STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

September 21, 2017 - 1:27 p.m.     DAY 37
49 Donovan Street            Afternoon Session ONLY
Concord, NH

{Electronically filed with SEC on 10-2-17}

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

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

Dir. Craig Wright, Designee Dept. of Environ. Serv.
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby         Public Member
Rachel (Whitaker) Dandeneau Alternate Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel to the SEC
(Brennan, Lenehan, Iacopino & Hickey)

Pamela G. Monroe, SEC Administrator
(No Appearances Taken)

COURT REPORTER: Susan J. Robidas, NH LCR No. 44
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**WITNESS: ROBERT VARNEY**

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PROCEDINGS

(Hearing resumed at 1:27 p.m.)

CHAIRMAN HONIGBERG: All right.

Mr. Whitley, you may proceed.

MR. WHITLEY: Thank you, Mr. Chair.

CROSS-EXAMINATION

BY MR. WHITLEY:

Q. Good afternoon, Mr. Varney.

A. Good afternoon.

Q. So I want to turn our attention now to the town of Deerfield. I'm going to put up on the screen -- I'm sorry.

This is an exhibit to the prefiled testimony of Andy Robertson, which is Joint Muni 152. And I'm showing you now Pages 5 through 7 of that testimony. Do you see what's on the screen there before you?

A. Yes. I don't see anything highlighted other than --

Q. No, no. I just wanted to make sure your screen was working.

A. Yes.

Q. So this is the 2013 town meeting. And down
here, Article 17, you see the warrant article passed by the town in 2013. Have you seen this warrant article, sir?

A. I believe so, yes.

Q. Okay. And you see the numbers of people that voted in the affirmative there?

A. Yes.

Q. Okay. And there's another article at this town meeting pertaining to the Project. Do you see that, Article 18? Do you see that there?

A. Yes.

Q. And have you reviewed this one as well?

A. Yes.

Q. Okay. And for the same reasons that we discussed before, you did review these, but you didn't find them to be definitive statements. Is that a fair characterization?

A. Yes.

Q. Okay. I want to show you -- actually, let me back up for a second.

Warrant articles, they were, by the rules, supposed to be part of the Application to the Committee; isn't that correct?
A. I believe it's to consider the views if expressed in writing --

Q. And I'm sorry. I didn't mean to interrupt you. Okay.

Are these warrant articles, as voted on by the town, are they not views expressed in writing?

A. I believe so. I don't know -- I'm not sure whether they were submitted to the SEC or the Applicant. But they are clearly in writing here for the town meeting results.

Q. So as you sit here today, you're not certain of whether they were submitted as part of the Application or not.

A. Not sure. I can't recall. But I am aware of them.

Q. Okay. I want to pull up now what's been marked as Deerfield Abutters 143. And I apologize for the resolution of this. This was the best version that I could locate.

You see, sir, this is a letter from November 2013 to the Department of Energy, and it is from the Deerfield Board of Selectmen, which is signed on the bottom
there. Have you seen this letter before, sir?

A. Yes, I saw it on the Draft EIS docket for the DOE.

Q. Okay. So you considered this view of the Deerfield Board of Selectmen?

A. Yes.

Q. Okay. So you've already stated that you reviewed the town's master plan; right?

A. Yes.

Q. Other than the master plan in Deerfield, did you review any other planning documents?

A. The zoning ordinance.

Q. Okay. Anything beyond the zoning ordinance?

A. Perhaps. I'm not sure if the trails documents were part of the master plan or separate. But I recall seeing reference to the benefits of using the vegetated corridor for the right-of-way for trails, and they specifically refer to the PSNH right-of-way.

Q. Okay. Other than the -- well, let me back up.

I'm assuming that your review of the town master plan was the most current...
version; correct? To your knowledge, the
most current version?

A. I believe so. It would provide the date in
my report.

Q. Yeah. But you understood that what you had
was the most current version?

A. I believe so. It probably was taken right
off the town web site.

Q. Okay. Other than that current version of the
master plan, you didn't review older versions
of the master plan, did you?

A. No, I believe I reviewed the current one
that's in effect.

Q. And I believe your testimony was that, other
than the master plan, you also reviewed the
zoning ordinance and maybe a trail document.
Is that -- am I remembering correctly?

(Witness reviews document.)

A. I'm just referring to my own report here. It
was the 2009 master plan that I believe I
reviewed.

Q. Okay.

A. And described the chapters in that plan, as
well as the goals, objectives...
Q. Do you recall my question just now, Mr. Varney?

A. No. I'm reading at the same time that you're asking questions.

Q. Okay. Let me restate it then.

A. Yes.

Q. So in your review of the zoning ordinance and that trail document you were just speaking of, did you review prior versions of those documents?

A. I don't believe so.

Q. Okay. For any of those documents that you reviewed in Deerfield, did you review future amendments or changes that are in development right now?

A. Well, as I indicated, the trail inventory and plan was completed in 2011, and I reviewed that, and also the open space plan in 2010, and then finally Wildlife Habitat and Resource Protection Report by Audubon Society in 2009.

Q. I want to show you now, Mr. Varney, an exhibit from Kate Hartnett, direct testimony for Deerfield. And this is Joint Muni 153.
And I'm going to turn your attention to this document, which is an attachment that she provided. And for the record, this is Bates Joint Muni 6624 through 26. And you see here on the screen, Mr. Varney, this document. Have you seen this before?

A. Yes.

Q. Okay. So would I be correct in describing it as kind of a historical summary of planning in the town of Deerfield, both by the planning board and the conservation commission?

A. Yes, apparently prepared through 2016.

Q. Yes. Correct. And it goes on for three pages we see here. Other than -- strike that.

Other than the zoning ordinance and the master plan and the trail document, did you review any other documents on this list?

A. As I indicated previously, the open space plan in 2010 that was updated, and the Wildlife Habitat and Resource Protection Report in 2009.

Q. Okay.
A. And I provided links to those documents in the report.

Q. Correct. In terms of your opinion regarding the Project's consistency with town planning, wouldn't it assist you to have an understanding of how planning in Deerfield has progressed over the last 30 years?

A. No.

Q. Doesn't give you -- doesn't it inform your opinion to have any context for how or why the town has arrived at its current master plan or open space plan or zoning ordinance?

A. No. They are many communities that have updated pieces of their plans over a long period of time, and I focused on what I thought was the most current information in evaluating the plan.

Q. But isn't that just a snapshot of where the town is at?

A. It's the most current version that typically replaces earlier versions unless expressly indicating that it doesn't cover one thing or another.

Q. Well, suppose the town wanted to make an
amendment to the master plan or zoning ordinance or the open space plan. Wouldn't you agree it takes time to make that amendment a reality?

A. Yes. It can be done in a matter of months or sometimes a very long period of time. It depends how they go about it, whether they try to do it themselves or hire a consultant.

Q. Sure, because they may need to educate residents, town staff. They may need to build support among town residents to vote on, you know, what they're proposing. And they may need to raise money associated with that amendment; correct?

A. Sometimes.

Q. But your approach misses that sort of contextual view of what's going on in towns; correct?

A. No.

Q. Are you aware of what the Deerfield master plan values and seeks to promote?

A. It's outlined in the report.

Q. I'm going to turn now to the same exhibit, Joint Muni 153, and going to turn to... this
is an attachment to that report by Ms. Hartnett. And this is a portion of the master plan. And for the record, I'm going to be looking at Joint Muni Bates 6633–6641. And I've highlighted here one of the goals of the master plan. Do you see that?

A. Yes.

Q. So I don't want to spend too much time going through these verbatim. But, you know, in summary, this one talks about preserving natural and cultural features that contribute to rural character. Do you agree?

A. Yes.

Q. They keep going here... this one regarding economic development talks about encouraging limited development that's consistent with the town's rural character; correct?

A. Yes.

Q. A little further down, this one talks about recognizing the town's natural resources and open space that form the basis of the character and well-being of Deerfield; correct?

A. Yes.
Q. And this one, this goal describes promoting preservation and protection of historic and cultural resources; right?
A. Yes.
Q. Wouldn't you agree that the town desires to promote economic development and the well-being of its residents without sacrificing the town's rural character and historic resource? Is that a fair kind of summation of some of those goals that I just read?
A. Could you repeat the question?
Q. Yeah, sure. Wouldn't you agree that the town desires to promote economic development and the well-being of residents without sacrificing its rural character and historic resources?
A. Yes.
Q. And one of the ways the town has identified doing that is to preserve open space through land use regulation; isn't that correct?
A. One of the many, many ways, yes.
Q. I'm going to turn now to the open space plan, which you were just describing. And this is
the same exhibit, Joint Muni 153, Bates 6661. And you see in the first highlighted section there, the Open Space Plan Vision Statement. Do you see that?

A. Yes.

Q. And then the second highlighted portion states that they want to carry out those goals by establishing development and subdivision and zoning regs; correct?

A. Yes. That's part of the strategy, yes.

Q. Right. And further down in the open space plan they talk about the town views open space as a significant component of its rural character; correct?

A. Yes.

Q. And just for the record, that's Joint Muni 6666.

Given the importance of preserving rural character in Deerfield as well as other towns, did you define that term the same for all communities and regions?

A. "Rural character"?

Q. Hmm-hmm.

A. The way that I would look at it is that, in
the case of Deerfield, that this is an existing right-of-way. And by locating the Project within the existing right-of-way, you're contributing towards this goal of maintaining your rural character by locating it where structures already exist and where there's no change in land use.

Q. Maybe an easier way to get at it is how do you define "rural character"?

A. There are many definitions of "rural." It's usually by population, and there's no single definition.

Q. Okay. But I guess I'm asking, as part of your analysis, did you use the one you just mentioned, population density, or did you use several? I mean, what did you use?

A. It can mean different things to different people. And generally speaking, rural character is associated with the population density in the community and trying to reinforce existing land use patterns and not use up all of your open space with other uses that can be co-located or more concentrated.

Q. And did you use that definition for all the
communities and regions that you evaluated?
A. Generally. It's a general term, and rural character is probably in every master plan in New England, including communities that already have very large transmission rights-of-way going through them and they say we want to maintain our existing rural character.

Q. The Deerfield Open Space Plan talks about this definition issue and points out that there are -- you know, "there's more than one way to skin a cat." And the description or definition that you're describing is a quantitative one, wouldn't you agree?
A. Yes, population density, as is described here on Page 5.

Q. Right. And yeah, thank you. And we're looking now at Page 6 of the open space plan, which is Bates 6667. But there's another way to define rural character, and that's a qualitative definition.
A. Yes.

Q. Are you familiar with that approach?
A. Generally speaking, yes.
Q. But it sounds like that's not one you employed as part of your analysis; correct?
A. Again, it's a general concept, hard to measure, hard to quantify. And as I said, not every community, but the vast majority of communities in New Hampshire probably have a recommendation to maintain their rural character.
Q. Understood. And I'm just pointing out that Deerfield views itself as rural under either definition.

And let me just ask: Would you agree that under a quantitative or qualitative definition, that Deerfield would be considered to have rural character?
A. Generally, yes, I would say most communities have rural character.
Q. Wouldn't you also agree that in Deerfield, an important consideration around rural character has to do with the visual component or the aesthetics of the rural setting?
A. Yes, one of many factors. Not a single factor.
Q. Are you familiar with the steps that
Deerfield has identified to carry out and protect -- pardon me. Strike that.

Are you familiar with the steps Deerfield has identified to carry out the open space and master plan goals to protect these open space lands?

A. Yes, I reviewed the open space plan.

Q. I'm on Bates Page 6687 of the same exhibit, the open space plan. And this is one of the areas where the planning documents speak to that; correct?

A. Yes, the open space plan, yes.

Q. So, just a couple that I've highlighted here. No. 1, they want to preserve or protect lands in the "green infrastructure" open space network. And then a little further down, they want to connect unfragmented areas using local knowledge, and then preserve natural and cultural resources, including scenic views. And then there's another one on the following page, Mr. Varney, that talks about the consideration of the aesthetics benefits to the public and the preservation of town character. You're familiar with all these
goals?

A. Yes.

Q. Would you agree that there's concern in Deerfield that the visual impact of this project could undermine the open space goals we've just run through?

A. Yes. In terms of when you ask a question, sometimes you add additional, almost a second question to the question. Can you repeat that?

Q. Sure. Would you agree there's concern among town residents that visual impact of the Project could undermine the open space goals we just walked through?

A. Yes.

Q. Okay. And you've stated this before, but your review -- pardon me.

You reviewed and relied on Mr. DeWan's opinion for whether the Project would have adverse visual impact; right?

A. Yes. But again, that was not part of my analysis as it relates to orderly development. But I am aware of his opinion and the extensive amount of work that he did.
Q. And similarly, you relied on Mr. DeWan for whether a project's visual impact, for whether it may undermine these open space goals; correct?

A. Not so much to the goals, but more to the determination as to whether or not there is an unreasonable adverse effect on visual resources. And he's an expert in that field, and I relied on his expertise rather than my own.

Q. Okay. Okay. Thank you.

Are you aware, Mr. Varney, that Mr. DeWan's analysis of visual impact was limited to what he determined was a scenic resource under SEC rules?

A. I believe so.

Q. Are you aware that the town's view of visual component of rural character or open space land, that that's not contingent on whether it's a scenic resource under the SEC rules?

A. No.

Q. So it's possible that there could be visual impacts that Mr. DeWan didn't consider in the town of Deerfield because he didn't classify
those viewsheds or scenic vistas as scenic resources; right?


CHAIRMAN HONIGBERG: Can you repeat the question?

BY MR. WHITLEY:

Q. So, Mr. Varney, it's possible, then, that there could be visual impacts in Deerfield that Mr. DeWan didn't consider because he didn't classify those sorts of impacts as scenic resources under the SEC rules?

CHAIRMAN HONIGBERG: Overruled.

You can answer.

A. I don't know.

BY MR. WHITLEY:

Q. And as you stated before, you didn't do any sort of visual analysis to review any areas that Mr. DeWan may not have considered.

A. I reviewed prevailing land use along the right-of-way and saw no reason for, or concluded that there was no effect on adjacent land uses, the continued use of
adjacent land use. I didn't conduct a visual assessment.

Q. Okay. And so it's possible, then, that nobody did. Nobody that's part of the Project did an analysis as to whether these impacts may undermine these open space goals; right?

A. No. I think that's speculation. And I don't have an opinion on that, so I can't agree.

Q. Well, you stated the limitation of your own analysis; correct?

A. Yes. Correct.

Q. And I believe you agreed with me that Mr. DeWan limited his own analysis to what's a scenic resource under the SEC rules; right?

A. I'm sure that he addressed the SEC rules. But I was not here for his cross-examination, so I'm -- I'll leave it at that.

Q. So I believe you've agreed that it's possible there could be some scenic viewpoints or vistas within town that escaped analysis.

A. Again, I didn't conduct the Visual Impact Assessment, so I don't have an opinion on that.
Q. Okay. We just read a second ago one of the master plan goals to maintain rural character by preserving the green infrastructure network. Do you recall that?

A. Yes.

Q. I'm going to turn now to -- this is a portion of Ms. Hartnett's testimony. This is still Joint Muni 153, and this is Bates 6702.

And you see here, Mr. Varney, that the open space plan seeks to carry out the -- pardon me. The open space plan seeks to protect and preserve the "green infrastructure" network a couple of different ways. And I've highlighted some of them on the screen there.

But just to summarize, she mentions LCIP-funded, protected corridors that are adjacent to the substation, creation of the Bear Paw Regional Greenway which connects 11 towns, and private property conservation within the green infrastructure; correct?

A. Yes.

Q. You didn't do any sort of analysis about whether the Project would reduce interest in...
maintaining and expanding the green infrastructure network, did you?

A. My assumption was that there would be continued strong interest in open space protection in the town of Deerfield. And I also reviewed this along with the trail inventory and plan that helps link green infrastructure within the community.

Q. And similarly, you did no analysis of whether adding the Project would speed transition to suburban rather than rural character; correct?

A. I don't know of any studies that suggest that change.

Q. Okay. I want to turn now, Mr. Varney, to some exhibits that were part of Ms. Hartnett's supplemental testimony and that have also been submitted to the SEC as comments. And these are all comments from Deerfield residents, and they're all speaking to how they feel the Project would impact their efforts to protect open space and to carry out the objectives of the green infrastructure network. And I'm going to
turn now to Joint Muni 156. No, that's not it. One second. Sorry.

(Pause)

Q. Okay. Sorry about that. So these are -- for the record, this is Exhibit 2 to Joint Muni 156. And these are Bates 6807 to 6810. And I don't want to read all these, Mr. Varney, but let me just touch on a few things and ask you some general questions.

First of all, are you familiar with these letters?

A. No.

Q. Okay. This first one is from, and I'm going to not do a good job with his name, Ms. Cruikshank. And she mentions that she conserved based on -- or she sought to conserve based on the rural character and that the Project towers and noise would make a difference to her future efforts to do so. Do you see that?

A. Yes.

Q. The following is a letter from Mr. Mallette. And he talks about the work done by the town already to conserve and carry out the master
plan, and he mentions the Bear Paw Greenways, land conservation, preserving rural character. And he said at the bottom there, "Will the towers influence my support of green infrastructure networks as envisioned by the Deerfield open space plan?" And his answer is, yes, he'll look for another place to go and to do those same things. Do you see that?

A. Yes. He was referring to a concern about noise.

Q. I believe it was more than noise, Mr. Varney. If you look in the middle --

A. I'm reading his last sentence.

(Witness reviews document.)

Q. You're right that he does reference noise in the last sentence. But the prior highlighted --

A. As well as towers in the prior sentence. He does mention towers, structures.

Q. Thank you, sir.

The next letter here is from the Matthews. And the highlighting, I couldn't highlight this one, so it's a little bit
screwy. But I'll give you a second to read it.

(Witness reviews document.)

A. Okay.

Q. So I'm going to summarize his comments. Basically, he says the Project is going to change their long-term plans for the property. Due to the high visibility of the towers and the noise, it's going to reduce their interest in future conservation and may even dissuade future residents from moving to town. Is that a fair summation?

A. I suppose so. He's concerned about the Project. He's opposed to the Project.

Q. And the next letter here is from a Ms. Duchano. And she has a conservation easement on her land with LCIP monies, but she states that she's unlikely to further conserve due to concern over noise; correct?

A. Yes.

Q. So, even though these public comments -- and they were exhibits to Ms. Hartnett's supplemental testimony. You've not seen them before today?
A. If it was attached to her supplemental testimony, then I did read it. But it's been a few months.

Q. Yeah. As you sit here, you don't recall having seen that before?

A. I don't, but I remember reading Kate's submittal.

Q. Okay. Assuming the Project is built and these concerns are realized, aren't the goals of the master plan and open space undermined?

A. No. There are a number of assumptions that underlie the issues here, and they mostly revolve around visual impact or noise associated with the existing substation and hoping that that doesn't increase to any significant amount. So there's essentially a concern about what visual impact may do and how significant that visual impact may be. And it's hard for me to know what was in their mind when they were thinking about the visual impact associated with the Project.

Q. Do you have any reason to dispute their possible responses to the Project?

A. It's very common for citizens, especially
those living near a project, to express concern, even if it's a clean-up of a waste site or the permitting of a new project, any kind of a change in the community, particularly one where they live nearby. So it's common for concerns to be expressed. And the important part I think is to focus on the facts and on the expert review during a process like this. This SEC process was designed to ensure that these issues were carefully considered and weren't done in a speculative way, but were evaluated by experts in the field.

Q. So it sounds to me that you dispute the sincerity of what they may do if their concerns are realized.

A. No, I didn't say that at all. I disagree strongly. I'm sure they were very sincere based on their understanding of the Project.

Q. And so do you think they have a misunderstanding of the Project then? Is that why you can comfortably say --

A. No, I stated it very clearly. It's looking at the facts. And they haven't been here to
listen to cross-examination of witnesses.
I'm sure many of them haven't read the expert
reports.

Q. But don't know that for a fact, do you, sir?
A. No. I'm speculating. That's my point. We
don't know either way.

Q. So if we don't know either way, it's possible
that what they're saying, they could be a
hundred percent sincere, and the Project --

A. No.

Q. -- could cause them to respond as they've
indicated in these letters, couldn't it?
A. I already told you that I did not say that
they were insincere, and you used that again.

Q. I'll use a different word then. If it could
go either way, isn't it conceivable that they
could respond the way they've indicated in
these letters?

A. Potentially. And it's pure speculation. We
don't know, and we don't know what efforts
will be undertaken between now and the time
that the Project is constructed to address
some of these concerns.

Q. I want to put up now, Mr. Varney, this was an
additional exhibit to Ms. Hartnett's supplemental testimony. This is still Joint Muni 156. This is Exhibit 3, and it's Bates 6812. Have you seen this exhibit?

A. Yes.

Q. Okay. So you'd agree that this is Mr. Coogan, who is the town planner in Deerfield; correct?

A. He was, yes.

Q. That's correct. He was. But he's responding to the question that's there in quotes about his meeting with you to discuss the town's planning documents on the Project; correct?

A. We had a telephone call, and perhaps bumping into each other at other professional meetings we may have discussed it a bit more. But generally speaking, this was a telephone call placed to Jerry Coogan in Deerfield, asking him about, No. 1, the information in the town, making sure that I had the latest version of the master plan, the open space plan, the zoning ordinance and other related information, just as we did with the other professional planners; and then also to
provide some background about concerns that
may be raised and where those issues were
being addressed.

Q. And you provided some notes of this
correction as well; correct?

A. Yes.

Q. And I've put those up here. This is Counsel
for the Public 471. This is Page 7 of that
exhibit, I think. But regardless, it's Bates
Northern Pass Discovery 158515.

But these are your notes of the phone
call with Mr. Coogan; correct?

A. Yes.

Q. Okay. The date there for this phone call,
that's not correct, is it?

A. No.

Q. Okay. Should it have been 2015 instead of
2016? Is that a fair assumption?

(Witness reviews document.)

A. It was corrected subsequent to this. And it
was a typo, the date was.

Q. Or 2014 perhaps?

A. It was August 24th, 2015. It autocorrected
with the date on the computer. I think
everyone's had that issue.

Q. Yes, yes. Okay. so the date was -- the
meeting took place prior to your report and
direct testimony being prepared.

A. Just as was the case with all the
professional planners along the route.

Q. Okay. Okay. Going back to Mr. Coogan's
response there, he confirms -- and you spoke
about this earlier, maybe the other day even.

He confirms that when you spoke to these
planners, you didn't solicit their opinions
regarding whether the Project was consistent
with the planning documents in each
respective town; right?

A. Correct.

Q. And to his recollection, you didn't
communicate your belief or your opinion on
this subject either at that time.

A. Correct.

Q. So if the purpose of the conversation with
these planners was to talk generically about
what the town planing goals are and confirm
what documents are available, I mean,
couldn't you have spoken to many other
individuals in the town to get that
information?

A. Well, again, I was ensuring I had the most
recent information to review objectively, in
terms of what the plans said and how that
related to electric transmission lines. In
the case of Deerfield, the only reference to
PSNH and the power line corridor was in their
trails plan that the town developed in
talking about working in partnership with
PSNH on their trails program and expanding
the effort in partnership.

And as I explained earlier, I also
wanted to ensure that the maps were the most
recent maps and that we had good, accurate
information, and also what issues are being
raised in the town that I ought to be aware
of and make sure that I consider as I form my
opinion on the Project.

Q. I understand that. But foremost of that,
couldn't you have called and spoken to
whoever answered the phone and said, you
know, "Is the master plan I'm looking at on
the web site the most current one?"
A. Well, the town planner is the most logical person to call about town planing documents and planning maps.

Q. But isn't it a lost opportunity to get input from a professional planner who knows the town planing docs and the prevailing uses in town and not ask for an opinion on the Project's consistency with those documents?

A. He worked for the town. And I didn't try to put him on the spot to ask whether he supported the Project or not.

Q. But isn't it his role as town planner to give you his informed opinion on a question like that?

A. Well, there wasn't even an application at this time, so there was no application to review.

Q. Well, this is what, 2014? 2015. Pardon me.

A. It was prior to the submission of the Application. It was in the summer of 2015, and the Application was submitted in October.

Q. Understood, understood. But wouldn't you agree there was enough information out there already for a town planner to have an
opinion?
A. I don't know.
Q. Because you didn't ask him; right?
A. Correct.
Q. Right. You didn't avail yourself of that opportunity with any of these planners to ask them what they thought about the Project's consistency; correct?
A. I asked them what issues were being raised relative to the Project, what were the concerns, what were the issues --
Q. Isn't that a different question?
A. Pardon me.
Q. I'm sorry. I didn't mean to interrupt. Go ahead.
A. No, I'm fine.
Q. Isn't that a different question, sir?
A. To?
Q. You asked about local concerns. Isn't that a different question than, "Do you think the Project is consistent with your town's planning documents?"
A. It was part of the process of understanding some of the town views.
Q.  But isn't that a different question, different sort of question?
A.  It's related.
Q.  But different.
A.  But different. Slightly different.

MR. WHITLEY: Okay. That's all I have. Thank you.

CHAIRMAN HONIGBERG: Next up I think is Municipal Group 2, Ms. Fillmore and Ms. Pastoriza. And my understanding is that Ms. Pastoriza's questions are largely focused on Easton. Ms. Fillmore's questions are broader, although they may touch on Easton. The issues are broader and cover the entire geographic area.

Ms. Fillmore is that about right?

MS. FILLMORE: Yes, Mr. Chairman.

CHAIRMAN HONIGBERG: Off the record.

(Discussion off the record)

CHAIRMAN HONIGBERG: Ms. Pastoriza, you may proceed.
CROSS-EXAMINATION

BY MS. PASTORIZA:

Q. Kris Pastoriza, Eastern Conservation Commission, part of Central Municipals.
   So you were on the SEC between 1987 and 2001?

A. No.

Q. What were the dates?

A. I believe it was 1989 to 2001.

Q. Would you agree that the various people who have been members of the SEC have made decisions aimed at achieving certain goals and avoiding certain negative effects, one of which is interference with the orderly development of communities?

A. Orderly development of the region.

Q. Does your definition of "orderly development" include preservation of the environment, agriculture, water, soil and wildlife?

A. My definition of "orderly development" was the SEC's definition of orderly development.

Q. And what's that?

A. It's to ensure that the Project does not unduly interfere with orderly development of
the region, including land use, economic
benefits, job benefits, decommissioning and
municipal views.

Q. Do you consider that the environment,
agriculture, water soil and wildlife are
included in development of a region?

A. They're environmental issues that are
typically handled by environmental permitting
in a project like this.

Q. So you didn't address those issues?

A. The environmental panel did.

Q. So you consider those outside your purview?

A. I reviewed air quality and climate change
benefits for the Project which were
substantial, and other experts in wildlife
and wetlands spoke to those issues and
testified on those issues.

Q. So do you include health as part of orderly
development?

A. It's not in the SEC's definition, I don't
believe.

Q. So you didn't consider that in your
assessment?

A. No.
Q. Could you point me to any studies by the SEC or independent agencies that assess the success of the SEC's decisions as they relate to orderly development?

A. Could you repeat that?

Q. Could you point me to any studies by the SEC or independent agencies that assess the success of the SEC's decisions as they relate to orderly development?

A. I'm not aware of any after-the-fact studies, other than some information that I collected about development activity along a pre-existing corridor in Londonderry, Bedford and West Concord.

Q. And who did that study?

A. I did, or Normandeau Associates did.

Q. So how far out into the future did your assessment of orderly development extend?

A. This was looking back at an after-the-fact review of areas where -- that were zoned for a mix of uses, development uses, and it was looking at what was there today for a project that was constructed back in 1990.

Q. So I was actually referring to your current
assessment of the Northern Pass. How far in the future are you looking in that assessment?

A. The economic benefits are, I believe, from 2019 to 2029. I'm just trying to remember, off the top of my head. That was Julia Frayer's report and analysis. And then the other studies were a bit different. I'm not sure for Dr. Shapiro. She looked at tax benefits, and it may have been a similar time frame or perhaps slightly different. And then there were also, of course, the reports by Dr. Chalmers and Mitch Nichols on property values and tourism.

Q. So you were looking at economic values 12 years ahead and no farther.

A. That's the time frame that the experts or Julia Frayer used. I believe it was 10, 12 -- about 12 years out. You're correct.

Q. And did you identify any potential conditions or events that would affect or alter your conclusion?

A. Well, Julia conducted economic modeling and energy-related modeling, and that was
explained in her report and testimony.

Q. Did you?

A. Did I? I reviewed her report, and I relied
on her expertise and analysis and have
accepted that as her contribution to that
question as it relates to orderly
development.

Q. Did you identify any conditions or events
that would affect or alter your conclusions?

A. No.

Q. So, retaining the rural character of a town
and land conservation or common goals stated
in master plans and zoning, this image shows
part of Easton's Master Plan 2010 and Zoning

Would you acknowledge that Easton's
Master Plan, in expressing a town's desire to
maintain the rural character of the town,
conserve land and limit crowding, expresses
an intention and goal of promoting orderly
lack of development, which could also be
called conservation?

A. I reviewed the entire Easton Master Plan.

Q. Would you acknowledge that that town
expresses an intent and goal of promoting orderly lack of development, which could also be called "conservation"?

A. Yes, this talks about preventing undue concentration of population and overcrowding of the land. And this Project is locating a transmission line within an existing transportation right-of-way.

Q. Would you acknowledge that Easton's Master Plan expresses an intention and goal of promoting orderly lack of development, which could also be called conservation?

A. I recognize what the master plan says.

Q. All right. You won't admit that it describes an intent and goal of promoting orderly lack of development?

A. You're referring apparently here to a survey that was conducted, and I'm referring to my review of the master plan, which is what is required under the SEC rules.

Q. Do you consider the survey to indicate nothing about the desires of the town?

A. No. Surveys are useful in development of master plans. And, of course, the master
plan was 2010, which was five years prior to the submission of the Application.

Q. Would you include conservation as part of orderly development?

A. No. The criteria for orderly development, as I said, are land use, prevailing land uses. So, to the extent that it's a prevailing land use along the route, we looked at it and determined that it would not change those land uses; they would remain as they are today. There's no proposal to change land uses on either side of the right-of-way.

And then as it relates to the economy and jobs, there can be some economic benefit there. But I don't think that's specifically addressed in Julia's report.

Q. So, inasmuch as your report is based on the reports of maybe four or five other people, it rises or falls based on those, their fate; does it not?

A. I relied on the work of experts in their area of expertise.

Q. And if any of those experts is found to be not credible, then your report also will be
not credible.

A. I relied on their analysis. And they're highly qualified individuals.

Q. So this image shows the recommended work zone for horizontal directional drilling. Comes from the "Horizontal Directional Drilling Good Practices Guidelines," which was written by the HDD Consortium, which is an industry group. This book is referenced in DOT's Utility Accommodation Manual, which requires that HDD be done in accordance with these guidelines. Do you know what "HDD" is?

A. Yes.

Q. Have you ever seen it being done?

A. Probably only once.

Q. And what was the size of the bore?

A. I can't recall. It was several years ago.

Q. So the "HDD Good Practices Guidelines" recommended work zone for large HDD projects with bore holes of 18 or more in diameter is from 80 feet up to 180 feet by 100 [sic] feet up to 250 feet. Northern Pass proposes two 18-inch bore holes at each HDD location, and their HDD work zones are about 30 feet wide.
Every Northern Pass HDD location violates this industry BMP. Of the 122 requests Northern Pass has submitted to DOT for exceptions from the Utility Accommodation Manual rules, 39 are for HDD pits in the pavement because the road right-of-way widths are too narrow to place them outside the pavement, as required by DOT.

Have you studied the "HDD Good Practices Guidelines"?

MR. NEEDLEMAN: Objection. Relevance to this witness's testimony.

CHAIRMAN HOUNGBERG: Ms. Pastoriza.

MS. PASTORIZA: I would state that a thorough assessment of orderly development would require understanding HDD and good practices.

CHAIRMAN HOUNGBERG: Okay. The question had a lot more in it than that. I think the very last part of what you said was a fairly simple and direct question. Can you repeat that question, please? It was at the end of what you said.
BY MS. PASTORIZA:

Q. Have you studied the "HDD Good Practices Guidelines"?

A. No.

Q. Have you studied the DOT permit packages?

A. Permit? Excuse me?

Q. Permit packages.

A. Packages?

Q. DOT permit packages.

A. Are you referring to the DOT approval with conditions?

Q. No, the diagrams which show how the program would be done on the buried portion of the route.

A. No.

Q. Do you think orderly development in towns on the proposed burial route is served by Northern Pass violating DOT's horizontal directional drilling Best Management Practices and DOT's Utility Accommodation Manual rules repeatedly in the Project plans themselves?

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: That
question assumes a lot of facts not in evidence or a bunch of legal conclusions. You can ask that question a different way by asking him if it would be consistent with orderly development if it didn't abide by what is in the manual, which is a different -- which is must less conclusory.

BY MS. PASTORIZA:

Q. If Northern Pass plans -- inasmuch as Northern Pass has applied for 122 exceptions, that indicates they are not conforming with the Utility Accommodations Manual --

CHAIRMAN HONIGBERG: And you can ask him if getting all these exceptions is consistent. That's a perfectly legitimate question.

BY MS. PASTORIZA:

Q. If we assume that Northern Pass is violating several conditions, recommendations in the horizontal directional drilling Best Management Practices, and if we assume that the 122 exception requests indicate a failure to conform to the DOT's Utility Accommodation Manual, would you consider that promoting the
orderly development of the towns?

A. I don't have enough information to answer your question, except to say the question before us is orderly development of the region. And I don't see any inconsistency with orderly development of the region to follow an existing corridor, with the knowledge that there will be stringent permits and permit conditions in place, as well as inspectors in place, to ensure that things are done properly and the environment is protected.

Q. Do you think orderly development in towns in the proposed burial route is served by Northern Pass uploading these 122 exception requests and DOT responses, which amount to 800 pages of new data, on August 31st, after the environmental and construction witnesses have left?

A. I have not reviewed that information, so I have no opinion.

Q. Do you think orderly conservation in towns in the proposed burial route is served by the Applicant's position that these 800 pages of
exception requests and responses are not part of the Application, though they involve changes in the proposed location of the cables, duct banks, splice vaults and slurry pits, as well as changes in construction methods and materials?

MR. NEEDLEMAN: Objection. Mischaracterizes the Applicant's position.

CHAIRMAN HONIGBERG: Ms. Pastoriza.

MS. PASTORIZA: I would maintain that right here, right now is part of the Application, and that the orderly development of the proceeding in the siting of the Project has been hindered by late data. And I'm wondering if Mr. Varney has an opinion inasmuch as he's speaking to orderly development.

CHAIRMAN HONIGBERG: I may have misheard the question then. Can you repeat the question?

BY MS. PASTORIZA:

Q. Do you think orderly conservation in towns in the proposed burial route is served by the Applicant's position that these 800 pages of
exception requests and responses are not part of the Application?

CHAIRMAN HONIGBERG: Yeah, I think that ascribes to the Applicant a position that I don't think is consistent with what their actual position is. But I think there's a way for you to get the information, to get an answer to a question like that, if you can rephrase it.

MS. PASTORIZA: The Applicant has stated that they are not part of the Application. I think Mr. Getz --

CHAIRMAN HONIGBERG: I'm sustaining the objection and suggesting that you reword the question.

MS. PASTORIZA: So if I happen to have the e-mail where Mr. Getz states that they're not part of the Application, then I would be okay asking that question?

CHAIRMAN HONIGBERG: Why don't you try another question. We'll see how it goes.

BY MS. PASTORIZA:

Q. If the Applicant's position is that these 800
pages of exception requests and responses are not part of the Application, and they will not provide them to towns in hard copy like the rest of the Application because they're not part of the Application, do you think that hinders the orderly conservation efforts of people in town who are trying to understand what's happening with the Project?

MR. NEEDLEMAN: Same objection.

CHAIRMAN HONIGBERG: Ms. Pastoriza, I think you...

MR. NEEDLEMAN: Mr. Chair, if Ms. Pastoriza wants to ask it as a hypothetical, I won't object.

CHAIRMAN HONIGBERG: Hang on, Mr. Needleman.

(Discussion off the record.)

CHAIRMAN HONIGBERG: Yeah, I'm going to suggest that you get away from the hard copies and the statements by the Applicant. Rephrase the original question as a hypothetical, which I think is along the lines of what Mr. Needleman was suggesting as well, and I think you'll get an question to the
question that you're looking for.

BY MS. PASTORIZA:

Q. If Mr. Getz told me that the exception requests were not part of the Application and therefore the town would not be given a hard copy of them, do you think that would interfere with towns' orderly development, inasmuch as they would have a more difficult time seeing what the exception requests are?

A. I think that's a separate issue from orderly development, and there's no nexus to the findings that the SEC must make relative to orderly development in the region.

Q. On Page 7, Lines 18 through 20 of your supplemental prefiled testimony, you state of the SEC approval of the Hydro-Quebec II line, quote, "This SEC precedent lends full support to our conclusions that siting a new transmission line in an existing corridor is consistent with existing land use patterns and does not interfere with the orderly development of the region," end quote.

Can you provide any independent document supporting your assertion that the SEC
approval of the Phase II line did not interfere with the orderly development of the region?

A. I simply provided some information from three communities along the line which indicated, first of all, that the line was not identified in master plans that were developed after the line was constructed. The line was never mentioned as a problem, a concern, a challenge or a major planning consideration. And the -- we provided some information about development activity that had occurred along the existing right-of-way. It was not intended to be an in-depth study of looking at every parcel and the history of every single parcel, but simply some information looking at some other communities that had that existing line within it, both HQ Phase II line and the Merrimack Valley line that is under construction now addressing some issues. And we provided that information as background information and concluded that it's consistent with the view that we had, which is that it does not
adversely affect or interfere with the orderly development of the region and that development activity still occurs.

Q. Can you provide any independent documentation supporting your assertion that the SEC approval of the Phase II line did not interfere with the orderly development of the region?

A. The information in the Normandeau report that was supplied as a supplemental report attached to supplemental testimony.

Q. So you're telling me that Normandeau report is independent documentation?

A. I'm saying that it was factual information that was gathered to look at the question of whether development activity stops because a transmission line is in place or not as one of the factors that we looked at. And it was very clear that there continued to be development along the corridor in those communities.

Q. And who paid for that study?

A. Eversource paid for the study eventually, yes.
Q. So it was not an independent study.
A. It was a study by Normandeau Associates looking at that question.
Q. Paid for by Eversource.
A. Yes.
Q. And that was the only study that you relied on.
A. Yes. I wasn't aware of any other studies of the HQ line in New Hampshire.
Q. So do you consider that the opinions of the town are part of your review of orderly development?
A. The views of towns is something that I took very seriously. I very seriously considered it. And going beyond that, to look at the issues of concern that they had expressed, and looking at what the record shows as it relates to those issues of concern, the factual nature of it, and by doing that we were able to form an opinion.
Q. So how can a town provide its opinion on the Project if it does not have accurate maps of the Project?
A. I don't have an opinion on that. I don't
know enough to answer your question.

Q. So this shows part of the denial of my
Petition to Intervene in the lease docket,
Northern Pass. I was denied intervenor
status, which I sought on the assumption that
approval of the lease would set precedent for
the lease in expansion of all transmission
lines in New Hampshire, including those in
the viewshed of my property.

How can you assert that the SEC created
a precedent in siting a Phase II line when
petitions to intervene in the Northern Pass
lease and SEC dockets on the basis that
approval of NPT would set a precedent were
denied due to lack of substantial interest?

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: Grounds for
the objection?

MR. NEEDLEMAN: Calls for
multiple legal conclusions.

CHAIRMAN HONIGBERG: Is there a
relevance problem, too?

MR. NEEDLEMAN: Absolutely.

CHAIRMAN HONIGBERG: Ms.
Pastoriza.

MS. PASTORIZA: He made a legal conclusion stating that the SEC approval of the Phase II line set a precedent for orderly development.

CHAIRMAN HONIGBERG: And this, your document from a PUC proceeding, is relevant how?

MS. PASTORIZA: Because it states that they're not setting a precedent in siting the line, that there is no precedent.

CHAIRMAN HONIGBERG: The objection is sustained.

BY MS. PASTORIZA:

Q. So this shows part of the proposed lease.

Your assessment of the effects, or lack thereof, the Northern Pass overhead line claims a lack of negative effects from other lines you consider comparable. However, the terms of Eversource's proposed lease and the lease itself are not shared by any other -- any of these other existing lines.

Eversource's proposed lease would permit, among other things, the right to conduct site
tours on the leased properties for business, educational or promotional purposes, and the
rights to undertake on the leased properties any other activities that the lessee determines are necessary, helpful, appropriate or convenient in connection with or incidental to the construction, operation, maintenance, inspection, patrol, replacement, repair, rebuild, removal or decommissioning of the NPT project facilities.

Do you provide in your testimony comparisons of this project with other projects which include a lease, specifically a lease which pays nothing to the landowners, with transmission easements, towers and lines running on their property?

MR. NEEDLEMAN: Objection. Relevance.

CHAIRMAN HONIGBERG: Ms. Pastoriza.

MS. PASTORIZA: He's comparing two things which aren't the same and drawing a conclusion from that.

CHAIRMAN HONIGBERG: And this is
relevant how?

MS. PASTORIZA: He's saying that there's no disorderly development from siting this project, which includes a lease, and he's comparing it to other projects which don't have a lease and are therefore different projects.

CHAIRMAN HONIGBERG: Objection sustained. It's not relevant.

BY MS. PASTORIZA:

Q. All right. So, once again your map of land uses. This is Easton. On Page A-45 of this document, you state of Easton: Existing road corridors, Route 116 and Route 112 are both two lanes, and the paved width measures approximately 35 to 40 feet.

Since the general width of pavement is 25 feet on Route 116 in Easton as shown in the permit packages, where did you get your information on pavement width?

A. I missed that last part of your question.

Q. Where did you get your information on pavement width?

A. I believe it was from the Application.

Q. Are conservation lands labeled on this map?
A. Only to the extent that if they are in the
   categories that the DRA had in their mosaic.
Q. Is there a category for conservation land?
A. Categories are different for DRA. But in the
description, we state that there is
conservation land, and the town is heavily
forested and well aware of the type of
landscape that exists in Easton.
Q. So conservation lands are not labeled on this
map.
A. Not on this map. The state didn't have it on
their map.
Q. What about the New Hampshire Granit map,
which is also a state map?
A. I don't know. I can't recall. It's a couple
of years ago.
Q. Can you confirm for me that the White
Mountain National Forest is not labeled on
this map?
A. We're well aware of the White Mountain
National Forest and where it's located and
reviewed the White Mountain Management Plan
as part of this review.
Q. Don't you think a map is for anyone who might
look at it, and therefore the information needs to be on the map?

A. Yes. As I explained previously, there was a lack of good land use, existing land use mapping, and the recommendation was to use the mosaic which was -- in this case, it provided a relative sense of where the Project was in the community. And then there was a detailed, written description of the route and land use, prevailing land uses along the route as part of the description.

Q. So are you telling me that Normandeau's unaware of the New Hampshire Granit mapping?

A. No, we're well aware of it. And it was used for some of the other work that was done, including environmental work and review of conservation lands and recreation lands.

Q. So, given the inadequacies of this map, why didn't Normandeau make their own map?

A. We primarily had written descriptions of the route, and then you try to use existing land use maps. And we did for -- the towns that are further south had very good mapping available either by the town or from the
regional planning commission. And the communities to the north were -- did not have that availability, so it was recommended to us to use the DRA mosaic, which I agree with you is not ideal. And we didn't rely entirely on these maps. We prepared a written description of the route, which looked at a variety of maps in describing it and --

Q. So why is the 800-acre Cooley–Jericcho town forest, which is in the northwest corner of Easton, missing and not mentioned in the text?

A. I'd have to go back and look. I don't recall, off the top of my head. But I'm aware of the conservation efforts in the town that I reviewed in the town documents.

Q. Your being aware of them is in no way reflected in this document, though.

A. I'd have to go back and look at some of the other material.

Q. Why are the 645 acres of private land in conservation easement in Easton not shown on the map or mentioned in the text?
A. Again, it's looking at prevailing land uses along the right-of-way, which is primarily forested and sparsely populated, particularly along the roadway which I drove and observed in person.

Q. So a land use map in a forested area you don't feel needs to show conservation land?

A. It was in other reports, so we -- as I said, we were well aware of the conservation lands in the town and were primarily focused on traveling along the route and the types of land uses that existed, such as residential, commercial, forestry, et cetera.

Q. So you don't consider conservation a land use?

A. I believe we did talk about it. I'd have to go back and look.

Q. So why is a whole parcel shown in red as commercial when only an acre of the parcel is used for storage and materials and a few trucks?

A. I don't know. You'll have to direct that question to the Department of Revenue Administration.
Q. Well, you chose to use their maps.
A. We used the maps that they developed and that
   we clearly explained the source of the
   information.
Q. And you feel you're not responsible for the
   maps if you're not the source?
A. We simply stated that these were maps
   produced by DRA with the mosaic.
Q. So if I want to know why wetlands and water
   are not shown on these maps, I should ask
   DRA?
A. You can perhaps talk with one of our GIS
   people or with someone at DRA about their
   data layers. But again, I want to assure you
   that we were aware of conservation lands in
   the community, and it was considered. But
   the primary purpose of this section of the
   report was to simply describe what's along
   the route.
Q. So, from your response, would I be right in
   saying that you consider a map that does not
   show power lines, streams, trails, ponds,
   wetlands or conservation lands, including
   White Mountain National Forest, to be an
accurate map of land use?

A. We provided a map that DRA provided on land use and described the prevailing land uses along the corridor as required by the SEC.

Q. In Appendix 41, Page 2, you state, quote, "Normandeau also reviewed proximate distances from the edge of the right-of-way to the buildings outside the corridor."

Since the road right-of-way width has not been formally determined in any area, how did you determine the distance between the road right-of-way edge and houses?

A. They're approximate based on the map -- the aerials for the Project route.

Q. You looked at aerials for the burial route?

A. Yes.

Q. And what about where trees were over the houses? How were you measuring the distance from the road to the trees?

A. There was some effort made to drive the route as well to try to identify whether or not there were structures there. Sometimes the house was partially obscured, but other attributes, such as a driveway, helped with
identification.

Q. So you measured the distance from the edge of the pavement to houses. Where might this list of distances be found?

A. I can't recall if they're in the description or not. I'd have to look.

Q. So is it possible to get a follow-up on that?

CHAIRMAN HONIGBERG: Mr. Needleman?

MR. NEEDLEMAN: I'm not sure what the question was. But if Mr. Varney knows the question, we can check at the break.

CHAIRMAN HONIGBERG: Yeah, at the break, which will be soon, Mr. Varney can look for whatever it is he needs to find and respond to that. Actually, coincidentally, is this a decent time for a break, 'cause it would probably get you the answer that you need before you ask another one?

MS. PASTORIZA: Yup.

CHAIRMAN HONIGBERG: All right.

We'll break for ten minutes.

(Brief recess taken at 2:54 p.m., and the hearing resumed at 3:16 p.m.)
CHAIRMAN HONIGBERG: I think when we broke there was a pending request from Ms. Pastoriza that Mr. Varney was going to look for some information.

Mr. Varney, did you have a chance to do that?

WITNESS VARNEY: Yes.

CHAIRMAN HONIGBERG: So what is the answer?

WITNESS VARNEY: The report indicates, in the Methodology section, that where measurements are listed for various things along the route, that it's measured from the edge of the right-of-way to the site that's being described. Measurements were not done for every structure along the right-of-way.

But where it was done, the explanation was that it was measured from the edge of the right-of-way to the item that was being described.

BY MS. PASTORIZA:

Q. So I have two questions in response to that.

The first is, where is that list?

A. There is no list. There's a description of
land uses along the state highway corridor
along the Project route in the Town of Easton
indicating municipal buildings, commercial
activities, recreational activities and some
residential properties, many of which have
dense tree cover as you indicated previously.

Q. So, in Easton you did no measurements of the
distance of houses from the edge of the
right-of-way.

A. No.

Q. You did this measurement for the overhead;
yes?

A. It depends on whether there was a -- in the
writing of the text, if there was a lot of
development activity, then there tended to be
more measurement or approximate measurements,
not as much for undergrounding where the
Project is located within the state highway,
where visual impacts are not as much of an
issue to the public.

Q. So there is no list?

A. No.

Q. So, as an aside, I wrote all my questions to
be fairly simple "Yes" or "No" answers. So
if, when it's possible for you, if you could
stick to that, that would be very helpful.

CHAIRMAN HONIGBERG: And as you
know, Mr. Varney, if you feel you need to
explain something, let someone know, and we'll
see if it makes sense to do it then or have Mr.
Needleman do it on redirect.

BY MS. PASTORIZA:

Q. So, on No. 6, which is RSA 228:35, given the
considerable and longstanding uncertainty
about right-of-way widths on substantial
portions of the proposed burial route, do you
think it supports orderly development in
communities when Northern Pass ignores RSA
228, which enables the Commissioner of DOT to
order a survey of the proposed burial route
and establish formally the right-of-way
widths process, which requires finding and
looking at all the pertinent data, formally
establishing the right-of-way widths in areas
of unknown, missing or undefined width
layouts, notifying all abutters, and giving
them 30 days to dispute DOT findings?

MR. NEEDLEMAN: Objection.
CHAIRMAN HONIGBERG: Yeah, I'm not sure that's a fair question, Ms. Pastoriza. You want to try to rephrase that.

BY MS. PASTORIZA:

Q. If the Applicant had, in 2014, when they began to research this route, asked DOT to enact this right-of-way and formally establish the right-of-way widths on the burial route, do you think the orderly development of the communities on the route would have been increased and respected?

A. Are you asking about increasing orderly development?

Q. Serving orderly development of communities.

A. My position on orderly development is that following an existing transportation corridor or electric utility corridor for a project is a sound planning principle and is very clearly something that would meet the provisions for orderly development.

Q. You didn't answer my question. Would you like me to ask it again?

A. Sure.

Q. If, in 2014, when the Applicant began
researching the buried portion of the route, if they had then, at that point, asked DOT to enact this RSA to establish the uncertain highway boundaries, do you think that would have better served the orderly development of the communities on the buried route?

A. No.

Q. Thank you.

In your prefilled testimony, Attachment A, Page 37 you state, quote, "We found that the community master plans do not discuss transmission lines in corridors as a problem or an issue of concern as being inconsistent with community vision statements or as interfering with or impeding the achievement of the communities' master plans, goals and objectives."

On a scale of 1 to 100, with 5 being close to impossible, what would you estimate to be the likelihood that a community could get rid of an existing transmission line corridor?

A. I have no basis for answering that question.

Q. You can't make an estimate of the likelihood
of that?

A. No. It's pure speculation. I can't estimate that for you. I'm sorry.

Q. I would estimate it as being a chance of perhaps 1 in 100 or less. Would that seem reasonable to you?

A. I don't know. I haven't studied that question.

Q. Given the near impossibility of removing these transmission line corridors, why would a master plan, which is focused on attainable goals, state unhappiness with a transmission lines?

A. Can you repeat that?

Q. Given the near impossibility of removing transmission line corridors, why would a master plan, which is focused on attainable goals, state unhappiness with the transmission lines?

A. Why would a master plan seek unhappiness?

Q. State unhappiness with the transmission lines.

A. State unhappiness with a transmission line?

I don't know.
Q. Do you think that, now that Northern Pass has shown what Eversource will attempt to do with its easements, residents will incorporate town goals of limiting expansion and upgrades on transmission lines into their master plans?

A. It's up to each individual community.

Q. If Easton, when they rewrite their master plan this year, states a goal of buying back the easements from Eversource to regain rural character, enhance orderly conservation goals and protect property values in the town, do you think Eversource would sell back these easements for their assessed value of $70 an acre?

MR. NEEDLEMAN: Objection. Calls for speculation.

CHAIRMAN HONIGBERG: Ms. Pastoriza.

MS. PASTORIZA: I think it's an entirely reasonable question.

CHAIRMAN HONIGBERG: Do you have an opinion on that, Mr. Varney?

A. I don't know is my answer.
BY MS. PASTORIZA:

Q. You used master plans of three towns as examples: Bedford, population density 646 people per square mile; Londonderry, 574 people per square mile; and Concord, 665 people per square mile. Did you have input into the master plans of any of these towns?

A. No.

Q. Easton has 8 people per square mile. Stark has 6.5. Did you use as an example a master plan from any rural town with large amounts of protected, undeveloped land or no business zoning?

A. We tried to use examples where there was likely to be development activity and some growth and to look to see whether or not any growth had occurred along the line. It was in response to some concerns about development potential that were expressed in a couple of communities, such as the city of Concord. And with respect to rural communities, I reviewed the master plans of abutting communities along the Project route, which included about 11 towns, many of which
are rural communities, to see if they had
addressed the Hydro-Quebec Phase II line in
their master plans that were developed after
the construction of that project. And in all
cases, none of them raised any concerns about
the existing line. None of them identified
the Project as a barrier, a challenge or a
significant planing consideration.

Q. Did you use as an example a master plan from
any rural town with large amounts of
protected, undeveloped land or no business
zoning?

A. I believe I just answered that question.

Q. So your answer is "No."

A. My answer is that I looked at the master
plans of several rural communities.

Q. But you did not use them as an example as you
did with Bedford, Londonderry and Concord.

A. Yes. The purpose of the supplemental report
was clearly explained in the report.

Q. Attachment A, Page 36, you state, "There are
numerous conservation and recreation uses
along the Hydro-Quebec Phase II electric
transmission line in Concord, Londonderry and
Bedford. These communities have continued to increase the number of acres of conservation and recreation land near these power line corridors and have identified additional priority areas nearby for future conservation and recreation."

Do you think that land with transmission easements is conserved, in part, because of the damage done to it by the lines, in hope of preventing further line expansion by giving the land a higher preservation status and an acknowledgment of its diminished value for development?

A. There was no evidence of that in any of the material that I reviewed.

Q. Okay. So this is part of Northern Pass's Application to Victoria Sheehan, Commissioner of DOT, for burial on state easement roads. Mark Hodgdon, well versed in DOT's Utility Accommodation Manual, wrote an application asking for 60 miles of exceptions from the UAM requirement, that utility infrastructure be buried on the edge of the right-of-way.

As Mr. Hodgdon stated, the scenario he
describes here would happen on the majority
of the proposed burial route.

Would you consider that, quote,
"disruption and dislocation of local
utilities, loss of swaths of mature tree
growth and vegetation impacts the wetland
resources and forever altering the roadside
aesthetics," end quote, would not interfere
with the orderly development or conservation
of the towns on the proposed burial route?

A. The Project as proposed is within the road
right-of-way, which avoids these impacts that
he feels may be concerns, but it would not
rise to the level of an unreasonable adverse
effect on orderly development of the region.

Q. DOT has not granted his request for a blanket
exception and is not allowing the Project to
bury completely under the pavement; so,
therefore, the conditions you speak about are
not the Project conditions. Are you not
current with the Project as it stands?

A. I'm not involved in any negotiations between
the Project and the New Hampshire DOT.

Q. If we assume that Mr. Hodgdon's description
is accurate, would you consider that contributing to the orderly development of the towns on the route?

A. I feel that if it's along the existing corridor, that it's an area that already exists, that it would be considered orderly development following that corridor, even if there needed to be some work done to address things in an environmentally sound manner.

Q. So you would consider his description to be acceptable consequences?

A. I have no basis for forming an opinion on this. I hadn't seen this paragraph, and I don't have any information that would relate to this, other than the fact that the goal of the Project, I believe, is to avoid being too far outside the paved area. They would rather stay within the corridor and minimize impacts.

Q. So you made an assessment that the Project will not interfere with the orderly development of the towns without actually knowing what's happening in the buried portion of the route.
A. This is, again, a very small percentage of the town. The corridor is less than 1 percent of the town's land area, and the -- whatever is done within this corridor will be required to meet all the requirements of the New Hampshire DOT and DES and other federal and state agencies.

Q. You're not answering the question.

A. I don't know.

Q. So this is a photograph from an NHPR story about Sugar Hill and Easton adopting a rights-based ordinance in 2012. Did you mention these ordinances in your prefiled testimony?

A. No.

Q. Do you consider it would be beneficial to the orderly development of Easton and Sugar Hill to have the SEC fail to respect the town's values as expressed in these ordinances?

A. I haven't reviewed the ordinances, so I don't have an opinion.

Q. This is an e-mail from Tim Drew at DES to me. Each HDD crossing involves two 18-inch bore holes, two 4-by-4 slurry pits, tens of
thousands of gallons of slurry. Do you consider it may be detrimental to the orderly development of towns which are predicated on clean watersheds to bore 100 18-inch-diameter horizontal directional drilling bore holes under rivers on the proposed route with no enforceable rules or regulations in place by DOT, White Mountain National Forest or DES?

MR. NEEDLEMAN: Objection.

Calls for a legal conclusion.

CHAIRMAN HONIGBERG: Ms. Pastoriza.

BY MS. PASTORIZA:

Q. If it is true that there are no enforceable rules or regulations in place by DOT, White Mountain National Forest or DES regarding horizontal directional drilling, would you consider that situation to contribute to the orderly development of the towns?

A. It's a separate issue. It would still be orderly development of the town, assuming that it's done with Best Management Practices in a way that's been approved by the state.

Q. Do you consider laws to be more conducive to
orderly development than BMPs?

A. BMPs are typically used with construction projects.

Q. And they're not enforceable.

A. They can be enforceable if there are BMPs that are referenced and conditions included with the permit.

Q. Do you consider the recommendations in the horizontal directional drilling guidelines to be legally enforceable?

MR. NEEDLEMAN: Objection.

Calls for a legal conclusion.

CHAIRMAN HONIGBERG: Do you understand the question?

WITNESS VARNEY: Yes.

CHAIRMAN HONIGBERG: You can answer.

A. My point would be that if there is -- if there are conditions in a legally enforceable permit, then the agency of jurisdiction would be able to enforce those regulations or requirements.

BY MS. PASTORIZA:

Q. Would you consider it helpful to the orderly
development of towns on the burial route if a
condition of the permit was adherence to the
HDD guidelines referenced by DOT?

A. I don't have an opinion on that.

Q. So this is from the "Horizontal Directional
Drilling Good Practices Guidelines," referenced in the DOT's UAM, which contains
250 pages of information. Could you read the
highlighted section on the right-hand side?

A. "The design issues that must be addressed
include," and then under No. 8 it says,
"conduct design calculations and analyses,
including pipe stress analysis, settlement
and heave calculations, hydro fracture
evaluation."

Q. So have you seen a frac analysis for any of
the HDD locations on the proposed burial
route?

A. No, that would --

MR. NEEDLEMAN: Objection.

Relevance.

CHAIRMAN HONIGBERG: Ms.

Pastoriza, this sounds irrelevant. Why is it
relevant?
MS. PASTORIZA: The HDD guidelines referenced by DOT recommend highly a frac analysis to show risk of a frac-out.

CHAIRMAN HONIGBERG: Well, let's be more precise. Why is it relevant to anything that Mr. Varney is opining about?

MS. PASTORIZA: A frac-out is highly damaging to the environment and soil and water and, therefore, orderly development of a community.

CHAIRMAN HONIGBERG: Well, that's your argument. Why don't you ask him if that's his opinion, too.

BY MS. PASTORIZA:

Q. Would you consider a frac-out analysis would be helpful in avoiding disorderly development on the towns on the route?

A. I haven't studied this issue, so I don't know.

Q. And in order to assess the orderly development on the burial route, wouldn't you want to study this issue?

A. Not in reaching a conclusion on orderly development of the region.
Q. Have you seen settlement and heave calculations for any of the HDD locations on the Project?

A. That's not part of my responsibility.

Q. So these are Easton's ordinances voted on at the March 2017 town meeting. Why didn't you include Easton's most recent ordinances, as required by Site 301.09?

MR. NEEDLEMAN: Objection. Why would the regulation require these ordinances?

CHAIRMAN HONIGBERG: Ms. Pastoriza.

MS. PASTORIZA: They're part of Easton's zoning ordinances it says in 301.09.

BY MS. PASTORIZA:

Q. There's another ordinance there. Christine can scroll down when you've read the ones that are up there.

MR. IACOPINO: If you could just hold up while we check the rule.

(Discussion off the record.)

CHAIRMAN HONIGBERG: Okay.

We're looking at 301.09. And what is your question about for Mr. Varney that's related to
MS. PASTORIZA: Why he didn't include these ordinances in his report.

CHAIRMAN HONIGBERG: Okay. You can ask the question, "Why aren't these ordinances in your report?"

A. First of all, I was unaware of them. And secondly, they would not have provided any important information to me in reaching a conclusion on orderly development of the region.

BY MS. PASTORIZA:

Q. These are tied into the Groundwater Protection District. Would you agree that clean water is related to orderly development of the town?

A. We're speaking of orderly development of the region, first of all; and secondly, that's an issue for the environmental panel.

Q. So, in your view of orderly development, the environment is not one of the factors you're considering?

A. It's not in the SEC rules under the definition of "orderly development of the
Q. Easton ordinances were carefully crafted to cover the gaps in DOT and DES regulations. Would you consider orderly development for Easton to have the SEC preempt its ordinances while offering nothing of comparable effectiveness?

A. I don't know.

Q. So, this shows a portion of one of the Applicant's 122 exception requests from the conditions set forth in DOT's Utility Accommodation Manual. The Applicant sent these to DOT in the third week of May, but they were not uploaded by the Applicant to the ShareFile site until late July.

Green is the proposed splice vault in a new location. Red dashed lines are very approximate 18-inch HDD bore hole paths. Where these dashed lines ends are the two ends -- lines end are the two proposed 4-by-4 slurry pits in a new location on the opposite side of the road. The very faint gray lines are the existing pavement. The dashed outer lines show the 66-foot right-of-way claimed
by the Applicant here.

Can you see the, quote, "stream edge
provided by Normandeau Associates," end
quote, in this exception request?

MR. IACOPINO: And before you
answer, we're referring to Joint Muni 277,
Image No. 17.

MS. PASTORIZA: Yes.

BY MS. PASTORIZA:

Q. Did you hear my question?
A. No. I was waiting for the question. I
missed the very end of the question part.

Q. Can you see the, quote, "stream edge provided
by Normandeau Associates," end quote, in this
exception request?
A. Yes.

Q. Can you see where the stream goes?
A. Generally, yes.

Q. Why isn't the stream drawn in, in blue?
A. I don't know.

Q. Do you consider it contributing to the
orderly development of towns and watersheds
to submit hundreds of pages of permit
packages to DOT, which are part of the
Application for the SEC and intervenors to assess, which fail to visibly show streams, the most sensitive locations for erosion, sedimentation, run-off and frac-out?

MR. NEEDLEMAN: Objection.

Relevance.

CHAIRMAN HONIGBERG: Ms. Pastoriza, why is this relevant?

MS. PASTORIZA: The location of streams on the route is extremely relevant to the Project. I am unable to see the stream in this diagram.

CHAIRMAN HONIGBERG: You're talking with Mr. Varney here about orderly development of the region. How is this relevant to Mr. Varney's testimony?

MS. PASTORIZA: Water is related to orderly development, quite clearly.

CHAIRMAN HONIGBERG: And this question gets to that how exactly?

MS. PASTORIZA: I don't see how he could have assessed the underground route without being able to see where the streams on the underground route are.
CHAIRMAN HONIGBERG: Why don't you ask him if he knows where the streams on the underground route are.

BY MS. PASTORIZA:

Q. Mr. Varney, do you know where the streams on the underground route are?

A. No.

Q. How could you fully assess the effects of the route on the orderly development of the region, which is to say the water supplies in the towns, if you can't see the streams on the route?

MR. NEEDLEMAN: Objection. Relevance. There's not a single mention in the SEC rules about water resources as this relates to orderly regional development.

CHAIRMAN HONIGBERG: Ms. Pastoriza.

BY MS. PASTORIZA:

Q. Do you consider PFOA contamination to help the orderly development of the towns where it's happening?

CHAIRMAN HONIGBERG: Sustained.

BY MS. PASTORIZA:
Q. Do you consider it to be promoting the
orderly development of towns on the proposed
buried route when the right-of-way widths
shown on the permit packages and exception
requests are based on a survey that has been
rejected by DOT?

A. I don't have any information on that.

Q. So this is from an exception request to DOT
for an exception to the Utility Accommodation
Manual rules because the Environmental Impact
Statement Study of boundaries for burial are
a problem for them.

Do you consider it contributes to the
orderly development of towns on the route
when Northern Pass chooses a burial route
without considering limitations placed on it
by the EIS study area and then ask DOT for
exceptions to their rules due to this
forgotten or ignored federal limitation?

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIBERG: Ms. Pastoriza.

MS. PASTORIZA: There is
disorderly development occurring on this route
as we speak, and I'm wondering what
Mr. Varney's opinion on that is.

A. I don't have an opinion.

BY MS. PASTORIZA:

Q. Appendix 41, Page 10, you state in reference
to Cape Horn and other state parks that would
be affected by the Project, quote, "The
Project will not interfere with or have an
adverse impact on conservation land and will
not alter the ongoing, long-term management
use or public assess to these parcels," end
quote.

Do you present any evidence to support
your statement of "no adverse impact" on this
unique state park?

A. First of all, I would note that the Visual
Impact Assessment work was done by a visual
expert. So, in looking at the issue of
prevailing land uses along the right-of-way,
there was no evidence to suggest that there
would be an adverse effect on the continued
use of those properties.

Q. Do you present any evidence to support your
statement of "no adverse impact"?
A. Again, there's no basis for saying that there would be any adverse effect on adjacent land uses along the right-of-way and prevailing land uses along the right-of-way, especially considering the fact that this is using existing transportation and electric utility rights-of-way in this area.

Q. So, other than Mr. DeWan's assessment, you don't offer any support for that statement?

A. I believe I've answered the question.

Q. Since we do not yet know if Cape Horn was identified as part of a cultural landscape, how can you have completed your assessment of "no effect"?

A. Again, it's within an existing, disturbed, pre-existing electric utility corridor. There is no change in land use.

Q. So any transmission line in an existing corridor has no effect on orderly development?

A. Generally speaking, as I've stated previously, use of existing corridors is a sound planning principle and is generally considered orderly development as one factor
in reaching a conclusion relative to orderly
development of the region.

Q. So any transmission structure in a
transmission corridor fits in with your
definition of orderly development?

A. Every project needs to be reviewed on its own
merits.

Q. But generally, a transmission structure in a
transmission corridor is fine for orderly
development.

A. Generally speaking, it's a sound planning
principle.

Q. So, Route 116 in Easton and Franconia dates
two layouts between 1798 and 1838. If the
massive infrastructure of Northern Pass were
buried and bored under and alongside this
unbuilt road, do you know if it could still
qualify as a historic road, an integral part
of the National Register-eligible Ham Branch
Valley Cultural landscape?

A. I don't know. That's a question for a
historic archeological consultant.

Q. Mr. Oldenburg described Route 116 as an
"unbuilt road." Do you know if DOT would
consider Route 116 a previously disturbed corridor?

A. I don't know.

Q. Do you know if DOT has a definition of a "previously disturbed corridor," which is how you describe Route 116?

A. I don't.

Q. So your description of Route 116 as a "previously disturbed corridor" is --

A. Obviously when there's a road there, that's previously disturbed.

Q. So your definition of "previously disturbed" is anywhere where there is a road?

A. Where it's not in a natural condition and is already being used for purposes of providing a continuous corridor.

Q. So you don't make the distinction Mr. Oldenburg made between a "built" and "unbuilt" road.

A. Not for the purposes of orderly development analysis.

Q. Have you looked at the road on the New Hampshire Granit LIDAR?

A. Probably. I can't remember time frames.
MS. PASTORIZA: Can you turn the ELMO on?

MS. MONROE: It's up, Christine.

MS. FILLMORE: Go ahead.

BY MS. PASTORIZA:

A. This is a section of the 74-page Programmatic Agreement that describes a protocol for ongoing identification of historic resources. It states here that the cultural landscape documents Ms. Widell is to be questioned on need to be reviewed by DOE, USFS, USACE, ACHP, which is the American Council on Historic Preservation, National Park Service, New Hampshire SHPO and Vermont SHPO -- and that's state historic preservation offices -- with comments by these agencies submitted to DOT within 30 days. After this, these documents will be posted on the Confidential Consulting Parties site for Consulting Parties to review with 30 days' comment period. Programmatic Agreement here states that these documents will not be made available to the public until after review by all these groups.
Would you consider it could interfere
with the orderly development of towns on the
proposed route if the Applicant violated the
Programmatic Agreement by making these
reports accessible [sic] to SEC intervenors?

MR. NEEDLEMAN: Objection.

Relevance.

CHAIRMAN HONIGBERG: Ms.

Pastoriza.

MS. PASTORIZA: I think
violating the protocol of the PA is relevant to
the orderly development of the proceedings and
the towns who have to look at the information
in them in the appropriate way.

CHAIRMAN HONIGBERG: I'm sorry.

That objection is sustained.

BY MS. PASTORIZA:

Q. If these are confidential draft documents,
would you consider that having a witness
questioned about these in the public record
could interfere with orderly development of
towns on the route?

MR. NEEDLEMAN: Is that a
question to Mr. Varney?
MS. PASTORIZA: Yes.

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: Sustained.

MS. PASTORIZA: That's it.

Thank you.

CHAIRMAN HONIGBERG: Ms. Fillmore.

MS. FILLMORE: Two minutes.

CHAIRMAN HONIGBERG: Off the record.

(Pause in proceedings)

CROSS-EXAMINATION

BY MS. FILLMORE:

Q. Hello, Mr. Varney. I'm Christine Fillmore, and I'm representing several municipalities here, and I'm the spokesperson for Municipal Group 2.

MS. FILLMORE: Dawn, can you turn on Apple TV?

BY MS. FILLMORE:

Q. I'd like to start by going back to something that Mr. Whitley asked you about this morning. And I believe you said in response to a question from him that one aspect of
orderly development is the economic effects of the Project; is that correct?

A. Yes.

Q. And you testified this morning that there's no evidence that the Project would hinder future economic growth; is that correct?

A. I believe that the record shows that the Project would provide substantial economic benefits.

Q. Have you reviewed all of the evidence on that issue that has been provided to this Committee?

A. I reviewed the information that was developed by Julia Frayer.

Q. What's up on the screen right now is Sheet 131 of the Project maps. This is part of Applicant's Exhibit 201, and it's Sheet 131. This is the town of Bristol, a portion of the town of Bristol. I'm going to blow it up just a little bit here. On the right side, do you see where the transmission line goes across --

A. Yes.

Q. -- through the middle? Okay. On the right
side there are two roads that come together.
I will represent that the top one is Peaked
Hill Road and the bottom one which is labeled
is Old Stage Road. Do you see that?
A. Yes.
Q. The parcel of land where the cursor is
hovering right now is, I will represent to
you, owned by the Worthen family. That is
75 Old Stage Road. And as you can see on the
map right here, there are some existing
structures that go along that property, the
purple dots. Do you see that?
(Witness reviews document.)
A. No. Are you over near El15 or -- oh, now I
see it.
Q. Okay. There are several purple dots. And
then there's one -- the top orange line with
the red dots, those are the proposed
structures?
A. Yes.
Q. Okay. And I can scroll back to the diagram
that shows it, but I will represent to you
that the current structures are 55 feet high,
and the proposed structures would be 85 feet
high in that location. Do we need to go back and look?

A. No, I see that. I was looking for dots and they were squares. I'm sorry.

Q. Oh, I apologize. They look a little fuzzy to me right now.

Are you aware that the owner of this property, Mary Parker Worthen, appeared to give this Committee her comments on July 20th, Day 14?

A. No.

Q. So you don't know that she explained, among other things, that she's interested in using this property to host weddings?

A. No.

Q. Here you can see what I will represent is marked as JT MUNI 290 is a photograph of her property in that corner. And I will also represent, hypothetically, if you could assume that this is where she would be planning to hold weddings. So, since you were not aware of her testimony or her comments, I imagine that you're not aware that she told this Committee that if the
Project would be built, it would have a negative impact on that plan. Is that correct, that you're not aware of that?

A. I'm not aware of that.

Q. If the Project were built and if this business opportunity were lost, wouldn't that be a negative economic impact as a result of the Project?

A. When we look at orderly development of the region, we look on a much broader scale than that, as opposed to zeroing in on each individual site and speculative future uses. The focus is on existing land use, which in this case appears to be residential with some agricultural and forestry use. And those uses would certainly be able to continue with the Project located in the existing transmission line corridor.

Q. So what I'm hearing you say is this sort of information regarding the potential impact of the Project on a future use of property in the area is the sort of thing you simply disregard as unimportant to your analysis?

A. As part of this broad analysis of a long
transmission line, we can't speculate about every potential future use of a property in the future. We look at prevailing land use and what effect this may have on existing land uses along the corridor. And based on what I see in this picture, I see no reason why this site could not continue to serve residential, agricultural and forestry uses in the future.

Q. You said you don't look at every potential use. Did you look at any potential uses?
A. I don't know of any way to collect information about every future use that a property owner may consider or a future owner may consider. We look at the prevailing land uses along the right-of-way, and there's no basis for suggesting that this would interfere with the continued use at this property.

Q. I'm going to switch gears a little bit and go to meetings that you held with planners. And what I'm hopefully going to bring up is what has previously been marked as Joint Muni 160. I believe it's also marked as -- sorry.
There we go. I believe it's also been marked as Counsel for the Public 471. And I'm going to go down to Page 4, which is the record of your meeting with the North Country Council Planners.

A. Yes.

Q. And I'd like to look under Discussion, No. 2. It says the biggest concern that they have heard from towns is the visual impact of the Project on scenic resources and the effect that will have on property values and tourism. Do you see that?

A. Yes.

Q. Did you meet with the North Country Council again after the Application was filed to see whether these concerns had evolved or changed?

A. No. I spoke with the executive director of North Country Council after the August, late July or August announcement of the route change and indicated an approximate time frame for when an application was likely to be submitted.

Q. So, "No" is your answer.
A. No.

Q. And then No. 3, "NCC staff is very concerned about the cumulative impact of large projects, such as transmission lines and wind farms, on tourism and scenic resources." Did I read that correctly?

A. Was there a question there? I'm sorry.

Q. Did I read that correctly?

A. I believe so, yes.

Q. Where in your report is this concern noted?

A. It was not noted in the report, but it was considered.

Q. And let's look at what your report says about the North Country Council and its regional plan. This is part of Applicant's Exhibit No. 1, Appendix 41. This is Section 5.1.1. In the highlighted area it says -- there we go. I won't read it out loud, but it's the third paragraph down. And it talks about one of the most important regional assets noted in the regional plan is the rural landscape. The plan recommends NCC advocate for protecting these resources, as well as the region's iconic and popular viewsheds, and
ensure that economic and cumulative impacts
are considered in proposals for large
transmission lines. Do you see that?
A. Yes.

Q. Does the report actually say anywhere that
North Country Council staff was "very
cconcemed about the cumulative impacts" of
large projects?
A. This section was a description of the North
Country Council's regional plan, and that's
what this is describing.

Q. So, "No" is your answer.
A. No.

Q. So if this Committee relied only on your
report, it would have no idea that you were
actually told that the North Country Council
planning staff was "very concerned about
cumulative impacts," would it?
A. If one relied solely on that, on that summary
of the plan.

Q. Okay. Going back to Joint Muni 160, Page 4,
No. 4, it says, "The Connecticut River
Headwaters Subcommittee would like the line
to be buried under the Connecticut River."
1 Do you see that?
2 A. Yes.
3 Q. I would like to bring up Joint Muni -- what
4 will be marked and distributed as Joint Muni
5 216. This is an e-mail from Tara Bamford,
6 who until recently worked for the North
7 Country Council, to me, from February 27th of
8 this year. And she says, "I don't remember
9 saying that Headwaters just wanted it buried
10 under the river. They very strongly oppose
11 the Project in its entirety, but feel if it
12 is approved, it should be buried for the
13 entire length." Do you see that?
14 A. Yes.
15 Q. Does that change your recollection of what
16 happened during that meeting?
17 A. No.
18 Q. So it's your contention that you were told
19 that they only wanted it buried under the
20 Connecticut River?
21 A. That was the issue that stuck in my mind when
22 we were in that meeting. That was an
23 important consideration for them. It was not
24 intended to describe overall support or
opposition, but rather, what issues of concern, detailed issues of concern were being raised. And that was one of them, which eventually was addressed by their revised proposal.

Q. And you've told us you haven't met with anyone from North Country Council since the Application was filed. So you don't know whether they're more or less concerned now that all of the details that are available have been made available to everyone.

A. I attended the public hearing held by the SEC in which the new executive director spoke at the hearing, and also reviewed written materials.

Q. Do you know if they are more or less concerned about the cumulative impacts of this Project than they were when you met with them?

A. No.

Q. I'd like to turn now to your meeting of August 26, 2015 with Sharon Penney, who was at that time the planner in Plymouth. And as soon as I can turn to that page, I will.
(Pause)

Q. This meeting occurred before the Application was submitted; correct?

A. Excuse me. I'm sorry. I didn't catch that.

Q. This meeting occurred in August of 2015. So that was before the Application was filed; correct?

A. Yes.

Q. The first bullet point says that Sharon Penney -- sorry. Where was it? Oh, here we go. Fifth bullet. Sorry. "Sharon encouraged/requested Bob to meet with Paul Freitas, the town administrator, to discuss the SEC process." Did such a meeting ever happen?

A. No, because other members of Eversource were meeting with them.

Q. In the fourth bullet down, it says Sharon mentioned a few items that could be examined. And No. 2 is "examining alternatives near the theater where the corridor is tight."

Did you discuss alternatives regarding burial of the Project near the theater, which I assume means the Flying Monkey?
A. Yes.

Q. And what was the substance of that discussion?

A. She indicated that some of the issues that were potentially going to -- that should be explored were trying to avoid going down the main street and, instead, going behind those buildings. My understanding is that Eversource tried to discuss that option with the Town of Plymouth, but the Town would not discuss the option with them. The water and sewer main upgrades along Main Street appeared to be an opportunity, if the Main Street corridor were to be used, that the 100-year-old-plus pipes with water and sewer could potentially be replaced at the same time. And there may be an opportunity to partner on that option as well. My understanding is that the town did not want to discuss that issue, but now there's an MOU with the water and sewer district to examine that option as well. And there were -- that there were some options that made sense to her that ought to be explored.
And my understanding is that Eversource was more than willing to explore those options to partner with the town and that the town did not want to engage in a discussion on those options.

Q. When you talked with Ms. Penney, how detailed were the plans at that time? Let me clarify my question.

A. I can't recall.

Q. Do you think -- strike that.

Do you know if Ms. Penney knew in August of 2015 how long the construction phase was proposed to take?

A. Perhaps not, except for the fact that she, in her career experience, I'm sure, had been involved in communities where there were road improvements and water and sewer improvements, and she also had an understanding of the infrastructure in Plymouth.

Q. Do you know if she had been given information at the time of the meeting about the construction envelope, by which I mean the physical space that would be required to
bring in the construction equipment, and how that might impact traffic and parking on Main Street?

A. I didn't provide her with construction information.

Q. Did you meet with Ms. Penney or her successor in the planning department, Mr. Murphy, to discuss the town planning department's concerns after more detailed engineering plans were available that clarified the extent of the construction phase?

A. No. The involvement with the town was being undertaken by Eversource representatives.

Q. Do you think it's possible that as the plans became more detailed, that the Plymouth planner might have had a better understanding of what the Project would actually involve?

A. I believe the planner had a good conceptual understanding of the Project and some of the issues and challenges, and then brainstorming, had some options that ought to be examined that may provide benefits to the town and the Project and be less impactful.

Q. Are you aware that Ms. Penney submitted
prefiled testimony and supplemental prefiled testimony in this matter?

A. Yes.

Q. I'd like to take a look at what has been previously been marked as Joint Muni 106, which is Ms. Penney's supplemental prefiled testimony. And I'd like to look a bit at what she talked about with respect to the construction phase of the Project. I'm going to Page 6. And let's look at Lines 3 through 10. And the question is: "You've stated there will be negative economic impacts during construction. Please explain why."

And at the risk of summarizing incorrectly, and please tell me if I'm wrong, her concerns were that there are few viable options for access to Main Street businesses during construction on Main Street, that Main Street is the connector route to many parts of town. Inability to drive down Main Street or park there and walk to businesses make it less likely that people will do that and that businesses are very concerned. Is that somewhat of an accurate summary?
A. Yes.

Q. Are you aware of the concerns raised specifically by Plymouth businesses in this matter?

A. Yes, I am. I spoke with Louis Karno Company, a company that was involved with the city of Concord in the redevelopment in downtown Concord, which by all accounts was a success. They've been engaged by Eversource to work on outreach with local businesses in communities that are affected by the Project, in terms of the business community. And they have been speaking with businesses in Plymouth and will continue to do so.

Q. I'd like to bring up Joint Muni 200. Well, I'm going to try to do that.

This is a set of e-mails and letters that have been provided by business owners in Plymouth to Ms. Penney. Are you aware of these letters? Have you seen them before?

A. No.

Q. I just want to look at one of them. This is an e-mail from Sheridan Buhrman, who owns two businesses in Plymouth, the Pemi Valley
Laundry and the Lucky Dog Tavern and Grill. And in this e-mail he talks about his concerns regarding the disruption to his businesses.

In the second paragraph he says, "We do a lot of business with PSU students until they graduate in May. In June, there is Motorcycle Week, which is a big week in the restaurant business. The summer tourism season starts in late June and runs through late August, and then PSU students return. The busiest time in the Pemi Laundry is July and August when we have our summer camp business." Skipping a sentence. "We can't take a day off for construction during this time because we are operating at full capacity every day." And it goes on in a similar manner.

Did you consider any of these possible long-term effects on businesses when you developed your opinion about the effect of construction?

A. I did review the testimony of Lynn Farrington from Louis Berger relative to the development
of traffic control plans and traffic
management plans, and did review some of the
information relative to the construction
along the roadway. And I would say, based on
my knowledge of this, the Applicant fully
understands the importance of working with
the business community, in addition to the
town and the DOT in this area, that it needs
to allow for access and adequate parking, and
they need to develop a plan in partnership
with the town and the businesses to minimize
the impacts as it progresses down Main
Street.

Q. So my answer to whether you considered it is
that you've read Ms. Farrington's report.

A. And I've talked to Louis Karno Company as
well, and they reported on the results of
their discussions with the businesses in
Plymouth.

Q. I'd like to turn to a different town for a
moment. And I'm going to bring up what will
be marked and distributed as Joint Muni 285.
This is a copy of an article from Wednesday's
Union Leader. Should be up on the screen.
Have you seen this article?

A. No.

Q. I will represent to you that it is by Katherine Cote, who is an owner of Polly's Pancake Parlor. Are you familiar with that business?

A. It's one of my favorites, and one of the favorites in our family. Yes.

Q. And I will represent to you that, for the sake of time, that this letter which was printed in The Union Leader expresses concern regarding the impact that the construction phase in and around the Sugar Hill and Franconia area will have on local businesses, including hers.

A. Yes.

Q. I would like to go down to the second page, where she says that, using Polly's as an example, from April to October 2016, Polly's served 71,031 customers out of a total of 93,500 thousand for the year.

A. And they've recently expanded. Yes.

Q. "As you can see, the bulk of our business," she writes, "comes during those six summer
months, driven largely by tourists from outside the area."

Is it your understanding, Mr. Varney, that the construction phase -- the construction activities will occur during the summer?

A. During the construction season.

Q. Which is roughly April to October.

A. Yes.

Q. So, during this time when Polly's Pancake Parlor asserts that they make most of their money.

A. Yes. And again, Eversource understands the importance of traffic flow in Franconia, and they will be working to try to minimize any temporary impacts associated with construction, just as DOT and even municipalities do in carrying out projects in the roadway.

Q. Have you considered concerns such as those expressed here at the top of Page 3, that if business is impacted, they will need to lay off employees?

A. That's an issue for businesses. I don't have
any basis for disagreeing with that statement. I don't know. It's speculation in terms of how much of an effect there would be and how much traffic interruption there is when it occurs, and how long the temporary impacts are within that specific area. I assume mostly near the intersection and coming off the interstates as well.

Q. Did you know that Ms. Cote, who wrote this article, spoke at a public comment session here in July?

A. No.

Q. Did you know that she submitted with her comments, letters and e-mails from 75 business owners and operators in the Franconia/Sugar Hill area, which are posted on the SEC web site?

A. Again, I know that Louis Karno has been reaching out to those businesses to try to work with them, identify their issues of the concern, and try to ensure that there's very good communication and partnership in minimizing impacts on businesses.

Q. Have you read any of those letters?
A. I don't believe so.

Q. We can look at one of them. And what I'm bringing up now is not marked as an exhibit, but it is posted on the SEC's web site. Public comment statement of Katherine Aldrich Cote. And I only want to look at the first one after her letter, which is a letter from Tom and Melissa of Heath's Greenhouse & Nursery in Sugar Hill.

And do you recall that in July there was a strong rainstorm in New Hampshire that caused some flooding up north?

A. Yes.

Q. So this letter states, "We are a small plant nursery located on Route 18 in Sugar Hill and have served the local community for over 28 years. During the first week of current Route 18 closure" -- which I'll represent to you was related to that rainstorm -- "our revenue was down 90 percent. During the second week of road closure, there has been one customer to date. Due to the current road closure, if this continues at the current rate, we are looking at a loss of
$7,000 to $10,000. So, in closing, if this is an indication of what might happen to a small business in the area if roads and travel interruption occur for longer periods of time, we are all in trouble."

So is this the sort of concern of
potential impact that you would not take into account because it's speculative and something that --

A. No, there's a recognition that there will be temporary impacts associated with
construction, and there's also the knowledge, as is outlined in Bill Quinlan's testimony, that there will be a business loss guaranty, where businesses that can document any loss of business during the temporary construction in the vicinity of their businesses will have an opportunity to be reimbursed for any loss and be -- help ensure that those businesses are not adversely affected economically.

Q. If there were businesses along the route that went out of business because of the construction disruption, would that be consistent with your opinion here, that the
Project will not unduly interfere with the orderly development of the region?

A. That's pure speculation. There are many, many reasons why businesses go out of business. And again, I think that the key is that the Applicant is committed to working with the business community in the areas where there's undergrounding. They're providing an opportunity for those businesses to be reimbursed if there is any loss of revenue associated with the Project. And they're going to make every effort with traffic management and traffic control plans to minimize impacts, allowing for access and minimizing delays associated with the construction.

Q. I'd like to go back to Ms. Penney's supplemental testimony, if I can find it.

A. Where in the route is that picture, by the way?

Q. I wish that were on the route.

All right. This is still Page 6 of Ms. Penney's supplemental testimony, Joint Muni 106. And on Line 11, "During the technical
session, Counsel for the Public asked you to look at maps showing where the drilling pits would be." When he asked you to describe the area on two of the maps, what was your response? Have you read this?

A. Yes.

Q. Do you know where the HDD drill pits will be created in downtown Plymouth?

A. No.

Q. Do you know how much space the drilling operation would require in that location?

A. No.

Q. On top of Page 7, Counsel for the Public explained that both pits will be in excess of a thousand feet long, with long entrance and exit pits. He asked if Route 3 were blocked for two to three weeks in one or both of these areas, what would be the effect? Have you looked at the issues that detours could create in this area related to those HDD locations?

A. No. I reviewed the testimony of Lynn Farrington and the commitment to meeting all of the New Hampshire DOT requirements and
other protocols to ensure that impacts to
traffic are minimized with anything
associated with the Project.

Q. Did you consider letters from planning boards
in your analysis?

A. Yes.

Q. Let's look at one of them. This is from a
document previously marked as Joint Muni 95,
I believe. It is testimony from Jim Collier
of the Whitefield Planning Board. And this
is a letter dated September 8, 2015. Have
you seen this letter?

A. Yes.

Q. Had you seen it when you prepared your
original report?

A. Perhaps not --

Q. I can scroll up a little.

A. -- given the timing of it. But I have seen
the letter.

Q. Had you seen it by the time you prepared your
supplemental report and testimony?

A. Oh, I'm sure I did, yes.

Q. And do you see in the first paragraph it
says, "The Whitefield Planning Board has
great concern regarding the effects of the
proposed Northern Pass Transmission Project
would have on our town"?

A. Yes, and they would like to see it buried in
Whitefield.

Q. And in the second paragraph, their concern
about the height of the transmission towers.
And then in the third paragraph, do you see
it says this transmission project does not
fit with Whitefield's master plan?

A. Yes.

Q. Where in your report is that concern noted?

A. The review of master plans was taken from the
existing master plans that they have on
record. It was not intended to be
regurgitation of all the concerns that have
been raised. It's well known that a number
of communities have said that they would like
to see the Project buried. And it's also
well known that there were concerns about
visual impact, which of course have been
evaluated by an expert in the field, and
other potential impacts that may occur.

I'm very familiar with the Route 3
crossing in Whitefield, the commercial uses that are there, as well as the substation. And I respectfully disagree with the conclusions that they've raised here, notwithstanding the separate Visual Impact Assessment by Terry DeWan.

Q. You didn't meet with any planning boards to discuss this project, did you?

A. No, but I listened very carefully to planning boards who spoke at open houses and hearings, and listened very carefully not only to whether or not they were opposed to the Project, but I listened carefully to the reasons for their opposition, their concerns about the Project, and what the record showed relating to the concerns that they had identified, or the assumptions that they were making in reaching their conclusion. So I took that very seriously and did consider those views, as well as the documentation in the record that relates to those concerns.

Q. The documentation that was available before you prepared your report; correct?

A. Yes, and since then with the supplemental
report, and since then, sitting here today.

Q. But you didn't meet with anyone other than
the professional planners, did you?

A. That's correct.

Q. Does the rule say "professional planners"?

A. The rules don't require you to meet with
anyone. The rules require that the
Application include any written materials
from local or regional planning commissions
or local governing bodies that the Applicant
is aware of.

Q. So it was an extra step to meet with the
professional planners.

A. Yes.

Q. But not one that you felt was important
enough to do with unprofessional planners, I
guess you might call them.

A. Well, I knew that it was -- I heard many of
the planing board representatives and
selectmen representatives speak at multiple
public meetings and open houses, and also
read letters on the record that were
submitted as part of the draft EIS process,
the scoping process for the EIS, and anything
provided to the SEC. So I had a good perspective, I feel, on the issues of concern, most of which were visual.

Q. Pardon me while I find my exhibit. This is also part of Joint Muni 95. What's on the intervene now is a letter of October 9, 2013, from the Whitefield Board of Selectmen to the Department of Energy. Have you read this letter?

A. Yes.

Q. In the first paragraph, halfway through it says, "However, we are also most concerned that our fragile tourism economy of Northern New Hampshire not be adversely impacted by the above-ground transmission line. We have lost our paper mills and furniture manufacturing in Western Coos County, and we have to rely more than ever on the natural scenic beauty of our area and tourism, such as offered by our Mountain View Grand Hotel in Whitefield." Do you see that?

A. Yes.

Q. Did you take this account into your analysis; and if so, where in your report is that
reflected?

A. First of all, in the introduction to the
report, and I believe probably in the
testimony as well, I indicated that I
reviewed the records for the Draft EIS that
were submitted by communities and factored
that into my thinking, in terms of reviewing
the issue and the concerns that had been
expressed.

Q. What I'm bringing up now is Joint Muni 208.

It is the Prefiled Testimony of Nicholas
Coates, the town administer in Bristol. And
I'm looking at a letter dated October 3rd,
2013. Do you see that?

A. Yes.

Q. Have you read this letter?

A. Yes.

Q. This is a letter from the Bristol Board of
Selectmen, I believe. In Paragraphs 2 and 3
it discusses their concerns about the
Project.

A. Yes.

Q. And the last paragraph on this page begins,
"As stewards of our town, we have a
responsibility to honor the objectives stated
in our town's master plan, which include
safeguarding the rural quality of Bristol,
conserving and showcasing our natural assets,
maintaining the economic viability of
Bristol's lands and forests, and maintaining
the health of natural systems that support
life in Bristol. The impacts of this
proposed project run counter to those stated
objectives and, in fact, counter to the
scenic beauty that many towns in New
Hampshire strive to protect."

Where in your report is it noted that
you considered these concerns and found them
not significant enough to affect your
opinion?

A. Again, I indicated in the methodology that I
reviewed all of the letters that were
submitted to DOT under this docket and were
on the DOE web site for this project. And I
considered the issues that are raised, which
in this case are visual impact, which was
addressed by the visual impact expert, the
issue of concern about property values, which
were addressed by Dr. Chalmers, and I reviewed his report, and I looked at prevailing land uses along the right-of-way, as well as the overall town master plan, which didn't mention the transmission line in it, and felt that the Project, during this proceeding, would fully evaluate and consider the very issues that have been expressed in this letter.

Q. What I'm bringing up now is Joint Muni 278. This is a letter dated November 20, 2015, to the Site Evaluation Committee from Edwin Mellett, the Chairman of the Northumberland Conservation Committee. Have you read this?

A. Yes.

Q. Am I correct that the proposed route would cross Lost Nation Road and Page Hill Road in Northumberland? I can bring that up from your report if your recollection needs refreshing. Actually, why don't I do that.

A. Yes.

Q. This is from Applicant's Exhibit 1, Appendix 41, Page A-24.

(Witness reviews document.)
Q. The right-of-way continues across Lost Nation Road, and the right-of-way crosses Page Hill Road. Do you see that?

A. Yes.

Q. In the letter of November 2015, the Northumberland Conservation Commission states, if I can find it... here on the second page, "This town and the North Country has changed, and our survival now depends on tourism. The town has endorsed the Ride the Wilds project and have opened both Page Hill and Lost Nation Roads to ATVs. Lost Nation Road is one of the most scenic in the state. If this project is allowed to proceed, it is noted that some of the tallest towers are planned for the crossing of Lost Nation Road."

Have you considered that comment in forming your opinion?

A. I am aware of this concern, and it's a visual impact issue that was beyond my scope and was considered by the visual impact team on the Project.
Q. Did you consider the concern raised here about the survival of the town depending on tourism?

A. Yes, and I considered the prefiled testimony of Mitch Nichols, who looked at tourism and concluded that there would not be a significant negative effect on tourism associated with the Project.

Q. Your report discuss scenic roads; right?

A. Yes.

Q. And not all towns have formally designated scenic roads; correct?

A. Correct.

Q. You state in your report on Page A-23, which I will bring up here, and this is about Northumberland, the highlighted part, "Current economic opportunities include re-use of the Groveton paper mill site, a local racetrack" -- oops, this is not actually what I meant to bring up. That's not the page I meant to bring up. What I meant to bring up was the section that said that Northumberland does not have any designated scenic roads. Do you recall that
that's correct?
A. I don't recall. Some towns listed scenic roads on their web site. Some did not have that information. Sometimes if you were to call the town, they may not know. And it's unfortunate that the state doesn't have a single list that perhaps could be updated for the state. But it's done on an individual town-by-town basis.

Q. So, turning back to Northumberland, it was on this page. I just brought up the wrong highlighting. The blue part at the bottom of the page, "Northumberland does not have locally designated scenic roads listed on the town web site or within the master plan."

Correct?
A. That's my understanding.

Q. We just discussed the fact that the Project would cross Lost Nation Road; correct?
A. Yes.

Q. Would it surprise you to hear that Lost Nation Road is considered by many people to be a very scenic, pleasant road?
A. Yes -- no, it would surprise me. But the
reference here is to officially designated
local scenic road, designated by the town.

Q. So, if something is not designated, does that
mean the town simply doesn't care about it?

A. No. I think towns are interested in all of
their roads. And this is in reference to
scenic roads that have been designated at the
local level as opposed to a state-designated
scenic road.

Q. Do you know whether Lost Nation Road is a
state road or a town road?

A. I can't recall.

Q. If I represent to you that it's a state road, and the Town of Northumberland is powerless
to designate it as a scenic road, would that
have any impact on your opinion?

A. It's simply stating the fact here that the
town does not appear to have any locally
designated scenic roads listed on the town
web site or within the master plan. We were
looking for that, and it didn't seem to be
there.

Q. Well, let's turn to one that does. The town
of Bristol, on Page A-71 in your report. In
the third paragraph you note that the Town of
Bristol web site identifies Hemphill Road,
New Chester Mountain Road, Peaked Hill Road
and Smith River Road as locally designated
scenic roads. Do you generally recall that?
A. I don't. But if -- I can't recall.
Q. Okay. Are you aware that the Project route
would cross Peaked Hill Road?
A. I would need to go back and look at the
report.
Q. If you give me a moment, I will bring it up.
A. Okay.

(Witness reviews document.)
A. Yes, I see it now in the report on Page A-71.
Q. Okay. And now we do, too.
Are you aware that the Project route
would cross Peaked Hill Road?
A. Yes.
Q. We looked at map a while ago that had that on
there.
A. Yes.
Q. So here we have a town that has designated
scenic roads, and the Project route would
cross one of those roads.
So my question is: Other than noting in the report that a particular road has been designated as a scenic road, did you actually consider what the impact of the Project would be on that particular scenic road?

A. Yes. And we looked at whether or not the Project was crossing the scenic road at an existing crossing, and it is. So there's no new crossing of a locally designated scenic road. It's within the right-of-way that already exists, that already has structures in it.

Q. So would I be correct in saying that it would not have any different impact on the public's use and enjoyment of that scenic road?

MR. NEEDLEMAN: Objection. That relates to the aesthetics analysis.

CHAIRMAN HONIGBERG: Ms. Fillmore.

MS. FILLMORE: I'll withdraw the question.

CHAIRMAN HONIGBERG: Okay.

BY MS. FILLMORE

Q. What weight do you give to the fact that
something has been designated as a scenic road?

A. A designated scenic road allows for a process to avoid surprises; that if there's going to be substantial tree cutting by the town road agent or someone, or impact on the stone walls, things of that sort, that people will not be surprised, and that a public hearing or public information meeting be held prior to the work being done. Much of this was in reaction, at least my understanding of it, being an older planner here, is that there had been concerns about clearing along roadways and people being surprised. And so the idea is to take public input into account and ensure that their concerns are considered. But it's not a prohibition against work being done on a scenic road. It's a process.

Q. I think my question was more what weight did you give it in your analysis of whether or not this project would have undue -- would unduly impact orderly development. And I think that I'm hearing you say that it was
that your analysis looked mostly at whether
or not a scenic road would be crossed at an
existing crossing.

A. Yes, that's correct, along with the
understanding that visual impact work would
be done by a qualified visual impact expert.

Q. I'd like to talk about master plans now for a
few minutes. You said earlier today that you
scoured the master plans and you didn't see
any references to transmission lines;
correct?

A. There were some references to transmission
lines as a land use. Sometimes in town land
use tables it might have a calculation on
acreage for an existing utility right-of-way
or may mention the existence of a electric
utility line or gas pipeline in the
community. But I didn't see any reference to
transmission lines as a major factor in
the -- as a planning consideration in the
town plans.

Q. Do you think that that means a town
necessarily has no concerns about
transmission lines, or do you think it's
possible that they had simply not considered
the possibility of a project such as this
one?

A. I can't speculate on that. I try to stick to
the facts and what appeared in the master
plans and whether or not there was commentary
about it as a land use planning
consideration.

Q. You did reach a conclusion, though, did you
not, that because they were not mentioned as
an item of concern, that they were not an
item of concern?

A. Well, I explained earlier that a major factor
was use of existing corridors and use of
existing rights-of-way, and also an
understanding that other issues such as
visual impact would be addressed during this
process, that it's a required part of the
evaluation of the Project.

Q. Let's look at a couple of the master plans.
I apologize for the whiplash this may give
you.

I'm bringing up Joint Muni 115, which is
the Prefiled Testimony of Nick Coates, the
town administrator of Bristol. And if there were a better way to get to Page 15, I would be using it.

This is the Vision section of the Bristol Master Plan. And the first bullet here -- the bullet points represent the items that the town has set forth as its vision. The first bullet is to safeguard the rural quality of the town of Bristol. Do you see that?

A. Yes.

Q. And the last sentence here says, "Growth is inevitable, but it needs to be directed in such a way that the rural character which attracts both visitors and new residents to our community and to the region is maintained and enhanced."

Why did you determine that the Project is compatible with this goal?

A. It's located within an existing electric utility right-of-way and reinforces existing land use patterns, does not change land use in the community.

Q. And the third bullet point is "Build to
create enduring value and beauty." And would I be correct in assuming that your answer to the question, "Why is the Project compatible with this goal?" would be the same?

A. This is a visual assessment-type issue which was not part of my review. And I would just say that all communities want to have an attractive community, and there are many attractive communities in this state that have electric transmission lines in them.

Q. I had planned to look at a couple more master plans, but I think instead I'd like to skip to this question, which is in your report on Page 30. This is Applicant's Exhibit 1, Appendix 41. On Page 30 you note, if I can find it, this paragraph here, "Generally, municipal master plans contain broad goals about development topics such as land use, economic development and the environment." And the last sentence says, "The Project also supports goals to preserve open space by locating within or along already developed utility roadway corridors and going underground in key locations"; correct?
A. Yes.

Q. Based on what you said here today in response to my questions and others before me, so long as the route is within an existing corridor or underground, does it matter if the Project is in conflict with any other specific goals of the provisions of the master plan?

A. The master plan is not a regulatory document. It's a broad vision for the community, and it provides some goals and objectives for the community, and then the community develops action steps to try to achieve those goals. It's not intended to be used as a tool for the review of a specific project.

Q. I'm sorry, Mr. Varney. You didn't answer my question.

A. I'm sorry.

Q. So long as the route is in an existing corridor or underground, does it matter if a project is in conflict with any of the other provisions of the master plan?

A. I can only speak to this project and say that I did not see it being in conflict with any of the master plans that I reviewed.
Q. If it had been, would it matter?
A. I can't speculate. It would depend what the issue of concern was, and it would also depend whether or not any actions were taken to address those concerns.

Q. And there's one last thing I'd like to discuss, which is that the -- other than the land use portion of orderly development, you relied on the Applicant's other experts for effects on property values, property taxes and tourism, as well as Ms. Frayer's work regarding local economic impacts; correct?
A. And Dr. Shapiro's work on taxes, yes.

Q. Right. I thought I mentioned that. And in your testimony, your original prefiled testimony, you stated you recorded -- you relied on Ms. Frayer's work regarding the impact the Project would have on the economy, locally, regionally and statewide; correct?
A. Yes.

Q. Did you do any independent research or analysis on that issue?
A. No. I reviewed her work and relied on her analysis.
Q. And are you aware that Ms. Frayer did not actually analyze the effect the Project would have on the economies of individual towns and cities along the route that were close to the Project?

A. Yes. And of course the requirement for the SEC is orderly development of the region.

Q. And are you aware that, while Ms. Frayer has made predictions regarding the economic impact of proposed transmission line projects in the past, she testified here before this Committee that she has never done that for a project that has subsequently been approved, built and begun operations? Are you aware of that?

A. No. I was not here for that testimony.

Q. And that as a result of that fact, there is no available information to compare her prediction to actual results?

A. I'm not aware of that. I wasn't here.

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

CHAIRMAN HONIGBERG: All right. That pretty much brings us to the end of the day, although Ms. Schibanoff's shoulders just
slumped.

MS. SCHIBANOFF: I didn't move an inch. I don't know what you saw.

CHAIRMAN HONIGBERG: Ms. Schibanoff, how much do you think you have?

MS. SCHIBANOFF: I have 30 minutes, but my ELMO aide and backup have both gone home.

CHAIRMAN HONIGBERG: Yeah, I think we're going to end the day on that note, and we'll be back here tomorrow.

Mr. Reimers, what can I do for you?

MR. REIMERS: Mr. Whitley left, but he tasked me with getting back to you about the October 2nd and October 13 list.

CHAIRMAN HONIGBERG: Ah, yes. Thank you very much.

MR. REIMERS: And I believe that Attorney Needleman is in agreement, that on October 2nd the list that would be filed by intervenors who wish to cross-examine other intervenors would be questions for the Joint Muni -- all the municipal groups, Grafton
County Commissioners, SPNHF, the NGOs and NEPGA, and then on the 13th would be for all the remaining intervenors.

CHAIRMAN HONIGBERG: Is that consistent with everybody's understanding? Seems like it is. I see no hands raised or dissent.

Yes, Mr. Reimers.

MR. REIMERS: And I just wanted to add, I had mentioned to you at break, and you agreed, that nothing needs to be filed for any party regarding Monday's witnesses; right?

CHAIRMAN HONIGBERG: Monday's witnesses are?

MR. REIMERS: IBEW, the business groups --

CHAIRMAN HONIGBERG: That's correct. That's right. Anything else we need to do? All right. Thank you all. We'll adjourn until tomorrow morning.

(Whereupon Day 37 Afternoon Session was adjourned at 5:04 p.m., and Day 38 hearing will resume on September 22, 2017 at 9:00 a.m.)
CERTIFICATE

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

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

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

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SEC DOCKET NO. 2015-06 NORTHERN PASS TRANSMISSION, LLC

DAY 37 - AFTERNOON SESSION ONLY

ADJUDICATORY HEARING

September 21, 2017

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SEC DOCKET NO. 2015-06 NORTHERN PASS TRANSMISSION, LLC  
DAY 37- AFTERNOON SESSION ONLY  
ADJUDICATORY HEARING  
September 21, 2017

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