Travel and then  
17 there's the Profile High School Road Race.  
18 And both of those use Route 16 [sic], and one  
19 of them also uses Route 18. Do you see that?

20 A. I do.

21 Q. And it's your understanding that Route 18 and  
22 Route 116, the transmission line is proposed  
23 to be buried along those two routes; correct?

24 A. Yeah, I'd have to look at the map exactly in

1           this area, but...

2       Q.    Thank you.  And do you remember how long the  
3           construction is going to be at the  
4           intersection of Route 18 and Route 116 in  
5           Franconia?

6       A.    I do not.

7       Q.    If I told you that it could be up to eight  
8           weeks where a lane would be closed and  
9           traffic would be diverted in that area, would  
10          you consider that to be a significant period  
11          of time during peak tourist season?

12      A.    I guess it depends on what the -- the extent  
13          of that closure and the likely delay that a  
14          typical visitor -- so I would have to look at  
15          that in a more deeper context to answer that  
16          question.

17      Q.    So if the delay wasn't that significant,  
18          perhaps it wouldn't have that significant an  
19          impact.  But if the delay were significant,  
20          20, 30 minutes, that could have an impact.  
21          Fair?

22      A.    That could.

23      Q.    Okay.  I'm sorry.  Did you --

24      A.    Yes.  I said that could, yes.

1 Q. All right. So on the next page we see in the  
2 summer in Franconia they have a triathlon in  
3 June, which again uses Route 18 and  
4 Route 116; they have Old Home Day in which  
5 they close, presumably for day, Route 18,  
6 Main Street, which is where that intersection  
7 is; and they have another triathlon in  
8 August, and then it talks about a summer  
9 recreation camp.

10 Now, in that area, there are only a  
11 couple of major roads; correct? There's 18  
12 and 116 through Franconia?

13 A. Hmm-hmm.

14 Q. You have to say "Yes" or "No," or she can't  
15 take it down.

16 A. I'm sorry. Yes.

17 Q. Someone reading the record would have no  
18 idea --

19 A. I got you.

20 Q. All right. So you'd agree with me that  
21 because an area like Franconia only has a few  
22 major roads, and those roads are used heavily  
23 for summer events, the more traffic is  
24 impacted on those roads, the greater impact

1           it's going to have, negative impact it's  
2           going to have on the tourist industry;  
3           correct?

4    A.    Yeah.  Accommodating these events and their  
5           utilization of the roadways would be an  
6           important factor, certainly.

7    Q.    And if these events weren't effectively  
8           accommodated, that could have an adverse  
9           impact on the small businesses in the area  
10          that rely on the tourist industry; correct?

11   A.    Again, I can't speak to any individual  
12          business.  But if the point is the assumption  
13          is that it does have an effect and people are  
14          far delayed and they choose elsewhere, then,  
15          yes, those businesses would be impacted.

16                 I would just add, though, I've worked in  
17          many, many destinations with triathlons and  
18          bike races and different elements where there  
19          are course changes or different shifts,  
20          depending on factors that are influencing a  
21          community at any point in time.  So I think  
22          part of the answer to your question would  
23          depend on if there were other approaches that  
24          could be used that would minimize those

1 impacts and still provide a great event  
2 experience.

3 Q. Are you familiar with either HDD drilling or  
4 microtunnel drilling?

5 A. Just in a very general kind of context.

6 Q. And for this one intersection in Franconia,  
7 which is their downtown, their main area, do  
8 you know how long the microtunneling activity  
9 is going to take?

10 A. I do not.

11 Q. And do you realize that once it starts, they  
12 just can't close it up and open up the lanes,  
13 that it's going to take out a lane for up to  
14 an eight-week period?

15 A. I do not know the details of the  
16 microtunneling and the duration that could be  
17 expected.

18 Q. Fair enough. Let me ask you this question  
19 generally. And I understand you were asked  
20 some questions about fall foliage, so I won't  
21 go back into there. But you realize that  
22 fall foliage is an important draw in New  
23 Hampshire; correct?

24 A. Certainly.

1 Q. And do you agree with me that in today's  
2 social media with phone apps and other  
3 things, things like traffic delays are  
4 quickly circulated around?

5 A. Traffic and congestion is one aspect that  
6 visitors can --

7 Q. Yeah. You get on your phone a quick notice  
8 that there's a traffic delay or backup or  
9 something in this area, so you know to avoid  
10 it.

11 A. Certainly.

12 Q. And because of smartphones and other social  
13 media, that kind of information circulates  
14 quickly and widely; does it not?

15 A. It does.

16 Q. So, for things like fall foliage, where you  
17 get a lot of day trips or maybe overnight,  
18 weekend trips, if traffic delays are  
19 occurring in New Hampshire at several  
20 locations because of construction in the  
21 area, would you agree with me that visitors  
22 could find out about that quickly and divert  
23 to Vermont or Maine rather than come to New  
24 Hampshire?

1 A. My answer to that is I don't think that would  
2 occur in any level of frequency, no.

3 Q. You don't think people check the traffic  
4 often?

5 A. I do. But I believe they're coming for the  
6 beauty of New Hampshire and the seasonal  
7 colors. And if there's a short delay --  
8 frankly, there's a lot of congestion just  
9 because of the peepers and the extent of the  
10 traffic on roadways. That's part of  
11 traveling in peak periods like those  
12 seasonal. And I believe the vast majority  
13 would still embrace a New Hampshire  
14 leaf-changing experience, even if there was a  
15 short delay here or there.

16 Q. Now, I would stipulate New Hampshire has the  
17 best leaf viewing and foliage in New England.  
18 But besides that, you don't think that  
19 Vermont and Maine have not quite as strong,  
20 but a strong attraction for foliage folks?

21 A. They do. But, of course, that's a much  
22 longer travel, a much longer extent. As you  
23 mentioned, many of these are going to be day  
24 trippers that are going to be looking for a

1 short getaway, and that kind of option for  
2 many of them would not be in their trip  
3 itinerary I guess.

4 Q. Let me just ask you a few questions about  
5 downtown Plymouth. I think you might hear  
6 about this later, but I'm going to introduce  
7 the subject.

8 I assume you drove through downtown  
9 Plymouth?

10 A. I did.

11 Q. And you noticed there were a lot of small  
12 shops and restaurants?

13 A. Sure.

14 Q. And it's your understanding that merchants in  
15 downtown Plymouth are heavily reliant on the  
16 tourist industry?

17 A. That would make sense.

18 Q. And it's your understanding that the summer  
19 and fall months are peak tourist seasons for  
20 those folks?

21 A. Certainly.

22 Q. Now, you're also aware that the construction,  
23 the underground construction is proposed to  
24 go right through the downtown Plymouth area?

1 A. Yes.

2 Q. Okay. And are you aware that during that  
3 construction period that there'll only be a  
4 single lane of traffic?

5 A. I have not studied the exact configurations,  
6 so I couldn't speak to that.

7 Q. Well, let me ask you, then, broadly.  
8 Assuming that for anywhere from 70 to 100 or  
9 more days in downtown Plymouth the travel  
10 will be restricted to a single lane, that  
11 there'll be limited parking, and for a short  
12 period of time actually a road closure and  
13 detour around the downtown. Would you agree  
14 with me that that construction activity would  
15 have a negative effect on the merchants  
16 downtown?

17 MR. NEEDLEMAN: I'm going to  
18 object. If Mr. Pappas wants to frame this as  
19 a hypothetical, I think that's reasonable.  
20 But I don't think that reflects the facts in  
21 the record as to what's going to happen.

22 MR. PAPPAS: I'm glad to make  
23 that a hypothetical question.

24 BY MR. PAPPAS:

1 Q. Do you want me to repeat that?

2 A. Sure.

3 Q. Assume that the construction activity in  
4 Plymouth will range anywhere from 70 to 100  
5 days or more, and that during construction  
6 traffic will be at a single lane, there will  
7 be limited parking, and for a short period of  
8 time there will be a road closure and a  
9 detour. Would you agree with me, under those  
10 conditions, that that construction would have  
11 an impact on tourists visiting the downtown  
12 area of Plymouth?

13 A. I think I'd need to go deeper when you talk  
14 about "delays." Is that delay of two minutes  
15 and, yes, it's down to one road, and what  
16 does limited parking really mean and how  
17 accessible -- and so without having a much  
18 more definitive list, again, I think  
19 travelers and visitors recognize and  
20 understand there's congestion, there's  
21 traffic delays. That's part of today's -- so  
22 I'd have to understand more to talk about if  
23 this particular set could have a specific  
24 impact.

1 Q. If there were no parking along the downtown  
2 area -- assume for the purpose of my  
3 questions that parking couldn't occur because  
4 of the construction. Would you agree with me  
5 that that would have a negative impact on  
6 tourists visiting that area?

7 A. I would agree that parking is an important  
8 element for a visitor, and having easy access  
9 is an attribute for visitors.

10 Q. Okay. Would you agree with me that during  
11 the period of time where traffic would divert  
12 around the downtown because of construction,  
13 that that would have a negative impact on  
14 tourists visiting the downtown area?

15 A. If visitors aren't allowed to go into the  
16 downtown area, I would assume that would  
17 have, you know, some influence, some impact  
18 on that.

19 Q. Pretty negative influence?

20 A. Again, the duration, the extent, the other  
21 access points they might still be able to get  
22 in, I think all of that would weave in. But  
23 certainly if you can't get to an area, that  
24 would have an impact.

1 Q. If you had to walk a quarter-mile or more,  
2 would that in your experience deter tourists  
3 from going to restaurants or shops?

4 MR. NEEDLEMAN: Same objection  
5 to all these questions, to the extent they're  
6 not hypotheticals.

7 CMSR. BAILEY: Mr. Pappas.

8 MR. PAPPAS: I'm happy to make  
9 this a hypothetical question.

10 CMSR. BAILEY: So you  
11 understand that for purposes of these  
12 questions, you assume the facts that he gave  
13 you?

14 THE WITNESS: I do.

15 CMSR. BAILEY: Is that all  
16 right, Mr. Needleman?

17 MR. NEEDLEMAN: Yes.

18 A. The more difficult it is for a visitor to  
19 access their ultimate destination, that's an  
20 influence. I have seen in many instances  
21 destinations that make arrival by foot part  
22 of the experience, and whether it's placards,  
23 whether it's historical stories or whatever,  
24 that entry or process by foot is part of the

1 arrival experience. So I think part of it  
2 would depend on what additional steps are  
3 made to enhance that alternative approach.

4 But in general, the point of the more  
5 difficult it is for a visitor to access where  
6 they want to go, that certainly doesn't  
7 enhance their experience.

8 BY MR. PAPPAS:

9 Q. Are you familiar with any restaurants that  
10 make arrival by foot part of the experience?

11 A. Oh, sure. There's all kinds of downtown,  
12 small downtown communities where there's  
13 parks, there's foot paths, there's  
14 illustrated, as I say, historical placards,  
15 that part of the strolling is all part of the  
16 process, and there are retail enclaves or  
17 restaurant enclaves at the terminus of these  
18 paths. And those walking experiences are  
19 very much a part of how that visitor  
20 ultimately finds their --

21 Q. And that's set up ahead of time; right?  
22 That's part of the whole program, if you  
23 will?

24 A. Typically there's absolutely work, in terms

1 of visitor management flow and how do you try  
2 to facilitate that, certainly.

3 Q. And setting up the plaques and setting up the  
4 footpath and so forth? In other words, it's  
5 not a spontaneous thing or a temporary thing.  
6 That's typically --

7 A. No. A destination would typically try and  
8 proactively think about how they could make  
9 that part of the experience.

10 Q. Okay. And so it's fair to say you didn't  
11 have -- you didn't analyze the impact to  
12 downtown Plymouth from the construction  
13 activity; correct?

14 A. I did not.

15 Q. Okay.

16 (Pause)

17 Q. You said earlier that you did not analyze the  
18 potential impact of the transmission line for  
19 any specific tourist destination; correct?

20 A. Correct.

21 Q. Okay. And you're aware that New Hampshire  
22 has many tourist destinations; correct?

23 A. Certainly.

24 Q. Probably hundreds of tourist destinations;

1 correct?

2 A. Sure.

3 Q. And New Hampshire has hundreds of scenic  
4 locations, such as state parks, scenic drives  
5 and byways, lakes, ponds, rivers,  
6 recreational trails and so forth.

7 A. Yes.

8 Q. Okay. Now, you've testified repeatedly that  
9 these scenic locations draw tourists to New  
10 Hampshire for many attributes, including  
11 their beauty and charmingness and so forth;  
12 correct?

13 A. Correct.

14 Q. Now, would you agree with me that the primary  
15 change to what exists today and what would  
16 exist if the Northern Pass Project were built  
17 is a view of the transmission line and the  
18 towers and conductors? That's the primary  
19 difference.

20 A. Yeah, the view at certain locations, yes.

21 Q. But whether you could see it or not, it would  
22 be the big change; correct?

23 A. Correct.

24 Q. Get past construction. If it's built,

1           whether you can see it or not is the big  
2           change in what exists today; correct?

3    A.    Correct.   Hmm-hmm.

4    Q.    And that is the thing that potentially could  
5           affect the tourist industry is the reaction  
6           of visitors to seeing the tower, whether or  
7           not that makes them decide not to visit New  
8           Hampshire or that's only, as you say, one of  
9           many factors, and the other factors still  
10          lead them to visit New Hampshire.

11   A.    That's the fundamental question, yes.

12   Q.    Yeah.   So would you agree with me that, if  
13          the view of the towers from wherever you can  
14          see it, these various scenic areas, whether  
15          it's a resort destination, whether it's a  
16          pond or a lake or a river, whether it's a  
17          hiking trail, whether it's a byway and so  
18          forth, if you add up all of the areas you can  
19          see it, it's possible that either, A, you add  
20          them all up and it still doesn't have an  
21          impact on tourism, but, B, you could add them  
22          all up in an aggregate, and there's enough  
23          negative impact that it could have a negative  
24          effect on the tourist industry.

1 A. I hear your supposition, and that's not one I  
2 share.

3 Q. So you don't think that it's possible that if  
4 you added up all of the areas, the hundreds  
5 of scenic and tourist destination areas in  
6 New Hampshire, and determine that in an  
7 aggregate amount the negative effect of  
8 seeing the transmission lines from all those  
9 places, in an aggregate, could be such that  
10 it would have a negative impact on the  
11 tourist industry? You don't believe that?

12 A. Could that influence some individual travel?  
13 Possibly. I think it's unlikely. I don't  
14 think it's measurable, and I don't think that  
15 that cumulative effect, even in that  
16 cumulative orientation, would impact regional  
17 tourism demand.

18 Q. Okay. And you made that determination more  
19 from I'll call it sort of a "macro level" as  
20 opposed to a micro level. You didn't do it  
21 from the ground up by analyzing all of these  
22 scenic resources and scenic destinations and  
23 tourist destinations. You did it from much  
24 more of a macro level, analyzing the tourist

1 industry as a whole and looking at what you  
2 consider to be factors that drive whether  
3 visitors come here. That's the approach that  
4 you took to reach your conclusion.

5 A. No, I think it's a combination. I spent  
6 time. I drove Bear Brook. I drove Weeks. I  
7 drove the Rocks Estates, Mountain View. You  
8 know, I looked and experienced and understood  
9 the assets, what was offered, the positioning  
10 of the Project. And so while some of those  
11 macro approaches and factors were part, very  
12 much, some of them much more specific,  
13 understanding the assets, understanding their  
14 positioning, that was also part of our  
15 analysis.

16 Q. But a moment ago you just testified that you  
17 didn't analyze the impact of any specific  
18 resource.

19 A. And we did not analyze the impacts, any  
20 particular. But I certainly experienced and  
21 did site visits and attempted to understand  
22 some of the key assets that the state offers  
23 and their positioning relative to the new  
24 project.

1 Q. Prior to the time you wrote your report, did  
2 you make three visits to New Hampshire?

3 A. Oh, I think I've been here six or seven times  
4 now.

5 Q. No, no. I'm talking about up until the time  
6 you wrote your report in October of 2015. My  
7 recollection from the technical session is  
8 you'd come three times to New Hampshire.

9 A. Might have been three times. Obviously we  
10 were here numerous times when we were doing  
11 the work with the State.

12 Q. Right. But you reached your conclusion by  
13 October of 2015. And in those three times  
14 you spent one day driving around on a  
15 listening tour; correct?

16 A. I think I was here for --

17 Q. Actually two days, I think.

18 A. It was two days. And I think I was here four  
19 days total because I was also traveling to  
20 some of the locations as part of that  
21 process.

22 Q. Yeah. And you spent some time doing other  
23 things.

24 Is it fair to say that of the hundreds

1           and hundreds of tourist destinations and  
2           scenic areas in New Hampshire, you might have  
3           seen a handful of them?

4    A.    I believe I saw the most prominent ones.  And  
5           I also believe --

6    Q.    You may get some debate on that, but...

7    A.    Okay.  But in today's world, looking at the  
8           web sites, looking at how they're framing and  
9           characterizing themselves using materials  
10          like the overhead aerial Google Earth, and  
11          pointing out the positioning of various  
12          assets in relation to the positioning, it's a  
13          mix of both, you know, actual site visits,  
14          looking at many of them, whether it's in the  
15          travel guides, the web sites.  Elements like  
16          Google Earth allowed me to get, I believe, a  
17          good handle of the range of tourism products  
18          in relation to the project.

19   Q.    And when you were looking at these on Google  
20          Earth and so forth, you didn't have any photo  
21          simulations of the potential structures, did  
22          you?

23   A.    There were photo simulations, certainly.

24   Q.    I know you had at some point.  But I'm saying

1           when you were looking at these on Google  
2           Earth, you didn't have the photo simulations  
3           in one hand and the computer in the other.

4    A.    No, it was pointed out as more, here's some  
5           of the key destinations and here's the  
6           positioning of the route relative to some of  
7           these key destinations.

8    Q.    Now, of the five study elements that you  
9           undertook, your experience, your review of  
10          some information, statistics about the  
11          tourist industry, your comparison of the  
12          Phase II line and then Maine, the survey and  
13          the other one --

14   A.    The Plymouth State.

15   Q.    -- none of those directly, directly touched  
16          upon the question of the specific reaction or  
17          the specific effect of viewing the  
18          transmission line, which is the big change  
19          that we talked about a moment ago. You hit  
20          it indirectly on the question about power  
21          lines. You hit it in terms in considering  
22          other factors. But none of them went  
23          directly at that question alone; correct?

24   A.    Well, I think, you know, as we started the

1 whole effort and tried to look not only  
2 around the U.S., but around the world, of  
3 show us any examples, show us any research  
4 that has demonstrated this relationship.  
5 That was one of the first starting points.  
6 And I think that was very important to sort  
7 of understand in the academic world, who  
8 studies just about any issue that impacts,  
9 that was very specific in terms of trying to  
10 understand if there is any direct correlation  
11 between transmission lines and changes. And  
12 we couldn't find anything there.

13 My actual experience of that not being  
14 my experience and working in many beautiful  
15 destinations with significant power lines  
16 present and that not coming up at all, and  
17 listening to the input that we received from  
18 the participants who noted that they didn't  
19 believe those infrastructure and transmission  
20 lines had influenced travel to New Hampshire  
21 historically and that their concerns were  
22 just forward-looking, and looking at the  
23 experience in a destination like Maine that  
24 spent five years of a major transmission line

1 and having record performance, and then the  
2 survey work that we undertook that helped us  
3 better understand how the presence of power  
4 lines fit into the broader tourist decision,  
5 all five of those were very helpful in us  
6 coming to the collective conclusion that we  
7 reached.

8 Q. But none of those went directly to the  
9 question, solely to the question of the  
10 difference between no transmission line and  
11 now you can see a transmission line; correct?  
12 You went about -- all those touched different  
13 aspects of the question, but none of them  
14 went to it directly; correct?

15 A. I would disagree. I think they absolutely  
16 did. The examples of where transmission  
17 lines had been developed all around the  
18 world, and no research, no studies have  
19 demonstrated that --

20 Q. Well, there could be a lot of reasons why.  
21 You came -- I'm sorry.

22 You came to the conclusion that because  
23 it hadn't been studied, there must be no  
24 effect. But there could be other reasons why

1           it wasn't studied. It could be that there  
2           were no new transmission lines in tourist  
3           areas. It could be that there was no  
4           funding. It could be that researchers looked  
5           at other subjects. There could be other  
6           reasons other than there's no effect and  
7           that's why it wasn't studied. Would you  
8           agree with me?

9           A. I wouldn't agree with you, no.

10          Q. Okay. Do you think that if it was studied,  
11          someone would have come out with a study and  
12          said we studied this and there's no impact?  
13          Instead what you found is a lack of any  
14          study; correct?

15          A. Correct.

16          Q. Okay. And from the lack of any study, you  
17          drew the conclusion there must not be any  
18          impact because no one has studied it.

19          A. No, I did not draw a conclusion based solely  
20          on that.

21          Q. Well, no. But that was one -- that was the  
22          conclusion you drew that was --

23          A. That was one to try to understand. And as I  
24          mentioned, I've worked with these academics

1 for 20 years. And they study these facts,  
2 the diverse array of factors extensively.  
3 And as I mentioned, my associate, Dr.  
4 Fesenmaier, is on the editorial board of the  
5 Journal of Travel Research. And the lack of  
6 any examples worldwide that demonstrated that  
7 was an important factor and consideration  
8 that we took as part of our analysis process.

9 Q. Okay. Would you agree with me that the  
10 Northern Pass Transmission Line is unlikely  
11 to increase tourism visitation in New  
12 Hampshire?

13 A. I think that's a fair characterization.

14 Q. So you'd agree with me that the presence of  
15 the line would either decrease tourism or  
16 have no or minimal impact, which is your  
17 opinion. It's going to be one or the other.

18 A. Well, I do think what we heard from industry  
19 representatives that the development of the  
20 line could have positive impacts, the same  
21 impacts that you were talking about over in  
22 Maine, that could possibly impact demand,  
23 food and beverage and hotels. There was that  
24 positive. And we heard very frequently from

1 particularly industry representatives where  
2 there was any level of extensive power  
3 utilization, how the provision of additional,  
4 consistent and more moderate-cost power was  
5 an important factor for them in the future.

6 Q. Yeah, but those are business considerations.  
7 I'm talking about the decision of visitors to  
8 come to New Hampshire, which was the focus of  
9 your analysis.

10 You would agree with me that the  
11 presence of the Northern Pass Transmission  
12 Line is unlikely to cause more people to  
13 decide to come to New Hampshire to look at  
14 the line.

15 A. I believe that's accurate. Correct.

16 Q. Okay. So the line's presence is either going  
17 to have minimal or no impact, which is your  
18 conclusion, or it's going to affect the  
19 tourist industry negatively. It's going to  
20 be one or the other.

21 A. And in that context, again I know you  
22 qualified it with the visitor, but I do  
23 believe there's positive benefits from the  
24 visitation activity that could emanate from

1 the construction process. And we've heard  
2 that from a number of participants in the  
3 input process.

4 Q. Did you meet with Julia Frayer, the  
5 Applicant's economic expert, as part of your  
6 work?

7 A. I believe we had some brief interaction.

8 Q. Did you discuss with her your opinions in  
9 terms of the impact on the tourism industry?

10 A. I might have had a conversation after our  
11 work was completed.

12 Q. Do you recall a specific conversation, or are  
13 you just saying you might have?

14 A. I might have. I don't recall --

15 Q. You don't recall.

16 A. -- any specific dialogue.

17 Q. Okay. You don't recall sharing your opinions  
18 with Ms. Frayer?

19 A. You know, over the multi-year process, I'm  
20 not exactly sure whether we might have been  
21 in the same room and had discussion and  
22 dialogue. I'm not recalling.

23 Q. Okay. Fair enough. My question was only  
24 whether you recall. And sitting here today,

1           you don't recall.

2       A.     I don't.

3       Q.     Okay. Thank you, Mr. Nichols. I have no  
4           other questions.

5                               CMSR. BAILEY: Thank you.  
6           We're going to take a ten-minute break.  
7           Before we do that, can we go off the record  
8           and talk about who's up next?

9                               (Discussion off the record)

10                              (Recess taken at 3:31 p.m., and the  
11                              hearing resumed at 3:46 p.m..)

12                              CMSR. BAILEY: All right, Mr.  
13           Plouffe. You may proceed.

14                              CROSS-EXAMINATION

15       BY MR. PLOUFFE:

16       Q.     My name's Bill Plouffe, and I'm an attorney  
17           representing the Appalachian Mountain Club.  
18           Have you heard of the Appalachian Mountain  
19           Club?

20       A.     I have.

21       Q.     Do you know something about them?

22       A.     Yes.

23       Q.     Have you been to Pinkham Notch, New  
24           Hampshire?

1 A. No.

2 Q. Do you --

3 A. I'm sorry. Where?

4 Q. Pinkham Notch, New Hampshire.

5 A. No.

6 Q. Are you aware the Appalachian Mountain Club  
7 has a visitor center and a residential  
8 motel-type of facility there?

9 A. I did not look at that.

10 Q. Were you aware that they had those facilities  
11 there?

12 A. I'm aware of the Appalachian Trail, the club,  
13 the role that it plays through the state.

14 Q. Have you been to Crawford Notch, New  
15 Hampshire?

16 A. Yes.

17 Q. Have you been to the Highland Center that's  
18 run by the Appalachian Mountain Club?

19 A. I don't believe so.

20 Q. Also a visitor center, also has overnight  
21 accommodations.

22 A. No.

23 Q. Are you aware of the Appalachian Mountain  
24 Club's huts in the high peaks of the White

1 Mountains?

2 A. In general. I know about them, but I did not  
3 visit them or go specifically to them.

4 Q. So you know they provide overnight  
5 accommodations and meals to hikers --

6 A. Correct.

7 Q. -- as well as information on the White  
8 Mountain National Forest.

9 A. Correct.

10 Q. Are you aware that the Appalachian Mountain  
11 Club runs shelters in the White Mountain  
12 National Forest and elsewhere?

13 A. In general, yes.

14 Q. Are you aware that Mr. Thayer has filed,  
15 who's an employee of the Appalachian Mountain  
16 Club, has filed prefiled testimony in this  
17 case?

18 A. I am aware of that.

19 Q. And that he has represented that the  
20 Appalachian Mountain Club has 140,000  
21 overnight guests per year?

22 A. I don't know the exact number. I'm generally  
23 familiar with his testimony, but I don't  
24 recall that exact number.

1 Q. And Mr. Thayer, also in his testimony, says  
2 that the Appalachian Mountain Club hosts  
3 500,000 day-use visitors per year.

4 A. Okay.

5 Q. And that many of those people access  
6 information about hiking in various places in  
7 New Hampshire, including the White Mountains.

8 A. I'm sure.

9 Q. Okay. So, given the importance of outdoor  
10 recreation, and I'll call it ecotourism, to  
11 the Maine -- to the New Hampshire tourism  
12 industry, why didn't you include the  
13 Appalachian Mountain Club in your tour that  
14 you took to plumb the attitudes of people in  
15 the tourism industry in New Hampshire?

16 A. We had outdoor recreation. I reviewed  
17 comments from the Appalachian --

18 Q. Why didn't you ask the Appalachian Mountain  
19 Club?

20 A. Again, I read and understood some of their  
21 concerns. We had representatives from  
22 outdoor recreation that we spoke to. And I  
23 traveled many of the areas of the state that  
24 possessed natural resources.

1 Q. When you say you read about the Appalachian  
2 Mountain Club's concerns, did you read that  
3 they were opposed to the Northern Pass  
4 Project?

5 A. I did.

6 Q. Is that why you didn't ask them?

7 A. No.

8 Q. Did you have that conversation with anybody  
9 on your team about whether or not you should  
10 include them in your study group?

11 A. I don't believe we specifically talked about  
12 Appalachian Mountain Club. As I mentioned  
13 earlier in the day, we worked with the New  
14 Hampshire Travel Council in identifying a  
15 range of individuals that they thought would  
16 be appropriate to talk with in greater  
17 detail. And that's --

18 Q. Thank you. So did you think that including a  
19 gentleman who runs a shop in Gorham that  
20 sells all-terrain vehicles and snowmobiles  
21 was an adequate substitute for an  
22 organization like the Appalachian Mountain  
23 Club with respect to attitudes toward outdoor  
24 recreation?

1 A. That was one representative. And again, I  
2 believe I understood the broad range of  
3 perspectives, including the Appalachian  
4 Mountain Club, in terms of their concerns and  
5 their position as it relates to the Project.  
6 I was fully aware of that.

7 Q. How can you understand the perspectives of  
8 the Appalachian Mountain Club without even  
9 asking them?

10 A. There were various articles and information.  
11 And it wasn't just with the Appalachian Club,  
12 but I think in a more general sense, in terms  
13 of what the transmission lines would do as it  
14 relates to the natural beauty of the state  
15 and the hiking community. Those attitudes  
16 were shared by a wide range of individuals.

17 Q. Can you name another organization or entity  
18 in the state of New Hampshire that hosts  
19 500,000 day-use visitors a year?

20 A. No.

21 Q. How about 140,000 overnight guests?

22 A. I do not know if any of the accommodations,  
23 resort properties hit those marks, but not  
24 another outdoor group.

1 Q. So perhaps the biggest actor in the state of  
2 New Hampshire with respect to tourism that's  
3 related to outdoor recreation and ecotourism  
4 you didn't talk to.

5 A. Again, I believe I understood their concerns  
6 about the Project. I understood the concerns  
7 of the Project in a broader, natural --

8 Q. You don't need to repeat --

9 MR. NEEDLEMAN: I'm going to  
10 object. I think the witness should be  
11 allowed to answer the question.

12 MR. PLOUFFE: Perhaps he could  
13 stop repeating himself.

14 BY MR. PLOUFFE:

15 Q. But go ahead, Mr. Nichols.

16 Did you ask the United States Forest  
17 Service for their opinion on this, the  
18 impacts on tourism?

19 A. I don't think we had a Forest Service  
20 representative, no.

21 Q. You recognize that the United States Forest  
22 Service has oversight over the White Mountain  
23 National Forest?

24 A. Yes, and we spoke to a variety of businesses

1           and associations in the White Mountains and  
2           had perspectives from them in operating  
3           tourism-related amenities in the White  
4           Mountains.

5    Q.    Would you agree with me that the White  
6           Mountain National Forest is one of the  
7           biggest tourist attractions in the state of  
8           New Hampshire?

9    A.    It's a very important product and asset,  
10           certainly.

11   Q.    What is your study -- and I'm sorry. I  
12           wasn't here first thing this morning. Maybe  
13           you already answered this.

14                    What is your definition of a "tourist"  
15           in your study?

16   A.    The same as what what's used nationally:  
17           Coming from more than 30 or 50 miles in  
18           duration or staying overnight.

19   Q.    Or stays overnight?

20   A.    Correct.

21   Q.    So it could be a day tripper or overnight  
22           person?

23   A.    A day tripper traveling more than 30 to 50  
24           miles or a person staying overnight.

1 Q. So I live in Maine, and I do come to New  
2 Hampshire for a variety of reasons. So, one  
3 of the things we like to do is come for  
4 tax-free shopping in New Hampshire. No sales  
5 tax in New Hampshire. So I'd be a tourist in  
6 your study.

7 A. I think in the definition of your state  
8 tourism agency and Plymouth State University,  
9 in terms of their definitions, we used the  
10 information and resources from the state  
11 tourism agency and Plymouth State University.

12 Q. So the answer is yes, I would be considered a  
13 tourist if I traveled more than 40 miles.

14 A. Again, I don't know exactly where your  
15 start --

16 (Court Reporter interrupts.)

17 Q. Sorry about that. Go ahead, Mr. Nichols.

18 A. I go back to my earlier answer, that the  
19 definition of "tourism" is pretty  
20 consistently applied around the United  
21 States, and that definition is what I just  
22 spoke of.

23 Q. So the many thousands of people who came to  
24 the NASCAR event in Loudon this weekend would

1 be tourists also.

2 A. Yes.

3 Q. So in your study, you do not break out a  
4 sector of the tourism industry, such as  
5 people who are likely to go to a Appalachian  
6 Mountain Club facility.

7 A. Not Appalachian Club. Those that are hiking  
8 or going to natural environments, Plymouth  
9 State University segments that out, and we  
10 considered and looked at that breakout of the  
11 types of visitors and what they do when they  
12 come to the state.

13 Q. Did you take that breakout of visitors that  
14 you just mentioned and try to analyze whether  
15 or not the Northern Pass Project would have  
16 an impact on their attitudes about recreating  
17 in New Hampshire?

18 A. We did a large survey of prospective visitors  
19 to the state and asked them on a range of  
20 factors what would influence their decision  
21 to come and recreate in New Hampshire.

22 Q. But you didn't break out just that sector of  
23 the tourism population. You asked a broad  
24 range.

1 A. It was a broad range of factors, and it was  
2 to a random mix in key feeder markets to the  
3 state.

4 Q. Do you think that scenery is important to  
5 tourism in New Hampshire?

6 A. Certainly.

7 Q. So what do you think is the relationship of  
8 100- to 140-foot-high transmission towers to  
9 scenery?

10 A. I think that the presence of transmission  
11 lines is a different introduction to that  
12 scenery. But I believe that today's visitor  
13 understands that transmission lines are a  
14 part of that environment. In many of the  
15 destinations I've worked with, they are  
16 absolutely amazingly beautiful and natural  
17 environments, and they have transmission  
18 lines and visitors come in very large  
19 numbers. And thus, I think transmission  
20 lines can be present and a destination still  
21 be perceived and viewed as having beautiful,  
22 natural scenery and natural beauty.

23 Q. Do you think that new transmission lines  
24 constructed through a forest where there are

1 no transmission lines today, such as the  
2 North Country of New Hampshire which is  
3 proposed here, do you think that the  
4 transmission lines being built there is going  
5 to have a negative impact on scenery or a  
6 positive impact on the scenery of the North  
7 Country?

8 A. I can't answer that question. I was not  
9 asked to talk about the impacts to the visual  
10 orientation in the North County area.

11 Q. That's just something of a hypothetical  
12 question.

13 Your headquarters is in Bellevue,  
14 Washington; is that right?

15 A. Bellingham.

16 Q. Bellingham. You're familiar with Mount  
17 Rainier National Park?

18 A. I am.

19 Q. How do you think the National Park Service  
20 would react to constructing a transmission  
21 line, a new one, through Mount Rainier  
22 National Park?

23 A. Obviously, I think any national park would be  
24 hesitant to see new transmission lines. But

1 as I testified earlier this afternoon, I work  
2 extensively in Estes Park, Rocky Mountain  
3 National Park. That's grown to be the third  
4 most visited park, has had significant  
5 escalations in visitation, and there are  
6 major transmission lines that a vast majority  
7 of visitors coming in to Estes Park go by.  
8 There's a major substation less than a  
9 half-mile away from their main visitor  
10 center. So I believe that's again one  
11 example of a national park where there's  
12 major transmission lines very approximate and  
13 the large percentage of visitors pass by, but  
14 they still believe the national park is  
15 amazing and beautiful and come and  
16 recreate --

17 Q. Went to Estes Park about two years ago. I  
18 think I stopped at the visitor center. It's  
19 not in the national park. It's on the edge  
20 of town; correct?

21 A. Well, then you know that Estes Park bills  
22 itself as the "base camp for Rocky Mountain  
23 National Park" and --

24 Q. Called the gateway --

1 (Court Reporter interrupts.)

2 Q. Okay. So let me move on. So why do you  
3 think the National Park Service would not  
4 like the transmission lines built through the  
5 national park? Because they would have an  
6 impact on the scenery?

7 A. Their mission in many instances is land  
8 management and natural resource preservation,  
9 and that's part of their mission.

10 Q. So, again, answer my question directly, if  
11 you can.

12 A. I thought I was.

13 Q. So their mission is to preserve a natural  
14 environment, and therefore the power line  
15 would have an impact on the natural scenery  
16 and they wouldn't like it. Is that fair?

17 A. That their mission is land preservation  
18 and -- sorry. I'm trying to answer your --

19 Q. I'm just trying to get a fairly short answer.  
20 I think -- okay. Never mind.

21 So I'm trying to get to one of your  
22 theses here, Mr. Nichols, which is that  
23 tourism and scenery -- well, that the power  
24 line's not going to have an impact on

1           tourism. It's a neutral. Is that fair?

2    A.    The development of the Northern Pass Project  
3           would not have an impact on regional tourism  
4           demand.

5    Q.    And again, it's neutral. But scenery does  
6           have a relation to tourism. And it seems to  
7           me that the only way -- tell me if I'm wrong.  
8           The only way you can make the argument that  
9           the transmission line is not going to have an  
10          impact on tourism is if it has no impact on  
11          scenery, if scenery has an impact on tourism.

12   A.    Again, I'm attempting to answer your question  
13          here. But I believe that scenery is one  
14          element in a much broader array of aspects  
15          the visitor considers. And in the example I  
16          just raised earlier this morning, when  
17          another major transmission project was  
18          developed in Maine, a state that I would  
19          argue in some of our survey was seen as  
20          beautiful, and to some even more beautiful  
21          than New Hampshire, they added the  
22          transmission project. They had record  
23          visitation, record spending. And outdoor  
24          recreation was the segment that had some of

1 the fastest growth in 2015.

2 Q. Okay. Let's talk a minute about Maine.

3 What are the two biggest tourist draws  
4 in the state of Maine?

5 A. The beaches --

6 Q. Specific places. There's 3,000 miles of  
7 coastline in Maine, so "beaches" doesn't  
8 answer my question.

9 A. Sure. I can't speak to the individual  
10 locations. We looked at the regions that  
11 Maine and their state tourism office uses to  
12 segment the state. And the areas that we  
13 considered attractive were two thirds of  
14 Maine's tourism activity.

15 Q. If I told you that Acadia National Park was  
16 No. 1 and that Freeport, Maine, was No. 2,  
17 would that sound right to you?

18 A. To be honest, I don't know the visitation  
19 volumes of specific assets there, so I  
20 couldn't answer that question.

21 Q. Do you know whether the Maine Reliability  
22 Program Power Line is visible from Acadia  
23 National Park?

24 A. I don't know that answer. I know it passes

1 through the regions that, as I say, attract  
2 two thirds of Maine's visitation. And many  
3 of those visitors traveling to or from  
4 various destinations could pass by those  
5 power lines. There was actually --

6 Q. So you don't know whether or not the power  
7 line is visible from Acadia National Park.

8 A. I don't know that answer.

9 Q. How about the town of Freeport?

10 A. I don't know that answer.

11 Q. Did you do any studies of the impact on  
12 tourism in Freeport?

13 A. No.

14 Q. No. Do you know whether or not the Maine  
15 Reliability Program is within an existing  
16 right-of-way?

17 A. Much of it is.

18 Q. Isn't it true that all of it is?

19 A. You know, I'm not sure if there are any  
20 elements or any substations that are outside  
21 of that existing right-of-way. But the  
22 majority of it is within an existing  
23 right-of-way.

24 Q. In your report, I believe you said that one

1 of the things that you heard in your  
2 listening group was -- from your listening  
3 tour was a group saying that the 100  
4 megawatts of renewable power that New  
5 Hampshire was going to get would be a benefit  
6 that they thought was on the plus side of  
7 things; correct?

8 A. That's correct.

9 Q. Are you aware -- at least it's my  
10 understanding -- that the New Hampshire  
11 Public Utilities Commission has said that  
12 they would not approve the Power Purchase  
13 Agreement for that 100 megawatts, and  
14 therefore it's not coming to New Hampshire?

15 A. I do not know the details of what exactly is  
16 coming --

17 Q. Okay.

18 A. All I'm saying is some of the respondents in  
19 our listening absolutely saw the additional  
20 power that could come to the state and the  
21 impacts on pricing that could potentially  
22 evolve as important attributes that they  
23 associated with the Project.

24 Q. I'm suggesting that perhaps that's no longer

1 the case. So that would change your report?

2 A. It wouldn't change the report because that's  
3 what some of the respondents said.

4 Q. Okay. I understand. I understand.

5 I think you also said that some of the  
6 respondents believe that in the North  
7 Country, that the new power line that would  
8 be cut through existing woodlands might be a  
9 benefit because it would create a new trail  
10 use, a trail that could be used by ATVs and  
11 snowmobiles?

12 A. Some shared that opinion.

13 Q. Do you know whether or not either Northern  
14 Pass or the underlying fee-interest holder up  
15 there, which I think may be Bayroot, would  
16 allow that?

17 A. I don't believe there are final conclusions.  
18 We had talked generally about that, and the  
19 potential of offering up additional trails  
20 for the snow machine community to utilize was  
21 noted as a potential positive. I don't know  
22 where discussions are exactly on any  
23 agreement at this point.

24 Q. Have you had internal discussions about

1 concerns with the environmental consultants  
2 for Northern Pass about the potential impacts  
3 of using those routes for ATVs and  
4 snowmobiles on some special ecological areas,  
5 such as rare plant communities?

6 A. There are other consultants, part of the  
7 team, that have considered environmental  
8 factors, and I'm sure they're well aware of  
9 those concerns.

10 Q. Transmission lines -- one transmission line,  
11 I think it's fair to say you think it's a  
12 neutral with regard to tourism. What if  
13 there were more than one? Is there any  
14 number beyond which you're concerned about  
15 impacts on tourism when they can all be seen  
16 from the same vantage point?

17 A. You know, I'd just be speculating. I don't  
18 know the exact parameters that you're trying  
19 to line out here and how much are multiple  
20 lines and how concentrated. I would have a  
21 hard time answering that question.

22 Q. Okay. I tried to stay in my 15 minutes.  
23 That's all I have. Thank you, Mr. Nichols.

24 CMSR. BAILEY: Thank you.

1 Mr. Whitley.

2 MR. WHITLEY: I'm going to go  
3 up to the podium, Madam Chair.

4 CMSR. BAILEY: Okay.

5 CROSS-EXAMINATION

6 BY MR. WHITLEY:

7 Q. Good afternoon, Mr. Nichols.

8 A. Good afternoon.

9 Q. My name is Steven Whitley. I'm counsel for a  
10 number of communities along the project  
11 route: New Hampton, the town of Littleton,  
12 Deerfield, Pembroke, and the Water and Sewer  
13 Department of the Town of Ashland.

14 I want to ask you some questions, and  
15 I'm going to bounce around a little bit just  
16 because some of this ground has already been  
17 covered today. So I apologize if it seems a  
18 little disjointed.

19 I want to start and just ask you, the  
20 name of your company is Nichols Tourism  
21 Group? Is that --

22 A. That's correct.

23 Q. And you're the sole owner of that company?

24 A. That's correct.

1 Q. Okay. And are you aware how much you've been  
2 paid to date for your involvement in this  
3 proceeding?

4 A. I don't know, off the top of my head.

5 Q. Is there someone else at your company that  
6 would have that information?

7 A. I could develop that. I don't have that, off  
8 top of my head.

9 Q. Okay. I guess I was getting at, you know, as  
10 the sole owner of the company, I assumed,  
11 perhaps incorrectly, that that would be  
12 something that you would know.

13 A. Yeah, I have many clients, and I don't know,  
14 off the top of my head.

15 Q. Okay. I'd like you to estimate, if you can,  
16 how much you think it is. And I don't need  
17 an exact figure. A range is fine. Are you  
18 comfortable doing that?

19 A. Maybe somewhere in the hundred thousand  
20 dollar range.

21 Q. Okay. So, over a hundred thousand dollars?

22 A. In that range.

23 Q. Okay. But less than \$200,000?

24 A. Yes.

1 Q. Okay. And is your compensation for this  
2 project, is it the most you've ever received  
3 from a client, from a single client?

4 A. No.

5 Q. Is it among the highest 10 percent?

6 A. No.

7 Q. Okay. Is it the highest 50-percent figure?

8 A. Yes.

9 Q. Okay. I believe that one of your conclusions  
10 is that there's no measurable impact at a  
11 region-wide level to tourism. Is that  
12 accurate?

13 A. That the -- yes.

14 Q. Okay. And were you directed to evaluate the  
15 Project at a region-wide level?

16 A. That's the characterization that I was  
17 directed towards, yes.

18 Q. Okay. And so in the absence of that  
19 directive, would you have chosen a different  
20 perspective? Maybe a specific community  
21 instead?

22 A. No. If the question was would these lines  
23 affect the orderly development of the region,  
24 I think looking at the potential impacts on a

1 regional basis is an appropriate approach,  
2 and that's the approach I used.

3 Q. But isn't one of the jobs of the SEC to look  
4 at it not so much at a regional level, but  
5 the impact at a state level?

6 A. At a broad state level. Again, I'm not the  
7 expert as it relates to the legal  
8 requirements of the SEC. But my charge was  
9 to look at regional impacts and consider the  
10 potential impacts of the Project on regional  
11 tourism demand, and that's what I did.

12 Q. Okay. And do you agree with that approach?

13 A. I do.

14 Q. Okay. By using a regional approach, though,  
15 aren't you diluting any potential negative  
16 impact that may occur at a local level?

17 A. I can't speak to one particular business that  
18 might be negatively impacted and another  
19 business that might be positively impacted.  
20 I think, similar to the conclusions that were  
21 reached in the Draft EIS, that the  
22 substitution effect, if there are some issues  
23 that might affect one, it's likely going to  
24 be substituted with another restaurant or

1 another hotel or location. And so we did not  
2 get down to that specific  
3 business-by-business. We looked at it in a  
4 more regional context.

5 Q. Okay. I guess I think that some of my  
6 clients would respond that the substitution  
7 effect is no consolation to them if it means  
8 the business leaves their community and goes  
9 elsewhere.

10 A. I'm not sure if there's a question there.  
11 But the point, all I can say is I was asked  
12 to consider tourism impacts in a regional  
13 context, and that's what I did.

14 Q. Earlier today you were asked some questions  
15 about a survey you performed. Do you recall  
16 some of those questions?

17 A. I do.

18 Q. I believe it was Attorney Pappas was asking  
19 you about the information that was provided  
20 to the respondents when they answered the  
21 survey. Do you recall some of that  
22 back-and-forth?

23 A. I do, yes. Hmm-hmm.

24 Q. Okay. And he asked you about if any of the

1 respondents had some physical characteristics  
2 of the Project, if they were informed of  
3 those, you know, the height of the towers,  
4 that sort of thing. Do you recall that?

5 A. I do.

6 Q. Okay. And you answered those questions. And  
7 I believe your testimony was that none of  
8 that sort of information was provided to the  
9 respondents.

10 A. That's correct.

11 Q. Okay. And I wanted to kind of add to that.  
12 Those respondents were similarly not informed  
13 that Northern Pass is not a reliability  
14 project; isn't that correct?

15 A. We made no reference to Northern Pass in the  
16 description or explanation of what it was or  
17 wasn't to the respondents.

18 Q. Okay. Is it possible that some of the  
19 respondents may have assumed that the  
20 reference to "power lines" meant it was a  
21 reliability project?

22 A. No. We very intentionally made it so it  
23 wasn't focused on power lines or a specific  
24 transmission line. We were after the broader

1           understanding of how they viewed New  
2           Hampshire, viewed New Hampshire relative to  
3           other New England alternatives, and the  
4           factors that would go into their decision of  
5           choosing New Hampshire. So we intentionally  
6           did not speak specifically about Northern  
7           Pass or make any representations of what the  
8           transmission lines would do.

9       Q.    But isn't it an important consideration for  
10           potential tourists, in terms of how tolerant  
11           t of potential impacts, to have some  
12           understanding about whether the Project is  
13           necessary to keep the lights on or if it's  
14           something else?

15       A.   We didn't see that as an area that was our  
16           focus in this survey; rather, our area of  
17           focus was understanding why visitors would  
18           choose New Hampshire, what range of variables  
19           and factors played into that and what was the  
20           level of power or importance of those various  
21           variables, and then putting power lines, cell  
22           phone towers, traffic congestion, to  
23           understand how those variables related to  
24           each other.

1 Q. Okay. It sounds like your answer is that  
2 that's an aspect or factor that wasn't  
3 specifically considered.

4 A. We did not ask respondents specifically about  
5 Northern Pass and their attitudes on  
6 different tower heights or reliability  
7 representations.

8 Q. Okay. I'm going to stick with some more  
9 survey questions for just a second.

10 A. Okay.

11 Q. And I want to bring up now -- and this is  
12 marked as Joint Muni 225. And let me know  
13 when that pops up on your screen.

14 A. I can see that here.

15 Q. Okay. And this, Mr. Nichols, this was  
16 provided in response to a data request that I  
17 believe was from your technical session.  
18 Just take a second and read the question and  
19 answer there and let me know once you're  
20 done.

21 (Witness reviews document.)

22 A. Okay.

23 Q. So you see the highlighted portion there at  
24 the bottom -- well, first of all, let me back

1 up for a second.

2 Did you help in the drafting of this  
3 response?

4 A. I think we pulled this from Survey Sampling  
5 and what they present as a public  
6 representation of their capabilities and some  
7 of their review processes that they've been  
8 under.

9 Q. So it sounds like Survey Sampling answered it  
10 and you didn't answer it.

11 A. That's correct.

12 Q. Did you have a chance to review the answer  
13 before it was provided?

14 A. No.

15 Q. Okay. Down at the bottom there I highlighted  
16 a section, and I'm just going to read it  
17 slowly into the record.

18 "They," and that's Survey Sampling, "do  
19 not disclose specifics of individual  
20 participant's compensation. Please see the  
21 document uploaded to the ShareFile site for  
22 their summary of their participant's 'points'  
23 process." Do you see that?

24 A. I do.

1 Q. Okay. The next page in this exhibit is that  
2 document that was just referenced. And go  
3 ahead and take a look at that and then let me  
4 know once you've taken a look at it, please.

5 (Witness reviews document.)

6 A. Yes, I see that.

7 Q. Okay. Have you seen this before?

8 A. I have not.

9 Q. Okay. The second little rectangle, we'll  
10 call it, and I'll read it, says, "Earn cash  
11 and other rewards for sharing your thoughts."  
12 And then the highlighted portion I'll read.  
13 It says, "Each time you complete a survey,  
14 you earn points you can redeem for all kinds  
15 of rewards," and then it lists some possible  
16 places you can redeem those points.

17 The second highlighted section says,  
18 "The only thing stopping you from getting the  
19 rewards you want is signing up for free today  
20 and completing the surveys." Do you see  
21 that?

22 A. I do.

23 Q. So, isn't it true that the respondents that  
24 SSI uses benefit from doing as many surveys

1 as possible?

2 A. In this instance they would earn more points  
3 the more surveys they completed.

4 Q. So if they earn more points the more surveys  
5 that they complete, isn't it possible that  
6 they would perhaps be less diligent or give  
7 less attention to actually accurately  
8 answering the questions?

9 A. You know, there's a variety of ways that a  
10 company like SSI tracks, monitors, evaluates  
11 their panel. This panel survey structure is  
12 the norm in the survey environment. And  
13 Survey Sampling International, as I mentioned  
14 earlier, is a premier entity worldwide. It  
15 is one of the most respected panel survey  
16 groups. Most of the Corporate 500 businesses  
17 would use an entity like SSI in the survey  
18 work that they do. So they take very  
19 significant efforts to ensure their panel is  
20 effective at answering questions responsibly  
21 and have different monitoring processes to  
22 help ensure that quality.

23 Q. And do you know how they do that?

24 A. I don't.

1 Q. Not specifically.

2 A. I don't.

3 Q. But it's your understanding that generally  
4 they have some sort of process in place to  
5 address that concern?

6 A. Any of these panel groups, that would be a  
7 big part. And we work -- this University of  
8 Florida is the university that works with  
9 Survey Sampling International. And so,  
10 again, as I mentioned earlier, Dr. Daniel  
11 Fesenmaier, my associate, is one of the top  
12 survey practitioners in the industry. He  
13 believes highly, as do businesses all around  
14 the world, and I believe, Survey Sampling  
15 International work well and provided us with  
16 quality responses.

17 Q. And is it kind of a package deal, that if you  
18 work with Dr. -- is it Fesenmaier?

19 A. Fesenmaier.

20 Q. Fesenmaier. Thank you. If you work with Dr.  
21 Fesenmaier, you have access to using SSI  
22 services as well?

23 A. We use different approaches for a survey,  
24 depending on the destination and the issue.

1           In this instance, where we were looking for  
2           multiple states and wanted a random sampling  
3           of active travelers in these key feeder  
4           markets, Survey Sampling International was, I  
5           believe, our best solution to be able to  
6           provide us a panel that could get us a sample  
7           that we were looking for.

8       Q.    And did you choose SSI or did Dr. Fesenmaier  
9           choose SSI?

10     A.    It would be more Dr. Fesenmaier and his 40  
11           years of work.  And he's worked extensively  
12           with them over the years.

13     Q.    Okay.  Did you have any role in that decision  
14           to choose SSI?

15     A.    I'm not sure about choosing.  But in terms of  
16           identifying the survey process, where we were  
17           going, the kinds of sample that we would need  
18           and what would be the most effective way to  
19           secure the sample, I would absolutely have  
20           been involved in those discussions.  And Dr.  
21           Fesenmaier --

22     Q.    Go ahead.

23     A.    And Dr. Fesenmaier would have been more the  
24           one with the more direct relationship with

1 SSI.

2 Q. Okay. I was going to say it sounded like the  
3 things that you were just responding with  
4 would probably apply equally, no matter who  
5 was selected to do the survey. And I'm more  
6 interested in, you know, who made the  
7 ultimate decision to choose SSI over another  
8 company that could offer comparable services.  
9 And it sounds like your answer is that that  
10 was really Dr. Fesenmaier as opposed to  
11 yourself.

12 A. I would say that's a fair characterization,  
13 yes.

14 Q. Okay. And are you aware of any of his  
15 history of using SSI?

16 A. I know he's used them on a number of  
17 assignments. I've used SSI with Dan on a  
18 variety of assignments. I'm sure there are  
19 others. As I mentioned, I believe he's one  
20 of the most published academics in the world  
21 in over 40 years. There's a wide range of  
22 providers, but I know he has a good  
23 relationship with them.

24 Q. So beyond this project, you've used SSI in

1 other circumstances?

2 A. Correct.

3 Q. Okay. How many times do you think you've  
4 used them before? Just ballpark.

5 A. Myself, probably four or five others. Dr.  
6 Fesenmaier, probably quite a number of times.  
7 I have no idea of how many he would have  
8 worked with them on.

9 Q. Okay. And so SSI is selected by Dr.  
10 Fesenmaier to do the actual survey. And it's  
11 my understanding that there was some  
12 communication between either you and SSI, or  
13 Dr. Fesenmaier or someone else at the  
14 University of Florida and SSI, to kind of set  
15 the parameters for what you were looking for  
16 in developing the survey. Is that accurate?

17 A. Yes, that would be correct.

18 Q. Okay. And who was the person who was  
19 communicating with SSI, to your knowledge?

20 A. It would have been Dr. Fesenmaier and one of  
21 his associate professors that he works with.

22 Q. Okay. I'm going to show you another exhibit.  
23 This is Joint Muni 226. And do you see that  
24 on your screen?

1 A. I do.

2 Q. And this is an e-mail chain that was  
3 disclosed in discovery. And you see at the  
4 top there, Mr. Nichols, it's from Fan Zhou.  
5 Am I pronouncing that correctly, to the best  
6 of your knowledge?

7 A. You're doing as best as I can on that one.

8 Q. Okay. And Mr. Zhou is from Survey Sampling.  
9 Looks like he's communicating with Jason  
10 Steinmetz.

11 A. That's correct.

12 Q. And is that the associate or grad student you  
13 were just referring to --

14 A. That's correct.

15 Q. -- of Dr. Fesenmaier's?

16 A. Correct.

17 Q. And you see there -- actually, you're copied  
18 on this e-mail string, as well as Dr.  
19 Fesenmaier.

20 A. That's correct.

21 Q. Okay. And you see the date there. This is  
22 from back in September 2014. You see that?

23 A. I do.

24 Q. Do you recall this e-mail string?

1 A. Yes.

2 Q. Okay. Were there many e-mail communications  
3 among SSI and Dr. Fesenmaier and yourself?

4 A. You know, we would have had dialogue talking  
5 about the geographic locations that we were  
6 interested in surveying, the overall sample  
7 size that we were after, the mix of surveys  
8 in the various markets that we were surveying  
9 in, and the approximate length of the survey.  
10 All of those discussions would have been had  
11 as a lead-up to distribution.

12 Q. Okay. And in looking at just this first page  
13 of this e-mail string, I mean, can you  
14 identify what the subject matter, what the  
15 discussion is about here?

16 A. In this it was purely just the invoice after  
17 they concluded their surveying, and they were  
18 forwarding on the invoice.

19 Q. Okay, okay. So I want to ask you a couple  
20 questions about the dialogue that you were  
21 just describing about setting up the survey.

22 A. Okay.

23 Q. It's from various responses in this e-mail  
24 chain. So the first thing I want to just

1 point out to you -- and I'll go down here.

2 One second.

3 (Pause)

4 Q. So it's my understanding that in setting up  
5 this survey, the only demographic limitation  
6 on the respondents was that they all be over  
7 the age of 18; isn't that accurate?

8 A. And I believe there were a couple of initial  
9 screening questions that were asked in the  
10 survey instrument. But it was primarily a  
11 random mix of respondents in the key feeder  
12 markets that we identified to Survey  
13 Sampling.

14 Q. Okay. And you mentioned -- and I apologize.  
15 What was the way you described it? You said  
16 there were other questions that respondents  
17 had to answer.

18 A. Oh, oh. Sometimes some screening questions,  
19 you know, are you an active traveler or those  
20 kinds of things are used. I'd have to go  
21 back and look specifically here if there were  
22 additional screening questions.

23 Q. Okay. But isn't that sort of a screening  
24 question a little different than a

1 demographic characteristic?

2 A. Yes.

3 Q. Okay. So again my question: The only  
4 demographic limitation on respondents is that  
5 they be over the age of 18?

6 A. Right, and randomly selected within these key  
7 geographic areas.

8 Q. Okay. Then you mentioned the screening that  
9 the respondents had to go through, and you  
10 mentioned one of them I believe just now was  
11 travel to the area in question. And I'm  
12 sorry. Go ahead. I'll let you answer.

13 A. Yeah. I don't recall. In some instances  
14 there's a question or two that is asked up  
15 front, and you need to answer positively to  
16 these to continue on. I don't recall exactly  
17 if we had an additional screening question or  
18 not. We did ask a series of questions about  
19 their frequency of travel, and that's what I  
20 was referring to earlier, that they were very  
21 active travelers, and particularly in the  
22 Northeast part of the country.

23 Q. Okay. I'm looking at your report, Section 6.  
24 And I think that you discussed this a little

1 bit before. So these screening questions are  
2 the sorts of things like the geographic  
3 source of visitation, you know, where you  
4 came from, whether or not the respondents  
5 know New Hampshire well, if they visited in  
6 the last three years, whether they plan to  
7 visit in the next year. Are those all the  
8 types of screening questions you're speaking  
9 of?

10 A. There was a series -- and again, I'd have to  
11 go back to -- those are definitely questions  
12 we asked. I don't believe there was a  
13 dropout process if you didn't answer these  
14 questions. But that's what I'm saying. I'd  
15 have to go back to the survey instrument to  
16 see if there were any particular questions we  
17 asked to allow them to continue on with the  
18 survey.

19 Q. And by "dropout," you mean that if you answer  
20 negatively, then the survey stops for you.

21 A. In some instances we are asking have you  
22 traveled to this particular area, and if you  
23 hadn't, then you wouldn't be considered  
24 because you couldn't answer responsively. I

1           just don't recall if we had one or two  
2           screening questions. The main parameter,  
3           though, was a random selection of residents  
4           in these key feeder markets in answering the  
5           questions as it related to travel to New  
6           Hampshire.

7    Q.    And as you sit here today, do you recall  
8           whether there were any dropout questions for  
9           the respondents?

10   A.    You know, I don't recall, off the top. I'd  
11           have to look back at the instrument.

12   Q.    Okay. So in putting together this survey,  
13           were you trying to characterize the potential  
14           New Hampshire tourist with certain  
15           demographic characteristics?

16   A.    No. We were looking for a random mix of  
17           responses. We wanted to understand how those  
18           prospective visitors viewed New Hampshire,  
19           viewed New Hampshire in relation to other  
20           Northeast travel potentials and  
21           opportunities, and understand the kinds of  
22           activities that they felt were important and  
23           that would play an important role in driving  
24           their actual decision on where to travel.

1           Those were the key areas that we were after  
2           in this survey.

3    Q.    Wouldn't it have been a more predictive  
4           survey if you had narrowed the respondents by  
5           what you deemed to be those that had those  
6           certain demographic characteristics of a  
7           typical New Hampshire tourist?

8    A.    Well, I think just from the points I spoke  
9           about earlier, that is the sample that we  
10          received; that 90 percent of the respondents  
11          had traveled to the region in the past three  
12          years; 77 percent agreed or strongly agreed  
13          that they say they traveled a great deal in  
14          the Northeast region.  And that was part of  
15          the point that we were making is that these  
16          were active travelers, active potential and  
17          prospective travelers that New Hampshire  
18          could accurately consider as prospective  
19          visitors to the state.

20   Q.    And it sounds like your response is that,  
21          rather than try to capture the typical New  
22          Hampshire tourist through demographic  
23          criteria, you did it through the screening  
24          questions instead.  Is that a fair

1           characterization?

2       A.    And again, I do not want to speak because I'm  
3           not recalling if we had any specific  
4           screening.  What I can say is that sample  
5           that is represented in our survey is a sample  
6           of active travelers in the Northeast that  
7           come from the key geographic areas that  
8           produce a majority of New Hampshire's travel  
9           activity.

10       Q.   Okay.  I need to back up for a second, Mr.  
11           Nichols, because I asked you a question about  
12           the demographic limitation, which you did  
13           answer, but I didn't ask you to just check  
14           the exhibit that I have up here --

15       A.    Yes.

16       Q.    -- just to confirm that.  And I just want to  
17           get it in the record.

18                    So you see here this is the e-mail chain  
19           that we discussed previously.

20       A.    Right.

21       Q.    This is from Dr. Fesenmaier's colleague.  And  
22           he's stating there in the highlighted  
23           portion, and I'll read it to you, "The only  
24           demographic requirement is that respondents

1           are 18 plus."

2       A.     Yeah, so a random sample of adults in these  
3           key geographic markets.

4       Q.     Yeah. Sorry. Should have done that earlier.  
5           Okay. Thank you.

6                     So when you were -- well, strike that.

7                     Do you have an understanding of the  
8           number of respondents that were necessary to  
9           have a survey result that was reliable?

10      A.     Yes. Typically you're looking for a sample  
11           of at least somewhere in the 350-person range  
12           to give you a margin of error of plus or  
13           minus 5 percent. I believe here we had 460,  
14           470.

15      Q.     And you just -- your answer was in the 350  
16           range; correct?

17      A.     Correct.

18      Q.     And you say that -- I mean, let me back up.

19                     Is that 350 number always the number  
20           you're striving for, or is it unique to the  
21           survey that you're conducting?

22      A.     It depends on what you're attempting to do,  
23           how much you're trying to -- if you're  
24           attempting to draw direct conclusions on the

1 sample within Massachusetts, and you're  
2 trying to do that, and instead of making  
3 conclusions in a broad context you want to be  
4 able to cite your specific conclusions from  
5 Baltimore or from a particular state, that  
6 sample size would need to grow if you were  
7 attempting to drill down and make specific  
8 conclusions in a more refined geographic  
9 area. If you're trying to talk about the  
10 sample overall, as we were in this case, the  
11 350 would have been sort of a broad number  
12 that would have allowed a plus or minus  
13 5 percent.

14 Q. And so because your scope of your work and  
15 your perspective was at the regional level, I  
16 believe your testimony is that the target of  
17 350 respondents was sufficient for your  
18 purposes.

19 A. Yeah. And we were trying to draw broad  
20 conclusions of this collective mix of feeder  
21 markets. We weren't trying to draw specific  
22 conclusions about visitors from Vermont  
23 versus visitors from Massachusetts versus --  
24 and by looking at conclusions in an aggregate

1 fashion, which is what we were after, that  
2 provided us a large enough sample.

3 Q. I don't recall seeing any sort of statistical  
4 analysis or anything like that that supports  
5 the 350 figure. I mean, was there any  
6 underlying --

7 A. That's it.

8 Q. -- empirical data to back that up?

9 A. That's a very normal, very typical -- any  
10 statistical, you can talk about population  
11 sample sizes and the margin of error that a  
12 certain sample population would provide.  
13 That's just used all the time in the survey  
14 work.

15 Q. Well, I understand that it may be used all  
16 the time. But again, I don't recall seeing  
17 anything to support the kind of floor of 350  
18 in anything that you provided.

19 A. Well, I believe we talked about we have a  
20 total of 456 [sic] surveys were completed.  
21 This level of completed surveys provides  
22 overall survey findings with a margin of  
23 error of less than 5 percent --

24 (Court Reporter interrupts.)

1 A. -- at a 95-percent confidence interval. We  
2 did not include a table that showed that  
3 exact math, but we did make reference that  
4 that survey size, that's the margin of error  
5 at a 95-percent confidence interval.

6 Q. And just for the record, Mr. Nichols, you're  
7 reading from Page 24 of your report?

8 A. I am.

9 Q. Okay. Last paragraph, Section 6.0?

10 A. Correct.

11 Q. I want to show you now in this e-mail chain  
12 another comment. One second. You see that  
13 highlighted portion there?

14 A. I do.

15 Q. And this is from, actually, Dr. Fesenmaier.  
16 I'm going to read the highlighted portion  
17 there. He says, "I think we are set, other  
18 than I think it is best to do 75 completes  
19 for each area, so the total in" -- and "in"  
20 is sample size; correct?

21 A. Correct.

22 Q. The total in is 450. Do you see that?

23 A. I do.

24 Q. That's more than the 350 that you just

1 testified to. And are you comfortable with  
2 350 being the minimum needed?

3 A. I thought your question was what's the  
4 standard population size that would provide a  
5 typical margin of error, and that's what I  
6 was responding to.

7 I'd have to speak to Dan specifically,  
8 in terms of his point here. But that margin  
9 of error would be, as I said in our report,  
10 less than 5 percent of that 95-percent  
11 confidence interval. I don't know the exact  
12 dialogue Dan had in this relationship. But  
13 he was talking about a sample size in the  
14 range that our sample size ended up at.

15 Q. And 75 for each area, I assume that is 75  
16 from each state that is a source of tourists  
17 to New Hampshire. Is that accurate?

18 A. Yes. I have to go back to the exact sampling  
19 for the different geographic areas. But I  
20 believe you're correct.

21 Q. Okay. The survey was conducted in  
22 September 2014; is that accurate?

23 A. That's correct.

24 Q. And I'll represent to you that I believe it

1 was done in a matter of days. Does that  
2 sound accurate?

3 A. In terms of the actual collection of the  
4 survey data, development of the survey  
5 instrument, dialogue, as far as sampling  
6 locations and all of that, obviously that  
7 took much longer. But the duration of time  
8 for the respondents to actually respond to  
9 the surveys was a short time period.

10 Q. Okay. And thank you, because you're right.  
11 I didn't mean -- I'm aware and I accept that  
12 the preparation of the survey took more than  
13 several days.

14 A. Sure.

15 Q. I wasn't meaning to phrase it that way. I  
16 think you did answer the question, though. I  
17 was trying to get at how long did it take for  
18 SSI to get the number of survey responses  
19 that they were looking for. And I believe  
20 you said that you were familiar with it  
21 taking only a couple of days.

22 A. Yeah, I'm not sure of the exact duration.  
23 But it is quite rapid when you have a panel  
24 and the structure that Survey Sampling has.

1 Q. Okay. And as you sit here, are you aware of  
2 how large of a respondent pool SSI has at its  
3 disposal?

4 A. They have a very large panel. I don't know  
5 the complete scale or size of it.

6 Q. Okay. And the responses to the survey, they  
7 came in, I'll represent to you, in the middle  
8 of September. And from this -- let me just  
9 show you, be easier. Just bear with me here.

10 (Pause)

11 Q. From the e-mail chain you can see on the  
12 previous page here... you can see here this  
13 e-mail from Jason on Monday, September 8th.  
14 I think the first thing he says is, "I'm  
15 setting the survey up now and will send a  
16 link soon for testing." Do you see that?

17 A. I do.

18 Q. Okay. And then there's some further  
19 correspondence about testing. And then here,  
20 later on Monday, September 8th, Jason says,  
21 "Go ahead. Green light for the soft launch."  
22 Do you see that?

23 A. I do.

24 Q. And then Mr. Zhou says, "The project is live

1           now." That's also Monday, September 8th.  
2           And then if you just... and then a couple  
3           days later you see I've highlighted Thursday,  
4           September 11th, Jason says, "Yes, we can shut  
5           it down now."

6           A. I see that, yes.

7           Q. So, literally a span of three to four days,  
8           from that Monday to Thursday, SSI completed  
9           or got all -- got sufficient responses to the  
10          survey that they shut it down.

11          A. Correct.

12          Q. There's no significance to collecting survey  
13          data in the middle of September 2014, is  
14          there?

15          A. I'm not sure I understand your question.

16          Q. Let me say it a different way.

17                        There was no particular reason that  
18          you're aware of that SSI chose to collect  
19          response data from September 9th to September  
20          11th.

21          A. No. It would have been when we provided them  
22          and gave them the go-ahead.

23          Q. Okay. So, in other words, the collection of  
24          that, it could have been two weeks sooner or

1           could have been two weeks later; it was  
2           completely random.

3    A.    Yes.

4    Q.    Turning your attention now to -- sorry about  
5           that -- an e-mail from Mr. Zhou to  
6           Mr. Steinmetz, Monday, September 8th. Do you  
7           see that e-mail on your screen?

8    A.    I do.

9    Q.    And you see the highlighted section there.

10   A.    I do.

11   Q.    And I'll read it just for the record.

12                 "I will target people who live in the  
13                 listed seven states, though I want to give  
14                 you a heads-up that we might get people who  
15                 recently moved to other states that are still  
16                 invited to the survey." Do you see that?

17   A.    I do.

18   Q.    So, given that this survey is going to people  
19           that no longer live near New Hampshire or in  
20           one of the seven feeder states that you're  
21           targeting, how are their results an indicator  
22           that you can rely on?

23   A.    You know, I think what he's referencing here  
24           is there could be some individuals, and I

1           would imagine it's a very small percentage,  
2           but a percentage of persons in their panel  
3           that lived in the geographic areas we were  
4           targeting but have since moved to another  
5           location. And even in that situation, they  
6           would have been residents of those geographic  
7           areas. We would have felt that their  
8           attitudes and perceptions would still be  
9           appropriate and valid to consider. They  
10          lived in these geographic areas. They would  
11          have traveled in the Northeast. And even  
12          with that, I still believe that would have  
13          been a very small number or percentage. I  
14          think he was just making us aware of that  
15          fact.

16        Q.    And so let me make sure I understand you.

17                    Assume, for instance, that someone that  
18                    used to live in Massachusetts has moved to  
19                    Arizona, your home state, I believe. And I  
20                    think your response is that, even though they  
21                    no longer live anywhere near New England and  
22                    so don't have the same ease of access that  
23                    was a major factor, you still included their  
24                    results in the survey results.

1 A. Again, I don't know what percentage that  
2 might have entailed. But the point would  
3 have been that that person did live in  
4 Massachusetts. He knew New England. He had  
5 traveled significantly. And his perceptions  
6 of New England or New Hampshire vis-a-vis the  
7 others, he lived in that area, he provided  
8 insights. So there could have been some of  
9 those people who lived in those areas who  
10 have recently moved to another location.  
11 Again, I don't know what percentage that  
12 might have been. But even if there were some  
13 of those included, I believe their  
14 perspectives would still be very useful and  
15 valid, that they had lived in that geographic  
16 area we were sampling and were well-traveled  
17 in the New England area.

18 Q. Okay. I want to turn to your report now, Mr.  
19 Nichols.

20 MR. WHITLEY: And Dawn, can I  
21 have the ELMO, please?

22 BY MR. WHITLEY:

23 Q. Do you see that on your screen, Mr. Nichols?

24 A. I don't yet. Okay. I see it.

1 Q. This is Page 26 of your report.

2 A. Very good.

3 Q. And I just wanted to point your attention to  
4 Table 6.3. And my understanding is that  
5 Table 6.3 was created with some of the  
6 results from the survey we were just  
7 discussing. Is that accurate?

8 A. That's accurate.

9 Q. And I've highlighted the very first entry  
10 there. And you see that that's where you  
11 listed the distribution attribute that most  
12 people selected as essential or very  
13 important benefit; correct?

14 A. Correct. The destination attribute.

15 Q. Thank you. And now I want to put on another  
16 table real quick, Table 6.4. And you see the  
17 highlighted selection there of possible  
18 traffic delays. And this was critical or  
19 very important barrier selected by the most  
20 people; correct?

21 A. Correct.

22 Q. Okay. And then a little below that table in  
23 your report is your explanation for how you  
24 interpreted those two tables. Is that a fair

1           characterization of that highlighted portion?

2       A.    Yes, yes.

3       Q.    Okay.  And I'm going to read it into the  
4           record.  "While these barriers were noted,  
5           it's important to recognize it's the overall  
6           scale of importance of the variables and the  
7           collective mix of destination attributes that  
8           influenced most visitors' choice of  
9           destination.  The importance of many of the  
10          other attributes are cited at levels three  
11          times more frequently than power lines";  
12          correct?

13      A.    Correct.

14      Q.    Is it -- it's conceivable that someone could  
15           have chosen both possible traffic delays as  
16           well as, on the prior page, value for money.  
17           Is that possible?

18      A.    Yes.  Yes.

19      Q.    So if someone picks both those selections,  
20           you don't have any data or analysis to  
21           suggest which one would override the other  
22           and be the one that influences the decision  
23           in the end.

24      A.    No, but I believe, and we spoke about this

1 numerous times here today, it's really taking  
2 not just the one that you highlighted, the  
3 value for the money, but it's -- they're  
4 looking for a broad range of things to do:  
5 Great recreational amenities, great shopping  
6 and dining, good cell phone reception, easy  
7 access. Those are the factors that have to  
8 be considered in relation to the fact they're  
9 saying power lines could be a barrier. And I  
10 think most important, our survey came up with  
11 the same kinds of conclusions that were  
12 reported in the Draft EIS, that their  
13 conclusion was these macro factors that  
14 stimulated the primary decisions of visitors  
15 to come, that was a fundamental conclusion in  
16 the Draft Environmental Impact Statement.  
17 These are the kinds of factors that were  
18 cited by the Plymouth State University when  
19 they were describing variations in visitation  
20 flows historically. And these were the kinds  
21 of factors that we heard most frequently when  
22 we had the one-on-one sessions with industry  
23 representatives of what were the key factors  
24 that influenced past visitation trends. And

1 so all of these reinforced what we had heard  
2 and, frankly, what is my experience with the  
3 visitor market over the last 20 years.

4 Q. But at its core, aren't you assuming that  
5 because value was chosen more frequently than  
6 the destination barrier, that that selection  
7 trumps -- that the more frequently selected  
8 attribute trumps the less frequently selected  
9 attribute?

10 A. And it's not any one, but its value for the  
11 money, the broad range of things to do, the  
12 recreational amenities, the shopping, the  
13 dining, the things that we heard time and  
14 time and time again. It's those collective  
15 ones that consistently were rated three to  
16 six times more, that, you know, you have to  
17 understand that, yes, a visitor might say I  
18 don't like power lines, but that has to be  
19 put in the context of all these other factors  
20 that weigh into their destination decision.

21 Q. I want to turn your attention now to what's  
22 on the screen.

23 MR. WHITLEY: Actually, Dawn,  
24 can we go back to the Apple TV, please?

1 BY MR. WHITLEY:

2 Q. Tell me when you have that up there, Mr.  
3 Nichols.

4 A. Okay. I see that now.

5 Q. Okay. This is the survey that was provided  
6 to the respondents. Does that look familiar?

7 A. It does.

8 Q. So this is one question among the survey  
9 questions, I should say.

10 And am I understanding correctly that  
11 this is the question that informed those two  
12 tables that I just showed you?

13 A. It was.

14 Q. Okay. And you see that the prompt for the  
15 question is there on the screen. And I'm  
16 going to read the highlighted portion.

17 "Again, if you were to consider  
18 traveling to various destinations in New  
19 Hampshire, how important are the following  
20 attributes regarding whether or not to visit  
21 these places? Please check one for each  
22 destination attribute." Do you see that?

23 A. I do.

24 Q. So I believe the instructions are for

1 everything in the column on the left, every  
2 descriptor, the respondents are asked to  
3 choose the corresponding weight they would  
4 give to that attribute. Is that a fair way  
5 to characterize it?

6 A. That's accurate.

7 Q. But they're making a selection for every one  
8 of these; correct?

9 A. That's correct.

10 Q. Okay. And I'll represent to you, and you  
11 don't have to go through and read them, but  
12 this list contains all of the various choices  
13 that were in Table 6-3 and 6-4 of your  
14 report. Is that --

15 A. Correct.

16 Q. I'm sorry?

17 A. Correct.

18 Q. Okay. Isn't it possible, Mr. Nichols, that  
19 someone could select value for their money as  
20 an essential benefit, but then they could at  
21 the same time decide not to travel to New  
22 Hampshire because they've also selected the  
23 critical barrier of traffic delays?

24 A. That's a possibility.

1 Q. And your report doesn't have any way to  
2 capture that subset of respondents, though,  
3 does it?

4 A. I think we look at it in an aggregate  
5 orientation and look at the power and the  
6 frequency that respondents noted here's what  
7 are the factors that are really driving our  
8 decision. And again, as I mentioned, that  
9 was an important element because it was  
10 consistent with what we've heard, what my  
11 experience has been, what the industry  
12 participants were telling us in the input  
13 session. And so this allowed us to sort of  
14 understand the power lines, what percentage  
15 of those folks would talk about it as a  
16 barrier, what other, you know, along the same  
17 lines as traffic delays, the cell towers, and  
18 helped us understand how to think of how that  
19 visitor positions that particular factor  
20 relevant to this much broader array of  
21 factors that go into their travel decision.

22 But if -- the reality is we could not  
23 say with specifics this respondent put  
24 30 percent of its importance on this and

1           40 percent on that and 20 percent on this and  
2           10 percent on that. We asked it in this  
3           format.

4    Q.    And you just got to my next question, which  
5           was you don't have any way to quantify how  
6           large that subset of people may be.

7    A.    No.

8    Q.    Okay. That's all I have, Mr. Nichols. Thank  
9           you very much.

10   A.    Thank you.

11                   CMSR. BAILEY: Thank you. I  
12           believe Ms. Fillmore is next.

13                   MS. FILLMORE: Attorney Pacik  
14           has a question for you.

15                   CMSR. BAILEY: Attorney Pacik,  
16           you have a question for me or --

17                   MS. PACIK: Yes. I do have a  
18           confidential question I'm going to want to  
19           ask. And so the question is when would you  
20           like me to ask the question because we're  
21           going to have to go into confidential  
22           session?

23                   CMSR. BAILEY: Well, how long  
24           do you have?

1 MS. PACIK: Probably about 15,  
2 20 minutes, at most.

3 CMSR. BAILEY: Could you go  
4 before Ms. Fillmore and then we could end the  
5 day in confidential?

6 MS. PACIK: Certainly.

7 CMSR. BAILEY: Is that okay  
8 with you, Ms. Fillmore?

9 MS. FILLMORE: Yes.

10 MR. IACOPINO: Do you have  
11 just one confidential question?

12 MS. PACIK: No, I have one  
13 confidential document.

14 MR. IACOPINO: Okay.

15 MS. PACIK: A few questions  
16 potentially on that one document.

17 CMSR. BAILEY: But all your  
18 questions together will take 15 or 20  
19 minutes?

20 MS. PACIK: Yeah.

21 CMSR. BAILEY: Okay. So why  
22 don't we go ahead with you, and then we'll  
23 clear the room of people who aren't entitled  
24 to confidential information and then we'll

1 end for today with that. Okay?

2 MS. PACIK: Okay.

3 CMSR. BAILEY: You may  
4 proceed.

5 MS. PACIK: Thank you.

6 CROSS-EXAMINATION

7 BY MS. PACIK:

8 Q. Good afternoon, Mr. Nichols. My name's  
9 Danielle Pacik. I am the attorney for the  
10 City of Concord, and I am also the  
11 spokesperson for Municipal Group 3 South.

12 I'd like to start by showing you an  
13 exhibit that we have marked as 220. It's  
14 Joint Muni 220. And we just need to get it  
15 up on the Apple TV. This is not  
16 confidential. I'm actually going to give you  
17 a paper copy to look at in front of you, too.

18 The document that we have just put up,  
19 which is Joint Muni Exhibit 220, is a  
20 Permitting Update dated June 2017 which was  
21 sent out by Eversource.

22 Mr. Nichols, are you familiar with these  
23 updates and newsletters that are sent out by  
24 Eversource?

1 A. In general. I'm not sure if I've seen this  
2 particular one. But I know there are updates  
3 that they distribute.

4 Q. Okay. And you're aware that these updates  
5 are sent to abutters along the route?

6 A. Yes.

7 Q. Okay. And this particular one that we're  
8 looking at is a Permitting Update. And fair  
9 to say it's to provide information about the  
10 permitting process at the Site Evaluation  
11 Committee?

12 A. Looks like that's the focus of this one.

13 Q. Okay. And if you look at the top of the  
14 page, in bold, the second sentence says, "The  
15 SEC also heard comments from the public  
16 during two half-days of public hearings,  
17 offering residents and business owners  
18 another chance to let state officials know  
19 their thoughts on the project."

20 So this talks about the public comment  
21 hearing. This permitting update from  
22 June 2017, it doesn't in any area of the  
23 newsletter state that another public comment  
24 hearing is being held on July 20th, does it?

1 A. I don't see it here.

2 Q. Okay. And you have the whole thing in front  
3 of you; right?

4 A. Yes, but I haven't read the full document.

5 Q. Okay. You want to just take a quick look at  
6 it?

7 A. And you're asking if it referenced a July --

8 Q. July 20th public comment hearing, if it's  
9 notifying people about that opportunity to  
10 come.

11 (Witness reviews document.)

12 MR. IACOPINO: Can we make  
13 this so that we can see the whole document,  
14 too, 'cause what we're seeing is just the  
15 first couple paragraphs.

16 MS. PACIK: Christine's in  
17 charge. Sure.

18 A. Yes, I don't see a reference to a July date  
19 on this.

20 BY MS. PACIK:

21 Q. And as you scroll down, we're actually going  
22 to now focus on the second page for a moment.

23 So it's a two-page document. And on the  
24 back side of the newsletter or update that

1 was sent to people, what it does have on the  
2 back side is an article about -- and what it  
3 says is, "Looking Next Door: What a Project  
4 in Maine Can Tell Us About Northern Pass."  
5 And so while the update doesn't talk about  
6 when public comment hearings are being held,  
7 it does talk about tourism. And are you  
8 familiar with this portion of the newsletter?

9 A. Nope.

10 Q. Okay. So let's focus on the fourth paragraph  
11 in this section. And I'll read it to you.  
12 It states, "MPRP" -- which is the Maine Power  
13 Reliability Project -- "also shed some light  
14 on how tourism industry reacts to  
15 transmission line projects. According to the  
16 Maine Office of Tourism, revenue from tourism  
17 has increased in that state every year since  
18 2012, both during and after the construction  
19 of MPRP."

20 Have you seen this section or this  
21 language before?

22 A. I've seen this reference, and I've looked at  
23 data that Maine has produced about their  
24 expansion and tourism performance.

1 Q. Did you review this verbiage before it was  
2 sent out?

3 A. I don't believe so.

4 Q. Okay. So Northern Pass did not have you, as  
5 its tourism expert, look at what they're  
6 saying before they sent this out to people?

7 A. I've made clear references to the Maine  
8 Office of Tourism, some of their numbers.  
9 I'd have to look at the exact dates. We had  
10 conversations about recent performance and  
11 how the state was presenting that. So  
12 without looking back in my notes and looking  
13 more specifically at this date, I can't  
14 answer as far as what direct conversations I  
15 had in regards to the more recent performance  
16 of the state.

17 Q. Okay. Now, would you agree that what we just  
18 read, those two lines, suggest that the  
19 tourism increases were a reaction to the  
20 Maine Power Reliability Project?

21 A. I think what it, how I read it is that they  
22 had a major transmission line project, and  
23 the state experienced healthy expansion in  
24 their tourism industry and set records in

1 both 2015 and 2016; essentially saying there  
2 was a major transmission line project and we  
3 had record years.

4 Q. Okay. But I guess my question was a little  
5 more nuanced than that, which is: Would you  
6 agree that this update suggests that tourism  
7 increases were a reaction from the Maine  
8 Power Reliability Project?

9 A. No, I would not read it in that context.

10 Q. And so you would agree that any increases in  
11 tourism that occurred in Maine were not  
12 because of the construction of the Maine  
13 Power Reliability Project; right?

14 A. The way I would read it is they had a major  
15 transmission line project underway in Maine,  
16 and the state experienced record tourism and  
17 performance at a time when there was a major  
18 transmission line project underway.

19 Q. Okay. And now the Permitting Update, it  
20 references two articles from the Press  
21 Herald. Are you familiar with the two  
22 articles that the update references?

23 A. You know, without seeing the articles, in  
24 terms of just the link here, I can't respond

1 to that. I'm not sure. I've read a wide  
2 variety of articles, but I'm not sure of  
3 these two particular ones.

4 Q. Okay. I'll make it easy on you because I  
5 have them marked as exhibits.

6 A. Okay.

7 Q. So the first one from -- we'll start with  
8 actually 2015, which is the second link that  
9 it provides in the update, and I have marked  
10 that as Exhibit 229, Joint Muni 229.

11 And in this article it talks about the  
12 increase in tourism. And if you scroll down,  
13 I think we have some sections highlighted.

14 Okay. So you had talked to Attorney  
15 Pappas about the year 2015 and the fact that  
16 tourism had increased in Maine in that  
17 particular year; right?

18 A. Correct.

19 Q. Okay. And in terms of the reason it  
20 increased or why it increased, I don't think  
21 you had any specific information about what  
22 may have caused that; is that correct?

23 A. That's correct.

24 Q. Okay. So, according to this article, it

1 states that there was an increase from  
2 \$447.5 million in 2014 to \$505.7 million in  
3 2015, a 13-percent jump. And the next  
4 sentence we have highlighted says, "A portion  
5 of the increase may be attributable to  
6 changes in the way DPA surveyed tourists to  
7 arrive at its 2015 figures. Calls to tourism  
8 officials for an explanation were not  
9 returned."

10 Are you aware that the DPA changed the  
11 way they were surveying tourists?

12 A. I don't have any understanding of changes in  
13 their surveying process or what would have  
14 led to this issue.

15 Q. Okay. And if you scroll down a little bit  
16 more, we might have more. Okay. So this  
17 article also talks about why the tourism may  
18 have increased, and it talks about a  
19 marketing strategy. And it says, "Carolann  
20 Ouellette, director of the tourism office,  
21 said her agency has expanded its marketing  
22 efforts in several ways to draw visitors to  
23 Maine" -- and I'll keep reading -- which is,  
24 "It now employs a broad-based strategy that

1 includes traditional advertising and 'native  
2 placements,' paid advertising in print or  
3 online publications..."

4 Are you aware of the work that the  
5 tourism office in Maine has done to increase  
6 its marketing work?

7 A. Not specifically. But states across the  
8 country are constantly shifting and evolving  
9 in their marketing strategies. It doesn't  
10 surprise me that one of the things they're  
11 pointing to is, you know, effective marketing  
12 efforts and initiatives that have influenced  
13 their success.

14 Q. Okay. And this article -- we can just scroll  
15 down. But there's nothing in this article  
16 that talks about the Maine Power Reliability  
17 Project; right?

18 A. That's correct.

19 Q. Okay. And now we can go to Exhibit 228,  
20 which is the article that was referenced in  
21 the Update for the year 2016. And this talks  
22 about what some of the drivers in the  
23 increase in tourism for 2016 were.

24 And you do not opine on why tourism may

1 have increased in 2016, do you?

2 A. I do not.

3 Q. Okay. Let's scroll down for a moment.

4 So you had talked -- I know in your  
5 report you talked about the increase in  
6 certain counties where the Maine Power  
7 Reliability Project was located and the fact  
8 that tourism in those specific counties had  
9 actually increased. And one of those  
10 counties is Cumberland County; right?

11 A. Yes, I looked at it from the regions that  
12 Maine defines rather than the counties. But  
13 we talked about increases, and Cumberland  
14 would have been included in one of those  
15 regions.

16 Q. Okay. And in this, it talks -- this article  
17 talks about the reason why Cumberland saw  
18 some increases. And it says in terms of  
19 restaurants, restaurant revenue rose  
20 everywhere except in Franklin, Oxford and  
21 Washington Counties, the data show.  
22 Cumberland County led the way with almost  
23 \$848 million, nearly a third of all  
24 restaurant revenue statewide. Portland,

1           which has developed an international  
2           reputation for its food scene, accounted for  
3           \$357.6 million of the total. And so  
4           restaurants in Portland were one of the  
5           reasons why tourism increased in the customer  
6           region; right?

7           A.    According to this article, yes.

8           Q.    Okay. You have nothing to disagree with what  
9           is stated in this article, do you?

10          A.    No.

11          Q.    Okay. And then in the next area that's  
12               highlighted, it talks about low gas prices,  
13               consumer confidence and a long, hot summer  
14               definitely played a role in boosting visitors  
15               and sales last year, as did the millions of  
16               visitors to Acadia National Park for its  
17               100th anniversary. So this provides another  
18               reason why tourism in that area may have  
19               increased; right?

20          A.    That's correct.

21          Q.    And it says nothing about the Maine Power  
22               Reliability Project.

23          A.    No. And I believe it reinforces all the  
24               points we've been talking about all day

1           today.  It's these other macro factors that  
2           drive the decision of a visitor to be  
3           attracted to a beautiful state like Maine.  
4           And even with the development of a large  
5           transmission line project, the state is  
6           experiencing record visitation because it  
7           sees other factors that drive that  
8           fundamental travel decision.

9    Q.    So there's new factors that have been  
10          included, new work that's been done in terms  
11          of increasing tourism.  But in this article,  
12          it doesn't have anything, any information on  
13          how the Maine Power Reliability Project may  
14          have impacted the tourism either in a  
15          positive or negative way, does it?

16   A.    It does not.

17   Q.    Okay.  And then it talks about a five-year  
18          marketing campaign in the next paragraph that  
19          the Maine Office of Tourism launched in 2015  
20          which is starting to pay off.  And again,  
21          that marketing campaign was discussed in the  
22          2015 article, too, wasn't it?

23   A.    Yes.  And frankly, just about every state in  
24          the nation has a marketing effort, a

1 marketing initiative that they're constantly  
2 refining and evolving. And it looks here,  
3 Maine had a new five-year campaign that they  
4 launched.

5 Q. Okay. So there's nothing in here, though,  
6 that talks about the fact that increased  
7 tourism industry was any sort of reaction to  
8 the Maine Power Reliability Project, does it?

9 A. No, it does not.

10 Q. Okay. And you have no empirical evidence  
11 that the increased tourism in Maine was in  
12 any way a reaction to the Maine Power  
13 Reliability Project.

14 A. No. I think it's the opposite. And again,  
15 what I've referenced numerous times today,  
16 it's the other factors they outlined here,  
17 that I outlined in my report, that our survey  
18 work has demonstrated. It's these factors  
19 that drove healthy, vibrant tourism economy  
20 even during a period where you had a  
21 large-scale transmission project under  
22 construction for a five-year period of time.  
23 And it was completed, and it was these other  
24 facets and factors that drove the health and

1 vibrancy of the marketplace.

2 Q. But you don't know whether the amount of  
3 increase in tourism would have been even more  
4 were it not for any sort of construction  
5 disruptions or aesthetic impacts of the Maine  
6 Power Reliability Project, do you?

7 A. No, I can't speak to that.

8 MS. PACIK: Okay. Now I'd  
9 like to just go into confidential session for  
10 a moment.

11 CMSR. BAILEY: Are you  
12 finished with all your public questions?

13 MS. PACIK: I am. Thank you.

14 CMSR. BAILEY: Okay. So it's  
15 5:20. So, anybody who's not allowed to see  
16 confidential information, you're finished for  
17 the day because we're going to finish after  
18 this.

19 MR. IACOPINO: No, Mr.  
20 Nichols, you've got to stay here.

21 [Laughter]

22 THE WITNESS: I didn't know I  
23 was one of the approved persons.

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(Pages 170 through 174 of the transcript are contained under separate cover designated as "Confidential and Proprietary.")

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PUBLIC SESSION RESUMES

MR. IACOPINO: We do have a data request from the Committee.

MR. WAY: Would it be possible for us to get an actual copy of the entire survey with the questioning?

THE WITNESS: Certainly.

MR. WAY: And the results as well?

THE WITNESS: Sure.

MR. IACOPINO: Thank you.

MR. WAY: Thank you.

MR. WHITLEY: Excuse me.

CMSR. BAILEY: Yes, Mr. Whitley.

MR. WHITLEY: One of the exhibits that I used was the actual survey. I forget which number it was. But we -- 227, I believe. But it --

CMSR. BAILEY: We don't have those exhibits yet.

MR. WHITLEY: I know, I know. I was just going to say we need to get those to you immediately.

1 MR. IACOPINO: That would be  
2 nice.

3 MR. WHITLEY: But it did not  
4 include the results of the study.

5 MR. WAY: Mr. Whitley, was  
6 that the entire survey? It looked like it  
7 was a part of it. Is it the entire thing?

8 MR. WHITLEY: My understanding  
9 is that it was the entire one, but maybe I  
10 should confer with the Applicant and make  
11 sure of that.

12 MR. IACOPINO: I was going to  
13 suggest, why don't you talk to Mr. Needleman  
14 and let us know in the morning what the  
15 status of that is either way, whether it's  
16 already marked as an exhibit or if they'll be  
17 submitting it as a data request.

18 MR. WHITLEY: And again, that  
19 exhibit did not include the results of the  
20 study. So if that's what the Committee was  
21 after, then that data request should probably  
22 remain.

23 CMSR. BAILEY: All right.  
24 Thank you. We'll adjourn for today, and

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we'll resume tomorrow at 9 a.m.  
(Whereupon the Day 21 Afternoon Session  
adjourned at 5:30 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  
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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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