

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

August 9, 2017 - 9:00 a.m.
49 Donovan Street
Concord, New Hampshire

{Electronically filed with SEC 08-21-17}

IN RE: SEC DOCKET NO. 2015-06
NORTHERN PASS TRANSMISSION - EVERSOURCE
Joint Application of Northern Pass
Transmission LLC and Public Service of
New Hampshire d/b/a Eversource Energy
for a Certificate of Site and Facility
(Prehearing conference)

PRESIDING: Michael J. Iacopino, Esq. (Brennan...
(Presiding as the Presiding Officer)

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

Pamela G. Monroe, SEC Administrator

COURT REPORTER: Cynthia Foster, LCR No. 14

APPEARANCES :

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

Barry Needleman, Esq. (McLane...)
Thomas B. Getz, Esq. (McLane...)
Marvin Bellis, Esq., (Eversource)

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

Alan Raff, Esq. (Primary Legal Solutions)

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

Jason Dennis, Esq.

Reptg. Balsams & Dixville Capital:

Mark Believeau, Esq. (Pierce Atwood).

**Reptg. the City of Berlin and the City.
of Franklin:**

Chris Boldt, Esq. (Donahue, Tucker...)

Reptg. Counsel for the Public:

Thomas Pappas, Esq. (Primmer Piper...)

Reptg. Municipal Group 1-North:

Susan Percy

**Reptg. Town of Littleton (MG 1-South); Town
of New Hampton & Ashland Water & Sewer
Dept. (MG 3-North); Towns of
Pembroke & Deerfield (MG 3-South):**

Steven Whitley, Esq. (Mitchell Mun.)

**Reptg. Towns of Northumberland & Whitefield
(MG 1-South); Towns of Easton, Franconia,
Plymouth & Sugar Hill (MG-2); Town of
Bristol (MG 3-North):**

Shawn M. Tanguay, Esq. (Gardner..)

Reptg. Easton Conservation Commission:

Kris Pastoriza

Reptg. the City of Concord:

Danielle L. Pacik, Esq.
(Dep. City Solicitor)

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

Reptg. Grafton County Commissioners:
Lara Saffo, Esq.

**Reptg. the Society for the Protection.
of New Hampshire Forests (SPNHF):**
Amy Manzelli, Esq. (BCM Environmental)
Stephen Wagner, Esq.
Will Abbott

Reptg. Conservation Law Foundation:
Melissa Birchard, Esq.

Reptg. Appalachian Mountain Club:
William Plouffe, Esq. (Drummond..)

**Reptg. New England Power Generators
Association:**
Jim Monahan

**Reptg. Pittsburg, Clarksville and
Stewartstown - Abutting and Non-Abutting
(Combined groups of intervenors):**
Bradley J. Thompson

**Reptg Dummer, Stark, and Northumberland -
Abutting Property Owners:**
Susan Percy
Eric and Margaret Jones

**Reptg. Kevin Spencer and Mark Lagasse.
d/b/a Lagaspence Realty:**
Arthur B. Cunningham, Esq.

**Reptg. Whitefield, Dalton and Bethlehem -
Abutting Property Intervenors:**
Bruce Brekke

**Reptg. Bethlehem to Plymouth - Abutting
Property Owners, Underground:**
Walter Palmer

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

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

Reptg. McKenna's Purchase:
Stephen Judge, Esquire

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

Reptg. Philip & Joan Bilodeau:
Philip H. Bilodeau

**Reptg. David Schrier, Roderick Moore,
Joshua Olson, Rodrigue Beland:**
Bob Baker, Esq.

**Reptg. Non-Abutting Property Owners
(Overhead portion) Ashland to Deerfield:**
Charlotte Crane
Maureen Quinn
Tom Foulkes
Jeanne Menard

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

**Reptg. Non-Abutting Property Owners,
Bethlehem to Plymouth:**
Susan Schibanoff

Reptg. Wagner Forest Management, LTD:
Mike Novello

**Reptg. Sugar Hill Historical Museum,
National Trust for Historic
Preservation and Historic Preservation
Intervenors Group:**
Nancy Martland

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(Hearing commenced at 9:00 a.m.)

MR. IACOPINO: Okay, folks. We're going to get going. We're here today in Docket No. 2015-06, the Joint Application of Northern Pass Transmission, LLC, and Public Service Company of New Hampshire doing business as Eversource Energy for a Certificate of Site and Facility for the Project commonly referred to as the Northern Pass Transmission Project.

This is our third Prehearing Conference in the course of the adjudicative phase of this proceeding. The purpose of this Prehearing Conference is essentially to discuss scheduling going forward. We did issue a Notice of this Prehearing Conference with the issues that are to be addressed, this agenda that I've passed around and it is also up on the electronic evidence presenter.

So that's the goal of our Prehearing Conference today is to basically do some scheduling work. We like to get a sense of what the participants in the proceeding want to do, how they want to present their witnesses, and

1 the length of time that each witness is going to
2 take on cross-examination. If you have not
3 signed in, there is a sign-in sheet at the back
4 of the room. There's also some paper copies of
5 that agenda. I'm going to start off by going
6 around and taking appearances. I am looking to
7 identify people who are parties to the
8 proceeding. That means the Applicant, Counsel
9 for the Public or Intervenors, and as I go
10 around I'm going to call, go by party and ask
11 that the spokesperson actually identify
12 themselves as well. The spokesperson should be
13 answering to this roll call.

14 First let's start with the Applicant. Mr.
15 Needleman?

16 MR. NEEDLEMAN: Barry Needleman from McLane
17 Middleton representing the Joint Applicants. To
18 my right is Marvin Bellis from Eversource Legal,
19 and to his right is Tom Getz, also from McLane
20 Middleton.

21 MR. IACOPINO: Thank you. The next party
22 that I have in our list is the Business Groups
23 that include Cate Street Capital, the IBEW, the
24 Coos County Business and Employers Group, North

1 Country Chamber of Commerce, Dixville Capital,
2 LLC, and Balsams Resort Holdings. Who's here
3 for that group today?

4 MR. RAFF: Alan Raff, Primary Legal
5 Solutions. I'm the attorney for the IBEW or the
6 attorney for the Business Intervenor Group, and
7 to my left is Jason Dennis for the Coos County
8 Business and Employers Group.

9 MR. IACOPINO: So Mr. Beliveau, too?

10 MR. BELIVEAU: Mark Beliveau, Pierce
11 Atwood, for the Balsams and Dixville Capital.

12 MR. IACOPINO: The third party that I have
13 on my list is the group of the Cities of
14 Franklin and Berlin.

15 MR. BOLDT: Chris Boldt, Donahue Tucker
16 Ciandella, for the Cities of Berlin and
17 Franklin.

18 MR. IACOPINO: Okay. We go in this order
19 because this is the way that we have kind of
20 scheduled things as far as parties that support
21 the Application and those who are opposed to it,
22 but our next party is Counsel for the Public.

23 MR. PAPPAS: Tom Pappas from the Primmer
24 firm for Counsel for the Public.

1 MR. IACOPINO: First is Municipal Group 1
2 North. Is anybody here for Municipal Group 1
3 North? Okay. Next one is Municipal Group 1
4 South.

5 MR. WHITLEY: Steven Whitley from Mitchell
6 Municipal Group, spokesperson for Municipal
7 Group 1 South.

8 MR. IACOPINO: And Municipal Group 2?

9 MR. WHITLEY: That is Attorney Fillmore or
10 Attorney Tanguay. Attorney Tanguay is here, but
11 he stepped out to have a conference with his
12 clients.

13 MR. IACOPINO: Okay. Municipal Group 3
14 North.

15 MR. WHITLEY: Steven Whitley from Mitchell
16 Municipal Group, spokesperson.

17 MR. IACOPINO: Municipal Group 3 South?

18 MS. PACIK: Danielle Pacik, legal counsel
19 for the City of Concord and spokesperson.

20 MR. IACOPINO: Grafton County
21 Commissioners. Is anybody here for Grafton
22 County? Hi, Lara.

23 MS. SAFFO: Lara Saffo on behalf of the
24 Grafton County Commissioners.

1 MR. IACOPINO: Thank you. Just for
2 everybody's sake, you've got to flip the button
3 for your microphone to go on, and we do
4 appreciate it if you use the microphones.

5 Number 11 on my list is the Society for the
6 Protection of New Hampshire Forests?

7 MS. MANZELLI: Good morning. Amy Manzelli,
8 and to my left Stephen Wagner, from the law firm
9 of BCM Environmental & Land Law. Also here from
10 the Forest Society two to my left is Will
11 Abbott.

12 MR. IACOPINO: Next group that I have on my
13 list is what we've been referring to as the
14 NGOs. That's Appalachian Mountain Club,
15 Conservation Law Foundation and the Ammonoosuc
16 Conservation Trust.

17 MS. BIRCHARD: Yes. Good morning. Melissa
18 Birchard, designated spokesperson, also
19 representing Conservation Law Foundation. And
20 to my right is Bill Plouffe representing
21 Appalachian Mountain Club.

22 MR. IACOPINO: Thank you. Next I have
23 Abutting Property Owners for the Underground
24 portion, Clarksville -- and by the way, this

1 list may have changed so correct me if I've got
2 it wrong. Abutting Property Owners on the
3 Underground Portion from Clarksville to
4 Stewartstown.

5 MR. THOMPSON: Brad Thompson, spokesman for
6 the Abutters and Non-Abutters, Pittsburg,
7 Clarksville and Stewartstown.

8 MR. IACOPINO: Next I have the Abutting
9 Property Owners for the Overhead Portion for
10 Dummer, Stark and Northumberland.

11 MR. JONES: My name is Eric Jones, and my
12 wife is here beside me. We are Intervenors.
13 Our spokesperson, Susan Percy, said she would be
14 here, and I don't see her. So I don't know what
15 to say.

16 MR. IACOPINO: Art, do you know anything
17 about Susan?

18 MR. CUNNINGHAM: Mike, yes. I expect her
19 to get here. She has a long way to come. So I
20 look for her.

21 MR. IACOPINO: Your clients are in that
22 group as well?

23 MR. CUNNINGHAM: They are.

24 MR. IACOPINO: Okay.

1 MR. CUNNINGHAM: Kevin Spencer, Mark
2 Legasse. Art Cunningham, attorney.

3 MR. IACOPINO: The next group that I have
4 the Abutting Property Owners on the Overhead
5 Portion, Whitefield, Dalton, and Bethlehem?

6 MR. BREKKE: Good morning. My name is
7 Bruce Brekke. I'm representing the group today.
8 David Van Houten, our spokesman, could not make
9 it.

10 MR. IACOPINO: Thank you. Next group is
11 Abutting Property Owners, Underground, Bethlehem
12 to Plymouth.

13 MR. PALMER: My name is Walt Palmer. I'm
14 the spokesperson for the Abutting Property
15 Owners, Bethlehem to Plymouth. We have 7 other
16 members of our group here with me.

17 MR. IACOPINO: If you want to identify
18 them, that's fine.

19 MR. PALMER: Okay. Barbara Meyer, Bob
20 Thibault, Carl Lakes, Campbell McLaren, Peter
21 Grote, and Bruce Ahern and Janice Ahern.

22 MR. IACOPINO: Thank you. Our next group
23 on my list is the Abutting Property Owners for
24 the Overhead Portion, Ashland, Northfield,

1 Canterbury, Allenstown and Concord.

2 MR. JUDGE: Steve Judge, Wadleigh, Starr &
3 Peters, and I'm here for McKenna's Purchase.

4 MR. IACOPINO: I'm sorry. They are part of
5 that group. And Ms. Lee?

6 MS. LEE: Hi. Mary Lee from Northfield,
7 and I'm part of the Allenstown, excuse me, the
8 Ashland to Allenstown group. Thank you.

9 MR. IACOPINO: Thank you.

10 MR. IACOPINO: Number 18 that I have on my
11 list is the Abutting Property Owners on the
12 Overhead Portion of the route in Deerfield.

13 MS. MENARD: Good morning. Jeanne Menard,
14 spokesperson for Deerfield Abutters. And to my
15 left is Bob Cote, also a member of that group.

16 MR. IACOPINO: Next one I have is number 19
17 is Phillip and Joan Bilodeau. They were an
18 individual party. I don't see anybody present.

19 Number 20 on my list is a Non-Abutting
20 Property Owners for the Overhead, Clarksville
21 and Stewartstown; is that Mr. Thompson again?

22 MR. THOMPSON: Yes. That's correct.

23 MR. IACOPINO: I'm sorry. I've got those
24 separated on this sheet.

1 MR. BAKER: And Bob Baker. Mike, I
2 represent two property owners in Stewartstown,
3 Mr. Schrier and a group led by Mr. Moore.

4 MR. IACOPINO: Spelling of Moore, please?
5 M O O R E?

6 MR. BAKER: Yes, it is. Rod Moore, Jr.

7 MR. IACOPINO: I know we have another Moore
8 spelled a different way.

9 Okay. So then I have number 21,
10 Non-Abutting Property Owners, Overhead Portion,
11 Stark, Lancaster, Whitefield, Dalton and
12 Bethlehem. Okay. That's Ms. Becky More. I
13 didn't want to confuse myself with my own notes,
14 but we understand she's not here.

15 We have the Non-Abutting Property Owners on
16 the Overhead Portion, Ashland to Deerfield.

17 MS. CRANE: Charlotte Crane representing
18 the Webster Family Group and spokesperson for
19 this Intervenor Group. Also here today is
20 Maureen Quinn. I understand Tom Foulkes should
21 be here soon.

22 MR. IACOPINO: Thank you. And the next one
23 I have on my list is the Pemigewasset River
24 Local Advisory Committee.

1 MR. STAMP: Good morning. Max Stamp, Pemi
2 River Local Advisory Committee. On my right is
3 Gretchen Draper. Immediately behind her is
4 Barry Draper.

5 MR. IACOPINO: Do we have any wildlife
6 today, Mr. Draper?

7 MR. DRAPER: I do, but I won't mention it.

8 MR. IACOPINO: Yes, Ms. Crane?

9 MS. CRANE: I failed to mention that Jeanne
10 Menard for the Pawtuckaway Properties is also a
11 member of this group and present today.

12 MR. IACOPINO: Okay. Thank you. Did I
13 miss anybody?

14 MR. BAKER: Yes, Mike. Bob Baker, again.
15 I have two other clients that are in the Dummer
16 to Northumberland Abutters Group, Eric and
17 Joshua Olson, and Rodrigue Beland.

18 MR. IACOPINO: That's the same group with
19 Mr. Cunningham?

20 MR. BAKER: Yes. Our spokesperson is, I'm
21 not sure if she's here yet, was not here before
22 when you called. Also I'd like to report on
23 Municipal Group 1. As recently as Friday I was
24 visiting, actually, no, it's earlier in the week

1 I was visiting in the hospital Steve Ellis who I
2 think is one of the representatives you've dealt
3 with on Municipal Group 1. I think he's back
4 home now, but I know that he would not be able
5 to make this trip at this time.

6 MR. IACOPINO: Okay. Thank you. Was there
7 somebody else?

8 MS. SCHIBANOFF: Non-Abutting Property
9 Owners, Bethlehem to Plymouth. Susan
10 Schibanoff, I'm the spokesperson.

11 MR. IACOPINO: And then is there a
12 representative from the Historic Group?

13 MS. MARTLAND: Yes. Good morning. Nancy
14 Martland from the Sugar Hill Historical Museum.
15 Our spokesperson, Sharee Williamson, won't be
16 here today.

17 MR. IACOPINO: And NEPGA?

18 MR. MONAHAN: Jim Monahan for the New
19 England Power Generators Association.

20 MR. IACOPINO: And Wagner Forest. I should
21 have called them in the first couple of --

22 MR. NOVELLO: Mike Novello here for Wagner
23 Forest.

24 MR. IACOPINO: I knew we had 27 but my list

1 only had 23 so -- is there anybody else who
2 thinks we have not called your group?

3 MS. LEE: Can I include Taras in that list?

4 MR. IACOPINO: We know that Taras is part
5 of your group.

6 MS. LEE: Okay. Thank you.

7 MR. IACOPINO: And here comes Mr. Bilodeau
8 now so we'll mark him as present as well.

9 MR. BILODEAU: Thank you.

10 MR. IACOPINO: Okay. What I would like to
11 turn to now is we have done 27 days of hearings
12 so far, and most of them have been absolutely
13 full days, and we still have some Applicant
14 witnesses left to go. We are presently in the
15 process of cross-examination of a panel
16 consisting of Ms. Widell and Ms. Bunker with the
17 Historical and Archeological Panel. We have a
18 good idea from our previous conversations about
19 how long we will be going with them.

20 That leaves to my understanding one Witness
21 Panel left for the Applicant, that being Terry
22 DeWan and Jessica Kimball; and Mr. Needleman, am
23 I wrong?

24 MR. NEEDLEMAN: Yes. We also have to

1 finish with Bob Varney in Orderly Regional
2 Development.

3 MR. IACOPINO: Okay. What I would like to
4 do at this point in time is get an estimate from
5 the parties as to how long they expect to spend
6 with each of those Panels. And you are putting
7 DeWan and Kimball together on a Panel, correct?

8 MR. NEEDLEMAN: Correct.

9 MR. IACOPINO: They are the Aesthetics
10 experts, and Mr. Varney is, amongst other
11 things, Orderly Development. So what I'm going
12 to do is just going to go through the list that
13 I just went through. It's not necessarily the
14 list of what the order of examination is. My
15 guess is when we get to that, we'll probably
16 follow the same order that we've been following
17 with the exception of moving once we get into
18 the Counsel for the Public, we'll probably move
19 the Applicant to last, and we'll move City of
20 Franklin and Berlin and the Business Groups
21 towards the bottom so that we have parties that
22 oppose the Project go first with their
23 cross-examination, followed by those who support
24 and, of course, that would start with Counsel

1 for the Public's witnesses.

2 But right now I just want to discuss the
3 two Panels that are left for the Applicant or
4 two sets of witnesses, DeWan and Kimball, the
5 Aesthetics, and Bob Varney on the Orderly
6 Development. So let me go to Business Groups.
7 Do you anticipate any cross-examination for
8 DeWan and Kimball?

9 MR. RAFF: No. We do not at this time.

10 MR. IACOPINO: How about for Mr. Varney?

11 MR. RAFF: No.

12 MR. IACOPINO: City of Franklin and Berlin?

13 MR. BOLDT: None for either.

14 MR. IACOPINO: Counsel for the Public?

15 MR. PAPPAS: On the Aesthetic Group,
16 probably a day and a half. For Mr. Varney,
17 three to maybe four hours.

18 MR. IACOPINO: Nobody's here for Municipal
19 Group 1. Municipal Group 1 South. Are you guys
20 planning on grouping again?

21 MR. WHITLEY: We'll probably continue to do
22 it as we have so far which is work together so
23 we're not duplicative. I can say for myself,
24 for my Group, I anticipate an hour for the

1 Aesthetics Panel and probably an hour for
2 Mr. Varney. And that goes for the two groups
3 that I'm a spokesman for.

4 MR. IACOPINO: Municipal Group 2?

5 MR. TANGUAY: Most likely probably two
6 hours for Bob Varney and possibly an hour for
7 Aesthetics, but again, that's a total guess.

8 MR. IACOPINO: I understand that these are
9 estimates. I hope they're not guesses. I
10 certainly hope they're not total guesses because
11 one of the things that's goes to happen as a
12 result of this proceeding today is we're going
13 to be scheduling and we're going to be relying
14 upon your estimates to determine how many days
15 need to be scheduled, first of all, to determine
16 if we do need to schedule any more days and if
17 we do to determine how many days need to be
18 scheduled. So let's make these estimates not
19 total guesses, okay? Municipal Group 3 North.

20 MR. WHITLEY: That's me again, Mike, and in
21 my times I included the questions for Group 3
22 North.

23 MR. IACOPINO: Yes. I understand. That's
24 my fault. And Ms. Pacik, Group 3 South?

1 MS. PACIK: For DeWan and Kimball, two
2 hours and for Varney one hour.

3 MR. IACOPINO: Grafton County
4 Commissioners?

5 MS. SAFFO: Aesthetics, we have 45 minutes;
6 and for Mr. Varney, an hour and a half, and a
7 lot depends on what other people ask which is
8 why it's hard to guess.

9 MR. IACOPINO: Ms. Manzelli? Society for
10 the Protection of New Hampshire Forests?

11 MS. MANZELLI: For the Aesthetics Panel,
12 three hours; for Mr. Varney, two hours.

13 MR. IACOPINO: NGOs for DeWan and Kimball
14 and then for Mr. Varney.

15 MS. BIRCHARD: For the Aesthetics Panel,
16 one hour; and for Mr. Varney, 15 minutes.

17 MR. IACOPINO: 15 minutes, did you say?

18 MS. BIRCHARD: Yes.

19 MR. IACOPINO: Bill, does that include
20 anything you would have as well?

21 MR. PLOUFFE: Yes.

22 MR. IACOPINO: Abutting Property Owners for
23 the Underground Portion from Clarksville and
24 Stewartstown, and I guess that would be Abutters

1 and Non-Abutters, Mr. Thompson?

2 MR. THOMPSON: For Aesthetics, 15, 20
3 minutes; and nothing for Mr. Varney.

4 MR. IACOPINO: Abutting Property Owners
5 Dummer, Stark, Northumberland, the Overhead
6 Portion, I think this is Ms. Perry's group.

7 MR. CUNNINGHAM: I know she has questions.
8 I don't think she's here yet.

9 MR. IACOPINO: Are you going to have
10 separate questions?

11 MR. CUNNINGHAM: No. I have no questions
12 for either, but I'm sure Susan does. Say an
13 hour for DeWan and just reserve 15 minutes for
14 Varney.

15 MR. IACOPINO: Mr. Baker, are you going to
16 have any questions, you think?

17 MR. BAKER: Yes. I will, Mike. One hour
18 total for all remaining Applicant's witnesses
19 except I guess we've got the Panel that's on
20 now.

21 MR. IACOPINO: We're not talking about
22 them.

23 MR. BAKER: Right. One hour total for the
24 remaining Panels to be called.

1 MR. IACOPINO: Do you know how much of that
2 hour will be in Aesthetics and how much will be
3 Mr. Varney?

4 MR. BAKER: I would split it in half and
5 much will depend on other questions that are
6 asked by other Intervenors that go first.

7 MR. IACOPINO: Thank you. Abutting
8 Property Owners Whitefield, Overhead,
9 Mr. Brekke?

10 MR. BREKKE: We had in a previous
11 Preconference Hearing submitted an estimate for
12 these two Panels. I don't have that information
13 with me.

14 MR. IACOPINO: Has it changed?

15 MR. BREKKE: It hasn't changed. So if you
16 have a record of that, that's what it is.

17 MR. IACOPINO: Okay. Underground Bethlehem
18 to Plymouth. Mr. Palmer.

19 MR. PALMER: We'd like to reserve 30
20 minutes for the Bob Varney Group, and 30 minutes
21 for the Aesthetics Panel.

22 MR. IACOPINO: Do you know if you're going
23 to be breaking up this questioning like you have
24 during the course of the proceedings?

1 MR. PALMER: Yes, we will be.

2 MR. IACOPINO: Do you know how you're going
3 to be breaking it up?

4 MR. PALMER: We don't know at this point.

5 MR. IACOPINO: At your earliest possible
6 convenience, it would be great if you could give
7 the Chair a breakdown of that, and when I say as
8 early as possible, once we reconvene, which
9 isn't until the 29th, but if you could once we
10 reconvene provide us with just what that
11 breakdown of that 30 minutes is going to be.

12 MR. PALMER: Thank you very much. I will
13 do that.

14 MR. IACOPINO: Thank you very much.
15 Abutting Property Owners, Overhead, Ashland,
16 Northfield, Canterbury, Allenstown and Concord.
17 This was the group that has Ms. Lee and
18 Mr. Judge.

19 MR. JUDGE: None for McKenna's Purchase.

20 MR. IACOPINO: For either?

21 MR. JUDGE: For either.

22 MS. LEE: I'm going to reserve 15 minutes
23 for both.

24 MR. IACOPINO: Thank you. Ms. Menard, the

1 Abutting Property Owners on the Overhead Portion
2 in Deerfield.

3 MS. MENARD: Two hours for Aesthetics and
4 one hour for Mr. Varney.

5 MR. IACOPINO: Thank you. Mr. Bilodeau?

6 MR. BILODEAU: No questions.

7 MR. IACOPINO: Thank you. Non-Abutting
8 Property Owners. Actually, Mr. Thompson, you
9 already answered for them. So we go to
10 Non-Abutting Property Owners, Overhead Portion,
11 in Stark, Lancaster, Whitefield, Dalton and
12 Bethlehem. There's no one here representing
13 them yet. Is that still the case? I think
14 that's Ms. More. So she's not coming. Okay.

15 And then number 22. Non-Abutting Property
16 Owners, Ashland to Deerfield. Professor Crane?

17 MS. CRANE: An hour and a quarter for
18 Aesthetics, 15 minutes for Orderly Development.
19 And we will probably break up the Aesthetics so
20 that the people most familiar with the regions
21 involved can be doing the questioning.

22 MR. IACOPINO: So, again, to you as well,
23 if you could as soon as you can once we're
24 reconvened on the 29th just provide us with,

1 just give it to Ms. Monroe, just a breakdown of
2 who the questioners will be.

3 MS. CRANE: Yes. Thank you.

4 MR. IACOPINO: Thank you. I know I'm out
5 of order, but number 23 I have the Pemigewasset
6 River Local Advisory Committee. Mr. Stamp?

7 MR. STAMP: 45 minutes for Aesthetics, and
8 we'll split that up pretty evenly between the
9 three of us.

10 MR. IACOPINO: Okay.

11 MR. STAMP: 35 minutes for Mr. Varney.
12 Equally split again.

13 MR. IACOPINO: Okay. Ms. Schibanoff?

14 MS. SCHIBANOFF: 30 minutes for each,
15 please.

16 MR. IACOPINO: The Historic Groups, Ms.
17 Martland?

18 MS. MARTLAND: Three hours for Mr. DeWan.
19 It will be divided between two questioners.

20 MR. IACOPINO: You said three hours, two
21 questioners?

22 MS. MARTLAND: Yes. And nothing for
23 Mr. Varney.

24 MR. IACOPINO: Nobody is here from NEPGA.

1 Wagner Forest. Mr. Novello, I apologize.

2 MR. NOVELLO: No offense taken. We won't
3 have any questions.

4 MR. IACOPINO: For either one of them?

5 MR. NOVELLO: That's correct.

6 MR. IACOPINO: And now about NEPGA.

7 MR. MONAHAN: We have no questions.

8 MR. IACOPINO: Okay. Ms. Monroe is going
9 to go over what we have for the Historic, for
10 the remainder of the Historic Panel so if
11 anybody has any changes to what she tells you,
12 we'll need to know.

13 MS. MONROE: So for Counsel for the Public,
14 I had 30 minutes left. SPNHF, Ms. Boepple asked
15 for 2.5 hours. The Municipal Groups together,
16 Ms. Pacik and Mr. Whitley, asked for one hour
17 total between the two. Clarksville to
18 Stewartstown Group, Mr. Baker on behalf of his
19 clients asked for 30 minutes. I see a nodding
20 head. The Dummer to Northumberland Group, Ms.
21 Percy who isn't here yet had asked for 30
22 minutes. Ms. More who isn't here has asked for
23 30 minutes. She has contacted me via email, and
24 she was here at the prior hearing. The

1 Deerfield Group, Ms. Menard had asked for two
2 hours. And the Ashland to Concord Group,
3 Ms. Quinn or Ms. Townsend had asked for 15
4 minutes. Is that correct, Ms. Crane?

5 MS. CRANE: Yes.

6 MR. IACOPIINO: And Ms. Martland approached
7 me today and because they weren't on the list,
8 nor do I believe they were present, they may
9 have been at the last but she asked for how
10 long, Ms. Martland?

11 MS. MARTLAND: 60 to 90 minutes.

12 MR. IACOPINO: And you had asked for some
13 consideration for when who's coming?

14 MS. MARTLAND: Betty Merritt, Elizabeth
15 Merritt.

16 MR. IACOPINO: When Ms. Merritt might go?

17 MS. MARTLAND: Yes. She is constrained by
18 how much time she has if she might go in a
19 different order.

20 MR. IACOPINO: So I asked if you could talk
21 with the parties to see if you can work that out
22 and let me know.

23 MS. MARTLAND: Yes. Thank you.

24 MR. IACOPINO: So 60 to 90 minutes for your

1 group.

2 MS. MARTLAND: Yes. Correct.

3 MR. IACOPINO: One thing I would say that I
4 think all of parties have been very flexible
5 with each other over the last 27 days of
6 hearings, and when it's been necessary to
7 rearrange witnesses or rearrange the order,
8 everybody's been very cooperative with each
9 other, and we really appreciate that. But
10 please remember to let us know if there is sort
11 of a consensus that there's going to a change in
12 the order. So thank you.

13 MS. BIRCHARD: Yes. So the NGO Intervenors
14 would like to reserve 15 minutes for that Panel.

15 MR. IACOPINO: For the Historic Panel.
16 Okay.

17 ADMINISTRATOR MONROE: Okay.

18 MS. BIRCHARD: Thank you.

19 MS. MANZELLI: I'd like to revise up my
20 estimation for cross-examination of the
21 Aesthetics Panel from 3 hours to 4.5 hours.
22 Sorry about that.

23 MR. IACOPINO: Did you miss a couple pages
24 there?

1 MS. MANZELLI: Thank you.

2 MR. IACOPINO: Now you make me have to read
3 my own handwriting. So noted.

4 So that concludes pretty much discussion
5 regarding at least the scheduling, length of
6 time we expect to continue to proceed with the
7 Applicant's witnesses.

8 Let's move on and talk about the witnesses
9 from the rest of the parties. That includes
10 Counsel for the Public and all our Intervenors.
11 Now, we have some Intervenors that we have
12 generally grouped as being in support of the
13 Project, and I'd like to start off with them.
14 I'm going to start with Wagner Forest. Was
15 there a Prefiled Testimony on Wagner Forest?

16 MS. WAGNER: No. We did not have anyone.

17 MR. IACOPINO: So there's no witnesses from
18 Wagner Forest. So we're going to move on to the
19 Business Organizations. My list says that we
20 have Prefiled Testimony from -- I'm going to
21 mess up his name. But Mr. Allen Bouthillier, we
22 have Prefiled Testimony, and Prefiled Testimony
23 from Mr. Casey and Mr. Eaton for IBEW and then
24 Prefiled Testimony from Mr. Otten.

1 MR. RAFF: That's correct.

2 MR. IACOPINO: Do you intend to present all
3 of those witnesses?

4 MR. RAFF: We do.

5 MR. IACOPINO: Okay. Let's talk about how
6 you're going to do that. Do you intend to put
7 them up as a single panel or do you intend to
8 call them individually? I note that both the
9 group, Mr. Bouthillier and Mr. Casey and
10 Mr. Eaton all seemed -- and actually part of
11 Mr. Otten's testimony all seems to address
12 Orderly Development. Seems that it would make
13 sense to call them as a Panel, but obviously
14 they're your witnesses so --

15 MR. RAFF: If that's what you think would
16 be easier, we'd be happy to put them together.

17 MR. IACOPINO: I don't want to tell you how
18 to put on your case. I'm just saying to me, I
19 mean, I've gone through the various prefiled
20 testimonies, and I've tried, I don't always get
21 it right so I do have Mr. Otten also speaking
22 about public interest as well.

23 MR. RAFF: After further discussion, we're
24 going to do them separate. Joe and Tiler will

1 be one Panel and Allen will be another one and
2 then Mr. Otten.

3 MR. IACOPINO: All right. City of Franklin
4 and Berlin. I have two witnesses from that
5 group. Mayor Grenier and Elizabeth Dragon.
6 There has been a substitute, I think?

7 MR. BOLDT: There will be a substitute. I
8 checked with the spokesperson for the group. I
9 checked with Paul Fitzgerald who is the
10 spokesperson for the City of Franklin. Ms.
11 Dragon is about to transfer to the City of
12 Keene, and they have yet to designate who will
13 adopt her testimony, but they do anticipate that
14 adoption will take place fairly soon.

15 MR. IACOPINO: Okay. And what's your
16 pleasure in terms of how you're going to present
17 your witnesses, Mr. Boldt?

18 MR. BOLDT: I would anticipate that they
19 would be separate, but it is one where it's the
20 pleasure of the Committee.

21 MR. IACOPINO: Well, I'll tell everybody I
22 think the Committee would prefer as many Panels
23 as possible because I think things tend to go
24 smoother when we have Panels, and they take less

1 time. But, again, the Committee has allowed the
2 Applicant to present its case in the manner in
3 which it saw fit, and we're going to extend that
4 same courtesy to you all, but if you're
5 concerned about what the Committee thinks, the
6 Committee would prefer Panels.

7 MR. BOLDT: Frankly, it's a question of how
8 much cross-examination there would be of these
9 two. Hopefully it will be brief, but we'll see.

10 MR. IACOPINO: I do have that their
11 testimonies overlap on Orderly Development. So
12 it's up to you though.

13 MR. BOLDT: I'm fine. Paul and I have not
14 discussed that aspect of it, and to speed things
15 along we'll agree that a Panel is probably a
16 good idea.

17 MR. IACOPINO: Thank you. Okay. Counsel
18 for the Public. Wait a minute. Did I miss any
19 of the groups that are generally supportive of
20 the Application? I don't think I did, did I?
21 Okay. Mr. Pappas. What's your plan?

22 MR. PAPPAS: I sent an email around, I
23 believe, on Friday. You should have gotten a
24 copy of it, but if not --

1 MR. IACOPINO: I didn't get one. Although
2 in about two hours on Friday I got 109 emails
3 so --

4 MR. PAPPAS: Mine was 108.

5 MR. IACOPINO: I'm talking they all came in
6 at one time.

7 MR. PAPPAS: Our current thinking is that
8 we're going to start with our Construction Panel
9 and it will be a Panel, even though the
10 testimony was split between overhead and
11 underground. I think it's more efficient to put
12 them together. So the Construction Panel will
13 be three gentlemen from Dewberry: Mr. Taylor,
14 Mr. Zysk and Mr. Alexander and plus Mr. Bascom
15 who focuses on underground.

16 We would then put on our Local Economics
17 Panel which are the two gentlemen from Kavet &
18 Rockler. Mr. Kavet and Mr. Rockler.

19 We then anticipate putting on our Historic
20 and Cultural witness, Ms. O'Donnell from
21 Heritage.

22 And then we plan on putting our
23 Environmental Panel which will be all the
24 Environmental Prefiled Testimony, Mr. Lew-Smith,

1 Mr. Parsons, Mr. Amaral and Mr. Reynolds.

2 MR. IACOPINO: What was the first one?

3 MR. PAPPAS: Lew-Smith. Michael Lew-Smith.

4 MR. IACOPINO: So Lew-Smith, Parsons,
5 Amaral and Reynolds?

6 MR. PAPPAS: And Reynolds. Then we
7 anticipate putting our Aesthetics Panel on, the
8 three gentleman from T.J. Boyle, Mr. Buscher,
9 Mr. Palmer and Mr. Owens. And our final panel
10 will be what I call Market Economics, Dr. Weiss
11 and Dr. Newell.

12 That's our intended order. Obviously, I'm
13 comfortable with our Construction Panel leading
14 off and the Local Economics probably going
15 second. Beyond that, it's going to depend on
16 availability of witnesses and where we are in
17 the hearing days, but if I had my druthers that
18 would be order which we would present them.

19 MR. IACOPINO: Okay. So after Counsel for
20 the Public would normally be Municipal Group
21 1-North. Municipal Group 1-North on my list has
22 three Boards of Selectmen that filed testimony.
23 Pittsburg, Clarksville and Stewartstown. It's
24 been, I guess the Chair of each of those groups

1 filed, and by my notes they all involve, they
2 all overlap on Orderly Development, some of them
3 overlap on Public Interest, and then, well,
4 actually, they tend to overlap on Environment
5 and Aesthetics as well. But we don't have any
6 representative here. Is anybody from that group
7 here at all? Okay. We will have to make
8 inquiry from them.

9 But at this point, if the Chair were to ask
10 me, I would say to call those representatives as
11 a Panel. They appear to all come from the same
12 geographic area, and they're, at least by my
13 notes, their Prefiled Testimony overlaps
14 substantially. We'll follow up. At some point
15 we'll find a way to notify everybody of what we
16 learn.

17 Municipal Group 1 South, I know that you
18 have, there's one witness that is shared by a
19 number of Municipal Groups. That's Mr.
20 Sansoucy. I assume you intend to present him
21 separately?

22 MR. WHITLEY: That's correct.

23 MR. IACOPINO: And then for Municipal Group
24 1 South, I have -- and I'm sorry if I butcher

1 people's names. Cassandra Laleme from
2 Bethlehem. Cheryl Jensen, am I right group?
3 Cheryl Jensen, Bethlehem Conservation
4 Commission. Edwin Mellett from Northumberland.
5 My notes say Hersom and Lombardi, Whitefield
6 Board of Selectmen and the Planning Board. Lise
7 Moran on behalf of the Town of Whitefield.

8 Am I correct that those are your remaining
9 witnesses after Sansoucy or did I miss up my
10 groups?

11 MR. TANGUAY: Those are primarily correct.
12 I can't speak to Bethlehem because they have
13 decided to represent themselves.

14 MR. IACOPINO: Is Ms. Jensen here?

15 MR. TANGUAY: I don't believe anybody from
16 Bethlehem is here.

17 MR. IACOPINO: Mr. Tanguay, what would be
18 your plan to put these on -- obviously, without
19 knowing what Ms. Jensen intends to do, as a
20 Panel or separately?

21 MR. TANGUAY: We were anticipating putting
22 on each town because of the different dynamics
23 and characteristics of each town so we were
24 hoping to put each town on as a Panel onto

1 itself.

2 MR. IACOPINO: Okay. So that would mean
3 that, assuming Bethlehem was on board with you,
4 Laleme and Jensen is representing Bethlehem.
5 Then Ed Mellett on Northumberland, and then
6 Hersom and Lombardi and Moran for Whitefield?

7 MR. TANGUAY: That's correct.

8 MR. IACOPINO: Okay.

9 MR. WHITLEY: Mike, I'm the spokesperson
10 for Group 1 South, and I've had some
11 conversations with Ms. Jensen from Bethlehem,
12 and I believe that she is on board with the
13 Bethlehem witnesses being presented as a single
14 Panel.

15 MR. IACOPINO: Okay.

16 MR. WHITLEY: Consistent with what Shawn
17 just mentioned.

18 MR. IACOPINO: Let me just make a note
19 here.

20 ADMINISTRATOR MONROE: I also have Lore
21 Moran Dodge as one of the witnesses.

22 MR. WHITLEY: Who was that, Pam?

23 ADMINISTRATOR MONROE: Lore Moran Dodge and
24 Lise Moran filed jointly, I believe.

1 MR. IACOPINO: Oh. I'm sorry.

2 MR. TANGUAY: Attorney Iacopino did mention
3 Lise Moran, and that's who we have as the
4 witness for that.

5 ADMINISTRATOR MONROE: Okay. But not Lore?

6 MR. TANGUAY: I don't believe so, no. I
7 think Lise Moran will be the one providing that
8 testimony.

9 MS. MANZELLI: Excuse me, Pam. Amy
10 Manzelli for the Forest Society. The Moran
11 sisters filed Joint Testimony on behalf of the
12 Forest Society. So I think that's the
13 confusion.

14 ADMINISTRATOR MONROE: Okay.

15 MR. IACOPINO: Municipal Group 2, we have
16 testimony from Deborah Stever which has been
17 adopted by Robert Thibault on behalf of the
18 Easton Board of Selectmen. Testimony from Eric
19 Meth on behalf of the Franconia Board of
20 Selectmen. Mr. Sansoucy, but we've already
21 addressed him. Jim Collier on behalf of the
22 Easton Planning Board. Judy Welch. Kris
23 Pastoriza on behalf of the Easton Conservation
24 Commission. Margaret Connors on behalf of Sugar

1 Hill Board of Selectmen. And Sharon Penney
2 whose testimony was adopted which Brian Murphy
3 on behalf of the town of Plymouth. Is that
4 correct?

5 MR. WHITLEY: Mr. Iacopino, this is Steven
6 Whitley. The Town of Woodstock has withdrawn
7 from this matter, and you mentioned Judy Welch.

8 MR. IACOPINO: Okay. I didn't have her, so
9 I should, so you're not going to present her as
10 a witness.

11 MR. WHITLEY: She will be not be appearing
12 as a witness.

13 MR. IACOPINO: I take it you have no
14 objection to her Prefiled Testimony being
15 removed from the record or stricken?

16 MR. WHITLEY: Correct.

17 MR. TANGUAY: In terms of all the other
18 names of all the other witnesses, Attorney
19 Iacopino, those are all correct.

20 MR. IACOPINO: How are you anticipating the
21 presentation of those witnesses?

22 MR. TANGUAY: Once again, we were thinking
23 about doing them as a Panel for each town.

24 MR. IACOPINO: So we would have a Panel

1 from Easton, a Panel from Franconia, and a Panel
2 from Sugar Hill and then Mr. Murphy for
3 Plymouth?

4 MR. TANGUAY: Correct.

5 MR. IACOPINO: Okay. So Municipal Group
6 number 2 will be presenting four separate sets
7 of testimony. Okay.

8 Let's move on to Municipal Group 3 North.
9 I have in my list, and please correct me if I'm
10 wrong, the following witnesses. Barbara Lucas
11 from the town of New Hampton, Daniel Moore on
12 behalf of the town of New Hampton. Again, Mr.
13 Sansoucy, we've already addressed him. Kenneth
14 Kettenring from New Hampton. Kris Pastoriza
15 again. I don't know why I have her -- I just
16 have her in the wrong group, I guess. Neil
17 Irvine, Board of Selectmen, New Hampton.
18 Nicholas Coates, Town of Bristol. This is
19 Municipal Group 3 North.

20 MR. WHITLEY: That's correct.

21 MR. IACOPINO: What is the proposal for how
22 you're going to present those witnesses?

23 MR. WHITLEY: Similar to the other
24 municipalities, each municipality will be its

1 own Panel.

2 MR. IACOPINO: So we've got New Hampton,
3 Bristol. Did I miss a town?

4 MR. WHITLEY: I don't believe so. No.

5 MR. IACOPINO: So it's just two on that.
6 Municipal Group 3 South. Again, they have Mr.
7 Sansoucy as well. We're only going to do him
8 once. I have Ammy Heiser from the Conservation
9 Committee, Town of Pembroke. Andrew Robertson
10 on behalf of the Town of Deerfield. Beth
11 Fenstermacher on behalf of the City of Concord.
12 Edward Roberge, I don't have where he's from.
13 Concord. Heather Shank, also from Concord.
14 Justine Courtenmanche whose testimony is adopted
15 by David Jodoin from Pembroke. Kate Hartnett on
16 behalf of the Planning Board and Building
17 Department of the Town of Deerfield. Joint
18 Testimony of Matson and Bouchard for Concord.
19 Joint Testimony of McLure and Tardiff for the
20 Concord Conservation Commission. Peter Scott
21 from Sabbow and Company. Rick Van De Poll from
22 Concord and Stephanie Verdile from the Town of
23 Pembroke. Did I miss anybody in that group?

24 MS. PACIK: No. That's correct.

1 MR. IACOPINO: How are we going to do that
2 group?

3 MS. PACIK: So Pembroke will be a Panel.
4 All the Deerfield will be a Panel, and then from
5 Concord, all of the Prefiled Testimony that we
6 submitted would be a Panel, with possibly the
7 exception of Peter Scott. We could put him on
8 the same day, but we might want him to be
9 separate just because he has a very narrow
10 window of time.

11 MR. IACOPINO: I'm listing him as separate
12 just for our purposes and scheduling purposes.

13 MS. PACIK: Thank you.

14 MR. IACOPINO: It would be great if you can
15 have him sit with the Panel. It makes things
16 more efficient. That would be great.

17 MS. PACIK: Is there going to be room to
18 accommodate nine people?

19 MR. IACOPINO: We'll make it.

20 MS. PACIK: Thank you.

21 MR. IACOPINO: Might be a little crowded,
22 but we'll make it.

23 MR. IACOPINO: Grafton County Commissioner.
24 They have one witness, Linda Lauer?

1 MS. SAFFO: Yes. That's it.

2 MR. IACOPINO: Society for the Protection
3 of New Hampshire Forests. I have, I know you
4 did a memo, but I don't have it in front of me
5 so I don't remember what was in it, but I'm
6 going to go through the witnesses first and you
7 tell me how you have them set up as Panels,
8 Ms. Manzelli, is that okay?

9 MS. MANZELLI: That's fine.

10 MR. IACOPINO: For everybody's benefit,
11 they presented Prefiled Testimony from Jane
12 Difley, Will Abbott, Raymond Lobdell, Harry
13 Dodson, Dean Wilber, Donald and Diane Bilodeau,
14 Dawn Bilodeau and Dana Bilodeau. I think that's
15 a Joint Testimony. Kelly O'Brien Normandeau or
16 is Normandeau a separate witness?

17 MS. MANZELLI: Yes. Kelly O'Brien
18 Normandeau is one of our witnesses.

19 MR. IACOPINO: Just the way I have it in my
20 notes is I don't know if it's one person or two.
21 Sorry. Here we have Lore and Lise Moran Dodge.
22 And then John Conkling. Did I get all of your
23 witnesses?

24 MS. MANZELLI: Yes. You did.

1 MR. IACOPINO: Can you tell us how you plan
2 on splitting them up, please?

3 MS. MANZELLI: So Jane Difley and Will
4 Abbott would be a Panel for the two of them.
5 The Bilodeau family, the northern Bilodeaus,
6 Donald, Diane, Dawn and Dana will be a Panel.

7 MR. IACOPINO: Okay.

8 MS. MANZELLI: It might be easier to skip
9 the next Panel and say that Ray Lobdell and
10 Harry Dodson will go second to last and last as
11 individual witnesses. And then everybody else
12 will be our third set of witnesses. So that's
13 John Conkling, Dean Wilber, Kelly O'Brien
14 Normandeau, Lore Moran Dodge and Lise Moran.

15 MR. IACOPINO: How many total people is
16 that?

17 MS. MANZELLI: 1, 2, 3, 4, 5.

18 MR. IACOPINO: It will be a little crowded
19 up there, too. So you intend to present five
20 Panels, with the third one being the larger
21 group.

22 MS. MANZELLI: Correct, and with the fourth
23 and fifth, quote, unquote, Panel just being
24 individual witnesses.

1 MR. IACOPINO: Yes.

2 MS. MANZELLI: I did want to make the same
3 caveat that Attorney Pappas mentioned. This is
4 how we would prefer to do it. We'll remain
5 flexible based on the needs of all the other
6 parties and also recognize that our clients,
7 weather, all that.

8 MR. IACOPINO: We understand that there's
9 still a lot of question marks out there in terms
10 of scheduling, and I think everybody understands
11 that flexibility is necessary.

12 MS. MANZELLI: Thank you.

13 MR. IACOPINO: The NGOs, Appalachian
14 Mountain Group, Conservation Law, and Ammonoosuc
15 Conservation Trust is a group. I have three
16 filings, three prefiled filings for them. Chris
17 Thayer, Dr. David Publicover, and then a Joint
18 Testimony of Dr. Kenneth Kimball and Larry
19 Garland. Did I miss anybody?

20 MR. PLOUFFE: That's correct.

21 MR. IACOPINO: What is the plan for the
22 presentation of these witnesses?

23 MR. PLOUFFE: So the Joint Testimony of
24 Kimball and Garland and the testimony of Thayer

1 I would see as a, quote, "Panel." And
2 Publicover is on a separate topic, but he could
3 sit up there at the same time as you were
4 suggesting before.

5 MR. IACOPINO: Put all three of your
6 witnesses on at the same time? Same Panel?

7 MR. PLOUFFE: Yes, right.

8 MR. IACOPINO: Okay, great.

9 MR. PLOUFFE: But we could separate the
10 topics, perhaps, if that would make sense.
11 Publicover being separate from the -- he's the
12 wildlife/forestry whereas the others are
13 Aesthetics.

14 MR. IACOPINO: It's your preference to put
15 them all on as a Panel?

16 MR. PLOUFFE: I think that's the most
17 efficient for the Subcommittee.

18 MR. IACOPINO: I agree. Thank you.

19 Mr. Monahan, we now turn to NEPGA in my
20 list here, and this list isn't in the same order
21 as the other list, but I have two filings, but
22 I'm not sure about them. James Ginnetti and
23 William Fowler.

24 MR. MONAHAN: We'll be offering William

1 Fowler, and while we haven't prepared it yet,
2 Mr. Ginnetti's testimony focused on the PPA and
3 we'll be withdrawing that testimony.

4 MR. IACOPINO: You'll be what?

5 MR. MONAHAN: Withdrawing that testimony so
6 we wouldn't be presenting Mr. Ginnetti.

7 MR. IACOPINO: Okay. So you won't be
8 presenting Mr. Ginnetti, just be presenting
9 Mr. Fowler.

10 MR. MONAHAN: Correct. I'm sorry.

11 MR. IACOPINO: Thank you. Okay.
12 Mr. Thompson. I'm going to combine both of your
13 groups. Where is Mr. Thompson?

14 MR. THOMPSON: Yes. I'm here.

15 MR. IACOPINO: I have both of your groups
16 combined in this.

17 MR. THOMPSON: Yes.

18 MR. IACOPINO: Are you ready? Because it's
19 pretty long. I have a total of 12.

20 MR. THOMPSON: I can simplify it a lot.

21 MR. IACOPINO: Let me read it so everybody
22 knows who's in your group, and then you simplify
23 it for us. I've got John Petrofsky, Bradley
24 Thompson, Daryl Thompson, E. Martin Kaufman,

1 Lori and Joan Levesque, Roger McAllaster. I've
2 got John Petrofsky again, but obviously he
3 can't -- Sally Zankowski, Peter Perkins, Stephan
4 Nix, Roderick Moore and David Schrier. Does
5 that sound right to you, Mr. Thompson?

6 MR. THOMPSON: It was.

7 MR. IACOPINO: Okay. Tell us what it is.

8 MR. THOMPSON: Separately, I'll have two
9 witnesses: John Petrofsky and then Stephan Nix.
10 And also we have a 21-minute video which we
11 bring into play here. And I have a couple of
12 questions concerning the video.

13 MR. IACOPINO: Let's just address how
14 you're going to present your witnesses first and
15 then we'll talk about the video, okay?

16 MR. THOMPSON: Each of them will be
17 separate. My two. And then the last two
18 witnesses, Moore and Schrier, are Mr. Baker's.
19 Attorney Baker.

20 MR. IACOPINO: Okay. What about yourself,
21 Daryl Thompson, Mr. Kaufman, the Levesques, the
22 McAllasters?

23 MR. THOMPSON: Those folks --

24 MR. IACOPINO: Zankowski, Perkins.

1 MR. THOMPSON: -- were part of the video,
2 and the question I have is do we need them
3 present for representation for authenticity with
4 the video. It's 7 participants in the video.

5 MR. IACOPINO: Have you distributed your
6 video to all the parties?

7 MR. THOMPSON: Yes.

8 MR. IACOPINO: What's the Applicant's
9 position with respect to that?

10 MR. NEEDLEMAN: I think we've already
11 indicated that we object to the showing of the
12 video, and we would also object to witnesses
13 filing testimony and then not being available
14 for cross-examination.

15 MR. IACOPINO: All right. I will flag this
16 issue for the Chairperson. I would expect,
17 Mr. Thompson, that you may need to file a motion
18 just explaining what you want to do. The
19 Applicant will have to file an objection, and
20 anybody who objects to it or supports it, please
21 feel free to chime in, but it's something that's
22 going to be ruled on by the Chair. Now, you
23 could just wait until the hearing, until your
24 time, but if you don't know in advance, you

1 don't know whether to have those people here or
2 not. So there is some time before we begin
3 again and certainly some time before we get to
4 your presentation so I would suggest that if you
5 can get it on paper and explain what you want to
6 do, and the Applicant will have ten days to
7 respond and anybody else will have ten days to
8 respond as well, maybe we can get a ruling out
9 of the Chair early enough so that you know what
10 to expect.

11 MR. THOMPSON: We'll move right ahead with
12 that. Thank you.

13 MS. PACIK: Attorney Iacopino?

14 MR. IACOPINO: Ms. Pacik?

15 MS. PACIK: I believe the video was subject
16 to a Motion to Strike that was denied.

17 MR. PALMER: Yes, that's correct.

18 MR. IACOPINO: When was that?

19 MS. PACIK: A long time ago. Shortly after
20 it was filed.

21 MR. IACOPINO: Do you agree that was the
22 case?

23 MR. NEEDLEMAN: It was subject to a Motion
24 to Strike, and that was denied. I think that's

1 a separate issue from what we're talking about
2 now.

3 MR. IACOPINO: Do you have any objection
4 with sort of doing this as a Motion in Limine
5 with respect to the objection that you would
6 make to the video?

7 MR. NEEDLEMAN: No.

8 MR. IACOPINO: I assume the objection that
9 you're going to make is on a separate issue,
10 separate issue or separate basis than what your
11 Motion to Strike was.

12 MR. NEEDLEMAN: Yes.

13 MR. IACOPINO: Okay. So your plan
14 initially was he was going to come and present
15 the video, and you were going to object. Let's
16 deal with it like a Motion in Limine then.

17 MR. NEEDLEMAN: That's fine.

18 MR. IACOPINO: So explain what you want to
19 do and why you want to do it, make sure that you
20 copy the Service List. Anybody who wants to
21 either support or oppose that, support or oppose
22 it. And the Applicant will have ten days to
23 file their objection. I'd rather, I mean, you
24 guys can wait if you want, but I think everybody

1 would rather have this decided in advance.

2 So let me ask you the next question. And
3 the reason why that is is he claims that his
4 objection is on a different basis than the
5 Motion to Strike was. So we'll have to see what
6 that is.

7 MS. BIRCHARD: I have a question. If he
8 hasn't stated the basis, then why does the
9 witness have the obligation to file a motion?

10 MR. IACOPINO: Because we don't know
11 exactly what he wants to do.

12 MS. BIRCHARD: Well, he's already sought to
13 admit it into evidence, and the effort to strike
14 that from evidence has been defeated. So he
15 would like to introduce it into evidence per his
16 earlier --

17 MR. IACOPINO: Now he knows there's an
18 objection. We'd like to know what it is he
19 wants to do with the video, and that's the way
20 it's going to be. So I suggest that you do
21 that. That way, the Chair will know why you
22 want to do what you want to do and what it is
23 you want to do. Obviously, the Applicant could
24 object, could object as you're walking up to the

1 podium to do it so we want to get this cleared
2 out. If you find the need to respond to the
3 objection, as long as you get it in quickly,
4 you're free to do so, Mr. Thompson.

5 MR. IACOPINO: Mr. Judge?

6 MR. JUDGE: Mr. Presiding Officer, maybe
7 I'm just not understanding. If there's been a
8 Motion to Strike, and the Motion to Strike has
9 been denied, then it seems to me that the burden
10 should be on the Applicant and that we're
11 talking about who's filing the motion because
12 you're shifting, if the person who's putting
13 forward the video has the burden of establishing
14 that they should be allowed in, that doesn't
15 seem appropriate. Should be the Applicant who
16 files the motion.

17 MR. IACOPINO: Person who proffers evidence
18 also always has the burden of establishing its
19 admissibility. I want to resolve that issue in
20 advance, and that's the way that we're going to
21 do it. Mr. Thompson, you'll have an opportunity
22 to respond if there's something in the objection
23 that you need to respond to. Ms. Manzelli?

24 MS. MANZELLI: Thank you, Attorney

1 Iacopino. I called up the order. It does say
2 that the video as presented by the Intervenors
3 contain information that is relevant to the
4 subject matter of the docket and may be helpful
5 to show potential impacts. It goes on to say
6 that evidence may be presented in different
7 forms, including recorded oral statements and
8 exhibits or videorecorded statements with visual
9 exhibits. The fact that this information has
10 been presented in the form of video does not
11 render it inadmissible. The rules of evidence
12 do not apply in these proceedings. And it goes
13 on at length. So I just wanted to call that to
14 your attention.

15 MR. IACOPINO: If Counsel for the Applicant
16 was telling me they simply intend to object on
17 the same basis that they filed the Motion to
18 Strike, then I would agree, but he's indicating
19 that he has a different basis for objection to
20 the video. Mr. Needleman?

21 MR. NEEDLEMAN: I believe everything
22 everybody has said just related to the video as
23 presentation of evidence. None of it related, I
24 think, to it being a substitute for witnesses

1 being present, subject to cross-examination.
2 Those are completely different issues.

3 MR. IACOPINO: Well, maybe we can cut to
4 the chase then. That's the basis of your
5 remaining objection?

6 MR. NEEDLEMAN: At this point, yes.

7 MR. IACOPINO: Mr. Thompson, can you have
8 those people here?

9 MR. THOMPSON: I'm sure I can. They're all
10 from the North Country, but we'll make it
11 happen.

12 MR. NEEDLEMAN: Maybe what we should do is
13 the Applicant and Mr. Thompson should have a
14 separate discussion off-line about this issue,
15 and we'll see if we can work something out
16 rather than continuing to talk about it now and
17 have a lot of potential motion practice that may
18 ultimately not be helpful.

19 MR. IACOPINO: I don't want any motion
20 practice. It's not helpful. I thought the
21 motion practice because you said that your
22 objection was on a different basis than it was
23 to the Motion to Strike. I thought the motion
24 practice would be helpful. If it's merely a

1 matter of having the witnesses here,
2 Mr. Thompson says he'll have them here, I don't
3 see an issue. I don't see you objecting under
4 those circumstances. You'll be able to
5 cross-examine them, and we'll go through it and
6 move on.

7 MR. NEEDLEMAN: That's fine.

8 MR. IACOPINO: Okay. Mr. Baker, you have
9 two clients in there, in this group that filed
10 Prefiled Testimony. Is it the intention that
11 you're going to present them or that
12 Mr. Thompson will present them? How do you guys
13 plan to --

14 MR. BAKER: What I would like to do is what
15 I originally suggested way back in the spring,
16 and that is present my four clients as a Panel.

17 MR. IACOPINO: Can you tell me their names?

18 MR. BAKER: Yes. Rod Moore and David
19 Schrier own properties in Stewartstown. One is
20 on the underground route, one is under the
21 aboveground portion of the line by virtue of a
22 right-of-way into the property.

23 The other two clients are in Dummer and
24 Stark, both in the Dummer to Northumberland

1 Abutters Group. One is Joshua Olson who will be
2 giving the testimony on behalf of the Olson
3 family. The other is Rodney Beland. Mr. Beland
4 is also on the existing right-of-way as is
5 Mr. Olson.

6 MR. IACOPINO: Just so everybody is clear,
7 what I have as the witnesses and groups for the
8 Clarksville and Stewartstown Abutting and
9 Non-Abutting is Mr. Petrofsky separately, Mr.
10 Nix separately, the group that is involved in
11 the video, I'm not going to go through all those
12 names, as a Panel. And then another Panel
13 including Mr. Baker's clients from two different
14 groups, Moore, Schrier, Olson and Beland.

15 And what about you, Mr. Thompson? Where
16 are you going to be? You have testimony filed
17 as well.

18 MR. THOMPSON: Okay.

19 MR. IACOPINO: Are you going to be on your
20 own or are you going to put yourself in a Panel
21 with Petrofsky, Mr. Nix, the video group?

22 MR. THOMPSON: I hadn't thought about it.
23 What do you want me to do?

24 MR. IACOPINO: I can't try your case for

1 you, sir, but as I indicated before, we like to
2 be as efficient as possible.

3 MR. THOMPSON: I'll be by myself.

4 MR. IACOPINO: Thank you.

5 Dummer, Stark, Northumberland Abutters. Is
6 Ms. Percy here now?

7 MS. PERCY: I am.

8 MR. IACOPINO: Okay.

9 MS. PERCY: So Dummer --

10 MR. IACOPINO: Let me just go through the
11 list of witnesses that I have first and then you
12 can -- the list that I have initially for your
13 group is Karen Spencer, Eric and Margaret Jones,
14 Eric, Elaine and Joshua Olson who I understand
15 is going to be put in the prior group.
16 Mr. Beland, who I understand will be with
17 Mr. Baker as well. And yourself. Did I miss
18 anybody who filed Prefiled Testimony?

19 MS. PERCY: Eric Jones.

20 MR. IACOPINO: Got him. That was the
21 second one. Spencer, Eric and Margaret Jones.

22 MS. PERCY: Sorry.

23 MR. IACOPINO: Then the Olson family,
24 Mr. Beland and yourself.

1 MS. PERCY: Right. Thank you.

2 MR. IACOPINO: Thank you.

3 MS. PERCY: So we have Eric Jones and the
4 Percy Summer Club will be on a Panel together.
5 And then Attorney Cunningham will speak on his
6 group.

7 MR. IACOPINO: What about Karen Spencer?

8 MR. CUNNINGHAM: Yes, Mike. Art Cunningham
9 here. I'm going to bring Karen who filed the
10 testimony, wrote and filed the testimony. I'm
11 also going to bring Kevin Spencer and Mark
12 Legasse who are the owners and builders of the
13 Percy.

14 MR. IACOPINO: Have they filed testimony?

15 MR. CUNNINGHAM: They have not, but I want
16 them on the Panel just in case there's a
17 question.

18 MR. IACOPINO: How do you intend for them
19 to present any Direct Testimony?

20 MR. CUNNINGHAM: They won't be presenting
21 testimony. Karen will do that.

22 MR. IACOPINO: All right. So it's Ms.
23 Percy and Mr. Jones. Mr. and Mrs. Jones. I
24 don't know if they're Mr. and Mrs. Eric and

1 Margaret Jones. That's who's left in this
2 group. Are you guys to be separate from each
3 other or is that considered together?

4 MS. PERCY: That's together.

5 MR. IACOPINO: Okay. That's what I
6 thought.

7 MR. NEEDLEMAN: Mike?

8 MR. IACOPINO: Just one minute.

9 Iryna points out to me, Ms. Percy, that
10 you, although you did file the Prefiled
11 Testimony, when you submitted your exhibit list
12 you never submitted your own testimony as an
13 exhibit. You should probably do that.

14 MS. PERCY: Thank you. I will.

15 MR. IACOPINO: Okay. Now somebody wanted
16 my attention? I'm sorry.

17 I'm sorry, Mr. Needleman. I should go back
18 to the prior group where Mr. Baker is suggesting
19 combining Mr. Moore, Mr. Schrier, the Olson
20 family and Mr. Beland together, sort of a
21 combination of witnesses from two separate
22 groups. Do you have any objection to that?

23 MR. NEEDLEMAN: I don't think so.

24 MR. IACOPINO: Okay. Sorry. I meant to

1 ask you that and I forgot.

2 MR. NEEDLEMAN: I think that's fine. I do
3 have an objection to Mr. Cunningham's proposal
4 to present witnesses who have not submitted
5 testimony.

6 MR. IACOPINO: I think that's something
7 that can be dealt with at the time because,
8 obviously, if there's no Direct Testimony
9 there's nothing to cross-examine them on, but
10 we'll leave that up to the Chair, and
11 Mr. Cunningham has been around for a long time
12 so he knows the waters that he's in.

13 MR. CUNNINGHAM: Well, I've talked about
14 Kevin Spencer and Mark Legasse multiple times.
15 I think the Panel would like to see them.

16 MR. IACOPINO: They may or they may not,
17 but ultimately it will be up to the Chairman of
18 the Committee.

19 MR. CUNNINGHAM: Sure. Understand.

20 MR. IACOPINO: Okay. The next group that I
21 have is Mr. Brekke's group, I believe.
22 Whitefield, Dalton, Bethlehem Abutters. I have
23 in that group the following testimonies: Bruce
24 and Sandra Brekke. Am I saying that correctly?

1 MR. BREKKE: Yes, that's correct.

2 MR. IACOPINO: David Van Houten, James and
3 Judy Ramsdell, Peter Powell, Tim and Brigitte
4 White. So there's five, I have five testimonies
5 from that group. Mr. Brekke, do you know how
6 you're going to break them up?

7 MR. BREKKE: Do you have testimony from
8 Neil Lupton in that group? I think he made
9 Prefiled Testimony.

10 MR. IACOPINO: I don't think, there was a
11 Motion to Strike -- my understanding is that
12 that motion, the Motion to Strike was denied and
13 there's actually some discovery apparently going
14 on with respect to having the Applicant and
15 other parties have the opportunity to ask
16 questions of Mr. Lupton outside of the Committee
17 presence, but yes, at this point Mr. Lupton is
18 one of those witnesses. So let me just make a
19 quick note. So there's six testimonies.
20 Mr. Brekke, can you raise your hand?

21 MR. BREKKE: Yes. Right here. I'm sorry.
22 Did you mention Peter Powell? Was he in that
23 list?

24 MR. IACOPINO: Yes.

1 MR. BREKKE: Yes. Six is correct.

2 MR. IACOPINO: What's your plan on how you
3 intend to present these witnesses? Just to give
4 you an idea of what I have them listed as on my
5 list, I have that they all pretty much overlap
6 on Orderly Development. There is, obviously,
7 Mr. Powell has some impact on tourism, economy
8 and real estate values which are part of Orderly
9 Development. And then there's overlap on Health
10 and Safety, Public Interest. So what was your
11 plan on how you were going to present these
12 witnesses?

13 MR. BREKKE: We would like to present Peter
14 Powell first as an individual.

15 MR. IACOPINO: Okay.

16 MR. BREKKE: And then the remaining five as
17 a Panel would be fine.

18 MR. IACOPINO: Okay. Thank you.

19 MR. BREKKE: Thank you.

20 MR. IACOPINO: Mr. Palmer, the Bethlehem to
21 Plymouth, Abutting Property Owners group, I have
22 testimony from Bruce Ahern, Campbell McLaren,
23 Carl Lakes, Eric and Barbara Meyer. Susan
24 Schibanoff who I understand has moved over to

1 another group. And then Walter and Kathryn
2 Ting. And I'm told Mary Grote. Am I correct on
3 your Prefiled Testimonies? Did I get that
4 right?

5 MR. PALMER: Slight difference from what
6 you've said. We have a Panel from our group who
7 have presented Prefiled Testimony including a
8 video.

9 MR. IACOPINO: Who is on that Panel?

10 MR. PALMER: That Panel includes Barbara
11 and Eric Meyer, Robert Thibault, Russell and
12 Lydia Cumbee, Walter Palmer and Kathryn Ting,
13 Carl and Barbara Lakes, Bruce Ahern, and Peter
14 and Mary Grote.

15 MR. IACOPINO: So they're all the folks
16 that I just read off.

17 MR. PALMER: So all of those people are on
18 the Panel that presented the group's Prefiled
19 Testimony, but then we also have five separate
20 people who've presented separate testimony. So
21 we would like to present the Panel together as
22 one group. And then each of the people who have
23 filed Prefiled Testimony separately will appear
24 as separate witnesses.

1 MR. IACOPINO: Why would you want to do
2 that? You're only going to present them through
3 their Prefiled Testimony. For what reason would
4 you want to put them on as a Panel and then call
5 them each one at a time?

6 MR. PALMER: Because the Counsel for the
7 Applicant is requiring that the people who are
8 listed as having been witnesses for the video
9 should all be there, and so I'm saying that we
10 will all be there when the video is presented.
11 However, each of us has different issues that we
12 want to discuss and that we have raised in our
13 own separate Prefiled Testimony, and so the five
14 people who filed separate Prefiled Testimony
15 will appear as separate witnesses.

16 MR. IACOPINO: So we have a Panel, I'll
17 call it the Video Panel. So then you want to
18 call Mr. Ahern, Dr. McLaren.

19 MR. PALMER: Myself.

20 MR. IACOPINO: Mr. Lakes. Eric and Barbara
21 Meyer.

22 MR. PALMER: No. They're just going to be
23 part of the Video Panel.

24 MR. IACOPINO: All right. Mary Grote.

1 MR. PALMER: Peter Grote.

2 MR. IACOPINO: Peter Grote. Sorry. Walter
3 and Kathryn Ting. And Mr. Palmer.

4 MR. PALMER: Walter Palmer, that's me.

5 MR. IACOPINO: Sorry.

6 MR. PALMER: My wife is Kathryn Ting, but
7 she will not be presented separately.

8 MR. IACOPINO: My apologies. I'm trying to
9 read from my notes here.

10 MR. PALMER: Okay.

11 MR. IACOPINO: So that's the way you want
12 to do that.

13 MR. PALMER: Yes.

14 MR. IACOPINO: Okay.

15 MR. PALMER: And again, we would like to
16 reserve time to present our video.

17 MR. IACOPINO: Has your video been
18 distributed?

19 MR. PALMER: It has been distributed, yes.

20 MR. IACOPINO: How long is your video?

21 MR. PALMER: 15 minutes.

22 MR. IACOPINO: So you have the same
23 concerns?

24 MR. NEEDLEMAN: I do, and I'm not quite

1 sure I understand how Mr. Palmer's describing
2 this, but it sounds as those witnesses are going
3 to be appearing twice.

4 MR. IACOPINO: I think what he is saying is
5 we'll put the people who actually speak in the
6 video up there when he intends to show the video
7 assuming --

8 MR. PALMER: Sorry. I'd like to clarify.
9 There are no speakers in our video. Our video
10 is strictly video of the route of the power
11 line.

12 MR. IACOPINO: They're the folks who
13 produced the video that are in that Panel,
14 correct?

15 MR. PALMER: The people who are in that
16 Panel are just the people who signed as
17 presenters of this video. It was a group
18 testimony that we submitted which included the
19 video.

20 MR. IACOPINO: So you're going to use that
21 group to authenticate your video?

22 MR. PALMER: Yes. As required by the
23 Applicant, if we all need to sit there and raise
24 our hand and adopt that video, then we will.

1 MR. IACOPINO: It's not required by the
2 Applicant. It's a rule of the Committee, okay?
3 And it happens in every case, not just in this
4 case.

5 MR. PALMER: Okay.

6 MR. IACOPINO: So it's not about them. So
7 my understanding is these folks, you're putting
8 them on because they presented the video.
9 They're the people who are sponsoring the video.

10 MR. PALMER: Yes.

11 MR. IACOPINO: If the Applicant has
12 cross-examination, if the video is allowed to be
13 shown, and I assume the Applicant will object to
14 this video as well at the time.

15 MR. NEEDLEMAN: This one is not entirely
16 clear to me because it's not sounding like this
17 is meant to be a substitute for Prefiled
18 Testimony. It's meant to be an exhibit. So
19 we're going to have to clarify this.

20 MR. IACOPINO: At this point, I think what
21 I'm hearing and the way that I'm processing this
22 is with respect to this video, there are five
23 people who are the authenticators, or if you
24 were in court the people, each of them would be

1 called to say that the video is authentic, and
2 you could cross-examine them about that if you
3 so chose. Of course, assuming that the video is
4 allowed in over any action that you might make.

5 And then after that, then we're going to
6 get into the substance of the Prefiled
7 Testimonies one at a time. So that's my
8 understanding of how you want to proceed.
9 You're going to have all of those folks here on
10 the day when you present the video.

11 MR. PALMER: Yes. I'd like to clarify that
12 our group testimony consists of both written
13 testimony and the video, and we will have the
14 whole group there as a Panel to adopt the
15 written testimony and video, and that's what we
16 intend to do, yes.

17 MR. IACOPINO: I think that's what I laid
18 out.

19 MR. PALMER: Yes.

20 MR. IACOPINO: Thank you for confirming
21 that that's your intention.

22 MR. PALMER: With one exception and that is
23 that Eric Meyer is a surgeon, and he works
24 difficult schedule, and it might not be possible

1 for him to be here.

2 MR. IACOPINO: All right. We'll address
3 that as need be at the time.

4 Okay. I'm going to try to just get through
5 the sort of designation of witnesses and Panels,
6 and then we'll take a break. Are you doing
7 okay?

8 COURT REPORTER: Yes. Thank you.

9 MR. IACOPINO: I'm on page 23 of 28 for my
10 notes. So we're getting there.

11 So the next group that I have is Ashland to
12 Concord Abutting Property Owners. Mary Lee,
13 Michelle Kleindienst. Let me deal with Ms. Lee
14 first. Actually, let me deal with Mr. Judge
15 here. I assume you don't intend to do this as a
16 Panel.

17 MR. JUDGE: That's correct.

18 MR. IACOPINO: And Ms. Lee, I understand
19 that you want to have Mr. Kucman essentially
20 take you through the steps of putting in your
21 testimony, is that right?

22 MS. LEE: If he finds it to be pertinent at
23 the time --

24 MR. IACOPINO: Okay.

1 MS. LEE: -- he'll step in and assist.

2 MR. IACOPINO: You understand he's not a
3 witness.

4 MS. LEE: Yes.

5 MR. IACOPINO: He would just be there to
6 say is this your testimony, do you swear that's
7 true, do you have any changes to it.

8 MS. LEE: Yes.

9 MR. IACOPINO: Okay. All right.

10 MS. LEE: Because he assisted in one of the
11 exhibits.

12 MR. IACOPINO: He did, and it was helpful.
13 Thank you.

14 Next group I have is the Deerfield
15 Abutters. I have testimony from D. Scott
16 Newman, and then I just have Deerfield Abutters
17 Joint Testimony. Then I have Erick and Kathleen
18 Berglund. Then I have Jeanne Menard on behalf
19 of Peter Menard and Anne Burnett, and then
20 Jeanne Menard on behalf of the Menard Forest
21 Family. Jo Anne Bradbury. Joint testimony of
22 Robert Cote and Bruce Adami. Did I get those
23 correct?

24 MS. MENARD: That is correct.

1 MR. IACOPINO: And Ms. Menard, do you have
2 a plan as to how you'd like to present these?
3 You're not going to testify twice, are you?

4 MS. MENARD: We would like to present Scott
5 Newman first relating to his Historic expertise.
6 And then all of the remaining abutters would be
7 happy to sit as a Panel.

8 MR. IACOPINO: Okay.

9 MS. MENARD: I'll just review the names
10 again and make sure we have everybody. Jo Anne
11 Bradbury, Bob Cote, Bruce Adami, Kathy and Erick
12 Berglund and myself, Jeanne Menard.

13 MR. IACOPINO: Okay. I got them. Nobody
14 else?

15 MS. MENARD: That is correct.

16 MR. IACOPINO: Okay. Next I have is Philip
17 and Joan Bilodeau. And, of course, I mean, I
18 assume you guys -- are both of you going to
19 testify, Mr. Bilodeau, you and your wife will be
20 here or not or just you?

21 MR. BILODEAU: Yes. We would both appear
22 depending on the day.

23 MR. IACOPINO: As a Panel?

24 MR. BILODEAU: We'll have to follow the

1 scheduling.

2 MR. IACOPINO: We'll get to scheduling
3 after the break.

4 MR. BILODEAU: Thank you.

5 MR. IACOPINO: So following the Bilodeaus,
6 I have the Stark, Lancaster, Whitefield, Dalton
7 and Bethlehem Non-Abutters. Mark and Susan
8 Orzeck. They withdrew. And then Rebecca Weeks
9 and Sherrill More. And Ms. More is not here.
10 Ms. Monroe has had some contact with Ms. More,
11 and apparently Ms. More will be the only witness
12 testifying for the Stark, Lancaster, Whitefield,
13 Dalton group.

14 Then I have Ashland to Deerfield
15 Non-Abutters. Testimony that I have in that
16 group is from Maureen Quinn, Madelyn and Thomas
17 Foulkes, and the Webster Family Group which is
18 Professor Crane, Ms. Mumford and Ms. Townsend.
19 And Jeanne Menard on behalf of Pawtuckaway View?
20 And Elisha Gray. Sorry.

21 MS. CRANE: And Gray. And although we are
22 a wide range of issues and wide geography, I
23 think that it's likely that we'll appear as a
24 Panel.

1 MR. IACOPINO: Okay.

2 MS. CRANE: I need some clarification
3 because Mr. Gray's appearance is going to be
4 difficult to schedule. If he cannot be
5 physically here, should I be letting him know
6 that it's likely that his testimony will be
7 stricken?

8 MR. IACOPINO: Yes.

9 MS. CRANE: Okay.

10 MR. IACOPINO: I mean, that would be the
11 default position, but I encourage you to talk to
12 the other parties, talk to the Applicant. If
13 there's something that can be worked out, I
14 mean, everybody has been fairly accommodating so
15 far so don't be afraid to talk to each other,
16 even if you have opposite positions on the
17 Application.

18 MS. CRANE: And again, depending upon the
19 schedule, it may be either Mrs. Mumford, Ms.
20 Townsend or me speaking up on behalf of the
21 Webster family.

22 MR. IACOPINO: Okay. Thank you. So next I
23 have the Sugar Hill Historical Museum, New
24 Hampshire Preservation Alliance and National

1 Trust for Historic Preservation, North Country
2 Scenic Byways Council. I have Jessica
3 Martland's testimony, is that correct?

4 MS. MARTLAND: That's correct.

5 MR. IACOPINO: Then I have the Pemi.
6 Always at the end of my list. I'm sorry, guys.
7 Barry Draper, Gretchen Draper have each filed
8 testimony and Max Stamp. Do you intend to
9 testify as a Panel?

10 MR. STAMP: We will testify as a Panel.
11 Yes.

12 MR. IACOPINO: Did I miss any? Ms.
13 Schibanoff?

14 MS. SCHIBANOFF: There will be no witnesses
15 from this group.

16 MR. IACOPINO: Okay. All right. We're
17 going to take a 15-minute break. What I would
18 ask you all to do over that break is we now have
19 the list and the presentation preferences of
20 each of the parties from the Business Groups all
21 way down through all of our Intervenors, I
22 believe. Did I miss anybody?

23 I would like you all over the break to
24 think hard about how much time you intend to

1 spend with each of those panels or witnesses
2 because when we get back, that's what we're
3 going to do. We're going to go over what the
4 expected, and, again, these are estimates.
5 You're not going to be held to them during the
6 course of the hearing. I think we've been very
7 flexible with everybody's questioning. So think
8 about that, and we'll be back at quarter of.

9 (Recess taken 10:30 - 10:51 a.m.)

10 MR. IACOPINO: I want to take this
11 opportunity to thank you all for working so
12 diligently through this very tedious process,
13 but it is important that we do this because it
14 makes for a more organized hearing.

15 The next thing that I want to address is
16 just the order in which the presentations are
17 going to take place. We're going to complete
18 the Applicant. Then we're going to have the
19 business group with Cate Street, et al. Then
20 we're going to have the Cities of Franklin and
21 Berlin. Wagner Forest had no testimony, right?
22 Okay. Then we're going to go to Counsel for the
23 Public.

24 This is for the presentation. The order of

1 presentation for your witnesses.

2 Municipal Group 1 North. Municipal Group 1
3 South. Municipal Group 2. Municipal Group 3
4 North. Municipal Group 3 South.

5 Now, if somebody from the Munis can just
6 tell me where in that mix you're going to call
7 Mr. Sansoucy. Is he going to be your first
8 witness from your groups or your last or what's
9 your plan at least?

10 MR. WHITLEY: I think our preference would
11 be to have him towards the end of the Muni
12 Panels, and then the other complication for Mr.
13 Sansoucy is his schedule. So that will probably
14 be more determinative than our hope for when he
15 might be able to appear.

16 MR. IACOPINO: Who's going to present him?
17 Who should we speak to? Who is dealing with him
18 of the three?

19 MR. WHITLEY: He is dealing with all of us.
20 Because we all have --

21 MR. IACOPINO: Who should be the
22 Committee's point person?

23 MR. WHITLEY: I'm happy to be the
24 Committee's point person.

1 MR. IACOPINO: All right. We'll speak to
2 you about any flexibility or scheduling issues
3 that occur from Mr. Sansoucy.

4 Following the Muni Groups we then have the
5 Grafton County Commissioners presenting their
6 witnesses, followed by the Society for
7 Protection of New Hampshire Forests, and if --
8 I'm trying to go in the same order that we've
9 gone in the past so if I go out of order here,
10 please, somebody just yell at me.

11 Following the Society for the Protection of
12 New Hampshire Forests would be the NGOs,
13 followed by the Abutting Property Owners,
14 Underground and Aboveground now, from
15 Clarksville to Stewartstown. That's the group
16 generally represented by Mr. Thompson.

17 Followed by the Abutting Property Owners on
18 the Overhead Portion, Dummer, Stark,
19 Northumberland. So NEPGA. I'm going to mark
20 NEPGA as 12 A after the NGOs. So that we'll
21 have the NGOs, then NEPGA. Got that,
22 Mr. Monahan?

23 MR. MONAHAN: Yes.

24 MR. IACOPINO: So you'll be technically the

1 13th in order. But I'm just marking you as 12 A
2 because everything else is typed.

3 Then I have the Abutting Property Owners
4 Underground, Mr. Thompson's Group. There's two
5 of those combined now, and then I have Abutting
6 Property Owners, Overhead, Dummer, Stark and
7 Northumberland, and that is Ms. Percy and
8 Mr. Cunningham, correct?

9 And then we have the Abutting Property
10 Owners, Overhead, Whitefield, Dalton and
11 Bethlehem, Mr. Brekke's group; and then the
12 Abutting Property Owners, Underground, Bethlehem
13 to Plymouth, Mr. Palmer's group. Followed by
14 Abutting Property Owners, Ashland to Concord,
15 Overhead, and that's split between Ms. Lee and
16 Mr. Judge. And then we have the Abutting
17 Property Owners, Overhead, from Deerfield.
18 That's Ms. Menard's group. And we have Mr. and
19 Mrs. Bilodeau from Deerfield.

20 And then we have Non-Abutters which were
21 Non-Abutters Overhead from Clarksville to
22 Stewartstown already combined with
23 Mr. Thompson's previous group. I'm just going
24 to take those off the list here. I'll probably

1 just refer to it as the Thompson group from now
2 on.

3 Then we go to the Non-Abutting Property
4 Owners of the Overhead of Stark, Lancaster,
5 Whitefield, Dalton, and Bethlehem, and I believe
6 that was Ms. More. Is that correct? They
7 weren't present today.

8 And then we have Non-Abutting Property
9 Owners, Overhead, Ashland to Deerfield. That's
10 Professor Crane's group. And then I have the
11 Pemigewasset -- I'm sorry. Nancy Martland's
12 group, Sugar Hill Historic and that group and
13 then Pemigewasset.

14 Did I leave anybody out of the order of
15 presentation of witnesses? That's technically
16 the same order of examination that we've used as
17 well during the course of this proceeding. It's
18 worked pretty well. I haven't heard anybody
19 object to it. Is there any reason why we would
20 need discuss it?

21 MR. CUNNINGHAM: Mike, I've got an
22 availability issue with my witnesses.

23 MR. IACOPINO: Right. Other than
24 availability, though, I mean availability we'll

1 try to work around in terms of scheduling if
2 somebody can't or can't be there because we
3 don't usually know the dates yet but at least
4 you'll have a general idea of where you fall in
5 the order, and also where you fall in the order
6 to question the witnesses from the other groups
7 because that's the next thing we're going to get
8 to is we're going to go through this list and
9 try to get best estimates from everybody of how
10 much time they intend to spend with each witness
11 and Witness Panel.

12 I'm sorry. It is going to be a tedious
13 process, but it was helpful for the first round.
14 We had a list up here. Chair knew how long to
15 expect things to take. We were only 6 days over
16 what we expected so -- and that sounds crazy,
17 but in the scheme of things that's not too bad.
18 It could have been a lot worse.

19 But before we get to that, I want to talk
20 about something called friendly
21 cross-examination. Okay? A number of you have
22 set up your witnesses in such a way that you
23 either have them testifying separately or as a
24 Panel. I can tell you that I have had a

1 conversation with the Chair. He generally
2 frowns upon the use of cross-examination for
3 friendly purposes, and what that means is
4 basically to rehash a witness's Direct Testimony
5 or to ask them about your own testimony. Those
6 types of things are -- in other words, to
7 enhance your own Direct Testimony or to enhance
8 their Direct Testimony.

9 The Chair has indicated to me to send the
10 message to you-all that he frowns upon that;
11 that we do not need, the Committee has read all
12 of the Prefiled Testimony. We understand what
13 the testimony says. That testimony is for the
14 most part is or will be part of the record, and
15 it is, and we understand, and the reason why we
16 do Direct Testimony on a prefiled basis is to
17 make this process more efficient and quite
18 frankly shorter. So I've been asked to express
19 that he's going to frown -- he can't stop you,
20 but he's going to frown upon "friendly
21 cross-examination" for lack of a better term,
22 and that should people engage in it, you should
23 be prepared to be stopped or at the very least
24 to explain why your cross-examination does not

1 fall into the category of simply enhancing the
2 Direct Testimony of yourself or the witness
3 that's on the witness stand.

4 So you need to be prepared for that. I'd
5 like you to keep that in mind as we're
6 discussing the amount of time that you intend to
7 spend with the various witnesses from other,
8 from groups other than yours. And does anybody
9 have any questions about friendly
10 cross-examination or anything they want to say?
11 Mr. Judge?

12 MR. JUDGE: I wanted to see if I could give
13 an illustration of something that's not friendly
14 cross-examination. The Public Counsel calls
15 witnesses who have to do with the market value
16 and the effect on market value. If I'm asking
17 them questions that are contrary to
18 Mr. Chalmers' testimony, that's not friendly
19 cross-examination.

20 MR. IACOPINO: I don't know if -- I don't
21 know if that would be actually the right
22 witnesses. Probably the local economy
23 witnesses.

24 MR. JUDGE: That's what I meant.

1 MR. IACOPINO: Yes. Okay. Yes, I suppose
2 that would be allowed because you're not
3 questioning him about your own client's
4 testimony, you're not questioning him about his
5 own testimony, you're questioning him about what
6 another witness has said. Yes, that would be
7 cross-examination.

8 Now, let's say it was two friendly
9 witnesses who said the same thing. So if I've
10 got two witnesses who are testifying that the
11 only way to do this in an aesthetically neutral
12 manner or without causing an unreasonable
13 adverse impact to aesthetics is to bury it along
14 I-93, and you start questioning the other
15 witness about their burial plan along I-93 or
16 their reasons for their opinion, that's friendly
17 cross-examination. And that's the opposite from
18 the example that you've provided.

19 MR. JUDGE: Right.

20 MR. IACOPINO: So any other questions or
21 comments about friendly cross? Yes. Danielle.

22 MS. PACIK: Just looking at, for example,
23 Bill Quinlan's testimony, I know there was
24 friendly cross from IBEW with Mr. Raff, and

1 there weren't any limitations on that. So I
2 just want to clarify whether the same rules
3 apply to the Intervenors here for Phase III as
4 that.

5 MR. IACOPINO: The rules apply to
6 everybody. I am conveying a message from the
7 Chair that friendly cross-examination will be
8 frowned upon. I don't recall what questions
9 were asked that you consider to be friendly
10 cross-examination. Apparently, the Chairman
11 didn't, and, apparently, there was no objection.

12 But the rules are the same for everybody.
13 You do your cross-examination, but if the Chair
14 determines that it's, you know, it's too
15 friendly, or really the concern is simply
16 highlighting what's already in the Direct
17 Testimony. That's the biggest concern that we
18 have. You may get, you may hear from the bench.
19 Move on, we've already seen that in Direct
20 Examination. It's nothing but friendly
21 cross-examination. It doesn't advance the ball.
22 Ms. Manzelli?

23 MS. MANZELLI: Thanks, Mike. I just wanted
24 to confirm we're still operating under the

1 parameters set forward in the Chair's order from
2 March 31st of this year regarding the use of
3 friendly cross-examination where he was denying
4 a request for a prehearing determination that
5 all friendly cross should be excluded. And in
6 particular, I've been operating under the
7 understanding that the rules are -- let's see
8 here. That we will need to explain, if we
9 receive an objection, or if the Chair jumps in
10 on his own, that we will need to explain why our
11 line of questioning should be allowed, why it's
12 adding new information to the record, why it's
13 not cumulative and not redundant of prior lines
14 of inquiry. This is the order that we should be
15 living by. Right?

16 MR. IACOPINO: That's the order. Yes.

17 MS. MANZELLI: Thank you.

18 MR. IACOPINO: The motion to exclude all
19 friendly examination was denied as a blanket
20 matter, but, as I said, friendly
21 cross-examination will be frowned upon. There
22 was a question over there. Mr. Whitley?

23 MR. WHITLEY: Thank you, Mike. Other than
24 what you already described and what Ms. Manzelli

1 just read into the record from that previous
2 order, is there any other guidance that you
3 could possibly give or caution about
4 cross-examining another witness that's within
5 the same spokesperson group?

6 MR. IACOPINO: You mean a group that you've
7 put up?

8 MR. WHITLEY: Yeah. I guess it is a little
9 confusing. I guess I mean just for purposes of
10 an example, are there any additional guidance or
11 cautions you might offer, for instance, if the
12 City of Concord's witnesses are on a Panel, and
13 I have cross-examination questions for them.

14 MR. IACOPINO: Right. Yeah, don't do
15 friendly cross.

16 MR. WHITLEY: The same.

17 MR. IACOPINO: Yes, it's the same, it's the
18 same rules. And just as a reminder for folks
19 is, you know, just as the Applicant has had an
20 opportunity to conduct Redirect Examination
21 after all the questioning, you will be extended
22 that same opportunity with respect to the
23 witnesses that you present. So you will have an
24 opportunity to the extent that there are

1 cross-examination questions that you think you
2 need to provide clarifying information about or
3 address further for whatever reason, you will
4 have that opportunity on redirect examination.
5 So remember that, and that may, if you think
6 about it, may limit what you want to do with the
7 witnesses from other groups. Somebody else have
8 their hand up? Mr. Plouffe?

9 MR. PLOUFFE: I want to follow up on
10 Steven's question. So as I understand it, for
11 example, in the NGO group, the Appalachian
12 Mountain Club witnesses are not the witnesses of
13 the NGO group in the sense that Attorney
14 Birchard would be prohibited from
15 cross-examining the AMC witnesses just because
16 AMC and CLF have been grouped in the same group
17 procedurally.

18 MR. IACOPINO: That's a little bit
19 different than what Mr. Whitley asked. Mr.
20 Whitley asked about two different Intervenor
21 Groups, City of Concord which would be Municipal
22 Group 3 South, and you have a, my understanding
23 is you're putting up Panels of witnesses,
24 somebody is going to take them through their

1 Direct and swear them in, any changes, and then
2 there will be an opportunity to redirect them
3 after the rest of the questions. I do not
4 anticipate that you'll split up and you'll get
5 to cross-examine other witnesses in your group.
6 I do not anticipate that.

7 MR. PLOUFFE: So it would be your position
8 that Attorney Birchard would not be able to, as
9 the attorney for CLF, be able to cross-examine
10 AMC witnesses?

11 MR. IACOPINO: That's correct. You're not
12 in this proceeding as separate parties. You're
13 a combined Intervenor.

14 MS. BIRCHARD: With all due respect, apart
15 from the question of whether or not we could in
16 fact ask cross questions, I would like the
17 record to reflect that we are in fact in this
18 proceeding as separate parties. Although we are
19 grouped for procedural reasons as one intervener
20 grouping, we do have individual rights as
21 parties. Do you agree with that?

22 MR. IACOPINO: You have been combined as
23 Intervenors under RSA 541-A:33, and it does not
24 give you the right to cross-examine members of

1 your own Intervenor Group. That's the way I see
2 it. The Chairman may see it differently, but at
3 this point, in answer to Mr. Plouffe's question,
4 that's the way I understand it to be.

5 MS. BIRCHARD: Sure. And Attorney
6 Iacopino, I think my question goes to something
7 a little bit broader. So, for example, if
8 Conservation Law Foundation, for instance,
9 wishes to appeal or wishes to hold a different
10 position from Appalachian Mountain Club, I would
11 just like the record to reflect that it is
12 Conservation Law Foundation's understanding that
13 we can certainly do so as an independent party
14 apart from any other group that may be in our
15 Intervenor grouping.

16 MR. IACOPINO: I think you should go back
17 and read the order on intervention that allowed
18 you to Intervene. It did say if there does
19 become an issue between the parties in your
20 group, you raise it with the Committee. That's
21 the way that we've addressed it in the order on
22 intervention, and I would suggest that you look
23 at that and be aware of it, and those are the
24 rules of the intervention.

1 Professor Crane, you had a question?

2 MS. CRANE: I think you just answered it
3 but, Ashland to Deerfield Non-Abutters do not
4 share entirely common interests in this matter.

5 MR. IACOPINO: Well, there was a time when
6 that was argued and you were grouped together as
7 Intervenors so the decision has already been
8 made on that, you know, that for the purposes of
9 this proceeding, you're one party, one group,
10 and it's done. I mean, the statute specifically
11 allows it for precisely this reason because you
12 have multiple, in this case, more than multiple,
13 parties that are involved, and the
14 administrative agency has the ability to
15 streamline presentations. And one way to do
16 that is by grouping Intervenors together. Ms.
17 Pacik? Did you have another question?

18 MS. PACIK: Two questions.

19 MR. IACOPINO: Sure.

20 MS. PACIK: First question is as
21 spokesperson for Municipal Group 3-South, I only
22 represent City of Concord. Pembroke and
23 Deerfield are related by Attorney Whitley. Will
24 he be permitted to do redirect of his clients?

1 MR. IACOPINO: Say that again? I'm sorry.
2 I missed the setup.

3 MS. PACIK: I am the spokesperson for
4 Municipal Group 3 South so I would anticipate
5 doing redirect of City of Concord witnesses.
6 Pembroke and Deerfield are represented by
7 Attorney Whitley. Will he be permitted to do
8 redirect of his clients when the Panel is up?

9 MR. IACOPINO: I see that less of a
10 question that's been on the floor. That's more
11 of how we've been doing it. We've allowed
12 split-up of both cross-examination during the
13 course of this proceeding where various groups
14 have said that they're going to cross on
15 different issues to split up the workload. I
16 don't see why that couldn't occur on redirect
17 examination. But again, it will be in the
18 discretion of the Chairman to make that
19 decision. And just like I asked the other folks
20 who may want to split things up, please let us
21 know when you know once we're back in session.
22 When you know that there will be that kind of
23 breakdown occurring. Ms. Menard?

24 MS. PACIK: I actually have two questions.

1 MR. IACOPINO: Oh, I'm sorry.

2 MS. PACIK: Second one was how do pro se
3 Intervenors do redirect?

4 MR. IACOPINO: Well --

5 MS. PACIK: That might have been somebody
6 else's question.

7 MR. IACOPINO: Generally, through the
8 spokesperson of the Committee, but even if like
9 they're the only person like I know Ms. Lee has
10 asked to have Mr. Kucman present her and I
11 assume do her redirect as well. If there's an
12 issue like that, let us know. Ms. Lee let us
13 know very early on. And we're going to be
14 flexible and try to accommodate folks, but this
15 isn't going to become a, you know, a game of
16 musical chairs where everybody gets ten cracks
17 at somebody during the course of the proceeding.
18 It's just not a good way to run, it's not good
19 administrative law. It's not good efficient
20 hearing practice. Ms. Menard, you had a
21 question?

22 MS. MENARD: Yes. It's just in followup to
23 Danielle's question. So, for example, the
24 Deerfield Abutters are sitting as a Panel, and

1 then a designated person may leave the Panel to
2 do the redirect of the Deerfield Abutters? That
3 would be acceptable?

4 MR. IACOPINO: Yes. That's fine. But even
5 in the situation, let's take it one step
6 further. Let's say there is nobody to do that.
7 Let's say Mr. Bilodeau, for instance. At the
8 end of his cross-examination by the last party
9 cross-examining him while he's seated up there,
10 assuming he doesn't have somebody asking him the
11 questions, the Chair will probably turn to him
12 and say do you have anything to say in redirect.
13 And he's not going to be required to ask himself
14 questions and then answer them, but he'll be
15 allowed to state anything that, you know, he's
16 just been through an hour or two of
17 cross-examination, and if there are things that
18 he's made note about that he wants to respond to
19 because he thinks it's proper on redirect, he'll
20 be permitted to do that, even in the absence of
21 somebody speaking or asking questions of him.

22 That would go for a group, too. If for
23 some reason a Panel didn't have somebody
24 questioning them, they would be given the same

1 opportunity. As a practical matter, my
2 experience is that the Chair would probably go
3 down the table and say okay, witness number 1,
4 did you have any redirect based upon the cross
5 examination of witness 2, and go through them
6 each individually because it just -- rather than
7 one person saying something and another and then
8 going back to the other one and back and forth.

9 But yes, the answer to your question is
10 two-fold. You can have one person designated to
11 ask the questions and you can also, even if you
12 didn't do that, you would still have the right
13 to redirect which in that case would be redirect
14 statement as opposed to redirect examination, I
15 guess.

16 Any other questions about friendly
17 cross-examination? All right. What we're going
18 to do now is move on to the list -- I'm sorry.

19 MS. BIRCHARD: I'm sorry. I don't mean to
20 bog down this Prehearing Conference, but I just
21 wanted to ask you a followup question. My
22 understanding is that although we are grouped
23 together for procedural reasons, and I
24 understand that there's some logic to that, and

1 I have been operating under those parameters,
2 that nonetheless, Conservation Law Foundation is
3 not, for example, adopting the testimony of any
4 other party that is in our grouping. And if you
5 are advising me otherwise, then I would be very
6 appreciative of your clarifying that because
7 Conservation Law Foundation certainly does not
8 intend to adopt or sign on to in any way the
9 testimony of Appalachian Mountain Club.

10 MR. IACOPINO: By presenting testimony as a
11 group, you're not adopting each other's
12 testimony. It's no different than in a trial
13 every witness that you call in a trial isn't
14 necessarily adopting the testimony of another
15 witness that you've called.

16 MS. BIRCHARD: So we are not supporting or
17 in any way on the record as in an agreement with
18 Appalachian Mountain Club's testimony.

19 MR. IACOPINO: If you're not in agreement,
20 if there's something that you disagree with, it
21 probably would behoove you to somehow let the
22 Committee know that. There was a provision for
23 that in the Intervention Order.

24 MS. BIRCHARD: Appalachian Mountain Club

1 did in this case file their testimony
2 separately. We did not file it jointly.

3 MR. IACOPINO: Understood, but it was all
4 filed as part of your group. I'm not saying you
5 adopt what Appalachian Mountain Club said, not
6 saying that you're adopting their testimony word
7 for word, but those are the witnesses that are
8 presented by that group. So that's --

9 MS. BIRCHARD: I would have to seek further
10 clarity on that. Thank you.

11 MR. IACOPINO: Any other questions or
12 concerns about friendly cross-examination?

13 All right. Let's move on. Back to the
14 tedious process of going through our list of the
15 witnesses and trying to get an idea of how much
16 time it's going to, we're going to use up on
17 cross-examination.

18 So we're going to start with the Business
19 Groups. Is that right? Okay. So the Business
20 Groups reported that they're going to have to
21 put on three, two witnesses and one joint
22 witness. So that's Mr. Bouthillier, Mr. Otten,
23 and Mr. Casey and Mr. Eaton together. So I'm
24 going to go through the list of Applicant, how

1 much time with them, if any?

2 MR. NEEDLEMAN: We don't expect any
3 questions.

4 MR. IACOPINO: City of Franklin and Berlin?

5 MR. BOLDT: None. And, frankly, for the
6 record, none on any of the other witnesses.

7 MR. IACOPINO: Okay. Wagner Forest?

8 MR. NOVELLO: None on this or any of the
9 other witnesses.

10 MR. IACOPINO: Thank you. Counsel for the
11 Public?

12 MR. PAPPAS: 30 minutes each.

13 MR. IACOPINO: Municipal Group 1 North, we
14 don't have anybody here from them. Mr. Baker, I
15 know that you've probably had the most contact
16 with Mr. Ellis. Any idea? If you don't, that's
17 fine.

18 MR. BAKER: I'm afraid I can't report what
19 is on their minds with respect to that issue.

20 MR. IACOPINO: Okay. Municipal Group 1
21 South?

22 MS. PACIK: I'm just going to speak for the
23 Muni Groups, and we'll give you estimated times
24 for all of the remaining Muni Groups which is 45

1 minutes for each.

2 MR. IACOPINO: So then we'll skip down to
3 Grafton County Commissioners.

4 MS. SAFFO: Same summary. Half an hour for
5 the groups that have something in Grafton
6 County. So I can give you the list. Like one
7 group has Bethlehem in it. It's mostly Coos but
8 does include Bethlehem.

9 MR. IACOPINO: So that, well --

10 MS. SAFFO: But just the Grafton County
11 ones are the only ones we're going to be asking
12 questions on.

13 MR. IACOPINO: There's only one then.
14 Mr. Bouthillier? Because Mr. Otten -- I'm
15 sorry. Mr. Otten is not in your county, right?

16 MS. SAFFO: Actually, Mr. Otten would be
17 the primary witness.

18 MR. IACOPINO: Okay.

19 MS. SAFFO: And -- never mind. I'll just
20 leave it at that.

21 MR. IACOPINO: Will you have questions for
22 the union representatives? Casey and Eaton?

23 MS. SAFFO: I don't think so.

24 MR. IACOPINO: So you have questions for

1 Mr. Otten, 30 minutes, and then what about for
2 Mr. Bouthillier?

3 MS. SAFFO: I don't believe so.

4 MR. IACOPINO: Okay. Amy?

5 MS. MANZELLI: Thank you. 15 minutes for
6 Mr. Otten. 15 minutes for Mr. Bouthillier. And
7 no time for Mr. Casey and Mr. Eaton. There are
8 a few witnesses that we're going to talk about
9 today that we're not going to reserve any time
10 for, and I just want to state that what that
11 means for us is we do not plan to come prepared
12 to ask any questions that day. If something
13 comes up during the cross-examination that
14 requires us to ask a question, of course we
15 will. But we are not planning to ask any
16 cross-examination.

17 MR. IACOPINO: And that is, what Ms.
18 Manzelli just expressed is what the entire
19 Prehearing Conference is based on here. Nobody
20 has been held to their time. I mean, we've
21 said, hey, look, you told us 15 minutes and now
22 you've gone a half hour. But nobody is held to
23 their time. We're trying to get an idea so we
24 can schedule, and that's really what we're

1 trying to do here. That's the most important
2 part of it. So thank you, Amy, for that.

3 NGOs. Mr. Bouthillier, the IBEW witnesses,
4 and Mr. Otten.

5 MS. BIRCHARD: 15 minutes for Mr. Otten.
6 Thank you.

7 MR. IACOPINO: Mr. Thompson. For your
8 groups.

9 MR. THOMPSON: None.

10 MR. IACOPINO: Okay. Abutting Property
11 Owners, Overhead, Dummer, Stark, Northumberland.
12 Ms. Percy.

13 MS. PERCY: None.

14 MR. IACOPINO: And Mr. Cunningham, I know
15 that you have a stake in that group. I didn't
16 know if you had any questions?

17 MR. CUNNINGHAM: No questions.

18 MR. IACOPINO: And Mr. Baker, you had
19 somebody in that group, too?

20 MR. BAKER: I do. I'd like to reserve 30
21 minutes for the three of them.

22 MR. IACOPINO: 30 minutes total or 30 each?

23 MR. BAKER: Total. Not each.

24 MR. IACOPINO: We'll say 10 minutes each.

1 How's that?

2 MR. BAKER: That would be fine. Thank you.

3 MR. IACOPINO: Then we move on to the
4 Abutting Property Owners, Overhead, Whitefield,
5 Dalton and Bethlehem. Mr. Brekke's group.

6 MR. BREKKE: We have no questions.

7 MR. IACOPINO: Okay. And then we'll move
8 down to Mr. Palmer's group. Bethlehem to
9 Plymouth Abutters, Underground.

10 MR. PALMER: We'd like to reserve 30
11 minutes. Ten minutes for each group.

12 MR. IACOPINO: Okay. Now we go to Abutting
13 Property Owners, Overhead, Ashland, Northfield,
14 Canterbury. That's Ms. Lee and Mr. Judge.

15 MR. JUDGE: Not planning on any questions.

16 MR. IACOPINO: Ms. Lee?

17 MS. LEE: No questions.

18 MR. IACOPINO: Okay. Then we go to
19 Deerfield Abutters.

20 MS. MENARD: We have 45 minutes, and
21 they'll be split between all the Business
22 Orderly Development witnesses.

23 MR. IACOPINO: That's about 15 minutes
24 each?

1 MS. MENARD: Yes.

2 MR. IACOPINO: Thank you. Did Mr. Bilodeau
3 leave?

4 ADMINISTRATOR MONROE: Yes.

5 MR. IACOPINO: And then we've got
6 Non-Abutting Property Owners, Overhead, Stark,
7 Lancaster, Whitefield, Bethlehem. There was not
8 anybody here. That's Ms. More's group. Then we
9 have Non-Abutting Property Owners, Ashland to
10 Deerfield, Professor Crane's group?

11 MS. CRANE: 10 minutes for Mr. Otten.

12 MR. IACOPINO: Okay. I skipped NEPGA.
13 NEPGA. I actually should have asked you few
14 back. I'm sorry.

15 MR. MONAHAN: That's fine, but we have no
16 questions.

17 MR. IACOPINO: Ms. Martland?

18 MS. MARTLAND: 15 minutes for Mr. Otten,
19 please.

20 MR. IACOPINO: And last but certainly not
21 least, Pemi.

22 MR. STAMP: No questions.

23 MR. IACOPINO: That takes care of the
24 Business Groups. Move on to the witness --

1 MS. SCHIBANOFF: Excuse me.

2 MR. IACOPINO: Oh, I'm sorry, Susan. I
3 keep forgetting you're in a separate group now.

4 MS. SCHIBANOFF: I would like to reserve 30
5 minutes total, 10 minutes per witness or witness
6 pair.

7 MR. IACOPINO: Gotcha, thank you. And my
8 apologies.

9 Okay. Franklin and Berlin. This is the
10 Panel of Mayor Grenier and the replacement for
11 Ms. Dragon who is actual simply to going to
12 adopt her testimony, is that correct?

13 MR. BOLDT: That's my understanding.

14 MR. IACOPINO: Applicant?

15 MR. NEEDLEMAN: Don't expect any.

16 MR. IACOPINO: Business Groups? Mr. Raff?
17 Okay. All right. Counsel for the Public.

18 MR. PAPPAS: 20 minutes.

19 MR. IACOPINO: Joint Munis.

20 MS. PACIK: Ten minutes combined.

21 MR. IACOPINO: Ms. Saffo for Grafton
22 County?

23 MS. SAFFO: None.

24 MR. IACOPINO: SPNHF?

1 MS. MANZELLI: None, thank you.

2 MR. IACOPINO: NGOs.

3 MS. BIRCHARD: None, thank you.

4 MR. IACOPINO: NEPGA?

5 MR. MONAHAN: None.

6 MR. IACOPINO: Mr. Thompson.

7 MR. THOMPSON: None.

8 MR. IACOPINO: Abutting Property Owners,
9 Dummer, Stark, Northumberland. Ms. Percy,
10 Mr. Cunningham or Mr. Baker?

11 MR. CUNNINGHAM: None.

12 MR. BAKER: None.

13 MS. PERCY: None. My thing doesn't work
14 very well so I'm just going to yell.

15 MR. IACOPINO: When you folks speak, if you
16 just raise your hand so I can see where you're
17 at. Sorry.

18 Abutting Property Owners, Overhead,
19 Whitefield, Dalton, and Bethlehem. Mr. Brekke's
20 group?

21 MR. BREKKE: No questions.

22 MR. IACOPINO: Mr. Palmer? Bethlehem to
23 Plymouth?

24 MR. PALMER: 15 minutes.

1 MR. IACOPINO: Abutting Properties,
2 Overhead, Ashland, Northfield, Canterbury.
3 That's Mr. Judge and Ms. Lee?

4 MR. JUDGE: None.

5 MR. IACOPINO: Ms. Lee?

6 MS. LEE: No questions.

7 MR. IACOPINO: Overhead Abutters in
8 Deerfield?

9 MS. MENARD: 30 minutes.

10 MR. IACOPINO: Mr. Bilodeau is not here.
11 Ms. More is not here. Non-Abutting Property
12 Owners on the Overhead portion, Ashland to
13 Deerfield, Professor Crane's group?

14 MS. CRANE: 10 minutes.

15 MR. IACOPINO: Ms. Martland?

16 MS. MARTLAND: 10 minutes, please.

17 MR. IACOPINO: And then the Pemi.

18 MR. STAMP: No questions.

19 MR. IACOPINO: Ms. Schibanoff?

20 MS. SCHIBANOFF: Five minutes, please.

21 MR. IACOPINO: Okay. Now we've got Counsel
22 for the Public's. I'm going to go Panel by
23 Panel with them. So start with Construction
24 Panel. Applicant. This isn't the order,

1 obviously, that we're going to be going in at
2 the time. You'll be going last.

3 MR. NEEDLEMAN: I can just run through all
4 of these Panels if that's more efficient. I can
5 do it quickly.

6 MR. IACOPINO: Okay. That's fine.

7 MR. NEEDLEMAN: So for Counsel for the
8 Public's Construction Panel, 90 minutes. I
9 believe Tom said his expect Panel is Kavet
10 Rockler. Three hours. Third Panel, Heritage
11 Landscapes, two hours. Fourth Panel, Arrowwood,
12 one hour. Fifth panel, T.J. Boyle, three hours.
13 And Sixth Panel, Brattle Group, one hour.

14 MR. IACOPINO: Business Groups? Any
15 questions for the Panels from Counsel for the
16 Public?

17 MR. RAFF: We'd like to reserve ten minutes
18 for the Construction Panel.

19 MR. IACOPINO: Mr. Boldt already told us he
20 has no questions for anybody else. Counsel for
21 the Public's witnesses. Muni Groups?

22 MS. PACIK: I think I have this correct,
23 but Cultural Resources, one hour. Construction
24 Panel, one hour. Environmental Panel, one hour.

1 Local Economics for Kavet Rockler, two hours.
2 Aesthetics, two hours; and Energy Benefits, one
3 hour.

4 MR. IACOPINO: Thank you. Ms. Saffo, any
5 questions for any of these Panels presented by
6 Counsel for the Public?

7 MS. SAFFO: Yes. Construction Panel, one
8 hour. Cultural Resources, 10 minutes. Heritage
9 Landscape, 10 minutes. Aesthetics, 30 minutes.
10 And Environmental, one hour. And the other one,
11 no.

12 MR. IACOPINO: You said Historical and then
13 you said Cultural. You had ten minutes each,
14 but they're the same.

15 MS. SAFFO: I'm sorry. I had Heritage, and
16 Cultural Resources and Heritage as two separate
17 ones.

18 MR. IACOPINO: No.

19 MS. SAFFO: Okay. 20 minutes.

20 MR. IACOPINO: Let me just go through that
21 again. Construction Panel, one hour;
22 Environmental Panel, one hour; Historic and
23 Cultural Panel, 20 minutes. Did I miss any?
24 Local economy?

1 MS. SAFFO: Aesthetics. 30 minutes.

2 MR. IACOPINO: Okay. Sorry.

3 MS. SAFFO: I apologize. Local Economy, I
4 should reserve 10 minutes.

5 MR. IACOPINO: NEPGA? No. I'm sorry.
6 Society for Protection of New Hampshire Forests?

7 MS. MANZELLI: Thank you. For the
8 Construction Panel, 1.5 hours. Local Economics,
9 two hours. Historic and Cultural, two hours.
10 Environmental, 1.5 hours. Aesthetics, two
11 hours. And Market Economics, one hour.

12 MR. IACOPINO: Now the NGOs.

13 MS. BIRCHARD: Local Economics, 30 minutes.
14 Historic and Cultural Resources, 30 minutes.
15 The Environmental Panel, 1 hour. Aesthetics, 45
16 minutes. And Market Economics, 45 minutes.
17 Thank you.

18 MR. IACOPINO: Thank you. NEPGA?

19 MR. MONAHAN: The Market Economics with the
20 Brattle Group, two hours. Subject to check, I
21 think some portion of that may be confidential.

22 MR. IACOPINO: Okay. Nothing for Local
23 Economics?

24 MR. MONAHAN: No.

1 MR. IACOPINO: Now Mr. Thompson.

2 MR. THOMPSON: Construction Panel, three
3 hours.

4 MR. IACOPINO: Is that it?

5 MR. THOMPSON: That's it.

6 MR. IACOPINO: Thank you, sir. The
7 Abutting Owners Group, Overhead, Dummer, Stark,
8 Northumberland. Hi, Susan.

9 MS. PERCY: Construction, 30 minutes.
10 Historic and Cultural Resources, ten minutes.
11 Aesthetics, 10 minutes. Environmental, 30
12 minutes.

13 MR. IACOPINO: So 30 for Construction, 10
14 for Historical and Cultural. Aesthetics was how
15 long?

16 MS. PERCY: Ten.

17 MR. IACOPINO: Thank you. Mr. Brekke's
18 group?

19 MR. CUNNINGHAM: Mike.

20 MR. IACOPINO: I'm sorry, Art.

21 MR. CUNNINGHAM: I'm going to have a few
22 questions. Say 15 for Construction, zero for
23 Local, zero for Historic, zero for
24 Environmental, 15 Aesthetics, 15 Energy

1 Economics.

2 MR. IACOPINO: Mr. Baker, do you have any
3 questions in that group?

4 MR. BAKER: I do. I'd like to reserve 15
5 minutes. I'm hopeful that that 15 minutes will
6 not be needed depending on other questions that
7 come in, but if you could put me down 15 for
8 each Panel.

9 MR. IACOPINO: Now to Mr. Brekke's group.

10 MR. BREKKE: We'd like to reserve 15
11 minutes for the Construction Panel and 15
12 minutes for the Aesthetics. Thank you.

13 MR. IACOPINO: Thank you. Mr. Palmer?

14 MR. PALMER: We'd like to reserve 30
15 minutes for each Panel.

16 MR. IACOPINO: Thank you. Abutting
17 Property Owners. All right. This is Mr. Judge
18 and Ms. Lee.

19 MR. JUDGE: Construction, 15 minutes.
20 Local Economics 30 minutes.

21 MR. IACOPINO: Ms. Lee?

22 MS. LEE: Construction, 15 minutes.
23 Aesthetics, 15 minutes. Environment, 15
24 minutes.

1 MR. IACOPINO: Thank you. Ms. Menard?

2 MS. MENARD: 45 minutes for the
3 Construction Panel, one half hour for the Local
4 Economics, one and a half hours for the
5 Historical, one and a half hours for
6 Environmental, one hour Aesthetics, one half
7 hour Macroeconomics.

8 MR. IACOPINO: Thank you. Mr. Bilodeau's
9 not here. Ms. More's not here. Professor
10 Crane, your group?

11 MS. CRANE: We have a wide variety of
12 interests. I'm going to reserve ten minutes for
13 each Panel.

14 MR. IACOPINO: Thank you. Ms. Martland?

15 MS. MARTLAND: Historical and Cultural, one
16 hour. Aesthetics, one hour.

17 MR. IACOPINO: Thank you. I skipped Wagner
18 Forest.

19 MR. NOVELLO: We have none.

20 MR. IACOPINO: And then I guess PRLAC.

21 MR. STAMP: Construction Panel, 30. Local
22 Economics, 30. Historical, 15. Environmental,
23 1 hour. Aesthetics, 45. Market Economics, 15.

24 MR. IACOPINO: Can you give us those again,

1 Mr. Stamp? I'm sorry. I've got 30 minutes on
2 Construction, 30 minutes on Local Economy.

3 MR. STAMP: Yes.

4 MR. IACOPINO: And then I lost you.

5 MR. STAMP: Historical, 15. Environmental,
6 one hour. Aesthetics, 45 minutes. Market
7 Economics, 15 minutes.

8 MR. IACOPINO: Thank you. Ms. Schibanoff?

9 MS. SCHIBANOFF: Construction, 30 minutes.
10 Historical/Cultural, 15 minutes. Local
11 Economics, 15 minutes. And Aesthetics, 15
12 minutes.

13 MR. IACOPINO: Thank you. Okay. I know
14 there's somebody out there waiting for this one.
15 City of Berlin. And actually, did we already do
16 them? Yes. So what did you need? What else
17 did you need, Mr. Boldt? I know you had to
18 leave.

19 MR. BOLDT: Nothing other than will we have
20 any idea in the relative near future when those
21 of us in these groups will be reached.

22 MR. IACOPINO: The only thing that I can
23 say about that is we're going to take what we
24 learn today and determine how much Committee

1 time it's going to take, and then we're going to
2 issue a schedule after we find out from the
3 Committee members what they have available.
4 That's the best I can tell you.

5 MR. BOLDT: Sure. Will we be going before
6 or after Counsel for the Public's witnesses?

7 MR. IACOPINO: You?

8 MR. BOLDT: Yes.

9 MR. IACOPINO: You'll be going before
10 theirs.

11 MR. BOLT: That helps me get the time
12 frame. It may be in some of the early September
13 dates.

14 MR. IACOPINO: Probably.

15 MR. BOLDT: Okay. Thank you.

16 MR. IACOPINO: We're going to take the one
17 witness that's for all, most of the Municipal
18 Groups at least, Mr. Sansoucy, and deal with him
19 separate. Then I'll go through each Muni Group
20 for the remaining witnesses.

21 So Applicant, how much time do you expect
22 with Mr. Sansoucy?

23 MR. NEEDLEMAN: One hour.

24 MR. IACOPINO: Business Groups? Nothing?

1 Okay. Mr. Boldt? Nothing. Counsel for the
2 Public?

3 MR. PAPPAS: Three hours.

4 MR. IACOPINO: Muni Groups? He's your
5 witness so I assume you won't have
6 cross-examination for him.

7 Ms. Saffo, will you have cross-examination
8 for Mr. Sansoucy?

9 MS. SAFFO: Half an hour, please. I might
10 be a little longer but hopefully.

11 MR. IACOPINO: Amy?

12 MS. MANZELLI: Two hours, please.

13 MR. IACOPINO: Melissa?

14 MS. BIRCHARD: 30 minutes, please.

15 MR. IACOPINO: Mr. Thompson.

16 MR. THOMPSON: Nothing.

17 MR. IACOPINO: Susan.

18 MR. PERKINS: Nothing.

19 MR. IACOPINO: Art?

20 MR. CUNNINGHAM: No.

21 MR. WHITLEY: Mr. Iacopino, I apologize,
22 but I'm forgetting who each of these people are
23 spokespeople for, and I'm trying to keep a
24 record.

1 MR. IACOPINO: Sure. Number 14, Abutting
2 Property Owners on the Overhead, Dummer to
3 Stark, and this is the group that Susan Percy is
4 the spokesperson, but they have broken up their
5 questioning in the past between her and
6 Mr. Cunningham and Mr. Baker.

7 MR. WHITLEY: And Mr. Thompson?

8 MR. THOMPSON: Mr. Thompson had no
9 questions.

10 MR. WHITLEY: What group though?

11 MR. IACOPINO: He's Clarksville to
12 Stewartstown, both Underground and Aboveground,
13 Abutters.

14 MR. WHITLEY: Okay.

15 MR. IACOPINO: I'm sorry. Abutters and
16 Non-Abutters. I'm sorry.

17 I'm sorry. Mr. Baker. I was with you.
18 Questions for Sansoucy?

19 MR. BAKER: Yes. One hour, sir.

20 MR. IACOPINO: Thank you. Next group is
21 Mr. Brekke's group which is the Abutting
22 Property Owners on the Overhead Portion,
23 Whitefield, Dalton, and Bethlehem.

24 MR. BREKKE: No questions.

1 MR. IACOPINO: Mr. Palmer who is the
2 Underground Portion of Abutting Property Owners
3 Bethlehem to Plymouth?

4 MR. PALMER: One hour, please.

5 MR. IACOPINO: The next group is the group
6 that includes McKenna's Purchase's. It's the
7 Abutting Property Owners, Overhead, Ashland,
8 Northland, Canterbury, Concord, and there have
9 been two people who have spoken as part of that
10 group in the past. Attorney Judge from
11 McKenna's Purchase and Mary Lee as spokesperson
12 for the group. So let's hear from Ms. Lee
13 first. Any questions for Mr. Sansoucy?

14 MS. LEE: No questions.

15 MR. IACOPINO: Mr. Judge?

16 MR. JUDGE: 30 minutes for Mr. Sansoucy,
17 and with great trepidation I say I will have no
18 more questions for anyone else.

19 MR. IACOPINO: As I've said before,
20 nobody's going to hold you if it turns out you
21 have questions. Just speak up at the time.

22 MR. JUDGE: I bid you a fond farewell.

23 MR. IACOPINO: Have fun. I thought
24 Mr. Boldt was going to be the first one to bolt.

1 MR. BOLDT: I'm trying to get something
2 done. I was running for the door.

3 MR. IACOPINO: Okay. Deerfield. Ms.
4 Menard?

5 MS. MENARD: 30 minutes.

6 MR. IACOPINO: Thank you. Mr. Bilodeau's
7 not here. Professor Crane, your group. That's
8 the Non-Abutting Property Owners on the overhead
9 group from Ashland to Deerfield.

10 MS. CRANE: 15.

11 MR. IACOPINO: Thank you. Historical
12 Groups. Ms. Martland?

13 MS. MARTLAND: No questions.

14 MR. IACOPINO: Ms. Schibanoff?

15 MS. SCHIBANOFF: 15 minutes.

16 MR. IACOPINO: Ms. Schibanoff, you're going
17 to have to tell us what group you're
18 representing because I don't have it written
19 down, and I know Mr. Whitley is interested.

20 MS. SCHIBANOFF: Non-Abutting Property
21 Owners, Bethlehem to Plymouth.

22 MR. IACOPINO: Thank you. And then
23 finally, Pemi.

24 MR. STAMP: 30 minutes.

1 MR. IACOPINO: Okay. That's Mr. Sansoucy.
2 And then going to go to the Municipal Group 1.

3 MS. PACIK: Mike, I have a favor. This is
4 Danielle. Can we do Muni Group 3 South first
5 because I have to actually leave.

6 MR. IACOPINO: You're going to with Chris?

7 MS. PACIK: Yeah. No, but I do need to
8 leave at some point soon.

9 MR. IACOPINO: So this is the Panels from
10 New Hampton and Bristol?

11 MS. PACIK: No. The Municipal Group
12 3-South.

13 MR. IACOPINO: Sorry. So we have a Panel
14 of Pembroke and Deerfield?

15 MS. PACIK: And Concord. Maybe we could do
16 the Concord one first.

17 MR. IACOPINO: And then Mr. Scott.

18 MS. PACIK: Thank you.

19 MR. IACOPINO: So the municipalities are
20 all going on as one Panel. That's what my notes
21 say. Is that right? Heiser. Yes. Okay.
22 We'll do that one next and we'll move on.

23 The Applicant, any questions for those
24 Municipal Panels -- the Municipal Panel, I'll

1 call it, for Muni Group 3 South and that's the
2 Panel from Deerfield, Pembroke, and Concord.

3 MR. NEEDLEMAN: So I understand that each
4 of those towns are going up separately; is that
5 correct.

6 MR. IACOPINO: Yes.

7 MR. NEEDLEMAN: So for City of Concord,
8 understanding Mr. Scott may be separate, a total
9 of two and a half hours. For town of Pembroke,
10 45 minutes. And for town of Deerfield, 45
11 minutes.

12 MR. IACOPINO: And so you've included
13 Mr. Scott with Concord?

14 MR. NEEDLEMAN: More or less, yes.

15 MR. IACOPINO: Why doesn't everybody do
16 that for the time being, and if he gets taken
17 out we'll deal with it.

18 MR. IACOPINO: All right. Business Groups.

19 MR. RAFF: No, and if it makes it easier,
20 we won't have any questions for the rest either.

21 MR. IACOPINO: I know Franklin and Berlin
22 don't. Counsel for the Public?

23 MR. PAPPAS: Concord/Scott Panel, two and a
24 half hours; Deerfield, an hour; Pembroke 30

1 minutes.

2 MR. IACOPINO: Muni Group 1 South, are you
3 going to have cross-examination for Muni Group 3
4 South?

5 MR. WHITLEY: We'd like to reserve 45
6 minutes, and that is Muni Group 1 South and Muni
7 Group 2 and Muni Group 3 North together. So all
8 the Municipal Groups other than the spokesperson
9 group that Concord is in.

10 MR. IACOPINO: All right. 35 minutes
11 for --

12 MR. WHITLEY: 45 minutes.

13 MR. IACOPINO: 45 minutes. For which
14 witnesses?

15 MR. WHITLEY: For the Concord Panel.
16 Actually I want to amend that. Apologies. 45
17 for each municipality within that group.

18 ADMINISTRATOR MONROE: So 45, because
19 there's three towns we're talking about, right?
20 You're confusing me. I'm sorry. Maybe it's
21 just getting close to lunch.

22 MR. WHITLEY: 45 minutes for the Concord
23 Panel. 45 minutes for the Deerfield Panel. And
24 45 minutes for the Pembroke Panel.

1 ADMINISTRATOR MONROE: Got it.

2 MR. IACOPINO: That's all the remaining
3 Muni Groups and now we go on to Grafton County.
4 Lara?

5 MS. SAFFO: Ten minutes for each. Ten
6 minutes, Pembroke; 10 minutes, Pembroke; and 10
7 minutes, Concord.

8 MR. IACOPINO: Ms. Manzelli?

9 MS. MANZELLI: Two hours for Concord. One
10 hour for Deerfield and Pembroke each.

11 MR. IACOPINO: NGOs?

12 MS. BIRCHARD: 30 minutes for City of
13 Concord.

14 MR. IACOPINO: Nothing for the others?

15 MS. BIRCHARD: Correct.

16 MR. IACOPINO: Thank you. NEPGA?

17 MR. MONAHAN: No questions.

18 MR. IACOPINO: Thank you. Mr. Thompson
19 for --

20 MR. THOMPSON: Nothing.

21 MR. IACOPINO: Okay. Ms. Percy for
22 Overhead, Dummer, Stark, Northumberland
23 Abutters?

24 MS. PERCY: None.

1 MR. IACOPINO: Art or Bob, are you going to
2 ask questions?

3 MR. BAKER: I will. One hour for Concord
4 and none for the other two.

5 MR. IACOPINO: Mr. Brekke's group,
6 Abutters, Overhead, Whitefield, Dalton,
7 Bethlehem?

8 MR. BREKKE: No questions. Thank you.

9 MR. IACOPINO: Thank you. Mr. Palmer?
10 Bethlehem, Plymouth?

11 MR. PALMER: Ten minutes for each Panel.

12 MR. IACOPINO: Ms. Lee?

13 MS. LEE: No questions.

14 MR. IACOPINO: And Mr. Judge, you already
15 told me no questions, right?

16 MR. JUDGE: Right.

17 MR. IACOPINO: Ms. Menard. Deerfield.

18 MS. MENARD: 30 minutes, Concord. 30
19 minutes, Pembroke. One hour, Deerfield.

20 MR. IACOPINO: Professor Crane for the
21 Non-Abutting Property Owners, Overhead, Ashland
22 to Deerfield?

23 MS. CRANE: Ten minutes for Concord, 10
24 minutes for Deerfield, probably none for

1 Pembroke.

2 MR. IACOPINO: Historic Groups?

3 MS. MARTLAND: 30 minutes for Deerfield.

4 MR. IACOPINO: Ms. Schibanoff?

5 MS. SCHIBANOFF: Ten minutes for each,
6 please.

7 MR. IACOPINO: And Pemi?

8 MR. STAMP: Nothing for Pembroke. 20
9 minutes for Concord, and 20 minutes for
10 Deerfield.

11 MR. IACOPINO: Did I miss somebody? I feel
12 like I missed somebody. No? Okay.

13 Muni Group 1 South. Ms. Pacik, do you have
14 what you need?

15 MS. PACIK: Yes, thank you.

16 MR. IACOPINO: Okay. Municipal Group 1
17 South, we had Bethlehem, Northumberland, and
18 Whitefield. So three separate sets of
19 witnesses. Applicant.

20 MR. NEEDLEMAN: Did you skip Muni Group 1
21 North?

22 MR. IACOPINO: There's nobody here. We
23 don't know. Mr. Baker suggested it might be one
24 Panel with all the towns, but we don't really

1 know yet.

2 MR. NEEDLEMAN: Okay.

3 MR. IACOPINO: Trying to do what we know.
4 Hold on one second. I have a question. Ms.
5 Menard?

6 MS. MENARD: Could you repeat the three
7 towns? I got the Bethlehem and what were the
8 other two towns?

9 MR. IACOPINO: Northumberland or Groveton,
10 and Whitefield.

11 MS. MENARD: Thank you.

12 MR. IACOPINO: I'm sorry.

13 MR. NEEDLEMAN: For Muni Group 1 South,
14 Northumberland, 30 minutes. Whitefield, 45.
15 Bethlehem, 45.

16 MR. IACOPINO: Nothing for the Business
17 Groups, right? Nothing from City of Franklin
18 and Berlin, Counsel for Wagner Forest will have
19 nothing, and then Mr. Pappas?

20 MR. PAPPAS: I have the same as the
21 Applicant.

22 MR. IACOPINO: You guys are good. Okay.

23 MR. WHITLEY: Mr. Iacopino? Sorry. Just
24 wanted to clarify Counsel for the Public's for

1 that group so that's 45 minutes, Tom?

2 MR. PAPPAS: 45 for Bethlehem, 45 for
3 Whitefield, and 30 minutes for Northumberland.

4 MR. WHITLEY: Thank you.

5 MR. IACOPINO: Okay. So this is 1 South.
6 So we don't know if 1 North will have any
7 questions. Is Municipal Group 2 going to have
8 questions for Muni Group 1 South?

9 MR. TANGUAY: Attorney Iacopino, we'd like
10 to reserve 30 minutes for each municipality.

11 MR. IACOPINO: So that was Muni Group 2.
12 Muni Group 3 North. Questions for?

13 MR. WHITLEY: That's combined with what
14 Attorney Tanguay just mentioned.

15 MR. IACOPINO: Is Municipal Group 3 South
16 combined with that as well? So that's all the
17 Muni Groups?

18 MR. WHITLEY: Correct. Remaining Muni
19 Groups may be the best way to characterize that,
20 and we'll do that in the future.

21 MR. IACOPINO: Okay. Ms. Saffo?

22 MS. SAFFO: Half an hour.

23 MR. IACOPINO: For which one? There's
24 three. There's Bethlehem, witnesses from

1 Bethlehem, the witnesses from Northumberland.

2 MS. SAFFO: I apologize. Just Bethlehem.
3 That's the only Grafton County town in that
4 group. Thank you.

5 MR. IACOPINO: Thank you. Society for the
6 Protection of New Hampshire Forests?

7 MS. MANZELLI: 20 minutes for Bethlehem,
8 nothing for Northumberland, and 20 minutes for
9 Whitefield.

10 MR. IACOPINO: Thank you. NGOs.

11 MS. BIRCHARD: Nothing. Thank you.

12 MR. IACOPINO: Thank you. Mr. Thompson,
13 for both of your groups, the Abutting Property
14 Owners, Clarksville/Stewartstown, and
15 Non-Abutters. These are questions for Bethlehem
16 Panel, Northumberland Panel, and Whitefield
17 Panel.

18 MR. THOMPSON: Nothing.

19 MR. IACOPINO: Thank you. Ms. Percy,
20 Abutting Property Owners, Dummer, Stark,
21 Northumberland, Overhead?

22 MS. PERCY: Nothing.

23 MR. IACOPINO: Looking at Art and Bob as
24 well.

1 MR. BAKER: I would have 15 minutes max for
2 Northumberland. None for the other two.

3 MR. IACOPINO: Mr. Brekke's group,
4 Whitefield, Dalton, Bethlehem, Abutting Property
5 Owners on the Overhead?

6 MR. BREKKE: 15 minutes for Whitefield, 15
7 minutes for Bethlehem and none for
8 Northumberland. Thank you.

9 MR. IACOPINO: Thank you. Mr. Palmer?

10 MR. PALMER: Ten minutes for Whitefield, 10
11 minutes for Northumberland, and 15 minutes for
12 Bethlehem.

13 MR. IACOPINO: Thank you, sir. Ms. Lee,
14 any questions?

15 MS. LEE: No questions.

16 MR. IACOPINO: Ms. Menard for Deerfield?

17 MS. MENARD: 20 minutes for each town.
18 Bethlehem, Northumberland and Whitefield.

19 MR. IACOPINO: Thank you. Professor Crane?

20 MS. CRANE: Nothing anticipated at the
21 moment.

22 MR. IACOPINO: Thank you. Did I skip NEPGA
23 again on this one? Sorry.

24 MR. MONAHAN: Hi. Yes. We have no

1 questions, but, frankly, I have no questions for
2 any of the other witnesses.

3 MR. IACOPINO: Thank you very much.
4 Ms. Martland?

5 MS. MARTLAND: Ten minutes for each town,
6 please.

7 MR. IACOPINO: And that brings us to the
8 Pemigewasset.

9 MR. STAMP: 20 minutes for Bethlehem, zero
10 for the other two.

11 MR. MONAHAN: Could you repeat that,
12 Mr. Stamp?

13 MR. STAMP: 20 minutes for Bethlehem. No
14 minutes for the other two towns.

15 MR. IACOPINO: Thank you. Ms. Schibanoff?

16 MS. SCHIBANOFF: Ten minutes for each,
17 please.

18 MR. IACOPINO: Okay. That brings us to
19 Municipal Group 2 witnesses which are an Easton
20 Panel, Sugar Hill Panel, Franconia, and
21 Plymouth. So is everyone on board? You
22 understand what we're going to ask? If you
23 could tell me what your estimate is for each one
24 of those, and we will try to get through the

1 Muni Groups and the Grafton County
2 Commissioners, and then we'll probably have to
3 take a break for lunch.

4 So we'll talk about Municipal Group 2.
5 They have 1, 2, 3, 4 sets of witness
6 presentations. Easton, Sugar Hill, Franconia,
7 Plymouth is the way we're referring to them.
8 Barry?

9 MR. NEEDLEMAN: 45 minutes for Easton. 30
10 minutes for each of the other three.

11 MR. IACOPINO: Business Groups don't have
12 any. City of Franklin and Berlin don't have
13 any. Mr. Pappas?

14 MR. PAPPAS: One hour for Easton, one hour
15 Franconia, 30 minutes for Sugar Hill and a hour
16 and a half for Plymouth.

17 MR. IACOPINO: Thank you. Are the
18 Municipal Groups doing this jointly?

19 MR. WHITLEY: The remaining Muni Groups
20 will have 30 minutes for each Panel combined.

21 MR. IACOPINO: Thank you. Grafton County
22 Commissioners?

23 MS. SAFFO: 45 minutes for Easton,
24 Franconia and Plymouth. 15 minutes for Sugar

1 Hill.

2 MR. IACOPINO: Thank you. The NGOs?
3 Sorry. I'm sorry, Ms. Manzelli.

4 MS. MANZELLI: That's okay. Thank you.
5 I'm sorry also because I have a question. Is
6 Brian Murphy still a witness in this case?

7 MR. IACOPINO: Let me go to my list.

8 MR. TANGUAY: Yes. He is.

9 MS. MANZELLI: What Panel will he be a
10 witness on?

11 MR. TANGUAY: He's on Plymouth.

12 MS. MANZELLI: Thank you. 15 minutes for
13 Plymouth. Nothing for anyone else. Thank you.

14 MR. IACOPINO: Thank you. You guys ask
15 questions, you throw me off. NGOs?

16 MS. BIRCHARD: No questions. Thank you.

17 MR. IACOPINO: Thank you. Mr. Thompson for
18 Clarksville/Stewartstown.

19 MR. THOMPSON: No questions.

20 MR. IACOPINO: Ms. Percy for Abutting
21 Property Owners, Dummer, Stark, Northumberland?

22 MS. PERCY: No questions.

23 MR. IACOPINO: Bob or Art, are either of
24 you going to seek to ask questions?

1 MR. CUNNINGHAM: Not for me.

2 MS. MARTLAND: Bob stepped out, but he
3 asked me to tell you he has no questions.

4 MR. IACOPINO: Thank you. Mr. Brekke for
5 the Whitefield, Dalton, Bethlehem folks?

6 MR. BREKKE: 30 minutes for the Easton.
7 That's all.

8 MR. IACOPINO: Thank you. Mr. Palmer for
9 the Bethlehem to Plymouth?

10 MR. PALMER: 25 minutes for Franconia, 25
11 minutes for Easton, 25 minutes for Plymouth, and
12 10 minutes for Sugar Hill.

13 MR. IACOPINO: Thank you. Ms. Lee, any
14 questions for these?

15 MS. LEE: No questions. Thank you.

16 MR. IACOPINO: Ms. Menard for Deerfield
17 Abutters?

18 MS. MENARD: 30 minutes for Easton, 20
19 minutes Sugar Hill, 20 for Franconia, and 10
20 minutes for Plymouth.

21 MR. IACOPINO: So 30, 20, 20, 10.

22 MS. MENARD: Correct.

23 MR. IACOPINO: Thank you. Professor Crane?

24 MS. CRANE: 10 minutes for Franconia, 20

1 minutes for Plymouth.

2 MR. IACOPINO: Thank you. Historical
3 Groups?

4 MS. MARTLAND: Ten minutes for each town,
5 please.

6 MR. IACOPINO: Ms. Schibanoff?

7 MS. SCHIBANOFF: 20 minutes for each town,
8 please.

9 MR. IACOPINO: And Pemigewasset Local
10 River Advisory Committee?

11 MR. STAMP: 10 minutes each for Easton,
12 Franconia, Sugar Hill; 15 for Plymouth.

13 MR. IACOPINO: Thank you. We already did,
14 no. We did 3 South. Municipal Group North,
15 there's two, I believe we had two Panels for
16 that being New Hampton and Bristol. Am I
17 correct? Mr. Needleman.

18 MR. NEEDLEMAN: 30 minutes each.

19 MR. IACOPINO: Counsel for the Public?

20 MR. PAPPAS: Bristol, 30 minutes. New
21 Hampton, one hour.

22 MR. IACOPINO: Remaining Municipal Groups.

23 MR. WHITLEY: 30 minutes each, please.

24 MR. IACOPINO: Grafton County?

1 MS. SAFFO: Half an hour for -- hold on.

2 MS. IACOPINO: New Hampton and Bristol.

3 MS. SAFFO: Just Bristol. Nothing for New
4 Hampton.

5 MR. IACOPINO: Thank you. Ms. Manzelli?

6 MS. MANZELLI: I'm sorry, Mike. Can you
7 give me a minute and come back to me?

8 MR. IACOPINO: Sure. Remind me though.
9 Okay?

10 MS. MANZELLI: I will.

11 MR. IACOPINO: I think you're doing this on
12 purpose. No problem. NGOs?

13 MS. BIRCHARD: No questions. Thank you.

14 MR. IACOPINO: Thank you. Amy, you ready
15 now?

16 MS. MANZELLI: Sorry about that. Nothing
17 for either.

18 MR. IACOPINO: NEPGA. No questions, right?
19 Mr. Thompson.

20 MR. THOMPSON: No questions.

21 MR. IACOPINO: Okay. Ms. Percy for Dummer,
22 Stark, Northumberland, Overhead Abutters.

23 MS. PERCY: No questions.

24 MR. IACOPINO: Art and Bob, you have in the

1 past asked to ask questions?

2 MR. BAKER: No questions.

3 MR. IACOPINO: Art?

4 MR. CUNNINGHAM: No questions.

5 MR. IACOPINO: Thank you very much.

6 Mr. Brekke's group, Abutting Property Owners,
7 Overhead, Whitefield, Dalton and Bethlehem?

8 MR. BREKKE: No questions. Thank you.

9 MR. IACOPINO: Thank you. Mr. Palmer's
10 group Bethlehem and Plymouth?

11 MR. PALMER: Ten minutes for New Hampton
12 and ten minutes for Bristol.

13 MR. IACOPINO: Ms. Lee, any questions for
14 these groups?

15 MS. LEE: No questions.

16 MR. IACOPINO: Ms. Menard for the Deerfield
17 Abutters?

18 MS. MENARD: 30 minutes, New Hampton. Ten
19 minutes, Bristol.

20 MR. IACOPINO: Thank you. Professor Crane?

21 MS. CRANE: Ten, New Hampton.

22 MR. IACOPINO: Historical Group?

23 MS. MARTLAND: No questions.

24 MR. IACOPINO: Ms. Schibanoff?

1 MS. SCHIBANOFF: Five minutes for each,
2 please.

3 MR. IACOPINO: And Pemi?

4 MR. STAMP: 30 minutes each.

5 MR. IACOPINO: Thank you. We've already
6 done Municipal Group South so we're just going
7 to move on to Grafton County. That's Ms. Lauer,
8 I believe? Applicant?

9 MR. NEEDLEMAN: 30 minutes.

10 MR. IACOPINO: Counsel for the Public?

11 MR. PAPPAS: One hour.

12 MR. IACOPINO: Are the Municipal Groups
13 together on this one?

14 MR. WHITLEY: Joint Muni Groups, 30
15 minutes, please. Pardon me. 45 minutes.
16 Sorry.

17 MR. IACOPINO: 45. Thank you. It's your
18 witness. Society for the Protection of the
19 Forests?

20 MS. MANZELLI: 15 minutes.

21 MR. IACOPINO: Thank you. NGOs?

22 MS. BIRCHARD: Nothing. Thank you.

23 MR. IACOPINO: NEPGA has nothing.

24 Mr. Thompson for your groups?

1 MR. THOMPSON: Nothing.

2 MR. IACOPINO: Ms. Percy for your group?

3 MS. PERCY: No questions.

4 MR. IACOPINO: Art or Bob? Any questions?

5 MR. CUNNINGHAM: No.

6 MR. BAKER: No, none.

7 MR. IACOPINO: Thank you. Mr. Brekke's
8 group, Whitefield, Dalton, Bethlehem, Overhead,
9 Abutters?

10 MR. BREKKE: No questions.

11 MR. IACOPINO: Thank you. Mr. Palmer?

12 MR. PALMER: 25 minutes.

13 MR. IACOPINO: Thank you. Ms. Lee?

14 MS. LEE: No questions. Thank you.

15 MR. IACOPINO: Professor Crane?

16 MS. CRANE: No questions.

17 MR. IACOPINO: Okay. Historic Groups?

18 MS. MARTLAND: 15 minutes.

19 MR. IACOPINO: Deerfield, Ms. Menard.

20 Sorry.

21 MS. MENARD: 30 minutes.

22 MR. IACOPINO: Thank you. Ms. Schibanoff?

23 MS. SCHIBANOFF: 20 minutes.

24 MR. IACOPINO: And Pemi River?

1 MR. STAMP: 20 minutes.

2 MR. IACOPINO: All right. It's 12:10. At
3 this point we're going to take a one-hour break
4 for lunch. Come back at 1:10.

5 (Lunch recess taken 12:10 p.m.)

6 (Hearing resumed at 1:19 p.m.)

7 MR. IACOPINO: Okay, folks. We're going to
8 pick up where we left off. We finished with the
9 Grafton County Commissioner's witnesses.

10 So we're going to move on to the witnesses
11 for the Society for the Protection of New
12 Hampshire Forests, and they are going to be
13 presented with, the first Panel is Difley and
14 Abbott. Then the Bilodeaus. Then Conkling,
15 Wilber, Lobdell. There's one Panel that's
16 Conklin, et al. Then we have Lobdell and Dodson
17 they wanted to go last. They've got a Panel of
18 Difley and Abbott. So we're going to go Difley
19 and Abbott, Lobdell, Dodson, and then the Panel
20 with the remaining witnesses on it. Okay? So
21 Mr. Needleman.

22 MR. NEEDLEMAN: For the Difley/Abbott
23 panel, 45 minutes. For the Bilodeaus, don't
24 expect any questions. For Mr. Dodson, one and a

1 half hours. For Mr. Lobdell, 30 minutes. And
2 then for the last Panel, don't expect any
3 questions.

4 MR. IACOPINO: Okay. Counsel for the
5 Public?

6 MR. PAPPAS: For the first Panel, an hour.
7 For the Bilodeaus, 30 minutes. Lobdell, an
8 hour. Dodson, two hours. The other Panel 30
9 minutes.

10 MR. IACOPINO: Appalachian Mountain Club
11 and the NGOs?

12 MS. BIRCHARD: We'd like to reserve 15
13 minutes for Mr. Lobdell and no time for the
14 other witnesses.

15 MR. IACOPINO: Thank you.

16 MR. IACOPINO: NEPGA. No questions, right?
17 Mr. Thompson.

18 MS. THOMPSON: No questions.

19 MR. IACOPINO: Back to the Joint Municipal
20 Groups.

21 MR. WHITLEY: The Joint Munis would like to
22 reserve 30 minutes for the first Panel, nothing
23 for the Bilodeaus, and then 30 minutes for the
24 three remaining Panels so 30 for Lobdell, 30 for

1 Dodson and 30 for the last Panel.

2 MR. IACOPINO: Thank you. Mr. Thompson.

3 MS. THOMPSON: No questions.

4 MR. IACOPINO: Okay. Ms. Percy.

5 MR. CUNNINGHAM: She had to leave. No
6 questions, Mike.

7 MR. IACOPINO: Mr. Brekke for the Overhead
8 Whitefield, Dalton, Bethlehem Abutting Group?

9 MR. BREKKE: No questions.

10 MR. IACOPINO: Thank you. Mr. Palmer,
11 Bethlehem to Plymouth?

12 MR. PALMER: Ten minutes for each Panel.

13 MR. IACOPINO: Ms. Lee?

14 MS. LEE: No questions. Thank you.

15 MR. IACOPINO: Professor Crane?

16 MS. CRANE: Ten minutes for Difley and
17 Abbott. 10 minutes for Lobdell. None for the
18 others.

19 MR. IACOPINO: Thank you. Deerfield.

20 MS. MENARD: One hour for Difley/Abbott, 10
21 minutes for the Bilodeaus, one hour for each
22 Mr. Lobdell and Dodson. And then ten minutes
23 for the O'Brien Panel. Remaining witnesses.

24 MR. IACOPINO: Thank you. Ms. Martland for

1 the Historic Groups?

2 MS. MARTLAND: Ten minutes for Difley and
3 Abbott, please.

4 MR. IACOPINO: Thank you. Ms. Schibanoff?

5 MS. SCHIBANOFF: 15 Difley/Abbott, 15
6 Dodson, 15 Bilodeaus, nothing for Lobdell and
7 then I'm confused about who the fifth Panel is.

8 MR. IACOPINO: It's a group Panel of
9 Conkling, O'Brien, Dodge, John Conkling, Lore
10 Moran, Dodge, Ms. Moran, Kelly O'Brien and Dee
11 Wilber.

12 MS. SCHIBANOFF: 15 minutes for that Panel
13 as well. Thank you.

14 MR. IACOPINO: Thank you. And Pemi?

15 MR. STAMP: 30 minutes for Difley/Abbott.
16 10 minutes for Bilodeau and Conkling. 15
17 minutes for Lobdell, 15 for Dodson. And zero
18 for the rest.

19 MR. IACOPINO: Thank you. Did I miss
20 anybody on that one?

21 MS. SAFFO: Grafton County is still here.
22 So you can count 20 minutes for each except
23 Bilodeau would be zero.

24 MR. IACOPINO: Thank you. Next one is the

1 NGOs. For them, I believe we have one Panel.
2 Applicant?

3 MR. NEEDLEMAN: If it's Thayer, Kimball,
4 Garland and Publicover all together, then three
5 hours.

6 MR. IACOPINO: Counsel for the Public?

7 MR. PAPPAS: The same.

8 MR. IACOPINO: Municipal Groups?

9 MR. WHITLEY: One hour, please.

10 MR. IACOPINO: Grafton County Commissioner?

11 MS. SAFFO: 45 minutes.

12 MR. IACOPINO: Society for the Protection
13 of New Hampshire Forests?

14 MS. MANZELLI: One and a half hours.

15 MR. IACOPINO: They're your witnesses.

16 NEPGA doesn't have any. Mr. Thompson.

17 MS. THOMPSON: No questions.

18 MR. IACOPINO: Mrs. Thompson. I'm sorry.
19 Ms. Percy.

20 MR. CUNNINGHAM: 15 minutes.

21 MR. IACOPINO: Mr. Brekke?

22 MR. BREKKE: No questions.

23 MR. IACOPINO: Mr. Palmer?

24 MR. PALMER: 15 minutes.

1 MR. IACOPINO: Ms. Lee?

2 MS. LEE: No questions.

3 MR. IACOPINO: Ms. Menard?

4 MS. MENARD: 45 minutes.

5 MR. IACOPINO: Thank you. Professor Crane?

6 MS. CRANE: 15 minutes.

7 MR. IACOPINO: Historical Groups?

8 MS. MARTLAND: 15 minutes, please.

9 MR. IACOPINO: Thank you. Ms. Schibanoff?

10 MS. SCHIBANOFF: 45 minutes, please.

11 MR. IACOPINO: Pemi?

12 MR. STAMP: 30 minutes.

13 MR. IACOPINO: Did I miss anybody on that
14 one? Good. So next we have Mr. Fowler, witness
15 for NEPGA. Applicant?

16 MR. NEEDLEMAN: 30 minutes.

17 MR. IACOPINO: Counsel for the Public?

18 MR. PAPPAS: An hour and a half.

19 MR. IACOPINO: Muni Groups?

20 MR. WHITLEY: This is NEPGA, Mike?

21 MR. IACOPINO: Yes.

22 MR. WHITLEY: 45 minutes, please.

23 MR. IACOPINO: Mr. Fowler. Yes.

24 Ms. Saffo?

1 MS. SAFFO: 20 minutes.

2 MR. IACOPINO: Ms. Manzelli?

3 MS. MANZELLI: 20 minutes.

4 MR. IACOPINO: NGOs?

5 MS. BIRCHARD: 45 minutes, please.

6 MR. IACOPINO: Mr. Thompson.

7 MS. THOMPSON: No questions.

8 MR. IACOPINO: How about Susan Percy's
9 group?

10 MR. CUNNINGHAM: 15 minutes.

11 MR. IACOPINO: Mr. Brekke's group?

12 MR. BREKKE: No questions.

13 MR. IACOPINO: Mr. Palmer's group?

14 MR. PALMER: 15 minutes.

15 MR. IACOPINO: Ms. Lee?

16 MS. LEE: No questions. Thank you.

17 MR. IACOPINO: Thank you. Professor Crane?

18 MS. CRANE: Ten minutes.

19 MR. IACOPINO: Historical Groups?

20 MS. MARTLAND: No questions.

21 MR. IACOPINO: Ms. Schibanoff?

22 MS. SCHIBANOFF: No questions.

23 MR. IACOPINO: Ms. Menard?

24 MS. MENARD: 15 minutes.

1 MR. IACOPINO: And Pemi River?

2 MR. STAMP: 20 minutes, please.

3 MR. IACOPINO: Thank you. The next in the
4 order of presentation would be the Clarksville
5 and Stewartstown group. That's Mr. Thompson's
6 group. And in that group, if I have this
7 correctly, we have Mr. Petrofsky testifying
8 singly, then we have a -- I'll call them the --
9 Mr. Nix and Mr. Thompson, each of them
10 testifying individually. Then we have the Video
11 Group. And then we have another Panel. It's a
12 combination from two different Intervenor Groups
13 because Mr. Baker is going to put them all on at
14 once. So that's the Moore, Schrier, Olson,
15 Beland Group. Okay. So Applicant, start with
16 Mr. Petrofsky and go down the list.

17 MR. NEEDLEMAN: I haven't broken these up
18 individually. I expected them to be a Panel so
19 we're estimating a total of one hour for all
20 witnesses in this group.

21 MR. IACOPINO: Are there any that you
22 wouldn't have any questions for?

23 MR. NEEDLEMAN: Almost certainly. It's
24 just hard to say at this point because we just

1 estimated them as a block.

2 MR. IACOPINO: Okay. Counsel for the
3 Public.

4 MR. PAPPAS: For all of them except Mr.
5 Nix, 30 minutes. And Mr. Nix, an hour.

6 MR. IACOPINO: When you say 30 minutes, 30
7 minutes for each group?

8 MR. PAPPAS: I actually had them as a block
9 as well. So, for instance, Mr. Petrofsky, 30
10 minutes; Mr. Thompson, 30 minutes; the group of
11 four, 30 minutes; the Video Group, I don't know
12 if I'll have any questions for them. So I'll
13 just say 30 minutes.

14 MR. IACOPINO: Okay. Muni Groups?

15 MR. WHITLEY: For Mr. Nix, 45 minutes. For
16 Mr. Petrofsky, 15 minutes. And for
17 Mr. Thompson, a half an hour, please. And then
18 none for the Video Group and none for the
19 remaining Panel of four.

20 MR. IACOPINO: Thank you. Ms. Saffo?

21 MS. SAFFO: Zero.

22 MR. IACOPINO: Thank you. Ms. Manzelli for
23 Society?

24 MS. MANZELLI: None for Mr. Petrofsky. 15

1 minutes for Mr. Nix. None for Mr. Thompson. 15
2 minutes for the Video Group. And 30 minutes for
3 that final Panel there.

4 MR. IACOPINO: Thank you. NGOs?

5 MS. BIRCHARD: No questions, thank you.

6 MR. IACOPINO: Thank you. NEPGA is not
7 going to have any questions. Mr. Thompson's
8 group. Susan Percy's group, Dummer, Stark,
9 Northumberland?

10 MR. CUNNINGHAM: No questions.

11 MR. IACOPINO: Mr. Brekke's group,
12 Whitefield, Dalton, Bethlehem?

13 MR. BREKKE: No questions. Thank you.

14 MR. IACOPINO: Mr. Palmer's group,
15 Bethlehem to Plymouth?

16 MR. PALMER: Ten minutes for each Panel.
17 Or each witness on each Panel.

18 MR. IACOPINO: Wait a minute. So you're
19 telling me 40 minutes for the Panel of four
20 witnesses?

21 MR. PALMER: Yes.

22 MR. IACOPINO: Okay. And then what about
23 this Video Group? Do you really anticipate
24 asking ten minutes of questions to each person

1 in that group?

2 MR. PALMER: No. I meant ten minutes for
3 the group all together.

4 MR. IACOPINO: Thank you. Ms. Lee, any
5 questions for this group of witnesses?

6 MS. LEE: No questions. Thank you.

7 MR. IACOPINO: Professor Crane?

8 MS. CRANE: Ten minutes for Petrofsky, ten
9 minutes for Nix, none for the others.

10 MR. IACOPINO: Ms. Menard?

11 MS. MENARD: We would like to reserve one
12 hour for the group collectively, and we need to
13 confer in terms of how we're going to divide it
14 up, but we anticipate ten minutes for the Video
15 Group and 30 minutes for Mr. Thompson and then
16 10 minutes for the various other entities in
17 that group.

18 MR. IACOPINO: Thank you. Ms. Crane? I
19 already did you. Historic Groups?

20 MS. MARTLAND: No questions.

21 MR. IACOPINO: Ms. Schibanoff?

22 MS. SCHIBANOFF: 20 minutes for everyone
23 except Nix collectively, no questions for Nix.

24 MR. IACOPINO: Thank you. And

1 Pemigewassett?

2 MR. STAMP: 20 minutes for Thompson, 10
3 minutes for the Video Group, and that's all.

4 MR. IACOPINO: Thank you. All right.
5 Moving on, now looking at the Dummer, Stark,
6 Northumberland Abutters Group. Do I have that
7 right? Yes. This is the Percy group. And we
8 have two Jones and Karen Johnson and Spencer and
9 then Eric Jones. Eric and Margaret Jones. And
10 Susan Percy. So I call the Jones Percy Panel
11 and the Spencer Panel. Applicant?

12 MR. NEEDLEMAN: Again, I didn't divide
13 these up so for the entire group a total of 45
14 minutes.

15 MR. IACOPINO: I'll going to say 25 minutes
16 each. Counsel for the Public?

17 MR. PAPPAS: 30 minutes each.

18 MR. IACOPINO: Joint Munis?

19 MR. WHITLEY: 10 minutes each, please.

20 MR. IACOPINO: Thank you. Grafton County
21 Commissioners?

22 MS. SAFFO: So for, this is Whitefield,
23 Dalton and Bethlehem APO, correct?

24 MR. IACOPINO: This is Dummer, Stark,

1 Northumberland.

2 MS. SAFFO: I'm sorry. Zero time.

3 MR. IACOPINO: So next would be Ms.
4 Manzelli for the Forest Society.

5 MS. MANZELLI: Can you clarify for me the
6 witness on each Panel, please?

7 MR. IACOPINO: Sure, it's Karen Johnson. I
8 said Jones, I'm sorry, Susan Percy on one --
9 sorry, Spencer on one Panel. And then Eric and
10 Margaret Jones and Susan Percy on the other
11 Panel.

12 MS. MANZELLI: Okay. So for the Panel with
13 Ms. Percy, 20 minutes. For the other Panel, 5
14 minutes.

15 MR. IACOPINO: NGOs?

16 MS. BIRCHARD: No questions. Thank you.

17 MR. IACOPINO: NEPGA has no questions.
18 Mrs. Thompson.

19 MS. THOMPSON: No questions.

20 MR. IACOPINO: Thank you. Susan Percy
21 group. Mr. Brekke, any questions?

22 MR. BREKKE: No questions.

23 MR. IACOPINO: Mr. Palmer, any questions?

24 MR. PALMER: No questions.

1 MR. IACOPINO: Ms. Lee, any questions?

2 MS. LEE: No, thank you.

3 MR. IACOPINO: I'm sorry. Ms. Menard, for
4 some reason where this is in my list my eyes go
5 right over it. I'm sorry.

6 MS. MENARD: No problem. Can you clarify
7 for me the Susan Percy? This is Susan of the
8 Percy Summer Club, is that correct?

9 MR. IACOPINO: I believe it is.

10 MR. CUNNINGHAM: Yes.

11 MR. IACOPINO: She's in the group with
12 Mr. Cunningham.

13 MS. MENARD: With Eric Jones and -- yes.
14 We would like 20 minutes with that Panel and
15 then 20 minutes with the Spencer/Legasse Panel.

16 MR. IACOPINO: Ms. Crane?

17 MS. CRANE: No questions anticipated right
18 now.

19 MR. IACOPINO: Thank you. Historic Groups?

20 MS. MARTLAND: No questions.

21 MR. IACOPINO: Ms. Schibanoff?

22 MS. SCHIBANOFF: 10 minutes for each of the
23 two Panels, please.

24 MR. IACOPINO: Thank you. And --

1 MR. STAMP: No questions.

2 MR. IACOPINO: Then our next group is the
3 Whitefield, Dalton, Bethlehem group. This is
4 the group that's, their spokesperson is
5 Mr. Brekke. We have Peter Powell, and then the
6 remaining five witnesses in that were going on
7 as a Panel, and they are Bruce and Sandra
8 Brekke, David Van Houten, James and Judy
9 Ramsdell, Tim and Brigitte White, and Elmer and
10 Claire Lupton. So Applicant?

11 MR. NEEDLEMAN: 30 minutes total for the
12 entire group.

13 MR. IACOPINO: Counsel for the Public?

14 MR. PAPPAS: One hour for Mr. Powell and 30
15 minutes for the rest of the Panel.

16 MR. IACOPINO: Joint Munis?

17 MR. WHITLEY: 20 minutes for Mr. Powell and
18 30 minutes for the other Panel, please.

19 MR. IACOPINO: Thank you. Grafton County
20 Commissioners?

21 MS. SAFFO: Just the Bethlehem part, 30
22 minutes.

23 MR. IACOPINO: They're not really separated
24 by town. Mr. Powell, I believe, is primarily,

1 he's a real estate agent?

2 MS. SAFFO: Yes.

3 MR. IACOPINO: I think his testimony was
4 primarily about real estate values.

5 MS. SAFFO: Except I think he goes all the
6 way through the whole region.

7 MR. IACOPINO: He may, but --

8 MS. SAFFO: Why don't I do 20 minutes Mr.
9 Powell and then leave 10 minutes to question one
10 other person on the Panel.

11 MR. IACOPINO: Thank you. Society for the
12 Protection of New Hampshire Forests?

13 MS. MANZELLI: Nothing for Mr. Powell and
14 30 minutes for the Panel. Thanks.

15 MR. IACOPINO: Mrs. Thompson.

16 MS. THOMPSON: No questions.

17 MR. IACOPINO: NGOs? I have a little
18 birdie when I skip that whispers in my right
19 ear.

20 MS. BIRCHARD: No questions. Thank you.

21 MR. IACOPINO: Thank you. Mr. Palmer?

22 MR. PALMER: Ten minutes for Mr. Powell and
23 15 minutes for the Panel.

24 MR. IACOPINO: Ms. Lee?

1 MS. LEE: No questions. Thank you.

2 MR. IACOPINO: Thank you. Charlotte?

3 MS. CRANE: 10 minutes for Mr. Powell.

4 None for the rest.

5 MR. IACOPINO: Historic Groups?

6 MS. MARTLAND: No questions.

7 MR. IACOPINO: Ms. Schibanoff?

8 MS. SCHIBANOFF: 15 minutes for Mr. Powell.

9 Nothing for the other, for the Panel.

10 MR. IACOPINO: Thank you. And PRLAC?

11 MR. STAMP: Ten minutes for Mr. Powell and
12 15 minutes for the remainder.

13 MR. IACOPINO: Thank you. Did I miss
14 anybody on that one? Okay. I did it again.
15 I'm sorry. Ms. Menard. I even put a big arrow
16 here, and I'm going to make it even bigger.

17 MS. MENARD: That's okay. No worries. For
18 Mr. Powell, we'd like to reserve two hours. And
19 the Panel, 30 minutes.

20 MR. IACOPINO: Thank you. The next group
21 we have is the Bethlehem to Plymouth Abutters,
22 and on this one we have, I know there's a video
23 but skip that for a minute. We have Ahern? I'm
24 sorry. Peter Grote, Bruce Ahern, Dr. McLaren,

1 Mr. Lake. And then Walter Palmer and Kathryn
2 Ting. Each of those are testifying separately,
3 and then we have this Video Panel. So let's
4 take them as best as we can. Mr. Needleman?

5 MR. NEEDLEMAN: For the entire group, 45
6 minutes.

7 MR. IACOPINO: Counsel for the Public?

8 MR. PAPPAS: Leaving aside the video, I
9 just have 30 minutes each.

10 MR. IACOPINO: 30 minutes each. Muni
11 Groups.

12 MR. WHITLEY: Not including the video
13 Panel, 45 minutes for the entire, all the
14 witnesses.

15 MR. IACOPINO: Would you guys say that all
16 we're doing is just dividing it by the number of
17 witnesses?

18 MR. WHITLEY: That's fine.

19 MR. IACOPINO: And my crack math student to
20 my right is doing that.

21 MR. WHITLEY: Round up.

22 MR. IACOPINO: Okay. Are you answering for
23 Grafton County, too, Mr. Whitley?

24 MR. WHITLEY: I am, yes.

1 MR. IACOPINO: How much do they have?

2 MR. WHITLEY: Ms. Saffo has broken hers
3 down. The lakes, 10 minutes. Ahern, 10
4 minutes. McLaren, 15 minutes. And Walter
5 Palmer, 20 minutes. And is Ms. Schibanoff in
6 this group? Or do I have that confused?

7 MS. SCHIBANOFF: No.

8 MR. WHITLEY: Thank you. That's all for
9 Grafton County.

10 MR. IACOPINO: Okay. Forest Society?

11 MS. MANZELLI: No questions.

12 MR. IACOPINO: NGOs?

13 MS. BIRCHARD: No questions. Thank you.

14 MR. IACOPINO: NEPGA had no questions. Ms.
15 Thompson?

16 MS. THOMPSON: Ahern 15 minutes.

17 MR. IACOPINO: Is that it? Thank you.
18 Mr. Cunningham? Your group?

19 MR. CUNNINGHAM: No questions.

20 MR. IACOPINO: Mr. Brekke, your group?

21 MR. BREKKE: Yes. I'd like to reserve 30
22 minutes for McLaren and zero time for all the
23 others.

24 MR. IACOPINO: Thank you.

1 MR. BREKKE: Thank you.

2 MR. IACOPINO: Go down to Ms. Lee?

3 MS. LEE: No questions.

4 MR. IACOPINO: Thank you. Ms. Menard?

5 MS. MENARD: One hour for the group.

6 MR. IACOPINO: So we're just going to take
7 that and divide it by 6, and that's like 10
8 minutes each.

9 MS. MENARD: Correct. Thank you.

10 MR. IACOPINO: Okay. And did you have any
11 idea as far as the Video Panel goes?

12 MS. MENARD: No. I was including that in
13 the time.

14 MR. IACOPINO: All right. Thank you.
15 Charlotte Crane?

16 MS. CRANE: 10 minutes with Ahern.

17 MR. IACOPINO: Historical?

18 MS. MARTLAND: No questions.

19 MR. IACOPINO: Ms. Schibanoff?

20 MS. SCHIBANOFF: One hour for the group.

21 MR. IACOPINO: And Pemi River?

22 MR. STAMP: 30 minutes for the group. I
23 don't know how to divide it.

24 MR. IACOPINO: It's like five minutes each.

1 MR. STAMP: Good.

2 MR. IACOPINO: We'll move on to the next
3 group is the Ashland to Concord Abutters. There
4 are two sets of witnesses. There's Ms. Lee and
5 then Ms. Kleindienst who is the property manager
6 from McKenna's Purchase. Applicant?

7 MR. NEEDLEMAN: 20 minutes for McKenna's
8 and no questions for Ms. Lee.

9 MR. NEEDLEMAN: Thank you.

10 MR. IACOPINO: Counsel for the Public?

11 MR. PAPPAS: Ten minutes for Ms. Lee and 30
12 minutes for McKenna's.

13 MR. IACOPINO: Joint Munis?

14 MR. WHITLEY: Ten minutes for Ms. Lee. 30
15 minutes for McKenna's Purchase, please.

16 MR. IACOPINO: Thank you. Grafton County?

17 MR. WHITLEY: Grafton County has no
18 questions for this Panel.

19 MR. IACOPINO: Forest Society?

20 MS. MANZELLI: No questions, thank you.

21 MR. IACOPINO: NGOs?

22 MS. BIRCHARD: No questions, thank you.

23 MR. IACOPINO: Ms. Thompson.

24 MS. THOMPSON: No questions. Thank you.

1 MR. IACOPINO: Art? For the Dummer to
2 Northumberland?

3 MR. CUNNINGHAM: Ten minutes.

4 MR. IACOPINO: For which one?

5 MR. CUNNINGHAM: I'll split it. Five,
6 five.

7 MR. IACOPINO: Okay. Mr. Brekke?

8 MR. BREKKE: No questions. Thank you.

9 MR. IACOPINO: Mr. Palmer?

10 MR. PALMER: Ten minutes for each group.

11 MR. IACOPINO: Ms. Lee, this is you so we
12 don't ask you. Ms. Menard?

13 MS. MENARD: We would like 30 minutes with
14 Ms. Kleindienst and 20 minutes with Ms. Lee.

15 MR. IACOPINO: Thank you. Professor Crane?

16 MS. CRANE: No questions.

17 MR. IACOPINO: Historic Groups?

18 MS. MARTLAND: No questions.

19 MR. IACOPINO: Ms. Schibanoff?

20 MS. SCHIBANOFF: Ten minutes Ms. Lee,
21 please.

22 MR. IACOPINO: Thank you. And Pemi River?

23 MR. STAMP: 10 minutes for Lee and 20
24 minutes for the remaining Panel.

1 MR. IACOPINO: Thank you. The next group
2 that we're going to address are the Deerfield
3 Abutters, and we have on that one two sets of
4 witnesses. D. Scott Newman is the first one,
5 and then there's a joint testimony of Erick and
6 Kathleen Berglund, Jeanne Menard, Jo Anne
7 Bradbury, Robert Cote, Bruce Adami, and as we
8 know, Ms. Menard has provided a couple of
9 different territories on behalf of different
10 properties owned by her or her family. So for
11 the Applicant?

12 MR. NEEDLEMAN: 45 minutes for Mr. Newman.
13 One hour for the other Panel.

14 MR. IACOPINO: Counsel for the Public?

15 MR. PAPPAS: 30 minutes for Mr. Newman and
16 a hour and a half for the Panel.

17 MR. IACOPINO: Joint Munis?

18 MR. WHITLEY: 30 minutes for Mr. Newman and
19 then 30 minutes for the remainder of the Panel.

20 MR. IACOPINO: How about Grafton? Has she
21 got any questions?

22 MR. WHITLEY: She didn't divide it up.
23 Grafton County asked for 30 minutes total so 15
24 and 15.

1 MR. IACOPINO: Thank you. Just so the
2 record is clear, we did receive a note from
3 Ms. Saffo that Mr. Whitley would have the rest
4 of her estimates for times because she had to
5 leave. So we just finished Grafton County. So
6 Ms. Manzelli for the Forest Society?

7 MS. MANZELLI: For Mr. Newman 20 minutes
8 and for the Panel 30 minutes.

9 MR. IACOPINO: Thank you. NGOs?

10 MS. BIRCHARD: No questions. Thank you.

11 MR. IACOPINO: Thank you. Questions for
12 Ms. Thompson.

13 MS. THOMPSON: No questions. Thank you.

14 MR. IACOPINO: The Percy group?

15 MR. CUNNINGHAM: 15 total, Mike.

16 MR. IACOPINO: So we'll just make it 10
17 each.

18 MR. CUNNINGHAM: Yes.

19 MR. IACOPINO: Mr. Brekke?

20 MR. BREKKE: We would like to reserve 30
21 minutes, please.

22 MR. IACOPINO: 15 each?

23 MR. BREKKE: That's fine. Yes.

24 MR. IACOPINO: Mr. Palmer?

1 MR. PALMER: Ten minutes for Mr. Newman and
2 15 minutes for the Panel.

3 MR. IACOPINO: Thank you. Ms. Lee?

4 MS. LEE: No questions. Thank you.

5 MR. IACOPINO: Thank you. Ms. Menard?

6 This is -- never mind. You're on this Panel,
7 sorry. This time we didn't forget you. Knew
8 that was going to happen, right?

9 Professor Crane?

10 MS. CRANE: 10 minutes each.

11 MR. IACOPINO: Thank you. Historic Groups?

12 MS. MARTLAND: 15 minutes for the Panel,
13 please.

14 MR. IACOPINO: Ms. Schibanoff?

15 MS. SCHIBANOFF: Ten for Newman, 20 for the
16 Panel.

17 MR. IACOPINO: And Pemi River?

18 MR. STAMP: 30 minutes for the Panel, zero
19 for Newman.

20 MR. IACOPINO: Thank you. The next set of
21 witnesses are the Bilodeaus from Deerfield.
22 Applicant?

23 MR. NEEDLEMAN: 15 minutes.

24 MR. IACOPINO: Counsel for the Public?

1 MR. PAPPAS: 15 minutes.

2 MR. IACOPINO: Joint Munis?

3 MR. WHITLEY: 15 minutes. Please.

4 MR. IACOPINO: Did Ms. Saffo want to
5 question them at all?

6 MR. WHITLEY: No. No questions for
7 Ms. Saffo.

8 MR. IACOPINO: Ms. Manzelli for the Forest
9 Society?

10 MS. MANZELLI: 10 minutes.

11 MR. IACOPINO: NGOs?

12 MS. BIRCHARD: No questions. Thank you.

13 MR. IACOPINO: Ms. Thompson.

14 MS. THOMPSON: No questions.

15 MR. IACOPINO: Thank you. Art?

16 MR. CUNNINGHAM: No questions.

17 MR. IACOPINO: Mr. Brekke?

18 MR. BREKKE: No questions.

19 MR. IACOPINO: Water Palmer?

20 MR. PALMER: Ten minutes, please.

21 MR. IACOPINO: Ms. Lee?

22 MS. LEE: No questions. Thank you.

23 MR. IACOPINO: Thank you. Ms. Crane?

24 MS. CRANE: No questions.

1 MR. IACOPINO: Ms. Menard?

2 MS. MENARD: 30 minutes.

3 MR. IACOPINO: Historic Groups?

4 MS. MARTLAND: No questions.

5 MR. IACOPINO: Ms. Schibanoff?

6 MS. SCHIBANOFF: No questions.

7 MR. IACOPINO: And Pemi?

8 MR. STAMP: No questions.

9 MR. IACOPINO: Okay. Great. We're now
10 down to the Stark, Whitefield, Dalton which is
11 Rebecca More. I don't think I said the towns
12 correctly. It's Stark, Lancaster, Whitefield,
13 Dalton and Bethlehem Non-Abutting Property
14 Owners. So it's just the one witness.
15 Applicant?

16 MR. NEEDLEMAN: 15 minutes.

17 MR. IACOPINO: Counsel for the Public?

18 MR. PAPPAS: 45 minutes.

19 MR. IACOPINO: Joint Munis?

20 MR. WHITLEY: 45 for the Joint Munis and 30
21 for Grafton County, please.

22 MR. IACOPINO: Thank you. Forest Society?

23 MS. MANZELLI: I'm sorry. Who was the
24 witness?

1 MR. IACOPINO: Rebecca More.

2 MS. MANZELLI: Thank you. 15 minutes.

3 MR. IACOPINO: Thank you.

4 MR. IACOPINO: NGOs?

5 MS. BIRCHARD: No questions. Thank you.

6 MR. IACOPINO: Thank you. Ms. Thompson.

7 MS. THOMPSON: 15 minutes for Mr. Baker.

8 MR. IACOPINO: Okay. Thank you. Art?

9 MR. CUNNINGHAM: No questions, Mike.

10 MR. IACOPINO: Mr. Brekke?

11 MR. BREKKE: No questions.

12 MR. IACOPINO: Mr. Palmer?

13 MR. PALMER: 15 minutes, please.

14 MR. IACOPINO: Ms. Lee?

15 MS. LEE: No questions. Thanks.

16 MR. IACOPINO: Ms. Menard?

17 MS. MENARD: Can you clarify for me? We
18 just, I just heard that, for Mr. Baker he's not
19 a witness. That was just she was recording for
20 questions for Mr. Baker, is that correct?

21 MR. IACOPINO: That he intends to ask, I
22 believe.

23 MS. MENARD: Yes. Okay. So Deerfield
24 would like to reserve 30 minutes for Rebecca

1 More.

2 MR. IACOPINO: Charlotte Crane?

3 MS. CRANE: 10 minutes.

4 MR. IACOPINO: Nancy Martland?

5 MS. MARTLAND: 15 minutes.

6 MR. IACOPINO: Ms. Schibanoff?

7 MS. SCHIBANOFF: 15 minutes.

8 MR. IACOPINO: And Pemi?

9 MR. STAMP: No questions.

10 MR. IACOPINO: Thank you. Next group is
11 the Ashland to Deerfield Non-Abutters. And all
12 of the witnesses are testifying as a Panel on
13 this one. And they are Maureen Quinn, Madelyn
14 and Thomas Foulkes, the Webster family group,
15 Elisha Gray and Jeanne Menard. All right. Are
16 you actually going to come to two Panels,
17 Jeanne?

18 MS. MENARD: Yes. I wouldn't miss it.

19 MR. IACOPINO: You understand that, Barry?

20 MR. NEEDLEMAN: Yes.

21 MR. IACOPINO: So this is one single Panel.
22 Applicant. Any idea?

23 MR. NEEDLEMAN: 45 minutes.

24 MR. IACOPINO: Thank you. Counsel for the

1 Public?

2 MR. PAPPAS: Hour and a half.

3 MR. IACOPINO: Thank you. Joint Munis?

4 MR. WHITLEY: 20 minutes for the Munis.

5 And 15 minutes for Grafton County, please.

6 MR. IACOPINO: Thank you. Ms. Manzelli?

7 MS. MANZELLI: 20 minutes, please.

8 MR. IACOPINO: Thank you. Any questions
9 from the NGOs?

10 MS. BIRCHARD: No questions. Thank you.

11 MR. IACOPINO: Thank you. Mrs. Thompson.

12 MS. THOMPSON: No questions.

13 MR. IACOPINO: Art?

14 MR. CUNNINGHAM: No questions.

15 MR. IACOPINO: Bruce?

16 MR. BREKKE: No questions.

17 MR. IACOPINO: Walter?

18 MR. PALMER: Ten minutes.

19 MR. IACOPINO: Mary?

20 MS. LEE: No questions. Thanks.

21 MR. IACOPINO: Ms. Menard, you're on this
22 Panel so you don't get any time to ask yourself
23 any questions.

24 MS. MENARD: Deerfield Abutters request one

1 hour roughly to be split halfway between Quinn
2 and Foulkes, the Deerfield contingency, and then
3 the Webster family, Crane/Webster family
4 contingency. One hour total.

5 MR. IACOPINO: One hour total?

6 MS. MENARD: Correct.

7 MR. IACOPINO: Charlotte?

8 MS. CRANE: I'm on this Panel.

9 MR. IACOPINO: Oh, I'm sorry. Historic
10 Groups?

11 MS. MARTLAND: No questions.

12 MR. IACOPINO: Susan?

13 MS. SCHIBANOFF: Ten minutes.

14 MR. IACOPINO: And Pemi?

15 MR. STAMP: 45 minutes total.

16 MR. IACOPINO: Okay. Next one is the
17 Historic groups, and it is Mr. Martland's
18 testimony. Applicant?

19 MR. NEEDLEMAN: 30 minutes.

20 MR. IACOPINO: Counsel for the Public?

21 MR. PAPPAS: Hour and a half.

22 MR. IACOPINO: Joint Munis?

23 MR. WHITLEY: 30 minutes for the Munis and
24 20 minutes for Grafton County.

1 MR. IACOPINO: Thank you. Society?

2 MS. MANZELLI: One hour.

3 MR. IACOPINO: Thank you. NGOs?

4 MS. BIRCHARD: 10 minutes. Thank you.

5 MR. IACOPINO: Thank you. Mrs. Thompson.

6 MS. THOMPSON: No questions.

7 MR. IACOPINO: Art?

8 MR. CUNNINGHAM: 15 minutes.

9 MR. IACOPINO: Bruce?

10 MR. BREKKE: No questions, thank you.

11 MR. IACOPINO: Mr. Palmer?

12 MR. PALMER: Ten minutes, please.

13 MR. IACOPINO: Ms. Lee?

14 MS. LEE: No questions. Thanks.

15 MR. IACOPINO: Ms. Menard?

16 MS. MENARD: One hour.

17 MR. IACOPINO: Thank you. Professor Crane?

18 MS. CRANE: 10 minutes.

19 MR. IACOPINO: This is the Historic Group.

20 So Susan Schibanoff?

21 MS. SCHIBANOFF: 20 minutes.

22 MR. IACOPINO: And the Pemi?

23 MR. STAMP: 30 minutes.

24 MR. IACOPINO: Thank you. Moving on, I

1 think we're down to the last one. Am I correct?

2 MR. DRAPER: Who would that be?

3 MR. IACOPINO: That would be the people
4 with the most interesting exhibits. And they're
5 it's one Panel. Applicant?

6 MR. NEEDLEMAN: 20 minutes.

7 MR. IACOPINO: Counsel for the Public?

8 MR. PAPPAS: 30 minute per animal.

9 MR. IACOPINO: Joint Muni Group?

10 MR. WHITLEY: 30 minutes for the Munis and
11 30 minutes for Grafton County.

12 MR. IACOPINO: Thank you. Society for
13 Protection of New Hampshire Forests?

14 MS. MANZELLI: 15 minutes.

15 MR. IACOPINO: Thank you. NGOs?

16 MS. BIRCHARD: No questions, thank you.

17 MR. IACOPINO: Mrs. Thompson.

18 MS. THOMPSON: No questions.

19 MR. IACOPINO: Mr. Cunningham?

20 MR. CUNNINGHAM: No questions.

21 MR. IACOPINO: Mr. Brekke?

22 MR. BREKKE: No questions. Thank you.

23 MR. IACOPINO: Mr. Palmer?

24 MR. PALMER: 15 minutes, please.

1 MR. IACOPINO: Ms. Lee?

2 MS. LEE: No questions. Thanks.

3 MR. IACOPINO: Ms. Menard?

4 MS. MENARD: 30 minutes. Ms. Crane?

5 MS. CRANE: 10 minutes.

6 MR. IACOPINO: Ms. Martland?

7 MS. MARTLAND: No questions.

8 MR. IACOPINO: Ms. Schibanoff?

9 MS. SCHIBANOFF: 10 minutes.

10 MR. IACOPINO: And you guys don't get to
11 cross-examine yourself. Did I get everybody on
12 that? I think that we have gone through and
13 gotten estimates, I'm sorry. Steve?

14 MR. WHITLEY: Did I miss, did we do the
15 Bethlehem to Plymouth Non-Abutting Group?

16 MR. IACOPINO: Do we have testimony from
17 them?

18 MS. SCHIBANOFF: There will be no testimony
19 from the Non-Abutting Bethlehem to Plymouth
20 first.

21 MR. WHITLEY: Thank you. Thank you, Ms.
22 Schibanoff.

23 MR. IACOPINO: Any other questions about
24 what we've just tediously but necessarily have

1 gone through? Okay.

2 So we're down to number 7 on our agenda.
3 Getting there. Number 7 on the agenda involves
4 Post-hearing briefing by the parties. For those
5 of you who are unfamiliar with -- well, for
6 those of you who aren't lawyers and probably
7 aren't familiar with any of this, you probably
8 know that in a courtroom setting at the end of
9 the evidence the lawyers get to make a closing
10 argument. And on TV that's generally presented
11 as a very dramatic and passionate moment.

12 We don't have those in this process usually
13 unless they're very brief at the end of a
14 relatively simple proceeding. Generally what we
15 do at the Committee is we provide a period of
16 time for the parties to provide their arguments
17 in written form. You can call it a memo, you
18 can call it a brief, but it's basically your
19 argument on why the evidence supports your
20 position or why the evidence doesn't support the
21 party with the burden of proof's position, and
22 you put it in writing.

23 There are a number of different things that
24 are subject to discussion regarding this, but,

1 ultimately, the final decision on how this will
2 be accomplished will be made by the Chairman as
3 a procedural decision.

4 He has asked me to point out to you all
5 that you have been getting transcripts very
6 regularly because we have a crack team of court
7 reporters who have been working, trading off
8 with each other. One will be taking the notes
9 from the proceeding, and the other one will be
10 working on the transcript. You have probably
11 gotten transcripts much faster than I have ever
12 seen in my history of these proceedings, and I
13 go back to about 1998. So you should be reading
14 those and formulating your arguments as we are
15 going along. So he's asked me to point that out
16 to you and to understand that there's not going
17 to be a significant period of time from the end
18 of the evidence until the time when those briefs
19 are due because there's still a lot for the
20 Committee to do once they even receive the
21 briefs.

22 Once the briefs are received, the Committee
23 will then meet in public, and we'll deliberate,
24 and I can anticipate that that will take, that

1 will be a multi-day process if past experience
2 is any indicator of what will happen in the
3 future. In cases that involve a lot fewer
4 parties than that, sometimes our deliberations
5 have gone three, four days, a week. I wouldn't
6 be surprised if deliberations in this case take
7 more than a week of the Committee's time. And
8 maybe even more than two weeks. I don't know.

9 But there's a lot of information. As
10 you've know, we've gone through everything today
11 in terms of just trying to set up the
12 organization. So the word is that when the
13 procedural schedule does come out from the
14 Chair, don't be surprised if you feel pressured
15 to finish your brief. So that's the first thing
16 that I have to deliver in terms of a message to
17 you.

18 There are a number of different ways that
19 briefs have been required. Generally, at least
20 recently, briefs have been filed by the parties
21 who are in opposition to an Application followed
22 by a reply brief by the party with the burden of
23 proof. In most of these cases it's an Applicant
24 unless it's some other type of proceeding.

1 That's what has occurred in the past. I think I
2 I'm going to open up the floor to the timing of
3 the briefs, but I think I know where everybody
4 stands on this issue. It's ultimately not an
5 issue that I'm going to decide. It's an issue
6 that the Chair will decide.

7 But I know that, for instance, the Forest
8 Society has filed a memo with respect to today's
9 hearing. I believe they asked for four to six
10 weeks to file the brief and having all of the
11 briefs filed contemporaneously. I suspect the
12 Applicant doesn't agree with that, and there may
13 be other people have other requests. Somebody
14 requested me today if they could file their
15 brief after Counsel for the Public to avoid
16 repetition.

17 But in any event, I'm going to open the
18 floor to discussions of the briefs right now.
19 Things that we need to discuss is the amount of
20 time. I do want a report back how much time you
21 all think you'll need. I'm sure you're not all
22 going to agree. And also your thoughts on
23 contemporaneously filing or staggered filing,
24 and also I'm pretty aware of the Chairman's

1 practice in this regard. Some of our Chair
2 people have put limits on the briefs. I have
3 heard Mr. Honigberg say that, you know, you're
4 all grownups, and you know that if you file a
5 thousand-page brief, it probably really isn't
6 going to get read all the way through so he's
7 generally left it to the discretion of the
8 parties, understanding that this is a major
9 undertaking, and there has been a lot of
10 evidence that could be discussed in those
11 briefs.

12 But so if anybody wanted to let us know how
13 you feel about any of those issues with respect
14 to briefing, now is the time to speak up. I'm
15 going to start with the Applicant, and then come
16 back around to the Applicant at the end, but if
17 you have anything to say with respect to the
18 briefing, any suggestions to make, understanding
19 that I'm not the one making the decision.

20 MR. NEEDLEMAN: Understood. So for the
21 record, our position regarding the issues you
22 raised is as follows. First of all, for
23 purposes of simultaneous filing, we are opposed
24 to that. The Applicant is in the unique

1 position of being the only party in this docket
2 with the burden of proof, and as such, we
3 strongly believe that we should be entitled to
4 file after the other parties have filed. That
5 process was just followed in the Antrim docket.
6 We think it was the correct process. We
7 actually feel strongly that if he were not
8 permitted to do that it would raise Due Process
9 issues with respect to our position.

10 In terms of timing, it's the Applicant's
11 position here, again, picking up on what the
12 Committee did in the Antrim docket, all parties
13 except for the Applicant should have two weeks
14 to file their briefs after the last witness
15 finishes testifying, and the Applicant would
16 then propose that it file its brief three days
17 after the other parties have filed.

18 MR. IACOPINO: You said three days?

19 MR. NEEDLEMAN: Three days. It's our view
20 again that that is consistent with recent
21 practice in Antrim. I would note that the order
22 that the Committee issued in Antrim I think was
23 approaching 200 pages, one of the longest if not
24 the longest ever issued. So the complexity in

1 that case, while maybe not the same as Northern
2 Pass, was significant, and I would also note
3 that I think as the Chair alluded to transcripts
4 have been produced, and this has certainly been
5 a very long process, and we have been working on
6 our brief, I understand some other parties have
7 been, and it's our expectation that with a fair
8 bit of time still to go until the conclusion,
9 parties could continue to do that and meet that
10 deadline.

11 MR. IACOPINO: Counsel for the Public?

12 MR. PAPPAS: Mike, I'd request that I go
13 later in this circle. Peter couldn't make it
14 today, and this is my first time through this
15 process.

16 MR. IACOPINO: Okay. Anybody else who
17 wishes to be heard with respect to the briefing?
18 Mr. Whitley?

19 MR. WHITLEY: For the Joint Munis, I think
20 we would prefer to have the opportunity to
21 respond to whatever Applicant or other parties
22 who are in favor of the Project submit in their
23 briefs. So we would ask for the opportunity to
24 file a response brief. We would also ask that

1 the initial round of briefing be simultaneous.
2 I understand that the Applicant does have the
3 burden of proof here, but in a court hearing or
4 something else, you know, where the one party
5 has the burden, there's simultaneous briefing in
6 that context.

7 In terms of a time frame for when the
8 briefing, when the briefs are due, we would ask
9 for four weeks before that first round is due,
10 and we also are concerned about some of the
11 outstanding information that has been offered or
12 pledged to be provided has not at this point,
13 and in terms of putting together a brief, you
14 know, for instance, I'll take the, for example,
15 the revisions to the overhead portion of the
16 route. That information should be provided
17 before the clock starts ticking on submitting
18 our briefs because we don't want to have an
19 argument in the brief that is mooted by those
20 materials or not have the opportunity to raise
21 an argument because we didn't have those
22 materials when our briefs were due. So we would
23 ask for the beginning day to be after those
24 materials that are outstanding or submitted to

1 the parties. And we agree and hope that there
2 is no page limit imposed by the Chair. That's
3 all I have. Thank you.

4 MR. IACOPINO: I guess Ms. Manzelli. I
5 know you have a position. You've already put it
6 in writing. Anything to add?

7 MS. MANZELLI: Just to expand on what's
8 been said here, I think it might be a fair
9 accommodation of the parties' desires if we have
10 one filing date for the initial brief that would
11 include the Applicants, Counsel for the Public,
12 and all Intervenors, and then one reply date. I
13 think setting it up that way would accommodate
14 the Applicant's desire to have the last word, so
15 to speak.

16 I also wanted to note I put in my memo that
17 a period of 4 to 6 weeks would be appropriate
18 given the magnitude of this proceeding. If we
19 start the clock, as Attorney Whitley was
20 talking, later so not in the last day of the
21 hearings, but when everything is said and done.
22 So the final transcripts have been made
23 available, any exhibits, testimony, you know,
24 any last thing that's going to be filed has been

1 filed. Then I think four weeks would be
2 appropriate. If we start counting on the last
3 day of the hearing then I think something more
4 like six weeks is appropriate so I just wanted
5 to explain my thinking in that range there.
6 Thank you.

7 MR. IACOPINO: Thank you. Mr. Plouffe?

8 MR. PLOUFFE: Is there a date by or a time
9 when the record officially closes? That's what
10 I'm used to dealing with. Briefing beginning a
11 certain number of days after the record closes.

12 MR. IACOPINO: Yes, and that's generally
13 what -- it's been rare that we had anything
14 outstanding by the time of the end of the
15 witness evidence, but we have had cases where
16 the record was held open for the filing of one
17 thing or another. So sometimes it does happen.
18 I don't know what's going to happen in this
19 case, and maybe we can address that under other
20 business. Maybe get a check on where some of
21 the things that people believe are still
22 outstanding are from the Applicant, but we'll do
23 that after we get everybody's opinion with
24 respect to the briefing.

1 Yes, sometimes we have, in fact, held the
2 record open and I can understand that if the
3 record is held open on waiting on a document or
4 something like that that I understand the
5 argument that it should be once that document is
6 filed and that the time frame starts.

7 MR. PLOUFFE: That would be my suggestion
8 is that that be the start of the clock for
9 submission of briefs, when the record closes. I
10 think four weeks is fine.

11 MS. BIRCHARD: I would reiterate the point
12 made by Attorneys Whitley and Manzelli that
13 simultaneous filing followed by a simultaneous
14 reply deadline would be appropriate and satisfy
15 the needs of all parties.

16 MR. IACOPINO: Thank you. Anybody else
17 want to address this? Ms. Pastoriza?

18 MS. PASTORIZA: Since the Applicant is
19 still in dialogue with DOT, could we have the
20 Applicant upload anything they give to DOT
21 uploaded to ShareFile that same day? Because
22 we're having a delay that's setting us back in
23 responding to what's happening there.

24 MR. IACOPINO: We're going to address that

1 in a minute, okay? When we're done speaking
2 about the briefing. I am going to ask them
3 where we're at with a number of things. But do
4 you, did you have anything to add with respect
5 to the briefing?

6 MS. PASTORIZA: That relates to the
7 briefing.

8 MR. IACOPINO: I understand that it does,
9 but anything other than -- okay. Anybody else
10 want to step in? Mr. Baker and then Ms. Crane
11 and then Mr. Palmer.

12 MR. BAKER: I would support those who are
13 in favor of the simultaneous filing, and I would
14 ask as others have for a four-week period from
15 the time the record closes. It's my experience
16 that briefs get sharper and shorter if there's
17 enough time and when there's time pressure they
18 tend to contain the kitchen sink and all the
19 utensils.

20 MR. IACOPINO: I can just tell you in other
21 dockets we have been told by Counsel for the
22 Public, the same Counsel for the Public in this
23 case, that if you give me more time I'll write a
24 shorter brief.

1 MR. BAKER: I think that was my point.
2 Thank you.

3 MR. IACOPINO: Professor Crane?

4 MS. CRANE: I'm left a little bit confused
5 about the significance of the grouping of
6 Intervenors and how that affects the briefing
7 process, and I guess I should just ask my
8 question in a straightforward way. If the
9 Intervenor group realizes that they cannot file
10 a joint brief, will --

11 MR. IACOPINO: File your brief along with a
12 motion that explains the situation to the
13 Committee as indicated in the original
14 Intervention Order.

15 MS. CRANE: Okay. But the problem being,
16 if the Committee rejects the motion, then we
17 need more -- there's a time problem unless the
18 motion is likely to be accepted as a matter of
19 course.

20 MR. IACOPINO: I can't say it will be
21 accepted as a matter of course, but I can tell
22 you what you should do, especially since you're
23 going to be under a tight timeline. You should,
24 if you can't agree on a brief and you file two

1 briefs from your Intervenor Group, file a motion
2 that explains why you're doing it, and
3 ultimately the Chairman will rule on that as a
4 procedural matter.

5 MS. CRANE: Thank you.

6 MR. IACOPINO: Mr. Palmer was next.

7 MR. PALMER: Our group supports all of the
8 positions taken by the Joint Municipal Group.
9 We think that there should be an opportunity for
10 response briefs. We think that initial briefs
11 and response briefs should be filed
12 simultaneously. We think that there should be
13 four weeks allowed for preparation of the
14 initial briefs, and that that clock should start
15 once an accurate plan for the Underground
16 Portion of the Project is provided by the
17 Applicants. The plans so far provided are rife
18 with inaccuracies and limits our ability to
19 write a brief. And finally we feel there should
20 be no page limit on the brief.

21 MR. IACOPINO: Thank you. Somebody had
22 their arm up beside Mr. Palmer? Ms. Schibanoff?

23 MS. SCHIBANOFF: I want to support Mr.
24 Baker's point that one's deathless prose does

1 tend to die with time, and that would be to
2 support a minimum four-week period after the
3 record closes. Thank you.

4 MR. IACOPINO: There was a hand up behind
5 Ms. Schibanoff, and then I'll go to the left.
6 Was it you, Mr. Monahan?

7 MR. MONAHAN: Yes.

8 MR. IACOPINO: You're actually in front of
9 Ms. Schibanoff, but my depth perception is gone
10 for the day.

11 MR. MONAHAN: NEPGA's issues in this case
12 are pretty narrow so we'll defer to the people
13 who have broader issues to brief. But I do have
14 an issue with regard to the close of the record.
15 In the event there were outstanding motions that
16 haven't been addressed by the Committee, would
17 those need to be addressed before the record
18 would be deemed closed?

19 MR. IACOPINO: My hope is that all those
20 motions that aren't addressed -- I mean, we
21 still get motions coming in as time goes on.
22 Usually we try to get those orders out. Is
23 there a particular motion that you think is
24 outstanding that should be addressed?

1 MR. MONAHAN: Not now. I just noticed that
2 the Committee sometimes isn't as quick as they
3 could be because probably they're spending lots
4 of time in the hearings so I know there's been
5 some period of time --

6 MR. IACOPINO: I don't think that we've
7 ever completed a hearing without any motion that
8 had to do with the procedure of that hearing or
9 the substance of that hearing being decided one
10 way or another, whether it was decided as part
11 of the deliberations on the actual Application
12 or it was a procedural matter by the Chairperson
13 who wrote a procedural order regarding the
14 issue. Or rule from the bench.

15 MR. MONAHAN: You're saying there's a
16 chance that some outstanding motions could be
17 not answered by the Committee prior to the
18 briefs being --

19 MR. IACOPINO: If they're the type of
20 motion that requires deliberation on the subject
21 matter of the Application, yes. I could see
22 that, I could see an issue like that being left
23 to deliberations. And then probably as a tag in
24 any eventual order that comes from the Committee

1 saying the motion is denied for the reasons,
2 whatever they were, discussed in the
3 deliberations.

4 So I don't know if that's a helpful answer
5 to you, but that's --

6 MS. MONAHAN: It's not unhelpful.

7 MR. IACOPINO: Well, good. But we have a
8 checklist of outstanding motions and usually
9 they're resolved before we go into deliberations
10 so -- was there somebody else? Mr. Cote?

11 MS. COTE: I just wanted to clarify. Is
12 there one brief per Intervenor Group allowed or
13 can each individual Intervenor submit --

14 MR. IACOPINO: We are presuming that each
15 Intervenor Group will file one brief. If
16 there's an issue as raised by Ms. Crane, then
17 proceed as I discussed before, you know, filing
18 a motion explaining the problem so that the
19 Chair can rule on it.

20 Nobody is trying to cabin your ability to
21 argue your cases. It's just a matter of -- you
22 can look around the room. If everybody files,
23 if every individual witness in this case or
24 every person who wanted to be an individual

1 party files 500 pages of briefing, how much
2 attention to do you think the Committee can
3 really give to it. You know? Even if we
4 deliberate for months.

5 So the parties were combined into
6 Intervenor Groups under RSA 541-A for the
7 purposes, specifically for the purposes that
8 that law exists. So I'd ask you all to
9 cooperate in the filing of your briefs with the
10 other folks in your Intervenor Groups and work
11 as hard as you can to make those briefs
12 efficient, persuasive, and understandable.

13 Mr. Whitley?

14 MR. WHITLEY: I don't know what the common
15 practice is in the SEC, but is it typical that
16 if you cite to, for instance, the transcript or
17 an exhibit that has been submitted that is also
18 provided with the brief?

19 MR. IACOPINO: No. No. If there's
20 something, we're probably going to spend a whole
21 day at least at the end of this proceeding going
22 through the exhibit list and making sure that we
23 know what exhibits there are and that they're
24 all part of the record or not part of the record

1 if they were ruled not to be part of the record.
2 So, no, you don't have to put the copies of the
3 exhibits. The Committee will have their own set
4 of the exhibits. In fact, each individual
5 member of the Committee will probably have their
6 own set. As you know you've been putting them
7 up on ShareFile, we're been copying. In some
8 instances you've provided jump sticks and we've
9 been making sure that the Committee members see
10 these exhibits as they come in. Whether or not
11 they'll be admitted is, of course, a final
12 decision that will be made at the end of the
13 proceeding. But there will be, all of the
14 exhibits will be available to each member of the
15 Committee. So you don't have to attach them to
16 your brief.

17 MR. WHITLEY: Thank you.

18 MR. IACOPINO: References would be good if
19 you can, but even if you can't reference the
20 transcript or the exhibit number, you know,
21 that's not going to disqualify your brief
22 either.

23 MR. WHITLEY: I think you answered my
24 question. I was just trying to avoid the time

1 and the electric space and tree space. Yes.

2 MR. IACOPINO: I'm just seeing some blank
3 stares out behind you as well and over here so I
4 just wanted to make sure that people understood
5 that. Don't hesitate to actually reference the
6 exhibit or reference the page number that you're
7 talking about in a transcript. Ms. Manzelli?

8 MS. MANZELLI: On the referencing the
9 transcript point, I completely agree. It would
10 be very helpful if you could give us a
11 standardized way to do that and then all the
12 parties could do that in that same one way.

13 MR. IACOPINO: Every time I try to give you
14 guys something standardized, you change it all
15 on me anyway. So I don't know. But we can try
16 to accommodate that. And we'll try to do it in
17 the Procedural Order, assuming the Chairman
18 agrees that that's what he wants to do. I doubt
19 that he'll disagree with that.

20 Seeing no other hands raised about -- oh,
21 Mr. Pappas. That's right. You wanted us to
22 come back it. It's a sneaky way of getting the
23 last word, I guess.

24 MR. PAPPAS: I don't have a lot to add. I

1 think you've heard all different views. Just a
2 couple of points. One, I think, I suspect that
3 14 days may be a bit short given the size, but I
4 do think that a very short period for response
5 makes sense. If you do Applicant only, if you
6 do everybody response, I don't see a need for a
7 lengthy response time. It seems to me that
8 makes some sense.

9 The only other thing I would add is, and I
10 don't know when, and no one here knows when the
11 hearing will close or the evidence will close,
12 but if it is around a holiday, you may want to
13 take that into consideration because I know a
14 lot of people travel on holidays and that may
15 cause some people some difficulty.

16 MR. IACOPINO: Give you a reason not to go
17 see the family, right? Anyway, thank you. All
18 right. Well, the Chair is going to issue an
19 order. The plan from here is I'm going to issue
20 a report from this proceeding. It's going to go
21 to the Chair. To the extent that he decides
22 that we need additional days and additional
23 scheduling, our awesome Administrator will get
24 those dates from the Committee members and get a

1 scheduling order put together, procedural order
2 put together for signature by the Chairman which
3 will have any additional dates as well as
4 additional dates that are available to the
5 Committee.

6 You should anticipate that we, at least in
7 the first instance we're going to go in the
8 order that will be in the report from here, and
9 then when you see that, and we have the dates
10 and if there is a problem and I anticipate, for
11 instance, Mr. Sansoucy might have a problem,
12 that's the time to call Pam or myself, and we'll
13 see what flexibility there can be about that,
14 but try to, when you see what the dates are, you
15 see what the order is, everybody here will have
16 the same information on the amount of time
17 that's expected. So if it turns out, it looks
18 like you've got a witness who is supposed to be
19 called at a time when you know they're on
20 vacation or having a baby or something, let us
21 know that as soon as possible so that we can
22 make any changes that are necessary or so we can
23 plan to move people around.

24 MR. NEEDLEMAN: Mike?

1 MR. IACOPINO: I'm sorry. Yes.

2 MR. NEEDLEMAN: You did say you were going
3 to circle back to us at the end.

4 MR. IACOPINO: I am, but I'm not there yet.
5 So there's that process, and then as I said the
6 Chair will issue the procedural order which
7 will, I hope, go through the balance of the
8 proceedings and provide enough time for us to
9 finish. Provide enough hearing time for us to
10 finish. I don't know that the procedural order
11 will include deliberation time because we don't
12 know how long they're going to have to
13 deliberate so that may be the subject of a
14 subsequent procedural order which will obviously
15 be issued a notice to everybody. So I just
16 wanted to point that out. I was going to circle
17 back to the Applicant.

18 MR. NEEDLEMAN: I just want to pick up what
19 Mr. Whitley and some others said regarding --

20 MR. IACOPINO: About outstanding --

21 MR. NEEDLEMAN: The timing of the briefing.

22 MR. IACOPINO: Okay.

23 MR. NEEDLEMAN: Mr. Whitley suggested the
24 idea of have other parties having a response

1 brief which we're certainly opposed to, and then
2 others suggested the idea that maybe there could
3 be simultaneous briefing and simultaneous
4 responses. We're also opposed to that. First
5 of all, I don't believe that's Committee
6 practice, but more importantly, that undercuts
7 what in our view is the important purpose of the
8 Applicant going last. Again, we've got the
9 burden of proof, and I think we're entitled
10 because of that to have the last say. And so we
11 would oppose any of those suggestions.

12 MR. IACOPINO: I assumed you would oppose
13 them. Let's go to the last thing. The other
14 business. There's been some discussion, Mr.
15 Needleman -- I'm sorry. Ms. Manzelli? Did you
16 want to respond to what he just said?

17 MS. MANZELLI: No, I do not. I want to ask
18 you to include something in what I think you're
19 about to say.

20 MR. IACOPINO: Okay.

21 MR. MANZELLI: I think you're about to talk
22 about information that might be forthcoming from
23 the Applicants.

24 MR. IACOPINO: Yes.

1 MS. MANZELLI: And I would like to ask if
2 you would include in that whether the Applicants
3 intend to file any form of, for lack of a better
4 word, alternative PPA or anything like that that
5 they would use to in part satisfy their burden
6 of proof with respect to public interest or any
7 of the other standards that apply in this
8 proceeding.

9 MR. IACOPINO: Understanding that there is,
10 there was a filing, a Motion to Strike, a filing
11 that are still pending to be determined by the
12 Chair, so you're asking if there's anything
13 other than that?

14 MS. MANZELLI: As I understand it, that
15 Motion to Strike was related to a press release.

16 MR. IACOPINO: Right.

17 MS. MANZELLI: So I'm not talking about the
18 press release. I'm talking about whatever
19 document it is that that press release says that
20 they're going to create in the future. I think
21 they characterized it as an alternative to the
22 PPA.

23 MR. IACOPINO: So you're not meaning to ask
24 them to comment on the motion at this point.

1 MS. MANZELLI: Correct.

2 MR. IACOPINO: Okay. All right. There are
3 a number of things that the Applicant has
4 indicated that they were going to provide as
5 part of the proceeding. To me, the ones that
6 stick out the most are the DOT Exception
7 Requests. I know that you have provided us with
8 some of those. I think there are still more
9 pending. And there are a number of other items
10 also. Does the Applicant have an idea as to
11 when that information might be available?

12 MR. GETZ: With respect to the DOT
13 Exception Requests and the Responses, we've been
14 doing two things. One is providing all of the
15 Responses to the Committee and the other is
16 loading on to ShareFile all of both the
17 Responses and the Requests. We had been
18 accumulating them and not putting them in one at
19 a time as they may come and go under the theory
20 that it would be more efficient to upload them
21 roughly on a monthly or some other periodic time
22 frame. We had a discussion with Counsel for the
23 Public about that and so we would intend to
24 continue. We don't expect it to go much longer,

1 but --

2 MR. IACOPINO: Roughly where are we? 50
3 percent, 60 percent? I don't mean it to be
4 exactly. Like I said, roughly.

5 MR. GETZ: I don't have a good estimate of
6 what that number would be.

7 MR. IACOPINO: Okay.

8 MR. GETZ: I guess I can indicate that we
9 have made the bulk if not all of the Requests,
10 but in terms of when we're going to get
11 Responses back from DOT, we don't have a good
12 feeling for that.

13 MR. IACOPINO: That's what I understood
14 right from the beginning was that I think it was
15 180 or something like that, and I have seen that
16 you have filed some of them. I believe Ms.
17 Pastoriza is requesting that they be filed as
18 received on the ShareFile which apparently is
19 different than what Counsel for the Public would
20 like. I'm going to leave that to the parties to
21 deal with in terms of -- but do you anticipate
22 that will we have them all before the conclusion
23 of the evidence in the case? Before the last
24 day, last witness?

1 MR. GETZ: I can't make an estimate of
2 that, but I can say that consistent with our
3 opinion all along, the DOT decision is a
4 separate permitting and regulatory process. The
5 DOT has issued its decision. This is part of
6 implementation in this case. And there's no
7 requirement that the DOT make its decisions with
8 respect to exceptions and implementing its
9 decision before that this proceeding closes.

10 MR. IACOPINO: Understood. Ms. Pastoriza?

11 MS. PASTORIZA: Could I point out that the
12 Exceptions are dated on Northern Pass's own
13 schedule as having been given to DOT in May. We
14 didn't get them on the ShareFile until August.

15 MR. IACOPINO: I'm sorry. I missed the
16 first part of what you said.

17 MS. PASTORIZA: Northern Pass had their own
18 schedule that they submitted to DOT, and it
19 showed those Exceptions being given to DOT in
20 May. They weren't uploaded to ShareFile until
21 August.

22 MR. IACOPINO: You mean the Request for
23 Exceptions from the Applicant?

24 MS. PASTORIZA: Yes.

1 MR. IACOPINO: Okay.

2 MS. PASTORIZA: And we're still waiting on
3 DOT's response to them.

4 MR. IACOPINO: I understand they're waiting
5 on the response to some of them, but I
6 understand their representation to be that they
7 have put a good number at least of them
8 including the response from DOT on the
9 ShareFile. Am I correct? Am I interpreting
10 what you said correctly?

11 MR. GETZ: That's correct. There may be a
12 few that, you know, are due to be uploaded, but
13 that's correct.

14 MR. IACOPINO: I think the difference is is
15 that they've been saving them until they amass
16 and then putting them on the ShareFile; and your
17 request is that they do it as received. Is that
18 correct? That's what I understood your request
19 to be. So if they get a letter from DOT today
20 that deals with one exception, say, for one
21 corner of a road, somewhere, that they put it up
22 on the ShareFile immediately rather than waiting
23 until they have 2 or 3 or 2 or 3 weeks' worth?

24 MS. PASTORIZA: I think we've been left

1 three months behind. I think it was deliberate.
2 I think we should get stuff the day DOT gets it,
3 and the day DOT sends a response to Northern
4 Pass we should have it as well, and the day the
5 DOT responds to Northern Pass's survey that was
6 submitted three months ago we should know about
7 that as well.

8 MR. IACOPINO: But today you have what was
9 submitted is my understanding.

10 MS. PASTORIZA: I believe the Applicant
11 filed to upload the White Mountain National
12 Forest Exceptions and the Coos Exceptions. I
13 didn't see those on the ShareFile.

14 MR. IACOPINO: Have you guys made requests
15 to DOT in those areas? If you have --

16 MR. GETZ: I can't speak to the
17 particulars. I'd have to check on those.

18 MR. IACOPINO: If you have, we ask that you
19 provide them to all the parties. Okay? That's
20 what you should be doing anyway, and you have a
21 very good system. It seems to work. You're
22 doing it. So if there have been requests made
23 to DOT that you're waiting on answers for or
24 waiting on your --

1 MR. GETZ: I can tell you this: that
2 nothing has been deliberately withheld.

3 MR. IACOPINO: I'm not adopting Ms.
4 Pastoriza's opinion that something was
5 deliberately withheld. I'm just saying that if
6 there is anything outstanding that you've sent
7 to DOT, it would be the practice to copy the
8 other parties in the docket so -- or received
9 from DOT, it would be the practice to copy the
10 other parties. And so if you could do that,
11 check and see what's outstanding that hasn't
12 been provided, that would be helpful.

13 Mrs. Menard, is this about DOT?

14 MS. MENARD: Different topic.

15 MR. IACOPINO: Okay. What topic was it
16 that you were raising your hand about?

17 MS. MENARD: I'm just wondering if the
18 Applicant could update with regards to a
19 cultural landscape report. There was a notation
20 from the New Hampshire Division of Historical
21 Resources that there was an expected report due
22 at the end of June, and I was just wondering if
23 that has actually been produced and is available
24 for review.

1 MR. IACOPINO: Do the representatives from
2 the Applicant that are here know the answer to
3 that question? Mr. Bisbee is not here, I know.

4 MR. BELLIS: What I know is that whatever
5 has been produced is available for review at
6 DHR. That's -- I'm not sure which cultural
7 landscape Ms. Menard is referring to. So I
8 can't speak to the specifics, but whatever has
9 been produced is available at DHR.

10 MR. IACOPINO: Okay. So the reason why it
11 wasn't provided to the parties? Is this part of
12 the whole 106 confidential party issue?

13 MR. BELLIS: I believe it is in some
14 measure potentially covered by that. But Dana,
15 Mr. Bisbee would be the better person to speak
16 to that specific.

17 MR. IACOPINO: Okay. For those of you who
18 don't know, there was apparently, I guess the
19 Department of Energy requested that the
20 consulting parties in the Federal Section 106
21 process maintain confidentiality over certain
22 things that were filed there. Apparently, DHR
23 disagrees with the Federal Department of Energy
24 and believes that they are public records and

1 have made them available. I think that's the
2 reason why you may not have gotten copies
3 because, obviously, the Applicant in the course
4 of the 106 process is not going to want to anger
5 the Department of Energy, but the documents are
6 available right now at the DHR.

7 I would like to clear up with either
8 Mr. Walker or Mr. Bisbee whether or not those
9 documents can be made available to the parties
10 in this case. I believe that the Site
11 Evaluation Committee, our Chairman has already
12 said that hey, if they're public at DHR they're
13 public as far as we are concerned. But if we
14 have to accommodate the 106 process as well,
15 we'll have to have a discussion about that.

16 But the short answer to your question is
17 you can -- if they've been filed they're at the
18 Division of Historical Resources over on
19 Pillsbury Street.

20 MS. MENARD: Okay. Thank you. I'll check
21 there.

22 MR. IACOPINO: Thank you. Ms. Manzelli?
23 I'm sorry, Ms. Martland.

24 MS. MARTLAND: I just want to make a

1 comment that these records if they're publicly
2 available at DHR and nowhere else constitute a
3 hardship for people who live some distance from
4 Concord. That's the only way that we can see
5 these materials. So I would appreciate your
6 efforts in making them available in some other
7 way.

8 MR. IACOPINO: Understood. Thank you. Ms.
9 Manzelli raised this issue of some new PPA or
10 other type of filing. Obviously, we're not here
11 to argue the merits of the pending motion. But
12 I guess it's a fair question. Do you anticipate
13 filing any new PPA as part of the Site
14 Evaluation Committee process, understanding that
15 you have publicly expressed that you have a bid
16 in to the Massachusetts RFP process. So is
17 there, obviously, excluding that because we're
18 aware of that, is there any plan to try to enter
19 a PPA into the record of this case?

20 MR. NEEDLEMAN: No. I thought we were very
21 clear in our motion with respect to that. The
22 PPA was withdrawn. We have no intention of
23 submitting anything into this docket that we
24 would ask the Committee or any other party to

1 rely upon as a benefit in lieu of that PPA. And
2 to the extent something is created later, so be
3 it, but that's not something we would be asking
4 the Committee to consider.

5 MR. IACOPINO: Ms. Pastoriza?

6 MS. PASTORIZA: Back to the issue of DOT.
7 The Applicant is claiming that they don't really
8 need to get the DOT documents in because the DOT
9 decision can be pushed after the SEC decision,
10 but if that's going to happen or not hasn't been
11 decided and needs to be decided pretty soon
12 because we're left now behind if they're going
13 to claim that half of the route is going to be
14 decided later on.

15 MR. IACOPINO: You are correct, and if
16 that's the position that they ultimately take,
17 the Committee will have to decide whether that's
18 in the public interest and meets the rest of the
19 criteria under RSA 162-H. There are a number of
20 areas where the Applicant has asked that they be
21 permitted to continue in an iterative process
22 beyond the issuance of a Certificate if one is
23 issued as a condition, and the statute
24 specifically allows them to make that request,

1 but the Committee will decide whether or not an
2 Application that bears that type of request
3 meets the criteria of the statute and should be
4 granted a Certificate. So, ultimately, that
5 makes a substantive issue for the Committee to
6 decide.

7 MS. PASTORIZA When do they decide that?

8 MR. IACOPINO: During their deliberations.

9 MS. PASTORIZA: How do we keep the
10 Applicant from failing to produce the data?

11 MR. IACOPINO: There's two things you're
12 talking about. There's data that can be
13 provided which we've asked them to provide, and
14 I'm sure that they will, but there's also
15 requests pending not only for DOT but in other
16 areas of the Application where they are
17 requesting that the Committee grant them a
18 Certificate subject to a condition that they
19 continue in the process with either a federal or
20 some other federal or state agency as a
21 condition to the Certificate. That's something
22 that ultimately is a substantive determination
23 that will be made by the Subcommittee during the
24 course of their deliberations, and they will

1 consider that by considering whether or not
2 granting a Certificate with that type of
3 condition in it meets the criteria of the
4 statute including the public interest criteria.

5 MS. PASTORIZA: So how do we formulate our
6 questions if we don't have all the data to ask
7 the questions about?

8 MR. IACOPINO: If you don't have the data,
9 then don't have the data. So you can ask the
10 questions, and they're going to have to say we
11 don't have that. Although, quite frankly, that
12 Panel has already come and gone. I don't know
13 who you're going to ask questions of with
14 respect to that.

15 MS. PASTORIZA: So are the final DOT permit
16 packages part of the data that's going to get to
17 us before the end?

18 MR. IACOPINO: I think the Applicant's
19 position is "maybe" if DOT answers them all, but
20 I think their further answer is probably, but if
21 they don't, they're asking that we permit them
22 to continue, as a condition of a Certificate,
23 that the Committee allow them to continue
24 through the iterative process with the DOT. Am

1 I correct in that, Mr. Getz?

2 MR. GETZ: That's correct. We'll keep
3 providing the information as it comes in, but we
4 don't believe it has a final impact on the
5 decision that the Committee is required to make.

6 MR. IACOPINO: And that's a substantive
7 determination that the Committee will make
8 whether or not they agree with that -- not
9 whether they agree with that or whether that's
10 an appropriate way to issue a Certificate in
11 this particular case.

12 MR. BELLIS: Mike? I've confirmed that the
13 last upload we had of the DOT Exception Requests
14 was on July 28th, and we distributed that to the
15 parties, notice of that, so that they could
16 download those Exception Requests. I believe
17 that was all of the Exception Requests that have
18 been made to DOT to date.

19 MR. IACOPINO: But all have not been
20 responded to yet.

21 MR. BELLIS: Clearly, not all of them have
22 been responded to.

23 MR. IACOPINO: That was my understanding as
24 well. I'm sorry. I did cut you off to get that

1 information, Ms. Pastoriza. You were about to
2 raise another --

3 MS. PASTORIZA: I think they did not upload
4 White Mountain National Forest and Coos Roads,
5 number 1. Number 2, the fact that the Applicant
6 had to scramble and come up late with the burial
7 route now leave us, those of us on the burial
8 route, behind in the data. So why should we be
9 faced with a lack of data to rebut their plan
10 because they came up late with a route?

11 MR. IACOPINO: I think what you're saying,
12 you're asking me why you should be, with a lack
13 of data, I think the answer is you have to argue
14 about whether that lack of data is a basis not
15 to grant the Certificate or not. I'm not going
16 to do your job for you, but if they haven't
17 provided sufficient data to establish that there
18 won't be an unreasonable adverse impact on
19 whichever, whatever you want to consider,
20 whether it's Health and Safety, Orderly
21 Development or Public interest, that's an
22 argument for you to make if you choose to make
23 it.

24 It's the same in that any type of trial or

1 adversary pro sincere. If the party with the
2 burden of proof hasn't presented sufficient
3 evidence, that's an argument for the opponent to
4 make. That's part of what would go into the
5 briefs or memos that the various parties file at
6 the close of the record or end of the evidence
7 in the case.

8 MS. PASTORIZA: But if the parties are
9 arguing that DOT is going to make a decision
10 down the road, they can simply say the
11 information is there, it's just not finished up
12 yet. It's iterative.

13 MR. IACOPINO: Correct. And you can argue
14 that the iterative process doesn't satisfy the
15 statutory requirements in this case. Was
16 there -- Mr. Whitley? I'm sorry.

17 MR. WHITLEY: Mike, there was a couple
18 other outstanding items.

19 MR. IACOPINO: That's what I was going to
20 get to, if anybody knew of any other outstanding
21 items they wanted to raise.

22 MR. WHITLEY: I didn't want to cut you off
23 if you wanted to do something else first.

24 MR. IACOPINO: No, go ahead, Steve.

1 MR. WHITLEY: There was some testimony
2 during the Construction Panel that the Overhead
3 Portion of the route was going to have certain
4 changes made, and I don't believe those have
5 been provided as of yet.

6 There was a list of businesses along the
7 route that were part of a Business Registry that
8 I believe were supposed to be provided and have
9 not been provided as of yet.

10 And I believe there were communications
11 among businesses or owners along the route also
12 to be provided which have not been provided as
13 of yet.

14 MR. IACOPINO: You don't mean business to
15 business communications.

16 MR. WHITLEY: No, I don't.

17 MR. IACOPINO: You mean communications with
18 the Applicant.

19 MR. WHITLEY: With the Applicant. Correct.

20 MR. IACOPINO: I believe, yes, there was an
21 order. Pam might have one. I think that order
22 is still in the time frame in which they can
23 file the Motion for Rehearing.

24 MR. WHITLEY: Of the items, which one are

1 you talking about? Just to be clear.

2 MR. IACOPINO: That's the Business
3 Directory, as I understand it. Am I correct in
4 that, Pam?

5 ADMINISTRATOR MONROE: Yes.

6 MR. IACOPINO: That's the business
7 directory issue. I'm not sure I understand the
8 communications unless it was part of that same
9 order. Communications between the businesses
10 and the Applicants. I don't know if that's
11 something that --

12 ADMINISTRATOR MONROE: I believe the list
13 of the businesses was provided. The Business
14 Directory who answered those has been the
15 subject of an order from the Chair.

16 MR. WHITLEY: That's right, Pam. That's
17 what I'm referring to.

18 MR. IACOPINO: That's still within their
19 right to ask for rehearing. What was the first
20 thing?

21 MR. WHITLEY: The first one was the revised
22 plan for the Overhead Route.

23 MR. IACOPINO: Well, does the Applicant
24 want to respond to that?

1 MR. BELLIS: I'm just not understanding the
2 question. I'm not aware of or recalling
3 everything about revised plans for the Overhead
4 Route.

5 MR. WHITLEY: During the Construction
6 Panel, there were a number of instances, and,
7 you know, I say a number, not to -- 2, 5,
8 whatever, where the Construction Panel or Mr.
9 Bowes said we will make changes to the plans,
10 and we will get you those changes. We're still
11 waiting for those changes to be implemented in a
12 revised set of plans and provided to the
13 parties.

14 MR. IACOPINO: I recall a lot of that
15 discussion on the Underground.

16 MR. WHITLEY: Underground as well. I mean,
17 both things.

18 MR. IACOPINO: All right. Well. Okay.
19 Underground, I think, is fairly encapsulated in
20 the DOT requests. Do you know, like, was it a
21 particular area or something?

22 MR. WHITLEY: I can think of two in
23 particular because they deal with my clients. I
24 can think of the area near the area and sewer

1 lagoons in Ashland, and I can think of some
2 errors that were admitted to in the Town of
3 Pembroke, just as an example, not an exhaustive
4 list.

5 MR. IACOPINO: The other thing that comes
6 to my mind actually is the Applicants, there was
7 a question of whether, I forget if it was
8 Transition Station 4 or 5 was going to be moved.
9 Because I remember I actually asked the question
10 of the Construction Panel with respect to that.
11 I guess it was a hotel being built or something
12 like that. Some question about whether they're
13 going to move a transition station. So I mean I
14 know, that's the only one that I could think of.
15 I don't know which one Mr. Whitley's mentioning.

16 Somebody over here had their hand up.

17 MS. MANZELLI: Thanks, Mike. I was just
18 going to mention that transition station in
19 Bethlehem.

20 MR. IACOPINO: Any response from the
21 Applicant on that?

22 MR. BELLIS: Well, I believe the
23 Construction Panel, one or another of the
24 witnesses, gave you the answer to the transition

1 station question which was there are no plans to
2 move that transition station at present. I
3 believe Mr. Bowes spoke to that issue, but I may
4 be misrecalling that.

5 I believe there were some commitments made
6 in response to some lines of inquiry where there
7 would be a willingness to relocate a structure
8 in relation to a vernal pool or some other
9 resource should that be either required or
10 desirable. I don't recall specifically a
11 commitment to say we will make that change to
12 the drawing and submit it within a time frame.
13 That part I don't recall from the hearings on
14 the Construction Panel.

15 With respect to errors on drawings, such as
16 the Ashland Water and Sewer, I'll have to go
17 back and look at the transcript and see what was
18 said there.

19 MR. IACOPINO: I'm going to suggest that we
20 all do that. Go back to the transcript so that
21 we can maybe put a little sharper point on your
22 request, Steve. See if there's something that's
23 specifically outstanding or if it was as
24 Mr. Bellis has indicated, something that they

1 would be willing to do, and --

2 MR. WHITLEY: I'm happy to do that. My
3 memory is --

4 MR. IACOPINO: We're going to do it, too.

5 MR. WHITLEY: Well, yeah, I'm happy for
6 everyone to do that because I agree that the
7 transcript is probably the most accurate place.

8 MR. IACOPINO: I just don't want you to
9 think I'm sloughing it off on you.

10 MR. WHITLEY: No, no, no. My memory is a
11 little different from Mr. Bellis's so we'll go
12 back to the transcript and see what was actually
13 said. Because my memory is that it was,
14 commitments were made and there was a
15 representation that revisions would be made and
16 revised plans provided, but subject to check,
17 you know.

18 MR. IACOPINO: We're going to look at that
19 as well, and ask the Applicant as well and
20 anybody else who thinks they may have issue with
21 it.

22 Was there anything else that was
23 outstanding that folks wanted to ask of the
24 Applicant? Mr. Baker?

1 MR. BAKER: I don't think Mr. Cunningham is
2 here, but there are motions pending with respect
3 to a co-location study?

4 MR. IACOPINO: Right. We're not going to
5 argue those motions here today. They'll be
6 decided by the Chair. They're procedural.

7 MR. BAKER: Yes. I was just responding to
8 your inquiry.

9 MR. IACOPINO: Yes. I'm talking about
10 things that were suggested that they would be
11 provided as exhibits or whatever. Steve, again?

12 MR. WHITLEY: Well, I wanted to follow up
13 on the discussion, and I meant to include this
14 in my previous remarks, but I didn't see the
15 note here.

16 We were talking earlier about the
17 delegation, the state agencies and the iterative
18 process that the Applicant is requesting.

19 MR. IACOPINO: Right.

20 MR. WHITLEY: I wanted to know when we
21 would know all such requests that the Applicant
22 was planning to make to the various state
23 agencies that may have jurisdiction.

24 MR. IACOPINO: I think you should look at

1 the Application. I mean, I think that's where
2 they all are.

3 MR. WHITLEY: Okay.

4 MR. IACOPINO: If you go through the
5 Application, there is clearly portions of the
6 Application where they say, they asked that the
7 Certificate be conditioned on something that's
8 going to go on beyond the issuance of a
9 Certificate if one is issued.

10 MR. WHITLEY: I guess I'm asking to the
11 extent their position has changed from what was
12 put in the initial Application, when we would
13 know?

14 MR. IACOPINO: I don't know if their
15 position has changed. That's the problem. So,
16 hopefully, I expect, and I don't doubt that they
17 will, that the Applicant, if there's a chance in
18 their position, they will let us know one way or
19 another, whether it be orally at a hearing or
20 through something in writing if there is a
21 change. I mean, I would expect that.

22 But I think there were quite a few areas
23 where there was a reference to the iterative
24 process in the Application.

1 I'll flip it around. Is there anything
2 that the Applicant believes is outstanding from
3 any of the other parties?

4 MR. NEEDLEMAN: Can't think of anything.

5 MR. IACOPINO: Counsel for the Public?

6 MR. PAPPAS: Nor can I.

7 MR. IACOPINO: Anybody else? Ms. Lee?

8 MS. LEE: Would you please clarify for me,
9 I thought you said that in writing the brief,
10 one person from the group is the spokesperson,
11 and that one brief is submitted for the entire
12 group.

13 MR. IACOPINO: Yes, but one person doesn't
14 have to write it. You can all contribute in
15 writing it, but there should be one brief for
16 the Intervenor Group. So you should talk to
17 Mr. Judge about that.

18 MS. LEE: Okay. Thanks for clarification.

19 MR. IACOPINO: As I said, if Mr. Judge says
20 to you, there is no way we can write a brief
21 together, you or Mr. Judge or somebody should
22 probably notify the Committee that that's going
23 to be an issue through a motion.

24 MS. LEE: All right. Thank you.

1 MR. IACOPINO: Is there anything else that
2 anybody wishes to address at this point in time?
3 Not including pending motions. Ms. Manzelli?

4 MS. MANZELLI: Can you just clarify for me?
5 I think you referenced it at the beginning of
6 the day. What the order of inquiry will be.

7 MR. IACOPINO: The same as we've been doing
8 except we're going to move the Applicant to
9 last, and just before the Applicant we'll have
10 the Business Groups, Wagner Forest and Cities of
11 Berlin and Franklin. So that it will be the
12 same order which means that we'll be starting
13 with Counsel for the Public -- well, except when
14 they are their witnesses. So start with Counsel
15 for the Public, followed by the Muni Groups in
16 the order that they're in, 1 North, 1 South, 2,
17 3 North, and all the way down the list which I
18 can tell you that this list right here is not in
19 the same order that we've been doing. It will
20 be in the same order. In fact, I'm probably
21 going to cut and paste the order from the prior
22 Prehearing Conference order.

23 MS. SCHIBANOFF: Excuse me, Mike. Before
24 we leave this, could you actually, could you

1 read that list again?

2 MR. IACOPINO: Sure. This is the last I
3 have, but like I said, it's not, especially when
4 it gets towards the end, it's not in very good
5 order. So with respect to, this is for the
6 witnesses that are from either Counsel for the
7 Public or any of the Intervenors. Counsel for
8 the Public will go first, followed by Muni Group
9 number 1 North, followed by Muni Group number 1
10 South, followed by Muni Group number 2, followed
11 by Muni Group 3 North, followed by Muni Group 3
12 South, followed by the Grafton County
13 Commissioners, followed by the Society for
14 Protection of New Hampshire Forests, followed by
15 the NGOs, Appalachian Mountain Club,
16 Conservation Law and Ammonoosuc, followed by
17 NEPGA, followed by the Abutting Property Owners
18 on the Underground Portion of Clarksville and
19 Stewartstown, which has been -- this is why it
20 gets confusing towards the end -- which has been
21 combined with the Non-Abutters for that area for
22 which Mr. Thompson is the spokesperson, followed
23 by the, what I call the Percy group which is the
24 Abutting Property Owners on the Overhead Portion

1 from Dummer, Stark and Northumberland. Followed
2 by Mr. Brekke's group which is the Abutting
3 Property Owners on the Overhead Portion of
4 Whitefield, Dalton and Bethlehem. Followed by
5 Mr. Palmer's group which is the Abutting Owners
6 Underground, Bethlehem to Plymouth. Followed by
7 Ms. Lee and Attorney Judge for the Abutting
8 Property Owners on the Overhead Portion,
9 Ashland, Northfield, Canterbury, Allenstown and
10 Concord. Followed by the Deerfield Abutting
11 Property Owners. Followed by Philip and Joan
12 Bilodeau of Deerfield. Followed by the
13 Non-Abutting Property Owners in the Overhead
14 Portion, Stark, Lancaster, Whitefield, Dalton
15 and Bethlehem which I believe their spokesperson
16 is Ms. More. Rebecca More. Followed by the
17 Non-Abutting Property Owners, Overhead Portion,
18 Ashland to Deerfield which has been spoken for
19 by Professor Crane. Followed by the -- and this
20 is where I've lost that. Ms. Schibanoff, I
21 don't know if your group came before or after
22 the Historical Group in the prior, but it's
23 either Historical Group, then your group, Ms.
24 Schibanoff, which is the Non-Abutters, Bethlehem

1 to Plymouth, followed by, as usual, at the end,
2 our friends from the Pemi River Local Advisory
3 Committee.

4 Now, of course, we have flipped that around
5 at different times to accommodate folks, whether
6 it be accommodation for witness or accommodation
7 for people who need to question a certain Panel.

8 Any other business anybody thinks needs to
9 be addressed at this Prehearing Conference?
10 Take one minute. Is everybody ready to adjourn?
11 We're adjourned.

12 (Hearing adjourned at 3:06 p.m.)

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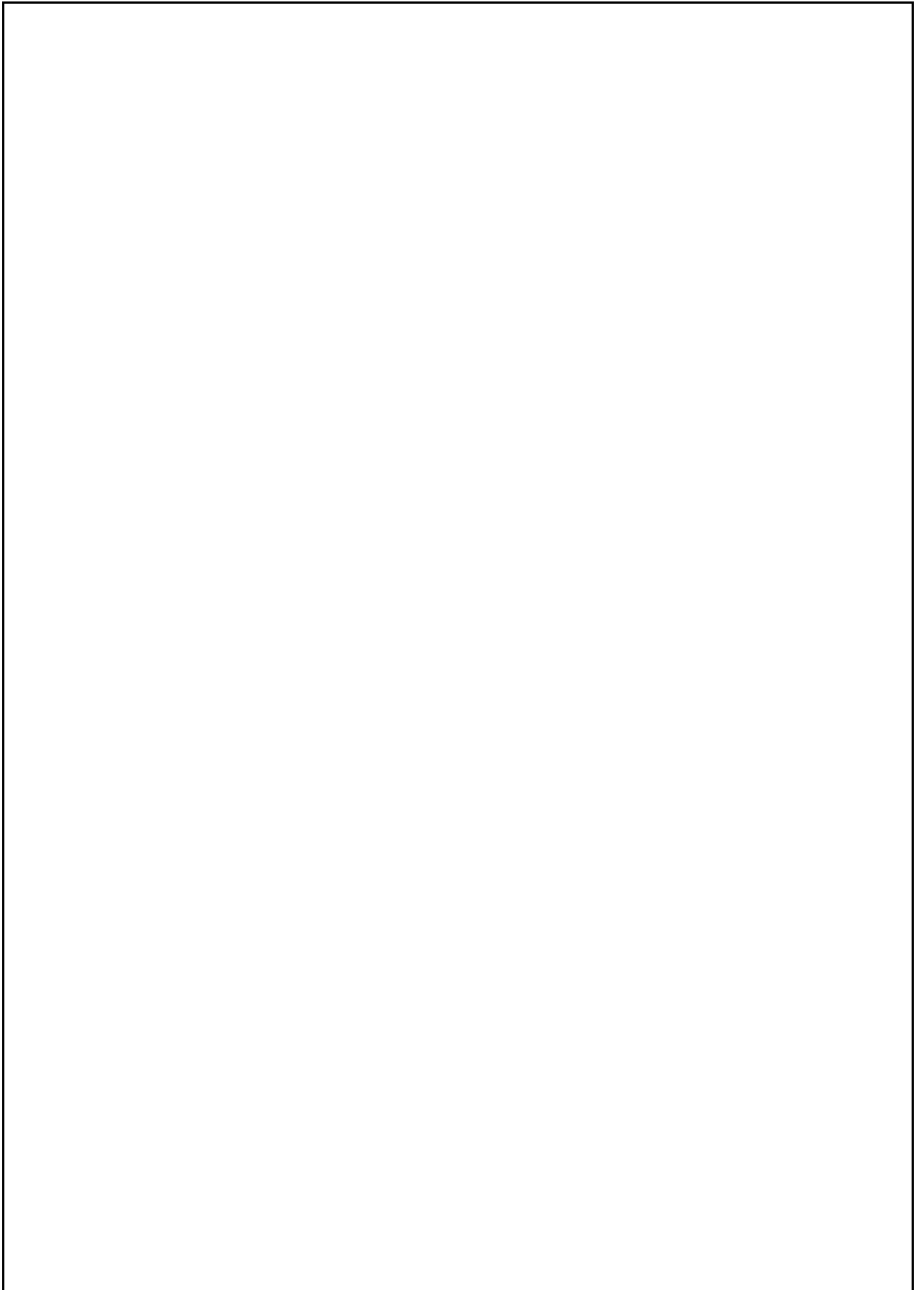
C E R T I F I C A T E

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Dated at West Lebanon, New Hampshire, this 20th day of August, 2017.

Cynthia Foster, LCR



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