

1 STATE OF NEW HAMPSHIRE
2 SITE EVALUATION COMMITTEE

3
4 September 21, 2017 - 1:27 p.m. DAY 37
5 49 Donovan Street Afternoon Session ONLY
6 Concord, NH

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

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

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

19 Cmsr. Kathryn M. Bailey Public Utilities Comm.
20 Dir. Craig Wright, Designee Dept. of Environ. Serv.
21 William Oldenburg, Designee Dept. of Transportation
22 Patricia Weathersby Public Member
23 Rachel (Whitaker) Dandeneau Alternate Public Member

24 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

{SEC 2015-06}[Day 37 Afternoon Session ONLY]{09-21-17}

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I N D E X

WITNESS: ROBERT VARNEY

EXAMINATION	PAGE
Cross-examination by Mr. Whitley	4
Cross-examination by Ms. Pastoriza	39
Cross-examination by Ms. Fillmore	99

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X (CONT'D)

EXHIBITS	DESCRIPTION	PAGE
JT MUNI 152	3/12/13 Deerfield Town Meeting Vote	4
JT MUNI 153	Prefiled Direct Testimony of Kate Hartnett	9
JT MUNI 156	Deerfield residents comments	26
JT MUNI 277	Easton Master Plan 2010 and Zoning Ordinance 2012	43
JT MUNI 290	Photograph	102
JT MUNI 160	NCC Outreach Meeting Summary	104
JT MUNI 216	2/27/17 E-mail from Tara Bamford to Ms. Fillmore	108
JT MUNI 106	Sharon Penney Supplemental Prefiled Testimony	114
JT MUNI 200	E-mails and business letters from Plymouth business owners	115
JT MUNI 285	9/20/17 Union Leader	117
JT MUNI 208	10/3/13 Letter from Bristol Board of Selectmen	130
JT MUNI 278	11/20/15 letter to SEC from Mr. Mallette	132
JT MUNI 115	Nicholas Coates Prefiled Direct Testimony	141

1 P R O C E E D I N G S

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

3 CHAIRMAN HONIGBERG: All right.

4 Mr. Whitley, you may proceed.

5 MR. WHITLEY: Thank you, Mr.

6 Chair.

7 CROSS-EXAMINATION

8 BY MR. WHITLEY:

9 Q. Good afternoon, Mr. Varney.

10 A. Good afternoon.

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

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

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

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

23 A. Yes.

24 Q. So this is the 2013 town meeting. And down

1 here, Article 17, you see the warrant article
2 passed by the town in 2013. Have you seen
3 this warrant article, sir?

4 A. I believe so, yes.

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

7 A. Yes.

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

12 A. Yes.

13 Q. And have you reviewed this one as well?

14 A. Yes.

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

19 A. Yes.

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

22 Warrant articles, they were, by the
23 rules, supposed to be part of the Application
24 to the Committee; isn't that correct?

1 A. I believe it's to consider the views if
2 expressed in writing --

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

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

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

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

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

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

21 You see, sir, this is a letter from
22 November 2013 to the Department of Energy,
23 and it is from the Deerfield Board of
24 Selectmen, which is signed on the bottom

1 there. Have you seen this letter before,
2 sir?

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

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

7 A. Yes.

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

10 A. Yes.

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

13 A. The zoning ordinance.

14 Q. Okay. Anything beyond the zoning ordinance?

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

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

23 I'm assuming that your review of the
24 town master plan was the most current

1 version; correct? To your knowledge, the
2 most current version?

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

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

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

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

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

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

18 (Witness reviews document.)

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

22 Q. Okay.

23 A. And described the chapters in that plan, as
24 well as the goals, objectives...

1 Q. Do you recall my question just now,
2 Mr. Varney?

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

5 Q. Okay. Let me restate it then.

6 A. Yes.

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

11 A. I don't believe so.

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

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

22 Q. I want to show you now, Mr. Varney, an
23 exhibit from Kate Hartnett, direct testimony
24 for Deerfield. And this is Joint Muni 153.

1 And I'm going to turn your attention to this
2 document, which is an attachment that she
3 provided. And for the record, this is Bates
4 Joint Muni 6624 through 26. And you see here
5 on the screen, Mr. Varney, this document.
6 Have you seen this before?

7 A. Yes.

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

13 A. Yes, apparently prepared through 2016.

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

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

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

24 Q. Okay.

1 A. And I provided links to those documents in
2 the report.

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

8 A. No.

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

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

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

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

24 Q. Well, suppose the town wanted to make an

1 amendment to the master plan or zoning
2 ordinance or the open space plan. Wouldn't
3 you agree it takes time to make that
4 amendment a reality?

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

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

15 A. Sometimes.

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

19 A. No.

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

22 A. It's outlined in the report.

23 Q. I'm going to turn now to the same exhibit,
24 Joint Muni 153, and going to turn to... this

1 is an attachment to that report by Ms.
2 Hartnett. And this is a portion of the
3 master plan. And for the record, I'm going
4 to be looking at Joint Muni Bates 6633-6641.
5 And I've highlighted here one of the goals of
6 the master plan. Do you see that?

7 A. Yes.

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

13 A. Yes.

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

18 A. Yes.

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

24 A. Yes.

1 Q. And this one, this goal describes promoting
2 preservation and protection of historic and
3 cultural resources; right?

4 A. Yes.

5 Q. Wouldn't you agree that the town desires to
6 promote economic development and the
7 well-being of its residents without
8 sacrificing the town's rural character and
9 historic resource? Is that a fair kind of
10 summation of some of those goals that I just
11 read?

12 A. Could you repeat the question?

13 Q. Yeah, sure. Wouldn't you agree that the town
14 desires to promote economic development and
15 the well-being of residents without
16 sacrificing its rural character and historic
17 resources?

18 A. Yes.

19 Q. And one of the ways the town has identified
20 doing that is to preserve open space through
21 land use regulation; isn't that correct?

22 A. One of the many, many ways, yes.

23 Q. I'm going to turn now to the open space plan,
24 which you were just describing. And this is

1 the same exhibit, Joint Muni 153, Bates 6661.
2 And you see in the first highlighted section
3 there, the Open Space Plan Vision Statement.
4 Do you see that?

5 A. Yes.

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

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

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

15 A. Yes.

16 Q. And just for the record, that's Joint Muni
17 6666.

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

22 A. "Rural character"?

23 Q. Hmm-hmm.

24 A. The way that I would look at it is that, in

1 the case of Deerfield, that this is an
2 existing right-of-way. And by locating the
3 Project within the existing right-of-way,
4 you're contributing towards this goal of
5 maintaining your rural character by locating
6 it where structures already exist and where
7 there's no change in land use.

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

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

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

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

24 Q. And did you use that definition for all the

1 communities and regions that you evaluated?

2 A. Generally. It's a general term, and rural
3 character is probably in every master plan in
4 New England, including communities that
5 already have very large transmission
6 rights-of-way going through them and they say
7 we want to maintain our existing rural
8 character.

9 Q. The Deerfield Open Space Plan talks about
10 this definition issue and points out that
11 there are -- you know, "there's more than one
12 way to skin a cat." And the description or
13 definition that you're describing is a
14 quantitative one, wouldn't you agree?

15 A. Yes, population density, as is described here
16 on Page 5.

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

22 A. Yes.

23 Q. Are you familiar with that approach?

24 A. Generally speaking, yes.

1 Q. But it sounds like that's not one you
2 employed as part of your analysis; correct?

3 A. Again, it's a general concept, hard to
4 measure, hard to quantify. And as I said,
5 not every community, but the vast majority of
6 communities in New Hampshire probably have a
7 recommendation to maintain their rural
8 character.

9 Q. Understood. And I'm just pointing out that
10 Deerfield views itself as rural under either
11 definition.

12 And let me just ask: Would you agree
13 that under a quantitative or qualitative
14 definition, that Deerfield would be
15 considered to have rural character?

16 A. Generally, yes, I would say most communities
17 have rural character.

18 Q. Wouldn't you also agree that in Deerfield, an
19 important consideration around rural
20 character has to do with the visual component
21 or the aesthetics of the rural setting?

22 A. Yes, one of many factors. Not a single
23 factor.

24 Q. Are you familiar with the steps that

1 Deerfield has identified to carry out and
2 protect -- pardon me. Strike that.

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

7 A. Yes, I reviewed the open space plan.

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

12 A. Yes, the open space plan, yes.

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

1 goals?

2 A. Yes.

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

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

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

15 A. Yes.

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

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

21 A. Yes. But again, that was not part of my
22 analysis as it relates to orderly
23 development. But I am aware of his opinion
24 and the extensive amount of work that he did.

1 Q. And similarly, you relied on Mr. DeWan for
2 whether a project's visual impact, for
3 whether it may undermine these open space
4 goals; correct?

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

11 Q. Okay. Okay. Thank you.

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

16 A. I believe so.

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

21 A. No.

22 Q. So it's possible that there could be visual
23 impacts that Mr. DeWan didn't consider in the
24 town of Deerfield because he didn't classify

1 those viewsheds or scenic vistas as scenic
2 resources; right?

3 MR. NEEDLEMAN: Objection. That
4 calls for a legal conclusion. It's premised on
5 the town's interpretation of the rules.

6 CHAIRMAN HONIGBERG: Can you
7 repeat the question?

8 BY MR. WHITLEY:

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

14 CHAIRMAN HONIGBERG: Overruled.
15 You can answer.

16 A. I don't know.

17 BY MR. WHITLEY:

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

21 A. I reviewed prevailing land use along the
22 right-of-way and saw no reason for, or
23 concluded that there was no effect on
24 adjacent land uses, the continued use of

1 adjacent land use. I didn't conduct a visual
2 assessment.

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

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

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

12 A. Yes. Correct.

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

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

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

22 A. Again, I didn't conduct the Visual Impact
23 Assessment, so I don't have an opinion on
24 that.

1 Q. Okay. We just read a second ago one of the
2 master plan goals to maintain rural character
3 by preserving the green infrastructure
4 network. Do you recall that?

5 A. Yes.

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

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

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

22 A. Yes.

23 Q. You didn't do any sort of analysis about
24 whether the Project would reduce interest in

1 maintaining and expanding the green
2 infrastructure network, did you?

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

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

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

15 Q. Okay. I want to turn now, Mr. Varney, to
16 some exhibits that were part of Ms.
17 Hartnett's supplemental testimony and that
18 have also been submitted to the SEC as
19 comments. And these are all comments from
20 Deerfield residents, and they're all speaking
21 to how they feel the Project would impact
22 their efforts to protect open space and to
23 carry out the objectives of the green
24 infrastructure network. And I'm going to

1 turn now to Joint Muni 156. No, that's not
2 it. One second. Sorry.

3 (Pause)

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

10 First of all, are you familiar with
11 these letters?

12 A. No.

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

21 A. Yes.

22 Q. The following is a letter from Mr. Mallette.
23 And he talks about the work done by the town
24 already to conserve and carry out the master

1 plan, and he mentions the Bear Paw Greenways,
2 land conservation, preserving rural
3 character. And he said at the bottom there,
4 "Will the towers influence my support of
5 green infrastructure networks as envisioned
6 by the Deerfield open space plan?" And his
7 answer is, yes, he'll look for another place
8 to go and to do those same things. Do you
9 see that?

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

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

14 A. I'm reading his last sentence.

15 (Witness reviews document.)

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

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

21 Q. Thank you, sir.

22 The next letter here is from the
23 Matthews. And the highlighting, I couldn't
24 highlight this one, so it's a little bit

1 screwy. But I'll give you a second to read
2 it.

3 (Witness reviews document.)

4 A. Okay.

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

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

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

20 A. Yes.

21 Q. So, even though these public comments -- and
22 they were exhibits to Ms. Hartnett's
23 supplemental testimony. You've not seen them
24 before today?

1 A. If it was attached to her supplemental
2 testimony, then I did read it. But it's been
3 a few months.

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

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

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

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

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

24 A. It's very common for citizens, especially

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

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

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

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

23 A. No, I stated it very clearly. It's looking
24 at the facts. And they haven't been here to

1 listen to cross-examination of witnesses.

2 I'm sure many of them haven't read the expert
3 reports.

4 Q. But don't know that for a fact, do you, sir?

5 A. No. I'm speculating. That's my point. We
6 don't know either way.

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

10 A. No.

11 Q. -- could cause them to respond as they've
12 indicated in these letters, couldn't it?

13 A. I already told you that I did not say that
14 they were insincere, and you used that again.

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

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

24 Q. I want to put up now, Mr. Varney, this was an

1 additional exhibit to Ms. Hartnett's
2 supplemental testimony. This is still Joint
3 Muni 156. This is Exhibit 3, and it's Bates
4 6812. Have you seen this exhibit?

5 A. Yes.

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

9 A. He was, yes.

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

14 A. We had a telephone call, and perhaps bumping
15 into each other at other professional
16 meetings we may have discussed it a bit more.
17 But generally speaking, this was a telephone
18 call placed to Jerry Coogan in Deerfield,
19 asking him about, No. 1, the information in
20 the town, making sure that I had the latest
21 version of the master plan, the open space
22 plan, the zoning ordinance and other related
23 information, just as we did with the other
24 professional planners; and then also to

1 provide some background about concerns that
2 may be raised and where those issues were
3 being addressed.

4 Q. And you provided some notes of this
5 conversation as well; correct?

6 A. Yes.

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

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

13 A. Yes.

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

16 A. No.

17 Q. Okay. Should it have been 2015 instead of
18 2016? Is that a fair assumption?

19 (Witness reviews document.)

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

22 Q. Or 2014 perhaps?

23 A. It was August 24th, 2015. It autocorrected
24 with the date on the computer. I think

1 everyone's had that issue.

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

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

7 Q. Okay. Okay. Going back to Mr. Coogan's
8 response there, he confirms -- and you spoke
9 about this earlier, maybe the other day even.
10 He confirms that when you spoke to these
11 planners, you didn't solicit their opinions
12 regarding whether the Project was consistent
13 with the planning documents in each
14 respective town; right?

15 A. Correct.

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

19 A. Correct.

20 Q. So if the purpose of the conversation with
21 these planners was to talk generically about
22 what the town planing goals are and confirm
23 what documents are available, I mean,
24 couldn't you have spoken to many other

1 individuals in the town to get that
2 information?

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

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

20 Q. I understand that. But foremost of that,
21 couldn't you have called and spoken to
22 whoever answered the phone and said, you
23 know, "Is the master plan I'm looking at on
24 the web site the most current one?"

1 A. Well, the town planner is the most logical
2 person to call about town planing documents
3 and planning maps.

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

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

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

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

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

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

22 Q. Understood, understood. But wouldn't you
23 agree there was enough information out there
24 already for a town planner to have an

1 opinion?

2 A. I don't know.

3 Q. Because you didn't ask him; right?

4 A. Correct.

5 Q. Right. You didn't avail yourself of that
6 opportunity with any of these planners to ask
7 them what they thought about the Project's
8 consistency; correct?

9 A. I asked them what issues were being raised
10 relative to the Project, what were the
11 concerns, what were the issues --

12 Q. Isn't that a different question?

13 A. Pardon me.

14 Q. I'm sorry. I didn't mean to interrupt. Go
15 ahead.

16 A. No, I'm fine.

17 Q. Isn't that a different question, sir?

18 A. To?

19 Q. You asked about local concerns. Isn't that a
20 different question than, "Do you think the
21 Project is consistent with your town's
22 planning documents?"

23 A. It was part of the process of understanding
24 some of the town views.

1 Q. But isn't that a different question,
2 different sort of question?

3 A. It's related.

4 Q. But different.

5 A. But different. Slightly different.

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

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

16 Ms. Fillmore is that about
17 right?

18 MS. FILLMORE: Yes, Mr.
19 Chairman.

20 CHAIRMAN HONIGBERG: Off the
21 record.

22 (Discussion off the record)

23 CHAIRMAN HONIGBERG: Ms.
24 Pastoriza, you may proceed.

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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

1 the region, including land use, economic
2 benefits, job benefits, decommissioning and
3 municipal views.

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

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

10 Q. So you didn't address those issues?

11 A. The environmental panel did.

12 Q. So you consider those outside your purview?

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

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

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

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

24 A. No.

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

5 A. Could you repeat that?

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

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

15 Q. And who did that study?

16 A. I did, or Normandeau Associates did.

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

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

24 Q. So I was actually referring to your current

1 assessment of the Northern Pass. How far in
2 the future are you looking in that
3 assessment?

4 A. The economic benefits are, I believe, from
5 2019 to 2029. I'm just trying to remember,
6 off the top of my head. That was Julia
7 Frayer's report and analysis. And then the
8 other studies were a bit different. I'm not
9 sure for Dr. Shapiro. She looked at tax
10 benefits, and it may have been a similar time
11 frame or perhaps slightly different. And
12 then there were also, of course, the reports
13 by Dr. Chalmers and Mitch Nichols on property
14 values and tourism.

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

17 A. That's the time frame that the experts or
18 Julia Frayer used. I believe it was 10,
19 12 -- about 12 years out. You're correct.

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

23 A. Well, Julia conducted economic modeling and
24 energy-related modeling, and that was

1 explained in her report and testimony.

2 Q. Did you?

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

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

10 A. No.

11 Q. So, retaining the rural character of a town
12 and land conservation or common goals stated
13 in master plans and zoning, this image shows
14 part of Easton's Master Plan 2010 and Zoning
15 Ordinance 2012. Joint Muni 277.

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

23 A. I reviewed the entire Easton Master Plan.

24 Q. Would you acknowledge that that town

1 expresses an intent and goal of promoting
2 orderly lack of development, which could also
3 be called "conservation"?

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

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

13 A. I recognize what the master plan says.

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

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

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

23 A. No. Surveys are useful in development of
24 master plans. And, of course, the master

1 plan was 2010, which was five years prior to
2 the submission of the Application.

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

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

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

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

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

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

1 not credible.

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

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

13 A. Yes.

14 Q. Have you ever seen it being done?

15 A. Probably only once.

16 Q. And what was the size of the bore?

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

18 Q. So the "HDD Good Practices Guidelines"
19 recommended work zone for large HDD projects
20 with bore holes of 18 or more in diameter is
21 from 80 feet up to 180 feet by 100 [sic] feet
22 up to 250 feet. Northern Pass proposes two
23 18-inch bore holes at each HDD location, and
24 their HDD work zones are about 30 feet wide.

1 Every Northern Pass HDD location violates
2 this industry BMP. Of the 122 requests
3 Northern Pass has submitted to DOT for
4 exceptions from the Utility Accommodation
5 Manual rules, 39 are for HDD pits in the
6 pavement because the road right-of-way widths
7 are too narrow to place them outside the
8 pavement, as required by DOT.

9 Have you studied the "HDD Good Practices
10 Guidelines"?

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

13 CHAIRMAN HONIGBERG: Ms.
14 Pastoriza.

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

19 CHAIRMAN HONIGBERG: Okay. The
20 question had a lot more in it than that. I
21 think the very last part of what you said was a
22 fairly simple and direct question. Can you
23 repeat that question, please? It was at the
24 end of what you said.

1 BY MS. PASTORIZA:

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

4 A. No.

5 Q. Have you studied the DOT permit packages?

6 A. Permit? Excuse me?

7 Q. Permit packages.

8 A. Packages?

9 Q. DOT permit packages.

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

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

15 A. No.

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

23 MR. NEEDLEMAN: Objection.

24 CHAIRMAN HONIGBERG: That

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

8 BY MS. PASTORIZA:

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

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

17 BY MS. PASTORIZA:

18 Q. If we assume that Northern Pass is violating
19 several conditions, recommendations in the
20 horizontal directional drilling Best
21 Management Practices, and if we assume that
22 the 122 exception requests indicate a failure
23 to conform to the DOT's Utility Accommodation
24 Manual, would you consider that promoting the

1 orderly development of the towns?

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

13 Q. Do you think orderly development in towns in
14 the proposed burial route is served by
15 Northern Pass uploading these 122 exception
16 requests and DOT responses, which amount to
17 800 pages of new data, on August 31st, after
18 the environmental and construction witnesses
19 have left?

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

22 Q. Do you think orderly conservation in towns in
23 the proposed burial route is served by the
24 Applicant's position that these 800 pages of

1 exception requests and responses are not part
2 of the Application, though they involve
3 changes in the proposed location of the
4 cables, duct banks, splice vaults and slurry
5 pits, as well as changes in construction
6 methods and materials?

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

9 CHAIRMAN HONIGBERG: Ms.
10 Pastoriza.

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

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

21 BY MS. PASTORIZA:

22 Q. Do you think orderly conservation in towns in
23 the proposed burial route is served by the
24 Applicant's position that these 800 pages of

1 exception requests and responses are not part
2 of the Application?

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

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

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

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

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

23 BY MS. PASTORIZA:

24 Q. If the Applicant's position is that these 800

1 pages of exception requests and responses are
2 not part of the Application, and they will
3 not provide them to towns in hard copy like
4 the rest of the Application because they're
5 not part of the Application, do you think
6 that hinders the orderly conservation efforts
7 of people in town who are trying to
8 understand what's happening with the Project?

9 MR. NEEDLEMAN: Same objection.

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

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

15 CHAIRMAN HONIGBERG: Hang on,
16 Mr. Needleman.

17 (Discussion off the record.)

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

1 question that you're looking for.

2 BY MS. PASTORIZA:

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

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

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

23 Can you provide any independent document
24 supporting your assertion that the SEC

1 approval of the Phase II line did not
2 interfere with the orderly development of the
3 region?

4 A. I simply provided some information from three
5 communities along the line which indicated,
6 first of all, that the line was not
7 identified in master plans that were
8 developed after the line was constructed.
9 The line was never mentioned as a problem, a
10 concern, a challenge or a major planning
11 consideration. And the -- we provided some
12 information about development activity that
13 had occurred along the existing right-of-way.
14 It was not intended to be an in-depth study
15 of looking at every parcel and the history of
16 every single parcel, but simply some
17 information looking at some other communities
18 that had that existing line within it, both
19 HQ Phase II line and the Merrimack Valley
20 line that is under construction now
21 addressing some issues. And we provided that
22 information as background information and
23 concluded that it's consistent with the view
24 that we had, which is that it does not

1 adversely affect or interfere with the
2 orderly development of the region and that
3 development activity still occurs.

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

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

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

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

22 Q. And who paid for that study?

23 A. Eversource paid for the study eventually,
24 yes.

1 Q. So it was not an independent study.

2 A. It was a study by Normandeau Associates
3 looking at that question.

4 Q. Paid for by Eversource.

5 A. Yes.

6 Q. And that was the only study that you relied
7 on.

8 A. Yes. I wasn't aware of any other studies of
9 the HQ line in New Hampshire.

10 Q. So do you consider that the opinions of the
11 town are part of your review of orderly
12 development?

13 A. The views of towns is something that I took
14 very seriously. I very seriously considered
15 it. And going beyond that, to look at the
16 issues of concern that they had expressed,
17 and looking at what the record shows as it
18 relates to those issues of concern, the
19 factual nature of it, and by doing that we
20 were able to form an opinion.

21 Q. So how can a town provide its opinion on the
22 Project if it does not have accurate maps of
23 the Project?

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

1 know enough to answer your question.

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

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

16 MR. NEEDLEMAN: Objection.

17 CHAIRMAN HONIGBERG: Grounds for
18 the objection?

19 MR. NEEDLEMAN: Calls for
20 multiple legal conclusions.

21 CHAIRMAN HONIGBERG: Is there a
22 relevance problem, too?

23 MR. NEEDLEMAN: Absolutely.

24 CHAIRMAN HONIGBERG: Ms.

1 Pastoriza.

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

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

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

12 CHAIRMAN HONIGBERG: The
13 objection is sustained.

14 BY MS. PASTORIZA:

15 Q. So this shows part of the proposed lease.

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

23 Eversource's proposed lease would permit,
24 among other things, the right to conduct site

1 tours on the leased properties for business,
2 educational or promotional purposes, and the
3 rights to undertake on the leased properties
4 any other activities that the lessee
5 determines are necessary, helpful,
6 appropriate or convenient in connection with
7 or incidental to the construction, operation,
8 maintenance, inspection, patrol, replacement,
9 repair, rebuild, removal or decommissioning
10 of the NPT project facilities.

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

17 MR. NEEDLEMAN: Objection.
18 Relevance.

19 CHAIRMAN HONIGBERG: Ms.
20 Pastoriza.

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

24 CHAIRMAN HONIGBERG: And this is

1 relevant how?

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

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

9 BY MS. PASTORIZA:

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

16 Since the general width of pavement is
17 25 feet on Route 116 in Easton as shown in
18 the permit packages, where did you get your
19 information on pavement width?

20 A. I missed that last part of your question.

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

23 A. I believe it was from the Application.

24 Q. Are conservation lands labeled on this map?

1 A. Only to the extent that if they are in the
2 categories that the DRA had in their mosaic.

3 Q. Is there a category for conservation land?

4 A. Categories are different for DRA. But in the
5 description, we state that there is
6 conservation land, and the town is heavily
7 forested and well aware of the type of
8 landscape that exists in Easton.

9 Q. So conservation lands are not labeled on this
10 map.

11 A. Not on this map. The state didn't have it on
12 their map.

13 Q. What about the New Hampshire Granit map,
14 which is also a state map?

15 A. I don't know. I can't recall. It's a couple
16 of years ago.

17 Q. Can you confirm for me that the White
18 Mountain National Forest is not labeled on
19 this map?

20 A. We're well aware of the White Mountain
21 National Forest and where it's located and
22 reviewed the White Mountain Management Plan
23 as part of this review.

24 Q. Don't you think a map is for anyone who might

1 look at it, and therefore the information
2 needs to be on the map?

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

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

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

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

20 A. We primarily had written descriptions of the
21 route, and then you try to use existing land
22 use maps. And we did for -- the towns that
23 are further south had very good mapping
24 available either by the town or from the

1 regional planning commission. And the
2 communities to the north were -- did not have
3 that availability, so it was recommended to
4 us to use the DRA mosaic, which I agree with
5 you is not ideal. And we didn't rely
6 entirely on these maps. We prepared a
7 written description of the route, which
8 looked at a variety of maps in describing it
9 and --

10 Q. So why is the 800-acre Cooley-Jericho town
11 forest, which is in the northwest corner of
12 Easton, missing and not mentioned in the
13 text?

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

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

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

22 Q. Why are the 645 acres of private land in
23 conservation easement in Easton not shown on
24 the map or mentioned in the text?

1 A. Again, it's looking at prevailing land uses
2 along the right-of-way, which is primarily
3 forested and sparsely populated, particularly
4 along the roadway which I drove and observed
5 in person.

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

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

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

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

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

22 A. I don't know. You'll have to direct that
23 question to the Department of Revenue
24 Administration.

1 Q. Well, you chose to use their maps.

2 A. We used the maps that they developed and that
3 we clearly explained the source of the
4 information.

5 Q. And you feel you're not responsible for the
6 maps if you're not the source?

7 A. We simply stated that these were maps
8 produced by DRA with the mosaic.

9 Q. So if I want to know why wetlands and water
10 are not shown on these maps, I should ask
11 DRA?

12 A. You can perhaps talk with one of our GIS
13 people or with someone at DRA about their
14 data layers. But again, I want to assure you
15 that we were aware of conservation lands in
16 the community, and it was considered. But
17 the primary purpose of this section of the
18 report was to simply describe what's along
19 the route.

20 Q. So, from your response, would I be right in
21 saying that you consider a map that does not
22 show power lines, streams, trails, ponds,
23 wetlands or conservation lands, including
24 White Mountain National Forest, to be an

1 accurate map of land use?

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

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

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

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

15 Q. You looked at aerials for the burial route?

16 A. Yes.

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

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

1 identification.

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

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

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

8 CHAIRMAN HONIGBERG: Mr.
9 Needleman?

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

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

20 MS. PASTORIZA: Yup.

21 CHAIRMAN HONIGBERG: All right.
22 We'll break for ten minutes.

23 (Brief recess taken at 2:54 p.m., and
24 the hearing resumed at 3:16 p.m.)

1 CHAIRMAN HONIGBERG: I think
2 when we broke there was a pending request from
3 Ms. Pastoriza that Mr. Varney was going to look
4 for some information.

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

7 WITNESS VARNEY: Yes.

8 CHAIRMAN HONIGBERG: So what is
9 the answer?

10 WITNESS VARNEY: The report
11 indicates, in the Methodology section, that
12 where measurements are listed for various
13 things along the route, that it's measured from
14 the edge of the right-of-way to the site that's
15 being described. Measurements were not done
16 for every structure along the right-of-way.
17 But where it was done, the explanation was that
18 it was measured from the edge of the
19 right-of-way to the item that was being
20 described.

21 BY MS. PASTORIZA:

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

23 The first is, where is that list?

24 A. There is no list. There's a description of

1 land uses along the state highway corridor
2 along the Project route in the Town of Easton
3 indicating municipal buildings, commercial
4 activities, recreational activities and some
5 residential properties, many of which have
6 dense tree cover as you indicated previously.

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

10 A. No.

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

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

21 Q. So there is no list?

22 A. No.

23 Q. So, as an aside, I wrote all my questions to
24 be fairly simple "Yes" or "No" answers. So

1 if, when it's possible for you, if you could
2 stick to that, that would be very helpful.

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

8 BY MS. PASTORIZA:

9 Q. So, on No. 6, which is RSA 228:35, given the
10 considerable and longstanding uncertainty
11 about right-of-way widths on substantial
12 portions of the proposed burial route, do you
13 think it supports orderly development in
14 communities when Northern Pass ignores RSA
15 228, which enables the Commissioner of DOT to
16 order a survey of the proposed burial route
17 and establish formally the right-of-way
18 widths process, which requires finding and
19 looking at all the pertinent data, formally
20 establishing the right-of-way widths in areas
21 of unknown, missing or undefined width
22 layouts, notifying all abutters, and giving
23 them 30 days to dispute DOT findings?

24 MR. NEEDLEMAN: Objection.

1 CHAIRMAN HONIGBERG: Yeah, I'm
2 not sure that's a fair question, Ms. Pastoriza.
3 You want to try to rephrase that.

4 BY MS. PASTORIZA:

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

12 A. Are you asking about increasing orderly
13 development?

14 Q. Serving orderly development of communities.

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

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

23 A. Sure.

24 Q. If, in 2014, when the Applicant began

1 researching the buried portion of the route,
2 if they had then, at that point, asked DOT to
3 enact this RSA to establish the uncertain
4 highway boundaries, do you think that would
5 have better served the orderly development of
6 the communities on the buried route?

7 A. No.

8 Q. Thank you.

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

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

23 A. I have no basis for answering that question.

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

1 of that?

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

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

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

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

14 A. Can you repeat that?

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

20 A. Why would a master plan seek unhappiness?

21 Q. State unhappiness with the transmission
22 lines.

23 A. State unhappiness with a transmission line?

24 I don't know.

1 Q. Do you think that, now that Northern Pass has
2 shown what Eversource will attempt to do with
3 its easements, residents will incorporate
4 town goals of limiting expansion and upgrades
5 on transmission lines into their master
6 plans?

7 A. It's up to each individual community.

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

16 MR. NEEDLEMAN: Objection.
17 Calls for speculation.

18 CHAIRMAN HONIGBERG: Ms.
19 Pastoriza.

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

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

24 A. I don't know is my answer.

1 BY MS. PASTORIZA:

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

8 A. No.

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

14 A. We tried to use examples where there was
15 likely to be development activity and some
16 growth and to look to see whether or not any
17 growth had occurred along the line. It was
18 in response to some concerns about
19 development potential that were expressed in
20 a couple of communities, such as the city of
21 Concord. And with respect to rural
22 communities, I reviewed the master plans of
23 abutting communities along the Project route,
24 which included about 11 towns, many of which

1 are rural communities, to see if they had
2 addressed the Hydro-Quebec Phase II line in
3 their master plans that were developed after
4 the construction of that project. And in all
5 cases, none of them raised any concerns about
6 the existing line. None of them identified
7 the Project as a barrier, a challenge or a
8 significant planing consideration.

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

13 A. I believe I just answered that question.

14 Q. So your answer is "No."

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

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

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

21 Q. Attachment A, Page 36, you state, "There are
22 numerous conservation and recreation uses
23 along the Hydro-Quebec Phase II electric
24 transmission line in Concord, Londonderry and

1 Bedford. These communities have continued to
2 increase the number of acres of conservation
3 and recreation land near these power line
4 corridors and have identified additional
5 priority areas nearby for future conservation
6 and recreation."

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

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

16 Q. Okay. So this is part of Northern Pass's
17 Application to Victoria Sheehan, Commissioner
18 of DOT, for burial on state easement roads.
19 Mark Hodgdon, well versed in DOT's Utility
20 Accommodation Manual, wrote an application
21 asking for 60 miles of exceptions from the
22 UAM requirement, that utility infrastructure
23 be buried on the edge of the right-of-way.
24 As Mr. Hodgdon stated, the scenario he

1 describes here would happen on the majority
2 of the proposed burial route.

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

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

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

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

24 Q. If we assume that Mr. Hodgdon's description

1 is accurate, would you consider that
2 contributing to the orderly development of
3 the towns on the route?

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

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

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

20 Q. So you made an assessment that the Project
21 will not interfere with the orderly
22 development of the towns without actually
23 knowing what's happening in the buried
24 portion of the route.

1 A. This is, again, a very small percentage of
2 the town. The corridor is less than
3 1 percent of the town's land area, and the --
4 whatever is done within this corridor will be
5 required to meet all the requirements of the
6 New Hampshire DOT and DES and other federal
7 and state agencies.

8 Q. You're not answering the question.

9 A. I don't know.

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

15 A. No.

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

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

22 Q. This is an e-mail from Tim Drew at DES to me.
23 Each HDD crossing involves two 18-inch bore
24 holes, two 4-by-4 slurry pits, tens of

1 thousands of gallons of slurry. Do you
2 consider it may be detrimental to the orderly
3 development of towns which are predicated on
4 clean watersheds to bore 100 18-inch-diameter
5 horizontal directional drilling bore holes
6 under rivers on the proposed route with no
7 enforceable rules or regulations in place by
8 DOT, White Mountain National Forest or DES?

9 MR. NEEDLEMAN: Objection.
10 Calls for a legal conclusion.

11 CHAIRMAN HONIGBERG: Ms.
12 Pastoriza.

13 BY MS. PASTORIZA:

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

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

24 Q. Do you consider laws to be more conducive to

1 orderly development than BMPs?

2 A. BMPs are typically used with construction
3 projects.

4 Q. And they're not enforceable.

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

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

11 MR. NEEDLEMAN: Objection.
12 Calls for a legal conclusion.

13 CHAIRMAN HONIGBERG: Do you
14 understand the question?

15 WITNESS VARNEY: Yes.

16 CHAIRMAN HONIGBERG: You can
17 answer.

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

23 BY MS. PASTORIZA:

24 Q. Would you consider it helpful to the orderly

1 development of towns on the burial route if a
2 condition of the permit was adherence to the
3 HDD guidelines referenced by DOT?

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

5 Q. So this is from the "Horizontal Directional
6 Drilling Good Practices Guidelines,"
7 referenced in the DOT's UAM, which contains
8 250 pages of information. Could you read the
9 highlighted section on the right-hand side?

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

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

19 A. No, that would --

20 MR. NEEDLEMAN: Objection.
21 Relevance.

22 CHAIRMAN HONIGBERG: Ms.
23 Pastoriza, this sounds irrelevant. Why is it
24 relevant?

1 MS. PASTORIZA: The HDD
2 guidelines referenced by DOT recommend highly a
3 frac analysis to show risk of a frac-out.

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

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

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

14 BY MS. PASTORIZA:

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

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

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

23 A. Not in reaching a conclusion on orderly
24 development of the region.

1 Q. Have you seen settlement and heave
2 calculations for any of the HDD locations on
3 the Project?

4 A. That's not part of my responsibility.

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

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

11 CHAIRMAN HONIGBERG: Ms.
12 Pastoriza.

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

15 BY MS. PASTORIZA:

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

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

21 (Discussion off the record.)

22 CHAIRMAN HONIGBERG: Okay.
23 We're looking at 301.09. And what is your
24 question about for Mr. Varney that's related to

1 301.09?

2 MS. PASTORIZA: Why he didn't
3 include these ordinances in his report.

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

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

12 BY MS. PASTORIZA:

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

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

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

23 A. It's not in the SEC rules under the
24 definition of "orderly development of the

1 region."

2 Q. Easton ordinances were carefully crafted to
3 cover the gaps in DOT and DES regulations.
4 Would you consider orderly development for
5 Easton to have the SEC preempt its ordinances
6 while offering nothing of comparable
7 effectiveness?

8 A. I don't know.

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

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

1 by the Applicant here.

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

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

8 MS. PASTORIZA: Yes.

9 BY MS. PASTORIZA:

10 Q. Did you hear my question?

11 A. No. I was waiting for the question. I
12 missed the very end of the question part.

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

16 A. Yes.

17 Q. Can you see where the stream goes?

18 A. Generally, yes.

19 Q. Why isn't the stream drawn in, in blue?

20 A. I don't know.

21 Q. Do you consider it contributing to the
22 orderly development of towns and watersheds
23 to submit hundreds of pages of permit
24 packages to DOT, which are part of the

1 Application for the SEC and intervenors to
2 assess, which fail to visibly show streams,
3 the most sensitive locations for erosion,
4 sedimentation, run-off and frac-out?

5 MR. NEEDLEMAN: Objection.
6 Relevance.

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

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

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

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

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

21 MS. PASTORIZA: I don't see how
22 he could have assessed the underground route
23 without being able to see where the streams on
24 the underground route are.

1 CHAIRMAN HONIGBERG: Why don't
2 you ask him if he knows where the streams on
3 the underground route are.

4 BY MS. PASTORIZA:

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

7 A. No.

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

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

17 CHAIRMAN HONIGBERG: Ms.
18 Pastoriza.

19 BY MS. PASTORIZA:

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

23 CHAIRMAN HONIGBERG: Sustained.

24 BY MS. PASTORIZA:

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

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

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

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

20 MR. NEEDLEMAN: Objection.

21 CHAIRMAN HONIGBERG: Ms.
22 Pastoriza.

23 MS. PASTORIZA: There is
24 disorderly development occurring on this route

1 as we speak, and I'm wondering what
2 Mr. Varney's opinion on that is.

3 A. I don't have an opinion.

4 BY MS. PASTORIZA:

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

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

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

23 Q. Do you present any evidence to support your
24 statement of "no adverse impact"?

1 A. Again, there's no basis for saying that there
2 would be any adverse effect on adjacent land
3 uses along the right-of-way and prevailing
4 land uses along the right-of-way, especially
5 considering the fact that this is using
6 existing transportation and electric utility
7 rights-of-way in this area.

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

10 A. I believe I've answered the question.

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

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

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

21 A. Generally speaking, as I've stated
22 previously, use of existing corridors is a
23 sound planning principle and is generally
24 considered orderly development as one factor

1 in reaching a conclusion relative to orderly
2 development of the region.

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

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

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

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

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

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

23 Q. Mr. Oldenburg described Route 116 as an
24 "unbuilt road." Do you know if DOT would

1 consider Route 116 a previously disturbed
2 corridor?

3 A. I don't know.

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

7 A. I don't.

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

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

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

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

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

20 A. Not for the purposes of orderly development
21 analysis.

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

24 A. Probably. I can't remember time frames.

1 MS. PASTORIZA: Can you turn the
2 ELMO on?

3 MS. MONROE: It's up, Christine.

4 MS. FILLMORE: Go ahead.

5 BY MS. PASTORIZA:

6 A. This is a section of the 74-page Programmatic
7 Agreement that describes a protocol for
8 ongoing identification of historic resources.
9 It states here that the cultural landscape
10 documents Ms. Widell is to be questioned on
11 need to be reviewed by DOE, USFS, USACE,
12 ACHP, which is the American Council on
13 Historic Preservation, National Park Service,
14 New Hampshire SHPO and Vermont SHPO -- and
15 that's state historic preservation offices --
16 with comments by these agencies submitted to
17 DOT within 30 days. After this, these
18 documents will be posted on the Confidential
19 Consulting Parties site for Consulting
20 Parties to review with 30 days' comment
21 period. Programmatic Agreement here states
22 that these documents will not be made
23 available to the public until after review by
24 all these groups.

1 Would you consider it could interfere
2 with the orderly development of towns on the
3 proposed route if the Applicant violated the
4 Programmatic Agreement by making these
5 reports accessible [sic] to SEC intervenors?

6 MR. NEEDLEMAN: Objection.
7 Relevance.

8 CHAIRMAN HONIGBERG: Ms.
9 Pastoriza.

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

15 CHAIRMAN HONIGBERG: I'm sorry.
16 That objection is sustained.

17 BY MS. PASTORIZA:

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

23 MR. NEEDLEMAN: Is that a
24 question to Mr. Varney?

1 MS. PASTORIZA: Yes.

2 MR. NEEDLEMAN: Objection.

3 CHAIRMAN HONIGBERG: Sustained.

4 MS. PASTORIZA: That's it.

5 Thank you.

6 CHAIRMAN HONIGBERG: Ms.

7 Fillmore.

8 MS. FILLMORE: Two minutes.

9 CHAIRMAN HONIGBERG: Off the
10 record.

11 (Pause in proceedings)

12 CROSS-EXAMINATION

13 BY MS. FILLMORE:

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

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

20 BY MS. FILLMORE:

21 Q. I'd like to start by going back to something
22 that Mr. Whitley asked you about this
23 morning. And I believe you said in response
24 to a question from him that one aspect of

1 orderly development is the economic effects
2 of the Project; is that correct?

3 A. Yes.

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

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

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

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

15 Q. What's up on the screen right now is
16 Sheet 131 of the Project maps. This is part
17 of Applicant's Exhibit 201, and it's
18 Sheet 131. This is the town of Bristol, a
19 portion of the town of Bristol. I'm going to
20 blow it up just a little bit here.

21 On the right side, do you see where the
22 transmission line goes across --

23 A. Yes.

24 Q. -- through the middle? Okay. On the right

1 side there are two roads that come together.
2 I will represent that the top one is Peaked
3 Hill Road and the bottom one which is labeled
4 is Old Stage Road. Do you see that?

5 A. Yes.

6 Q. The parcel of land where the cursor is
7 hovering right now is, I will represent to
8 you, owned by the Worthen family. That is
9 75 Old Stage Road. And as you can see on the
10 map right here, there are some existing
11 structures that go along that property, the
12 purple dots. Do you see that?

13 (Witness reviews document.)

14 A. No. Are you over near E115 or -- oh, now I
15 see it.

16 Q. Okay. There are several purple dots. And
17 then there's one -- the top orange line with
18 the red dots, those are the proposed
19 structures?

20 A. Yes.

21 Q. Okay. And I can scroll back to the diagram
22 that shows it, but I will represent to you
23 that the current structures are 55 feet high,
24 and the proposed structures would be 85 feet

1 high in that location. Do we need to go back
2 and look?

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

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

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

11 A. No.

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

15 A. No.

16 Q. Here you can see what I will represent is
17 marked as JT MUNI 290 is a photograph of her
18 property in that corner. And I will also
19 represent, hypothetically, if you could
20 assume that this is where she would be
21 planning to hold weddings. So, since you
22 were not aware of her testimony or her
23 comments, I imagine that you're not aware
24 that she told this Committee that if the

1 Project would be built, it would have a
2 negative impact on that plan. Is that
3 correct, that you're not aware of that?

4 A. I'm not aware of that.

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

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

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

24 A. As part of this broad analysis of a long

1 transmission line, we can't speculate about
2 every potential future use of a property in
3 the future. We look at prevailing land use
4 and what effect this may have on existing
5 land uses along the corridor. And based on
6 what I see in this picture, I see no reason
7 why this site could not continue to serve
8 residential, agricultural and forestry uses
9 in the future.

10 Q. You said you don't look at every potential
11 use. Did you look at any potential uses?

12 A. I don't know of any way to collect
13 information about every future use that a
14 property owner may consider or a future owner
15 may consider. We look at the prevailing land
16 uses along the right-of-way, and there's no
17 basis for suggesting that this would
18 interfere with the continued use at this
19 property.

20 Q. I'm going to switch gears a little bit and go
21 to meetings that you held with planners. And
22 what I'm hopefully going to bring up is what
23 has previously been marked as Joint Muni 160.
24 I believe it's also marked as -- sorry.

1 There we go. I believe it's also been marked
2 as Counsel for the Public 471. And I'm going
3 to go down to Page 4, which is the record of
4 your meeting with the North Country Council
5 Planners.

6 A. Yes.

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

13 A. Yes.

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

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

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

1 A. No.

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

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

8 Q. Did I read that correctly?

9 A. I believe so, yes.

10 Q. Where in your report is this concern noted?

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

13 Q. And let's look at what your report says about
14 the North Country Council and it's regional
15 plan. This is part of Applicant's Exhibit
16 No. 1, Appendix 41. This is Section 5.1.1.
17 In the highlighted area it says -- there we
18 go. I won't read it out loud, but it's the
19 third paragraph down. And it talks about one
20 of the most important regional assets noted
21 in the regional plan is the rural landscape.
22 The plan recommends NCC advocate for
23 protecting these resources, as well as the
24 region's iconic and popular viewsheds, and

1 ensure that economic and cumulative impacts
2 are considered in proposals for large
3 transmission lines. Do you see that?

4 A. Yes.

5 Q. Does the report actually say anywhere that
6 North Country Council staff was "very
7 concerned about the cumulative impacts" of
8 large projects?

9 A. This section was a description of the North
10 Country Council's regional plan, and that's
11 what this is describing.

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

13 A. No.

14 Q. So if this Committee relied only on your
15 report, it would have no idea that you were
16 actually told that the North Country Council
17 planning staff was "very concerned about
18 cumulative impacts," would it?

19 A. If one relied solely on that, on that summary
20 of the plan.

21 Q. Okay. Going back to Joint Muni 160, Page 4,
22 No. 4, it says, "The Connecticut River
23 Headwaters Subcommittee would like the line
24 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

1 opposition, but rather, what issues of
2 concern, detailed issues of concern were
3 being raised. And that was one of them,
4 which eventually was addressed by their
5 revised proposal.

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

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

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

20 A. No.

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

1 (Pause)

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

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

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

8 A. Yes.

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

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

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

22 Did you discuss alternatives regarding
23 burial of the Project near the theater, which
24 I assume means the Flying Monkey?

1 A. Yes.

2 Q. And what was the substance of that
3 discussion?

4 A. She indicated that some of the issues that
5 were potentially going to -- that should be
6 explored were trying to avoid going down the
7 main street and, instead, going behind those
8 buildings. My understanding is that
9 Eversource tried to discuss that option with
10 the Town of Plymouth, but the Town would not
11 discuss the option with them. The water and
12 sewer main upgrades along Main Street
13 appeared to be an opportunity, if the Main
14 Street corridor were to be used, that the
15 100-year-old-plus pipes with water and sewer
16 could potentially be replaced at the same
17 time. And there may be an opportunity to
18 partner on that option as well. My
19 understanding is that the town did not want
20 to discuss that issue, but now there's an MOU
21 with the water and sewer district to examine
22 that option as well. And there were -- that
23 there were some options that made sense to
24 her that ought to be explored.

1 And my understanding is that Eversource
2 was more than willing to explore those
3 options to partner with the town and that the
4 town did not want to engage in a discussion
5 on those options.

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

9 A. I can't recall.

10 Q. Do you think -- strike that.

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

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

21 Q. Do you know if she had been given information
22 at the time of the meeting about the
23 construction envelope, by which I mean the
24 physical space that would be required to

1 bring in the construction equipment, and how
2 that might impact traffic and parking on Main
3 Street?

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

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

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

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

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

24 Q. Are you aware that Ms. Penney submitted

1 prefiled testimony and supplemental prefiled
2 testimony in this matter?

3 A. Yes.

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

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

1 A. Yes.

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

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

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

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

21 A. No.

22 Q. I just want to look at one of them. This is
23 an e-mail from Sheridan Buhrman, who owns two
24 businesses in Plymouth, the Pemi Valley

1 Laundry and the Lucky Dog Tavern and Grill.
2 And in this e-mail he talks about his
3 concerns regarding the disruption to his
4 businesses.

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

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

23 A. I did review the testimony of Lynn Farrington
24 from Louis Berger relative to the development

1 of traffic control plans and traffic
2 management plans, and did review some of the
3 information relative to the construction
4 along the roadway. And I would say, based on
5 my knowledge of this, the Applicant fully
6 understands the importance of working with
7 the business community, in addition to the
8 town and the DOT in this area, that it needs
9 to allow for access and adequate parking, and
10 they need to develop a plan in partnership
11 with the town and the businesses to minimize
12 the impacts as it progresses down Main
13 Street.

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

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

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

1 Have you seen this article?

2 A. No.

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

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

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

16 A. Yes.

17 Q. I would like to go down to the second page,
18 where she says that, using Polly's as an
19 example, from April to October 2016, Polly's
20 served 71,031 customers out of a total of
21 93,500 thousand for the year.

22 A. And they've recently expanded. Yes.

23 Q. "As you can see, the bulk of our business,"
24 she writes, "comes during those six summer

1 months, driven largely by tourists from
2 outside the area."

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

7 A. During the construction season.

8 Q. Which is roughly April to October.

9 A. Yes.

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

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

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

24 A. That's an issue for businesses. I don't have

1 any basis for disagreeing with that
2 statement. I don't know. It's speculation
3 in terms of how much of an effect there would
4 be and how much traffic interruption there is
5 when it occurs, and how long the temporary
6 impacts are within that specific area. I
7 assume mostly near the intersection and
8 coming off the interstates as well.

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

12 A. No.

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

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

24 Q. Have you read any of those letters?

1 A. I don't believe so.

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

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

13 A. Yes.

14 Q. So this letter states, "We are a small plant
15 nursery located on Route 18 in Sugar Hill and
16 have served the local community for over 28
17 years. During the first week of current
18 Route 18 closure" -- which I'll represent to
19 you was related to that rainstorm -- "our
20 revenue was down 90 percent. During the
21 second week of road closure, there has been
22 one customer to date. Due to the current
23 road closure, if this continues at the
24 current rate, we are looking at a loss of

1 \$7,000 to \$10,000. So, in closing, if this
2 is an indication of what might happen to a
3 small business in the area if roads and
4 travel interruption occur for longer periods
5 of time, we are all in trouble."

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

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

21 Q. If there were businesses along the route that
22 went out of business because of the
23 construction disruption, would that be
24 consistent with your opinion here, that the

1 Project will not unduly interfere with the
2 orderly development of the region?

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

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

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

21 Q. I wish that were on the route.

22 All right. This is still Page 6 of Ms.
23 Penney's supplemental testimony, Joint Muni
24 106. And on Line 11, "During the technical

1 session, Counsel for the Public asked you to
2 look at maps showing where the drilling pits
3 would be." When he asked you to describe the
4 area on two of the maps, what was your
5 response? Have you read this?

6 A. Yes.

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

9 A. No.

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

12 A. No.

13 Q. On top of Page 7, Counsel for the Public
14 explained that both pits will be in excess of
15 a thousand feet long, with long entrance and
16 exit pits. He asked if Route 3 were blocked
17 for two to three weeks in one or both of
18 these areas, what would be the effect?

19 Have you looked at the issues that
20 detours could create in this area related to
21 those HDD locations?

22 A. No. I reviewed the testimony of Lynn
23 Farrington and the commitment to meeting all
24 of the New Hampshire DOT requirements and

1 other protocols to ensure that impacts to
2 traffic are minimized with anything
3 associated with the Project.

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

6 A. Yes.

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

13 A. Yes.

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

16 A. Perhaps not --

17 Q. I can scroll up a little.

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

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

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

23 Q. And do you see in the first paragraph it
24 says, "The Whitefield Planning Board has

1 great concern regarding the effects of the
2 proposed Northern Pass Transmission Project
3 would have on our town"?

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

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

11 A. Yes.

12 Q. Where in your report is that concern noted?

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

24 I'm very familiar with the Route 3

1 crossing in Whitefield, the commercial uses
2 that are there, as well as the substation.
3 And I respectfully disagree with the
4 conclusions that they've raised here,
5 notwithstanding the separate Visual Impact
6 Assessment by Terry DeWan.

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

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

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

24 A. Yes, and since then with the supplemental

1 report, and since then, sitting here today.

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

4 A. That's correct.

5 Q. Does the rule say "professional planners"?

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

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

14 A. Yes.

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

18 A. Well, I knew that it was -- I heard many of
19 the planing board representatives and
20 selectmen representatives speak at multiple
21 public meetings and open houses, and also
22 read letters on the record that were
23 submitted as part of the draft EIS process,
24 the scoping process for the EIS, and anything

1 provided to the SEC. So I had a good
2 perspective, I feel, on the issues of
3 concern, most of which were visual.

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

10 A. Yes.

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

22 A. Yes.

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

1 reflected?

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

10 Q. What I'm bringing up now is Joint Muni 208.
11 It is the Prefiled Testimony of Nicholas
12 Coates, the town administer in Bristol. And
13 I'm looking at a letter dated October 3rd,
14 2013. Do you see that?

15 A. Yes.

16 Q. Have you read this letter?

17 A. Yes.

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

22 A. Yes.

23 Q. And the last paragraph on this page begins,
24 "As stewards of our town, we have a

1 responsibility to honor the objectives stated
2 in our town's master plan, which include
3 safeguarding the rural quality of Bristol,
4 conserving and showcasing our natural assets,
5 maintaining the economic viability of
6 Bristol's lands and forests, and maintaining
7 the health of natural systems that support
8 life in Bristol. The impacts of this
9 proposed project run counter to those stated
10 objectives and, in fact, counter to the
11 scenic beauty that many towns in New
12 Hampshire strive to protect."

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

17 A. Again, I indicated in the methodology that I
18 reviewed all of the letters that were
19 submitted to DOT under this docket and were
20 on the DOE web site for this project. And I
21 considered the issues that are raised, which
22 in this case are visual impact, which was
23 addressed by the visual impact expert, the
24 issue of concern about property values, which

1 A. Yes.

2 Q. The right-of-way continues across Lost Nation
3 Road, and the right-of-way crosses Page Hill
4 Road. Do you see that?

5 A. Yes.

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

19 Have you considered that comment in
20 forming your opinion?

21 A. I am aware of this concern, and it's a visual
22 impact issue that was beyond my scope and was
23 considered by the visual impact team on the
24 Project.

1 Q. Did you consider the concern raised here
2 about the survival of the town depending on
3 tourism?

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

9 Q. Your report discuss scenic roads; right?

10 A. Yes.

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

13 A. Correct.

14 Q. You state in your report on Page A-23, which
15 I will bring up here, and this is about
16 Northumberland, the highlighted part,
17 "Current economic opportunities include
18 re-use of the Groveton paper mill site, a
19 local racetrack" -- oops, this is not
20 actually what I meant to bring up. That's
21 not the page I meant to bring up. What I
22 meant to bring up was the section that said
23 that Northumberland does not have any
24 designated scenic roads. Do you recall that

1 that's correct?

2 A. I don't recall. Some towns listed scenic
3 roads on their web site. Some did not have
4 that information. Sometimes if you were to
5 call the town, they may not know. And it's
6 unfortunate that the state doesn't have a
7 single list that perhaps could be updated for
8 the state. But it's done on an individual
9 town-by-town basis.

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

17 A. That's my understanding.

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

20 A. Yes.

21 Q. Would it surprise you to hear that Lost
22 Nation Road is considered by many people to
23 be a very scenic, pleasant road?

24 A. Yes -- no, it would surprise me. But the

1 reference here is to officially designated
2 local scenic road, designated by the town.

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

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

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

12 A. I can't recall.

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

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

23 Q. Well, let's turn to one that does. The town
24 of Bristol, on Page A-71 in your report. In

1 the third paragraph you note that the Town of
2 Bristol web site identifies Hemphill Road,
3 New Chester Mountain Road, Peaked Hill Road
4 and Smith River Road as locally designated
5 scenic roads. Do you generally recall that?

6 A. I don't. But if -- I can't recall.

7 Q. Okay. Are you aware that the Project route
8 would cross Peaked Hill Road?

9 A. I would need to go back and look at the
10 report.

11 Q. If you give me a moment, I will bring it up.

12 A. Okay.

13 (Witness reviews document.)

14 A. Yes, I see it now in the report on Page A-71.

15 Q. Okay. And now we do, too.

16 Are you aware that the Project route
17 would cross Peaked Hill Road?

18 A. Yes.

19 Q. We looked at map a while ago that had that on
20 there.

21 A. Yes.

22 Q. So here we have a town that has designated
23 scenic roads, and the Project route would
24 cross one of those roads.

1 So my question is: Other than noting in
2 the report that a particular road has been
3 designated as a scenic road, did you actually
4 consider what the impact of the Project would
5 be on that particular scenic road?

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

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

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

18 CHAIRMAN HONIGBERG: Ms.
19 Fillmore.

20 MS. FILLMORE: I'll withdraw the
21 question.

22 CHAIRMAN HONIGBERG: Okay.

23 BY MS. FILLMORE

24 Q. What weight do you give to the fact that

1 something has been designated as a scenic
2 road?

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

20 Q. I think my question was more what weight did
21 you give it in your analysis of whether or
22 not this project would have undue -- would
23 unduly impact orderly development. And I
24 think that I'm hearing you say that it was

1 that your analysis looked mostly at whether
2 or not a scenic road would be crossed at an
3 existing crossing.

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

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

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

22 Q. Do you think that that means a town
23 necessarily has no concerns about
24 transmission lines, or do you think it's

1 possible that they had simply not considered
2 the possibility of a project such as this
3 one?

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

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

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

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

23 I'm bringing up Joint Muni 115, which is
24 the Prefiled Testimony of Nick Coates, the

1 town administrator of Bristol. And if there
2 were a better way to get to Page 15, I would
3 be using it.

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

11 A. Yes.

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

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

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

24 Q. And the third bullet point is "Build to

1 create enduring value and beauty." And would
2 I be correct in assuming that your answer to
3 the question, "Why is the Project compatible
4 with this goal?" would be the same?

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

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

1 A. Yes.

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

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

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

17 A. I'm sorry.

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

22 A. I can only speak to this project and say that
23 I did not see it being in conflict with any
24 of the master plans that I reviewed.

1 Q. If it had been, would it matter?

2 A. I can't speculate. It would depend what the
3 issue of concern was, and it would also
4 depend whether or not any actions were taken
5 to address those concerns.

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

13 A. And Dr. Shapiro's work on taxes, yes.

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

20 A. Yes.

21 Q. Did you do any independent research or
22 analysis on that issue?

23 A. No. I reviewed her work and relied on her
24 analysis.

1 Q. And are you aware that Ms. Frayer did not
2 actually analyze the effect the Project would
3 have on the economies of individual towns and
4 cities along the route that were close to the
5 Project?

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

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

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

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

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

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

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

1 slumped.

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

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

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

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

12 Mr. Reimers, what can I do for
13 you?

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

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

19 MR. REIMERS: And I believe that
20 Attorney Needleman is in agreement, that on
21 October 2nd the list that would be filed by
22 intervenors who wish to cross-examine other
23 intervenors would be questions for the Joint
24 Muni -- all the municipal groups, Grafton

1 County Commissioners, SPNHF, the NGOs and
2 NEPGA, and then on the 13th would be for all
3 the remaining intervenors.

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

8 Yes, Mr. Reimers.

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

13 CHAIRMAN HONIGBERG: Monday's
14 witnesses are?

15 MR. REIMERS: IBEW, the business
16 groups --

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

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

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C E R T I F I C A T E

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

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

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

	achieve (1) 144:12	148:22	97:7,21;98:4; 147:20	76:11;77:10
§	achievement (1) 73:15	administer (1) 130:12	agricultural (2) 103:15;104:8	analyses (1) 84:12
\$10,000 (1) 122:1	achieving (1) 39:12	Administration (1) 65:24	agriculture (2) 39:19;40:5	analysis (28) 16:14;18:2;20:22; 21:13;22:19;23:5,11, 14,21;24:23;25:9; 42:7;43:4;46:2; 84:13,16;85:3,15; 96:21;103:23,24; 125:5;129:23; 138:17;139:21; 140:1;145:22,24
\$7,000 (1) 122:1	ACHP (1) 97:12	administrator (2) 110:13;142:1	Ah (1) 147:17	
\$70 (1) 75:14	acknowledge (3) 43:16,24;44:9	admit (1) 44:14	ahead (3) 37:15;42:16;97:4	
[acknowledgment (1) 78:12	adopting (1) 81:11	aide (1) 147:7	
[sic] (2) 46:21;98:5	acre (2) 65:19;75:15	adverse (8) 20:20;21:7;79:14; 93:9,14,21,24;94:2	aimed (1) 39:12	
A	acreage (1) 140:15	adversely (3) 56:1;122:20; 129:14	air (1) 40:13	
A-23 (1) 134:14	acres (2) 64:22;78:2	advocate (1) 106:22	Aldrich (1) 121:5	announcement (1) 105:20
A-24 (1) 132:23	across (2) 100:22;133:2	aerials (2) 67:14,15	allow (1) 117:9	answered (3) 35:22;77:13;94:10
A-45 (1) 61:11	action (1) 144:12	aesthetics (4) 18:21;19:22;79:8; 138:17	allowed (1) 133:15	apologize (3) 6:19;102:5;141:21
A-71 (2) 136:24;137:14	actions (1) 145:4	affect (4) 42:21;43:9;56:1; 131:15	allowing (2) 79:17;123:14	apparently (2) 10:13;44:17
abide (1) 49:5	activities (4) 60:4;70:4,4;119:5	affected (3) 93:7;115:11; 122:20	allows (1) 139:3	appear (1) 136:18
able (4) 57:20;83:21;90:23; 103:16	activity (6) 41:12;55:12;56:3, 16;70:15;76:15	affirmative (1) 5:6	almost (1) 20:8	appeared (3) 102:8;111:13; 141:5
above-ground (1) 129:15	actual (2) 52:6;146:19	afternoon (3) 4:9,10;148:21	along (37) 22:21;25:6;34:6; 41:12;45:8;53:22; 55:5,13;56:20;63:11; 65:2,4,11;66:18; 67:4;69:13,16;70:1, 2;76:17,23;77:23; 80:4;93:19;94:3,4; 101:11;104:5,16; 111:12;117:4; 122:21;132:3; 139:13;140:4; 143:22;146:4	appears (1) 103:14
Absolutely (1) 58:23	actually (11) 5:20;41:24;68:16; 80:22;107:5,16; 113:17;132:20; 134:20;138:3;146:2	after-the-fact (2) 41:10,19	alongside (1) 95:16	Appendix (5) 67:5;93:5;106:16; 132:23;143:15
Abutters (2) 6:18;71:22	add (2) 20:8;148:10	Again (17) 18:3;20:21;23:22; 31:14;35:3;61:10; 65:1;66:14;72:22; 81:1;94:1,15;105:15; 119:13;120:18; 123:5;131:17	alter (3) 42:21;43:9;93:10	Apple (1) 99:19
abutting (1) 76:23	adding (1) 25:10	agencies (4) 41:2,7;81:7;97:16	altering (1) 79:7	Applicant (13) 6:10;52:4,10; 53:21;72:5,24;88:12, 14;89:1;98:3;117:5; 123:6;128:10
acceptable (1) 80:11	addition (1) 117:7	agency (1) 83:20	alternatives (2) 110:20,22	Applicant's (10) 50:24;51:8,24; 52:24;88:10;100:17; 106:15;132:22; 143:14;145:9
accepted (1) 43:5	additional (3) 20:8;32:1;78:4	agent (1) 139:6	although (2) 38:13;146:24	Application (26) 5:23;6:14;36:15, 16,20,21;45:2;51:2, 13;52:2,12,18;53:2,4, 5;54:4;61:23;78:17, 20;90:1;105:15,22; 109:8;110:2,6;128:8
access (3) 114:17;117:9; 123:14	address (4) 31:22;40:10;80:8; 145:5	ago (4) 24:1;46:17;62:16; 137:19	amendment (3) 12:1,4,14	applied (1) 49:10
accessible (1) 98:5	addressed (9) 23:16;33:3;45:16; 77:2;84:10;109:4; 131:23;132:1;141:17	agree (15) 12:3;13:12;14:5, 13;17:14;18:12,18; 20:3,11;23:9;32:6; 36:23;39:10;64:4; 87:14	amendments (1) 9:14	approach (2) 12:16;17:23
Accommodation (7) 46:10;47:4;48:20; 49:23;78:20;88:12; 92:9	addressing (1) 55:21	agreed (3) 23:13,19;148:11	amount (3) 20:24;29:16;50:16	appropriate (2) 60:6;98:14
Accommodations (1) 49:12	adequate (1) 117:9	Agreement (4)	amounts (2)	approval (7) 48:10;54:16;55:1; 56:6;58:6,14;59:3
accordance (1) 46:11	adherence (1) 84:2			
account (3) 122:8;129:23; 139:15	adjacent (4) 22:24;23:1;24:18; 94:2			
accounts (1) 115:8	adjourn (1) 148:20			
accurate (5) 35:15;57:22;67:1; 80:1;114:24	adjourned (1)			

<p>approved (3) 82:23;108:12; 146:13</p> <p>approximate (4) 67:13;70:16;88:18; 105:21</p> <p>approximately (1) 61:15</p> <p>April (2) 118:19;119:8</p> <p>archeological (1) 95:22</p> <p>area (20) 38:15;45:21;65:6; 67:10;80:5,17;81:3; 92:17;94:7;103:22; 106:17;117:8; 118:14;119:2;120:6, 16;122:3;124:4,20; 129:19</p> <p>areas (8) 19:10,17;22:19; 41:20;71:20;78:5; 123:7;124:18</p> <p>argument (1) 85:12</p> <p>around (3) 18:19;29:13; 118:13</p> <p>arrived (1) 11:11</p> <p>Article (8) 5:1,1,3,8,10; 117:23;118:1;120:10</p> <p>articles (2) 5:22;6:5</p> <p>ascribes (1) 52:4</p> <p>aside (1) 70:23</p> <p>aspect (1) 99:24</p> <p>assert (1) 58:10</p> <p>assertion (2) 54:24;56:5</p> <p>asserts (1) 119:11</p> <p>assess (6) 41:2,7;85:20;90:2; 91:8;93:11</p> <p>assessed (2) 75:14;90:22</p> <p>assessment (13) 23:2,23;40:23; 41:18;42:1,3;47:16; 59:16;80:20;93:17; 94:8,13;127:6</p> <p>assessment-type (1) 143:5</p> <p>assets (2) 106:20;131:4</p> <p>assist (1)</p>	<p>11:5</p> <p>associated (10) 12:13;16:19;29:14, 21;119:16;122:11; 123:11,15;125:3; 134:8</p> <p>Associates (4) 41:16;57:2;89:3,14</p> <p>assume (6) 49:18,21;79:24; 102:20;110:24;120:7</p> <p>assumes (1) 49:1</p> <p>assuming (4) 7:23;29:8;82:21; 143:2</p> <p>assumption (3) 25:3;33:18;58:5</p> <p>assumptions (2) 29:11;127:17</p> <p>assure (1) 66:14</p> <p>attached (2) 29:1;56:11</p> <p>attachment (4) 10:2;13:1;73:9; 77:21</p> <p>attainable (2) 74:11,17</p> <p>attempt (1) 75:2</p> <p>attended (1) 109:12</p> <p>attention (2) 4:11;10:1</p> <p>Attorney (1) 147:20</p> <p>attractive (2) 143:8,9</p> <p>attracts (1) 142:15</p> <p>attributes (1) 67:24</p> <p>ATVs (1) 133:13</p> <p>Audubon (1) 9:20</p> <p>August (9) 33:23;50:17; 105:19,20;109:22; 110:5;112:11; 116:11,13</p> <p>autocorrected (1) 33:23</p> <p>avail (1) 37:5</p> <p>availability (1) 64:3</p> <p>available (8) 34:23;63:24;97:23; 109:10,11;113:10; 127:22;146:18</p> <p>avoid (3)</p>	<p>80:16;111:6;139:4</p> <p>avoiding (2) 39:13;85:16</p> <p>avoids (1) 79:12</p> <p>aware (31) 6:15;12:20;20:23; 21:12,17;35:17; 41:10;57:8;62:7,20; 63:14;64:16,18;65:9; 66:15;102:7,22,23; 103:3,4;113:24; 115:2,19;128:11; 133:21;137:7,16; 146:1,8,14,20</p> <p>away (1) 53:19</p>	<p>72:6,24</p> <p>begins (1) 130:23</p> <p>begun (1) 146:14</p> <p>behind (1) 111:7</p> <p>belief (1) 34:17</p> <p>beneficial (1) 81:16</p> <p>benefit (1) 45:14</p> <p>benefits (9) 7:18;19:22;40:2,2, 14;42:4,10;100:9; 113:22</p> <p>Berger (1) 116:24</p> <p>best (4) 6:20;48:19;49:20; 82:22</p> <p>better (3) 73:5;113:16;142:2</p> <p>beyond (3) 7:14;57:15;133:22</p> <p>big (1) 116:8</p> <p>biggest (1) 105:8</p> <p>Bill (1) 122:13</p> <p>bit (6) 27:24;32:16;42:8; 100:20;104:20;114:7</p> <p>blanket (1) 79:16</p> <p>blocked (1) 124:16</p> <p>blow (1) 100:20</p> <p>blue (2) 89:19;135:12</p> <p>BMP (1) 47:2</p> <p>BMPs (3) 83:1,2,5</p> <p>Board (8) 6:23;7:6;10:11; 125:10,24;128:19; 129:7;130:18</p> <p>boards (3) 125:4;127:7,10</p> <p>Bob (1) 110:12</p> <p>bodies (1) 128:10</p> <p>book (1) 46:9</p> <p>bore (7) 46:16,20,23;81:23; 82:4,5;88:18</p> <p>bored (1)</p>	<p>95:16</p> <p>both (8) 10:10;55:18;61:13; 124:14,17;133:12; 142:15;147:7</p> <p>bottom (4) 6:24;27:3;101:3; 135:12</p> <p>boundaries (2) 73:4;92:11</p> <p>brainstorming (1) 113:21</p> <p>Branch (1) 95:19</p> <p>break (5) 68:12,14,17,22; 148:10</p> <p>Brief (1) 68:23</p> <p>bring (11) 104:22;108:3; 113:1;115:15; 117:21;132:18; 134:15,20,21,22; 137:11</p> <p>bringing (4) 121:3;130:10; 132:10;141:23</p> <p>brings (1) 146:23</p> <p>Bristol (11) 100:18,19;130:12, 18;131:3,8;136:24; 137:2;142:1,5,9</p> <p>Bristol's (1) 131:6</p> <p>broad (3) 103:24;143:17; 144:9</p> <p>broader (3) 38:13,14;103:10</p> <p>broke (1) 69:2</p> <p>brought (1) 135:11</p> <p>Buhrman (1) 115:23</p> <p>build (2) 12:11;142:24</p> <p>buildings (3) 67:8;70:3;111:8</p> <p>built (5) 29:8;96:18;103:1, 5;146:14</p> <p>bulk (1) 118:23</p> <p>bullet (7) 110:9,11,18;142:5, 6,8,24</p> <p>bumping (1) 32:14</p> <p>bunch (1) 49:2</p>
B				
		<p>back (19) 5:21;7:21;34:7; 41:19,23;64:14,20; 65:17;75:9,13;99:21; 101:21;102:1; 107:21;123:17; 135:10;137:9; 147:11,15</p> <p>background (2) 33:1;55:22</p> <p>backup (1) 147:7</p> <p>Bamford (1) 108:5</p> <p>banks (1) 51:4</p> <p>barrier (1) 77:7</p> <p>based (10) 26:16,17;30:19; 45:17,19;67:13;92:5; 104:5;117:4;144:2</p> <p>Basically (1) 28:6</p> <p>basis (8) 13:21;58:13;73:23; 80:12;94:1;104:17; 120:1;135:9</p> <p>Bates (9) 10:3;13:4;15:1; 17:19;19:8;24:8; 26:6;32:3;33:9</p> <p>Bear (2) 24:19;27:1</p> <p>beauty (3) 129:19;131:11; 143:1</p> <p>became (1) 113:15</p> <p>Bedford (4) 41:13;76:3;77:18; 78:1</p> <p>began (2)</p>		

<p>burial (17) 48:17;50:14,23; 51:23;67:15;71:12, 16;72:9;78:18;79:2, 10;84:1,17;85:21; 92:11,15;110:23</p> <p>buried (13) 48:13;73:1,6; 78:23;80:23;92:3; 95:16;107:24;108:9, 12,19;126:4,19</p> <p>bury (1) 79:18</p> <p>busiest (1) 116:12</p> <p>business (21) 60:1;76:12;77:11; 103:6;115:12,18; 116:6,9,14;117:7; 118:6,23;119:22; 120:15;122:3,14,16, 22;123:5,7;148:15</p> <p>businesses (21) 114:17,21,23; 115:3,10,13,24; 116:4,20;117:11,18; 118:14;119:24; 120:19,23;122:15,17, 19,21;123:4,9</p> <p>buying (1) 75:9</p>	<p>121:2;122:15; 123:18;125:17; 132:18;133:8; 143:15;144:22; 147:12</p> <p>capacity (1) 116:17</p> <p>Cape (2) 93:6;94:11</p> <p>care (1) 136:4</p> <p>career (1) 112:15</p> <p>carefully (5) 30:11;88:2;127:9, 11,13</p> <p>carry (6) 15:7;19:1,4;24:10; 25:23;26:24</p> <p>carrying (1) 119:18</p> <p>case (6) 16:1;34:5;35:7; 63:6;103:14;131:22</p> <p>cases (1) 77:5</p> <p>cat (1) 17:12</p> <p>catch (1) 110:4</p> <p>categories (2) 62:2,4</p> <p>category (1) 62:3</p> <p>cause (2) 31:11;68:17</p> <p>caused (1) 121:12</p> <p>Central (1) 39:4</p> <p>certain (3) 6:12;39:12,13</p> <p>certainly (1) 103:16</p> <p>cetera (1) 65:13</p> <p>Chair (2) 4:6;53:12</p> <p>CHAIRMAN (67) 4:3;22:6,14;38:8, 19,20,23;47:13,19; 48:24;49:13;51:9,18; 52:3,13,20;53:10,15, 18;58:17,21,24;59:6, 12;60:19,24;61:7; 68:8,13,21;69:1,8; 71:3;72:1;75:18,22; 82:11;83:13,16; 84:22;85:4,11;86:11, 22;87:4;90:7,13,19; 91:1,17,23;92:21; 98:8,15;99:3,6,9; 132:13;138:18,22;</p>	<p>146:22;147:4,9,17; 148:4,13,17</p> <p>challenge (2) 55:10;77:7</p> <p>challenges (1) 113:20</p> <p>Chalmers (2) 42:13;132:1</p> <p>chance (2) 69:6;74:4</p> <p>change (11) 16:7;25:14;28:7; 30:4;40:13;45:9,11; 94:17;105:21; 108:15;142:22</p> <p>changed (2) 105:17;133:10</p> <p>changes (3) 9:14;51:3,5</p> <p>chapters (1) 8:23</p> <p>character (28) 13:12,17,22;14:8, 16;15:14,19,22;16:5, 9,19;17:3,8,20;18:8, 15,17,20;19:24; 21:18;24:2;25:11; 26:17;27:3;43:11,18; 75:11;142:14</p> <p>characterization (1) 5:18</p> <p>check (2) 68:12;86:20</p> <p>Chester (1) 137:3</p> <p>chooses (1) 92:15</p> <p>chose (1) 66:1</p> <p>Christine (3) 86:16;97:3;99:14</p> <p>cities (1) 146:4</p> <p>citizens (1) 29:24</p> <p>city (2) 76:20;115:6</p> <p>claimed (1) 88:24</p> <p>claims (1) 59:18</p> <p>clarified (1) 113:10</p> <p>clarify (1) 112:7</p> <p>classify (2) 21:24;22:12</p> <p>clean (2) 82:4;87:15</p> <p>clean-up (1) 30:2</p> <p>clear (1) 56:19</p>	<p>clearing (1) 139:13</p> <p>clearly (6) 6:10;30:23;66:3; 72:19;77:20;90:18</p> <p>climate (1) 40:13</p> <p>close (2) 73:19;146:4</p> <p>closing (1) 122:1</p> <p>closure (3) 121:18,21,23</p> <p>Coates (2) 130:12;141:24</p> <p>coincidentally (1) 68:16</p> <p>collect (1) 104:12</p> <p>collected (1) 41:11</p> <p>Collier (1) 125:9</p> <p>co-located (1) 16:23</p> <p>comfortably (1) 30:22</p> <p>coming (1) 120:8</p> <p>comment (4) 97:20;120:10; 121:5;133:19</p> <p>commentary (1) 141:6</p> <p>comments (8) 25:19,19;28:5,21; 97:16;102:9,23; 120:14</p> <p>commercial (4) 65:13,19;70:3; 127:1</p> <p>commission (4) 10:12;39:4;64:1; 133:7</p> <p>Commissioner (2) 71:15;78:17</p> <p>Commissioners (1) 148:1</p> <p>commissions (1) 128:9</p> <p>commitment (1) 124:23</p> <p>committed (1) 123:6</p> <p>Committee (8) 5:24;100:12;102:9, 24;107:14;132:12, 14;146:12</p> <p>common (3) 29:24;30:6;43:12</p> <p>communicate (1) 34:17</p> <p>communication (1)</p>	<p>120:22</p> <p>communities (27) 11:13;15:21;17:1, 4;18:6,16;39:15; 55:5,17;56:21;64:2; 71:14;72:10,14;73:6; 76:20,22,23;77:1,16; 78:1;112:16;115:10; 126:18;130:6;143:7, 9</p> <p>communities' (1) 73:16</p> <p>community (22) 16:20;18:5;25:8; 30:4;63:8;66:16; 73:11,14,20;75:7; 85:10;115:12;117:7; 121:16;123:7; 140:18;142:16,23; 143:8;144:9,11,11</p> <p>Company (3) 115:5,6;117:16</p> <p>comparable (2) 59:19;88:6</p> <p>compare (1) 146:18</p> <p>comparing (2) 60:21;61:5</p> <p>comparisons (1) 60:12</p> <p>compatible (2) 142:19;143:3</p> <p>completed (2) 9:17;94:13</p> <p>completely (1) 79:18</p> <p>component (3) 15:13;18:20;21:18</p> <p>computer (1) 33:24</p> <p>conceivable (1) 31:16</p> <p>concentrated (1) 16:23</p> <p>concentration (1) 44:5</p> <p>concept (1) 18:3</p> <p>conceptual (1) 113:18</p> <p>concern (27) 20:3,11;27:10; 28:19;29:17;30:2; 55:10;57:16,18; 73:13;105:8;106:10; 109:2,2;118:11; 120:21;122:6;126:1, 6,12;129:3;131:24; 133:21;134:1; 141:11,12;145:3</p> <p>concerned (8) 28:13;106:2;107:7, 17;109:9,17;114:23;</p>
C				
<p>cables (1) 51:4</p> <p>calculation (1) 140:14</p> <p>calculations (3) 84:12,14;86:2</p> <p>call (7) 32:14,18;33:12,14; 36:2;128:17;135:5</p> <p>called (4) 35:21;43:22;44:3, 12</p> <p>calls (5) 22:4;58:19;75:17; 82:10;83:12</p> <p>camp (1) 116:13</p> <p>can (46) 12:5;16:17,23; 20:9;22:6,15;30:22; 45:14;47:22;49:2,13; 51:19;52:8;54:23; 56:4;57:21;58:10; 62:17;66:12;68:12, 14;74:14;83:5,16; 86:17;87:5;89:2,13, 17;94:13;97:1;99:18; 101:9,21;102:16; 109:24;118:23;</p>				

<p>129:12 concerns (28) 29:9;30:6,16; 31:23;33:1;37:11,19; 76:18;77:5;79:13; 105:16;113:9; 114:16;115:2;116:3; 119:20;126:16,20; 127:14,16,21;130:8, 20;131:14;139:13, 16;140:23;145:5 concluded (3) 22:23;55:23;134:6 conclusion (11) 22:4;42:22;59:3; 60:23;82:10;83:12; 85:23;87:10;95:1; 127:18;141:9 conclusions (5) 43:9;49:2;54:18; 58:20;127:4 conclusory (1) 49:7 Concord (7) 41:14;76:5,21; 77:18,24;115:7,8 condition (2) 84:2;96:14 conditions (10) 42:20;43:8;48:11; 49:19;50:9;79:19,20; 83:6,19;88:11 conductive (1) 82:24 conduct (4) 23:1,22;59:24; 84:12 conducted (2) 42:23;44:18 Confidential (2) 97:18;98:18 confirm (2) 34:22;62:17 confirms (2) 34:8,10 conflict (3) 144:6,20,23 conform (1) 49:23 conforming (1) 49:11 connect (1) 19:17 Connecticut (3) 107:22,24;108:20 connection (1) 60:6 connector (1) 114:19 connects (1) 24:19 consequences (1) 80:11</p>	<p>conservation (34) 10:11;24:20;27:2; 28:10,16;39:3;43:12, 22;44:3,12;45:3; 50:22;51:22;53:6; 61:24;62:3,6,9; 63:17;64:16,23;65:7, 9,14;66:15,23;75:11; 77:22;78:2,5;79:9; 93:9;132:14;133:7 conserve (4) 26:17,24;28:19; 43:19 conserved (2) 26:16;78:8 conserving (1) 131:4 consider (39) 6:1;21:23;22:11; 35:18;40:4,12,22; 44:21;49:24;57:10; 59:19;65:14;66:21; 79:3;80:1,10;81:16; 82:2,18,24;83:8,24; 85:15;88:4;89:21; 91:20;92:1,13;96:1; 98:1,19;104:14,15; 116:19;125:4; 127:19;132:7;134:1; 138:4 considerable (1) 71:10 consideration (7) 18:19;19:22;55:11; 77:8;108:23;140:20; 141:8 considered (20) 7:5;18:15;22:20; 30:11;57:14;66:16; 80:6;94:24;106:12; 107:2;117:14; 119:20;131:14,21; 133:19,23;134:4; 135:22;139:17;141:1 considering (3) 87:22;92:16;94:5 consistency (3) 11:4;36:8;37:8 consistent (10) 13:16;34:12;37:21; 49:4,15;52:5;54:20; 55:23;122:24;148:5 Consortium (1) 46:8 constructed (3) 31:22;41:23;55:8 construction (26) 50:18;51:5;55:20; 60:7;77:4;83:2; 112:12,23;113:1,4, 11;114:9,13,18; 116:15,22;117:3; 118:12;119:4,5,7,17;</p>	<p>122:12,16,23;123:16 consultant (2) 12:8;95:22 Consulting (2) 97:19,19 contain (1) 143:17 contains (1) 84:7 contamination (1) 91:20 intention (1) 108:18 context (1) 11:10 contextual (1) 12:17 contingent (1) 21:19 continue (3) 103:16;104:7; 115:14 continued (6) 22:24;25:4;56:19; 78:1;93:21;104:18 continues (2) 121:23;133:2 continuous (1) 96:16 contribute (2) 13:11;82:18 contributes (1) 92:13 contributing (3) 16:4;80:2;89:21 contribution (1) 43:5 control (2) 117:1;123:13 convenient (1) 60:6 conversation (2) 33:5;34:20 Coogan (3) 32:7,18;33:12 Coogan's (1) 34:7 Cooley-Jericho (1) 64:10 Coos (1) 129:17 copies (1) 53:20 copy (3) 53:3;54:6;117:23 corner (2) 64:11;102:18 corrected (1) 33:20 correctly (3) 8:17;106:6,8 corridor (31) 7:18;35:8;41:13;</p>	<p>50:7;54:19;56:20; 67:4,8;70:1;72:16, 17;73:22;80:5,7,18; 81:2,4;94:16,19;95:4, 9;96:2,5,9,16;103:18; 104:5;110:21; 111:14;144:4,19 corridors (9) 24:17;61:13;73:12; 74:10,16;78:4;94:22; 141:14;143:23 Cote (3) 118:4;120:9;121:6 Council (9) 97:12;105:4,14,19; 106:14;107:6,16; 108:7;109:7 Council's (1) 107:10 Counsel (4) 33:7;105:2;124:1, 13 counter (2) 131:9,10 Country (10) 105:4,14,19; 106:14;107:6,10,16; 108:7;109:7;133:9 County (2) 129:17;148:1 couple (6) 19:13;24:13;62:15; 76:20;141:20;143:11 course (4) 42:12;44:24; 126:21;146:6 cover (4) 11:22;38:14;70:6; 88:3 crafted (1) 88:2 create (2) 124:20;143:1 created (2) 58:10;124:8 creation (1) 24:18 credible (2) 45:24;46:1 criteria (1) 45:5 cross (5) 132:17;135:19; 137:8,17,24 crossed (1) 140:2 crosses (1) 133:3 Cross-examination (8) 2:7,8,9;4:7;23:17; 31:1;39:1;99:12 cross-examine (1) 147:22</p>	<p>crossing (7) 81:23;127:1; 133:17;138:7,8,9; 140:3 crowding (1) 43:19 Cruikshank (1) 26:15 cultural (6) 13:11;14:3;19:19; 94:12;95:20;97:9 cumulative (5) 106:3;107:1,7,18; 109:17 current (16) 7:24;8:2,6,9,12; 11:11,16,20;35:24; 41:24;79:21;101:23; 121:17,22,24;134:17 cursor (1) 101:6 customer (1) 121:22 customers (1) 118:20 cutting (1) 139:5</p>
D				
			<p>damage (1) 78:9 damaging (1) 85:8 dashed (3) 88:17,19,23 data (4) 50:17;51:15;66:14; 71:19 date (6) 8:3;33:14,21,24; 34:2;121:22 dated (3) 125:11;130:13; 132:11 dates (2) 39:8;95:13 Dawn (1) 99:18 day (8) 34:9;102:10; 116:15,17;146:24; 147:10;148:21,22 days (2) 71:23;97:17 days' (1) 97:20 decent (1) 68:17 decisions (3) 39:12;41:3,8 decommissioning (2) 40:2;60:9</p>	

<p>Deerfield (28) 4:12;6:18,23;7:6; 11;9:13,24;10:10; 11:6;12:20;13:22; 15:19;16:1;17:9; 18:10,14,18;19:1,4; 20:4;21:24;22:10; 25:5,20;27:6;32:8, 18;35:7 define (3) 15:20;16:9;17:20 definition (15) 16:12,24;17:10,13, 21;18:11,14;39:17, 20,21;40:20;87:24; 95:5;96:4,12 definitions (1) 16:10 definitive (1) 5:17 delays (1) 123:15 denial (1) 58:2 denied (2) 58:4,15 dense (1) 70:6 density (4) 16:15,20;17:15; 76:3 Department (4) 6:22;65:23;113:7; 129:8 department's (1) 113:8 depend (2) 145:2,4 depending (1) 134:2 depends (3) 12:7;70:13;133:10 DES (5) 81:6,22;82:8,16; 88:3 describe (4) 66:18;96:6;108:24; 124:3 described (6) 8:23;17:15;67:3; 69:15,20;95:23 describes (4) 14:1;44:14;79:1; 97:7 describing (5) 10:8;14:24;17:13; 64:8;107:11 description (11) 17:12;62:5;63:9, 11;64:7;68:5;69:24; 79:24;80:10;96:8; 107:9 descriptions (1)</p>	<p>63:20 design (2) 84:10,12 designate (1) 136:15 designated (14) 134:11,24;135:14; 136:1,2,3,7,19;137:4, 22;138:3,9;139:1,3 designed (1) 30:10 desire (1) 43:17 desires (3) 14:5,14;44:22 detailed (5) 63:9;109:2;112:6; 113:9,15 details (1) 109:10 determination (1) 21:6 determine (2) 67:11;142:18 determined (3) 21:14;45:9;67:10 determines (1) 60:5 detours (1) 124:20 detrimental (1) 82:2 develop (1) 117:10 developed (7) 35:9;55:8;66:2; 77:3;100:13;116:21; 143:22 development (110) 9:14;13:15,16; 14:6,14;15:8;20:23; 39:15,16,17,20,21, 24;40:6,19;41:4,9,12, 18,21;43:7,21;44:2, 11,16,23;45:4,5; 47:17;48:16;49:4; 50:1,4,6,13;51:13,17; 54:7,11,13,22;55:2, 12;56:2,3,7,16,20; 57:12;59:5;61:3; 70:15;71:13;72:10, 13,14,15,20;73:5; 76:15,19;78:13;79:9, 15;80:2,7,22;81:17; 82:3,19,21;83:1; 84:1;85:9,16,21,24; 87:10,15,17,20,24; 88:4;89:22;90:15,18; 91:9,16,21;92:2,14, 24;94:20,24;95:2,5, 10;96:20;98:2,12,21; 100:1;103:9;116:24; 123:2;139:23;</p>	<p>143:18,19;145:8; 146:7 develops (1) 144:11 DeWan (6) 21:1,23;22:11,20; 23:14;127:6 DeWan's (3) 20:18;21:13;94:8 diagram (2) 90:12;101:21 diagrams (1) 48:12 diameter (1) 46:20 difference (1) 26:19 different (20) 16:17,17;24:13; 31:15;37:12,17,20; 38:1,2,4,5,5;42:8,11; 49:3,6;61:6;62:4; 117:20;138:14 difficult (1) 54:8 diminished (1) 78:12 direct (4) 9:23;34:4;47:22; 65:22 directed (1) 142:13 directional (8) 46:5,6;48:19; 49:20;82:5,17;83:9; 84:5 director (2) 105:18;109:13 disagree (2) 30:17;127:3 disagreeing (1) 120:1 Discovery (1) 33:10 discuss (11) 32:12;73:11; 110:13,22;111:9,11, 20;113:8;127:8; 134:9;145:7 discussed (3) 5:16;32:16;135:18 discusses (1) 130:20 Discussion (6) 38:22;53:17;86:21; 105:7;111:3;112:4 discussions (1) 117:18 dislocation (1) 79:4 disorderly (3) 61:3;85:16;92:24 dispute (3)</p>	<p>29:22;30:14;71:23 disregard (1) 103:23 disruption (3) 79:4;116:3;122:23 dissent (1) 148:7 dissuade (1) 28:11 distance (4) 67:11,18;68:2;70:8 distances (2) 67:6;68:4 distinction (1) 96:17 distributed (2) 108:4;117:22 District (2) 87:14;111:21 disturbed (6) 94:15;96:1,5,9,11, 12 docket (3) 7:3;58:3;131:19 dockets (1) 58:13 docs (1) 36:6 document (19) 8:16,18;9:8;10:2,5, 18;27:15;28:3;33:19; 54:23;59:7;61:12; 64:19;101:13; 122:15;125:8; 132:24;137:13;144:8 documentation (4) 56:4,13;127:20,22 documents (18) 7:12,16;9:10,12; 10:19;11:1;19:10; 32:13;34:13,23;36:2, 8;37:22;64:17;97:10, 18,22;98:18 DOE (3) 7:4;97:11;131:20 Dog (1) 116:1 done (20) 12:5;26:23;30:11; 46:11,14;48:13; 50:11;63:15;69:15, 17;78:9;80:8;81:4; 82:22;93:17;135:8; 139:10,18;140:6; 146:12 DOT (31) 47:3,8;48:5,9,10; 50:16;71:15,23;72:6; 73:2;78:18;79:16,23; 81:6;82:8,15;84:3; 85:2;88:3,13;89:24; 92:6,8,17;95:24; 96:4;97:17;117:8;</p>	<p>119:17;124:24; 131:19 dots (4) 101:12,16,18; 102:3 DOT's (7) 46:9;48:18,20; 49:23;78:19;84:7; 88:11 down (13) 4:24;13:19;15:11; 19:16;86:17;105:3; 106:19;110:18; 111:6;114:20; 117:12;118:17; 121:20 downtown (2) 115:7;124:8 Dr (4) 42:9,13;132:1; 145:13 DRA (7) 62:2,4;64:4;66:8, 11,13;67:2 Draft (4) 7:3;98:18;128:23; 130:5 drawing (1) 60:22 drawn (1) 89:19 Draw (1) 81:22 drill (1) 124:7 drilling (10) 46:5,6;48:19; 49:20;82:5,17;83:9; 84:6;124:2,10 drive (2) 67:20;114:20 driven (1) 119:1 driveway (1) 67:24 drove (1) 65:4 Duchano (1) 28:16 duct (1) 51:4 Due (5) 28:8,19;58:15; 92:18;121:22 during (15) 30:8;108:16; 114:13,18;116:15; 118:24;119:5,7,10; 121:17,20;122:16; 123:24;132:6;141:17</p>
---	---	---	---	---

E

E115 (1) 101:14	25:22;26:19;31:20; 53:6;64:16	142:17	119:17	16:6
earlier (5) 11:21;34:9;35:13; 140:8;141:13	EIS (5) 7:3;92:17;128:23, 24;130:5	enjoyment (1) 138:15	events (2) 42:21;43:8	existed (1) 65:12
easement (3) 28:17;64:23;78:18	either (7) 18:10;31:6,7,16; 34:18;45:12;63:24	enough (5) 36:23;50:2;58:1; 128:16;131:15	eventually (2) 56:23;109:4	existence (1) 140:16
easements (5) 60:15;75:3,10,14; 78:8	electric (8) 35:6;72:17;77:23; 94:6,16;140:16; 142:20;143:10	ensure (9) 30:10;35:14;39:23; 50:10;107:1;120:21; 122:19;125:1;139:16	Eversource (11) 56:23;57:4;75:2, 10,13;110:16;111:9; 112:1;113:13;115:9; 119:13	existing (38) 16:2,3,21;17:7; 29:14;44:7;50:7; 54:19,20;55:13,18; 59:22;61:12;63:4,21; 72:16;73:21;77:6; 80:4;88:23;94:6,15, 18,22;101:10;103:13, 17;104:4;126:14; 138:8;140:3,15; 141:14,15;142:20,21; 144:4,18
easier (1) 16:8	ELMO (2) 97:2;147:7	ensuring (1) 35:3	Eversource's (2) 59:20,23	exists (3) 62:8;80:6;138:11
Eastern (1) 39:3	else (1) 148:18	entire (3) 38:14;43:23; 108:13	everybody's (1) 148:5	exit (1) 124:16
Easton (18) 38:12,13;43:23; 61:11,12,17;62:8; 64:12,23;70:2,7; 75:8;76:9;81:11,17; 88:2,5;95:13	e-mail (5) 52:17;81:22;108:5; 115:23;116:2	entirely (2) 64:6;75:21	everyone (1) 109:11	expanded (1) 118:22
Easton's (6) 43:14,16;44:9; 86:5,7,14	e-mails (2) 115:17;120:14	entirety (1) 108:11	everyone's (1) 34:1	expanding (2) 25:1;35:11
economic (19) 13:15;14:6,14; 40:1;42:4,15,23; 45:14;100:1,6,8; 103:7;107:1;114:12; 131:5;134:17; 143:19;145:12;146:9	employed (1) 18:2	entrance (1) 124:15	evidence (7) 49:1;78:14;93:13, 20,23;100:5,10	expansion (3) 58:7;75:4;78:10
economically (1) 122:20	employees (1) 119:23	envelope (1) 112:23	evolved (1) 105:16	experience (1) 112:15
economies (1) 146:3	enables (1) 71:15	environment (6) 39:18;40:4;50:11; 85:8;87:21;143:19	exactly (1) 90:20	expert (7) 21:8;30:8;31:2; 93:18;126:22; 131:23;140:6
economy (3) 45:13;129:13; 145:18	enact (2) 72:7;73:3	environmental (7) 40:7,8,11;50:18; 63:16;87:19;92:10	EXAMINATION (1) 2:6	experts (6) 30:13;40:15;42:17; 45:21,23;145:9
edge (9) 67:7,12;68:2; 69:14,18;70:8;78:23; 89:2,13	encouraged/requested (1) 110:12	environmentally (1) 80:9	examine (1) 111:21	explain (2) 71:5;114:13
educate (1) 12:9	encouraging (1) 13:15	envisioned (1) 27:5	examined (2) 110:19;113:22	explained (8) 35:13;43:1;63:3; 66:3;77:20;102:12; 124:14;141:13
educational (1) 60:2	end (10) 47:24;54:22;79:8; 88:20;89:3,12,14; 93:11;146:23;147:10	equipment (1) 113:1	examining (1) 110:20	explanation (1) 69:17
Edwin (1) 132:12	endorsed (1) 133:11	erosion (1) 90:3	example (4) 76:10;77:9,17; 118:19	explore (1) 112:2
effect (15) 8:13;21:7;22:23; 79:15;93:21;94:2,14, 19;104:4;105:10; 116:21;120:3; 124:18;134:7;146:2	ends (2) 88:19,20	escaped (1) 23:21	examples (2) 76:3,14	explored (2) 111:6,24
effectiveness (1) 88:7	enduring (1) 143:1	especially (2) 29:24;94:4	except (2) 50:3;112:14	express (1) 30:1
effects (8) 39:13;59:16,18; 91:8;100:1;116:20; 126:1;145:10	Energy (2) 6:22;129:8	essentially (1) 29:16	exception (14) 49:22;50:15;51:1; 52:1;53:1;54:3,9; 79:17;88:10;89:4,15; 92:4,8,9	expressed (9) 6:2,6;30:6;57:16; 76:19;81:19;119:21; 130:9;132:8
effort (3) 35:12;67:20; 123:12	energy-related (1) 42:24	establish (3) 71:17;72:8;73:3	exceptions (5) 47:4;49:10,14; 78:21;92:18	expresses (4) 43:19;44:1,10; 118:11
efforts (5)	enforce (1) 83:21	establishing (2) 15:8;71:20	excess (1) 124:14	expressing (1) 43:17
	enforceable (6) 82:7,14;83:4,5,10, 19	estimate (4) 73:19,24;74:2,4	Excuse (2) 48:6;110:4	expressly (1) 11:21
	engage (1) 112:4	et (1) 65:13	executive (2) 105:18;109:13	
	engaged (1) 115:9	evaluate (1) 132:7	exhibit (16) 4:14;9:23;12:23; 15:1;19:8;26:5;32:1, 3,4;33:9;100:17; 106:15;121:3;129:4; 132:22;143:14	
	engineering (1) 113:9	evaluated (3) 17:1;30:12;126:22	exhibits (2) 25:16;28:22	
	England (1) 17:4	evaluating (1) 11:17	exist (1)	
	enhance (1) 75:11	evaluation (3) 84:15;132:12; 141:19		
	enhanced (1)	even (7) 28:11,21;30:2; 34:9;36:15;80:7;		

<p>extend (1) 41:18</p> <p>extensive (1) 20:24</p> <p>extent (3) 45:7;62:1;113:11</p> <p>extra (1) 128:12</p> <p>extremely (1) 90:10</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facilities (1) 60:10</p> <p>fact (9) 31:4;80:15;94:5; 112:14;131:10; 135:18;136:17; 138:24;146:17</p> <p>factor (4) 18:23;94:24; 140:19;141:13</p> <p>factored (1) 130:6</p> <p>factors (3) 18:22;56:18;87:21</p> <p>facts (4) 30:8,24;49:1;141:5</p> <p>factual (2) 56:14;57:19</p> <p>fail (2) 81:18;90:2</p> <p>failure (1) 49:22</p> <p>faint (1) 88:22</p> <p>fair (5) 5:18;14:9;28:12; 33:18;72:2</p> <p>fairly (2) 47:22;70:24</p> <p>falls (1) 45:19</p> <p>familiar (7) 17:23;18:24;19:3, 24;26:10;118:5; 126:24</p> <p>family (2) 101:8;118:8</p> <p>far (3) 41:17;42:1;80:17</p> <p>farms (1) 106:5</p> <p>Farrington (2) 116:23;124:23</p> <p>Farrington's (1) 117:15</p> <p>farther (1) 42:16</p> <p>fate (1) 45:19</p> <p>favorites (2)</p>	<p>118:7,8</p> <p>features (1) 13:11</p> <p>February (1) 108:7</p> <p>federal (2) 81:6;92:19</p> <p>feel (7) 25:21;65:7;66:5; 71:4;80:4;108:11; 129:2</p> <p>feels (1) 79:13</p> <p>feet (10) 46:21,21,21,22,24; 61:15,17;101:23,24; 124:15</p> <p>felt (2) 128:15;132:6</p> <p>few (6) 26:8;29:3;65:20; 110:19;114:16;140:8</p> <p>field (3) 21:8;30:13;126:22</p> <p>Fifth (1) 110:11</p> <p>filed (5) 105:15;109:8; 110:6;147:21;148:11</p> <p>Fillmore (14) 2:9;38:9,16,18; 97:4;99:7,8,13,14,18, 20;138:19,20,23</p> <p>Fillmore's (1) 38:12</p> <p>finally (1) 9:19</p> <p>find (6) 5:17;68:15;123:18; 129:4;133:8;143:16</p> <p>finding (1) 71:18</p> <p>findings (2) 54:12;71:23</p> <p>fine (2) 37:16;95:9</p> <p>first (16) 15:2;26:10,13; 55:6;69:23;87:7,18; 93:16;110:9;121:6, 17;125:23;129:11; 130:2;142:5,8</p> <p>fit (1) 126:10</p> <p>fits (1) 95:4</p> <p>five (2) 45:1,18</p> <p>flooding (1) 121:12</p> <p>flow (1) 119:14</p> <p>Flying (1)</p>	<p>110:24</p> <p>focus (2) 30:7;103:13</p> <p>focused (5) 11:15;38:11;65:10; 74:11,17</p> <p>follow (1) 50:7</p> <p>following (4) 19:21;26:22;72:16; 80:7</p> <p>follow-up (1) 68:7</p> <p>foremost (1) 35:20</p> <p>Forest (6) 62:18,21;64:11; 66:24;82:8,16</p> <p>forested (3) 62:7;65:3,6</p> <p>forestry (3) 65:13;103:15; 104:8</p> <p>forests (1) 131:6</p> <p>forever (1) 79:7</p> <p>forgotten (1) 92:19</p> <p>form (3) 13:21;35:18;57:20</p> <p>formally (5) 67:10;71:17,19; 72:7;134:11</p> <p>forming (2) 80:12;133:20</p> <p>forth (2) 88:11;142:7</p> <p>found (4) 45:23;68:4;73:10; 131:14</p> <p>four (1) 45:18</p> <p>fourth (1) 110:18</p> <p>frac (2) 84:16;85:3</p> <p>frac-out (4) 85:3,7,15;90:4</p> <p>fracture (1) 84:14</p> <p>fragile (1) 129:13</p> <p>frame (3) 42:11,17;105:22</p> <p>frames (1) 96:24</p> <p>Franconia (3) 95:13;118:14; 119:14</p> <p>Franconia/Sugar (1) 120:16</p> <p>Framer (4)</p>	<p>42:18;100:14; 146:1,8</p> <p>Framer's (3) 42:7;145:11,17</p> <p>Freitas (1) 110:13</p> <p>full (2) 54:17;116:16</p> <p>fully (3) 91:8;117:5;132:7</p> <p>furniture (1) 129:16</p> <p>further (6) 13:19;15:11;19:16; 28:18;63:23;78:10</p> <p>future (15) 9:13;26:19;28:10, 11;41:17;42:2;78:5; 100:6;103:12,21; 104:2,3,9,13,14</p> <p>fuzzy (1) 102:5</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gallons (1) 82:1</p> <p>gaps (1) 88:3</p> <p>gas (1) 140:17</p> <p>gathered (1) 56:15</p> <p>gears (1) 104:20</p> <p>general (4) 17:2;18:3;26:9; 61:16</p> <p>generally (12) 16:18;17:2,24; 18:16;32:17;89:18; 94:21,23;95:8,11; 137:5;143:16</p> <p>generically (1) 34:21</p> <p>geographic (1) 38:15</p> <p>gets (1) 90:20</p> <p>Getz (3) 52:12,17;54:3</p> <p>GIS (1) 66:12</p> <p>Given (8) 15:18;54:5;63:18; 71:9;74:9,15;112:21; 125:18</p> <p>giving (2) 71:22;78:11</p> <p>goal (10) 14:1;16:4;43:20; 44:1,10,15;75:9; 80:15;142:19;143:4</p>	<p>goals (26) 8:24;13:5;14:10; 15:8;19:5;20:1,5,13; 21:4,5;23:6;24:2; 29:9;34:22;39:12; 43:12;73:16;74:12, 18;75:4,11;143:17, 21;144:6,10,12</p> <p>goes (5) 10:14;52:22;89:17; 100:22;116:17</p> <p>Good (15) 4:9,10;26:14; 35:15;46:7,18;47:9, 18;48:2;63:4,23; 84:6;113:18;120:22; 129:1</p> <p>governing (1) 128:10</p> <p>graduate (1) 116:7</p> <p>Grafton (1) 147:24</p> <p>Grand (1) 129:20</p> <p>Granit (3) 62:13;63:13;96:23</p> <p>granted (1) 79:16</p> <p>gray (1) 88:22</p> <p>great (1) 126:1</p> <p>green (9) 19:15;24:3,12,21; 25:1,7,23;27:5;88:16</p> <p>Greenhouse (1) 121:8</p> <p>Greenway (1) 24:19</p> <p>Greenways (1) 27:1</p> <p>Grill (1) 116:1</p> <p>Grounds (1) 58:17</p> <p>Groundwater (1) 87:13</p> <p>Group (3) 38:9;46:9;99:17</p> <p>groups (3) 97:24;147:24; 148:16</p> <p>Groveton (1) 134:18</p> <p>growth (5) 76:16,17;79:6; 100:6;142:12</p> <p>guaranty (1) 122:14</p> <p>guess (2) 16:13;128:17</p> <p>Guidelines (9)</p>
--	---	--	--	---

46:7,12,18;47:10; 48:3;83:9;84:3,6; 85:2	heave (2) 84:14;86:1 heavily (1) 62:6 height (1) 126:7 held (3) 104:21;109:12; 139:9 Hello (1) 99:14 help (2) 91:20;122:19 helped (1) 67:24 helpful (4) 60:5;71:2;83:24; 85:16 helps (1) 25:7 Hemphill (1) 137:2 high (3) 28:8;101:23;102:1 higher (1) 78:11 highlight (1) 27:24 highlighted (10) 4:19;13:5;15:2,6; 19:13;24:14;27:18; 84:9;106:17;134:16 highlighting (2) 27:23;135:12 highly (3) 46:3;85:2,8 highway (3) 70:1,18;73:4 Hill (13) 81:11,17;101:3; 118:13;120:16; 121:9,15;132:17; 133:3,12;137:3,8,17 hinder (1) 100:5 hindered (1) 51:15 hinders (1) 53:6 hire (1) 12:8 historic (8) 14:2,9,16;95:18, 22;97:8,13,15 historical (1) 10:9 history (1) 55:15 Hmm-hmm (1) 15:23 Hodgdon (2) 78:19,24 Hodgdon's (1)	79:24 hold (2) 86:20;102:21 hole (1) 88:18 holes (4) 46:20,23;81:24; 82:5 home (1) 147:8 HONIGBERG (65) 4:3;22:6,14;38:8, 20,23;47:13,19; 48:24;49:13;51:9,18; 52:3,13,20;53:10,15, 18;58:17,21,24;59:6, 12;60:19,24;61:7; 68:8,13,21;69:1,8; 71:3;72:1;75:18,22; 82:11;83:13,16; 84:22;85:4,11;86:11, 22;87:4;90:7,13,19; 91:1,17,23;92:21; 98:8,15;99:3,6,9; 138:18,22;146:22; 147:4,9,17;148:4,13, 17 honor (1) 131:1 hope (1) 78:9 hopefully (1) 104:22 hoping (1) 29:15 horizontal (8) 46:5,6,48;18; 49:20;82:5,17;83:9; 84:5 Horn (2) 93:6;94:11 host (1) 102:14 Hotel (1) 129:20 house (1) 67:23 houses (6) 67:12,18;68:3; 70:8;127:10;128:21 hovering (1) 101:7 HQ (2) 55:19;57:9 hundred (1) 31:9 hundreds (1) 89:23 hydro (1) 84:14 Hydro-Quebec (3) 54:16;77:2,23 hypothetical (2)	53:14,22 hypothetically (1) 102:19 I IACOPINO (2) 86:19;89:5 IBEW (1) 148:15 iconic (1) 106:24 idea (2) 107:15;139:15 ideal (1) 64:5 identification (2) 68:1;97:8 identified (8) 14:19;19:1,4;55:7; 77:6;78:4;94:12; 127:17 identifies (1) 137:2 identify (4) 42:20;43:8;67:21; 120:20 ignored (1) 92:19 ignores (1) 71:14 II (8) 54:16;55:1,19; 56:6;58:11;59:4; 77:2,23 image (3) 43:13;46:4;89:7 imagine (1) 102:23 impact (40) 20:4,12,20;21:2, 13;23:22;25:21; 29:13,17,18,21; 92:10;93:9,14,17,24; 103:2,7,20;105:9; 106:3;113:2;118:12; 122:7;126:21;127:5; 131:22,23;133:22,23; 136:16;138:4,14; 139:6,23;140:5,6; 141:17;145:18; 146:10 impacted (2) 119:22;129:14 impactful (1) 113:23 impacts (23) 21:23;22:10,12; 23:6;70:19;79:6,12; 80:19;107:1,7,18; 109:17;114:12; 117:12;119:16; 120:6,23;122:11;	123:14;125:1; 126:23;131:8;145:12 impeding (1) 73:15 importance (3) 15:18;117:6; 119:14 important (6) 18:19;30:7;87:9; 106:20;108:23; 128:15 impossibility (2) 74:9,15 impossible (1) 73:19 improvements (2) 112:17,18 Inability (1) 114:20 inadequacies (1) 63:18 inasmuch (4) 45:17;49:9;51:16; 54:8 inch (1) 147:3 incidental (1) 60:7 include (10) 39:18;40:18;45:3; 60:13;84:11;86:7; 87:3;128:8;131:2; 134:17 included (3) 40:6;76:24;83:6 includes (1) 61:4 including (8) 17:4;19:19;40:1; 58:8;63:16;66:23; 84:13;118:15 inconsistency (1) 50:5 inconsistent (1) 73:13 incorporate (1) 75:3 incorrectly (1) 114:15 increase (2) 29:15;78:2 increased (1) 72:11 increasing (1) 72:12 independent (7) 41:2,7;54:23;56:4, 13;57:1;145:21 in-depth (1) 55:14 indicate (2) 44:21;49:22 indicated (10)
--	---	---	--	--

<p>9:16;10:20;31:12, 17:55;5:70:6;105:21; 111:4;130:4;131:17 indicates (2) 49:11;69:11 indicating (2) 11:22;70:3 indication (1) 122:2 individual (4) 75:7;103:12;135:8; 146:3 individuals (2) 35:1;46:3 industry (2) 46:8;47:2 inevitable (1) 142:13 influence (1) 27:4 inform (1) 11:9 information (37) 11:16;32:19,23; 35:2,4,16;36:23; 41:11;50:2,20;52:7; 55:4,12,17,22,22; 56:9,14;61:19,21; 63:1;66:4;69:4; 80:14;84:8;87:9; 92:7;98:13;100:13; 103:20;104:13; 112:21;113:5;117:3; 135:4;139:9;146:18 informed (1) 36:13 infrastructure (11) 19:15;24:3,13,21; 25:2,8,24;27:5; 78:22;95:15;112:19 input (3) 36:4;76:6;139:15 insincere (1) 31:14 inspection (1) 60:8 inspectors (1) 50:10 instead (3) 33:17;111:7; 143:12 integral (1) 95:18 intended (4) 55:14;108:24; 126:15;144:13 intent (2) 44:1,15 intention (2) 43:20;44:10 interest (4) 24:24;25:4;28:10; 58:15</p>	<p>interested (2) 102:13;136:5 interfere (13) 39:24;54:7,21; 55:2;56:1,7;79:8; 80:21;93:8;98:1,21; 104:18;123:1 interference (1) 39:14 interfering (1) 73:15 interpretation (1) 22:5 interrupt (2) 6:3;37:14 interruption (2) 120:4;122:4 intersection (1) 120:7 interstates (1) 120:8 Intervene (3) 58:3,12;129:6 intervenor (1) 58:4 intervenor (5) 90:1;98:5;147:22, 23;148:3 into (9) 32:15;41:17;75:5; 76:7;87:13;122:7; 129:23;130:7;139:15 introduction (1) 130:2 inventory (2) 9:16;25:7 involve (2) 51:2;113:17 involved (3) 79:22;112:16; 115:6 involvement (1) 113:12 involves (1) 81:23 irrelevant (1) 84:23 issue (20) 17:10;34:1;54:10; 70:20;73:13;82:20; 85:18,22;87:19; 93:18;100:11; 108:21;111:20; 119:24;130:8; 131:24;133:22; 143:5;145:3,22 issues (25) 29:12;30:10;33:2; 35:16;37:9,11;38:14; 40:7,10,16,17;55:21; 57:16,18;84:10; 109:1,2;111:4; 113:20;120:20;</p>	<p>124:19;129:2; 131:21;132:8;141:16 item (3) 69:19;141:11,12 items (2) 110:19;142:6</p> <p style="text-align: center;">J</p> <p>Jerry (1) 32:18 Jim (1) 125:9 job (2) 26:14;40:2 jobs (1) 45:14 Joint (27) 4:15;9:24;10:4; 12:24;13:4;15:1,16; 24:8;26:1,5;32:2; 43:15;89:6;104:23; 107:21;108:3,4; 114:5;115:15; 117:22;123:23; 125:8;129:5;130:10; 132:10;141:23; 147:23 JT (1) 102:17 Julia (4) 42:6,18,23;100:14 Julia's (1) 45:16 July (6) 88:15;102:10; 105:20;116:12; 120:11;121:10 June (2) 116:7,10 jurisdiction (1) 83:20</p> <p style="text-align: center;">K</p> <p>Karno (3) 115:5;117:16; 120:18 Kate (1) 9:23 Kate's (1) 29:6 Katherine (2) 118:4;121:5 keep (1) 13:14 key (2) 123:5;143:24 kind (3) 10:9;14:9;30:4 knew (2) 112:11;128:18 knowing (1)</p>	<p>80:23 knowledge (5) 8:1;19:18;50:8; 117:5;122:12 known (2) 126:17,20 knows (3) 36:5;68:11;91:2 Kris (1) 39:3</p> <p style="text-align: center;">L</p> <p>labeled (4) 61:24;62:9,18; 101:3 lack (8) 43:21;44:2,11,15; 58:15;59:16,18;63:4 land (61) 14:21;16:7,21; 21:19;22:21,24;23:1; 27:2;28:17;40:1; 43:12,19;44:6;45:6,6, 7,10,11;54:20;61:10; 62:3,6;63:4,4,10,10, 21;64:22;65:1,6,7,12, 14;67:1,2,3;70:1; 76:12;77:11;78:3,7, 11;81:3;93:9,19; 94:2,4,17;101:6; 103:13;104:3,5,15; 132:3;140:13,13; 141:7;142:22,22; 143:18;145:8 landowners (1) 60:14 lands (10) 19:6,14;61:24; 62:9;63:17,17;65:9; 66:15,23;131:6 landscape (5) 62:8;94:12;95:20; 97:9;106:21 lanes (1) 61:14 large (7) 17:5;46:19;76:11; 77:10;106:3;107:2,8 largely (2) 38:11;119:1 last (9) 11:7;27:14,17; 47:21;61:20;130:23; 142:12;143:20;145:6 late (5) 51:15;88:15; 105:19;116:10,11 latest (1) 32:20 Laundry (2) 116:1,12 laws (1)</p>	<p>82:24 lay (2) 116:7;119:22 layers (1) 66:14 layouts (2) 71:22;95:14 LCIP (1) 28:17 LCIP-funded (1) 24:17 Leader (2) 117:24;118:11 lease (12) 58:3,6,7,13;59:15, 20,21,23;60:13,14; 61:4,6 leased (2) 60:1,3 least (1) 139:11 leave (1) 23:18 left (2) 50:19;147:14 legal (6) 22:4;49:2;58:20; 59:2;82:10;83:12 legally (2) 83:10,19 legitimate (1) 49:15 lends (1) 54:17 length (1) 108:13 less (7) 49:6;74:5;81:2; 109:9,16;113:23; 114:22 lessee (1) 60:4 letter (20) 6:21;7:1;26:22; 27:22;28:15;118:10; 121:7,7,14;125:11, 12,19;129:6,9; 130:13,16,18;132:9, 11;133:6 letters (10) 26:11;31:12,18; 115:17,20;120:14,24; 125:4;128:22;131:18 level (2) 79:14;136:8 LIDAR (1) 96:23 life (1) 131:8 likelihood (2) 73:20,24 likely (3) 76:15;105:22;</p>
---	---	--	---	--

<p>114:22 limit (1) 43:19 limitation (2) 23:10;92:19 limitations (1) 92:16 limited (3) 13:16;21:13;23:14 limiting (1) 75:4 line (40) 35:8;44:7;54:16, 19;55:1,5,6,8,9,18,19, 20;56:6,17;57:9; 58:11;59:4,11,17; 73:21;74:10,16,23; 76:17;77:2,6,24;78:3, 10;94:18;100:22; 101:17;103:18; 104:1;107:23; 123:24;129:15; 132:5;140:17;146:10 lines (27) 35:6;53:22;54:14; 58:8;59:19,22;60:15; 66:22;73:12;74:13, 19,22;75:5;78:9; 88:17,19,20,22,24; 106:4;107:3;114:10; 140:10,13,19,24; 143:10 link (1) 25:7 links (1) 11:1 list (8) 10:19;68:4;69:23, 24;70:21;135:7; 147:16,21 listed (4) 69:12;135:2,14; 136:19 listen (1) 31:1 listened (3) 127:9,11,13 little (7) 13:19;19:16;27:24; 100:20;102:5; 104:20;125:17 live (1) 30:5 living (1) 30:1 local (12) 19:18;37:19;79:4; 115:10;118:14; 121:16;128:9,10; 134:19;136:2,8; 145:12 locally (5) 135:14;136:18;</p>	<p>137:4;138:9;145:19 locate (1) 6:20 located (5) 62:21;70:18; 103:17;121:15; 142:20 locating (4) 16:2,5;44:6;143:22 location (8) 46:23;47:1;51:3; 88:17,21;90:9;102:1; 124:11 locations (5) 84:17;86:2;90:3; 124:21;143:24 logical (1) 36:1 Londonderry (4) 41:13;76:4;77:18, 24 long (9) 11:14;12:6;103:24; 112:12;120:5; 124:15,15;144:3,18 longer (1) 122:4 longstanding (1) 71:10 long-term (3) 28:7;93:10;116:20 look (35) 15:24;27:7,13; 56:15;57:15;63:1; 64:14,20;65:17;68:6, 15;69:3;76:16;98:13; 102:2,5;103:9,10; 104:3,10,11,15; 105:7;106:13;114:4, 7,10;115:22;121:2,6; 124:2;125:7;137:9; 141:20;143:11 looked (13) 42:9;45:8;56:18; 64:8;67:15;77:15; 96:22;124:19;132:2; 134:5;137:19;138:6; 140:1 looking (21) 13:4;17:18;30:23; 35:23;41:19,22;42:2, 15;54:1;55:15,17; 57:3,17;65:1;71:19; 86:23;93:18;102:3; 121:24;130:13; 136:21 loss (6) 79:5;121:24; 122:14,15,18;123:10 lost (11) 36:4;103:6;129:16; 132:17;133:2,13,13, 17;135:19,21;136:10</p>	<p>lot (4) 47:20;49:1;70:14; 116:6 loud (1) 106:18 Louis (4) 115:5;116:24; 117:16;120:18 Lucky (1) 116:1 Lynn (2) 116:23;124:22</p> <p style="text-align: center;">M</p> <p>main (10) 111:7,12,12,13; 113:2;114:17,18,18, 20;117:12 maintain (5) 17:7;18:7;24:2; 43:18;51:11 maintained (1) 142:16 maintaining (4) 16:5;25:1;131:5,6 maintenance (1) 60:8 major (3) 55:10;140:19; 141:13 majority (2) 18:5;79:1 makes (1) 71:6 making (3) 32:20;98:4;127:18 Mallette (1) 26:22 Management (7) 48:19;49:21;62:22; 82:22;93:10;117:2; 123:13 manner (2) 80:9;116:18 Manual (9) 46:10;47:5;48:21; 49:5,12,24;78:20; 88:12;92:10 manufacturing (1) 129:17 many (16) 11:13;14:22,22; 16:10;18:22;31:2; 34:24;70:5;76:24; 114:19;123:3,4; 128:18;131:11; 135:22;143:8 map (20) 61:10,24;62:10,11, 12,13,14,19,24;63:2, 18,19;64:24;65:6; 66:21;67:1,2,13;</p>	<p>101:10;137:19 mapping (3) 63:5,13,23 maps (15) 35:14,15;36:3; 57:22;63:22;64:6,8; 66:1,2,6,7,10;100:16; 124:2,4 March (1) 86:6 Mark (1) 78:19 marked (10) 6:18;102:17; 104:23,24;105:1; 108:4;114:5;117:22; 121:3;125:8 Mary (1) 102:8 massive (1) 95:15 master (63) 7:9,11,16,24;8:10, 11,15,20;10:18; 11:11;12:1,20;13:3, 6;17:3;19:5;24:2; 26:24;29:10;32:21; 35:23;43:13,14,17, 23;44:9,13,19,24,24; 55:7;73:11,16;74:11, 17,20;75:5,8;76:2,7, 10,22;77:3,9,15; 126:10,13,14;131:2; 132:4;135:15; 136:20;140:7,9; 141:5,20;142:5; 143:11,17;144:7,8, 21,24 material (2) 64:21;78:15 materials (4) 51:6;65:20;109:15; 128:8 matter (6) 12:5;114:2;115:4; 144:5,19;145:1 Matthews (1) 27:23 mature (1) 79:5 may (30) 4:4;12:9,10,13; 21:3;22:20;23:6; 28:10;29:17,18; 30:15;32:16;33:2; 38:13,24;42:10; 51:18;79:13;82:2; 88:13;104:4,14,15; 111:17;113:22; 116:7;126:23;135:5; 140:16;141:21 maybe (4) 8:16;16:8;34:9;</p>	<p>45:18 mean (7) 6:3;16:16,17; 34:23;37:14;112:23; 136:4 means (2) 110:24;140:22 meant (3) 134:20,21,22 measure (1) 18:4 measured (3) 68:2;69:13,18 measurement (2) 70:11,16 measurements (4) 69:12,15;70:7,16 measures (1) 61:14 measuring (1) 67:18 meet (9) 72:19;81:5;105:14; 110:12;113:6;127:7; 128:2,6,12 meeting (17) 4:24;5:9;6:11; 32:12;34:3;86:6; 105:4;108:16,22; 109:21;110:2,5,14, 17;112:22;124:23; 139:9 meetings (3) 32:16;104:21; 128:21 Melissa (1) 121:8 Mellett (1) 132:13 members (2) 39:11;110:16 mention (5) 27:20;81:13;91:14; 132:5;140:16 mentioned (8) 16:15;55:9;64:12, 24;110:19;141:10; 145:14;148:10 mentions (3) 24:16;26:15;27:1 merits (1) 95:7 Merrimack (1) 55:19 met (2) 109:6,18 Methodology (2) 69:11;131:17 methods (1) 51:6 middle (2) 27:13;100:24 might (7)</p>
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SEC DOCKET NO. 2015-06 NORTHERN PASS TRANSMISSION, LLC DAY 37- AFTERNOON SESSION ONLY
 ADJUDICATORY HEARING September 21, 2017

62:24;68:3;113:2, 16;122:2;128:17; 140:14 mile (4) 76:4,5,6,9 miles (1) 78:21 mill (1) 134:18 mills (1) 129:16 mind (2) 29:20;108:21 minimize (4) 80:18;117:11; 119:15;123:14 minimized (1) 125:2 minimizing (2) 120:23;123:15 minutes (4) 68:22;99:8;140:8; 147:7 Mischaracterizes (1) 51:8 misheard (1) 51:19 missed (2) 61:20;89:12 misses (1) 12:16 missing (2) 64:12;71:21 misunderstanding (1) 30:21 Mitch (2) 42:13;134:5 mix (1) 41:21 modeling (2) 42:23,24 moment (2) 117:21;137:11 Monday's (2) 148:12,13 money (2) 12:13;119:12 monies (1) 28:17 Monkey (1) 110:24 MONROE (1) 97:3 months (3) 12:5;29:3;119:1 more (19) 16:23;17:11;21:5; 27:12;32:16;46:20; 47:20;54:8;70:16; 82:24;85:5;109:9,16; 112:2;113:9,15; 129:18;139:20; 143:11	morning (3) 99:23;100:4; 148:20 mosaic (4) 62:2;63:6;64:4; 66:8 most (17) 7:24;8:2,6;11:16, 20;18:16;35:3,14,24; 36:1;86:7;90:3; 106:20;119:11; 129:3,12;133:14 mostly (3) 29:12;120:7;140:1 Motorcycle (1) 116:8 MOU (1) 111:20 Mountain (8) 62:18,20,22;66:24; 82:8,16;129:20; 137:3 move (1) 147:2 moving (1) 28:11 much (12) 13:8;21:5;70:17, 19;103:10;120:3,4; 124:10;139:10; 146:23;147:5,18 multiple (2) 58:20;128:20 Muni (28) 4:16;9:24;10:4; 12:24;13:4;15:1,16; 24:8;26:1,5;32:3; 43:15;89:6;102:17; 104:23;107:21; 108:3,4;114:5; 115:15;117:22; 123:23;125:8;129:5; 130:10;132:10; 141:23;147:24 Municipal (6) 38:9;40:3;70:3; 99:16;143:17;147:24 municipalities (2) 99:15;119:18 Municipals (1) 39:4 Murphy (1) 113:7 must (3) 49:6;54:12;84:10	132:17;133:2,13, 13,17;135:19,22; 136:10 National (7) 62:18,21;66:24; 82:8,16;95:19;97:13 natural (7) 13:11,20;19:18; 96:14;129:18;131:4, 7 nature (1) 57:19 NCC (2) 106:2,22 near (8) 30:1;74:9,15;78:3; 101:14;110:20,23; 120:7 nearby (2) 30:5;78:5 necessarily (1) 140:23 necessary (1) 60:5 need (11) 12:9,10,13;68:18; 71:4;97:11;102:1; 117:10;119:22; 137:9;148:18 needed (1) 80:8 NEEDLEMAN (29) 22:3;47:11;48:23; 51:7;53:9,12,16,23; 58:16,19,23;60:17; 68:9,10;71:7,24; 75:16;82:9;83:11; 84:20;86:9;90:5; 91:13;92:20;98:6,23; 99:2;138:16;147:20 needs (8) 63:2;65:7;68:15; 95:6;117:8;132:19; 142:13;148:11 negative (6) 39:13;59:18;103:2, 7;114:12;134:7 negotiations (1) 79:22 NEPGA (1) 148:2 network (5) 19:16;24:4,13; 25:2,24 networks (1) 27:5 New (23) 17:4;18:6;30:3; 50:17;54:18;57:9; 58:8;62:13;63:13; 79:23;81:6;88:17,21; 96:22;97:14;109:13; 121:11;124:24;	129:14;131:11; 137:3;138:9;142:15 next (3) 27:22;28:15;38:8 nexus (1) 54:11 NGOs (1) 148:1 NHPR (1) 81:10 Nicholas (1) 130:11 Nichols (2) 42:13;134:5 Nick (1) 141:24 nobody (2) 23:4,4 noise (7) 26:18;27:11,12,16; 28:9,19;29:13 none (2) 77:5,6 Normandeu (8) 41:16;56:9,12; 57:2;63:19;67:6; 89:3,14 Normandeu's (1) 63:12 north (12) 64:2;105:4,14,19; 106:14;107:6,9,16; 108:6;109:7;121:12; 133:9 Northern (20) 33:10;42:1;46:22; 47:1,3;48:18;49:9,10, 18;50:15;58:4,12; 59:17;71:14;75:1; 78:16;92:15;95:15; 126:2;129:13 Northumberland (8) 132:13,18;133:7; 134:16,23;135:10,13; 136:14 northwest (1) 64:11 note (4) 93:16;137:1; 143:15;147:10 noted (6) 106:10,11,20; 126:12;131:13; 133:16 notes (2) 33:4,11 notifying (1) 71:22 noting (1) 138:1 notwithstanding (1) 127:5 November (3)	6:22;132:11;133:6 NPT (2) 58:14;60:10 number (3) 29:11;78:2;126:17 numbers (1) 5:5 numerous (1) 77:22 Nursery (2) 121:9,15
O				
			object (1) 53:14 Objection (24) 22:3;47:11;48:23; 51:7;52:14;53:9; 58:16,18;59:13; 60:17;61:7;71:24; 75:16;82:9;83:11; 84:20;86:9;90:5; 91:13;92:20;98:6,16; 99:2;138:16 objectively (1) 35:4 objectives (6) 8:24;25:23;73:17; 131:1,10;144:10 obscured (1) 67:23 observed (1) 65:4 Obviously (1) 96:10 occur (3) 119:5;122:4; 126:23 occurred (4) 55:13;76:17;110:2, 5 occurring (1) 92:24 occurs (2) 56:3;120:5 October (8) 36:21;118:19; 119:8;129:6;130:13; 147:16,16,21 off (11) 8:8;38:20,22;42:6; 53:17;64:15;86:21; 99:9;116:15;119:23; 120:8 offer (1) 94:9 offered (1) 129:20 offering (1) 88:6 offices (1) 97:15	

<p>officially (1) 136:1</p> <p>Old (2) 101:4,9</p> <p>Oldenburg (2) 95:23;96:18</p> <p>older (2) 8:10;139:12</p> <p>once (2) 46:15;61:10</p> <p>one (51) 5:13;8:12;11:22; 13:5,10,14,19;14:1, 19,22;16:14;17:11, 14;18:1,22;19:9,20; 24:1;26:2,13;27:24; 30:5;35:24;39:13; 56:17;66:12;68:19; 87:21;88:9;94:24; 99:24;101:2,3,17; 106:19;107:19; 109:3;115:22;118:7, 7;121:2,7,22;124:17; 125:7;128:15; 133:14;136:23; 137:24;141:3;145:6</p> <p>ones (1) 86:17</p> <p>ongoing (2) 93:10;97:8</p> <p>only (10) 35:7;46:15;57:6; 62:1;65:19;107:14; 108:19;121:6; 127:11;144:22</p> <p>oops (1) 134:19</p> <p>open (34) 9:18;10:20;11:12; 12:2;13:21;14:20,23; 15:3,11,12;16:22; 17:9,18;19:5,6,7,9, 12,15;20:5,13;21:3, 18;23:6;24:10,11; 25:4,22;27:6;29:10; 32:21;127:10; 128:21;143:21</p> <p>opened (1) 133:12</p> <p>operating (1) 116:16</p> <p>operation (2) 60:7;124:11</p> <p>operations (1) 146:14</p> <p>operators (1) 120:15</p> <p>opining (1) 85:6</p> <p>opinion (28) 11:3,10;20:19,23; 23:9,23;34:17;35:19; 36:7,13;37:1;50:21;</p>	<p>51:16;57:20,21,24; 75:23;80:12;81:21; 84:4;85:13;93:2,3; 116:21;122:24; 131:16;133:20; 136:16</p> <p>opinions (2) 34:11;57:10</p> <p>opportunities (1) 134:17</p> <p>opportunity (7) 36:4;37:6;103:6; 111:13,17;122:18; 123:9</p> <p>oppose (1) 108:10</p> <p>opposed (4) 28:14;103:11; 127:12;136:8</p> <p>opposite (1) 88:21</p> <p>opposition (2) 109:1;127:14</p> <p>option (4) 111:9,11,18,22</p> <p>options (5) 111:23;112:3,5; 113:21;114:17</p> <p>orange (1) 101:17</p> <p>order (2) 71:16;85:20</p> <p>orderly (90) 20:22;39:14,16,17, 20,21,24;40:18;41:4, 9,18;43:6,20;44:2,11, 15;45:4,5;47:16; 48:16;49:4;50:1,4,6, 13,22;51:13,17,22; 53:6;54:7,10,13,21; 55:2;56:2,7;57:11; 59:4;71:13;72:9,12, 14,15,20;73:5;75:11; 79:9,15;80:2,6,21; 81:17;82:2,19,21; 83:1,24;85:9,20,23; 87:10,15,17,20,24; 88:4;89:22;90:14,18; 91:9,16,21;92:2,14; 94:19,24;95:1,5,9; 96:20;98:2,12,21; 100:1;103:9;123:2; 139:23;145:8;146:7</p> <p>ordinance (11) 7:13,14;8:16;9:7; 10:17;11:12;12:2; 32:22;43:15;81:12; 86:16</p> <p>ordinances (11) 81:13,19,20;86:5,7, 10,14;87:3,6;88:2,5</p> <p>original (3) 53:21;125:15;</p>	<p>145:15</p> <p>others (1) 144:3</p> <p>ought (3) 35:17;111:24; 113:21</p> <p>out (17) 15:7;17:10;18:9; 19:1,4;24:10;25:23; 26:24;36:23;41:17; 42:19;106:18; 118:20;119:18; 120:19;122:22;123:4</p> <p>outer (1) 88:23</p> <p>outlined (2) 12:22;122:13</p> <p>outreach (1) 115:10</p> <p>outside (5) 40:12;47:7;67:8; 80:17;119:2</p> <p>over (6) 11:7,14;28:19; 67:17;101:14;121:16</p> <p>overall (2) 108:24;132:4</p> <p>overcrowding (1) 44:5</p> <p>overhead (2) 59:17;70:11</p> <p>Overruled (1) 22:14</p> <p>own (6) 8:19;21:10;23:10, 14;63:19;95:6</p> <p>owned (1) 101:8</p> <p>owner (4) 102:7;104:14,14; 118:4</p> <p>owners (2) 115:18;120:15</p> <p>owns (1) 115:23</p>	<p>21;135:11,13; 136:24;137:14; 142:2;143:14,15</p> <p>Pages (8) 4:16;10:15;50:17, 24;51:24;53:1;84:8; 89:23</p> <p>paid (3) 56:22,23;57:4</p> <p>Pancake (2) 118:5;119:10</p> <p>panel (2) 40:11;87:19</p> <p>paper (2) 129:16;134:18</p> <p>paragraph (10) 80:13;106:19; 116:5;125:23;126:6, 8;129:11;130:23; 137:1;143:16</p> <p>Paragraphs (1) 130:19</p> <p>parcel (5) 55:15,16;65:18,19; 101:6</p> <p>parcels (1) 93:11</p> <p>pardon (6) 19:2;20:17;24:11; 36:18;37:13;129:4</p> <p>park (3) 93:15;97:13; 114:21</p> <p>Parker (1) 102:8</p> <p>parking (2) 113:2;117:9</p> <p>parks (1) 93:6</p> <p>Parlor (2) 118:5;119:11</p> <p>part (47) 5:23;6:13;7:16; 15:10;16:13;18:2; 20:21;23:4;25:16; 30:7;37:23;39:4; 40:18;43:14;45:3; 47:21;51:1,12;52:1, 11,18;53:2,5;54:4; 57:11;58:2;59:15; 61:20;62:23;63:11; 78:8,16;86:4,13; 89:12,24;94:12; 95:18;100:16; 103:24;106:15; 128:23;129:5; 134:16;135:12; 141:18;143:6</p> <p>partially (1) 67:23</p> <p>particular (2) 138:2,5</p> <p>particularly (2)</p>	<p>30:5;65:3</p> <p>Parties (2) 97:19,20</p> <p>partner (2) 111:18;112:3</p> <p>partnership (4) 35:10,12;117:10; 120:22</p> <p>parts (1) 114:19</p> <p>party (1) 148:12</p> <p>Pass (18) 33:10;42:1;46:22; 47:1,3;48:18;49:9,10, 18;50:15;58:4,12; 59:17;71:14;75:1; 92:15;95:15;126:2</p> <p>passed (1) 5:2</p> <p>Pass's (1) 78:16</p> <p>past (1) 146:11</p> <p>Pastoriza (68) 2:8;38:10,24;39:2, 3;47:14,15;48:1; 49:8,17;51:10,11,21; 52:10,16,23;53:11, 13;54:2;59:1,2,9,14; 60:20,21;61:2,9; 68:20;69:3,21;71:8; 72:2,4;75:19,20; 76:1;82:12,13;83:23; 84:23;85:1,7,14; 86:12,13,15;87:2,12; 89:8,9;90:8,9,17,21; 91:4,18,19,24;92:22, 23;93:4;97:1,5;98:9, 10,17;99:1,4</p> <p>Pastoriza's (1) 38:11</p> <p>paths (1) 88:18</p> <p>patrol (1) 60:8</p> <p>patterns (3) 16:21;54:20; 142:22</p> <p>Paul (1) 110:12</p> <p>Pause (3) 26:3;99:11;110:1</p> <p>paved (2) 61:14;80:17</p> <p>pavement (8) 47:6,8;61:16,19, 22;68:3;79:18;88:23</p> <p>Paw (2) 24:19;27:1</p> <p>pays (1) 60:14</p> <p>Peaked (4)</p>
		P		
		<p>PA (1) 98:11</p> <p>packages (7) 48:5,7,8,9;61:18; 89:24;92:4</p> <p>PAGE (35) 2:6;17:16,18;19:8, 21;33:8;54:14;61:11; 67:5;73:10;77:21; 93:5;105:3;107:21; 109:24;114:10; 118:17;119:21; 123:22;124:13; 130:23;132:17,23; 133:3,9,12;134:14,</p>		

<p>101:2;137:3,8,17 Pemi (2) 115:24;116:12 pending (1) 69:2 Penney (7) 109:22;110:10; 112:6,11;113:6,24; 115:19 Penney's (3) 114:6;123:17,23 people (14) 5:5;16:18;39:10; 45:18;53:7;66:13; 76:4,5,6,9;114:22; 135:22;139:7,14 per (4) 76:4,5,6,9 percent (3) 31:9;81:3;121:20 percentage (1) 81:1 perfectly (1) 49:15 Perhaps (9) 7:15;32:14;33:22; 42:11;66:12;74:5; 112:14;125:16;135:7 period (3) 11:15;12:6;97:21 periods (1) 122:4 permit (12) 48:5,6,7,9;50:9; 59:23;61:18;83:7,20; 84:2;89:23;92:4 permits (1) 50:9 permitting (2) 30:3;40:8 person (2) 36:2;65:5 perspective (1) 129:2 pertaining (1) 5:9 pertinent (1) 71:19 Petition (1) 58:3 petitions (1) 58:12 PFOA (1) 91:20 Phase (12) 55:1,19;56:6; 58:11;59:4;77:2,23; 112:12;113:11; 114:9;118:13;119:4 phone (3) 33:11,14;35:22 photograph (2) 81:10;102:17</p>	<p>physical (1) 112:24 picture (2) 104:6;123:19 pieces (1) 11:14 pipe (1) 84:13 pipeline (1) 140:17 pipes (1) 111:15 pits (8) 47:5;51:5;81:24; 88:21;124:2,7,14,16 place (8) 27:7;34:3;47:7; 50:9,10;56:17;82:7, 15 placed (2) 32:18;92:16 plan (72) 7:9,11,16,24;8:10, 11,15,20,23;9:17,18; 10:18,21;11:12,12, 17;12:1,2,21;13:3,6; 14:23;15:3,12;17:3,9, 18;19:5,7,9,12;24:2, 10,11;25:7;27:1,6; 29:10;32:21,22;35:9, 23;43:14,17,23; 44:10,13,19;45:1; 62:22;74:11,17,20; 75:9;76:11;77:9; 103:2;106:15,21,22; 107:10,20;117:10; 126:10;131:2;132:4; 135:15;136:20; 142:5;144:7,8,21 planing (5) 34:22;36:2,6;77:8; 128:19 planned (2) 133:17;143:11 planner (9) 32:7;36:1,5,12,24; 109:23;113:16,18; 139:12 planners (11) 32:24;34:6,11,21; 37:6;104:21;105:5; 128:3,5,13,16 planning (27) 7:12;10:9,11;11:4, 6;19:10;32:13;34:13; 36:3;37:22;55:10; 64:1;72:18;94:23; 95:11;102:21; 107:17;113:7,8; 125:4,10,24;127:7,9; 128:9;140:20;141:7 plans (32) 11:14;28:7;35:5;</p>	<p>43:13;44:24;48:21; 49:9;55:7;73:11,16; 75:6;76:2,7,22;77:3, 16;112:7;113:10,14; 117:1,2;123:13; 126:13,14;140:7,9, 21;141:6,20;143:12, 17;144:24 plant (1) 121:14 pleasant (1) 135:23 please (3) 47:23;114:13,15 Plymouth (10) 109:23;111:10; 112:20;113:15; 115:3,13,19,24; 117:19;124:8 pm (4) 4:2;68:23,24; 148:22 point (7) 31:5;41:1,6;73:2; 83:18;110:9;142:24 pointing (1) 18:9 points (2) 17:10;142:6 Polly's (4,18) 118:4,18,19; 119:10 ponds (1) 66:22 popular (1) 106:24 populated (1) 65:3 population (6) 16:11,15,19;17:15; 44:5;76:3 portion (9) 13:2;15:6;24:6; 48:13;73:1;80:24; 88:9;100:19;145:8 portions (1) 71:12 position (7) 50:24;51:8,24; 52:4,6,24;72:15 possibility (1) 141:2 possible (11) 21:22;22:9;23:3, 19;29:23;31:7;68:7; 71:1;113:14;116:19; 141:1 posted (3) 97:18;120:16; 121:4 potential (8) 42:20;76:19; 103:20;104:2,10,11;</p>	<p>122:7;126:23 Potentially (3) 31:19;111:5,16 power (3) 35:8;66:22;78:3 powerless (1) 136:14 Practices (9) 46:7,18;47:9,18; 48:2,20;49:21;82:22; 84:6 precedent (7) 54:17;58:6,11,14; 59:4,10,11 precise (1) 85:5 predicated (1) 82:3 prediction (1) 146:19 predictions (1) 146:9 preempt (1) 88:5 pre-existing (2) 41:13;94:16 prefiled (11) 4:14;54:15;73:9; 81:13;114:1,1,6; 130:11;134:4; 141:24;145:15 premised (1) 22:4 prepared (6) 10:13;34:4;64:6; 125:14,20;127:23 present (2) 93:13,23 preservation (6) 14:2;19:23;39:18; 78:11;97:13,15 preserve (5) 14:20;19:14,18; 24:12;143:21 preserving (4) 13:10;15:18;24:3; 27:2 pretty (1) 146:23 prevailing (12) 22:21;36:6;45:6,7; 63:10;65:1;67:3; 93:19;94:3;104:3,15; 132:3 preventing (2) 44:4;78:10 previously (12) 10:20;63:3;70:6; 94:22;96:1,5,9,11,12; 104:23;114:5;125:8 primarily (3) 63:20;65:2,10 primary (1)</p>	<p>66:17 principle (3) 72:18;94:23;95:12 printed (1) 118:11 prior (7) 9:9;27:17,19;34:3; 36:19;45:1;139:9 priority (1) 78:5 private (2) 24:20;64:22 probably (7) 8:7;17:3;18:6; 46:15;68:18;96:24; 130:3 problem (4) 55:9;58:22;73:12; 92:12 proceed (3) 4:4;38:24;133:15 proceeding (3) 51:14;59:7;132:7 proceedings (2) 98:12;99:11 process (10) 30:9,9;37:23; 71:18;110:14; 128:23,24;139:3,19; 141:18 produced (1) 66:8 professional (7) 32:15,24;34:6; 36:5;128:3,5,13 program (2) 35:11;48:12 Programmatic (3) 97:6,21;98:4 progressed (1) 11:7 progresses (1) 117:12 prohibition (1) 139:17 Project (116) 5:9;16:3;20:5,13, 19;23:5;24:24;25:10, 21;26:18;28:6,14,14; 29:8,21,23;30:1,3,19, 21;31:9,22;32:13; 34:12;35:19;36:11; 37:10,21;39:23;40:9, 14;41:22;44:6;48:21; 51:14;53:8;57:22,23; 60:10,12;61:4;63:8; 67:14;70:2,18;72:17; 76:23;77:4,7;79:11, 17,20,21,23;80:16, 20;86:3;90:11;93:7, 8;95:6;100:2,5,8,16; 103:1,5,8,17,21; 105:10;108:11;</p>
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<p>32:22;35:6;38:3; 86:24;87:15;90:17; 121:19;124:20 relates (7) 20:22;43:6;45:13; 57:18;91:15;127:21; 138:17 relating (1) 127:16 relative (6) 37:10;54:12;63:7; 95:1;116:24;117:3 Relevance (7) 47:12;58:22;60:18; 84:21;90:6;91:14; 98:7 relevant (9) 59:8;61:1,8;84:24; 85:5;90:8,10,16; 98:11 relied (12) 20:18;21:1,9;43:3; 45:21;46:2;57:6; 107:14,19;145:9,17, 23 rely (2) 64:5;129:18 remain (1) 45:10 remaining (1) 148:3 remember (4) 29:6;42:5;96:24; 108:8 remembering (1) 8:17 removal (1) 60:9 removing (2) 74:9,15 repair (1) 60:9 repeat (7) 14:12;20:9;22:7; 41:5;47:23;51:19; 74:14 repeatedly (1) 48:21 rephrase (3) 52:9;53:21;72:3 replaced (1) 111:16 replacement (1) 60:8 replaces (1) 11:21 report (46) 8:4,19;9:20;10:23; 11:2;12:22;13:1; 34:3;42:7;43:1,3; 45:16,17,24;56:9,10, 12;66:18;69:10; 77:19,20;87:3,6;</p>	<p>106:10,11,13;107:5; 15;117:15;125:15, 21;126:12;127:23; 128:1;129:24;130:3; 131:13;132:2,19; 134:9,14;136:24; 137:10,14;138:2; 143:13 reported (1) 117:17 reports (5) 31:3;42:12;45:18; 65:8;98:5 represent (10) 101:2,7,22;102:16, 19;118:3,9;121:18; 136:13;142:6 representatives (3) 113:13;128:19,20 representing (1) 99:15 request (5) 69:2;79:16;89:4, 15;92:8 requests (10) 47:2;49:22;50:16; 51:1;52:1;53:1;54:4, 9;88:10;92:5 require (5) 47:17;86:10; 124:11;128:6,7 required (7) 44:20;47:8;67:4; 81:5;86:8;112:24; 141:18 requirement (2) 78:22;146:6 requirements (3) 81:5;83:22;124:24 requires (2) 46:10;71:18 research (2) 72:6;145:21 researching (1) 73:1 residential (4) 65:12;70:5;103:14; 104:8 residents (9) 12:10,11;14:7,15; 20:12;25:20;28:11; 75:3;142:15 resolution (1) 6:19 Resource (6) 9:20;10:22;14:9; 21:14,20;23:15 resources (13) 13:20;14:3,17; 19:19;21:8;22:2,13; 79:7;91:15;97:8; 105:10;106:5,23 respect (3)</p>	<p>76:21;81:18;114:8 respected (1) 72:11 respectfully (1) 127:3 respective (1) 34:14 respond (3) 31:11,17;68:16 responding (1) 32:10 response (7) 34:8;66:20;69:22; 76:18;99:23;124:5; 144:2 responses (5) 29:23;50:16;51:1; 52:1;53:1 responsibility (2) 86:4;131:1 responsible (1) 66:5 rest (1) 53:4 restate (1) 9:5 restaurant (1) 116:9 result (2) 103:7;146:17 results (3) 6:11;117:17; 146:19 resume (1) 148:23 resumed (2) 4:2;68:24 retaining (1) 43:11 return (1) 116:11 re-use (1) 134:18 Revenue (3) 65:23;121:20; 123:11 review (25) 5:16;7:12,23;8:10; 9:7,9,13;10:19; 20:17;22:19;30:8; 35:4;36:17;41:20; 44:19;57:11;62:23; 63:16;97:20,23; 116:23;117:2; 126:13;143:6;144:14 reviewed (32) 5:13;7:9;8:12,15, 21;9:13,17;19:7; 20:18;22:21;25:6; 40:13;43:3,23;50:20; 62:22;64:17;67:6; 76:22;78:15;81:20; 95:6;97:11;100:10,</p>	<p>13;109:14;124:22; 130:5;131:18;132:2; 144:24;145:23 reviewing (1) 130:7 reviews (7) 8:18;27:15;28:3; 33:19;101:13; 132:24;137:13 revised (1) 109:5 revolve (1) 29:13 reword (1) 52:15 rewrite (1) 75:8 rid (1) 73:21 Ride (1) 133:11 right (36) 4:3;7:9;8:7;9:15; 14:3;15:11;17:17; 20:20;22:2;23:7,15; 27:16;34:14;37:3,5; 38:17;44:14;51:12, 12;59:24;61:10; 66:20;68:21;100:15, 21,24;101:7,10; 102:6;123:22;134:9; 145:14;146:22; 148:12,18,19 right-hand (1) 84:9 right-of-way (36) 7:19,20;16:2,3; 22:22;44:8;45:12; 47:6;55:13;65:2; 67:7,9,12;69:14,16, 19;70:9;71:11,17,20; 72:7,8;78:23;79:12; 88:24;92:3;93:19; 94:3,4;104:16;132:3; 133:2,3;138:10; 140:15;142:21 rights (1) 60:3 rights-based (1) 81:12 rights-of-way (3) 17:6;94:7;141:15 rise (1) 79:14 rises (1) 45:19 risk (2) 85:3;114:14 River (5) 107:22,24;108:10, 20;137:4 ivers (1) 82:6</p>	<p>road (53) 47:6;61:12;67:9, 12,19;79:11;88:22; 95:17,18,24;96:10, 13,19,22;101:3,4,9; 112:16;121:21,23; 132:17,17;133:3,4, 14,18;135:19,22,23; 136:2,9,10,11,11,13, 15;137:2,3,3,4,8,17; 138:2,3,5,7,10,15; 139:2,3,5,18;140:2 roads (15) 78:18;101:1;122:3; 133:13;134:9,12,24; 135:3,14;136:6,7,19; 137:5,23,24 roadside (1) 79:7 roadway (4) 65:4;117:4;119:19; 143:23 roadways (1) 139:14 ROBERT (1) 2:4 Robertson (1) 4:15 role (1) 36:12 roughly (1) 119:8 route (72) 34:6;45:8;48:14, 17;50:14,23;51:23; 61:13,13,17;63:10, 11,21;64:7;65:11; 66:19;67:14,15,20; 69:13;70:2;71:12,16; 72:6,9,10;73:1,6; 76:23;79:2,10;80:3, 24;82:6;84:1,18; 85:17,21;90:10,22, 24;91:3,6,9,12;92:3, 14,15,24;95:13,23; 96:1,6,8;98:3,22; 105:20;114:19; 121:15,18;122:21; 123:19,21;124:16; 126:24;132:16; 137:7,16,23;144:4, 18;146:4 RSA (3) 71:9,14;73:3 rule (2) 86:20;128:5 rules (18) 5:23;21:15,20; 22:5,13;23:15,16; 44:20;47:5;48:21; 82:7,15;87:23;91:15; 92:10,18;128:6,7 run (2)</p>
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20:6;131:9 running (1) 60:16 run-off (1) 90:4 runs (1) 116:10 rural (37) 13:12,17;14:8,16; 15:13,18,22;16:5,9, 10,18;17:2,7,20;18:7, 10,15,17,19,21; 21:18;24:2;25:11; 26:17;27:2;43:11,18; 75:10;76:11,21;77:1, 10,16;106:21;131:3; 142:8,14	screen (7) 4:13,18,22;10:5; 24:15;100:15;117:24 screwy (1) 28:1 scroll (3) 86:17;101:21; 125:17 season (2) 116:10;119:7 SEC (33) 6:9;21:15,20; 22:13;23:15,16; 25:18;30:9;39:5,11; 41:1,6;44:20;54:12, 16,17,24;56:5;58:10, 13;59:3;67:4;81:18; 87:23;88:5;90:1; 91:15;98:5;109:12; 110:14;120:17; 129:1;146:7 second (11) 5:21;15:6;20:8; 24:1;26:2;28:1; 116:5;118:17; 121:21;126:6;133:9 secondly (2) 87:8,18 SEC's (5) 39:21;40:20;41:3, 8;121:4 section (9) 15:2;66:17;69:11; 84:9;97:6;106:16; 107:9;134:22;142:4 sedimentation (1) 90:4 seeing (2) 7:17;54:9 seek (1) 74:20 seeks (3) 12:21;24:10,11 seem (2) 74:5;136:21 Seems (1) 148:6 Selectmen (5) 6:24;7:6;128:20; 129:7;130:19 sell (1) 75:13 sense (3) 63:7;71:6;111:23 sensitive (1) 90:3 sent (1) 88:12 sentence (6) 27:14,17,19; 116:14;142:12; 143:20 separate (4)	7:17;54:10;82:20; 127:5 September (2) 125:11;148:23 seriously (3) 57:14,14;127:19 serve (1) 104:7 served (7) 48:17;50:14,23; 51:23;73:5;118:20; 121:16 Service (1) 97:13 Serving (1) 72:14 session (3) 120:10;124:1; 148:21 set (6) 58:6,14;59:4; 88:11;115:17;142:7 setting (2) 18:21;59:10 settlement (2) 84:13;86:1 several (6) 16:16;46:17;49:19; 77:16;99:15;101:16 sewer (4) 111:12,15,21; 112:17 Shapiro (1) 42:9 Shapiro's (1) 145:13 shared (1) 59:21 ShareFile (1) 88:15 Sharon (4) 109:22;110:9,11, 18 Sheehan (1) 78:17 Sheet (2) 100:16,18 Sheridan (1) 115:23 shoulders (1) 146:24 show (8) 5:20;9:22;48:12; 65:7;66:22;85:3; 88:24;90:2 showcasing (1) 131:4 showed (1) 127:15 showing (2) 4:16;124:2 shown (6) 61:17;64:23;65:18;	66:10;75:2;92:4 shows (8) 43:13;46:4;57:17; 58:2;59:15;88:9; 100:7;101:22 SHPO (2) 97:14,14 side (5) 45:12;84:9;88:22; 100:21;101:1 signed (1) 6:24 significant (6) 15:13;29:16,18; 77:8;131:15;134:7 similar (2) 42:10;116:18 similarly (2) 21:1;25:9 simple (2) 47:22;70:24 simply (8) 55:4,16;66:7,18; 103:22;136:4,17; 141:1 sincere (2) 30:18;31:9 sincerity (1) 30:15 single (5) 16:11;18:22;55:16; 91:14;135:7 sit (2) 6:12;29:4 site (19) 8:8;30:3;35:24; 59:24;69:14;86:8; 88:15;97:19;103:12; 104:7;120:17;121:4; 131:20;132:12; 134:18;135:3,15; 136:20;137:2 siting (5) 51:14;54:18;58:11; 59:11;61:3 sitting (1) 128:1 situation (1) 82:18 six (1) 118:24 size (1) 46:16 skin (1) 17:12 skip (1) 143:12 Skipping (1) 116:14 Slightly (2) 38:5;42:11 slumped (1) 147:1	slurry (4) 51:4;81:24;82:1; 88:21 small (3) 81:1;121:14;122:3 Smith (1) 137:4 snapshot (1) 11:18 Society (1) 9:20 soil (3) 39:19;40:5;85:8 solely (1) 107:19 solicit (1) 34:11 someone (3) 66:13;71:5;139:6 sometimes (6) 12:6,15;20:8; 67:22;135:4;140:13 somewhat (1) 114:24 soon (2) 68:14;109:24 sorry (15) 4:13;6:3;26:2,4; 37:14;74:3;98:15; 102:4;104:24;106:7; 110:4,10,11;144:15, 17 sort (8) 12:16;22:19;24:23; 38:2;103:19,22; 122:6;139:7 sorts (1) 22:12 sought (2) 26:16;58:5 sound (4) 72:18;80:9;94:23; 95:11 sounds (3) 18:1;30:14;84:23 source (2) 66:3,6 south (1) 63:23 space (34) 9:18;10:20;11:12; 12:2;13:21;14:20,23; 15:3,11,13;16:22; 17:9,18;19:5,6,7,9, 12,15;20:5,13;21:3, 18;23:6;24:10,11; 25:4,22;27:6;29:10; 32:21;112:24; 124:10;143:21 sparsely (1) 65:3 speak (5) 19:10;79:19;93:1;
---	---	---	--	--

S

sacrificing (2)
 14:8,16
safeguard (1)
 142:8
safeguarding (1)
 131:3
sake (1)
 118:10
same (11)
 5:15;9:3;12:23;
 15:1,20;19:8;27:8;
 53:9;60:22;111:16;
 143:4
saw (3)
 7:3;22:22;147:3
saying (7)
 31:8;56:14;61:2;
 66:21;94:1;108:9;
 138:13
scale (2)
 73:18;103:10
scenario (1)
 78:24
scenic (35)
 19:19;21:14,20;
 22:1,1,13;23:15,20;
 105:10;106:5;
 129:19;131:11;
 133:14;134:9,12,24;
 135:2,14,23;136:2,7,
 9,15,19;137:5,23;
 138:3,5,7,9,15;139:1,
 3,18;140:2
SCHIBANOFF (3)
 147:2,5,6
Schibanoff's (1)
 146:24
scope (1)
 133:22
scoping (1)
 128:24
scoured (1)
 140:9

<p>128:20;144:22 speaking (10) 9:8;16:18;17:24; 25:20;32:17;51:17; 87:17;94:21;95:11; 115:13 specific (3) 120:6;144:6,14 specifically (4) 7:20;45:15;60:13; 115:3 speculate (3) 104:1;141:4;145:2 speculating (1) 31:5 speculation (6) 23:8;31:19;74:2; 75:17;120:2;123:3 speculative (3) 30:12;103:12; 122:8 speed (1) 25:10 spend (1) 13:8 splice (2) 51:4;88:16 SPNHF (1) 148:1 spoke (8) 34:8,10;40:16; 105:18;109:13; 115:5;120:10;127:10 spoken (2) 34:24;35:21 spokesperson (1) 99:16 spot (1) 36:10 square (4) 76:4,5,6,9 squares (1) 102:4 staff (4) 12:10;106:2;107:6, 17 Stage (2) 101:4,9 stands (1) 79:21 Stark (1) 76:9 start (1) 99:21 starts (1) 116:10 state (29) 47:15;54:15;61:12; 62:5,11,14;67:5;70:1, 18;73:10;74:12,18, 21,23;77:21;78:18; 81:7;82:23;93:5,6, 15;97:15;133:14;</p>	<p>134:14;135:6,8; 136:11,13;143:9 stated (14) 7:8;20:16;22:18; 23:10;30:23;43:12; 52:11;66:7;78:24; 94:21;114:11;131:1, 9;145:16 state-designated (1) 136:8 Statement (7) 15:3;92:11;93:14, 24;94:9;120:2;121:5 statements (3) 5:18;53:20;73:14 states (9) 15:7;28:18;52:17; 59:10;75:9;97:9,21; 121:14;133:8 statewide (1) 145:19 stating (2) 59:3;136:17 status (2) 58:5;78:11 stay (1) 80:18 step (1) 128:12 steps (3) 18:24;19:3;144:12 stewards (1) 130:24 stick (2) 71:2;141:4 still (6) 24:7;32:2;56:3; 82:20;95:17;123:22 stone (1) 139:6 stops (1) 56:16 storage (1) 65:20 story (1) 81:10 strategy (1) 15:10 stream (5) 89:2,13,17,19; 90:11 streams (7) 66:22;90:2,10,23; 91:2,5,11 street (9) 111:7,12,14;113:3; 114:17,18,19,20; 117:13 stress (1) 84:13 strike (3) 10:15;19:2;112:10 stringent (1)</p>	<p>50:8 strive (1) 131:12 strong (2) 25:4;121:11 strongly (2) 30:18;108:10 structure (3) 69:16;95:3,8 structures (8) 16:6;27:20;67:22; 101:11,19,23,24; 138:11 stuck (1) 108:21 students (2) 116:6,11 studied (5) 47:9;48:2,5;74:7; 85:18 studies (6) 25:13;41:1,6,10; 42:8;57:8 study (10) 41:15;55:14;56:22, 23;57:1,2,6;85:22; 92:11,17 Subcommittee (1) 107:23 subdivision (1) 15:9 subject (1) 34:18 submission (2) 36:19;45:2 submit (1) 89:23 submittal (1) 29:7 submitted (13) 6:9,13;25:18; 36:21;47:3;97:16; 105:23;110:3; 113:24;120:13; 128:23;130:6;131:19 subsequent (1) 33:20 subsequently (1) 146:13 substance (1) 111:2 substantial (5) 40:15;58:15;71:11; 100:8;139:5 substation (3) 24:18;29:14;127:2 suburban (1) 25:11 success (3) 41:3,8;115:8 successor (1) 113:6 Sugar (5)</p>	<p>81:11,17;118:13; 121:9,15 suggest (3) 25:13;53:19;93:20 suggesting (3) 52:14;53:23; 104:17 summarize (2) 24:16;28:5 summarizing (1) 114:14 summary (4) 10:9;13:10;107:19; 114:24 summation (2) 14:10;28:12 summer (5) 36:20;116:9,13; 118:24;119:6 supplemental (14) 25:17;28:23;29:1; 32:2;54:15;56:10,11; 77:19;114:1,6; 123:18,23;125:21; 127:24 supplied (1) 56:10 supplies (1) 91:10 support (8) 12:11;27:4;54:17; 93:13,23;94:9; 108:24;131:7 supported (1) 36:11 supporting (2) 54:24;56:5 supports (2) 71:13;143:21 suppose (2) 11:24;28:13 supposed (1) 5:23 sure (18) 4:21;6:8,15;7:15; 12:9;14:13;20:11; 23:16;30:18;31:2; 32:20;35:18;42:9; 68:10;72:2,23; 112:15;125:22 surprise (2) 135:21,24 surprised (2) 139:8,14 surprises (1) 139:4 survey (4) 44:17,21;71:16; 92:5 Surveys (1) 44:23 survival (2) 133:10;134:2</p>	<p>sustained (5) 59:13;61:8;91:23; 98:16;99:3 sustaining (1) 52:14 swaths (1) 79:5 switch (1) 104:20 systems (1) 131:7</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>tables (1) 140:14 talk (5) 15:12;34:21;65:16; 66:12;140:7 talked (3) 112:6;114:8; 117:16 talking (2) 35:10;90:14 talks (9) 13:10,15,19;17:9; 19:21;26:23;44:4; 106:19;116:2 tallest (1) 133:16 Tara (1) 108:5 tasked (1) 147:15 Tavern (1) 116:1 tax (1) 42:9 taxes (2) 145:10,13 team (1) 133:23 technical (1) 123:24 telephone (2) 32:14,17 telling (2) 56:12;63:12 temporary (4) 119:16;120:5; 122:11,16 ten (1) 68:22 tended (1) 70:15 tens (1) 81:24 term (2) 15:20;17:2 terms (7) 11:3;20:7;35:5; 59:20;115:11;120:3; 130:7</p>
---	--	--	--	---

Terry (1) 127:6	147:11;148:20	79:10;80:3,22;82:3, 19;84:1;85:17;89:22;	111:6	8:5;18:9;36:22,22
testified (3) 40:17;100:4; 146:11	took (3) 34:3;57:13;127:19	91:11,21;92:2,14; 98:2,13,22;105:9; 131:11;134:11; 135:2;136:5;146:3	turn (14) 4:11;10:1;12:23, 24;14:23;24:6;25:15; 26:1;97:1;99:19; 109:21,24;117:20; 136:23	undertake (1) 60:3
testimony (36) 4:15,17;8:14;9:23; 24:7;25:17;28:23; 29:2;32:2;34:4;43:1; 47:12;54:15;56:11; 60:11;73:9;81:14; 90:16;102:22;114:1, 2,7;116:23;122:13; 123:18,23;124:22; 125:9,21;130:4,11; 134:4;141:24; 145:15,16;146:16	tool (1) 144:13	towns' (1) 54:7	turning (1) 135:10	undertaken (2) 31:21;113:13
theater (2) 110:21,23	top (6) 42:6;64:15;101:2, 17;119:21;124:13	town's (12) 7:9;13:17,20;14:8; 21:17;22:5;32:12; 37:21;43:17;81:3,18; 131:2	TV (1) 99:19	undeveloped (2) 76:12;77:11
therefore (5) 54:5;61:6;63:1; 79:19;85:9	topics (1) 143:18	traffic (8) 113:2;117:1,1; 119:14;120:4; 123:13,13;125:2	two (14) 46:22;60:22;61:14; 69:22;81:23,24; 88:19,20;95:14;99:8; 101:1;115:23;124:4, 17	undue (2) 44:4;139:22
thereof (1) 59:17	total (1) 118:20	trail (5) 8:16;9:8,16;10:18; 25:6	type (1) 62:7	unduly (3) 39:24;123:1; 139:23
thinking (2) 29:20;130:7	touch (2) 26:8;38:13	trails (5) 7:15,19;35:9,11; 66:22	types (1) 65:11	unfortunate (1) 135:6
third (5) 88:13;106:19; 126:8;137:1;142:24	tourism (11) 42:14;105:12; 106:5;116:9;129:13, 19;133:11;134:3,5,7; 145:11	transition (1) 25:10	typically (3) 11:20;40:8;83:2	unfragmented (1) 19:17
thorough (1) 47:16	tours (1) 60:1	transmission (39) 17:5;35:6;44:7; 54:19;56:17;58:7; 60:15;73:12,21; 74:10,12,16,19,21, 23;75:5;77:24;78:7; 94:18;95:3,4,8,9; 100:22;103:18; 104:1;106:4;107:3; 126:2,7,9;129:15; 132:5;140:10,12,19, 24;143:10;146:10	typo (1) 33:21	unhappiness (5) 74:12,18,20,21,23
though (4) 28:21;51:2;64:19; 141:9	towards (1) 16:4	transportation (3) 44:8;72:16;94:6	U	unimportant (1) 103:23
thought (3) 11:16;37:7;145:14	towers (8) 26:18;27:4,19,20; 28:9;60:15;126:7; 133:16	travel (1) 122:4	UAM (2) 78:22;84:7	Union (2) 117:24;118:11
thousand (2) 118:21;124:15	town (104) 4:12,24;5:2,9;6:6, 11;7:24;8:8;10:10; 11:4,11,19,24;12:10, 11;14:5,13,19;15:12; 19:23;20:12;21:24; 23:21;25:5;26:23; 28:12;32:7,20;34:14, 22;35:1,9,17;36:1,2, 6,7,9,12,24;37:24; 43:11,18,24;44:22; 53:7;54:5;57:11,21; 62:6;63:24;64:10,16, 17;65:10;70:2;75:4, 12;76:11;77:10;81:2; 82:21;86:6;87:16; 100:18,19;110:13; 111:10,10,19;112:3, 4;113:8,12,23; 114:20;117:8,11,20; 126:3;130:12,24; 132:4;133:9,11; 134:2;135:5,15; 136:2,4,11,14,18,19, 23;137:1,22;139:5; 140:13,21,22;142:1, 7,9	traveling (1) 65:11	unaware (2) 63:13;87:7	unique (1) 93:15
thousands (1) 82:1	tree (3) 70:6;79:5;139:5	travels (1) 67:17,19	unbuilt (3) 95:17,24;96:19	unknown (1) 71:21
three (4) 10:14;55:4;76:2; 124:17	trees (2) 67:17,19	tried (2) 76:14;111:9	uncertain (1) 73:3	unless (1) 11:21
tied (1) 87:13	trouble (1) 122:5	trucks (1) 65:21	uncertainty (1) 71:10	unlikely (1) 28:18
tight (1) 110:21	try (12) 12:8;36:9;52:21; 63:21;67:21;72:3; 115:16;119:15; 120:19,21;141:4; 144:12	true (1) 82:14	under (18) 18:10,13;21:15,20; 22:13;23:15;44:20; 55:20;79:18;82:6; 84:11;87:23;95:16; 105:7;107:24; 108:10,19;131:19	unprofessional (1) 128:16
Tim (1) 81:22	town-by-town (1) 135:9	trying (4) 16:20;42:5;53:7;	underground (7) 90:22,24;91:3,6; 143:24;144:5,19	unreasonable (2) 21:7;79:14
timing (1) 125:18	towns (35) 12:17;15:20;24:20; 48:16;50:1,13,22; 51:22;53:3;57:13; 63:22;76:2,7,24;		undergrounding (2) 70:17;123:8	up (34) 4:12;5:21;6:17; 7:22;16:22;31:24; 33:7;38:8;46:21,22; 75:7;86:18,20;97:3; 100:15,20;104:22; 108:3;115:15; 117:21,24;121:3,12; 125:17;130:10; 132:10,18;134:15,20, 21,22;135:11; 137:11;141:23
today (7) 6:12;28:24;41:22; 45:11;128:1;140:8; 144:2			underlie (1) 29:12	updated (3) 10:21;11:14;135:7
together (1) 101:1			undermine (4) 20:5,13;21:3;23:6	upgrades (2) 75:4;111:12
told (6) 31:13;54:3;102:24; 107:16;108:18;109:6			undermined (1) 29:10	uploaded (1) 88:14
Tom (1) 121:8			understands (2) 117:6;119:13	uploading (1) 50:15
tomorrow (2)			understood (4)	USACE (1) 97:11
				use (54) 14:21;16:7,14,15, 16,21,22,24;22:21, 24;23:1;31:15;40:1; 45:6,8;54:20;63:4,4, 5,10,21,22;64:4;65:6, 15;66:1;67:1,3;

76:10,14;77:9,17; 93:11,22;94:17,22; 103:13,15,21;104:2, 3,11,13,18;138:15; 140:13,14;141:7,14, 14;142:22,22; 143:18;145:8 used (10) 31:14;42:18;63:14; 65:20;66:2;76:2; 83:2;96:15;111:14; 144:13 useful (1) 44:23 uses (26) 16:22;22:24;36:6; 41:21,21;45:6,10,12; 61:11;63:10;65:1,12; 67:3;70:1;77:22; 93:19;94:3,4;103:12, 16;104:5,8,11,16; 127:1;132:3 USFS (1) 97:11 using (6) 7:18;19:17;94:5; 102:13;118:18;142:3 usually (1) 16:11 utilities (1) 79:5 Utility (16) 46:10;47:4;48:20; 49:12,23;72:17; 78:19,22;88:11;92:9; 94:6,16;140:15,17; 142:21;143:23	Varney's (2) 90:16;93:2 vast (1) 18:5 vault (1) 88:16 vaults (1) 51:4 vegetated (1) 7:18 vegetation (1) 79:6 verbatim (1) 13:9 Vermont (1) 97:14 versed (1) 78:19 version (7) 6:20;8:1,2,6,9; 11:20;32:21 versions (3) 8:10;9:9;11:21 viability (1) 131:5 viable (1) 114:16 vicinity (1) 122:17 Victoria (1) 78:17 view (6) 7:5;12:17;21:17; 55:23;87:20;129:20 viewpoints (1) 23:20 views (9) 6:1,6;15:12;18:10; 19:20;37:24;40:3; 57:13;127:20 viewshed (1) 58:9 viewsheds (2) 22:1;106:24 violated (1) 98:3 violates (1) 47:1 violating (3) 48:18;49:18;98:11 visibility (1) 28:8 visibly (1) 90:2 Vision (5) 15:3;73:14;142:4, 7;144:9 visitors (1) 142:15 vistas (2) 22:1;23:21 visual (32) 18:20;20:4,12,20;	21:2,7,13,17,22; 22:10,19;23:1,22; 29:13,17,18,21; 70:19;93:16,17; 105:9;126:21;127:5; 129:3;131:22,23; 133:21,23;140:5,6; 141:17;143:5 vote (1) 12:11 voted (3) 5:6;6:5;86:5	West (1) 41:14 Western (1) 129:17 wetland (1) 79:6 wetlands (3) 40:16;66:9,23 what's (10) 4:18;6:17;12:17; 23:14;39:22;53:8; 66:18;80:23;100:15; 129:5 Whereupon (1) 148:21 whiplash (1) 141:21 White (6) 62:17,20,22;66:24; 82:8,15 Whitefield (6) 125:10,24;126:5; 127:1;129:7,21 Whitefield's (1) 126:10 Whitley (9) 2:7;4:4,5,8;22:8, 17;38:6;99:22; 147:14 whole (1) 65:18 wide (1) 46:24 Widell (1) 97:10 width (6) 61:14,16,19,22; 67:9;71:21 widths (6) 47:6;71:11,18,20; 72:8;92:3 Wildlife (5) 9:19;10:22;39:19; 40:5,15 Wilds (1) 133:12 willing (1) 112:2 wind (1) 106:4 wish (2) 123:21;147:22 withdraw (1) 138:20 within (19) 16:3;23:21;24:21; 25:8;44:7;55:18; 70:18;79:11;80:18; 81:4;94:15;97:17; 120:6;135:15; 136:20;138:10; 142:20;143:22;144:4 without (5)	14:7,15;80:22; 90:23;92:16 WITNESS (12) 2:4;8:18;27:15; 28:3;33:19;69:7,10; 83:15;98:19;101:13; 132:24;137:13 witnesses (4) 31:1;50:18;148:12, 14 witness's (1) 47:12 wondering (2) 51:16;93:1 word (1) 31:15 work (19) 20:24;26:23;45:21; 46:4,19,24;63:15,16; 80:8;93:17;115:9; 120:20;139:10,18; 140:5;145:11,13,17, 23 worked (2) 36:9;108:6 working (5) 4:22;35:10;117:6; 119:15;123:6 Worthen (2) 101:8;102:8 writes (1) 118:24 writing (4) 6:2,7,10;70:14 written (6) 46:7;63:9,20;64:7; 109:14;128:8 wrong (2) 114:15;135:11 wrote (3) 70:23;78:20;120:9
V		W		Y
Valley (3) 55:19;95:20; 115:24 value (3) 75:14;78:12;143:1 values (8) 12:21;42:14,15; 75:12;81:19;105:11; 131:24;145:10 variety (1) 64:8 various (2) 39:10;69:12 VARNEY (31) 2:4;4:9;9:2,22; 10:5;19:21;21:12; 22:9;24:9;25:15; 26:7;27:12;31:24; 51:16;68:11,14;69:3, 5,7,10;71:4;75:23; 83:15;85:6;86:24; 90:14;91:5;98:24; 99:14;119:3;144:15	viewshed (1) 58:9 viewsheds (2) 22:1;106:24 violated (1) 98:3 violates (1) 47:1 violating (3) 48:18;49:18;98:11 visibility (1) 28:8 visibly (1) 90:2 Vision (5) 15:3;73:14;142:4, 7;144:9 visitors (1) 142:15 vistas (2) 22:1;23:21 visual (32) 18:20;20:4,12,20;	waiting (1) 89:11 walk (1) 114:21 walked (1) 20:14 walls (1) 139:7 wants (1) 53:13 warrant (4) 5:1,3,22;6:5 waste (1) 30:2 water (12) 39:19;40:5;66:9; 85:9;87:15;90:17; 91:10,15;111:11,15, 21;112:17 watersheds (2) 82:4;89:22 way (18) 15:24;16:8;17:12, 19;30:12;31:6,7,16, 17;49:3;52:7;64:18; 82:23;98:14;104:12; 123:20;142:2,14 ways (3) 14:19,22;24:14 web (9) 8:8;35:24;120:17; 121:4;131:20;135:3, 15;136:20;137:2 weddings (2) 102:14,21 Wednesday's (1) 117:23 week (5) 88:13;116:8,8; 121:17,21 weeks (1) 124:17 weight (2) 138:24;139:20 well-being (3) 13:22;14:7,15 weren't (1) 30:11	year (3) 75:9;108:8;118:21 years (7) 11:7;42:16,19; 45:1;46:17;62:16; 121:17 Yup (1) 68:20	
		Z		
				zeroing (1) 103:11 zone (2) 46:4,19 zoned (1) 41:20 zones (1) 46:24

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

<p>zoning (14) 7:13,14;8:16;9:7; 10:17;11:12;12:1; 15:9;32:22;43:13,14; 76:13;77:12;86:14</p>	<p>1798 (1) 95:14 18 (5) 5:10;46:20;54:14; 121:15,18 180 (1) 46:21 1838 (1) 95:14 18-inch (3) 46:23;81:23;88:18 18-inch-diameter (1) 82:4 1987 (1) 39:5 1989 (1) 39:9 1990 (1) 41:23</p>	<p>2029 (1) 42:5 208 (1) 130:10 20th (1) 102:10 216 (1) 108:5 22 (1) 148:23 228 (1) 71:15 228:35 (1) 71:9 24th (1) 33:23 25 (1) 61:17 250 (2) 46:22;84:8 26 (2) 10:4;109:22 277 (2) 43:15;89:6 278 (1) 132:10 27th (1) 108:7 28 (1) 121:16 285 (1) 117:22 290 (1) 102:17 2nd (2) 147:16,21</p>	<p>3rd (1) 130:13 4 4 (4) 2:7;105:3;107:21, 22 40 (1) 61:15 41 (5) 67:5;93:5;106:16; 132:23;143:15 471 (2) 33:8;105:2 4-by-4 (2) 81:24;88:20 5 5 (3) 4:16;17:16;73:18 5.1.1 (1) 106:16 5:04 (1) 148:22 55 (1) 101:23 574 (1) 76:4 6 6 (4) 17:18;71:9;114:10; 123:22 6.5 (1) 76:10 60 (1) 78:21 645 (1) 64:22 646 (1) 76:3 6624 (1) 10:4 6633-6641 (1) 13:4 665 (1) 76:5 6661 (1) 15:1 6666 (1) 15:17 6667 (1) 17:19 6687 (1) 19:8 66-foot (1) 88:24 6702 (1) 24:8 6807 (1)</p>	<p>26:6 6810 (1) 26:6 6812 (1) 32:4 7 7 (4) 4:17;33:8;54:14; 124:13 71,031 (1) 118:20 74-page (1) 97:6 75 (2) 101:9;120:14 8 8 (3) 76:9;84:11;125:11 80 (1) 46:21 800 (4) 50:17,24;51:24; 52:24 800-acre (1) 64:10 85 (1) 101:24 9 9 (1) 129:6 9:00 (1) 148:23 90 (1) 121:20 93,500 (1) 118:21 95 (2) 125:8;129:5 99 (1) 2:9</p>
<p>1</p>	<p>2</p>	<p>3</p>	<p>4</p>	<p>5</p>
<p>1 (8) 19:14;32:19;73:18; 74:5;81:3;106:16; 132:22;143:14 1:27 (1) 4:2 10 (3) 42:18;93:5;114:11 100 (4) 46:21;73:18;74:5; 82:4 100-year-old-plus (1) 111:15 106 (2) 114:5;123:24 11 (3) 24:19;76:24; 123:24 112 (1) 61:13 115 (1) 141:23 116 (7) 61:13,17;95:13,23; 96:1,6,8 12 (3) 42:15,19,19 122 (5) 47:2;49:10,22; 50:15;88:10 13 (1) 147:16 131 (2) 100:16,18 13th (1) 148:2 14 (1) 102:10 143 (1) 6:18 15 (1) 142:2 152 (1) 4:16 153 (4) 9:24;12:24;15:1; 24:8 156 (3) 26:1,6;32:3 158515 (1) 33:10 160 (2) 104:23;107:21 17 (2) 5:1;89:7</p>	<p>201 (1) 100:17 2010 (4) 9:18;10:21;43:14; 45:1 2011 (1) 9:17 2012 (2) 43:15;81:12 2013 (5) 4:24;5:2;6:22; 129:6;130:14 2014 (4) 33:22;36:18;72:5, 24 2015 (10) 33:17,23;36:18,20; 109:22;110:5; 112:12;125:11; 132:11;133:6 2016 (3) 10:13;33:18; 118:19 2017 (2) 86:6;148:23 2019 (1) 42:5</p>	<p>3 (7) 32:3;106:2;114:10; 119:21;124:16; 126:24;130:19 3:16 (1) 68:24 30 (8) 11:7;46:24;71:23; 97:17,20;143:14,15; 147:6 301.09 (4) 86:8,14,23;87:1 31st (1) 50:17 35 (1) 61:15 36 (1) 77:21 37 (2) 73:10;148:21 38 (1) 148:22 39 (2) 2:8;47:5</p>	<p>7 (4) 4:17;33:8;54:14; 124:13 71,031 (1) 118:20 74-page (1) 97:6 75 (2) 101:9;120:14 8 (3) 76:9;84:11;125:11 80 (1) 46:21 800 (4) 50:17,24;51:24; 52:24 800-acre (1) 64:10 85 (1) 101:24 9 (1) 129:6 9:00 (1) 148:23 90 (1) 121:20 93,500 (1) 118:21 95 (2) 125:8;129:5 99 (1) 2:9</p>	