STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

September 22, 2017 - 1:54 p.m.     DAY 38
49 Donovan Street      Afternoon Session ONLY
Concord, NH

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

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

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

Dir. Craig Wright, Designee  Dept. of Environ. Serv.
Christopher Way, Designee  Dept. of Resources &
Economic Development
William Oldenburg, Designee  Dept. of Transportation
Patricia Weathersby  Public Member
Rachel (Whitaker) Dandeneau  Alternate Public Member

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER:  Susan J. Robidas, NH LCR No. 44

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(Hearing resumed at 1:54 p.m.)

CHAIRMAN HONIGBERG: We're ready to resume. Ms. Pacik, you may continue.

CROSS-EXAMINATION (cont'd)

BY MS. PACIK:

Q. Good afternoon, Mr. Varney. What we have up in front of you is, again, your original report from October 2015 that was marked as Exhibit 1, Appendix 41. And we've heard --

CHAIRMAN HONIGBERG: We can't see it.

MS. PACIK: Okay. I can see it on the screen.

MR. IACOPINO: None of our screens have it.

CHAIRMAN HONIGBERG: You probably can't see it either; right?

THE WITNESS: No.

(Pause)

MS. PACIK: Let me start over here.

BY MS. PACIK:

Q. Mr. Varney, now you have in front of you what
is marked as Applicant's Exhibit 1, Appendix 41. And this is from your report that was submitted with the Application in October of 2015. And we've heard over the last few days from your testimony that it's your opinion that sound land use principles support locating a project in an existing right-of-way because it minimizes impacts to existing land use; correct?

A. Generally speaking, yes.

Q. Okay. And that's actually in the report in that red box, the last sentence; correct?

A. Correct.

Q. And you have a footnote on that particular statement. And if we go down the page to that footnote, you reference two cases. The first one that you reference is a decision in Portland Natural Gas Transmission System Maritime and Northeast Pipeline Company. And that's a 1996 case, and the decision was from 1997; right?

A. Yes.

Q. Okay. And that case Attorney Reimers went over with you the other day, but that
involved an underground natural gas pipeline; correct?

A. Yes.

Q. Okay. And then the second case that you cite is the 1986 decision from the Hydro-Quebec Phase II case; correct?

A. Yes.

Q. Okay. And I just want to turn to that decision just for a brief moment. And we haven't marked it as an exhibit because it is a decision from the Site Evaluation Committee, but I just want to talk to you briefly about that.

This is the Phase II project that we talked about earlier; correct?

A. Yes.

Q. And if we go to the following page, which is, well, Page 7 of the decision, it talks about what and who were involved in this particular proceeding, and it says there was one intervenor, PAC. Do you see that? Powerline Awareness Campaign?

A. Yes.

Q. And in the next highlighted section in the
bottom paragraph it says, "No witnesses were
called by the intervenor or by Counsel for
the Public in that case." Do you see that?
A. Yes.
Q. And on the following page that I have
included, Page 16, this is the Committee's
discussion on orderly development. And I'll
read it to you. It says, on the issue of
orderly development, the Committee is
required to give, quote, "due consideration,"
close quote, to the views of municipal and
regional planning commissions and municipal
legislative bodies. Although these
proceedings were widely noticed and
publicized in the counties through which the
proposed transmission line is to be routed,
only two such bodies presented their views;
these were the Bedford Board of Selectmen and
the Bedford Planning Board. Both expressed
concerns about the Project, but did not state
that the Project should not be approved, and
they did not present any facts to indicate
that the Project would interfere with the
orderly development of the region." And
that's distinguishable from this case where there are a lot of intervenors; correct?

A. Yes.

Q. Okay. And on the next page it talks about their ultimate conclusion. And what the Site Evaluation Committee said in this 1985 case that you're relying on, they explain that New England hydro's position on the issue of orderly development, in summary, is that the proposed facilities would not unduly -- "would not interfere unduly with the orderly development of the region. We agree. No contradictory evidence was introduced to rebut this position. Under these circumstances, we conclude that the proposed Phase II facility is compatible with land use patterns in the area and will not interrupt or conflict with existing commerce." Do you see that?

A. Yes.

Q. Okay. And so you had relied on a 1985 decision in that footnote; correct?

A. I referenced it in the footnote.

Q. Okay. And in that case, unlike this case,
there was -- there were no witnesses
presented by intervenors; right?

A. Correct.

Q. Okay. And unlike this case, there were no --
there was no contradictory evidence to
address orderly development in the positions
by Hydro-Quebec; right?

A. I believe that you referred to the fact that
there were some -- I believe in one of your
highlighted areas you indicated that there
were some who testified that there were
economic benefits associated with the project
which relates to orderly development of the
region.

Q. Right. But in making their decision, the SEC
did not have, in that Hydro-Quebec case, any
contradictory evidence to rebut
Hydro-Quebec's position that the project
would not unduly interfere with the orderly
development of the region; correct?

A. Correct.

MR. NEEDLEMAN: Object.

Relevance. Does Ms. Pacik want to get
Mr. Varney to say anything more than he agrees
with what this says?

CHAIRMAN HONIGBERG: Ms. Pacik.

MS. PACIK: It's relevant because this was cited to support his proposition that siting transmission lines in existing corridors is sound land use principles, and I think it's relevant to look at the case he's relying on.

CHAIRMAN HONIGBERG: Objection is overruled. You can answer, Mr. Varney.

MS. PACIK: And I believe he already did answer.

A. Yes. And I would like to add --

BY MS. PACIK:

Q. Well, actually --

A. -- that my supplemental testimony explains this in greater detail on Page 7 of my testimony.

Q. Well, let me turn to that testimony for a moment then.

A. In Lines 4 through 17.

Q. All right. So your supplemental testimony talks about the SEC decision. But I believe my question was simply that, unlike the Hydro-Quebec case, in this case there has
been contradictory evidence presented by intervenors; correct?

A. There have been contradictory opinions.

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

CHAIRMAN HONIGBERG: Next on my list is Ms. Saffo.

CROSS-EXAMINATION

BY MS. SAFFO:

Q. Good afternoon.

A. Good afternoon.

Q. So, orderly development is planning; correct?

A. Orderly development is defined in the SEC rules.

Q. Well, Site Evaluation Committee Rule 301.09 does include an outline of what the Application shall include; correct?

A. Yes, as well as findings for the Site Evaluation Committee in determining whether a proposed energy facility will unduly interfere with the orderly development of the region, including land use, employment, economy, decommissioning and views of municipal and regional bodies.
Q. Yes. I mean, but again, the site rules, Site 301.09 says each Application shall include information regarding the effects of the proposed energy facility on the orderly development of the region and then goes on to say what it has to include; correct?

A. That's information that is requested as part of the Application, yes.

Q. Yes. We have a statute that tells us what the SEC needs to consider; right?

A. Yes, RSA 162-H.

Q. Yeah. And in the course of planning, New Hampshire has recently done that regarding energy, hasn't it?

A. New Hampshire, yes.

Q. New Hampshire has actually created an energy corridor. And it's a corridor that made common sense, meaning it was a corridor people were discussing before the legislature even developed it; correct?

A. Could you provide some more information about that? I don't understand your question about the energy corridor.

Q. So are you aware that New Hampshire RSA 162-R
has created an energy corridor down Interstate 93?

A. I'm aware that the legislature has discussed that issue, but there are no proposals for running a power line down the interstate.

Q. And Interstate I-93 is actually within eye's view of downtown Plymouth; correct?

A. Yes.

Q. And if Northern Pass would consider the I-93 alternative, similar to how -- well, step back.

Earlier you testified about how you felt the Town of Plymouth needed to be considering Northern Pass's alternatives to downtown Plymouth. Do you recall that?

A. They were alternatives that were relayed to me by the town planner in Plymouth, as well as being considered by Northern Pass.

Q. And are you aware that people in Plymouth also wanted Northern Pass to consider going down Interstate 93?

A. Yes, I believe that was one of the alternatives that was considered in the DOE's EIS process and was not viewed as a viable
Q. Well, let's put DOE off to the side because the information for DOE might be dramatically different than what the information is that the people have here; correct?
A. Yes. But I reviewed the DOE materials in addition to information on this docket that is not associated with the DOE proceeding.
Q. Well, certainly, though, are you saying that there's no way to bury a line from Plymouth down to Londonderry in between I-93?
A. My understanding is that that's not a viable option. And the Applicant has described why that's not a viable option, and with other panels.
Q. Well, let's put that aside because it certainly is a viable option. But let's agree to disagree on that and put that off to the side because I don't want to get too far offtrack right now on this. The Applicant doesn't think it's a viable option, but many intervenors do. Will you at least agree to that?
A. Yes. But again, my --
Q. No, no. Just please --

A. -- review is on the current proposal, not on the evaluation of options.

Q. So when you discussed downtown Plymouth, you were critical of the Plymouth Selectmen implying they would not reasonably discuss another alternative Northern Pass wanted to give them; correct?

A. No, I wasn't critical. I was simply stating a fact that the Applicant engaged the Town in trying to discuss options and working in partnership to evaluate those options. And my understanding is that the Town decided that they didn't want any further discussion about that issue and that they favored seeing the transmission line be located in I-93.

Q. Yes. So the selectmen wanted to include the option of I-93.

A. Right. But I wasn't being critical of the selectmen.

Q. And the I-93 corridor is the epitome of planning for energy needs. It's us determining a location that would have a lower impact on our communities, our
downtowns, our main streets and our residence, isn't it?

A. Again, I evaluated the proposal that is currently before the SEC, and I did not evaluate other alternatives.

Q. Okay. Do you agree that going down the middle of I-93 would be significantly less intrusive than going down the middle of Main Street in Plymouth?

MR. NEEDLEMAN: Objection. This witness has testified he didn't evaluate this, and the witness who spoke to routing issues testified quite some time ago.

CHAIRMAN HONIGBERG: Ms. Saffo.

MS. SAFFO: I'll move on.

BY MS. SAFFO:

Q. And one of the things you keep saying is we're using a transportation corridor, an existing transportation corridor; correct?

A. Transportation corridor and overhead electric line corridors.

Q. And regarding to where the burying is occurring, the 52 miles of burying through Grafton County, that would be what you would
call a transportation corridor; correct?
A. Yes.
Q. And put another way, it's a road; correct?
A. Yes, it is a state highway.
Q. So all roads are fair game as a
transportation corridor under your analysis;
correct?
A. Again, I reviewed the proposal that is
currently before the SEC.
Q. But under your analysis, if something is now
a transportation corridor merely by being a
road, does that mean that all roads in New
Hampshire are now subject to being a
potential transportation corridor?
A. I don't know.
Q. So I want to read for you Northern Pass's
description of Route 116. So the proposed
route is on 116 for almost 11 miles. This is
from Northern Pass Discovery 30076, Grafton
Exhibit 36, Page 9. "The overwhelming length
of Route 116 from Franconia to Route 112
intersection dates to an 1833 4-road, 66-foot
layout. However, the layout has significant
gaps in description and is not well-defined.
Ancient layout issues aside, the road is a narrow, two-lane highway with modest traffic. Numerous wetlands, historic resources, water courses and ponds sporadically adorn the roadside. Mature trees crowd much of its length. Stone walls and existing utilities occupy the land just past the ditch lines and shoulders." So this is one of the roads that you think is a transportation corridor; correct?

A. It's a state highway.

Q. It's a state highway. But it's a very rural state highway; correct?

A. Yes, it is.

Q. And this is common sense as well. Do you agree that we don't need analysis -- strike that.

Do you agree that we could just drive down these roads and know that burying the lines, even if it's just six additional feet off the shoulder and ditch line, will dramatically impact the road? Do you agree with that?

A. No, and that wasn't within the scope of my
review. There are other experts that looked at that.

Q. There were other experts that looked at that. But the aesthetics expert, when he wrote the report in 2015, he agrees that he thought the Project was going underneath the road. Are you aware of that?

A. No. I wasn't here for his testimony.

Q. Okay. But you read his report; correct?

A. Yes.

Q. And you've relied on him in formulating your opinion; correct?

A. No. I relied on the other experts relating to orderly development.

Q. Well, we'll go on to them in a second.

So, then, would it surprise you to learn that when he wrote his report, he thought that the power lines were going underneath the road, not adjacent to the road? Does that surprise you?

A. My understanding is that there's ongoing discussions between the Applicant and the DOT regarding the final design for the Project.

Q. But you understand he submitted a report;
Q. And that is not what the report -- that was not the understanding when the report was written, meaning he wrote the report thinking the power lines were going under the roads, not that it was in dispute at that time.

A. He wrote the report consistent with the SEC guidelines.

Q. Well, there's guidelines and then there's facts that an expert's given that an expert relies on in formulating their opinion; correct?

A. Yes.

Q. Okay. And the fact is that Northern Pass's Petition for Aerial Road Crossings, Railroad Crossings and Underground Installations and State-Maintained Highways was submitted to the Commission on October 16, 2015. Do you see that?

A. Yes.

Q. Now I want to focus on the underground portion. So, it goes through Bethlehem,
Sugar Hill, Franconia, Easton, Woodstock,
Thornton, Campton, Plymouth and to
Bridgewater and Bristol; correct?
A. Yes.
Q. Now, it's one thing to bury the power lines
in an area that is dominated by landscape
with no development. And do you agree it's
completely a different thing to bury power
lines where there's buildings, roads,
businesses and traveling? Do you agree those
are two different concepts?
A. They're different characteristics and
different factors to consider as the Project
is being designed and permitted.
Q. So if you're in the forest and there's no
buildings for a couple hundred acres on
either side of you, you can do a swath, a
10-foot or 20-foot swath and bury some power
lines and have a different impact than you
would if you had a 20-foot swath going
through downtown Plymouth; correct?
A. It depends on the vegetation and the location
of the roadway and where the vegetation is
and the topography and the soils and the
geology. There are many factors involved.

Q. Okay. Would you be impacting communities differently if you're doing a 20-foot swath through a forest that does not have any population for a couple hundred acres on both sides?

A. There would be more vegetative removal possibly.

Q. But you wouldn't be impacting people's daily lives as much; correct?

A. Depends where it's located.

Q. How would you be impacting people's daily lives by cutting 20 feet in woods that don't have anybody living within a couple hundred acres?

A. Depends on the uses associated with those areas. Are they used for recreation? Are they conservation lands? Are they serving as a water supply, a wellhead protection area? There are many different factors to consider. And again, my review was a review of the proposal as submitted.

Q. Do you understand why in some rural, wooded portions of this project people are asking
for it to be buried --

A. Yes.

Q. -- and the difference in the request for the people living in these communities where they want to bury it along an existing road in existing communities?

A. I'm aware that some communities favor burial of the Project.

Q. The communities that favor burial are not favoring burial through their neighborhoods and residences; they're favoring burial in wooded areas. Correct?

A. Many weren't specific. They simply said they support burial.

Q. And in those places where the overhead power lines are right now, the overhead power lines in the places where they favor burial are not in people's front yards; correct?

A. It depends on the siting characteristics --

Q. Okay. I think --

A. -- of the line and where it's located in relationship to the housing that's been developed.

Q. Are you putting towers right in front of
somebody's front yard?

A. I'm not putting in any towers.

Q. Okay.

A. Are you referring to the Applicant's proposal in a specific location?

Q. I think everyone knows what I'm trying to say, so we'll just stop and move on.

A. Oh, I'm sorry.

Q. Now, you talked about relying on others in creating your opinion. You noted you relied on the economic expert; correct?

A. Yes.

Q. You relied on the tourism expert; correct?

A. Yes.

Q. You relied on the traffic control expert, Ms. Farrington; correct?

A. Yes.

Q. And we've talked about the aesthetics expert already. Do you --

A. Yeah, I did not rely on the aesthetics expert. That was not part of the scope of my opinion on orderly development, per the SEC rules.

Q. No. The SEC rules for aesthetics do not tell
you not to take into account aesthetics. The
SEC Law 162 specifically says aesthetics is
something that has to be taken into account.
The rules don't say, just because you don't
have a scenic resource, a free scenic
resource, the aesthetics don't matter
anymore. The rules say what applications
shall include. They don't say "and no other
aesthetics shall be considered"; correct?

MR. NEEDLEMAN: Objection.

A. I'm referring to the findings that the SEC
must make under orderly development --

BY MS. SAFFO:

Q. Yes. And based on the findings, the effect
on aesthetics again says what each
application shall include. And the
applications have to have a visual impact
assessment; correct?

CHAIRMAN HONIGBERG: You're
objecting to that; right?

MR. NEEDLEMAN: I'm objecting
because the SEC rules are clear on what the
components are with respect to an orderly
development analysis, and that's what this
witness is here for.

CHAIRMAN HONIGBERG: And they also have a distinction between what has to be in the application and what's relevant to consider. And you just --

MS. SAFFO: Exactly. That's all I want to make, so I'll move on.

CHAIRMAN HONIGBERG: Okay.

BY MS. SAFFO:

Q. Now, Mr. Nichols, for example, the tourism expert, do you agree that he was very much focused on New Hampshire as a whole?

A. Yes.

Q. So if Polly Pancakes Pantry loses customers, it's okay to tourism in New Hampshire because a different -- they'll go to a different restaurant in New Hampshire; correct?

A. I believe he considered the fact that there could be some temporary impacts associated with construction of the Project. But overall, there would not be a broad, adverse effect on tourism.

Q. He didn't say tourism in Franconia. He said tourism as a whole in New Hampshire; correct?
A. Yes, I believe so.

Q. We're going to go into what is meant by "temporary" and what you mean by "temporary."

And Ms. Frayer is the same thing. She looked at economics in a very broad fashion, not as far as the economy of Franconia, what will happen in Franconia; correct?

A. Yes.

Q. Now, the traffic control expert is interesting because she did talk about 116 and 112. Are you aware that she said that there was little -- there was no other road to divert the traffic?

A. I wasn't here for her testimony.

Q. So you talk about mitigation. We'll go into some more detail about this. But here's the reality: When I asked Ms. Farrington how she's going to mitigate the commuters who work along 112, she didn't have any suggestions.

A. Well, I would simply say in response that there are no road closures associated with the Project, that there will always be a lane of traffic open, and that a traffic control
plan and a transportation management plan
would be developed in partnership with the
local communities and businesses and
emergency responders and others to ensure the
smooth flow of traffic and to minimize delay
or interruption associated with this project,
which will be carried out over a two-year
period, but not all in the same location.

Q. Well, unfortunately, that isn't the reality
of what's going to happen, because the
options are incredibly limited. So you can
say what the input -- but what if there's no
input to be given? What if there's nothing
that can be done? Then it's just tough;
correct?

A. No, I disagree. I feel that the Project is
committed to trying to minimize traffic
impacts and that they will work to ensure
that there's no unreasonable effect on local
traffic.

Q. Okay. Well, let's take Route 116.

A. Okay.

Q. Route 116 is about 11 miles. Is that fair to
say?
A. Yeah, probably.

Q. Okay. And there's no way around. There's no roads they can divert traffic to. Do you understand that as well?

A. Yes.

Q. So once you get on Route 116, you're on it for 11 miles. Unless you're going to one of the houses, it's shorter. But if you need to go from one end to the other, it's 11 miles; correct?

A. Yes, and that certainly will be a consideration when they develop the traffic control plan and the transportation management plan.

Q. Well, here's what we know about what this traffic management plan has to figure out: So, there's 11 miles. There's 5,280 feet in a mile. And divide that by 50 feet, and you have 1,161 days. The reason why I'm coming up with that number is for just the trenching. We also have to then add on the HDD and we have to add on 30 vaults and we have to add on the microtunnel. But just the trenching, if they go 50 feet a day, which is
optimistic, it will take them 1,161 days to
trench. Now, that's a couple years,
especially since the construction period is
just April to October; correct?

MR. NEEDLEMAN: I'm going to
object to these characteristics. They're
inconsistent with the construction panel
testimony.

MS. SAFFO: I don't think it's
inconsistent at all. I think it's exactly --
they said it would be between 20 and 100 feet a
day. I said can we estimate 50 a day? And we
estimated 50 a day.

CHAIRMAN HONIGBERG: Why don't
you ask him to assume those numbers.

BY MS. SAFFO:

Q. Okay. Why don't we assume those numbers.
Assume they're able to trench 50 feet a day.
And assume for just this one portion of the
underground they have to go 11 miles.

A. Hmm-hmm.

Q. Now, that's a couple of years of trenching,
unless they have more than one team; correct?

A. Perhaps. You're getting into a level of
WITNESS: VARNEY

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analysis that was addressed in the
construction panel, but --

Q. This isn't an analysis you need to be a
collection person to understand.

A. Okay.

Q. Okay? This is -- if you assume they trench
50 feet a day, and you have to go 11 miles,
that's 1,161 days. That's just simple math;
correct?

A. Yeah. Okay. Yes.

Q. Okay. Now, they want to be done in two
years. So we may have to put five teams on;
correct?

A. Perhaps.

Q. And that would be five areas where the road
goes down to one lane; correct?

A. Again, perhaps. I haven't seen the final
traffic control plan, but...

Q. But this is the issue, is there's nothing
that can be done. You keep saying, Don't
worry. Someone's going to wave a magical
wand and there'll be this great traffic
control plan.

MR. NEEDLEMAN: Objection.
CHAIRMAN HONIGBERG: Sustained.

You were going to start argument with him.

BY MS. SAFFO:

Q. Okay. So you keep telling us over and over again, Don't worry. Northern Pass is going to come up with a traffic control plan. And you've included that as part of your analysis in orderly development. There will be orderly development because we're going to come up with these traffic control plans; correct?

A. Again, I reviewed the testimony of Lynn Farrington, her original and prefiled testimony. I did not rely on that for my opinion on orderly development, just to be clear. But I do have an understanding of the concern about delays along a roadway and that there will always be a lane of traffic that will be open. It's also, in a relative sense, it's a relatively rural area with a limited amount of traffic on the road. Obviously, it varies by the time of the day. And there will need to be consideration of those factors as they develop a plan to
minimize traffic impacts along that segment of the roadway.

Q. So, again, you're presuming they're going to come up with an acceptable plan; correct?

A. That was the testimony of Lynn Farrington, that she felt that they could come up with an acceptable plan that met the standards and guidelines for acceptable flow of traffic.

Q. What's an "acceptable flow of traffic" for you?

A. I don't have one. But I would say that I have traveled throughout the state and have been through many construction sites at bridge locations that are sometimes a couple of years, intersection projects that have taken more than a year. And I'm confident that it's -- and many of those cases have much more traffic than we see on this road. I'm confident that the flow of traffic can be managed --

Q. But those --

A. -- by the Project.

Q. But those are just one location, one bridge.

And those are often places where people have
another route to go around; correct?

A. Not necessarily.

Q. But you're looking at one location. This is 11 miles, which is going to be looking at multiple stops along the way for a very long period of time; correct?

A. I would say that your assumption that it's "only one location" is not a good characterization. It is very common to be driving along and come across multiple projects in the state, depending where you're going.

Q. Is it common to have multiple stops on the same road for two years?

A. I would say usually not.

Q. Okay. Now, Lynn Farrington might be the world's best traffic control planner. But if science gets in the way, science gets in the way; correct?

MR. NEEDLEMAN: Objection.

CHAIRMAN HONIGBERG: I don't even understand the question.

BY MS. SAFFO:

Q. Okay. So Lynn Farrington can't -- can only
offer what are available options; correct?

A. Again, I'm not a traffic expert, and the
Project has engaged someone with expertise in
that area with the goal of minimizing impacts
to traffic.

Q. And that person has testified in front of
this Committee that there is no way to route
traffic on 112 or 116. You can only stop it
and start it. There's no way for people to
work around it; correct?

A. For a portion of the road, yes.

Q. For the entire portion of 116 and the entire
building portion of 112, once you get on it,
there's no diverting around the construction;
correct?

MR. NEEDLEMAN: Objection. At
this point, I think if Ms. Saffo wants to ask
questions specifically about another witness's
testimony, she should put the transcripts in
front of this witness.

MS. SAFFO: I don't think I need
to put the transcripts in front of the witness.

CHAIRMAN HONIGBERG: What is it
you want this witness to do for you?
MS. SAFFO: This witness is describing orderly development.

CHAIRMAN HONIGBERG: Right.

MS. SAFFO: And part of orderly development is he keeps talking about the temporary impacts to these communities caused by construction. And in arguing that it's a temporary impact --

CHAIRMAN HONIGBERG: I don't think he's arguing anything at all.

MS. SAFFO: I apologize.

CHAIRMAN HONIGBERG: He's got a position. And the only person arguing here is you.

MS. SAFFO: I apologize.

CHAIRMAN HONIGBERG: So what is it you want this witness to do?

MS. SAFFO: I want him to recognize that his opinion presumes there's a traffic control plan that can be developed.

CHAIRMAN HONIGBERG: And I think he'd agree with that.

Correct?

WITNESS VARNEY: Yes.
BY MS. SAFFO:

Q. And if one can't be developed, if the traffic control plan requires people to be delayed more than half an hour each way on that road, is that acceptable to you?

A. I don't know. I haven't -- I don't know if that's a realistic assumption.

Q. Well, in considering orderly development, if a person going from one end of 112 to the other end of 112 commuting every day to work experiences a half-hour to 45-minute delay each way, so an hour and a half every day, is that acceptable to you as a temporary impact on orderly development?

A. I feel it's unlikely.

Q. But if that is the case, would that be acceptable to you?

A. In terms of employment and economy, I think many of the Project benefits would continue to be there independent of waiting times for the lane of traffic to be shifted. And again, based on my knowledge of the area, I feel that it's possible to develop a traffic control plan that minimizes impacts and that
includes sequencing and time of year and time
day and other factors that can be taken
into account.

Q. So do you agree that if it's a one-lane road,
only one, by definition, someone's waiting;
correct?

A. If there are cars there, yes.

Q. Yes. So if only one lane of the road is
open, there's a stop sign on the other side;
correct?

A. Yes.

Q. Okay. Now, are you familiar with the work
flow -- the work force that commutes up 112
between the Haverhill area and the Lincoln
area?

A. No, I don't -- I have never commuted that.
I've driven it, but I've not been a commuter.

Q. Are you aware of the Lincoln-Woodstock work
force survey and program report out of UNH?

A. No.

Q. So this is a document that was developed as
part of Linda Lauer's prefiled testimony on
behalf of the Grafton County Commissioners.
UNH did a work force study for
Lincoln-Woodstock in August, August 8, 2016. In that work force study, they talked about the work force in Lincoln. And a little over 2,000 people work in the Lincoln-Woodstock area, and a great majority of them commute.

Now, Haverhill is the Grafton County seat. Were you aware of that?

A. Yes.

Q. And so on the Haverhill side you have the county nursing home, you have the county jail, you have the county sheriff, and the those are large employers for this area. Is that your understanding?

A. Yes.

Q. And so people on the Lincoln-North Woodstock side, we have a tourism-based economy. There's Loon Mountain, restaurants, hotels and so forth. Are you familiar with that?

A. Yes.

Q. So there's people from each community who travel down 116 to commute, some to go to government jobs, some to go to tourism jobs. Are you aware of that?

A. Yes, I'm aware of commuting in the area. I
once lived in the area.

Q. And so I had asked Ms. Farrington about that commute and the impact of a delay of -- now, I didn't ask her about a half-hour delay. But would you agree with me that if people commuting from Lincoln to the Haverhill area would be experiencing a half-hour to 45-minute delay, that would not be an appropriate traffic control plan?

MR. NEEDLEMAN: Objection. That calls for a legal conclusion. I think it's DOT that approves the plan.

MS. SAFFO: No, I think it's -- he's here on orderly development, and I'm trying to get a sense as to what he thinks would be appropriate.

CHAIRMAN HONIGBERG: Yeah, and you keep using the word "acceptable" or "unacceptable." I'm not sure what you mean by that. I think he's struggled with a couple of the answers because I think he's sitting there thinking: Why is acceptable or unacceptable something to apply to me? So isn't the way to approach him by saying, "Would this change your
view of whether this would have an effect on orderly development?"

MS. SAFFO: I'm more than fine to if that makes it easier to answer the question.

BY MS. SAFFO:

Q. Now, would it change your view on orderly development if people had to experience a half-hour to 45-minute delay as they commuted to work?

A. For what time frame?

Q. For an entire season, April to October.

A. First of all, I would say it's highly unlikely; secondly, I would have to consider it.

Q. You'd have to consider it as too much?

A. Potentially. Without all the facts in front of me, it's difficult to provide a conclusion. But I would certainly say that I would have to consider it.

Q. Okay. Now, this is NAPOBP 20. And this is the duct bank installation photos. Do you remember seeing those earlier today?

A. Yes.

Q. So, in looking at these, this is a rendition
of what trenching would look like alongside a road. So you have the road and then you have the trenching next to it; correct?

A. Yes.

Q. And do you agree, then, that it's fair to say that you need some space to dig the trench; correct?

A. Yes.

Q. And you need space on either side of the trench for the walls of the trench; correct?

A. Yes.

Q. Now, the next one is splice pole vaults. And on 116, we're looking at 30 splice pole vaults; correct?

A. Probably. I don't know if the final design is completed.

Q. When we're looking at splice pole vaults, there's three that we know about on 116. One is by the Franconia Inn; correct? And this is NAOBP 26.

A. Yes.

Q. Okay. And the next one is part of the Tamarack Tennis Camp. There's another splice vault there; correct?
A. Yes. But again, I'm not sure if these are based on final design or sites that have been preliminarily identified.

Q. That is part of the problem, isn't it? We have a preliminary design still; correct?

A. Yes. I'm not sure about the details and where that stands. But yes.

Q. And earlier you were talking about the towns not giving you specific enough details on impact; correct?

A. Yes.

Q. And the towns don't know where everything is going yet; correct?

A. They know that it will be located within the state highway right-of-way.

Q. Which is subject to debate. But at the very least, the town has to be worried it could be 20 feet on each side of the road; correct?

A. I'm not sure. I'm not sure that those discussions have been completed.

Q. So if you don't know, how are the towns supposed to know?

A. Again, my assessment was based on locating the Project along the existing state highway.
Q. And what is your understanding? What did you consider to be the "existing state highway right-of-way" when you rendered your opinion?
A. It's still being discussed with the DOT. There are various records along the roadway, and they're in the process of ironing out those things and working on their design.

Q. And if it's --
A. And I think the important thing to know --

Q. I don't want you to answer what the important thing is. My question is what is the right-of-way that you relied on in rendering your opinion. If it's still under discussion, then how did you render an opinion?
A. That it would be located within the existing right-of-way where they had a legal right to locate the Project and in a location that was approvable by the New Hampshire DOT.

Q. So, in rendering your opinion on orderly development, you don't know what the right-of-way is.
A. I don't have the final design plans, but I
know the approximate location of the Project.
I know land uses that are along the
right-of-way. And I also know that the final
design is still being developed.

Q. So, since the final design is still being
developed, how do property owners and towns
give you the input that you're requiring?
A. My understanding is that the Project has been
and will be reaching out to property owners
along the route. I'm aware that in Franconia
and Easton, for example, that Louis Karno
Company has sent letters to each of the
businesses requesting a meeting with them.
Some have responded in some locations,
especially in Plymouth. But many have not
responded to a request to engage in
site-specific discussions with those
businesses.

Q. So are you aware of the testimony in the
construction panel about what the citizens
who did talk to Northern Pass, what the
individual landowners were told by Northern
Pass?
A. No, I wasn't here for the cross-examination.
[WITNESS: VARNEY]

Q. And did anybody here tell you what they said?
A. I don't believe so.

Q. Did anybody discuss it with you in any way, shape or form that you can remember?
A. No.

Q. Would it surprise you if you learned that letters were sent out to individual landowners on 116?
A. That individual landowners were sent letters?
That would not surprise me.

Q. Would it surprise you that some people responded to those letters and reached out to Northern Pass? Would that surprise you?
A. Yes. That's good.

Q. That is good. Those people did what Northern Pass asked them to do. Would it surprise you that those people met with Northern Pass and were told the Project was going under the road?
A. I can't comment on that. I wasn't involved in those discussions.

Q. Well, your discussions and your opinion and your testimony has put great weight on Louis Karno and the people of Northern Pass working
with the people in the community; right?
A. Yes. That's typically the case with
projects, transmission projects. They try to
reach out and work with the local property
owners. And I've seen many examples of them
doing that.
Q. Is it typical for the Project to find out
that they gave them incorrect information and
not correct it?

MR. NEEDLEMAN: Objection.

MS. SAFFO: That was testimony,
your Honor. That was my testimony. I believe
it was Day 6.

CHAIRMAN HONIGBERG: Your
testimony? You don't testify.

MS. SAFFO: I'm sorry. That was
my questioning on Day 6. I believe it was Mr.
Quinlan.

CHAIRMAN HONIGBERG: And he said
that people were given wrong information?

MS. SAFFO: He said at the time
people were told -- this was very clear
testimony. People were told that the plan was
to go under the road. And at the time they told
the people that, that was their plan, and that
they did not correct that when they learned
otherwise. And when I asked when they were
going to correct it, he said after approval.

CHAIRMAN HONIGBERG: All right.

That's a little more nuance than the question
you asked.

MS. SAFFO: I'm trying to break
it down, bit by bit.

CHAIRMAN HONIGBERG: Yeah, well,
when you jump to the end and put your own
conclusion in there, it makes it a little harder
for everyone. So if you want him to assume that
that's how the testimony went and ask him
whatever you want to ask him, go ahead.

MS. SAFFO: Okay.

BY MR. SAFFO:

Q. So if landowners were told, Don't worry,
nothing's going to happen to your front yard
because the Project's going under the
roadway, would that surprise you?

A. I have no basis for having an opinion on
that. I wasn't there. And I don't know what
was said, whether or not there was a
misunderstanding in their communications or whether it was true. I really have no basis for commenting on that.

Q. I will try to find Mr. Quinlan's testimony for you. But if you can assume that his testimony is that people -- he agreed that people were told not to worry, it was not going to go in their front yards, it was going to go under the roadway, and when I said, Well, that isn't the case anymore, is it, and he agreed it was no longer the case, that they were looking at siting this project along what they considered to be the right-of-way, so that would be what people considered to be their front yards, and I asked if they reached out to those people, those people that had reached out to them, who they had met with, to correct what is now a misunderstanding on that person's part, he said no. And when I asked when he was going to correct that, that they've gone to the people they sent letters to, they met with those people, they told them don't worry, and now we know that's no longer the case, but
Northern Pass hasn't gone back to them, and he said -- now, as the orderly development planner, would that change your opinion if that's what's happening?

MR. NEEDLEMAN: I'm going to object, to the extent that that's not a hypothetical, because as a factual matter I don't believe it's true.

CHAIRMAN HONIGBERG: I didn't -- wait a minute. State that objection again?

MR. NEEDLEMAN: If it's hypothetical, it's fine. If you're thinking any of it's fact, it's not true, because Mr. Quinlan testified in April, and Louis Karno has been out doing their work since then.

CHAIRMAN HONIGBERG: Right. And I do think that at the very tail end of the question she converted it to a hypothetical, but I -- you were moving to talk as she was finishing the question.

So where do you want to go with this, Ms. Saffo? Do you want to pursue that question as a hypothetical, or do you want to do something else with what you just
retrieved?

MS. SAFFO: Let's start with the hypothetical. I don't think it's a hypothetical, but let's start as a hypothetical.

CHAIRMAN HONIGBERG: It is a hypothetical for these purposes, given where we are.

MS. SAFFO: Okay.

CHAIRMAN HONIGBERG: Do you remember the question, Mr. Varney?

WITNESS VARNEY: No.

BY MS. SAFFO:

Q. Do you think a homeowner should trust an organization that told them not to worry about their front yard, that the Project is going under the roadway, and then didn't correct that information?

CHAIRMAN HONIGBERG: That's a different question than the one you asked, and it isn't phrased as a hypothetical.

BY MS. SAFFO:

Q. If, hypothetically, Northern Pass met with landowners who responded to their letters, told them there was nothing to worry about,
that the Project is going a hundred percent under the road, and then Northern Pass learned it wasn't going to go under the road but did not go back to those landowners to correct that information, do you think that landowner should trust them?

A. Again, I don't know the context of the discussion and how the communication went, whether or not there were any misunderstandings. I can simply state that my understanding is that the Applicant has put a high priority on working with abutting landowners to ensure that this project is carried out successfully. They've been working on an outreach plan and have engaged consultants and have done a great deal of work to carry this project out in the best possible way with community and landowner and business owner involvement.

Q. Can you give me --

A. So I don't know the context of those discussions. But I do know, at least with the folks that I've talked with, the intent of the Applicant is to work closely with them
and try to work through issues of concern to
the best of their ability.

Q. Okay. Do you agree that actions speak louder
than words?
A. I don't know.

Q. Quoting from the public hearing at Loon
Mountain on September 8th, 2015, this is
Page 60 of the transcript of the Loon Public
Hearing, quote, "For over 99.9 percent of the
Project we have no plans to trim any trees,
that we will try to stay in the shoulders and
travel lane of the road itself." That's what
was said at the public hearing at Loon
Mountain. Did you read the public hearing
testimony?
A. I was there.

Q. Do you remember that being said?
A. I don't remember the precise words, but I
remember that the Project said that for the
majority of the Project, about 83 percent,
they would be located in existing corridors,
and it was their intent to minimize the
amount of tree cutting and only cut what was
absolutely necessary within those existing
corridors.

Q. The people at the public hearing -- you talked earlier about how important these public hearings are; correct?

A. They're an important part of the process, yes.

Q. And it's very important that people are given the correct information at this part of the process; correct?

A. Yes.

Q. Because if they're not given correct information, they might rely on incorrect information; correct?

A. Yes.

Q. So if September 8th, 2015, the public at that hearing are being told, quote, "For over 99 percent of the Project, we have no plans to trim any trees," never mind cut down mature growth, is that a problem? Should we redo that public hearing?

A. If that's an actual transcript of the meeting, then I would say that someone misspoke and was referring to vegetation -- minimizing vegetative clearing within the
right-of-way where they have rights to
construct the Project.

Q. So, September 15th [sic], 99 percent of the
Project, "We have no plans to trim any
trees."

October 16, 2015, Grafton 36, now, a
month after that, the petition is finally
filed. A month later, what is submitted by
Northern Pass to the Department of
Transportation is extended south from the
center of Woodstock, Route 3 has a
long-established presence in the community it
serves. This importance is reflected in a
relatively dense-built roadside with numerous
residences, institutions and businesses
crowding the right-of-way along its length.
Innumerable signs, landscaping, trees, curbs,
parking spaces, walls and fences lie just
beyond the traveled surface. A variety of
water courses and rivers weave across and
along the highway. Attempting to construct a
utility of this nature outside of the
disturbed area of the roadway is highly
problematic. Construction outside the
roadway's disturbed area would unnecessarily impact these abutting properties, several of which undoubtedly have historic significance. Locating the power line in the roadway will greatly reduce impacts, construction and public inconvenience. That is not at these public hearings. You were there, the one at Loon.

A. Yes.

Q. At Loon, were people told that they needed to ask permission to go outside a right-of-way?
A. I don't recall.

Q. You were at Loon. Were people told they need to consider whether their front yard is being viewed as having a utility easement across it?
A. I don't recall.

Q. Do you think it's possible that was said and you just don't remember?
A. Again, I don't recall. I'm not making a judgment on it. I'm just explaining that I don't recall.

Q. Do you recall testifying earlier that you felt that businesses should be protected as
much as possible, mitigate the effects on businesses?

A. Yes, I believe that that's an important consideration in carrying out a project along a roadway.

Q. So if vaults can be located not near a business, that would be preferred.

A. I think that that would be a consideration. My understanding, as I mentioned earlier today, was that one of the principles was to avoid locating vaults where there would -- it would impair access to existing businesses. But I don't know much more than that about that topic, as I'm not on the construction panel.

Q. So, again, we have this goal; yet, here's where the splice box is currently. That is the Kinsman Lodge. And it's literally in their front yard, right in front of their lodge. Right down the road, NAPO-BP 26, the Franconia Inn, an enormous operation along 116. And then for the trifecta, the Tamarack Tennis Camp. So, on 116, they actually hit the three main businesses on 116, all with a
splice vault. Does that surprise you?

A. It's certainly an important issue for discussion between the business owners and the Applicant. My understanding is that Louis Karna Company sent letters to these businesses asking to meet with them, and they haven't responded to those letters.

Q. What is the dialogue? Louis Karna says, "We need to put a vault in your front yard."

They say, "We don't want it there."

Where does it go from there?

A. It's to engage -- they've been hired by Eversource to help them with the outreach to the businesses, to help them understand the concerns and to help strengthen communications and ensure ongoing communications between the Applicant and those businesses.

Q. Don't you think that should have happened four years ago?

A. I believe early outreach is a valuable thing. But I'm not fully aware of all the discussions that may have taken place between the Applicant and abutting property owners.
I know there's been a lot of outreach over the years with individual properties, but I'm not aware of all of that.

Q. Well, there was none with Tamarack Tennis Camp as of this summer. So, whatever outreach was happening these past years, nobody was reaching out to a major employer in the town of Easton. Not one person, not one letter.

MR. NEEDLEMAN: Objection.

MS. SAFFO: Well, in the testimony of Mike Kenney, "No one from the Northern Pass Team has reached out to us."

CHAIRMAN HONIGBERG: What are you reading from?

MS. SAFFO: I can actually get you the exact --

CHAIRMAN HONIGBERG: I suspect it's not testimony.

MS. SAFFO: Yeah, it's Exhibit 38, an excerpt from Exhibit 38, which is also Exhibit NAPO-BP 27, which is a summary of it. And it is the letter from Mike Kenney, submitted with a packet of letters from the Franconia --
CHAIRMAN HONIGBERG: Right, it's a bunch of public comments; right?

MS. SAFFO: Yes.

CHAIRMAN HONIGBERG: Not under oath, not submitted as testimony.

MS. SAFFO: Not under oath.

CHAIRMAN HONIGBERG: Right. So referring to it as "testimony" is not really accurate.

MS. SAFFO: Thank you. Yeah.

CHAIRMAN HONIGBERG: And so you appear to be wanting to assert its truth, so you have a question for him, presumably.

MS. SAFFO: Yes.

BY MS. SAFFO:

Q. So if this is true, that if Mike Kenney's testimony is true --

CHAIRMAN HONIGBERG: It's not testimony.

BY MS. SAFFO:

Q. I'm sorry. Mike Kenney's statement in the public comment submitted as part of Exhibit 38, Grafton Exhibit 38, is true, but no one from Northern Pass has reached out to
him, would you find that to be of concern?

A. Yes. But I indicated previously that Louis
Karno Company has already reached out to
businesses along this stretch of the highway
and sent them letters asking to meet, and
they've had no response is my understanding.

Q. That isn't -- yeah, you can't testify to
that. That's your understanding.

Now, let's say somebody reached out. So
let's say Tamarack reaches out and says, "Hi,
Louis Karno. I can't have a vault built in
my camp." What happens from there?

A. That's speculation. I can't --

Q. It's not speculation. That is a conversation
that you want Northern Pass to have with the
Tamarack Tennis Camp; right?

MR. NEEDLEMAN: Objection. These
are exactly the sorts of questions that should
have been asked of the construction panel.

CHAIRMAN HONIGBERG: Ms. Saffo.

MS. SAFFO: No, I asked these of
the construction panel camp -- the construction
people. They told me that --

CHAIRMAN HONIGBERG: To ask the
orderly development person? I don't think so.

MS. SAFFO: No, no. I asked the
construction panel about the outreach. They
said -- I'm looking for it right here. They
said there was outreach. They said they mailed
letters. They said they told the people who
they talked to that it would be under the
roadway. And I said, well, that's not true
anymore, is it? And he said no. And I said,
well, did you correct it? And he said no.

CHAIRMAN HONIGBERG: Right now
you're talking to Mr. Varney, the orderly
development person.

MS. SAFFO: Exactly.

CHAIRMAN HONIGBERG: And he knows
what he knows, and he has certain understandings
about other things. So let's go with those
things.

MS. SAFFO: Okay.

BY MS. SAFFO:

Q. So you're relying on a presumption that
there's been good outreach with the
community; correct?

A. My statement was that the Project is
committed to working with businesses and
property owners and communities along this
route and that they've hired a consultant to
help them with that outreach and have been
working to reach out and iron out issues of
concern with businesses and to have -- with
the goal of minimizing adverse impacts to
those businesses.

CHAIRMAN HONIGBERG: Off the
record.

(Discussion off the record)

BY MS. SAFFO:

Q. You keep talking about -- I think where our
disconnect is happening is you're saying
Louis Karmo is going to meet with these
landowners and there's going to be a traffic
control plan that's going to mitigate the
problem. And I don't see how you mitigate
this, except to say, tough, bear with it, and
we can do it, and we may give you some money
if you show us economic loss. Okay. So you
keep saying they're going to mitigate it, and
just so you understand where our disconnect
is, I think, and I keep saying they have no
magic wand.

So I'm showing you the picture back of the trench. That is what's going to happen for 52 miles through Grafton County. That is nothing that can be -- if this proposal goes through, there's no way to mitigate that; correct?

MR. NEEDLEMAN: Objection.

There's been extensive testimony from the construction panel talking about that issue.

CHAIRMAN HONIGBERG: Ms. Saffo.

MS. SAFFO: The orderly development expert opinion is based on this idea that this is going to be mitigated somehow; yet, I don't think the orderly development expert has any idea as to how it can be mitigated. And I'd like to ask questions to elicit, in his expert opinion, how do you mitigate this so there is orderly development.

CHAIRMAN HONIGBERG: That's a good question.

BY MS. SAFFO:

Q. Okay. In your expert opinion, how do you mitigate this happening for 52 miles so
there's orderly development?

A. By developing a transportation management plan, a traffic control plan; by meeting all of the requirements and conditions that are imposed on the Applicant by DOT and other agencies with jurisdiction; by having outreach with businesses and communities along the route, and by using experts who have dealt with traffic control plans to develop a plan that will minimize interruption for the traveling public.

Q. So, again, you keep saying "by having outreach in communities." What is that outreach going to do?

A. I think I've explained that --

Q. I don't think you have.

A. -- several times today. Work with the local communities on, well, on things like emergency response, on timing and restrictions, ironing out an MOU with the Applicant that talks about avoiding events that may be held, avoiding times that are important to the local community to try to avoid, and trying to work together to
minimize impacts on the local community. It's something that is frequently done with other projects. And there was testimony by an expert who felt it could be done in a reasonable way.

Q. So, once again, I keep hearing "outreach" and "communication." The only concrete thing that we would offer these communities that you just testified to was a traffic control plan, but we don't know what that would look like; all the requirements imposed by DOT, but you haven't listed any requirements that DOT can list to help these communities; having outreach in communities, which seems to be we'll talk to you, but we have nothing to offer you; emergency response, which you have to do by law, you can't preclude emergency response; timing restrictions if there's event and times that are important to the community. So, for the 52 miles where this is going to happen, when this outreach occurs and a landowner goes, What are you going to do for me? This is devastating. You're taking my entire front yard, we're
going to offer them, If there's an event, 
don't worry. We won't work that day and 
we're going to get a good traffic plan.

And they say, Well, I've got to stop 
five times on my way to work every day.

And they say, Yeah, but we have good 
lights.

What does Louis Karno have to offer that 
is concrete, in your opinion, that would 
result in orderly development, other than 
talking?

MR. NEEDLEMAN: Objection. Asked 
and answered.

MS. SAFFO: Okay. We can take a 
break now.

CHAIRMAN HONIGBERG: We'll take a 
break for ten minutes. We'll really try to keep 
it to ten minutes.

(Recess was taken at 3:15 p.m., 
and the hearing resumed at 3:30 p.m.)

CHAIRMAN HONIGBERG: Ms. Saffo, 
you may continue.

BY MS. SAFFO:

Q. So, in front of you -- I did find the
transcript from the construction panel. It's Day 9, in the afternoon, and we're on Page 104, starting at Line 5. Do you see that in front of you?

A. Yes. Where it says "Okay"?

Q. Yeah. And I read, "Is it a reasonable request on these individuals, these people owning private property, that they want to know if they're losing trees and shrubs and stone walls?" And what was Mr. Bowes's answer?

A. "Yes," it's a reasonable request.

Q. And then I asked him, "Has your community outreach gone to, let's just say 116 in Easton, gone to these houses and told them what's going to happen in front of their houses?" And what does he say?

A. "So, again, I think we've noticed everyone along the route. We've offered to meet with them. And we've met with many of them."

Q. Then I said, "And when those people -- when you met with them, could you tell them what trees you were planning on cutting down?"

And what does he say?
A. "At the time we met with them, we did not plan to cut any trees down."

Q. And I said, "Now do you plan on cutting trees...?" And what does he say?

A. "So, again, as we work through the process with the DOT, we may be pushed off to the side of the road. That may impact some trees. But when we made those statements, we believed we would be inside the roadway and not impacting any trees."

Q. And I said, "So have you corrected those statements to these homeowners who may now not even realize that their trees are on the chopping block?" And what does he say?

A. "So I would say that once we have a final design approved by the DOT, we will do outreach, specific outreach, if we're going to be off the road right-of-way and impacting, as you said, trees or stone walls."

Q. And then I said, "So what you're saying is the private property impacts, you're going to tell the homeowners about it after approval so they can't give input on that?" And
what's his answer?

A. "Well, I assume the input they would give us is, 'Do not touch my tree, do not disturb my stone wall, and do not enter my front yard.'"

Q. I said, "Well, you can assume that. But don't you think that these people are entitled to your community outreach people telling them what's going to happen in front of their house?" And what does he say?

A. "So as we progress the design, we continue to offer outreach to these people. And many still talk to us."

Q. And then I said, "Many still talk to you. Many people you told, 'Don't worry, we're not going under the road.' Did you correct that statement?"

A. And his answer was, "We're still in that process. We do not know that we're not going into the road at this point."

Q. So, for the people that the construction panel's outreach told that they were not going to have any impact on the trees and the shrubs and the stone walls in front of the houses, the community [sic] panel testified
they weren't going to correct that until 
after the final approval; correct?

A. Again, I haven't seen the entire dialogue and 
testimony associated with the issue. But he
indicated that the final design is not yet 
completed, that they have been reaching out
to property owners and that they will 
continue to do so and try to work with these 
local property owners on any issues that may 
impact them.

Q. But going back to Page 102, when I said -- I 
apologize. It's 103 -- 104, Line 18. "And
when those people -- when you met with them,

   "At that time we met with them, we did
not plan to cut any trees down." Is that a
fair statement -- a pretty clear question and
answer?

A. Yes.

Q. Then I said, "Now do you plan on cutting

trees down?"

   And he said, "So, again, as we work

through the process... we may be pushed off
to the side of the road. That may impact
some trees. But when we made those
statements, we believed we would be inside
the roadway and not impacting any trees."
Right?

A. Yes. I believe their intent is to complete
the final design, to impact local property
owners to the least extent practicable, and
to meet all of the DOT and other requirements
that come into play with respect to this
issue. At the time of his testimony, he made
it very clear that the final design is not
yet completed but that they have been
reaching out to local property owners.

Q. And he also made it clear that he told them
they weren't going to be cutting down any
trees; correct?

A. At that time, that's what he said. But they
have been continuing -- he says in the
testimony that they are continuing their
outreach to property owners.

Q. But he also said that he -- when I said
you've misunderstood that it's -- I said on
Page 105, Line 6, "So have you corrected
those statements to these homeowners who may now not even realize that their trees are on the chopping block?"

And he said, "So I would say that once we have a final design approved by the DOT, we will do outreach, specific outreach." Do you see that?

MR. NEEDLEMAN: Objection. Relevance. I think Mr. Varney has read the testimony, and it says what it says.

MS. SAFFO: No, I think it's a fair question because, again, he's talking about this magnificent outreach. And I think it's fair to say that the magnificent outreach told people that their trees are not on the chopping block. And then I said, "Have you corrected those statements to these homeowners who may now not even realize that their trees are on the chopping block?"

He said, "So I would say that once we have a final design approved by DOT, we will do outreach."

CHAIRMAN HONIGBERG: Right. And that's what you were done reading and he
objected and there is no question.

BY MS. SAFFO:

Q. Does that change your opinion if they only do
the outreach after a decision has been made
how far they're going into people's front
yards?

A. No, and let me also add that --

Q. I don't need you to add things unless you're
answering my question.

MR. NEEDLEMAN: Objection.

Q. Does that change your opinion?

CHAIRMAN HONIGBERG: Well, if you
want him to answer, I think he's trying to
answer your question.

MS. SAFFO: Okay.

CHAIRMAN HONIGBERG: He may be
also wanting to add some stuff. And if you
think that he's gone beyond what is responsive
to the question, let us know.

Is there something more you
want to say in response to the question?

WITNESS VARNEY: Yes. Thank you.

I simply wanted to state as an example of
outreach that has been occurring, that I
misspoke earlier when I said that outreach
letters were sent by Louis Karno Company. In
fact, the letters were sent in March by the
Project to business owners along the entire
underground route, to every single business.
And several of them had not -- most of them in
this area had not responded. So I just wanted
to correct the record that it was the Project
that sent out this -- the outreach letters, and
it was back in March, and many had not taken the
opportunity to sit down with the Project
representatives to talk about issues along the
roadway.

Q. One thing is very clear -- and so that was
March of 2017; correct?

A. Yes.

Q. So, March of 2017 they send letters to these
people along the roadway. That's what you're
saying right now?

A. That's my understanding, yes.

Q. October 16, 2015, is when they filed the
petition to the DOT explaining how severe the
impact will be on adjoining landowners along
the entire 52-mile route if they're not
allowed to go underground. Do you agree with that?

A. I recall that they -- I wasn't involved in that issue. But I'm aware that was submitted to the DOT and that the goal of the Project was to keep the Project within the disturbed area to the greatest extent allowable with the DOT.

Q. Because if you don't stay within the disturbed area, there will be a significant, lasting impact on the adjoining landowners; correct?

A. I don't have enough information on that, given that the final design is not yet completed. And should it need to go -- there need to be additional cutting, then that would be an issue to consider.

Q. So we can't do our job because we still don't know what the design is.

A. Again, they have been trying to do outreach. They are planning to do outreach. I testified previously that they have made this a high priority and are trying to reach out to those along the underground route and
engage them in working cooperatively.

Q. A year and a half after writing this letter explaining the devastating impact on their property, then they start reaching out to people; correct?

A. They hadn't even received a response from the DOT by then.

Q. And they certainly didn't say that at the public hearings you attended; correct?

A. I can't recall the specifics.

Q. You can't recall if they said to all the citizens in the audience, not that 99.9 percent of the roadway we won't be trimming trees, but, hey, citizens, we're really hoping to go under the roadway and the disturbed areas, because if we don't, we're going to be going in your front yards; correct?

A. I don't recall that being said.

Q. That was not said at these public hearings, was it?

A. I don't recall.

Q. On the contrary, at these public hearings, the public was told, even though they knew
the petition hadn't been granted, even though they knew they needed a deviance from the UAW, that wasn't what the public was told, was it, at the public hearings you attended?

A. I indicated I can't recall.

Q. Do you think it's possible that was discussed and you just don't remember it?

A. I don't know.

Q. Reading from the permit, October 15, 2015 --

October 16, 2015 --

MS. SAFFO: Can we switch back to ELMO? Thank you.

BY MS. SAFFO:

Q. From the top of the page where the star is, Furthermore, the Route 145 roadside contains several residences, stone walls, fences and heavy tree cover just beyond the shoulder and the ditch lines. A few steep roadside grades in wet areas are present as well. Construction of the underground transmission line in this area outside of the disturbed area would result in significant and likely unacceptable impacts due to these characteristics. Did I read that correctly?
A. I believe so.

Q. Do you believe that is acceptable? I'm sorry. Would you change your opinion about the orderly development of this region if that has to happen to this road?

A. First of all, I would say that I think it's highly unlikely that they would need to do that. Secondly, I think that, based on my experience with the DOT for many years, they would try to ensure, in working with DES and others, to make sure that any potential impacts are minimized. And I also think that this is an indication of the fact that the Applicant's desire is to minimize impacts by trying to stay within the disturbed area to the greatest extent possible, subject to the direction and approval of the state DOT.

Q. You said it was highly unlikely they would need to do it. If they do need to do that, would it be -- would it change your view about orderly development in this region?

A. I don't know, but I would have to consider it.

Q. Going down to Stewartstown. The
state-maintained portion of Bear Rock Road running from 145 to Guy Placey Road is generally 3 rods, although the traveled way measures approximately 20 feet. Fences, stone walls, trees, wetlands and steep slopes consistently occupy between 8 to 10 feet on both sides of the traveled way and shoulder. I was going to skip one sentence. To the south, the grade drops steeply away from the roadway and numerous wetlands are evident. The northern roadside slopes sharply upward from the ditch line. It is covered with numerous wetlands, stone walls, utility poles, fences and dense, mature tree growth often within 10 feet or so of the traveled way. Construction of the proposed facility outside the traveled way would dramatically disrupt the environmental, archeological and historical resources, as well as alter the rural characteristics of the area in an environmentally and socially unacceptable manner. In addition, installation of the underground transmission lines along the right-of-way edges would require extensive
disruption and relocation of existing utilities, loss of swaths of mature tree growth and vegetation, impacts to wetland resources, and forever alter the roadside aesthetics.

I understand that you may think it's highly unlikely. But if this has to happen to this road, would that change your opinion about the orderly development of the region?

A. I would have to consider it.

Q. I'm going to show you houses along 116. Here's the first one. Do you agree that that landowner should know if those trees, the two large trees on their side of the sign, were being cut down? Should they know ahead of time to be able to have some input?

A. I believe it's the intent of the Applicant to engage the property owners along the underground route. And I'm not sure that they know -- I don't believe they know for sure whether or not this would need to occur.

Q. If that needs to occur, would it change your view of the orderly development of this region?
A. No.

Q. Do you think taking down trees, taking down those trees and installing a -- burying a line there so nothing could ever be put on top of it either would change the character of that residence?

A. Again, I don't know. I would need to look further at it.


MS. SAFFO: If you could pull it up again to show the 10 feet.

BY MS. SAFFO:

Q. So, if that, I think it's... trying to see what kind of trees it is looking at the leaves. But if that tree has to be taken down and the bushes along that tree, do you think that homeowner should have the opportunity to have input on the design before the design is finalized?

A. I think the design needs to be further along before they can have a better idea of whether or not this impact is likely to occur. So when that right timing is, I'm not sure. As
I said, they want to minimize having to go outside the disturbed area and while staying within the right-of-way. So...

Q. If it's decided that this side of the road is the road that the burial is going to occur, what option would you give this homeowner for their input? What input could they give?

A. They would be talking about what their design entails, what they could do to minimize the impacts on that homeowner, and whether there needed to be some negotiation of how to address the issue in partnership with that property owner.

Q. Regarding orderly development, what are the options for this homeowner?

A. I don't know. I haven't seen the design. I don't even know if this is where exactly within the right-of-way that it will be located. There may be things that can be done that the homeowner would find acceptable or desirable. It's hard to speculate.

Q. Well, if the homeowner says they want tree and shrubs in front of their house, they don't want them taken away, is the answer --
if this is the side and it's within -- I
mean, there is no shoulder there; correct?
There is no ditch there. You're going
directly off the pavement into their front
yard; correct?
A. The house appears to be relatively close, and
it appears that the DOT's right-of-way
extends beyond the pavement.
Q. So if these people were selling their house,
is it your position that the buyer's position
should be there is a right-of-way, an
easement on this property to bury a power
line, cover it with coal fly ash in their
front yard and they can never put something
on it again? They could never put a three or
shrub on top of it again?
A. Again, I don't know what the -- I believe the
intent is to restore the property to its
original condition as much as possible, while
recognizing that the options are a bit more
limited when you have this line placed in
that location.
Q. So, should all houses within 20 feet of a
state highway be worried about their front
yards being dug up for a line being put through it?

A. I don't know.

Q. Okay. Because the reality of what this homeowner's facing is they're that close to the road. So if it goes on their side of the road, that's their front yard; correct?

A. I assume so. I can't tell from this picture.

Q. Okay. And then this is what would be happening in their front yard, if that is their front yard; correct?

A. Yes, far as I know. Again, I'm not on the construction panel. But I assume that there would be this kind of installation beside the paved area.

Q. So, for the next house -- this is a barn. And again, there's the end of the tar. Presuming that is end of 116, this residence -- again, this barn is looking at something happening very close to its building; correct?

A. If this is where it's to be located, yes.

Q. And this is just another residence, correct, that again something significant would be

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happening close to a building, if the
measurements are correct and that is a road
along the route?

A. Yes, and this would -- while the construction
is a different type of construction, this is
not unlike many of the situations that
communities have when they're placing water
and sewer and gas lines along roadways and
there are nearby houses. So this is not --
the placement, while it's a different
construction technique and different type of
installation, this is not unlike what many
communities deal with water, sewer or gas
pipelines placed along roadways.

Q. And one more picture. I would submit this as
a picture that was attached to prefiled
testimony of Bruce Ahern. And this is a barn
that he represented in his prefiled testimony
as being along part of the route as well.
Again, close to the roadway; correct?

A. Appears to be.

Q. Okay. Now I'm going to switch over to a
couple pictures of not so much residences,
but roads. This is from Mr. Bascom's, one of
the Counsel for the Public's experts. And
this is the Stewartstown Road.

Do you agree a trenching operation,
along with pits, along with HDD along this
road would change the character of the road?
A. I don't know where it would be placed. It's
hard for me to know.

Q. Okay. Same thing. You don't know where it's
placed, it'd be hard to know?
A. I'm not assuming that it would change the
character of the road. Appears to be a
heavily vegetated area. And there's lots of
vegetative cutting along roadways in New
Hampshire. So I don't accept the idea that
it would automatically mean that it changes
the character of the roadway.

Q. Okay. One more picture. Same thing. You
agree that there's cliffs on one side, and
the other side would be Beaver Pond?
A. Yes, I see the picture.

Q. Okay. Now I'm going to turn quickly --

MR. IACOPINO: Do you know what
road this is?

MS. SAFFO: Yes. This is
Route 112. This is when you come up to the top of 112. It was on the tour that was done. We parked right before it. There's a parking lot and -- yeah.

MR. PAPPAS: That's Beaver Pond on the right.

MS. SAFFO: Yeah.

BY MS. SAFFO:

Q. Okay. Now, when we talked about Polly's Pancake Parlor, one of the things that she mentioned in her public comments, we talked about how 71,000 people were fed between October -- April and October of last year. Do you recall that?

A. Yes.

Q. One of the things we didn't discuss was she said two thirds of those people come down Route 18 to go up 117 in her prefiled testimony. You said you've been to Polly's Pancake Parlor?

A. Yes.

Q. Does it surprise you that so many people would use Route 18 to access Polly's Pancake
Parlor?

A. It's a regional draw, so people enjoy visiting Polly's Pancake Parlor. And of course there's an interstate highway there, and many of them use the interstate highway to reach Franconia and then get to Polly's Pancake Parlor in that direction.

Q. Exactly. And that's why Route 18 is used, correct, because the highway goes right on off to it?

A. Right.

Q. The micro drilling is at the end -- is right in downtown Franconia; correct?

A. That's my understanding.

Q. Now, we talked about the construction zone for the trench operations. And it's fair to say you have to scoop the dirt out; correct?

A. Yes.

Q. And then you have to put the dirt in the dump truck; correct?

A. Yes.

Q. So it's possible the boom's going to be moving around as well; correct?

A. Yes. I believe this was addressed with the
construction panel in some detail.

Q. Yeah. And then when the dump trucks fill up, they have to drive the dump truck to the layout area, the staging area; correct?

A. I assume so.

Q. So those dump trucks would be going up and down these roads as well using that other single lane; correct?

A. Depends on how they plan the work.

Q. Well, part of the work is clearly digging a hole; correct?

A. Yes.

Q. And removing dirt; correct?

A. Yes.

Q. And that's going to be constant during the trenching operation; correct?

A. Yes, as they're -- as the truck reaches capacity, yes.

Q. And moves down for 52 miles; correct?

A. Excuse me?

Q. As the Project moves the 52 miles.

A. Oh, in different locations along this route, yes.

Q. Yeah. So, in addition to having the actual
construction area, you have these pickup, these dump trucks going back and forth along the other remaining lane; correct?

A. Yes, although I'm not sure exactly where they'll be, how long they'll be on the highway. It depends on where they're going.

Q. Yeah, it depends where they have the locations to keep all the soil.

A. Stockpile or --

Q. Used the wrong term. Layout areas?

A. There are laydown areas that --

Q. Laydown areas.

A. -- will be used, and they'll also be working with the local communities on a plan for this.

Q. So as this process goes through -- we just saw some pictures. And we saw some pictures of houses that could be impacted. In particular, just one example, the house right there. And Ms. Schibanoff, in her testimony, talked about the notion that Northern Pass is saying they could begin construction as early as next spring of 2018. Don't you think these properties need to know about this
before the decision is made?

MR. NEEDLEMAN: Objection. That was not testimony.


There was a -- well, never mind. Strike that.

BY MS. SAFFO:

Q. The businesses, the tourism-based businesses in Franconia and Sugar Hill and Easton rely on return customers. You would agree; correct?

A. Yes.

Q. And people are making vacations plans now because these places fill up; correct?

A. Some of them do. Some are last minute depending on weather. And then, of course, there are local customers as well.

Q. But certainly --

A. A mixture of the two.

Q. Certainly people make plans now for next summer for a reason; correct?

A. Some do, but many don't.

Q. Some do. And the people that do in particular do that because they like the
surety of knowing where they're going on vacation; correct?

A. Again, some do and some wait until they're closer to the time that they want to travel.

Q. I'm talking about the people that are calling now.

A. Okay.

Q. So those are the people who like to make plans ahead of time; correct?

A. There are some people who do that.

Q. In fact, a lot of people do that; correct?

A. I don't know what percentage are long-range reservations versus a shorter range. I don't know, and it probably varies by location.

Q. Do you think they would be disappointed if they learned at the last minute that the vacation plans they made are now disrupted?

MR. NEEDLEMAN: Objection. Calls for speculation.

MS. SAFFO: All right. Never mind.

BY MS. SAFFO:

Q. You talked about the towns not providing information to Northern Pass or agreeing to
meet with them. But the towns are providing
information to everybody in this room;
correct?

A. The towns are providing information to the
SEC? Is that your question?

Q. Well, they're -- yes. Correct?

A. The towns have made some statements of
concern while Eversource is trying to engage
them to talk about specifics and ways that
they can minimize disruption in the
communities with an MOU.

Q. I'm sorry. I've got to go back on this.

You're saying that Eversource is meeting
with landowners to discuss ways to minimize
the impact of this project. You just said
that; correct?

A. They've been reaching out especially to
businesses along the underground route for
several months. And they have, I believe,
contacted all of the communities along the
route asking to sit down with them and work
through an MOU which addresses some of the
concerns that the community may have, things
that are important to them, and try to have a
written agreement that addresses some of
those issues of importance to the local
community.

Q. We're going to have to agree to disagree on
that.

Looking at the picture right in front of
you right now, what are they doing to reach
out to that individual landowner whose
property may be so severely impacted, but
right now doesn't even know?

A. I don't know. I would need to -- I don't
have an update on each individual property
and the status of that. That would be a
question for Eversource.

Q. Do you think these businesses along
Route 116, the three that I just showed you,
should be somewhat suspect if they find out
that a plan was designed to put something in
their front yard without even anybody
contacting them first?

A. Again I --

MR. NEEDLEMAN: Objection. Asked
and answered.

A. -- answered.
MS. SAFFO: I don't think it has
been asked and answered.

CHAIRMAN HONIGBERG: You can
answer again.

A. I believe in outreach early and often with
potentially affected property owners and
businesses. And I'm aware that this is a
priority for the Applicant. And I do not
know the specifics on communication or
responsiveness if outreach attempts are made
on each individual property.

BY MS. SAFFO:

Q. Early and often. Do you think early should
have been before they submitted their plan to
the SEC?

A. They held numerous public information
meetings in individual towns along the route,
as well as pre-application public information
meetings that are required by the SEC, and
had numerous public hearings as well. And so
there was a fair amount of outreach at a
community level by the Project. And I would
say that with any effort you can always say
that there should have been more.
Q. Should I say early and often and accurate
then, meaning -- you said there's a fair
amount of outreach. But at the public
hearings, and the transcripts will speak for
themselves, nobody was told what was in that
letter to the DOT. That was not what the
public was told at those public hearings.
Fair to say?

A. Again, I don't know enough of the specifics
about that, and it would be a better question
for the Applicant than me.

Q. I'm just going to say this one last time and
then I'll be done. You were at those
hearings. The public was not told, "We're
looking at going in your front yards for up
to 20 feet for what we consider to be a
construction easement." That is not what was
said at those public hearings, was it?

MR. NEEDLEMAN: Objection. Asked
and answered.

A. Again, I don't recall the exact words that
were stated at the hearings.

BY MS. SAFFO:

Q. And I did cite some exact words, which was,
"99.9 percent of the route we're hoping not to trim trees." So if that's the case, if that is what people were told at the public hearings, would you consider those valid public hearings?

MR. NEEDLEMAN: Objection. That misstates the record.

BY MS. SAFFO:

Q. If that is what happened at this hearing, if at the hearing the public was told 99.9 percent of the roadway we hope not to have to trim trees, do you think those public hearings should be done over again?

A. No.

MS. SAFFO: No further questions.

CHAIRMAN HONIGBERG: The only other intervenor on the list is Ms. Crane.

(Pause)

CHAIRMAN HONIGBERG: Ms. Crane, you may proceed.

CROSS-EXAMINATION

BY MS. CRANE:

Q. Okay. We heard a lot about towns to the south and lands to the -- oh, sorry. Is that
better?

Okay. I'm going to talk about Bridgewater, which is one of the towns in the center of the state, kind of halfway between the open space to the north and the more developed in the south. And this is the -- I'm sorry. I never introduced myself. Charlotte Crane. Sorry. I'm a member of the southern non-abutters group.

A. Okay.

Q. And this is Bridgewater's home page. And I want to read what they say about themselves on their home page. "Bridgewater is a small community located in the Lakes Region of Central New Hampshire. Its residents and property owners value the rural qualities of the town and the region. They like the small town atmosphere. It is safe and friendly and is a good place to raise a family or to retire. They value the forests, pastoral open spaces and water bodies as locations for outdoor recreation and for the scenic beauty they provide."

Did you visit this web page in the
course of your analysis for your report?

A. Yes. And I'm also very familiar with the
town because I spent four years early in my
career working for the Lakes Region Planning
Commission, and Bridgewater was one of the
communities that we worked with.

Q. Okay. Thank you.

This is Page A-60 from your report,
which I believe is Applicant's Exhibit No. 1,
Appendix 41. Thank you. And the box in the
red says, "Most of Bridgewater is forested,
and only a small portion of the town is
agricultural. About 65 percent of
Bridgewater's land area is in current use.
Nearly 20 percent of the forested and
undeveloped land is steep, with slopes
25 percent or greater. Nearly 10 percent of
land area is estimated to be wetlands.
(Bridgewater Master Plan)."

Is that an accurate reading of your
report?

A. Yes, taken from the master plan as you've
indicated.

Q. And looking back at the home page, does it
appear that Bridgewater would like to market itself as a scenic place to be or even to move to?

A. I think virtually every town in New Hampshire values their open space and scenic qualities.

Q. Would you agree that some towns have a better claim to that than others?

A. No.

Q. No. Okay. I'll remember that.

I'm going to skip a couple of my slides so that we can get to a particular discussion. This is -- and I apologize. My notes to myself are still up there in the corner. This is in Bridgewater. Do you recognize the location?

A. Yes.

Q. And what would that be?

A. You're indicating an area off of Route 3, I believe. It's hard with this scale. But it appears to be just west of the Pemi.

Q. Just west of the Pemi. And there it is. Little easier to see. This is the same area zooming out; is that correct?

A. Yes.
Q. And so can you -- do you see where it says Daniel Webster Highway?
A. Yes.
Q. And that is Route 3?
A. Yes.
Q. And Route 93?
A. Yes.
Q. And the Pemigewasset River?
A. Yes, it's a developed area.
Q. Yes. And how do you -- what do you see in the picture that makes you conclude that it's a developed area? Or are you --
A. There's an interstate highway, a state highway and several structures shown on this aerial.
Q. Okay. And I would agree with you that there's no denying that there's development here.

Are you familiar with this location?
A. Yeah, that appears -- is this in -- this appears to be near the Ashland line. Is that correct?
Q. Indeed. It is pretty much the same location we've been looking at, except now we're on
the street instead of in the air.
A. It's an industrial area.
Q. It is definitely an industrial area. What do you see in the red circle?
A. Transmission lines.
Q. And what do you see in the purple circle?
A. A steam power plant that is the Bridgewater facility.
Q. So that's a biomass --
A. Yes.
Q. -- generator?
A. Yes.
Q. Okay. And there it is in case you hadn't recognized it. And yes, it's very industrialized. There seems to be some excavation, and there are some -- oh, it's not in the picture. Never mind.
I believe -- would you accept that immediately north of this there are a set of storage lockers?
A. Yeah, I believe they're orange, bright orange storage lockers that are there. I'm very familiar with this area and once lived nearby.
Q.  Pretty ugly orange, I would confess. No
doubt about it.

And would you accept that those storage
lockers are probably -- the people using
those storage lockers expect to have ready
access to them?

A.  Yes, I assume so.

Q.  I would assume so, too.

Okay. And do you recognize this view?

A.  I'm not sure. Could you explain?

Q.  It is Route 3 traveling southeast from --
you've just left Plymouth and you've been in
Bridgewater for about 30 seconds and now
you're about to go over the bridge to
Ashland.

A.  Okay.

Q.  Okay? And would you accept that there is a
reduced speed zone in connection with this
corner?

A.  I'm not sure. I'm not disputing it. I just
don't recall the speed limit on this stretch
of roadway.

Q.  Okay. I believe there is. It may only be
when you're traveling in the opposite
direction on the road.

And do you recognize this location?

(Witness reviews document.)

Q. Could I help?
A. Yeah, could you?

Q. It's the same location. Again, an aerial view this time.
A. I'm just trying to orient myself here. So this is the bridge from Ashland here. Yes. Yes, I know exactly where this is. And the rail line is there as well.

Q. And is it likely that the circle is in the proximate location of the transition station that would be introduced if the Project were developed?
A. I can't recall the exact location. But if you're suggesting that this is accurate, then I would accept that.

Q. Well, I'm certainly not going to rely on it for construction, but it's roughly there. And the four or five blue stars are probably new transition towers?
A. Okay.

Q. Okay. Did you study -- did you include an
analysis of the impact of transition stations
in your report?

A. I considered the fact that there would be
transition stations constructed as part of
the Project, and I'm aware that there was one
in this location. And that was -- yes, that
was part of my consideration.

Q. And what was your conclusion about the impact
of this transition station, either during
construction or -- during construction?

A. Well, during construction, that there would
be construction activity associated with
building the transition station and that it
would be sited in this industrial area.

Q. Okay. And when you made that analysis, did
you take into account the existence of the
biomass generator?

A. Yes, I looked at all of the land uses in this
area, which I indicated is an area with a
interstate highway, state highway, rail lines
and industrial and commercial businesses, as
well as an existing energy facility, all in
this general vicinity.

Q. And that means that this is probably a pretty
What does a biomass plant operation involve?

A. It's burning of wood chips.

But I would simply state that I've been on this road many, many times, and I have never experienced heavy traffic on this roadway.

Q. Would you like to join me tomorrow morning?

Oh, wait. It's Saturday.

MS. CRANE: That's enough.

CHAIRMAN HONIGBERG: Right.

We're going to need to break for the day. We are back on Monday; correct? Or is Mr. Varney going to be able to be here on Monday, or are we doing something else?

MR. NEEDLEMAN: Well, maybe Ms. Monroe should tell us.

CHAIRMAN HONIGBERG: Ms. Monroe.

MS. MONROE: Yes, the plan is to finish up with Mr. Varney Monday morning. My understanding is he's available. And then we've got the lineup of the additional witnesses, the IBEW, Mayor Grenier from Berlin. And Mr.
Bouthillier will be here in the afternoon. So the plan is to get all of those witnesses done after Mr. Varney is done.

MS. CRANE: I'm sorry to be a wet whatever on this, but I have a nine-something flight tonight to Chicago. And I suppose that I probably can return for Monday morning. But would you like me to do that?

CHAIRMAN HONIGBERG: I think if you want to question Mr. Varney, you're going to need to be here on Monday.

MS. CRANE: Why is that?

CHAIRMAN HONIGBERG: Because that's when he's going to be here. Let's go off the record for a minute.

(Discussion off the record).

CHAIRMAN HONIGBERG: Let's go back on the record. So we'll be back on Monday at 9:00, and we're adjourned for the day.

(Whereupon the Day 38 Afternoon Session was adjourned at 4:25 p.m., and the Day 39 hearing will resume on Monday, September 25, 2017, commencing at 9:00 a.m.)
CERTIFICATE

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

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

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