STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

August 2, 2017 - 1:25 p.m.      DAY 26
49 Donovan Street Afternoon Session ONLY
Concord, NH

{Electronically filed with SEC on 08-18-17}

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)
Dir. Craig Wright, Designee Dept. of Environ. Serv.
Christopher Way, DRED  NOT PRESENT
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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**VICTORIA BUNKER**

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AFTERNOON SESSION

(Hearing resumed at 1:25 p.m.)

CHAIRMAN HONIGBERG: Mr. Wright, why don't you go next.

DIR. WRIGHT: Thank you.

QUESTIONS BY DIR. WRIGHT:

Q. Good afternoon, Dr. Chalmers. Craig Wright with the Department of Environmental Services. I'm mainly just going to want to follow up on one area you talked this morning with Attorney Manzelli on, and that's on the properties that you visited, your list of 89 sites. Can you remind me who provided you with a list of those properties?

A. Yeah, the Company provided -- I think I probably made the question initially either to Mr. Bisbee or Mr. Bellis, and then someone within Eversource or one of their sub-- I said, basically, I need a list of every residential unit -- and that wouldn't include anything that Eversource owned -- but, you know, all privately-owned residential units where the home is located within a 100 feet of the right-of-way in the overhead portions
of the proposed route.

Q. Okay. So you had identified that 100-foot criteria yourself.

A. Oh, yes.

Q. And do you know how that 100 foot was measured? I think we heard distances can be measured in different ways in terms of residential property?

A. Right. That was in the context of McKenna's Purchase, which was a little bit different situation.

Yeah, this would have been a takeoff, I presume -- they weren't measured on the ground, I'd be almost positive. They would have been measured from aerial imagery or maps that the Company has. And it would be the closest portion of the attached residential structures. So if it's a corner of a garage, corner of a bedroom that's closest to the right-of-way, it would be the perpendicular distance from that portion of the structure closest to the right-of-way.

Q. Okay. So it would have been the closest portion of the inhabited residence --
A. Exactly.

Q. -- not the center of the house, not the front
door or anything crazy like that. Okay.

And your list of 89, these are all
existing properties within the existing
right-of-way from Lancaster south; correct?

A. That's correct.

Q. Okay. You included nothing in the new
right-of-way; is that correct?

A. Yeah, there weren't -- I mean, that was
eligible. Had there been homes within a 100
feet, they would have been included.

Q. Okay. So that would have been part of the
search, but there are no homes within 100
feet within the new right-of-way.

A. Correct. Correct.

Q. Okay. I just really quickly want to go
over -- I know you did -- these are basically
you called them "drive-by" or "windshield
appraisals"? Is that an accurate statement?

A. Okay. You're talking about the appraisals
now?

Q. No, no. I just want to -- these, I want to
focus on these 89. I know these weren't --
A. Okay.

Q. -- the appraisals --

A. So the appraisers --

(Court Reporter interrupts.)

Q. I just want to focus on these 89, not the appraisal. But these were where you actually went to these physically, you went to these addresses yourself.

A. Correct. And we used the term "windshield" in the context of the appraisals, which were something different in the case studies.

Q. Correct.

A. Okay. This is me working on the implications of the Project and probably giving myself credit that I got out -- I was out of the car. So it wasn't a windshield. It was, you know, on the ground. And I would run up and down the frontage trying to peek around the back of the house, to the extent I could get an angle. And as I indicated, on occasion I would walk -- if I couldn't quite figure it out from the street, I would walk up the right-of-way and look at it from that angle and see if that answered the question.
Q. Okay. Because you could not actually physically go on the property themselves.

A. Correct.

Q. Okay. So you established kind of the current conditions. Was that during -- what time of the year did you do this?

A. This would have been done in sort of late spring. It was kind of a transition in terms of foliage, kind of a transition period. It definitely wasn't full foliage, but it wasn't February.

Q. Okay. And in terms of evaluating the post-construction situation, you basically had to visualize what was going to happen to that site; is that correct?

A. Yeah. It's actually pretty easy because, like I say, in like 50 or maybe even 55 of the cases, I'd give you the exact number, but in the majority of the cases the existing structures are visible. And the new structures are close to the existing structures, and so it was a no-brainer that the proposed structures would be visible. So the number -- the tricky ones were where the
existing structures weren't visible -- and
there weren't that many of them, but there
were a few -- and then would the proposed
structures be visible. Would there be a
change, essentially. And some of those were
pretty straightforward. Others, you know,
required some -- you know, an estimate. And,
again, it should be pointed out that in no
way would I want you to think these are
definitive. Somebody else could go out and
come up with a different number, plus or
minus one or two or three. My real object
was to be able to sit in front of you and say
it's a small number, it's a dozen or so,
could be 14, you know, could be -- I don't
know. Could be 15. But in the larger scheme
of things, the number of homes that are
close, that are going to have a change in
visibility, in the larger scheme of things,
is a small number.

Q. Okay. I'm glad you -- you kind of went where
I was going next. And there's obviously a
lot to visualize. There's removal of tree
buffers, potentially; there's a relocated 115
line; there's a new Northern Pass line. So
that's a lot to visualize in my mind. Is
this a technique you've used before in other
situations?

A. No, I don't think this particular change
in -- right. No, not -- no.

Q. So this is not something you've done before,
this type of analysis.

A. Well, I shouldn't -- the analysis has never
proceeded as this because, frankly, in a
transmission line case, we've never found an
effect. This is the first case -- again, in
some of the Montana work we found effects,
but in that case, that project never went
beyond the research report. So I never
opined with respect to the impacts of a
project. This is the first project that I've
been involved in where I've testified to the
existence of effects because, frankly, it's
the first project where we've used the case
study approach, which is really the tool that
gives us the leverage on finding that smaller
number of properties where there is an
effect. I've done statistical analysis in
many cases and simply haven't found an
effect. So this is unique in that respect.

Q. Okay. So I was just going to ask you next if
you had done this before. Had you gone back
and done a real-world check after the fact?
Obviously you hadn't done that.

A. Well, it's a good question. Because here --
let's just think about what would be involved
here. What I'm saying is there will be a
small number of properties that have these
special characteristics that, should they be
sold, should they go to market, some
proportion of those, maybe half, might
experience a market value effect. So what
you'd have to do is take that group of
properties, which I identified as 11, which
might be 13 or whatever, and then wait until
they're sold 5 years from now, 10 years from
now, 15 years from now, and then do case
studies on those, do appraisals and
interviews and so forth. And what I'm
suggesting is that if you did that, I think
you might find that maybe half of them have
an effect and roughly half of them don't.
But that's what you'd have to do. But that's obviously -- I think I'm out of here in 15 years, so you'd have to get somebody else to do it.

Q. I was wondering more in the lines of could you go back and verify that, yes, this structure which was not previously visible is visible now, or where somewhere you thought maybe there wasn't going be a structure visible, it was in fact visible after the fact.

A. No. But it should be pointed out that, if, for instance, that becomes critical as an eligibility criteria for some kind of program, then I think it would be imperative that that be done, in fact. Because mine is a casual -- I don't know. Casual is probably not quite the right word. But it is what it is. But if I were going to want to make a definitive statement with respect to that visibility or change in visibility, then I would want to be on the property, and I would want to see that property in the after-condition. In both. Before-condition,
I'd want to document that, and I'd want to see it in the after-condition and document that.

Q. I know you've answered this question a couple times, but I'm going to ask it again, anyways.

   You stated repeatedly, I believe, you find no difference. Once a structure's visible, you don't believe there's a difference whether it's a 55-foot H-frame, wooden structure versus 100-plus-foot steel lattice structure.

A. That's one of the central conclusions of the research based on the literature in the first instance. That question has been looked at. I think of the 11 studies that I identified that statistically address this issue, 7 of them explicitly address visibility without proximity, and only 2 of those find an effect, okay, 2 of the 7. And in both cases that visibility effect is associated with either encumbered or adjacent properties, but not with properties that are not. So in other words, there's a visibility effect, but
it disappears when you back away from the line.

And then our case study evidence, there's such a huge difference between the Phase II corridor in terms of the amount of infrastructure in the corridor and, say, some of the stuff we looked at over in the seacoast area, we just don't see any difference there. And you may be scratching your head a little bit. Maybe that doesn't seem to make sense to you --

Q. I do struggle with that concept a little bit.

A. Yeah. So I don't know whether it helps.

I've got a graphic from this Sanborn Road case that has come up a couple times. There are a couple houses that are right on Sanborn Road. It might be helpful. Would you like me to pull it up?

Q. I can -- is it in the record? I can certainly find it.

A. It's not in the record.

Q. Oh.

A. But let me just sort of explain the concept.

And the concept is that, right now on Sanborn
Road you've got a couple of houses that are right on top of the right-of-way and they have clear views of the existing structures.

Q. I'm familiar with that location.
A. Okay. So, imagine there are a couple other houses that are in almost all respects identical to those, but not located in that location next to those structures, okay. Not located next to the right-of-way, okay. And they all come on the market at the same time.

Those two that are located away from the right-of-way might have a hundred people that have some interest in it, and some fraction of those people actually go visit and walk through the property, all right. Okay. That's the kind of potential buyer pool.

Well, what about the otherwise identical properties close to that, that are right on top of the right-of-way? Well, I think that market would thin considerably.

Q. So there would be less interested people?
A. Yeah. There might be 25 or there might be 20. You don't know exactly what that number is. But for certain it would be thin. There
would be some people that have absolutely no
interest in living in that right-of-way.

Okay. Now go down the road three years
with Northern Pass constructed, and instead
of in that section right now there's a
monopole on one side and then the 115 H-frame
is in the center of the right-of-way. In the
Northern Pass situation, you're going to have
the 345 line on the H-frame steel structure
in the middle, and you're going to have
monopoles now on both sides. You're going to
have another 115 -- you're going to have the
relocated 115 and the existing 115, okay.
You're going to have three structures.

Okay. Now, all these four houses go on
the market again. Same hundred people. How
many people are going to come visit the homes
that are on the right-of-way now, in the
after-condition with Northern Pass? So, are
there people who are going to say, Gee, I
would have lived in those houses with just
two structures 20 feet from the right-of-way,
but with three, I'm really not interested? I
don't think so. You know, there obviously
could be one or two. But I think in general, about 50 people willing to live next to, right next to a right-of-way with two structures will be willing to live right next to a right-of-way with three structures.

Q. So you don't see a cumulative effect, in your opinion.

A. Yeah. Now, a huge effect for somebody living there -- I don't know about a huge effect, but they'll definitely notice the change. If the structures go from 60 to 90 or go from 2 to 3, if you're living right there, you're going to notice the change. But the question is: Does the market, which isn't making a before and after comparison -- the market is just saying do I want to live next to a corridor with either two structures or three structures or 70-foot or 60 feet -- I think in general, the market sorts out on either you're willing to accept a transmission line corridor for whatever reason --

Q. Or you're not.

A. -- and it's largely independent of what's in it. That's what our research shows, and
that's kind of what common sense leads me to conclude.

Q. Okay. In your table of 89 homes, you identified 11 where you said, yes, there was a change.

A. Correct.

Q. And you're feeling those properties would have an impact to their property values --

A. Right.

Q. -- if they were sold today --

A. Right.

Q. -- or after the --

A. Right.

Q. In some cases you went from there was no visibility or none to partial, in some cases you went from none to clearly, and some cases you went partial to clearly.

A. Right.

Q. Is the impact equal across all those different scenarios, or is the impact bigger if you went from none to clearly?

A. I'm not sure.

Q. Because you had estimated -- what is the potential impact? What's the percent impact
to these properties? Is it the 1 to 6 percent that you cited earlier in your testimony?

A. Well, the 1 to 6 percent is what the statistical literature tells us --

Q. Okay.

A. -- which probably is a pretty good indicator here. The appraisal evidence in the case studies is a little broader than that. It goes from one to, I think there's one that's as large as 17. But you'd have to take a really hard look at that appraisal before you came to that conclusion. I'm not at all sure that that would be supported. So, you know, I would think they would be in the range of one to six.

Q. Okay. Thank you.

CHAIRMAN HONIGBERG: Ms.

Dandeneau.

QUESTIONS BY MS. DANDLENEAU:

Q. Hello, Dr. Chalmers. My name is Rachel Dandeneau. I'm one of the public members of the Committee. I have a few clarification questions, including a little bit more
clarification on a couple of the answers that
you gave to Mr. Craig [sic].

You were talking about thresholds for
distances from the right-of-way to people's
homes. And I was curious if the same answer
applies to a section of your report which
I'll read. It's Section 2.2.1 on Page 8, and
you're talking about the impacts of HVTL on
property values. And you wrote, and I quote,
"Where they are found, they tend to decrease
rapidly with distance from the HVTL. They
are usually small, very small, beyond
200 feet, and seldom extend beyond 500 feet
from the HVTL."

Is this also in context of those
distances from people's homes, or is it
property boundaries?

A. Good question. A, that's summarizing the
literature, not summarizing the New Hampshire
specific research; right?

Q. Okay. Yup, I believe it was.

A. Yeah. No, that's important.

Q. Yup. Sure.

A. And you really have to look at every -- at
each of those statistical studies. So a

general statement like that, boy, it's hard

because they're measured in -- some of them

use the centroid, some them use a property

boundary, and some of them use the homes. So

you just have to sort of bear that in mind

that that's an approximation. I think most

of those studies are in fairly urbanized or

suburbanized environments. So we're talking

pretty small lots. So you don't get the kind

of dispersion that we did in the North

Country where the lot is encumbered, but the

house is 1,000 feet away.

Q. Okay.

A. So it's probably not quite as big a problem

in the statistical literature because we're

generally dealing with small lots.

Q. Okay. All right. Thank you.

In Section 2.2 of your report, on

Page 6, you used the phrase "improved

residential properties." Do you recall that

phrase?

A. Sure.

Q. What do you mean by that phrase?
A. I’m just distinguishing between a lot or raw land, and then an improved property would be one where something’s been built on it.

Q. Okay.

A. On the tax card there's a section titled "Improvements."

Q. Okay. Perfect.

When you were being questioned by Mr. Pappas, did I hear you say, did I hear correctly, that you said there was no good reason to evaluate properties that had a view of a high-voltage transmission line?

A. No, that doesn't make much sense.

Q. Okay. Do you know of research that has been done that evaluates properties that have views of high-voltage transmission lines and if they're impacted?

A. Well, my research of the properties that were removed from the -- well, that were greater than a 100 feet --

Q. Yup.

A. -- of the case studies that where the homes were more than 100 feet, 25 of those -- there are a total of 37 -- and 25 of those have a
clear or partial view of the existing transmission lines. So they're view properties, essentially. They're set back, some of them 800 feet, 900 feet, 1,000 feet.

Q. Can I ask a clarification question there? So the property boundaries themselves are removed from the right-of-way, or the houses are removed?

A. It's all based on -- the relevant measure, in my view, is the house distance.

Q. Okay.

A. Because, yeah, I mean, it's -- that's the point of reference. So these are view houses; right?

Q. Okay.

A. These are houses from which the lines can be seen at a distance. And in those 25 cases, there's only a single one in which we found a sale price effect, and that's the property at 106 feet. So, essentially, 1 out of 25, and that one is, for all practical purposes, within that 100-foot boundary.

Q. Okay. We've had some focus on the word "significant" in some of the questioning
today, and yesterday I believe also. I have 
a biology background, and in virtually all of 
the scientific literature and reporting that 
I've been exposed to, whenever the term 
"significant" is used, often particular 
statistical analysis values are given. For 
example, in a regression analysis, a P value 
and an R squared value would be given if 
something was stated as being statistically 
significant. And so I was curious, because 
I'm not familiar with the type of analysis 
that you've done, other than it's a multiple 
regression; is that correct?

A. Well, the only statistical analysis for 
which -- in the context of the New Hampshire 
studies would be the work that we did on 
McKenna's Purchase. And there we could make 
statements about results, and we could attach 
unambiguous statements of significance to 
those, okay, that we could say significant at 
the 5 percent level or the 2 percent level. 

The McKenna's Purchase results, 
incidentally, are significant probably at 
the -- I'd have to look for sure. But
they're very highly significant. And I'm quite sure they'd be significant at the 1 percent level. But the market activity research, the MLS data, the subdivision studies and the case studies, none of them are statistical. And so the concept of statistical significance simply doesn't apply.

Q. Okay. Actually, I think you were getting at the meat of what I'm looking for here, just talking about McKenna's Purchase, using those percentages that you just mentioned.

Can you explain to me, because in terms of those percentages, I don't recall seeing like a P value, for example. Can you explain to me in a little more detail what those percentage values mean in terms of statistical significance? When you say it's 1 percent statistically significant, I'm not familiar with what that means.

A. Okay. I'm sorry. What that means, in statistics, you're never talking about the probability or certainty that something did happen. You're talking about the probability
that it happened by chance. You're rejecting the "null" hypothesis, that there's no effect. You never confirm that there is effect. You just say I can confirm the fact that I can reject the hypothesis that there is not an effect, okay.

And the overall significance of the McKenna's Purchase stuff doesn't even -- is at such a high level, the probability that my conclusions are incorrect here, okay, is so small that it doesn't even show up. I've got six zeros associated with the F statistic, which measures the overall reliability. So it says that I'm virtually certain that there's no effect of distance of the unit -- no statistically significant effect of distance of the unit from the transmission line on the sales price.

Q. All right. Thank you. I appreciate that.
A. Does that help?
Q. That does help, yeah. Thank you.

I have another question regarding the view of structures. When Ms. Lee was questioning you about seeing existing towers
from places that were not her actual house on her property, she was even referring to places that were technically off of her property, you mentioned that you don't account for visibility of structures from an access point such as Ms. Lee was referencing, and only from a person's property, and specifically from their house.

As part of, or anywhere in your analysis, did you do any sort of accounting for view of the towers on people's property away from their actual home? And I'll give you an example here, because I think of the home as being the place where you're going to spend virtually the most time on your property. But what about a farm, where somebody has, say, an apple orchard or their barn or they're doing chores two or three times a day? So they're spending a good chunk of time in other locations on their property and it's not their house.

Is there any part of your analysis that took into account the view of structures from those potentially other locations on the
property?
A. No, we're pretty restricted in our ability to do that, not being able to get on the property.
Q. Okay.
A. And in order for any of this stuff to be meaningful, it's got to be -- you have to be able to operationalize it in the field. You have to be able to tell people what to do and how to do it. And you just get in a lot of trouble the more complicated you make it.
I have done statistical work where we did in fact count number of structures visible, and we never got any statistically significant results on that. We actually did that in the work we did in Connecticut and South Central Massachusetts some time ago. But I did not ask our people in the field to try to characterize that broader sense of visibility. I just focused on the most visible structure and tell us how visible it is, and then we'll see what we can learn from that.
Q. Okay. I think that actually leads perfectly
to my next question. I think Mr. Craig had talked about this a little bit also.

You used the term "windshield analysis" or "eyeballing" a view of something -- not something, of the potential structures. As part of that sort of "eyeballing" process, did you try to evaluate distance, like either from the home to the structure or from where you were on the road to the structure?

A. That was all done on all the distance calculations to the most visible structure. We would identify where is the most visible structure, but then we'd mark that on a map and then we'd scale it off of aerial imagery.

Q. Okay. All right. And that's all I have.

Thank you very much.

CHAIRMAN HONIGBERG: Ms. Weathersby.

QUESTIONS BY MS. WEATHERSBY:

Q. Good afternoon, Dr. Chalmers.

A. Good afternoon.

Q. I'm Patricia Weathersby. I'm also a public member of the Committee, and I have a number of questions. And I'm probably going to go...
over some ground already covered, and I apologize. I'm just trying to fully understand your testimony and some of the questions that have been asked of you.

As I understand your research, it was really sort of in four parts. There was a literature review, the case studies, the subdivision studies and then the MLS market analysis; is that correct?

A. Correct.

Q. Okay. And your general conclusion was that there was no measurable effect on the property values as a result of the presence of a high-voltage transmission line. But where there were effects, the effects were small and decreased with distance. Or could you --

A. You've got three different things going there.

Q. Okay.

A. The last part of what you just summarized was a summary of the literature.

Q. Okay.

A. Okay? That small decrease with distance
sometimes attenuate over time.

The other two conclusions, there's a global conclusion as it relates to local regional real estate markets, which was more akin -- which was developed with some knowledge of and in reference to the kind of general notion of orderly development. Are there regional effects? Are there effects on local markets? Not are there not effects on individual properties, but are there market effects on either a local or regional basis? And on that I concluded there were not. But with respect to individual properties, I very clearly concluded that there is a category of properties which could well be affected by the Project. So we've got three sets of conclusions there.

Q. Okay. And the properties that would be affected were those that were within a 100 feet of the right-of-way and had a changed view of a tower structure.

A. Correct. That you can be close, but if you're well screened, can't see it, you don't seem to find an effect. But if you can see
WITNESS: JAMES CHALMERS

1   it, you do seem to find an effect about half
2   the time. So if the Project resulted in some
3   properties having visibility of structures,
4   then we'd expect their chances of effects
5   would go up.
6   Q. Okay. Thank you.
7   Going down a little deeper here then.
8   Regarding the case studies, we've talked a
9   lot about arm's length and that you feel as
10  though you adequately screened for
11  transactions that went to renewable
12  properties or other entities of Northern
13  Pass.
14  A. Yes.
15  Q. And were you aware that Northern Pass used a
16  company called Quanta and various other LLCs
17  underneath Quanta? There were other entities
18  that were working on behalf of the Project to
19  acquire properties. And were you made aware
20  of those entities, and did you screen for
21  that?
22  A. I don't have any list of those. I've never
23  been made aware of that. On the list of 89
24  properties, when we went out and looked at
those, those had all been -- any
company-owned properties had been eliminated
from that. Because the Company did it, I
didn't have the knowledge base to do that,
but they did.

The case studies, that screen was never
explicitly applied by us because, again, we
didn't have any knowledge. But the
buyers/sellers were looked at, and if there
was a corporate -- typically if there was a
corporate entity, I mean, ordinarily we would
expect that to imply it was a bank or a
mortgage company, you know, and we'd
eliminate that as a foreclosure or whatever.
So we got some perspective on that. What I
guess I'm saying, I guess, I don't remember
any of those names that you just mentioned.

Q. Okay. And then you studied -- I think you
tested just a moment ago, in response to
Ms. Dandeneau's question, that there were
properties beyond the 100-foot radius. I
think you said 37 properties that you studied
and you found one with a sales effect? Were
those 37 part of the 89 case studies? I'm
mixing up the different categories of research which were -- the 37 properties were beyond the 100 feet were part of which analysis?

A. Okay. And I get confused on the numbers, too.

So the case studies are part of the research report, okay, and there are 58 of those. And when we were talking about the 37, that's a tabulation of the case study results. And out of the analysis of the case study results came the finding that, by and large, the properties that had an effect were within a 100 feet and had either partial or clear visibility, right. So that was the result of the research. Didn't have anything to do with Northern Pass, okay. The 100 feet wasn't imposed by the research. The 100 feet was a result of the research. That 10 -- I'm sorry -- that 9 out of the 10 were within 100 feet, and the other one was 106 feet, okay. So that was a result of the research. On that basis, then I asked the Company, I'm now going to look at the effects of the Project,
so I want to know how many properties are there for which the homes are within a 100 feet. I'm now applying what I learned from the case study research to the Project. And they then gave me the list of 89 properties, okay. And then out of those, it was my estimate that 11 are not only close, but they will have a -- they will go from having either no or partial visibility to having partial or clear visibility.

Q. So your initial pool was the 58 properties, 37 of which were beyond 100 feet.

A. The homes were beyond 100 feet, correct.

Q. From the edge of the right-of-way. And of those 37 that were beyond 100 feet, only one showed a market impact as a result of being close to the right-of-way.

A. Exactly.

Q. Okay. Thank you. And then based on that, you got the list -- you requested the list of properties within 100 feet.

A. That became the basis, then, for assessing the impacts of the Project.

Q. Okay. And with those 89 case studies --
A. They're not case studies.

Q. Sorry. The list of 89.

A. Right.

Q. How many case studies were there?

A. Fifty-eight.

Q. Fifty-eight. Okay.

So the 58 properties were the ones you went out and talked to the -- you visited the property, you followed up with the listing broker. That was that whole analysis that Mr. Underwood's company helped you with; correct?

A. Correct.

Q. So part of that was talking to the listing broker, and that was to understand if the transmission corridor had any effect on the buyer's decision to purchase the property?

A. Well, I mean, fundamentally it came down to any effect on sale price or marketing time, okay. You know, was the price that ultimately was arrived at in that transaction influenced by the HVTL? Was the marketing time influenced by the HVTL?

Q. Okay. And then those properties were also
the ones which you did the view change
analysis, partial to full. No?
A. No.
Q. Which properties were those?
A. Okay. So, one more time. So that's the
research, right.
Q. That was the 58.
A. Okay. So we go do the 58 case studies. And
when we got done with that -- and we have no
idea what we're going to find, right. I
don't have the foggiest notion. We've been
working on this for a year and a half, no
idea what we're going to find. Finally,
close to June of 2015, I'm able to tabulate
it up. And I must say, somewhat to my
surprise, I find that the only cases where we
found an effect were, for all practical
purposes, within 100 feet, and all but one
had clear visibility. So here are two
attributes of these properties. And if you
don't -- if you're not within 100 feet or if
you don't have clear visibility, we don't
find an effect. Okay?

So on that basis, then, I said, okay,
then I think I understand the Project isn't
going to change the distance of any house,
and the Project isn't going to change
encumbrance, but the Project could change
visibility. And if it did, and the house was
close, then our research would indicate that
the probability of effect would be -- you
know, might go up substantially. It might go
up essentially from zero to 50 percent.
Okay? So it's two stages using the results
of the first stage to motivate the impact
analysis.

Q. Okay. I got it.

And I think you testified when you went
out to the properties, you tried to determine
the view from the house; correct?

A. Yeah, the attempt was to assess whether --
the definition that I used was if you walked
around the perimeter of the house, at any
point in making that circumference would you
have an unobstructed view of the structure,
or would you be able to see a structure, and
if so, what kind of view would you have?

Q. So it was done from ground level, regardless
of whether the property may have been one,
two, three stories. It was --

A. Yeah, it's not from in the house because, you
know, I didn't have any basis to -- now, some
of the case studies asked the brokers whether
it could be seen from in the house, and
that's recorded in the case studies.

Q. But your --
A. But the visibility analysis that I did
subsequently was from the exterior of the
house, ground level.

Q. So it's possible that the homeowner, looking
out their second-story bedroom window, may
have a more expansive view than what you
considered at that ground level from the
road.

A. That's right.

Q. Okay. I think most of my questions have
already been asked and answered, but one of
the questions I had was concerning your
assertion that only the tower structure would
change -- the change in the view of the tower
structure would change the -- the change in
the view of a tower structure would change
the market value of a property. And so if you saw only wires and separators, I think we've already established that wouldn't affect the value. But what about -- first, do you have any research, or what is that based on?

A. It's really an operational consideration. Just a pragmatic consideration that, you know, if there was some way to combine conductor visibility with structure visibility in a sensible and reliable way. And we actually kind of started out thinking maybe that was possible; although, I never actually thought it was going to be possible. But there were some people who wanted to try it. But I think it's just too -- you're trying to see if conductors are visible through the trees, and it's just -- we just couldn't come up with any operational way of doing it that made sense.

And so we're using structure visibility to some extent as a proxy for how intrusive the corridor is -- the line is on the property, I think as a practical matter. And
I think it probably includes some of the impact of conductors. There may be a rare case where you've got conductors that are -- sorry -- you've got structures that are totally out of sight and you're at the midpoint between them and maybe the lines are somewhat intrusive, the conductors are somewhat intrusive, but you can't see structures. But I think that would be fairly rare.

Q. What about analysis concerning not just high-voltage transmission line corridors, but transition stations, substations, converter stations? Clearly, large infrastructure for a transmission line. Did you do any analysis of properties located within a reasonable proximity to those types of facilities?

A. I don't believe we had any that were proximate to those locations. Well, the case studies would have to have been located proximate to existing substations. I'd have to look at some of those schematics. But I'm virtually certain there are none that are very close to substations or existing
transition apparatus.

Q. Did you look at each of the transition stations and substations for this project and --

A. Well, now we're into the --

(Court Reporter interrupts.)

Q. -- whether there were residential properties nearby?

A. So there's nothing in the case study research that addresses that. In the impact analysis, I would think some of the same principles would apply, that if there's a change in visibility, if you have a house that's very close to a situation right now in which there is no transition station visible, but it's going to be 50 feet from a transition station that becomes visible, then I would think the probability of effect would go up significantly.

Q. Do you think the effect on market value, if you can -- now I'm asking for speculation. But in your opinion, would proximity to a transition station be more impactful to the market value than a 100-foot tower? You
know, is there a correlation between the
amount of infrastructure and the effect on
value?

A. Well, I think, as I said a few minutes ago,
kind of surprisingly, there doesn't appear to
be a significant effect. You know, again,
our Phase II corridor results are very
similar to our Phase I -- to our Corridor 2
results, to our seacoast results, and they
have very different levels of infrastructure.
So I don't have any evidence specific to
substations. But our evidence so far is that
it's really adjacency to the infrastructure
in general, not to the amount of it.

Q. Okay. So that's kind of the same analysis in
reaching your conclusion, that if there's one
pole -- one tower or six towers visible from
a property, it really doesn't matter; it's
just the fact that they're present.

A. Yeah. Again, obviously it could matter for
one or two people. But I think in general
there will be a certain segment of the buyer
pool that won't consider it. But I think
once they will consider it, it's not clear to
me that it's going to make a difference
whether it's one or two towers that are in
the right-of-way, or one or two or three
towers in the right-of-way, or whether it's
70-foot towers versus 50 or 90 versus 70.
Q. So, no difference number of towers, no
difference in height of towers, no difference
where on the right-of-way they're located.
It all depends on whether there's clear
visibility or a visibility change from none
to partial, partial to clear, or none to
clear.
A. Right. It depends on proximity and
visibility. If they can't see any of it, it
doesn't matter what's out there. If they can
see some of it, then it doesn't matter
whether they can see a little bit of it or a
lot of it. As long as it's clear that you're
very close to and have unobstructed views of
transmission line corridors, then someone
coming to that property to buy it immediately
knows, oh, that's the house next to the power
lines. And I don't think they're going to
know what the voltage is. I don't think
they're going to say, That's the house next
to the two power lines. Oh, no, that's the
house next to the three power lines. I think
it's going to be the house next to the power
lines. And some people wouldn't consider
that, but I think other people would. And I
know they would because houses sell. And I
don't think there would be a sensitivity in
that buyer pool to the one versus two versus
three thing.

Q. Okay. The list of properties that you asked
Northern Pass for requested single-family
homes within a 100 feet of the right-of-way.
And you didn't include other types of
residential units because I think you
testified -- am I correct in understanding
you didn't include other types of units
because you felt that single-family homes
would be the best indicator of the market?

A. The most sensitive.

Q. The most sensitive?

A. The most sensitive housing segment. And you
certainly would start there.

Q. And why is that?
A. Simply because as density increases, you
know, as you go to attached housing, issues
of affordability, efficiency of smaller-space
units, you know, if you're really interested
in rural New Hampshire or in the longer
views, you don't buy a condo at McKenna's
Purchase. I mean, your views at McKenna's
Purchase are, you know, of garage doors. But
that's very functional; right? I mean, that
kind of a high-density urban project has a
definite market, and those are people looking
for affordability, location, convenience,
smaller, efficient space. But if you're
really into aesthetics and views, you're more
likely to be on the larger lots,
single-family home. So that's where we would
expect to find, the first place we'd find
sensitivity. Now, if we found a lot of it
or -- you know, that might then lead you to
look at other things. But that's where you'd
start. And the literature I would say
exclusively addresses single-family, detached
homes.

Q. So, no manufactured housing, no condos, no
mobile homes were included, even though those properties may have been within 100 feet of the right-of-way?

A. No. When I say single-family detached, I would include modulars. I would not include trailer parks, okay, transitory. But there are at least a couple of our case studies and subdivision studies actually are of modular developments. But they're subdivided lots that are owned in fee and have a modular, in some cases, nice modular unit on it.

Q. One of your conclusions from your studies was, I believe, that while there are some properties where the fair market value of them may be affected by Northern Pass Transmission Project, there really aren't enough properties -- I think you found 11 -- to have a discernible effect on the regional or local markets; is that correct?

A. Yes.

Q. How did you define the regional market?

A. Well, I'm not really familiar enough with the New Hampshire market to talk to you about
that in any -- with any precision. I would think the local market, at least in the smaller -- in the more rural areas, it would essentially be defined on a town-by-town basis. You'd have educational similarity and tax similarity and so forth. You get into Concord, and then there are going to be some submarkets that would be defined as the local market. The regional market might be Concord in the aggregate, okay. Might be the Concord metropolitan area or the city. Or sometimes people, you know, might think of a regional market as the seacoast area. Might be Portsmouth, but five or six or seven surrounding towns. But it really -- A, it depends a little bit on what the objective of the definition is, what you're trying to accomplish.

But what I'm really saying is that, even at the smallest level, which would be the town, I would think, particularly some of the smaller towns, you wouldn't have enough of an effect for you to be able to look at the town's statistics and see any impact of the
Project. Could well be an impact on one or
two or three property owners, which would be
significant to them, but there wouldn't be
any -- you wouldn't be able to look at that
data and detect, oh, here's where Northern
Pass was built because I see a blip.

Q. Do you have the data on a town-by-town basis
or region?

A. Yeah, we looked -- we did some town-by-town
analysis. The marketability -- the market
activity analysis. The question that's sort
of been raised is does the prospect of the
Project somehow chill the market for the
towns through which, or for the properties at
least close to the right-of-way? And so we
looked at every town through which the
proposed route passes, and we looked at every
sale within a mile of the route in those 30
or so, 31 towns, and then we divided those
properties up into those properties that were
either encumbered or adjacent -- Category I,
1-foot to 500 feet, 500 feet to a mile -- and
tried to see if there was any systematic
effect in terms of either days on market or
sale price to list price ratios that
distinguish the encumbered or adjacent
properties relative to the proximate
properties, relative to the 500 feet to a
mile, and there was no difference in market
resistance associated with those three
distance categories. So there doesn't appear
to be any systematic effect of the proposal
of the project on the market in the 31 towns.
That was, I think, the only town-specific
analysis that we were involved in.

Q. And from that you extrapolate that there will
be no effect on regional markets, even though
you're not quite sure what the boundaries of
the region are.

A. Well, the conclusion with respect to local
and regional markets is simply a function of
the number of the properties likely to be
affected. There's only a handful of
properties, and a handful of properties can't
affect local and regional markets.

Q. I'm going to change subjects here for just a
second to talk about something that I don't
think anyone else has talked about, and that
is the Northern Pass Transmission Project
Guaranty Program.

A. Okay.

Q. Are you familiar with what I mean when I say
that?

A. Yes.

Q. What, in your view, is that program?

A. Well, as it was described by Mr. Quinlan,
it's based on my research. The eligibility
criteria for that are based on my research,
which indicated that there's a certain group
of properties that have certain
characteristics, in terms of proximity,
visibility and encumbrance, and that if
properties had those characteristics, they
would be eligible for the program. There
would be an opt-out provision if they weren't
interested. If they didn't opt out and had
occasion to sell their property in some
specified period of time subsequent to
construction of the Project, they would
have -- and I suppose suspected that they got
less for their property when they sold it
than they would have had Northern Pass not
been built, they would have the option of retaining an appraiser who would appraise the property, as we did in our case studies, using comparable sales not affected by HVTL. And if there was a discrepancy between the value, the appraised value absent the influence of the Northern Pass corridor, the Company would compensate the landowner for the difference.

Q. So I want to go through the eligibility requirements for that, which as you indicated were based on your research, I believe.

MR. WEATHERSBY: And this, for anyone who would like to look, it's attached to Mr. Quinlan's supplemental testimony. It's Attachment I to his March 24, 2017 testimony. I can't pull it up, but I'll read --

A. I've got a copy.

BY MS. WEATHERSBY:

Q. You got it. So the first one, to be an eligible property it has to meet three criteria. The first is that the property is encumbered by the right-of-way easement. I understood from what you testified here that
you found the property had to either be encumbered or abut the right-of-way; isn't that correct?

A. You're confusing two things. All of the properties that we studied, our case study, our 58 properties, we began by selecting those from the pool that we thought would be most sensitive to impacts. No sense going out a mile or two and looking at stuff that doesn't have any chance of being affected, but start with the most affected. Therefore, we started with encumbered and adjacent properties, and the result of that was every property that we -- where we found an impact was encumbered, okay. So that's then the basis for this criteria. The properties for which we found an effect were encumbered, were all encumbered.

Q. Those 11 properties that you identified.

A. Ten. The 11 is --

Q. Ten.

A. -- the other thing.

Q. Okay.

A. I apologize to --
Q. But another of your analyses, you did find properties that you thought had a market effect based on a high-voltage transmission line that were not encumbered but were adjacent to.

A. Okay. We're going to get confused again here. These criteria have nothing to do with Northern Pass.

Q. Isn't your opinion --

A. These criteria are based on the results of the research report, okay. Sorry, but it's real easy to confuse these two things, the 89 properties and the 58 case studies --

Q. Let me just make it easy for you. Is it your opinion that a property that is not encumbered by but adjacent to a right-of-way, may have a structure close by, a single-family home, may have a market effect based on the development of a high-voltage transmission line --

A. That's not what we found in the case studies.

Q. Did any of your research from the various -- fine. It did not.

A. There's no evidence to that effect.
Q. Second criteria is that the property is improved with a single-family home and some portion of the home is located within 100 feet of the right-of-way boundary. Again, we're at the single-family home analysis. That seems to exclude things that you also studied, and included like manufactured homes, mobile homes --

A. When I use that term, I'm including modulars.

Q. So it's your opinion, then, that Northern Pass, the Applicant, intended single-family homes to include modular homes, you know, not travel trailers, but stationary, manufactured homes, mobile homes?

A. Yeah, that -- I don't know that I've made that definition explicit, nor am I confident that they have. So that might need to be clarified. But I presume they're using the -- since this is based on our research and the research report, I think it's a fair assumption that they would be including the same things I included, which is single-family detached, including modulars.

Q. But it would exclude, say, a two-family home
or a bed and breakfast, another place where people reside permanently or temporarily, but was not a single-family home.

A. That would be my understanding. That might need to be clarified, but that would be my understanding.

Q. Couldn't those type of properties also be affected if --

A. Could, but we simply don't have evidence from our case study research to support that.

Q. And then there's the 100-foot right-of-way boundary limitation. Didn't you find that there was at least one property that was 106 feet away --

A. I did.

Q. -- that had an effect? Do you think that that 100 feet perhaps needs to be extended?

A. I don't know. The research is what it is. The average was 33 feet. So I think 100 feet is fair. But I can see that some case could be made for 106 if you're going to simply interpret the research literally.

Q. Well, the purpose of this, isn't it, is to compensate those that have -- I mean, are
proven. They have to go prove that their
property was affected by the Northern Pass
Transmission Project. So don't you want to
give -- wouldn't the Applicant want to give
as many, of course within reason, as many
property owners the opportunity to
participate in that evidentiary process?

A. Well, I think as many -- I mean, the critical
thing for a program like this is that the
eligibility criteria have some definitional
basis. They have to be rooted in something,
right. And it seems to me that the only
thing you can really root it in is empirical
data of some sort. And the data that we have
here are basically the case study results.
Now, I think your point with respect to 100
or 106 is a decision that the Subcommittee
could make. I can understand why you might
put 100. I often talk in terms -- well,
actually, I acted on the basis of 100, right,
in the request that I made for that reason.
You know, I could have asked for all homes
within 106 feet, I guess. But I thought,
given the distribution of the results, 100
was easier. But it's critical that these eligibility criteria seems to be rooted in the research. And we just don't have anything -- so, to get to your point, we don't have anything on bed and breakfasts or lodges or trailer parks or condos.

Q. So it sounds like this program is just for 11 properties then.

A. Well, be for any properties that meet these criteria. But it's a small number.

Q. And you've analyzed this, and you found it only meets 11 properties.

A. That's my -- yeah, that's the order of magnitude.

Q. Another criteria is, of course, the visibility change as we've already discussed. And then the sale of the home. This is for people who are trying to sell their homes. And the sale has to be within five years. I believe you've testified today that there's no consensus on the duration of the market effects of the Project. And I think these are your words, that certainly it doesn't end in four years, and that Phase II
research suggests there's still an effect of high-voltage transmission lines on market values encumbering -- of encumbered or abutting properties. So do you believe that market value of a property may still be affected five years after the Project is complete?

A. Yes.

Q. Do you think that that five-year restriction should be in this property guaranty, property value guaranty?

A. I really don't have any basis to opine with respect to the time limit on it.

Q. Well, didn't you say earlier that, I think 10 out of the 58 cases there was still -- there was an enduring market effect?

A. Well, in all of the case studies, the transmission lines had been in place for some considerable period of time, with the possible exception of in the seacoast area.

I think there was one that was relatively new. So, yeah, these are effects that have endured over a substantial period of time.

Q. What terms of that property value guaranty
might you change to make it, if any, more
fitting with properties that you feel may be
affected by the Project?

A. Well, I'm very comfortable with the
eligibility criteria because they have a --
because they're grounded in the research we
did on the case studies. And I think the
case study research is consistent and
instructive. There could be new research
along those lines that might come down the
road at some point. And, you know, that
would have to be considered when and if that
happened. But at the moment, I think that
does a good job of defining eligibility. But
the other components of the program are
things that, you know, I really don't have
much to bring to bear on that, you know, the
time duration in particular. There's some
small evidence in the literature of effects
diminishing over time, but by the same token,
you know, our case study results are showing
results that are occurring over a substantial
period of time. I think that's something
that you may be in as good a position to
evaluate as me.

Q. Thank you. I don't have any further questions.

CHAIRMAN HONIGBERG: Mr. Iacopino has a number of questions from Mr. Way, who couldn't be here today. He may also have some of his own. I'm not sure.

QUESTIONS BY MR. WAY(ABSENT) READ BY MR. IACOPINO:

Q. Mr. Chalmers, I'm going to ask you Mr. Way's questions first. And he's broken them down into categories.

A. Okay.

Q. I'm going to read them in the way he wrote them. The first group involves the term "arm's length properties." And his first question is: You mentioned that you looked at the transcripts where Mr. Bowes discussed the property transfers. Were you involved in and/or consulted regarding any purchases of property for the Project with Eversource or any of its related entities?

A. No.

Q. Okay. Were any of these properties, in addition to what Attorney Pacik referenced,
included in your case studies or the comparable properties?

A. Not to my knowledge.

Q. Okay. His second group of questions deal with seasonal property. With regards to properties with a separate mailing address, you mentioned that you were not aware how many are seasonal rentals. Is it fair to assume that you also don't know how many may be long-term lease/landlord-type arrangements?

A. I don't -- I think all I said was that if the addresses were different, I thought one could infer that it was a second home or a seasonal residence or a vacation home. I don't think the preamble to your question there was something I remember saying.

Q. Okay.

A. All I did was I just compared the addresses on the tax card to the property address because -- and the basic point is that the sales that we collected is not a huge number, which is perhaps a problem, but should be representative of what the housing stock is,
you know, along those two corridors. I mean, we should be picking up -- you know, if vacation homes are 30 percent and permanent residences are 70, if you pick 60 at random, which we did, essentially, then we should be getting, you know, a 30/70 mix. I'm blanking on the county name. What's the Sugar Hill county?

Q. Coos?

A. Grafton.

Q. Grafton County.

A. In Grafton County, of the 20 sales we had, 10 of them had different addresses. And, you know, that made sense. That was much less the case in Hillsborough and Merrimack Counties, which is what you'd expect. So, you know, I think our case studies were, you know, generally representative of the housing mix.

Q. I think the gist of his question, though, is sometimes single-family homes are leased out on a long-term basis. I think that's what he was addressing here.

A. Oh, so that could be an address difference
then?

Q. Yes.

A. Yeah, could be. Sure.

Q. So is it fair to assume that you also don't know how many of these homes had that type of arrangement?

A. Sure.

Q. Okay. Is it more likely that landlords will not be as impacted by the view if they live at a different mailing address?

A. I think that's fair.

Q. You seem to indicate that those that frequent seasonal homes will not be deterred by the lines. Now, this statement seems to be out of your wheelhouse with respect to appraisals and more of a tourism discussion. Do you have empirical evidence to make that -- to state that opinion?

A. No.

Q. Okay. He then has some questions about tourism impacts. That's the next section he has here. He says you did not look at the impacts to commercial and industrial sites. You may have answered this, but I'm going to
ask it anyway.

I'm still wondering why tourism
destinations which are often viewed related
-- are often view-related, sorry, are not
considered part of the study. Do I
understand that you did not study tourism
attraction values, in part, because of his
opinion that tourism would not be impacted?
And I think "his," again, is Mr. Nichols.

A. Yeah, that's correct.

Q. Okay. Would you have changed that if he had
said otherwise? Would you have changed your
approach if he had said otherwise?

A. Possibly. You know, if there was a -- you
know, if it was very person-specific,
business-specific, I think the answer would
be no. But if there was some regional, some
significant regional tourism effect, maybe
that's something we would have had to
investigated further.

Q. He goes on to say, I also thought that I
heard you say it was your belief that
visitors would not be deterred. Do you have
any evidence or experience to back up that
opinion?

A. Yeah, I don't. I certainly wasn't making -- yeah, I don't know what the context of that statement was. But I wasn't opining with respect to a tourism opinion or a visitor opinion.

Q. Okay. His next group of questions is centered around construction impacts. The first question is: You state that it is not the job of the Site Evaluation Committee to evaluate the effects of the proposal, but more the operation of the Project as built. Given the duration of construction and the impacts to date, what do you think will be the effect on property values during construction and the results on the short-term market, for example, along Route 116? I think he's -- I believe that he's addressing the underground portion of the route at that point.

A. Right, that would make sense.

You know, I've never heard of anyone addressing what are essentially transitory or relatively short-term construction impacts in
terms of property values. You know, certainly I've never heard of an assessor who, you know, decreases the property value in March and then increases it again in September when the sewer main is replaced. So it seems to me construction impacts are fundamentally an issue of planning and mitigation. There certainly can be inconvenience. There can be disruption.

I think the most telling thing with respect to real estate values would be that I could see a situation when you show a house, you want to show it at its best. And I could see a situation where someone might want to show a house in May, and if the construction were right in front of that house at that time, that might not be the best time to do it. But I think, and my understanding is that, in the rural portions of the state we're looking at probably a week's disruption for a property; in Plymouth, some of the more urbanized sections, a small number of months. And I just don't see property values as being a relevant consideration in the context of
that kind of a short-term disruption.

Q. His next group of questions involves the discussions with the listing agents. And he asks: When you spoke with listing agents, am I correct that I heard you say there was no script or notes used?

A. Correct.

Q. Then he states: I would think that there are notes if you are quoting people; correct? Is it more fair to say that notes were not kept after translation -- transcript? He wrote "translation." He means transcription, though, I'm sure.

A. I suspect that's correct. Certainly the way I do it.

Q. Okay. What were the key points you were searching for from each conversation?

A. The key point was the effect of the HVTI in the transaction and on marketing time. I mean, the questions were pretty direct. We'd start out with the condition -- and there were also some questions about the physical relationship of the property to the transmission line. Could you -- I know Mr.
Underwood frequently asked how visible the lines were from inside the house, in the broker's opinion. Again, I'm sort of reluctant to rely on that, but that's included in the interviews. But then they typically moved quite quickly to the central issue, which is do they think there was any impact on the sale price or the marketing time.

Q. So those notes were made by the brokers that were contracted by you or by Eversource?
A. Right. Really, their appraisers.

Q. I'm sorry. Appraisers.
A. But the case study authors, if you will, because there's also the appraisers, Stanhope and Correnti, actually are the folks who did the appraisals. And then the case study authors were the folks at Amidon and Brian Underwood.

Q. Then going to move on to substations. And again, this may be something that you may have answered. Were houses near substations and transition stations evaluated?
A. No.
Q. You did answer that. Okay.

What about properties that are near a station and have a view impact of poles -- for instance, Mr. Thompson? So, in other words, they're near both the transmission line and, I think in his case, the transition station.

A. Yeah, I'm not quite sure what the specifics of that are. You know, I did say proximity and visibility. So if the Project is going to materially change, it's probably not going to change proximity, so it's going to materially change visibility of either structures or if a substation is suddenly going to appear.

Q. Do you know if there were any appraisals performed of properties that had that situation where there was a station and -- I'm sorry -- like a transition station and the towers and the wires?

A. I don't believe so.

Q. Okay. His next group of questions deal with program -- he entitles it "Program For Economic Loss." Based on the report titled, "High-Voltage Transmission Lines in New
Hampshire Real Estate Markets," a research report by James Chalmers, of Chalmers & Associates, Northern Pass has developed a guaranty program designed to ensure that owners of those properties Mr. Chalmers identified is most likely to see property value impacts do not incur an economic loss in the event of a sale within five years after the construction begins. That's where his sentence ends. He then says the program includes eligibility criteria aligned with Mr. Chalmers's findings and an opt-out provision exercisable by owners of eligible property, a right of first refusal, and the process by which an owner of eligible property may seek payment for diminution in property value. Were you consulted on this program? Who will be eligible for this program? And is it just single detached? What about those not included in your market study? A lot of these were answered with respect to Ms. Weathersby. But were you consulted about the program?

A. Yes.
Q. I think we already went over who would be eligible for it. And just at this point, at least, it only involves single detached, if I understood your last answers correctly.

A. Correct.

Q. Single-family detached.

What about those who you haven't identified? You said you identified approximately 11. What if there are folks that you haven't identified? Will they be eligible?

A. Yes. Yeah. And my identification is not intended to become the definitive. My identification was for purposes of giving you a ballpark, order-of-magnitude estimate of how many. You know, is this going to potentially affect local markets or not?

To the extent this program is implemented, then I think on-site evaluation of the existing condition and on-site evaluation of post-construction condition has to occur. And my street evaluation would not be a substitute for that. You're going to need a definitive evaluation, and that could
well increase the number of properties that
are eligible or, I suppose, possibly decrease
it.

Q. Okay. And his last group of questions have
to deal with the view tax or view premium,
and he says, I believe you said you're not
familiar with view taxes or premiums. From
your experience, do you have a sense as to
the potential impact to municipalities from
property tax rebates or reductions as a
result of the Project?

A. Well, just to clear up the preamble to that,
I just wasn't -- I wouldn't at least refer to
it. I think I knew what view tax referred
to, but it's slightly pejorative.

Q. He's also referring to it as a "premium"
also.

A. Yeah, okay. And so then what was the
question?

Q. Question is: Do you have a sense as to the
potential impact to municipalities from
property tax rebates or reductions as a
result of the Project -- in other words,
because of a reduction of people's payment of
taxes based upon the view?

A. I do, and it will be very small. Perhaps you remember Mr. Sansoucy testified that we could learn quite a bit from assessor practice in the towns with respect to what the implications of the Project might be in regard to these kinds of considerations. And he said that, A, encumbered properties frequently are adjusted for encumbrance, and possibly also for intrusion; that adjacent properties are affected; also properties, what he called "tertiary properties," which are closer to what we're talking about here in terms of view properties, they're not encumbered, they're not adjacent, but they might be 500 feet away or 1,000 feet away, but they might have the view that's impacted by the transmission line or by the Project. And my case study properties are all either encumbered or adjacent, so that didn't address -- I did look at those. Basically, the encumbered properties are about 50/50 with some adjustment to the land value. The adjacent properties, there was only one that
had a very, very small adjustment. But I
didn't have any of the so-called "tertiary
properties." So I picked six towns, kind of
generally representing, you know, kind of
north/south along the Phase II route, since
that was presumably the most intrusive line.
And I looked at Haverhill, Hopkinton, Hill,
Bedford, Concord and Londonderry. And I went
out to 600 feet on either side of the
Phase II line and pulled the tax card for
every parcel for which any portion of the
parcel was within that 600-foot boundary.
Gave me about 800 tax cards. About 500 of
them would fall in the tertiary category,
neither adjacent nor encumbered. There were,
call it 100, a little less than 100, that
were adjacent, and a little over 100 were
encumbered. The encumbered were adjusted
about 50/50. About 50 of them showed some
adjustment for encumbrance. Small, but --
the adjacent properties, one out of five out
of that 80, a little less than a 100, one out
of five were adjusted. And out of the 500
properties in the tertiary category, kind of
view properties, zero. Not a single one out of 500 had any assessor adjustment for views. So I think the answer to that question is it won't be a view adjustment. It will be a combination of proximity or encumbrance adjustment. But once you move away from the line, I don't think there will be any assessed value implication whatsoever.

Q. Okay. He also states with respect to the view issue that the Committee is required to take into account the input from municipalities and planning commissions. Were these entities consulted by you with regards to the impact of the view and their opinion on the tax premium reductions?

A. That would really be Mr. Varney's area of expertise. He dealt with sort of the institutional concerns.

Q. Okay. Those are all Mr. Way's questions.

MR. IACOPINO: Did you want me to go on to the few I had?

CHAIRMAN HONIGBERG: Sure.

QUESTIONS BY MR. IACOPINO:

Q. With respect to the property value guaranty
that you've discussed, if this Committee were

to grant the certificate and make that
guaranty a condition, would you recommend

that the Applicant be required to document

the preconstruction conditions of each

property that may be eligible?

A. Yes.

Q. And what in your opinion would be the best

way for the Applicant to do that?

A. Well, again, you all would be better -- you

attorneys could figure that out I think in a

way that would make sense. But you'd want to
do, you know, an on-site inspection that, you

know, provided a definitive account of what

the existing condition is and then to be

followed up post-construction by the same

kind of assessment. And the criteria would

then have to be defined. You know, there

would be a lot of definitional issues that

would have to be addressed. But I think my

work sort of outlined how that might work.

But I'm sure it would have to be documented.

Q. Okay. Your view and people like you are the

people who will be involved in that
determination, so that's why we asked you.
So I take it when you say "document," you
mean photographic evidence and things like
that?

A. Yeah, tape measure. Yeah, some combination
of a tape measure and photos I would think
would be the way you do it.

Q. Okay. And do you have an opinion as to how
many properties would be impacted if that
property value guaranty was extended to not
just homes encumbered, but homes adjacent to
the right-of-way that have the other
qualifying conditions?

A. I really can't give you a number. My
suspicion is it would be a fairly small
number. I don't know whether that's helpful.
But I can't give you the number. Order of
magnitude would be small. Most of these
homes at this distance are encumbered.

Q. You did research, a fair amount of research
in this area before coming to New Hampshire
to do your New Hampshire research. Your
Montana study seems to be well-cited by
everybody who's involved in this. And if I
understand the Montana study, it had very
similar conclusions to what you've determined
for the New Hampshire studies; correct? In
other words, it was encumbrance, proximity
and visibility that determined price effects,
sales price effects?

A. At the very most general level. But they're
pretty different. There were 48 case studies
that are most analogous, and in only one of
those in Montana did we find a sale price
effect. But the problem in Montana -- well,
there are a lot of areas of uncomparability.
But of those 48 case studies, some of those
are 6,000-acre ranches. So, you know, the
improvements are a small portion of the value
and it has more to do with agricultural
value. But we also have rural tracks with
vacation homes on them. So it's a much more
diverse set of properties than even in New
Hampshire.

Q. Your main conclusion was the same, though,
wasn't it, that as far as a market effect,
that there was little, if any?

A. Yeah. Yeah. Yes, at the very highest level,
I think that's fair.

Q.  Mr. Pappas got at this a little bit in his cross-examination of you.  What I'm going to ask you is obviously you know what confirmation bias is; correct?

A.  Well, I probably did at one time.  Why don't you repeat it for me so I'm sure we're on the same page.

Q.  Well, let me ask you this: Did you take any measures to avoid or eliminate confirmation bias? In other words, because you found this result in a prior study, you're expecting to find it again in this study?

A.  Yeah. You know, the situations are so different, okay. So you could say at the very highest level there's some similarities in the findings. But if we went through the Montana study in any detail, it's got very different components and the results really are quite different.

But the other thing I would say specifically with respect to your question is it'd be very hard for me to be bias in this because you don't have any idea -- when I
selected those subdivisions, I didn't have the foggiest notion where those were going to end up, because until we went through the chain of title, until we tabled it up, I mean, I was working on that for six or seven or eight months before I had any idea what the data would show. And the same thing on the case studies. You know, it is what it is. And until those were tabled up -- and when they were tabled up, I made a three-by-three matrix, and I was darned if 9 out of the 10 yeses didn't all fall in that lower left-hand box, you know. I was surprised, frankly, that it was that -- I was very surprised that the results were that consistent. So it's a little hard for me to see how I could have brought any bias to that.

Q. So if I were to put that in one sentence, would I be correct to say that the model you used, by its nature, eliminated confirmation bias?

A. I think that's fair.

Q. Okay. There is this issue of the 100 feet
from the right-of-way. And I just -- this question keeps gnawing at me. And I don't know how broad it would actually occur. But if you sit in a movie theater, or at least in the old movie theaters, if you sit down in the very front row, you see not much of the theater, not much of the screen, so you had to look up like this; whereas, if you sit in the way back, you probably couldn't see. But if you sat right in the sweet spot in the middle, you get a great movie. And do you see that at all, that sort of effect in your analysis? Or should we consider that effect in your analysis? Should the Committee consider it?

A. Well, all I can say is that all I'm working off of is what we found, okay. I didn't bring any preconceived notions. And I can't really make conclusions beyond what the data show, okay. And what the data show is that, by and large, the only place we got effects -- there was one 106, there was one, I don't know, might have been 190, maybe 170-foot. But the preponderance of the
properties where there was an effect, there
were two or three that were right on the
right-of-way. There was a 7-footer, an
11-footer. The average, as I said, was
33 feet. And my conclusion is that
essentially it's when the structures and the
transmission line become part of the
property, they're so intrusive, that when you
think of that property, or the minute you
visit that property, you know immediately
that you are adjacent to a transmission line.
There are other properties where, you know,
essentially it's peripheral. Yeah, I mean,
you look through the back yard and, oh, yeah,
I can see it out back there. But it's not --
so it's the level of intrusion. And that
level of intrusion appears to be associated
generally with very, very close -- it doesn't
happen until it gets really right on top of
the house, and then it's kind of inescapable.
So every buyer who comes to that house -- you
know, every time you come home you're looking
at that thing. A lot of these were often
peripheral. I think you'd come home, you
know, six nights out of seven and never see it. You know, it sort of disappears.

So I think you were asking me is there a kind of sweet spot as we move back where maybe it's more visible; whereas, if you're right under it and you look under it or through it or something, and that's really not what we found. It seemed like it was just that it becoming a part of the, you know, essentially part of the property and attribute of the house where we found effects. But that's my interpretation of that data. You could look at that data and maybe come to a little different -- and I think, you know, your interpretation of that data is as valid in some ways as mine. I mean, that's simply what we found. And, you know, what we found was it had -- it was where you had that extreme proximity and more of a front-row effect than the middle-of-the-theater effect.

Q. Thank you. Let me just switch gears for one second. Ms. Schibanoff asked you about sort of the "stigma effect" is what I think of it
in my own mind. And you did respond to her and talk about the price effects not bearing that out, I believe was essentially what your answer was to her.

My question is in terms of the time on market information. Does that serve as a better proxy for the stigma, if you will?

A. Yeah, they both figure in. It depends on listing price, right. If you know you've got a problem and you list appropriate to that problem, your days on market may be pretty short. If you don't think you have a problem and you list too high, then you have a long marketing period. So it really --

Q. It's an additional variable.

A. It's an additional variable.

Q. Okay. The only other question I have, and I think it was with Ms. Dandeneau, you indicated that your F value was infinitesimal. Could that, as well as -- I mean, obviously it says that, you know, your statistics are reliable. But could such a small F value also indicate a problem with the model?
A. No problem.
Q. Why not?
A. No problem. No, that's very -- I mean, the results are very sensible. You know, it says Unit A -- I've forgotten exactly what the numbers are. But it gives us a very precise measure of the market value difference between -- there are two types of units, Type A and Type B. It gives us a precise measure of that. It gives us the units built. They came on, started in '88, '89. They were built at difference times. The older units sell for a little less. And the year in which it sold makes a huge difference. They came on at about a hundred. Over the course of the up-cycle in the mid 2000s, 2005, 2006, they got up to 200, and then they fell off the cliff, went down to 130, 125, and now they're up around 175. So all of those things are precisely measured. And the distance variables, the transmission line variables, the corridor variables simply have no significance whatsoever.
Q. Just for the record, and I should have said
this as part of the question, we're talking
about the McKenna's Purchase study.

A. Correct.

Q. Okay. I have no other questions. Thank you.

CHAIRMAN HONIGBERG: Commissioner Bailey.

QUESTIONS BY COMMISSIONER BAILEY:

Q. Good afternoon. Most of my questions have
been asked, but... when you were up in the
North Country, did you happen to stay at the
Mountain View?

A. I did.

Q. Did you read the history in the room?

A. Did I read the --

Q. There's a card with some history about
what the -- how the property came to be.

A. I suspect I did.

Q. Okay. Well, we were there last week and I
happened to read it. And what it said was
that, like in 1860, about, in the 1800s, a
stagecoach tipped over in the middle of the
night. And the stagecoach driver told the
people he was transporting to walk up the
street a half a mile, that there was a house,
and see if they would shelter them for the night. And they did. And they realized that the view was spectacular, and they asked if they could come back the next year and spend a couple weeks as tourists. And long story short, the owners of that house decided to make a business out of it, and the name of it was The Mountain View House. And so today, if you stand on the porch, I can't see the transmission lines if they're there. But in the future, if you can see the transmission lines from Northern Pass, is it your testimony that that will have no impact on that property value?

A. No, I wouldn't offer an opinion on that. Again, the resort economics are complicated and not an area of my expertise. But you'd have to study that pretty darn hard and then try to figure out what an incremental change in the view would do to that. Yeah, I just wouldn't have the basis for opining on that.

Q. Okay. Yesterday I think you said that a property that hadn't sold was of limited value -- of limited use to your analysis on
the impact on market value from the transmission line.

A. Correct.

Q. Okay. If a house is attempted to be sold and it doesn't sell, or it sits on the market for three years, how does that impact your analysis on time of market? Doesn't it skew it by leaving that out?

A. Well, I think you've got two questions there. This whole issue of the extended marketing period came up yesterday. I remember a line of questions. And we looked at one specific property that had been on the market for a year and then off the market for a while.

Q. Right.

A. So it's important to recognize that the comparison that we made was marketing time of the property in question relative to the town, right, because that was sort of our frame of reference. Obviously, in Lancaster, for example, the market was very soft in '10, '11, '12, '13, even to some extent up to present. So you've got to control for that; whereas, the market in Concord was more
robust and would have different days on 
market. So the only way you could 
meaningfully compare the property days on 
market to the town average days on market 
would be if those are measured in the same 
fashion. And in both cases those are 
measured in the context of the current 
listing. That's the only measure that we 
have. So we were comparing the days on 
market under the current listing of the house 
in question, not its whole listing history, 
because there's no -- and the days on market 
average for that town based on current 
listings, okay. So we had a comparable. So 
I just wanted to clarify that.

The question -- and I remember we talked 
about this in the Merrimack Valley case, the 
problem with the withdrawn listing, and 
there's certainly a possibility of withdrawn 
listings, is that there's just no way to get 
at the -- I mean, how are you going to 
identify the multiple, the many, many 
different reasons that a listing could be 
withdrawn? I mean, you're really talking
about interviewing I guess the homeowners, and then, you know, what people say isn't necessarily -- you know, you'd have to somehow try to sort through that.

In general, although people may be discouraged, may have trouble selling a place, if they want to sell it, typically it will get sold at some point. And if it was hard to sell, that sale price will be low; right? There wasn't demand for it, and we'll pick it up at that point. But, you know, we've got market resistance -- marketing resistance measures in everything we did. You know, the case studies have a marketing time. The subdivision studies look explicitly at the timing of sales, and the market activity analysis looks at days on market. So everything we did looked at that in a way that was sort of feasible and operational. We did not look at withdrawn listings. And I think there really wasn't -- it didn't seem to be an imperative to do that from other marketing time stuff we did. Even if there had been, I'm not sure how you'd do
it. So that's kind of where we are on that.

Q. Okay. Thank you.

QUESTIONS BY CHAIRMAN HONIGBERG:

Q. Dr. Chalmers, virtually everything I could have asked has been asked, although there are a few things I want to talk with you about.

Mr. Iacopino asked you, when he -- what you both referred to as a "movie theater effect." I have a different perspective question or area to talk about or ask you about.

If I'm standing 50 feet from away from a structure that's 50 feet tall, it has a particular view to me. If I'm standing 75 feet away from a 75-foot-tall structure, it has a certain view to me. I'm sure it's not a one-to-one scale. There's probably some logarithm in there that affects viewpoint. But did you take the height of the structures into account in evaluating the distance from those structures?

A. Well, distance is totally defined. I mean, the distance is the distance from the home right to the most visible structure. So
that's simply --

Q. But that's to the base of that structure.
A. That's to the base of the structure, right.

Q. But the height of the structure could make it appear to be a different distance away. I mean, height -- I mean, it's classic art theory about how you draw perspective, isn't it?
A. Right, right, the "veneer effect."

Q. So isn't that -- so I guess the answer is "No."
A. The answer is "No." Right. No, we went to the -- with the existing structures to the nearest leg, if it's an H-frame, and if it's a proposed structure, we went to the center of the little yellow square. And that would be the distance measure.

The visibility assessment that I did on the 89, again, I don't know that the perspective really figures into that. So I think the answer is that the distance doesn't take that into account.

Q. Shouldn't it? I mean, you and Mr. Iacopino just agreed -- or I think you explained to
Mr. Iacopino that the feeling -- the
significant feeling is that if the structure
is on you, it is part of the property if it's
so close to you. But the height changes that
distance, doesn't it, or the relevant
distance?

A. Yeah, I understand your point. We didn't
take it into account. I'm not sure -- I
mean, is the presumption that the higher it
is, the less intrusive it is?

Q. I'm not the expert here. I think your
presumption, or I think the work, the way you
approached this, was what -- how many more
were visible after the construction -- or
would be visible after the construction based
solely on the on-the-ground base distance.
But more should be visible if the new
structures are taller. That's the first
issue that I have.

But then the second issue is the more
subjective one that may have an objective
component because it may just be math about
how the taller structure appears to be closer
because it's taller.
A. Could be.

Q. Do you feel like you should have taken that into account in your work?

A. Frankly, I've never thought of it until you've -- never thought about it until you've raised the issue just now.

I think one of the things is that, given a typical, you know, residential parcel, you've got a lot of different perspectives. One of the important ones it seems to me is as you drive into your driveway as you come off the street into the driveway, you know, you're getting a visual of your house and of the setting of your house. And if this structure is looming, but you're back a ways as you're coming down the driveway --

Q. Not if you're Ms. Lee.

A. You also may have a deck in the rear, patio, pool; right? And so there are a lot of different perspectives that matter, I suspect. We didn't, you know, didn't try to refine those. We just tried to say, frankly, if I walk around the perimeter of that house on the outside, is there any point from which
I can see again the cross-member where the conductors are attached. I get your point.

In some ways, the footings of a lattice structure may be more obnoxious than just that lattice work sort of plopped down on your lawn. Other cases --

Q. Yeah, but I think your testimony is that what you're worried about people seeing is where the wires connect to those towers.

A. Well, that's how we define it. That's how we define it.

Q. But your subjective view is that what offends people is the ability to see the structures themselves?

A. Well, that's what we -- the way we operationalized it. But I'm kind of discussing this with you now, and we're talking about perspectives. And I think, yeah, that's the guts of it. I mean, that's kind of the working part of that structure. And it strikes me as the most, in a sense, conspicuous if you were to see it for the first time. But we're talking now about how does it sort of impinge on the property. And
there I can see the point that you're raising. I can also see, frankly, it's almost the front-row effect; right? If you're in that front row, you're seeing more of the bottom of the structure than the top.

Q. But there's got to be a sweet spot where as you're moving back that sweet spot changes, depending on how high the tower is; right?

A. Well, yeah. And I think someone else brought up the point, you know, what if you're on the second floor and you've got a different perspective.

Q. Right, right.

A. So there's probably several sweet spots.

Q. In your prior work, had you done studies or evaluated situations where the new towers were going to be as tall as the towers are on this project?

A. I've never rendered an opinion. See, the Montana study was never applied to a project. The project went away. And the statistical work that I did for Northeast Utilities ten years ago was never applied to a project. So the answer would be "No."
Q. Changing gears. There has been reference --
you make reference to a few different things.
Sometimes you talk about the literature,
which is one thing. You talk about the case
studies and you talk about the subdivision
studies. Can you just again -- I apologize
for making you reiterate this, but describe
each of those again for me. And if I missed
a category of things that are part of this
set, let me know.

A. Yeah, okay. So the first step was to survey
the literature. That's Chapter 3 of the
research report. The next thing were the
case studies, Chapter 4 of the research
report, 58 of them in the three corridors,
which we call Corridor 1, 2, and then Study
Area 3. And I think those lend themselves to
specific findings that are helpful in
thinking about the impact of Northern Pass.

Then there are the subdivision studies,
Chapter 5 of the research report, which is a
look at the sale of lots in 13 subdivisions,
in which we find effects in 8. The effects
are largely effects of encumbrance. Where we
find effects, they're largely because the right -- the easement constrains the way in which the lot can be developed.

Chapter 6 is the market activity analysis, and that is a look at days on market and sale price to list price ratios for properties at three different distance levels from the existing PSNH line in the 31 towns through which NPT is proposed to pass.

Q. So, at least in the case studies and the subdivision studies, various intervenors over the last couple of days have found certain flaws in the data, either omissions or errors of dates. I haven't been keeping a running count, but I think we hit double digits in things that people identified. We were close, anyway.

A. Well, you know, there were two -- I'm --

Q. We can -- I don't want to get into a discussion about what's significant or large or anything. There were some; right?

A. Yes.

Q. How many would we need before we should be concerned about the quality of the analysis
based on the data? Would it have to be 30, 50? What do you think?

A. Well, that's a judgment call. I think basically --

Q. When would you start to get worried?

A. Well, I'd worry when there's one. You know, I mean, seriously. I take it really seriously. But there's a prodigious amount, four and a half years' worth of work here, a prodigious amount of stuff.

Q. And yet, in a few months, Ms. Menard found a number of mistakes in Deerfield, and Attorney Pacik found a number of mistakes in Concord.

A. No. What it -- I don't -- in Concord, we found a two-story house. You know, there was confusion between a one-story house and a two-story house. That's the only -- frankly, the only places where there are corrections, there were two appraisals. Okay. There are 58 case studies. Everyone has an appraisal. There are two appraisals that have a bad comp in them, okay. And in both of those cases they happen to have very good comps for both of those. You pull that out, doesn't change
the implication of the appraisal.

And then there were two subdivision
studies, which is where Ms. Menard spent most
of her time. The one that had the most, got
the most attention was Allenstown. It was a
bad date. Scribner error on that. And then
we had missed the fact that two of the sales
were related parties, okay, not fair market,
okay. So there were two sales in there that
need to come out. It happened that one of
the sales was an encumbered property and one
was an unencumbered property. So that didn't
affect the averages. No change in that.

And then on the Deerfield, the last one,
the Haynes Road subdivision, there's just one
date change. And I think there was also a
GLA, but --

Q. Yeah, you don't need to rehash all of the
errors.

A. But that's it. That's it.

Q. And I understand that it wouldn't change your
opinion.

A. Right.

Q. I'm really just trying to get a sense of
scale. And I've heard your answer, that you want it all to be accurate and you don't like it when it's not all accurate.

A. Right.

Q. I appreciate that, believe me.

I think that's all I have.

CHAIRMAN HONIGBERG: Does anyone on the Subcommittee have any questions? I see Mr. Oldenburg. Mr. Oldenburg, why don't you go.

MR. OLDENBURG: Real quick.

Questions lead to questions.

QUESTIONS BY MR. OLDENBURG:

Q. One of the things on the 10 or 11 that you found would have property value change. You said that all of them were encumbered. How do you know that the property value change isn't related to that encumbrance, that it's the view that causes that issue?

A. I don't know that. I mean, it could very well -- I mean, it's a combination. It's just like I can't say whether it's the proximity that's doing it or it's the visibility that's doing it or it's the
encumbrance. Now, sometimes you can kind of
tell that if the encumbrance has really
fouled up the property, so you kind of know
that's what's driving it. But as a practical
matter, all we know is it's the combination
of those three. You pull one of those out,
you don't find it. But when the three of
them are together, you do find it. And
there's no way for me to separate that out.
You can sort of use your own judgment, kind
of look at it and you may be able to develop
a hypothesis.

It looks like here the problem is more
cumbrance than visibility or proximity.
But as a practical matter, the conclusion is
that it's the joint effect of those three
things that causes the problem.

Q. That's all. Thank you.

CHAIRMAN HONIGBERG: Anyone
else?

[No verbal response]

CHAIRMAN HONIGBERG: Mr. Walker,
I assume you have questions.

MR. WALKER: Yes, I do.
Probably less than a half-hour, but I appreciate --

CHAIRMAN HONIGBERG: I think it makes sense to take a short break, so we'll take a break for ten minutes.

(Recess taken at 3:26 p.m., and the hearing resumed at 3:44 p.m.)

CHAIRMAN HONIGBERG: Mr. Walker, you may proceed.

MR. WALKER: Thank you, Mr. Chairman. In light of the questions from the panel, I have very few questions for Mr. Chairman.

REDIRECT EXAMINATION

BY MR. WALKER:

Q. Dr. Chalmers, I wanted to clarify one thing. There were a few questions from the Committee. I think it was from Ms. Weathersby and Mr. Oldenburg, and perhaps Mr. Wright. But there were references to the 11 properties on your list of 89. And at some points they refer to those that could be affected, some that would be affected. Can you just clarify, as far as those 11
properties, is it your opinion that they could be affected by the proposed project?

A. Yes, that's correct. Those 11 properties share the characteristics of the properties for which we found effects. But of all the properties that had those characteristics, about only half of them actually showed the effects. So what we're saying is that these 11 are in a category where the probability of effect has gone up significantly, but I would not expect all of those to be affected. If the case study results materialized, I'd expect about half of them to be affected maybe. Pretty small numbers, though. So maybe be a little more than half, maybe be less than half. But it is not my conclusion that all of those would be affected. Simply, they're the ones for which the likelihood of an effect will go up due to the Project.

Q. Okay. Chairman Honigberg, or it may have been Mr. Iacopino, also asked you about the number when you're considering a property value guaranty program. And there was a question about whether it should be just the
encumbered properties or properties that also
abut. Does that list of 89 include
properties that abut?
A. Yes.
Q. Yesterday, Attorney Pappas showed you a
bankruptcy petition that had been filed by
Mr. Underwood, which included some
information about his personal finances, as
well as a complaint that had allegations by
his ex-mother-in-law. Do you recall that?
A. I do.
Q. Does what Attorney Pappas showed you
yesterday impact your opinion of the
appraisal work done by Mr. Underwood?
A. No, it doesn't.
Q. Does it change any of the conclusions that
you reached in this matter?
A. No, it doesn't.
Q. Do you recall the discussion yesterday about
Brad Thompson's property up in Stewartstown?
A. I do.
Q. And do you recall that Attorney Baker asked
you -- and I can't recall exactly what he
asked you, but it was something to the effect
that, if the proposed project went through, could it cause damage to Mr. Thompson, and you answered "Yes." What did you mean by that?

A. That from Mr. Thompson's perspective, the change could be problematic from his own personal perspective. But I didn't have an opinion -- I wasn't rendering an opinion with respect to market value impact on his property. I really didn't have any basis for that. I interpreted it as a question about -- and I think it was kind of would he view this as damaging his property, and I essentially was saying that was a possibility. But I was not implying that I was rendering any kind of opinion with respect to the market value of his property. I didn't have any basis for that. I haven't studied it. I don't know, frankly, much about his property.

Q. And earlier today, Attorney Cunningham was referring to that earlier case where there were sellers of easement rights to PSNH. And this was a number of years ago, I believe
about 50 years ago, or more than 50 years ago. And he asked you whether the sellers of those easement rights could have anticipated this project, and your answer was "No." What did you mean by that?

A. That I don't think there's any reasonable way that someone at that period of time could have anticipated the specifics of this project. But the easement agreement is fairly specific with respect to uses that might occur in that, prominently transmission and distribution uses. So the uses in general that might occur within that easement certainly could have been anticipated, but the specifics of NPT certainly couldn't, or at least I wouldn't think. You'd have to have a pretty good imagination to predict or, you know, to have a sense. There was no way to anticipate the specifics of this project.

Q. And the last questions I have are with regard to McKenna's Purchase. Do you recall Attorney Judge asking you questions about McKenna's Purchase?

A. I do.
Q. In particular, he was asking you about how you measured the distances from the individual units to the proposed -- or to the corridor; correct?

A. That's right.

Q. And he questioned why you used the front door. And why is that? To make your measurements. I'm sorry. Why you used the front door to make your measurements.

A. Right. Because I needed a recognizable point on the plan that would measure the relative distance of each of the units from the right-of-way. And the front door was the only attribute of each individual unit that I could identify on the plan, and that gave me a good, reliable measure of relative distances. From the back of the building, you don't have that defining point, and it wouldn't have worked as well.

Q. But Attorney Judge was showing you how they performed the measurements from the closest point of the individual units to the right-of-way; correct?

A. That's right.
Q. And you didn't have access to the property, so you could not do that; correct?
A. Well, I think he was probably doing that off of -- well, I don't know how he did it. But I didn't have access to the unit. But we would have done the measurement I think off of imagery in any event.

Q. Did you seek access to the McKenna's Purchase property?
A. I did. I asked Mr. Getz to inquire if I could have permission to enter the property to -- I was really interested in getting a sense of the visibility of the existing lines from the Project. I had some photo simulations. But I wanted to walk around the property and see how visible the existing structures would be.

Q. And do you know if that request was forwarded to Attorney Judge?
A. That was my understanding, yes.

MR. WALKER: And Dawn, could you pull up Applicant's exhibit, I believe it's 198.

BY MR. WALKER:
Q. And what's in front of you, Dr. Chalmers, is the exhibit where a request for permission to enter McKenna was asked for. And Attorney Judge denied that permission; correct?
A. That's right.

MR. WALKER: Nothing further, Mr. Chairman.

CHAIRMAN HONIGBERG: All right.

If there's nothing else for Dr. Chalmers, then I think we're done. Thank you.

THE WITNESS: Thank you.

CHAIRMAN HONIGBERG: Mr. Needleman, what's next on the docket here?

MR. NEEDLEMAN: We're going to ask Ms. Bunker and Ms. Widell to come up.

CHAIRMAN HONIGBERG: Off the record.

(Discussion off the record)

(WHEREUPON, CHERILYN WIDELL AND VICTORIA BUNKER were duly sworn and cautioned by the Court Reporter.)

DIRECT EXAMINATION

BY MR. WALKER:

Q. Good afternoon, Ms. Widell. Over here.
Cherilyn, over here.

CHAIRMAN HONIGBERG: Look to your left.

BY MR. WALKER:

Q. I'm talking. So, good afternoon. And good afternoon, Dr. Bunker.

So, for the record, Ms. Widell, could you just introduce yourself to the Committee and where you work.

A. (Widell) Good afternoon. My name is Cherilyn Widell. I'm the principal of Widell Preservation Services in Chestertown, Maryland. And I'm the expert witness for cultural resources above ground today.

Q. Thank you, Ms. Widell. And in this matter did you submit prefiling testimony dated October 16, 2015?

A. (Widell) Yes.

Q. And that, for the record, is Applicant's Exhibit 18. Did you also submit supplemental prefiling testimony dated April 17, 2017?

A. (Widell) Yes, I did.

Q. For the record, that is Applicant's
Exhibit 95.

Ms. Widell, do you have changes that you would like to make to either your prefilled testimony or your supplemental prefilled testimony?

A. (Widell) Yes, I do. I have a correction on Page 13 --

Q. Hold on. Which one? Is it the prefilled testimony or the supplemental?

A. (Widell) It is the supplemental testimony.

Q. Okay.


Q. And what is the change that you would like to make?

A. (Widell) The change should be "no substantial adverse effect."

Q. Do you have any further changes you wish to make to your testimony?

A. (Widell) I do not.

Q. Have you done any additional work since you submitted your supplemental prefilled testimony?

A. (Widell) Yes, there has been significant work in the preparation of inventory forms,
cultural landscapes and effects tables, all
of which have been submitted.

Q. Thank you.

Turning to you, Dr. Bunker.

I'm sorry. Ms. Widell, I forgot. With
that -- with those changes, or the one change
that you made, do you affirm and swear by the
testimonies that you filed in this case?

A. (Widell) Yes, I do.

Q. Thank you.

Dr. Bunker, same questions for you.

Could you introduce yourself to the
Committee, please.

A. (Bunker) Yes. My name is Dr. Victoria
Bunker. I am the architectural consultant
for the Project.

Q. You also submitted prefiled testimony in this
matter, dated October 16, 2015?

A. (Bunker) Yes, I did.

Q. And for the record, that is Applicant's
Exhibit 17.

A. (Bunker) Yes.

Q. Do you have any changes you wish to make to
your prefiled testimony?
A. (Bunker) No changes.

Q. You also submitted supplemental prefiled testimony on April 17, 2017; is that right?

A. (Bunker) Yes.

Q. For the record, that's Applicant's Exhibit 94.

Do you have any changes you wish to make to that supplemental prefiled testimony?

A. (Bunker) No changes. Thank you.

Q. You, too, have done some work since you filed your supplemental prefiled testimony; is that right?

A. (Bunker) Yes, that's true.

Q. Can you generally describe the nature of the work you've done?

A. (Bunker) Yes. We have completed archeological Phase II excavations at potentially eligible sites, in terms of field examination this field season. We have also submitted and have had review conducted on the Phase II archeological site reports for the 2016 field season. And in addition, we have recently been authorized to begin work on Phase II archeological investigations for
the Deerfield to Scobie line component.

Q. Thank you. And do you confirm or affirm and
swear by your testimonies in this case?
A. (Bunker) Yes, I do.

Q. Thank you.

MR. ROTH: Jeremy, before you
give up the witness to cross, I didn't
understand what Ms. Widell's correction to her
supplemental testimony was. Can you --

CHAIRMAN HONIGBERG: Mr. Walker,
you want to go through that again with her?

MR. WALKER: Sure.

BY MR. WALKER:

Q. It was to the supplemental prefiled
testimony. If you could just read again the
page number and the line.

A. (Widell) Yes.

Q. And for the record, that is Applicant's
Exhibit 95.

A. (Widell) It is on Page 13, Line 4. It should
say "no substantial adverse effect."

MR. WALKER: You all set, Peter?

MR. ROTH: Yup.

WITNESS WIDELL: Thank you.
CHAIRMAN HONIGBERG: Is there anyone here from the Business Organizations Group? I don't see anyone.

City of Franklin and Berlin? I don't see anyone.

Wagner Forest Management? No one here.

Counsel for the Public, Mr. Roth.

CROSS-EXAMINATION

BY MR. ROTH:

Q. Good afternoon.

A. (Widell) Good afternoon.

Q. As I said earlier, it'd perfectly all right with me if Dr. Bunker retired for the day. But if she wants to stay around and watch us, that's fine, too. My questions are going to be for you, Ms. Widell.

From what I can discern, you were brought into this case on behalf of Northern Pass, the Applicants, in the spring of 2015; is that correct?

A. (Widell) No, it was earlier than that. I'm sorry. It was earlier than that, but I can't
recall precisely when. I'm sorry.

MR. ROTH: Okay. Can you put up 421.

BY MR. ROTH:

Q. Now, perhaps what you were doing was behind the scenes. But it looks as though from this e-mail from Attorney Bisbee to Mr. Boisvert at NHDR and others at NHDR -- did I get that -- yeah, you were introduced to them with a copy of your resume in March of 2015. And if you look at the last paragraph, "I will also send Cherilyn Widell's resume. As I believe you know, we have retained her to consult with Northern Pass and Preservation Company." Does that refresh your memory? Was it in fact spring of 2015?

A. (Widell) I'm sorry. Sitting here right now, I cannot recall precisely.

Q. Okay. And at that point, hadn't the Applicant been discussing with DHR how to approach the case and had brought in the Preservation Company and Normandeau Associates to do that work at least since 2013?
A. (Widell) I'm not aware of when those
companies were brought in to work with
Northern Pass.

Q. Okay. And at the time of your, what I
believe was the beginning of your
involvement, hadn't in fact the Preservation
Company submitted to DHR a draft of their
methodology report?

A. (Widell) Could you repeat that question? Did
you ask when it was -- a draft was submitted?

Q. March 3rd, the same e-mail that was sent on
March 3rd introducing you and your resume,
there was also I believe a copy of a draft
report explaining methodology.

A. (Widell) Yes.

Q. Is that true?

A. (Widell) Yes.

Q. Okay. And they had also done a number of
property identification forms for the town of
Lancaster at that point as well, hadn't they?

A. (Widell) I cannot recall precisely what had
been completed at that point.

Q. Okay. Now, I'm showing you the draft that I
mentioned, the Preservation Company's
methodology report. Have you seen this document before?

A. (Widell) Yes, I have.

Q. And in this report, the Preservation Company described this work as being done by them, but that you had consulted with Northern Pass and Preservation Company on this report and assisted in the assessment of potential eligibility effects. Isn't that what the draft said at that point?

A. (Widell) Yes.

Q. Okay. Now, I couldn't find that same statement in the final version. Is that because it wasn't true, or did you not agree with the methodology?

A. (Widell) I cannot tell you why it was not in that. I was intimately involved in the work of the review of all of the historic properties and in this report.

Q. Okay. So you did participate, but you don't know why that particular sentence was left out. Did you ask that it be taken out?

A. (Widell) I did not.

Q. Okay. And one of the other things that's
different from the draft and the final --

MR. ROTH: And can you give me Applicant's 14781.

BY MR. ROTH:

Q. One of the other things that's different about the draft -- and there are a number of things, but this struck me as more than stylistic -- was that Ms. Monroe said in the final version, "We have not made any assessments in this report relative to RSA 162-H criterium on unreasonable adverse effects." Isn't that what she said?

A. (Widell) I don't know. Can you show me the portion where it states that in the document?

Q. It should be on the screen in front of you.

A. (Widell) I'm sorry. Yes, I see it. Thank you.

Q. And do you know why that wasn't in the draft?

A. (Widell) I do not.

Q. Is the reason you are testifying here today and not Ms. Monroe, because Ms. Monroe would not agree to opine that the Project as a whole versus its impact was an appropriate measure?
A. (Widell) I certainly cannot speak for Ms. Monroe. I am part of this project because I believe that I bring a great deal of experience and knowledge from having been a state historic preservation officer and worked in the field of identification, assessment and mitigation of large projects such as the Northern Pass Transmission Project.

Q. Is it perhaps because Ms. Monroe believed that certain resources would suffer unreasonable adverse effects, and that's why there's an exclusion for it in the final version of the report?

A. (Widell) I cannot speak for Ms. Monroe. I can tell you that I do not believe that there is unreasonable adverse effect --

Q. I understand that.

A. (Widell) -- on this project. And my work with Ms. Monroe, and all of my conversations with her, would lead me to believe that we are in agreement with that.

Q. Okay. And so she didn't ever tell you that, jeez, you know, that particular location,
that impact is going to be unreasonable?

A. (Widell) She never stated that to me.

Q. Okay. So, by November 30th of that year, after the report and your testimony was filed, the DHR saw the report and found it lacking, didn't they?

A. (Widell) What are you referring to precisely?

MR. ROTH: Can you put up 420?

BY MR. ROTH:

Q. On the December 2nd, the Department of Historic Resources filed a revised letter with the Committee; is that correct? And I'm showing you that letter.

A. (Widell) Yes. Thank you. I see it.

Q. I'm showing you Counsel for the Public Exhibit 420. And this is a letter from the New Hampshire Division of Historic Resources, dated December 2nd, 2015. Have you seen this letter before?

A. (Widell) Yes, I have.

Q. In this letter I think you'll find some commentary from the Department of Historic -- the Division of Historical Resources about the submittals that had been made by the
Applicants to the SEC; is that correct?

A. (Widell) Yes.

Q. Okay. And on Page 2, next page, if you'll note that second sentence there says, "The DHR also notes that the narrative in the Application and testimonies contains some errors of fact and inconsistencies in its description of the Section 106 process." Is that what they said?

A. (Widell) That's what it says in the letter, yes.

Q. Okay.

MR. ROTH: Go to the next page.

CHAIRMAN HONIGBERG: Off the record.

(Discussion off the record.)

BY MR. ROTH:

Q. I think this letter is fairly critical of how this was presented. And in it here, in the second sentence here, didn't they say, "The Application notes that little historical research was completed for the Project area, for individual properties or for potential historic districts"; correct?
A. (Widell) That's what the letter states, yes.

Q. And, "Conclusions as to whether a property was considered historic were based on a visual assessment and the consultant's judgment, rather than on an understanding of a property's history and an analysis of its significance..."; correct?

A. (Widell) The letter states that.

Q. And did you agree with those conclusions that they made?

A. (Widell) I do not agree with those conclusions at all. I believe that the assessment that was put together was fully Section 106-compliant, in that we used the National Park Service standards --

Q. Okay.

A. -- for determining whether properties were eligible. And we also used the definition for "adverse effect" to determine effects in that assessment report.

Q. Okay. Didn't they also say there that the identification findings were not research-based and were not reviewed by a Section 106 lead federal agency or state
historic preservation office?

A. (Widell) It states that, yes. I think it's important --

Q. Was that also true, as far as you know?

A. (Widell) If I can finish. I think it's important. You asked me about the meeting in March of 2015. One of the things that we requested the DHR to do was to look at the assessment report, some of the forms in it, and comment on it.

Q. And didn't they tell you they wouldn't do that?

A. (Widell) Yes.

Q. In fact, Mr. Boisvert wrote to you -- wrote to Mr. Bisbee on March 3rd, the same day this was being arranged, and said, "I see your request regarding our providing guidance on the approach NPT may take for the SEC Application. But as we have discussed in prior meetings with you, we will not be offering an opinion or guidance on the documents." Isn't that what he said?

A. (Widell) I don't have that letter in front of me, so I can't concur with that. I'm sorry.
MR. ROTH: Dawn, can you put the ELMO up for a second?

A. (Widell) Thank you.

BY MR. ROTH:

Q. I'm showing you an e-mail that was from Director Boisvert to Mr. Bisbee, Attorney Bisbee. Did you see this e-mail before?

(Witness reviews document.)

A. (Widell) I cannot recall if I have seen that precise e-mail, but I certainly have the information.

Q. Okay. So you did -- you said the Applicants had gone to DHR and asked for guidance on this. And was it also your understanding that DHR, apparently more than once, said no, that they wouldn't give that guidance?

A. (Widell) I don't know if it was more than once. But they certainly did not give us guidance.

But I would point out that this information is two years old almost. We have done an extraordinary amount of work since all of this which meets all of the requirements for Section 106. We
have concluded --

Q. Ms. Widell, can I just stop you? We're going
to go through a lot of that stuff, so you'll
have plenty of time to talk about it. You
don't need to extrapolate upon what you have
done after this. We have sort of a rhythm
here that I'd like to stick to. Believe me,
we will go through it all.

MR. ROTH: And can I go back to
the overhead and back to the letter? Can you
give me the bottom paragraph of that page?

BY MR. ROTH:

Q. And in this letter, the December 2nd letter,
didn't they also note that your assessment of
the impacts was at odds with that used under
the standard review methods under 106? Isn't
that what they said?

A. (Widell) No, not exactly. They talked about
using a different way of doing viewshed
analysis. Now, there are many ways to do
viewshed analysis if you were analyzing
visual impacts in the Section 106 process.
They were pointing out a way that I guess the
Department of Energy was doing it in this
particular case. But there is no accepted
standard under Section 106 for using a
particular type of CAD or Google. It is what
works well for the Applicant.

Q. Well, apparently you and DHR are of differing
views on that, because they said the method
used to assess whether historical properties
were within view of the proposed project in
the Application also differs from the
viewshed mapping prepared for the Section 106
review. Isn't that what they said?

A. (Widell) It states that, yes. But I would
clarify that once again. There may be a way
that DHR is most familiar or DOE is most
familiar with for doing viewshed analysis.
But there is no standard for Section 106 for
determining visual impacts related to
modeling.

Q. But in either case, DHR was not satisfied
with the method that you had chosen, and they
said the results differed between the two
methods. Didn't they say that?

A. (Widell) The results they did not talk about
in this statement. So the viewshed analysis
that was being used by Northern Pass was
different than the viewshed analysis that was
being used by the Department of Energy, yes.

Q. Okay. Thank you.

And then this next paragraph, they also
said that using out-of-state guidelines, and
I think this refers to the Vermont and
Virginia guidelines that were referenced in
the Preservation Company's report, was in
error, and you should have applied the
federal guidelines under 36 CFR 800.5;
correct?

A. (Widell) It states that in the letter. We
definitely in the assessment report
definitely used 36 CFR 800.5. That is the
standard that's used by the Advisory Council
on Historic Preservation for determining
adverse effects. I believe what you are
referring to are what we would -- we used as
tools. And I think we made that very clear
in the assessment report. For applying this
particular federal regulation related to
visual effects, those tools are from Virginia
and from Vermont, as you stated, and they are
very important tools for determining visual
effect in our case for applying this
particular federal regulation. So, yes, we
used this federal regulation. We did not use
a different one.

Q. Okay. But it appears from this letter that
DHR didn't agree with that, and they said,
"This format has not been adopted in the
state of New Hampshire, which uses a format
that more closely tracks language and
considerations given at 36 CFR 800.5." And
doesn't that at least suggest that they
didn't believe you followed 800.5?

A. (Widell) I can't speak to that. What it
suggests to me is that they did not
understand how we used these tools and that
we were applying the federal regulations for
adverse effects.

Q. And in that last sentence there, they said,
"Given that, as well as the methods used to
identify resources, the DHR cannot agree with
the Application's assessment of effects to
historical resources." Isn't that what they
thought?
A. (Widell) It states that in their letter.

Q. Yeah.

I'm showing you Applicant's 116. And my question for you: Isn't it true that the Preservation Company's methodology that they employed in assessing the -- identifying and assessing resources that was filed along with your testimony, and upon which your testimony is based, was not consistent with the DHR guidelines that were published in December?

A. (Widell) The DHR guidelines that were published? Can you tell me --

Q. In December of 2015.

A. (Widell) I'm not sure which guidelines you're referring to. I'm sorry, Peter.

Q. They're in front of you. These are guidelines that were promulgated by DHR in December of 2015. Are you not familiar with these?

A. (Widell) Yes, I am familiar with these. I didn't realize that you had changed the visual. Thank you.

Q. Sorry.
Q.  Don't those guidelines require for compliance with SEC rules, at least as DHR sees them, that applicants prepare detailed inventory forms for the project of the sort that the Preservation Company belatedly did in the latter half of 2016, after your opinion was made?

A. (Widell) We fully complied with these guidelines. And as I indicated to you, basically you're talking ancient history now because the inventory forms that have been completed are fully in compliance with this policy memorandum, as are the effects tables that have been done are related to the federal regulation provision that you just cited. So I think that the work product that is now before DHR, who has been extremely helpful with Northern Pass in preparing all of this and reviewing it, is fully consistent with their policy memorandum here.

Q. I actually don't disagree with you about that. What I'm referring to is the report and documentation that was provided as of --
at the time you made your opinion and at the
time that the Application was filed. That
was not compliant with these guidelines, was
it?
A. (Widell) It was fully Section 106-compliant,
that report. As I indicated to you earlier,
the standards that we used to determine which
properties were eligible for consideration
that had significance and integrity, those
were the standards that are used by the
National Park Service for the Section 106
process by the Advisory Council. And
further, we also then used the definition for
finding an adverse effect from 36 CFR, Part
18, and applied it. We used those tools
that assist you in determining how to find
visual adverse effect from Vermont and
Virginia. But the assessment report that I
based my finding of no unreasonable adverse
effect absolutely was consistent with
Section 106.
Q. That's your opinion. But DHR apparently did
not agree with you, did they?
A. (Widell) They did not.
Q. Okay. And even though, you know, maybe you didn't know at that time that DHR didn't agree with you, but the approach that you followed is what you -- the approach that the Preservation Company followed is what you relied on for your opinion; correct? You didn't rely on all of the stuff that's been done since then; correct?

A. (Widell) That's absolutely not true.

Q. Let me just stop you because there's a logical problem with what you just said.

At the time that you rendered your opinion, all of the stuff that's been done since then didn't exist, did it?

A. (Widell) That's correct. It did not exist.

But what I --

Q. So you could not have relied on it.

A. (Widell) What has been done has only further established and confirmed my original testimony that this Project will not have an unreasonable adverse effect on historic resources.

The original assessment report that was done was extremely thorough. We looked at
every single property that was in the area of
potential effect, which was 1284 properties.
We further then determined which ones, as I
stated, would meet those federal
requirements with the Park Service --

Q. That's all very nicely explained in your
report.

A. (Widell) So there are 194 properties. And
then from that we determined there would be
12 adverse effects. Since then --

Q. Yes. Ms. Widell, that's --

CHAIRMAN HONIGBERG: Ms. Widell,
Ms. Widell --

WITNESS WIDELL: Yes. Okay.

CHAIRMAN HONIGBERG: Please
let's stick to the questions that Mr. Roth asks
you.

WITNESS WIDELL: I'm sorry.

Thank you.

CHAIRMAN HONIGBERG: And at a
later time, if you haven't had an opportunity
to say things you want to say, I'm certain that
Mr. Walker will give you an opportunity to
answer those questions, or Mr. Bisbee, whoever
is doing the examination at the time.

WITNESS WIDELL: Thank you.

MR. ROTH: Thank you, Mr. Chairman.

BY MR. ROTH:

Q. Other than the individual inventory forms and the like that have been prepared since basically June of 2016, has the Preservation Company gone back, re-analyzed all of the various resources that it identified in its original report and prepared an updated report for you and the Site Evaluation Committee?

A. (Widell) No, not exactly.

Q. Okay.

A. (Widell) I would say that Preservation Company has done some of the DHR inventory forms on precisely a number of the resources that were in the assessment form.

Q. I understand that. And I allowed you that in my question, that that had been done.

Isn't it true that your opinion is based on -- that the opinion in your testimony is based upon the Preservation Company's
October 2015 report?

A. (Widell) It is based on my full review of that report and --

Q. And the appendix.

A. (Widell) -- and the appendix and site visits. I have traveled the entire length of the Project, and I have been involved in the discussions of both significance and integrity on those properties, as well as the application of the definition of "visual adverse effect" on that.

Q. Okay.

A. (Widell) And I have also reviewed all of the new inventory forms and --

Q. And you've already made that point. You don't need to repeat it.

A. (Widell) Thank you.

Q. Isn't it also true that the Preservation Company's report is based on a methodology and an approach that was discredited and rejected by DHR?

A. (Widell) I would say that it is -- the letter states that it is inconsistent with the format that DHR is most used to.
Let me explain. DHR has very precise inventory forms, both for individual properties and for what they call "large areas." The information that we provided to them in the assessment form were not on those inventory forms, and that was concerning. That information now is on the forms that DHR likes to receive the information in and uses for their Section 106 process. (Pause)

Q. Based on this sentence, would you agree with me that DHR wasn't just concerned about forms, they were actually concerned that the methods used to identify resources, they couldn't agree with the Applicant's -- the Application's assessment of effects? Isn't that what they said? This wasn't just about forms, was it?

A. (Widell) It was about the identification of properties, first and foremost. And that is -- we were talking about two processes here. We have the SEC process for submission of the information for evaluation, assessment and mitigation, and then we have the Section
106 process. The Section 106 process is entirely dependent upon the federal agency to identify the historic properties that are going to be assessed for effect. At the time that we were -- we submitted the Application and prepared that assessment form, the Department of Energy had barely begun its project area forms or the list of properties to be inventoried.

Q. This letter was written to Pamela Monroe of the Site Evaluation Committee; correct?

A. (Widell) Yes.

Q. And in it, on Page 2 --

MR. ROTH: Can you give me Page 2, the top paragraph?

BY MR. ROTH:

Q. They weren't commenting on what was going to DOE. They were commenting on what was in the SEC application, weren't they?

A. (Widell) Yes, but let me explain. They were looking at the list of properties to be assessed and specifically talked about the fact that the list had not been acquired from the Department of Energy, as is normal for
the Section 106 process.

MR. ROTH: Can you give me Applicant's 38?

BY MR. ROTH:

Q. Okay. So as I understand it, in response to DHR's letter which was originally published on November 15th, but was updated on December 2nd in ways that are not material to this conversation, as a result of that letter, the Applicants and DHR entered into this Memorandum of Understanding. That's Applicant's Exhibit No. 38. Can you see that now?

A. (Widell) Yes, I can. Thank you.

Q. And you're familiar with this document?

A. (Widell) Yes, I am.

Q. All right. And the MOU, if I may call it that, required Applicants to complete survey forms in accordance with NHIDHR standards and to have them all in by October 31, 2016. Is that your recollection?

A. (Widell) I believe -- I'm not completely firm on the date. But yes, that's exactly the intent of the memorandum, among other things,
MR. ROTH: Can you give me the third page? Give me the fourth, not the third.

BY MR. ROTH:

Q. And you can see here Paragraph 6, close to the top, "NPT shall use best efforts to complete all above-ground historic resources survey forms by October 31, 2016."

A. (Widell) Yes.

Q. Okay. Now, that wasn't a hard stop, but that was a best efforts kind of thing.

A. (Widell) Yes.

Q. And did you make that deadline?

A. (Widell) I... no, we did not.

Q. Okay. Is it fair to say that the process of inventorying those resources on the forms that DHR wanted is ongoing still?

A. (Widell) No, it's pretty well completed.

There are 123 forms that have been submitted to DHR and they have reviewed. There are about eight that were an additional request from them, I believe just in the last two weeks. But the identification of the historic properties in the area of potential
effect on the survey forms that DHR wanted
them has been completed.

Q. And when was that completed? In March?
A. (Widell) No, just in the -- very recently.
   In July.
Q. In July?
A. (Widell) Hmm-hmm.
Q. All right. Now, cranking the wayback machine
again a little bit here, by January of 2016,
only a month or so after the MOU, the letter
suggests --

MR. ROTH: Can you give me
Exhibit 419?

BY MR. ROTH:
Q. -- that DHR was expressing some frustration
that, quote, key agreements of the MOU was
being neglected. And I’m showing you Counsel
for the Public 419, which is a letter from,
again, Mr. Boisvert to Mr. Bisbee.

According to Mr. Boisvert, it appears
that he was not getting the monthly reports,
quarterly meetings or the cultural resources
professional tasked to work directly with
NHDHR; correct?
A. (Widell) That is what the letter states. I would particularly point out that the Memorandum of Understanding was done in December. And very soon thereafter, and I would hope that you would have the letter indicating this, the monthly reports were done. Northern Pass hired a qualified, meaning Secretary of Interior Standards professional, to manage all of the cultural resource above-ground and underground for the Project. And I believe the concerns in this letter were very much resolved in a very short amount of time following this.

Q. That's good.

A. (Widell) I would also point out that the Memorandum of Understanding was done in the beginning of December, and this is the beginning of January. And I'm pretty busy during that time in my life, so perhaps some things were not done.

Q. But it was sufficiently important to Mr. Boisvert to write to Attorney Bisbee and send a copy to the Site Evaluation Committee, wasn't it?
A. (Widell) He clearly did that, yes.

MR. ROTH: And can I get 424?

BY MR. ROTH:

Q. Now I'm showing you Counsel for the Public Exhibit 424. And a few months later, April 19th, Mr. Boisvert is unhappy again and complaining. And if you look at the second page, that's 516, it says, "Dear Catherine, thank you for the monthly report. It is encouraging to see progress on the new position, the work plan review and archeological investigations. However, it appears that no progress has been made on above-ground investigations." Isn't that what he said?

A. (Widell) That is what it says in this e-mail.

Q. Okay. And if you look at Catherine Finneran's reply on April 21st, she said, "We are 'doubling down' on our efforts right now to ensure we meet our own needs for the Project schedule, as well as our obligations under the MOU"; correct?

(Witness reviews document.)

A. (Widell) It must be on the next page.
Q. It's on the first page. Sorry.

MR. ROTH: And then go to the
last page, 17 -- no, not the last page, the
next to the last page, 17. And highlight the
top two paragraphs.

BY MR. ROTH:

Q. Now, it appears at this point in Mr.
Boisvert's letter and his e-mail, he notes
that, as noted in an e-mail, in a previous
mail, I guess, "The DHR encourages Eversource
to focus on the expedited completion of
survey for above-ground properties
recommended by DHR and the Department of
Energy. Instead, Eversource has decided to
re-evaluate or refine the list." And then he
made some comments about the Seacoast
Reliability Project. And he closed, "Those
recommendations should not be re-evaluated
based on the Seacoast Reliability Project,
particularly in light of the questions that
Eversource and its consultant continue to
have about the survey methods needed for it."

I don't know exactly what he meant
there, but it seems to me what he was saying
is that, rather than comply with the MOU and
produce the forms, the Applicants were
instead trying to essentially rewrite the
rules of the game. Wouldn't you get that
from what he's saying here?

A. (Widell) No, I can't speculate on this.

Q. And is it fair to say that the first real
identification of resources pursuant to the
MOU began in June of 2016; correct?

A. (Widell) I am not sure of that. It would
have been entirely dependent on the list
being developed by the Department of Energy
through the project area forms.

Q. I'm showing you an e-mail --

A. (Widell) No, I don't have it. I'm sorry.

Q. There it is.

A. (Widell) Thank you. I see it.

Q. Okay. This is an e-mail from Catherine
Finneran, dated Wednesday, June 15th, 2016.
And this we obtained through discovery. And
in it, it says, "The first inventory form is
being submitted this week, and we expect to
be producing them on a regular rolling basis
from now until late fall when we hope to
complete, as anticipated, the MOU."

Does that refresh your recollection
about getting the forms done by -- or
starting the forms in June?

A. (Widell) Yes.

Q. So I'm looking now at your supplemental
testimony, and there are a number of points
here I wanted to ask you about.

MR. ROTH: So could you give us
95, Applicant's.

A. (Widell) Yes, I have a copy of it in front of
me so I can...

BY MR. ROTH:

Q. Okay. And if you look at Page 1, as you said
a moment ago, the Project considered 1284
separate properties or districts. Of that
total, you determined 194 had a sufficient
visual relationship with the Project to merit
further assessment of their historical
character -- sorry -- their historic
class character and potential effects of the
Project. And then you did, on the next page,
resource forms for those 194; correct?

A. (Widell) Yes.

Q. What do you mean by "sufficient visual relationship"?

A. (Widell) A sufficient visual relationship is where there is view of the Project from either the property or the parcel itself, and it is based on the viewshed analysis. There might not be, but that is the primary -- beginning point is the viewshed maps that indicate whether there is a possible view of the Project on the property or the parcel associated with it historically.

Q. Okay. So at this point there wasn't any slicing and dicing along the lines of more than minimal, minimal, substantial, that sort of thing?

A. (Widell) Absolutely there was, in that anything that was a minimal view -- meaning there was no view or it was very distant -- we did not include that. The viewshed analysis was just the beginning point. Then we looked at the property on site and then did computer modeling to determine the extent
of the view, possible view of the Project
with the historic property.

Q. So is it fair to say that using this computer
modeling and the viewshed analysis, if the
computer said no view, that property wasn't
considered any further?

A. (Widell) Absolutely not. That's not an
accurate statement whatsoever, no.

Q. Okay. And if it said minimal view, there was
no further consideration.

A. (Widell) That is not an accurate statement
either. The viewshed analysis is based on,
as I said, first, the site visit to see
whether there is a view now of the existing
transmission corridor. The transmission
corridor has been there 90 years in many
places, at least 60 years in many other
places. So you're able to determine that if
there is visibility now, there is likely to
be visibility with a project where there's an
increase in height.

Q. So if there's no visibility of the existing
transmission corridor, was that particular
property excluded from further analysis?
A. (Widell) Not necessarily. If the viewshed mapping showed that there was a potential view, then we also moved to a computer modeling of the views from the possible area of both the building and the associated historic parcel.

Q. And did you design that computer model?

A. (Widell) I did not.

Q. Did you --

A. (Widell) It was designed -- the model of the Project itself was designed by the engineers who have the data to inform the computer to determine that.

Q. Did you run the model to make those determinations?

A. (Widell) I did not run the model, no.

Q. And who did that? Was that the engineers?

A. (Widell) No. The model was run through two trained individuals at Preservation Company who spent time with Terry DeWan, our visual assessment consultant.

Q. Do you know anything about how that model worked?

A. (Widell) From a computer standpoint, no.
Q. Or even a logic standpoint?
A. (Widell) Absolutely from a logic standpoint, yes -- meaning, in my logic as a historic preservation professional, looking at whether those views might affect what we call "character-defining features of the property," meaning will it affect what is significant about that property. And that is what we are trying to get to when we do a visual analysis of historic properties, whether the Project is likely to affect the integrity and significance of the property.

Q. Understood. I'm talking about the model. So the model has in it -- the model is trained or designed to make determinations about significance and integrity?
A. (Widell) No. You apply different layers of the view of the Project and the property itself. You start with a topography, a Google Earth topography, and then build upon it 3D modeling. If there is an existing woodland, then there is a tool that you can build a 40-foot tree wall. There's also an ability to put in 3D if there are buildings.
And then there is an ability to view anywhere in the property from what is called the "peg men."

Q. But you didn't operate the model and you didn't design the model; right?
A. (Widell) That's correct.

Q. Okay. Is the approach that the modeling took part of at least what DHR singled out in its letter and said the results differed between the two methods?
A. (Widell) I'm not sure which letter. Can you repeat that question for me, please? Thank you.

Q. In the letter that I showed you a minute ago, and if we need to, I can bring it back up again from DHR, where they said the results differed between the two methods, is that what we're talking about now, this modeling that was done wasn't satisfactory to DHR?
A. (Widell) I cannot be sure completely of the intent of DHR. But I believe what DHR was referring to was the viewshed mapping.

Q. Okay.
A. (Widell) The viewshed mapping that was used
by Northern Pass had one format and the
viewshed map for the Department of Energy had
another.

Q. Okay. Have you and Preservation Company made
any determination as to how much difference
it makes?

A. (Widell) Between the two models?

Q. Between the way you approached viewshed
mapping and the way DHR thought you should
approach viewshed mapping.

A. (Widell) Viewshed mapping is a tool that is
developed by those that model views from a
particular distance. I am not a professional
in computer modeling for viewshed mapping.

Q. Okay. The question was: Did you or the
Preservation Company make any determination
about how much difference using one of those
methods over the other makes?

A. (Widell) It wasn't necessary, and it isn't
necessary --

Q. So answer is "No"?

A. (Widell) No. If I could explain?

Q. Sure.

A. (Widell) The viewshed map that was used for
the assessment report provided us with
information to look at the possible effects
to historic properties. It was combined with
those used by the Department of Energy in
consultation with the DHR to look at the
effects on the historic properties that had
been identified and completed in the survey
forms. So now we have benefit of both of
those viewshed maps.

Q. Okay. But you didn't go back and look at the
two together and make a determination about
how much difference it made.

A. (Widell) It wasn't necessary. They're
informing fully the information that we are
providing to both DHR and SEC at this time,
and it's being used to complete the Section
106 process.

Q. Okay. So the answer is still "No."

A. (Widell) Yes, that's true.

Q. The approach that you took or the
Preservation Company took, both with the
viewshed mapping and the computer model that
you used, didn't that result in screening out
over a thousand potentially affected
resources before assessment of their
character and any of the effects of the
Project?

A. (Widell) No. Let me explain.

Q. Certainly.

A. (Widell) Many of those properties did not
have sufficient integrity or significance to
be considered historic properties and they
were not included.

Q. So I guess what I don't understand is, so you
went back after you excluded a bunch of
properties based on the viewshed and the
computer modeling, and then you assessed them
for integrity and significance?

A. (Widell) No. You always begin by determining
significance.

Q. You don't begin by how big is your APE and
how many properties of at least 50 years old
are in it? Isn't that where you begin?

A. (Widell) You begin with the APE and the
number of properties that are 50 years or
older, unless there is something less than
that that needs to be considered. Yes,
that's exactly how you begin.
Q. Okay. Thank you.

Now, you also said in your supplemental testimony that you've done much work to advance the Section 106 process. Having looked at a lot of it, I would concur with that. And you said that the result is that additional resources have been identified that may be potentially affected by the Project, and additional assessments have been performed. Do you remember saying that in your supplemental?

A. (Widell) Yes.

Q. Thank you. And you didn't do that work yourself, though, did you?

A. (Widell) I participated in the review of those properties, yes.

Q. But the research, the investigation, the preparing of the forms, all that stuff was done by the Preservation Company, wasn't it?

A. (Widell) Yes, that's true.

Q. Okay. And isn't it true that the previous screening may have overlooked some of the resources that were identified later, the first time around -- if at five minutes of
five anybody can untangle that question?

A. (Widell) No, we have yet to find a property
that hadn't been included on our original
list of properties within the area of
potential effect. Not that there couldn't be
one out there, but we have no -- we have not
had any brought to us. There have been
different ways of looking at the properties
from districts. But no.

Q. How about the Plain Road Historic District in
Dummer? That wasn't in your report
initially, was it?

A. (Widell) That's correct, it was not. But
there were the pieces and parts, as I said,
of it. They're individual properties that
made up the Plain Road District we had
identified in the assessment report.

Q. Ah, okay. Thank you for that clarification.

So how many more did you find?

A. (Widell) How many more did I --

Q. You said additional resources have been
identified. So how many more of them are
there?

A. (Widell) I'm sorry. I'm not understanding.
Q. In your testimony you said the result of all this extra work under 106 is that additional resources have been identified.

A. (Widell) Yes.

Q. How many more?

A. (Widell) I have some information here. They have been in the underground section.

Q. So, only the underground?

A. (Widell) No. There have been a 123 survey forms completed. But that is out of a total of 186 properties for the survey that is being done under Section 106 for DHR. They have reviewed all those historic properties.

The assessment form had approximately 194. So you see that there was many similarities --

Q. Sounds like --

A. (Widell) -- not identical, but many similarities.

Q. I'm just trying to figure out what's going on, because it sounds like what you said is there's less. But you said additional resources have been identified, and I'm trying to understand how many of them there
A. (Widell) The additional resources were mostly in the underground section.

Q. Okay. And those you've done property identification forms for those -- or inventory forms, I should say?

A. (Widell) Yes, they have been --

Q. And how many of them are there?

A. (Widell) If you'll give me a moment, I should have information for you. I did not memorize all this.

Q. Oh, I understand. This is an open-book test. And while you're looking, perhaps you can find how many others that were not on the underground route.

(Witness reviews document.)

A. (Widell) Well, nine individual properties were included as districts.

Q. And those are above ground?

A. (Widell) It doesn't say, Peter.

Q. I'm sorry?

A. (Widell) It doesn't say.

Q. So you don't know how many additional resources have been identified.
A. (Widell) On the underground precisely, I cannot answer that sitting here. No, I can't.

Q. And above ground, you say nine individuals are included in districts.

A. (Widell) Well, I'm assuming some of that is the underground. The total number of Northern Pass properties in the universe of the Division of Historic Resources is 186. But then they actually requested 123 inventory forms to be completed, and then there's a number of other things related to that which --

Q. Okay. And the reason that there's 123 inventory forms and 186 properties is that some of the inventory forms include more than one property?

A. (Widell) Yes. Some are also included in cultural landscape studies that have been submitted. Some are properties that have already been inventoried or listed on the National Register.

Q. Okay. Now, the cultural landscape studies, those are the broad-based two or three of
them that have been -- that they're working
on now; correct?

A. (Widell) No, that's not accurate. There are
two or three that have been submitted to DHR
so far, but there's actually 11 cultural
landscape reports that have been done. And
they do incorporate a number of the surveyed
inventory properties as well.

Q. And so those cultural landscape studies have
been submitted to DHR at this point?

A. (Widell) I believe two of them have been
submitted so far.

Q. Okay. Because a moment ago you said 11 have
been submitted. So now there's two?

A. (Widell) No, no. No, I'm sorry. No.
Forgive me if I made an error. I did not
mean that 11 had been submitted. Eleven have
been completed.

Q. Okay. They just haven't gone out the door
yet.

A. (Widell) That's correct.

Q. All right. Did you prepare any of the
various inventory forms submitted to DHR?

A. (Widell) I did not prepare them, but I
reviewed all of the information and
photographs and mapping on them.

Q. Did you review the inventory forms?
A. (Widell) Did I review the inventory forms?
Yes. They were done by a number of
consultants, as you know. And yes, I did
review all of them.

Q. Have you attended any of the quarterly
meetings at DHR?
A. (Widell) I attended no quarterly meetings,
no. I attended meetings with DHR earlier,
yes.

Q. Okay. Did you prepare any of the monthly
reports?
A. (Widell) I did not prepare any of the monthly
reports.

Q. Okay. On Page 3 of your testimony you say,
"We have completed many NHDHR effects
tables." And does that "we" actually include
you, or was that all done by the Preservation
Company?

A. (Widell) No, I was very much involved in the
review and discussions about the effects
tables.
Q. And when you say "many," we have 27 of them. Is that what you mean by "many"?

A. (Widell) There are others that are in draft form that I am reviewing and working on now.

Q. All right. But 27 is what's been submitted so far?

A. (Widell) Yes.

Q. Now, on Page 5 of your testimony, you criticize Heritage Landscape's use of a 10-mile APE as a misapplication of the SEC rules. Do you remember saying that?

A. (Widell) Yes.

Q. Are you an attorney?

A. (Widell) No.

Q. Have you previously worked on any SEC matters?

A. (Widell) No.

Q. And other than in this case, have you ever seen the Site Evaluation Committee's rules before?

A. (Widell) No.

Q. And what makes you qualified to render an opinion on what is a misapplication of the rules?
A. (Widell) Because the definition of an APE in
the SEC rules comes directly from the
Section 106 process, which is, in this case,
it was determined by DHR in consultation with
a federal agency, in this case, the
Department of Energy.

Q. Okay. And we'll go over that in a minute or
maybe tomorrow.

MR. ROTH: How long do we go
today? Maybe we should stop now.

CHAIRMAN HONIGBERG: I believe
there are some who would say that. I would say
sometime in the next 15 to 20 minutes. That
makes sense. I mean, if you need to go all the
way to 5:30, that's okay, too. Let's see if we
can wrap it up within the next 30 minutes.

MR. ROTH: Okay.

CHAIRMAN HONIGBERG: Not wrap
your day. I understand what you mean. Get to
a logical breaking point.

MR. ROTH: All right.

BY MR. ROTH:

Q. Now, on Page 11 of your testimony, in
Footnote 4, you make another legal opinion
about misapplication of the NH SEC
requirement that the Project not have an
unreasonable adverse effect on historic
sites. Do you remember that in Footnote 4?
A. (Widell) Yes, I see the Footnote 4. And it
refers specifically to the statement, "Mr.
Newman reviewed only resources located in the
town of Deerfield and found that two historic
districts there present unreasonable adverse
effects." So the footnote is referring to
that statement.
Q. So you say here, "The assessment of
unreasonable adverse effect is for the
Project as a whole." Isn't that what you
said here? Is that your legal opinion?
A. (Widell) I don't state that it is applicable
to the entire -- I just say that this is a
misapplication of the requirement that the
Project not have an unreasonable adverse
effect on historic sites.
Q. But you say here, "The assessment of
unreasonable adverse effect is for the
Project as a whole." That's your opinion and
your --
A. (Widell) Yes, it is.

Q. And I just want to -- so you cited 301.14 for that. That's one of the rules. And RSA 162-H:16 IV(c); correct?

A. (Widell) Yes.

Q. And did you read those provisions?

A. (Widell) Yes.

Q. Are you familiar with those?

A. (Widell) I don't have it memorized, the exact site, but --

Q. We'll look at the rule.

A. (Widell) But I would expect they're related to the finding of unreasonable adverse effect for historic sites.

Q. Okay. But you have read them.

A. (Widell) Yes.

Q. All right. And did you write this argument in this footnote, or did one of the attorneys write that?

A. (Widell) No, I wrote my entire testimony myself.

MR. ROTH: All right. Can you give me 301.14?

BY MR. ROTH:
Q. Okay. We're showing you Site Evaluation Committee Rule 301.14. And you cited (b)?
A. (Widell) Yes.
Q. And it looks like there are five subparts to that. Can you show me where in there it says "project as a whole"?
A. (Widell) It does not.
Q. Okay. And based on your recollection, do you remember whether anything in RSA 162-H:16 says "project as a whole"?
A. (Widell) I couldn't recall that precisely.
Q. Okay. I'll represent to you that it does not. Will you accept that?
A. (Widell) Yes.
Q. Thank you.

For purposes of this project in front of the Site Evaluation Committee, you used the one-mile APE, you and the Preservation Company; correct?
A. (Widell) Yes.
Q. And that one mile also isn't specified in the SEC rules, is it?
A. (Widell) No, but the definition of an APE refers to the federal definition used by DHR.
MR. ROTH: Okay. Can you give me 800.16(d)? I don't know what that exhibit...

BY MR. ROTH:

Q. I'm showing you Counsel for the Public 417, which is a printout of the Federal Rule 800.16. And in the tiny print, bad for my eyes, it includes (d).

A. (Widell) Yes, I see that.

Q. And 800.16(d) also doesn't say "one mile", does it?

A. (Widell) No. But each area of potential effect is different depending on the project itself, and it is determined by federal regulation, in consultation between the State historic preservation office and the lead federal agency.

Q. Okay. But it doesn't say one mile.

A. (Widell) That's correct.

Q. All right. And I'm looking at the letter from DHR which you very helpfully attached to your testimony. And that's Applicant's Exhibit 95.

Isn't it true that in this letter which
you attached to your testimony, which is Applicant's Exhibit 95, DHR didn't just say one mile either, did they?

A. (Widell) No.

Q. In fact --

A. (Widell) They included, and this would be normal, if there is a historic property that goes over the line or needs to be included, that is included. And that is what they stated. You normally use the size as shorthand when you're talking about an APE in the field of historic preservation. Many of them have provisions like this.

Q. I'm having a little bit of a hard time hearing you.

A. (Widell) I'm sorry. You would normally talk about a one-mile APE or a half-mile APE, which is what it is for Seacoast Reliability Project, even though you have a provision in there to consider properties that might be right beyond one mile, as this one does.

Q. Well, that's not what it says either. The second sentence says, "As we discussed, the approximate determination is appropriate
because there may be some situations where
the visual effects may extend somewhat beyond
the one-mile limit due to local topographic
and historic factors"; correct?

A. (Widell) Yes.

Q. "Visual effects shall include not only
effects associated with the structures to be
constructed as part of the transmission line,
but also physical disturbances of," and go to
the next page, "current conditions such as
areas that are currently forested or
otherwise vegetated that may be cleared in
order to construct the transmission line."
Correct?

A. (Widell) Yes.

Q. So that doesn't say there may be properties
that sort of straddle the line, does it?

A. (Widell) It doesn't say that precisely. But
that is certainly, in my experience in the
field, what it is referring to. It's also
referring to direct effects, not just visual
effects to be taken into consideration.

Q. So would you agree with me that under the
fairly logical read of what Mr. Boisvert
wrote here, that, for example, if a project
cut a big clearing across a hillside
two miles from the Project, or three miles,
which I believe is the area that was used by
Mr. DeWan, but if it cut a big swath across a
hillside three miles away, and that had an
effect on the property, the resource, you
would include that as part of the APE,
wouldn't you?

A. (Widell) No, generally I would not, no.

Q. So isn't that a logical construction of what
Mr. Boisvert said, though?

A. (Widell) No, I do not agree with your
assessment on that.

Q. Okay. And didn't the Preservation Company
identify certain resources outside of the APE
as feeling the effects of the Project?

A. (Widell) Yes.

Q. Such as Weeks?

A. (Widell) Yes.

Q. And North Road?

A. (Widell) Yes.

Q. And Catamount Hill and Bear Brook State Park?

A. (Widell) I can't remember that one precisely.
Q. Okay. So we can differ about whether the effects are adverse or unreasonably adverse, but I think you must agree that there are going to be visible effects -- or the Project could be visible in places more than one mile from a historic resource; correct?

A. (Widell) Yes.

Q. Okay. And that could happen anywhere along a route, obviously except for the buried part.

A. (Widell) Except for the --

Q. The underground part.

A. (Widell) Oh, yes. Right.

Q. So I take it that when you and the Preservation Company did your research and looked up the kind of resources that were in the one-mile APE, you found a fair amount of stuff in there; right?

A. (Widell) Yes.

Q. And given that Mr. DeWan, his zone of review I believe is three miles, wouldn't it have made sense to look and see what kind of resources might be out to three miles?

A. (Widell) No. The Section 106 process is specifically directed toward identifying
historic properties within the area of potential effect.

Q. Not even in places such as what DHR hypothesized, you know, where there's vegetated clearing for a project infrastructure that's out there somewhere?

A. (Widell) No, I believe that NHDHR did not talk about three-mile clearing out beyond the APE. They talked about, both from a topographical or historical perspective, there may be properties that just barely go beyond the one-mile APE, and we are to take that into consideration. That may happen with a historic district.

Q. But that's your gloss. They didn't say that in their letter, did they, the "just barely" part?

A. (Widell) It did precisely talk about topography and historic factors to be taken into consideration beyond the one-mile APE.

Q. But they didn't say "just barely."

A. (Widell) No. Those were my words. That's correct.

Q. And three miles is what Mr. DeWan used for
his scenic evaluation; correct?

A. (Widell) I don't know.

Q. And since, under the definition of "scenic resources" under the SEC's rules that includes historic resources, why not use the same capture as DeWan uses? Because scenic resources are also historic resources; are they not?

A. (Widell) You asked if -- why we wouldn't use the same process as Terry DeWan and then a second. So, Terry -- the reason is that they're very different. I mean, we are evaluating visual effects on historic properties which are defined. And the way that that is done, which is looking at first the significance of the property and then how it will affect the integrity of the property, is a totally different process, I believe. I don't know what the Visual Impact Assessment process is. I'm not an expert in that.

Q. I thought the process was first to identify properties in the APE, not to identify their significance. Didn't we go over this already?
A. (Widell) You --

Q. We're talking now about the APE. And under DeWan's APE -- or I guess that's the area of potential visual impact, APVI, it's three miles. I will offer that, and I think that's correct. Maybe one of the attorneys can correct me if I'm wrong about that. But a scenic resource in New Hampshire under the rules includes a historic resource; correct?

A. (Widell) Yes.

Q. Yes? Okay. So if you're looking at a historic resource as a scenic resource, in terms of the overall capture for it simply -- I think at the EPA stage, all you're doing is collecting what you're going to analyze; correct? Isn't that the basic idea?

A. (Widell) But I'm not participating in doing a Visual Impact Assessment. So the whole process for doing that, I have no idea how they determine which historic sites they specifically choose.

Q. I understand. That's not what I'm talking about. In fact, didn't you consult with Mr. DeWan about historic resources?
A. (Widell) Very little. I told him about Weeks State Park and a couple of properties that were on the National Register.

Q. Yeah, so you only gave him stuff that was actually on the National Register; correct?

A. (Widell) Yes, in the conversation that I had with --

Q. But what I'm talking about now -- and I digressed there. What I'm talking about now is you're establishing, you know, what your APE is. And the APVI includes historical resources out to three miles. In terms of just a very basic capture for your purposes of analysis, why wouldn't you cast a broader net?

A. (Widell) I would not. Let me explain.

Once again, the area of potential effect is part of the Section 106 process. It's a very important part because it is a very careful discussion between the lead federal agency and the state historic preservation office to determine the extent and nature of the effects of the Project and what those might be and where historic properties are
likely to be that could be affected. And so you don't vary from that.

Q. Well, in this case you're coming in a little bit late, aren't you? You start in 2015, and NHDR -- NHDHR and the Applicants and the DOE in 2013 had already agreed on this approximately one-mile APE; correct?

A. (Widell) Yes. They agreed in 2013. I'm not sure which --

Q. And that's for the Section 106 process; correct?

A. (Widell) Yes.

Q. Because Brian Mills doesn't have anything to do with the SEC, does he?

A. (Widell) No. Actually, the SEC and Section 106 are, of course, very different processes.

Q. Exactly.

A. (Widell) They're very similar, very much the same in that they both involve evaluation, assessment of resources and mitigation. The difference is that the SEC ends in a finding of whether there is an unreasonable adverse effect or not on historic sites; whereas,
Section 106 ends, if you will, through consultation with a determination of whether there's no effect, an adverse effect, or no adverse effect and an agreement document. In this case, it's going to be a programmatic agreement. So they're very similar. And the APE is actually the same for both, and the identification process is --

Q. There's nothing in -- (Court Reporter interrupts.)

Q. I'm sorry.

A. (Widell) The identification process is the same.

Q. But there is nothing in the SEC rules that says that it must be one mile; correct?

A. (Widell) That's correct.

Q. And there's nothing in the SEC rules that says it must be exactly what the Project and DOE and NHDHR determined for the 106 process either, is there?

A. (Widell) No. My understanding is that the APE for evaluation of historic resources is based on the APE established by DHR.

Q. You didn't perform any analysis to determine
whether there might be reason to expand the
one-mile APE in any other places, in any
particular places, did you?

A. (Widell) No.

Q. So when Mr. Boisvert said it's approximately
one mile except where, as you say, maybe just
barely ought to be bigger, but as I say,
maybe that means something much larger, you
didn't perform any analysis to go up and down
the line and say, you know, the APE here is
okay, a mile; over here, it ought to be a
mile and a half. You didn't make that
analysis, did you?

A. (Widell) That's correct. We did not make
that analysis.

Q. Okay. And I'm looking, for example, at the
Bristol Square -- the Bristol Central Square
Historic District as being 1.27 miles away;
correct? And it's already on the registry.
It's already on the National Register; right?

A. (Widell) I'd have to look at materials.

There's approximately 180 properties, so...
thank you very much.

Q. This is the Applicant's exhibit, one of the
tables for Bristol, I believe. And I think it's in here. It's an aqua square. That's the last aqua square down.

A. (Widell) Yes.

Q. It says "outside APE 1.27 miles from Project"; right?

A. (Widell) Yes.

Q. So, in this case, perhaps this would have been a candidate to expand the APE to 1.28 miles to include the Bristol Central Square Historic District. Do you agree?

A. (Widell) No. I would want to look at the National Register form. But if it is -- obviously, it's a central square historic district. Once again we go back to its significance --

Q. But there's no question about its significance or its integrity. That's already been determined.

A. (Widell) Yes, but you have to have, and the significance tells you then whether it has significance that is related to views, and therefore there could be an adverse effect.

For example --
Q. But because it's outside --

(Court Reporter interrupts.)

A. (Widell) Thank you. For example, agricultural, recreation, summer cottages,
those are three of the ones that we have
primarily seen in the Northern Pass Project.
In National Register properties, you have
certain criteria which relate to either broad
patterns of history, biography, architecture
or principally archeology, as my colleague
Vicky, would attest to. And in the case of
the properties that are likely to be affected
by visual impact, a visual adverse effect,
they are the ones that are -- that have
setting, viewsheds and landscape related to
that significance that might be affected. So
it's very important not only to find the
historic properties, but to understand the
significance and then understand how that
significance is conveyed on the land.

Q. Okay. But you didn't do any of that because
the Bristol Central Square Historic District
was outside the APE; correct?

A. (Widell) That's correct. And it --
Q. Thank you.
A. (Widell) -- likely did not have significance related to views from that historic district out beyond the buildings. It had architectural significance, or perhaps significance in community planning, but primarily because it is beyond the APE --
Q. Okay.
A. (Widell) -- and unlikely to be adversely affected visually by the Project.
Q. All right. Thank you.

And isn't it true, also, that the Preservation Company excluded much of the Page Hill Agricultural District originally because it was just outside of the APE?
A. (Widell) No. The Page Hill Historic District is one property that was inventoried and determined not to have an adverse effect. But I do not believe that it was not included because it was outside of the APE.

MR. ROTH: I think I'd like to break here.
CHAIRMAN HONIGBERG: Sounds good. We'll break for the afternoon and be
back again tomorrow morning.

MR. ROTH: Thank you, Ms. Widell

and thank you Dr. Bunker.

(Hearing concluded at 5:27 p.m.)
CERTIFICATE

I, Susan J. Robidas, a Licensed Shorthand Court Reporter and Notary Public of the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

______________________________
Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
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