

1 STATE OF NEW HAMPSHIRE  
2 SITE EVALUATION COMMITTEE

3  
4 September 22, 2017 - 1:54 p.m. DAY 38  
5 49 Donovan Street Afternoon Session ONLY  
6 Concord, NH

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

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

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

19 Cmsr. Kathryn M. Bailey Public Utilities Comm.  
20 Dir. Craig Wright, Designee Dept. of Environ. Serv.  
21 Christopher Way, Designee Dept. of Resources &  
22 Economic Development  
23 William Oldenburg, Designee Dept. of Transportation  
24 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

{SEC 2015-06}[Day 38 Afternoon Session ONLY]{09-22-17}

## I N D E X

WITNESS:        ROBERT VARNEY

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P R O C E E D I N G S

(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

1 is marked as Applicant's Exhibit 1,  
2 Appendix 41. And this is from your report  
3 that was submitted with the Application in  
4 October of 2015. And we've heard over the  
5 last few days from your testimony that it's  
6 your opinion that sound land use principles  
7 support locating a project in an existing  
8 right-of-way because it minimizes impacts to  
9 existing land use; correct?

10 A. Generally speaking, yes.

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

13 A. Correct.

14 Q. And you have a footnote on that particular  
15 statement. And if we go down the page to  
16 that footnote, you reference two cases. The  
17 first one that you reference is a decision in  
18 Portland Natural Gas Transmission System  
19 Maritime and Northeast Pipeline Company. And  
20 that's a 1996 case, and the decision was from  
21 1997; right?

22 A. Yes.

23 Q. Okay. And that case Attorney Reimers went  
24 over with you the other day, but that

1 involved an underground natural gas pipeline;  
2 correct?

3 A. Yes.

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

7 A. Yes.

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

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

16 A. Yes.

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

23 A. Yes.

24 Q. And in the next highlighted section in the

1 bottom paragraph it says, "No witnesses were  
2 called by the intervenor or by Counsel for  
3 the Public in that case." Do you see that?

4 A. Yes.

5 Q. And on the following page that I have  
6 included, Page 16, this is the Committee's  
7 discussion on orderly development. And I'll  
8 read it to you. It says, on the issue of  
9 orderly development, the Committee is  
10 required to give, quote, "due consideration,"  
11 close quote, to the views of municipal and  
12 regional planning commissions and municipal  
13 legislative bodies. Although these  
14 proceedings were widely noticed and  
15 publicized in the counties through which the  
16 proposed transmission line is to be routed,  
17 only two such bodies presented their views;  
18 these were the Bedford Board of Selectmen and  
19 the Bedford Planning Board. Both expressed  
20 concerns about the Project, but did not state  
21 that the Project should not be approved, and  
22 they did not present any facts to indicate  
23 that the Project would interfere with the  
24 orderly development of the region." And

1           that's distinguishable from this case where  
2           there are a lot of intervenors; correct?

3    A.    Yes.

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

20   A.    Yes.

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

23   A.    I referenced it in the footnote.

24   Q.    Okay.  And in that case, unlike this case,

1           there was -- there were no witnesses  
2           presented by intervenors; right?

3       A.     Correct.

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

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

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

21      A.     Correct.

22                               MR. NEEDLEMAN:  Object.  
23          Relevance.  Does Ms. Pacik want to get  
24          Mr. Varney to say anything more than he agrees



1 with what this says?

2 CHAIRMAN HONIGBERG: Ms. Pacik.

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

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

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

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

13 BY MS. PACIK:

14 Q. Well, actually --

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

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

20 A. In Lines 4 through 17.

21 Q. All right. So your supplemental testimony  
22 talks about the SEC decision. But I believe  
23 my question was simply that, unlike the  
24 Hydro-Quebec case, in this case there has

1           been contradictory evidence presented by  
2           intervenors; correct?

3       A.     There have been contradictory opinions.

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

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

8                               CROSS-EXAMINATION

9       BY MS. SAFFO:

10      Q.     Good afternoon.

11      A.     Good afternoon.

12      Q.     So, orderly development is planning; correct?

13      A.     Orderly development is defined in the SEC  
14           rules.

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

18      A.     Yes, as well as findings for the Site  
19           Evaluation Committee in determining whether a  
20           proposed energy facility will unduly  
21           interfere with the orderly development of the  
22           region, including land use, employment,  
23           economy, decommissioning and views of  
24           municipal and regional bodies.

1 Q. Yes. I mean, but again, the site rules,  
2 site 301.09 says each Application shall  
3 include information regarding the effects of  
4 the proposed energy facility on the orderly  
5 development of the region and then goes on to  
6 say what it has to include; correct?

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

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

11 A. Yes, RSA 162-H.

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

15 A. New Hampshire, yes.

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

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

24 Q. So are you aware that New Hampshire RSA 162-R

1 has created an energy corridor down  
2 Interstate 93?

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

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

8 A. Yes.

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

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

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

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

22 A. Yes, I believe that was one of the  
23 alternatives that was considered in the DOE's  
24 EIS process and was not viewed as a viable

1 option.

2 Q. Well, let's put DOE off to the side because  
3 the information for DOE might be dramatically  
4 different than what the information is that  
5 the people have here; correct?

6 A. Yes. But I reviewed the DOE materials in  
7 addition to information on this docket that  
8 is not associated with the DOE proceeding.

9 Q. Well, certainly, though, are you saying that  
10 there's no way to bury a line from Plymouth  
11 down to Londonderry in between I-93?

12 A. My understanding is that that's not a viable  
13 option. And the Applicant has described why  
14 that's not a viable option, and with other  
15 panels.

16 Q. Well, let's put that aside because it  
17 certainly is a viable option. But let's  
18 agree to disagree on that and put that off to  
19 the side because I don't want to get too far  
20 offtrack right now on this. The Applicant  
21 doesn't think it's a viable option, but many  
22 intervenors do. Will you at least agree to  
23 that?

24 A. Yes. But again, my --

1 Q. No, no. Just please --

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

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

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

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

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

21 Q. And the I-93 corridor is the epitome of  
22 planning for energy needs. It's us  
23 determining a location that would have a  
24 lower impact on our communities, our

1           downtowns, our main streets and our  
2           residence, isn't it?

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

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

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

14                           CHAIRMAN HONIGBERG: Ms. Saffo.

15                           MS. SAFFO: I'll move on.

16       BY MS. SAFFO:

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

20       A.    Transportation corridor and overhead electric  
21           line corridors.

22       Q.    And regarding to where the burying is  
23           occurring, the 52 miles of burying through  
24           Grafton County, that would be what you would

1 call a transportation corridor; correct?

2 A. Yes.

3 Q. And put another way, it's a road; correct?

4 A. Yes, it is a state highway.

5 Q. So all roads are fair game as a  
6 transportation corridor under your analysis;  
7 correct?

8 A. Again, I reviewed the proposal that is  
9 currently before the SEC.

10 Q. But under your analysis, if something is now  
11 a transportation corridor merely by being a  
12 road, does that mean that all roads in New  
13 Hampshire are now subject to being a  
14 potential transportation corridor?

15 A. I don't know.

16 Q. So I want to read for you Northern Pass's  
17 description of Route 116. So the proposed  
18 route is on 116 for almost 11 miles. This is  
19 from Northern Pass Discovery 30076, Grafton  
20 Exhibit 36, Page 9. "The overwhelming length  
21 of Route 116 from Franconia to Route 112  
22 intersection dates to an 1833 4-rod, 66-foot  
23 layout. However, the layout has significant  
24 gaps in description and is not well-defined.



1 Ancient layout issues aside, the road is a  
2 narrow, two-lane highway with modest traffic.  
3 Numerous wetlands, historic resources, water  
4 courses and ponds sporadically adorn the  
5 roadside. Mature trees crowd much of its  
6 length. Stone walls and existing utilities  
7 occupy the land just past the ditch lines and  
8 shoulders." So this is one of the roads that  
9 you think is a transportation corridor;  
10 correct?

11 A. It's a state highway.

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

14 A. Yes, it is.

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

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

24 A. No, and that wasn't within the scope of my

1 review. There are other experts that looked  
2 at that.

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

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

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

10 A. Yes.

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

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

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

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

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

24 Q. But you understand he submitted a report;

1 correct?

2 A. Yes.

3 Q. And that is not what the report -- that was  
4 not the understanding when the report when  
5 was written, meaning he wrote the report  
6 thinking the power lines were going under the  
7 roads, not that it was in dispute at that  
8 time.

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

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

15 A. Yes.

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

22 A. Yes.

23 Q. Now I want to focus on the underground  
24 portion. So, it goes through Bethlehem,

1 Sugar Hill, Franconia, Easton, Woodstock,  
2 Thornton, Campton, Plymouth and to  
3 Bridgewater and Bristol; correct?

4 A. Yes.

5 Q. Now, it's one thing to bury the power lines  
6 in an area that is dominated by landscape  
7 with no development. And do you agree it's  
8 completely a different thing to bury power  
9 lines where there's buildings, roads,  
10 businesses and traveling? Do you agree those  
11 are two different concepts?

12 A. They're different characteristics and  
13 different factors to consider as the Project  
14 is being designed and permitted.

15 Q. So if you're in the forest and there's no  
16 buildings for a couple hundred acres on  
17 either side of you, you can do a swath, a  
18 10-foot or 20-foot swath and bury some power  
19 lines and have a different impact than you  
20 would if you had a 20-foot swath going  
21 through downtown Plymouth; correct?

22 A. It depends on the vegetation and the location  
23 of the roadway and where the vegetation is  
24 and the topography and the soils and the

1 geology. There are many factors involved.

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

7 A. There would be more vegetative removal  
8 possibly.

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

11 A. Depends where it's located.

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

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

23 Q. Do you understand why in some rural, wooded  
24 portions of this project people are asking

1 for it to be buried --

2 A. Yes.

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

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

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

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

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

19 A. It depends on the siting characteristics --

20 Q. Okay. I think --

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

24 Q. Are you putting towers right in front of

1           somebody's front yard?

2    A.    I'm not putting in any towers.

3    Q.    Okay.

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

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

8    A.    Oh, I'm sorry.

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

12   A.    Yes.

13   Q.    You relied on the tourism expert; correct?

14   A.    Yes.

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

17   A.    Yes.

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

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

24   Q.    No.  The SEC rules for aesthetics do not tell

1           you not to take into account aesthetics. The  
2           SEC Law 162 specifically says aesthetics is  
3           something that has to be taken into account.  
4           The rules don't say, just because you don't  
5           have a scenic resource, a free scenic  
6           resource, the aesthetics don't matter  
7           anymore. The rules say what applications  
8           shall include. They don't say "and no other  
9           aesthetics shall be considered"; correct?

10                           MR. NEEDLEMAN: Objection.

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

13       BY MS. SAFFO:

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

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

21                           MR. NEEDLEMAN: I'm objecting  
22           because the SEC rules are clear on what the  
23           components are with respect to an orderly  
24           development analysis, and that's what this



1 witness is here for.

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

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

8 CHAIRMAN HONIGBERG: Okay.

9 BY MS. SAFFO:

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

13 A. Yes.

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

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

23 Q. He didn't say tourism in Franconia. He said  
24 tourism as a whole in New Hampshire; correct?

1 A. Yes, I believe so.

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

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

8 A. Yes.

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

14 A. I wasn't here for her testimony.

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

21 A. Well, I would simply say in response that  
22 there are no road closures associated with  
23 the Project, that there will always be a lane  
24 of traffic open, and that a traffic control

1 plan and a transportation management plan  
2 would be developed in partnership with the  
3 local communities and businesses and  
4 emergency responders and others to ensure the  
5 smooth flow of traffic and to minimize delay  
6 or interruption associated with this project,  
7 which will be carried out over a two-year  
8 period, but not all in the same location.

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

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

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

22 A. Okay.

23 Q. Route 116 is about 11 miles. Is that fair to  
24 say?

1 A. Yeah, probably.

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

5 A. Yes.

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

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

15 Q. Well, here's what we know about what this  
16 traffic management plan has to figure out:  
17 So, there's 11 miles. There's 5,280 feet in  
18 a mile. And divide that by 50 feet, and you  
19 have 1,161 days. The reason why I'm coming  
20 up with that number is for just the  
21 trenching. We also have to then add on the  
22 HDD and we have to add on 30 vaults and we  
23 have to add on the microtunnel. But just the  
24 trenching, if they go 50 feet a day, which is

1 optimistic, it will take them 1,161 days to  
2 trench. Now, that's a couple years,  
3 especially since the construction period is  
4 just April to October; correct?

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

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

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

16 BY MS. SAFFO:

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

21 A. Hmm-hmm.

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

24 A. Perhaps. You're getting into a level of

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

3 Q. This isn't an analysis you need to be a  
4 construction person to understand.

5 A. Okay.

6 Q. Okay? This is -- if you assume they trench  
7 50 feet a day, and you have to go 11 miles,  
8 that's 1,161 days. That's just simple math;  
9 correct?

10 A. Yeah. Okay. Yes.

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

14 A. Perhaps.

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

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

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

24 MR. NEEDLEMAN: Objection.

1 CHAIRMAN HONIGBERG: Sustained.

2 You were going to start argument with him.

3 BY MS. SAFFO:

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

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

1 minimize traffic impacts along that segment  
2 of the roadway.

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

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

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

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

21 Q. But those --

22 A. -- by the Project.

23 Q. But those are just one location, one bridge.  
24 And those are often places where people have



1 another route to go around; correct?

2 A. Not necessarily.

3 Q. But you're looking at one location. This is  
4 11 miles, which is going to be looking at  
5 multiple stops along the way for a very long  
6 period of time; correct?

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

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

15 A. I would say usually not.

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

20 MR. NEEDLEMAN: Objection.

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

23 BY MS. SAFFO:

24 Q. Okay. So Lynn Farrington can't -- can only

1 offer what are available options; correct?

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

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

11 A. For a portion of the road, yes.

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

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

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

23 CHAIRMAN HONIGBERG: What is it  
24 you want this witness to do for you?

1 MS. SAFFO: This witness is  
2 describing orderly development.

3 CHAIRMAN HONIGBERG: Right.

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

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

11 MS. SAFFO: I apologize.

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

15 MS. SAFFO: I apologize.

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

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

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

23 Correct?

24 WITNESS VARNEY: Yes.

1 BY MS. SAFFO:

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

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

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

15 A. I feel it's unlikely.

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

18 A. In terms of employment and economy, I think  
19 many of the Project benefits would continue  
20 to be there independent of waiting times for  
21 the lane of traffic to be shifted. And  
22 again, based on my knowledge of the area, I  
23 feel that it's possible to develop a traffic  
24 control plan that minimizes impacts and that

1 includes sequencing and time of year and time  
2 of day and other factors that can be taken  
3 into account.

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

7 A. If there are cars there, yes.

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

11 A. Yes.

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

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

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

20 A. No.

21 Q. So this is a document that was developed as  
22 part of Linda Lauer's prefiled testimony on  
23 behalf of the Grafton County Commissioners.  
24 UNH did a work force study for

1 Lincoln-Woodstock in August, August 8, 2016.  
2 In that work force study, they talked about  
3 the work force in Lincoln. And a little over  
4 2,000 people work in the Lincoln-Woodstock  
5 area, and a great majority of them commute.

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

8 A. Yes.

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

14 A. Yes.

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

19 A. Yes.

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

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

1           once lived in the area.

2       Q.     And so I had asked Ms. Farrington about that  
3           commute and the impact of a delay of -- now,  
4           I didn't ask her about a half-hour delay.  
5           But would you agree with me that if people  
6           commuting from Lincoln to the Haverhill area  
7           would be experiencing a half-hour to  
8           45-minute delay, that would not be an  
9           appropriate traffic control plan?

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

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

17                       CHAIRMAN HONIGBERG:  Yeah, and  
18           you keep using the word "acceptable" or  
19           "unacceptable."  I'm not sure what you mean by  
20           that.  I think he's struggled with a couple of  
21           the answers because I think he's sitting there  
22           thinking:  Why is acceptable or unacceptable  
23           something to apply to me?  So isn't the way to  
24           approach him by saying, "Would this change your

1 view of whether this would have an effect on  
2 orderly development?"

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

5 BY MS. SAFFO:

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

10 A. For what time frame?

11 Q. For an entire season, April to October.

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

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

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

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

23 A. Yes.

24 Q. So, in looking at these, this is a rendition



1 of what trenching would look like alongside a  
2 road. So you have the road and then you have  
3 the trenching next to it; correct?

4 A. Yes.

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

8 A. Yes.

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

11 A. Yes.

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

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

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

21 A. Yes.

22 Q. Okay. And the next one is part of the  
23 Tamarack Tennis Camp. There's another splice  
24 vault there; correct?

1 A. Yes. But again, I'm not sure if these are  
2 based on final design or sites that have been  
3 preliminarily identified.

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

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

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

11 A. Yes.

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

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

16 Q. Which is subject to debate. But at the very  
17 least, the town has to be worried it could be  
18 20 feet on each side of the road; correct?

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

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

23 A. Again, my assessment was based on locating  
24 the Project along the existing state highway

1 right-of-way.

2 Q. And what is your understanding? What did you  
3 consider to be the "existing state highway  
4 right-of-way" when you rendered your opinion?

5 A. It's still being discussed with the DOT.  
6 There are various records along the roadway,  
7 and they're in the process of ironing out  
8 those things and working on their design.

9 Q. And if it's --

10 A. And I think the important thing to know --

11 Q. I don't want you to answer what the important  
12 thing is. My question is what is the  
13 right-of-way that you relied on in rendering  
14 your opinion. If it's still under  
15 discussion, then how did you render an  
16 opinion?

17 A. That it would be located within the existing  
18 right-of-way where they had a legal right to  
19 locate the Project and in a location that was  
20 approvable by the New Hampshire DOT.

21 Q. So, in rendering your opinion on orderly  
22 development, you don't know what the  
23 right-of-way is.

24 A. I don't have the final design plans, but I

1 know the approximate location of the Project.  
2 I know land uses that are along the  
3 right-of-way. And I also know that the final  
4 design is still being developed.

5 Q. So, since the final design is still being  
6 developed, how do property owners and towns  
7 give you the input that you're requiring?

8 A. My understanding is that the Project has been  
9 and will be reaching out to property owners  
10 along the route. I'm aware that in Franconia  
11 and Easton, for example, that Louis Karno  
12 Company has sent letters to each of the  
13 businesses requesting a meeting with them.  
14 Some have responded in some locations,  
15 especially in Plymouth. But many have not  
16 responded to a request to engage in  
17 site-specific discussions with those  
18 businesses.

19 Q. So are you aware of the testimony in the  
20 construction panel about what the citizens  
21 who did talk to Northern Pass, what the  
22 individual landowners were told by Northern  
23 Pass?

24 A. No, I wasn't here for the cross-examination.

1 Q. And did anybody here tell you what they said?

2 A. I don't believe so.

3 Q. Did anybody discuss it with you in any way,  
4 shape or form that you can remember?

5 A. No.

6 Q. Would it surprise you if you learned that  
7 letters were sent out to individual  
8 landowners on 116?

9 A. That individual landowners were sent letters?  
10 That would not surprise me.

11 Q. Would it surprise you that some people  
12 responded to those letters and reached out to  
13 Northern Pass? Would that surprise you?

14 A. Yes. That's good.

15 Q. That is good. Those people did what Northern  
16 Pass asked them to do. Would it surprise you  
17 that those people met with Northern Pass and  
18 were told the Project was going under the  
19 road?

20 A. I can't comment on that. I wasn't involved  
21 in those discussions.

22 Q. Well, your discussions and your opinion and  
23 your testimony has put great weight on Louis  
24 Karno and the people of Northern Pass working

1 with the people in the community; right?

2 A. Yes. That's typically the case with  
3 projects, transmission projects. They try to  
4 reach out and work with the local property  
5 owners. And I've seen many examples of them  
6 doing that.

7 Q. Is it typical for the Project to find out  
8 that they gave them incorrect information and  
9 not correct it?

10 MR. NEEDLEMAN: Objection.

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

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

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

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

21 MS. SAFFO: He said at the time  
22 people were told -- this was very clear  
23 testimony. People were told that the plan was  
24 to go under the road. And at the time they told

1 the people that, that was their plan, and that  
2 they did not correct that when they learned  
3 otherwise. And when I asked when they were  
4 going to correct it, he said after approval.

5 CHAIRMAN HONIGBERG: All right.  
6 That's a little more nuance than the question  
7 you asked.

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

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

16 MS. SAFFO: Okay.

17 BY MR. SAFFO:

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

22 A. I have no basis for having an opinion on  
23 that. I wasn't there. And I don't know what  
24 was said, whether or not there was a

1           misunderstanding in their communications or  
2           whether it was true. I really have no basis  
3           for commenting on that.

4    Q.    I will try to find Mr. Quinlan's testimony  
5           for you. But if you can assume that his  
6           testimony is that people -- he agreed that  
7           people were told not to worry, it was not  
8           going to go in their front yards, it was  
9           going to go under the roadway, and when I  
10          said, Well, that isn't the case anymore, is  
11          it, and he agreed it was no longer the case,  
12          that they were looking at siting this project  
13          along what they considered to be the  
14          right-of-way, so that would be what people  
15          considered to be their front yards, and I  
16          asked if they reached out to those people,  
17          those people that had reached out to them,  
18          who they had met with, to correct what is now  
19          a misunderstanding on that person's part, he  
20          said no. And when I asked when he was going  
21          to correct that, that they've gone to the  
22          people they sent letters to, they met with  
23          those people, they told them don't worry, and  
24          now we know that's no longer the case, but



1 Northern Pass hasn't gone back to them, and  
2 he said -- now, as the orderly development  
3 planner, would that change your opinion if  
4 that's what's happening?

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

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

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

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

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

1 retrieved?

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

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

8 MS. SAFFO: Okay.

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

11 WITNESS VARNEY: No.

12 BY MS. SAFFO:

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

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

21 BY MS. SAFFO:

22 Q. If, hypothetically, Northern Pass met with  
23 landowners who responded to their letters,  
24 told them there was nothing to worry about,

1           that the Project is going a hundred percent  
2           under the road, and then Northern Pass  
3           learned it wasn't going to go under the road  
4           but did not go back to those landowners to  
5           correct that information, do you think that  
6           landowner should trust them?

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

20   Q.    Can you give me --

21   A.    So I don't know the context of those  
22          discussions. But I do know, at least with  
23          the folks that I've talked with, the intent  
24          of the Applicant is to work closely with them

1 and try to work through issues of concern to  
2 the best of their ability.

3 Q. Okay. Do you agree that actions speak louder  
4 than words?

5 A. I don't know.

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

16 A. I was there.

17 Q. Do you remember that being said?

18 A. I don't remember the precise words, but I  
19 remember that the Project said that for the  
20 majority of the Project, about 83 percent,  
21 they would be located in existing corridors,  
22 and it was their intent to minimize the  
23 amount of tree cutting and only cut what was  
24 absolutely necessary within those existing

1 corridors.

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

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

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

10 A. Yes.

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

14 A. Yes.

15 Q. So if September 8th, 2015, the public at that  
16 hearing are being told, quote, "For over  
17 99 percent of the Project, we have no plans  
18 to trim any trees," never mind cut down  
19 mature growth, is that a problem? Should we  
20 redo that public hearing?

21 A. If that's an actual transcript of the  
22 meeting, then I would say that someone  
23 misspoke and was referring to vegetation --  
24 minimizing vegetative clearing within the

1 right-of-way where they have rights to  
2 construct the Project.

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

6 October 16, 2015, Grafton 36, now, a  
7 month after that, the petition is finally  
8 filed. A month later, what is submitted by  
9 Northern Pass to the Department of  
10 Transportation is extended south from the  
11 center of Woodstock, Route 3 has a  
12 long-established presence in the community it  
13 serves. This importance is reflected in a  
14 relatively dense-built roadside with numerous  
15 residences, institutions and businesses  
16 crowding the right-of-way along its length.  
17 Innumerable signs, landscaping, trees, curbs,  
18 parking spaces, walls and fences lie just  
19 beyond the traveled surface. A variety of  
20 water courses and rivers weave across and  
21 along the highway. Attempting to construct a  
22 utility of this nature outside of the  
23 disturbed area of the roadway is highly  
24 problematic. Construction outside the

1 roadway's disturbed area would unnecessarily  
2 impact these abutting properties, several of  
3 which undoubtedly have historic significance.  
4 Locating the power line in the roadway will  
5 greatly reduce impacts, construction and  
6 public inconvenience. That is not at these  
7 public hearings. You were there, the one at  
8 Loon.

9 A. Yes.

10 Q. At Loon, were people told that they needed to  
11 ask permission to go outside a right-of-way?

12 A. I don't recall.

13 Q. You were at Loon. Were people told they need  
14 to consider whether their front yard is being  
15 viewed as having a utility easement across  
16 it?

17 A. I don't recall.

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

20 A. Again, I don't recall. I'm not making a  
21 judgment on it. I'm just explaining that I  
22 don't recall.

23 Q. Do you recall testifying earlier that you  
24 felt that businesses should be protected as

1           much as possible, mitigate the effects on  
2           businesses?

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

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

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

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



1 splice vault. Does that surprise you?

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

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

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

11 Where does it go from there?

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

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

21 A. I believe early outreach is a valuable thing.  
22 But I'm not fully aware of all the  
23 discussions that may have taken place between  
24 the Applicant and abutting property owners.

1 I know there's been a lot of outreach over  
2 the years with individual properties, but I'm  
3 not aware of all of that.

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

10 MR. NEEDLEMAN: Objection.

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

14 CHAIRMAN HONIGBERG: What are you  
15 reading from?

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

18 CHAIRMAN HONIGBERG: I suspect  
19 it's not testimony.

20 MS. SAFFO: Yeah, it's Exhibit  
21 38, an excerpt from Exhibit 38, which is also  
22 Exhibit NAPO-BP 27, which is a summary of it.  
23 And it is the letter from Mike Kenney, submitted  
24 with a packet of letters from the Franconia --

1 CHAIRMAN HONIGBERG: Right, it's  
2 a bunch of public comments; right?

3 MS. SAFFO: Yes.

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

6 MS. SAFFO: Not under oath.

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

10 MS. SAFFO: Thank you. Yeah.

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

14 MS. SAFFO: Yes.

15 BY MS. SAFFO:

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

18 CHAIRMAN HONIGBERG: It's not  
19 testimony.

20 BY MS. SAFFO:

21 Q. I'm sorry. Mike Kenney's statement in the  
22 public comment submitted as part of  
23 Exhibit 38, Grafton Exhibit 38, is true, but  
24 no one from Northern Pass has reached out to

1 him, would you find that to be of concern?

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

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

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

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

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

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

20 CHAIRMAN HONIGBERG: Ms. Saffo.

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

24 CHAIRMAN HONIGBERG: To ask the

1 orderly development person? I don't think so.

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

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

14 MS. SAFFO: Exactly.

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

19 MS. SAFFO: Okay.

20 BY MS. SAFFO:

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

24 A. My statement was that the Project is

1 committed to working with businesses and  
2 property owners and communities along this  
3 route and that they've hired a consultant to  
4 help them with that outreach and have been  
5 working to reach out and iron out issues of  
6 concern with businesses and to have -- with  
7 the goal of minimizing adverse impacts to  
8 those businesses.

9 CHAIRMAN HONIGBERG: Off the  
10 record.

11 (Discussion off the record)

12 BY MS. SAFFO:

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

1 magic wand.

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

8 MR. NEEDLEMAN: Objection.  
9 There's been extensive testimony from the  
10 construction panel talking about that issue.

11 CHAIRMAN HONIGBERG: Ms. Saffo.

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

20 CHAIRMAN HONIGBERG: That's a  
21 good question.

22 BY MS. SAFFO:

23 Q. Okay. In your expert opinion, how do you  
24 mitigate this happening for 52 miles so

1           there's orderly development?

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

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

15       A.    I think I've explained that --

16       Q.    I don't think you have.

17       A.    -- several times today. Work with the local  
18           communities on, well, on things like  
19           emergency response, on timing and  
20           restrictions, ironing out an MOU with the  
21           Applicant that talks about avoiding events  
22           that may be held, avoiding times that are  
23           important to the local community to try to  
24           avoid, and trying to work together to



1 minimize impacts on the local community.  
2 It's something that is frequently done with  
3 other projects. And there was testimony by  
4 an expert who felt it could be done in a  
5 reasonable way.

6 Q. So, once again, I keep hearing "outreach" and  
7 "communication." The only concrete thing  
8 that we would offer these communities that  
9 you just testified to was a traffic control  
10 plan, but we don't know what that would look  
11 like; all the requirements imposed by DOT,  
12 but you haven't listed any requirements that  
13 DOT can list to help these communities;  
14 having outreach in communities, which seems  
15 to be we'll talk to you, but we have nothing  
16 to offer you; emergency response, which you  
17 have to do by law, you can't preclude  
18 emergency response; timing restrictions if  
19 there's event and times that are important to  
20 the community. So, for the 52 miles where  
21 this is going to happen, when this outreach  
22 occurs and a landowner goes, What are you  
23 going to do for me? This is devastating.  
24 You're taking my entire front yard, we're

1 going to offer them, If there's an event,  
2 don't worry. We won't work that day and  
3 we're going to get a good traffic plan.

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

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

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

12 MR. NEEDLEMAN: Objection. Asked  
13 and answered.

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

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

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

21 CHAIRMAN HONIGBERG: Ms. Saffo,  
22 you may continue.

23 BY MS. SAFFO:

24 Q. So, in front of you -- I did find the

1 transcript from the construction panel. It's  
2 Day 9, in the afternoon, and we're on  
3 Page 104, starting at Line 5. Do you see  
4 that in front of you?

5 A. Yes. Where it says "Okay"?

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

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

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

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

21 Q. Then I said, "And when those people -- when  
22 you met with them, could you tell them what  
23 trees you were planning on cutting down?"  
24 And what does he say?

1 A. "At the time we met with them, we did not  
2 plan to cut any trees down."

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

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

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

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

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

1           what's his answer?

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

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

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

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

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

20      Q.     So, for the people that the construction  
21           panel's outreach told that they were not  
22           going to have any impact on the trees and the  
23           shrubs and the stone walls in front of the  
24           houses, the community [sic] panel testified

1           they weren't going to correct that until  
2           after the final approval; correct?

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

11       Q.   But going back to Page 102, when I said -- I  
12          apologize.  It's 103 -- 104, Line 18.  "And  
13          when those people -- when you met with them,  
14          could you tell them what trees you were  
15          planning on cutting down?"

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

20       A.    Yes.

21       Q.    Then I said, "Now do you plan on cutting  
22          trees down?"

23                 And he said, "So, again, as we work  
24          through the process... we may be pushed off

1 to the side of the road. That may impact  
2 some trees. But when we made those  
3 statements, we believed we would be inside  
4 the roadway and not impacting any trees."  
5 Right?

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

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

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

22 Q. But he also said that he -- when I said  
23 you've misunderstood that it's -- I said on  
24 Page 105, Line 6, "So have you corrected

1           those statements to these homeowners who may  
2           now not even realize that their trees are on  
3           the chopping block?"

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

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

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

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

23                            CHAIRMAN HONIGBERG:  Right.  And  
24          that's what you were done reading and he



1           objected and there is no question.

2   BY MS. SAFFO:

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

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

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

10                   MR. NEEDLEMAN:  Objection.

11   Q.   Does that change your opinion?

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

15                   MS. SAFFO:  Okay.

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

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

22                   WITNESS VARNEY:  Yes.  Thank you.  
23       I simply wanted to state as an example of  
24       outreach that has been occurring, that I

1 misspoke earlier when I said that outreach  
2 letters were sent by Louis Karno Company. In  
3 fact, the letters were sent in March by the  
4 Project to business owners along the entire  
5 underground route, to every single business.  
6 And several of them had not -- most of them in  
7 this area had not responded. So I just wanted  
8 to correct the record that it was the Project  
9 that sent out this -- the outreach letters, and  
10 it was back in March, and many had not taken the  
11 opportunity to sit down with the Project  
12 representatives to talk about issues along the  
13 roadway.

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

16 A. Yes.

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

20 A. That's my understanding, yes.

21 Q. October 16, 2015, is when they filed the  
22 petition to the DOT explaining how severe the  
23 impact will be on adjoining landowners along  
24 the entire 52-mile route if they're not

1           allowed to go underground. Do you agree with  
2           that?

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

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

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

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

20      A.    Again, they have been trying to do outreach.  
21           They are planning to do outreach. I  
22           testified previously that they have made this  
23           a high priority and are trying to reach out  
24           to those along the underground route and

1 engage them in working cooperatively.

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

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

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

10 A. I can't recall the specifics.

11 Q. You can't recall if they said to all the  
12 citizens in the audience, not that  
13 99.9 percent of the roadway we won't be  
14 trimming trees, but, hey, citizens, we're  
15 really hoping to go under the roadway and the  
16 disturbed areas, because if we don't, we're  
17 going to be going in your front yards;  
18 correct?

19 A. I don't recall that being said.

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

22 A. I don't recall.

23 Q. On the contrary, at these public hearings,  
24 the public was told, even though they knew

1 the petition hadn't been granted, even though  
2 they knew they needed a deviance from the  
3 UAW, that wasn't what the public was told,  
4 was it, at the public hearings you attended?

5 A. I indicated I can't recall.

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

8 A. I don't know.

9 Q. Reading from the permit, October 15, 2015 --  
10 October 16, 2015 --

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

13 BY MS. SAFFO:

14 Q. From the top of the page where the star is,  
15 Furthermore, the Route 145 roadside contains  
16 several residences, stone walls, fences and  
17 heavy tree cover just beyond the shoulder and  
18 the ditch lines. A few steep roadside grades  
19 in wet areas are present as well.

20 Construction of the underground transmission  
21 line in this area outside of the disturbed  
22 area would result in significant and likely  
23 unacceptable impacts due to these  
24 characteristics. Did I read that correctly?

1 A. I believe so.

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

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

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

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

24 Q. Going down to Stewartstown. The

1 state-maintained portion of Bear Rock Road  
2 running from 145 to Guy Placey Road is  
3 generally 3 rods, although the traveled way  
4 measures approximately 20 feet. Fences,  
5 stone walls, trees, wetlands and steep slopes  
6 consistently occupy between 8 to 10 feet on  
7 both sides of the traveled way and shoulder.  
8 I was going to skip one sentence. To the  
9 south, the grade drops steeply away from the  
10 roadway and numerous wetlands are evident.  
11 The northern roadside slopes sharply upward  
12 from the ditch line. It is covered with  
13 numerous wetlands, stone walls, utility  
14 poles, fences and dense, mature tree growth  
15 often within 10 feet or so of the traveled  
16 way. Construction of the proposed facility  
17 outside the traveled way would dramatically  
18 disrupt the environmental, archeological and  
19 historical resources, as well as alter the  
20 rural characteristics of the area in an  
21 environmentally and socially unacceptable  
22 manner. In addition, installation of the  
23 underground transmission lines along the  
24 right-of-way edges would require extensive

1 disruption and relocation of existing  
2 utilities, loss of swaths of mature tree  
3 growth and vegetation, impacts to wetland  
4 resources, and forever alter the roadside  
5 aesthetics.

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

10 A. I would have to consider it.

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

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

22 Q. If that needs to occur, would it change your  
23 view of the orderly development of this  
24 region?



1 A. No.

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

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

9 Q. Okay. Let's look at the next picture,  
10 please. That's NAPOBP 31.

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

13 BY MS. SAFFO:

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

21 A. I think the design needs to be further along  
22 before they can have a better idea of whether  
23 or not this impact is likely to occur. So  
24 when that right timing is, I'm not sure. As

1 I said, they want to minimize having to go  
2 outside the disturbed area and while staying  
3 within the right-of-way. So...

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

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

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

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

22 Q. Well, if the homeowner says they want tree  
23 and shrubs in front of their house, they  
24 don't want them taken away, is the answer --

1           if this is the side and it's within -- I  
2           mean, there is no shoulder there; correct?  
3           There is no ditch there. You're going  
4           directly off the pavement into their front  
5           yard; correct?

6    A.    The house appears to be relatively close, and  
7           it appears that the DOT's right-of-way  
8           extends beyond the pavement.

9    Q.    So if these people were selling their house,  
10           is it your position that the buyer's position  
11           should be there is a right-of-way, an  
12           easement on this property to bury a power  
13           line, cover it with coal fly ash in their  
14           front yard and they can never put something  
15           on it again? They could never put a three or  
16           shrub on top of it again?

17   A.    Again, I don't know what the -- I believe the  
18           intent is to restore the property to its  
19           original condition as much as possible, while  
20           recognizing that the options are a bit more  
21           limited when you have this line placed in  
22           that location.

23   Q.    So, should all houses within 20 feet of a  
24           state highway be worried about their front

1 yards being dug up for a line being put  
2 through it?

3 A. I don't know.

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

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

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

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

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

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

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

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

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

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

21       A.    Appears to be.

22       Q.    Okay.  Now I'm going to switch over to a  
23          couple pictures of not so much residences,  
24          but roads.  This is from Mr. Bascom's, one of

1 the Counsel for the Public's experts. And  
2 this is the Stewartstown Road.

3 Do you agree a trenching operation,  
4 along with pits, along with HDD along this  
5 road would change the character of the road?

6 A. I don't know where it would be placed. It's  
7 hard for me to know.

8 Q. Okay. Same thing. You don't know where it's  
9 placed, it'd be hard to know?

10 A. I'm not assuming that it would change the  
11 character of the road. Appears to be a  
12 heavily vegetated area. And there's lots of  
13 vegetative cutting along roadways in New  
14 Hampshire. So I don't accept the idea that  
15 it would automatically mean that it changes  
16 the character of the roadway.

17 Q. Okay. One more picture. Same thing. You  
18 agree that there's cliffs on one side, and  
19 the other side would be Beaver Pond?

20 A. Yes, I see the picture.

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

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

24 MS. SAFFO: Yes. This is

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

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

7                           MS. SAFFO: Yeah.

8 BY MS. SAFFO:

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

15 A.    Yes.

16 Q.    One of the things we didn't discuss was she  
17       said two thirds of those people come down  
18       Route 18 to go up 117 in her prefiled  
19       testimony.

20                    You said you've been to Polly's Pancake  
21       Parlor?

22 A.    Yes.

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

1 Parlor?

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

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

11 A. Right.

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

14 A. That's my understanding.

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

18 A. Yes.

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

21 A. Yes.

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

24 A. Yes. I believe this was addressed with the



1 construction panel in some detail.

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

5 A. I assume so.

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

9 A. Depends on how they plan the work.

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

12 A. Yes.

13 Q. And removing dirt; correct?

14 A. Yes.

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

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

19 Q. And moves down for 52 miles; correct?

20 A. Excuse me?

21 Q. As the Project moves the 52 miles.

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

24 Q. Yeah. So, in addition to having the actual

1 construction area, you have these pickup,  
2 these dump trucks going back and forth along  
3 the other remaining lane; correct?

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

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

9 A. Stockpile or --

10 Q. Used the wrong term. Layout areas?

11 A. There are laydown areas that --

12 Q. Laydown areas.

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

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

1 before the decision is made?

2 MR. NEEDLEMAN: Objection. That  
3 was not testimony.

4 MS. SAFFO: Okay. Apologize.

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

7 BY MS. SAFFO:

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

12 A. Yes.

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

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

18 Q. But certainly --

19 A. A mixture of the two.

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

22 A. Some do, but many don't.

23 Q. Some do. And the people that do in  
24 particular do that because they like the

1 surety of knowing where they're going on  
2 vacation; correct?

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

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

7 A. Okay.

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

10 A. There are some people who do that.

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

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

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

18 MR. NEEDLEMAN: Objection. Calls  
19 for speculation.

20 MS. SAFFO: All right. Never  
21 mind.

22 BY MS. SAFFO:

23 Q. You talked about the towns not providing  
24 information to Northern Pass or agreeing to

1 meet with them. But the towns are providing  
2 information to everybody in this room;  
3 correct?

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

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

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

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

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

17 A. They've been reaching out especially to  
18 businesses along the underground route for  
19 several months. And they have, I believe,  
20 contacted all of the communities along the  
21 route asking to sit down with them and work  
22 through an MOU which addresses some of the  
23 concerns that the community may have, things  
24 that are important to them, and try to have a

1 written agreement that addresses some of  
2 those issues of importance to the local  
3 community.

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

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

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

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

21 A. Again I --

22 MR. NEEDLEMAN: Objection. Asked  
23 and answered.

24 A. -- answered.

1 MS. SAFFO: I don't think it has  
2 been asked and answered.

3 CHAIRMAN HONIGBERG: You can  
4 answer again.

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

12 BY MS. SAFFO:

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

16 A. They held numerous public information  
17 meetings in individual towns along the route,  
18 as well as pre-application public information  
19 meetings that are required by the SEC, and  
20 had numerous public hearings as well. And so  
21 there was a fair amount of outreach at a  
22 community level by the Project. And I would  
23 say that with any effort you can always say  
24 that there should have been more.

1 Q. Should I say early and often and accurate  
2 then, meaning -- you said there's a fair  
3 amount of outreach. But at the public  
4 hearings, and the transcripts will speak for  
5 themselves, nobody was told what was in that  
6 letter to the DOT. That was not what the  
7 public was told at those public hearings.  
8 Fair to say?

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

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

19 MR. NEEDLEMAN: Objection. Asked  
20 and answered.

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

23 BY MS. SAFFO:

24 Q. And I did cite some exact words, which was,



1 "99.9 percent of the route we're hoping not  
2 to trim trees." So if that's the case, if  
3 that is what people were told at the public  
4 hearings, would you consider those valid  
5 public hearings?

6 MR. NEEDLEMAN: Objection. That  
7 misstates the record.

8 BY MS. SAFFO:

9 Q. If that is what happened at this hearing, if  
10 at the hearing the public was told  
11 99.9 percent of the roadway we hope not to  
12 have to trim trees, do you think those public  
13 hearings should be done over again?

14 A. No.

15 MS. SAFFO: No further questions.

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

18 (Pause)

19 CHAIRMAN HONIGBERG: Ms. Crane,  
20 you may proceed.

21 CROSS-EXAMINATION

22 BY MS. CRANE:

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

1 better?

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

10 A. Okay.

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

24 Did you visit this web page in the

1 course of your analysis for your report?

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

7 Q. Okay. Thank you.

8 This is Page A-60 from your report,  
9 which I believe is Applicant's Exhibit No. 1,  
10 Appendix 41. Thank you. And the box in the  
11 red says, "Most of Bridgewater is forested,  
12 and only a small portion of the town is  
13 agricultural. About 65 percent of  
14 Bridgewater's land area is in current use.  
15 Nearly 20 percent of the forested and  
16 undeveloped land is steep, with slopes  
17 25 percent or greater. Nearly 10 percent of  
18 land area is estimated to be wetlands.  
19 (Bridgewater Master Plan)."

20 Is that an accurate reading of your  
21 report?

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

24 Q. And looking back at the home page, does it

1           appear that Bridgewater would like to market  
2           itself as a scenic place to be or even to  
3           move to?

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

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

8    A.    No.

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

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

16   A.    Yes.

17   Q.    And what would that be?

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

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

24   A.    Yes.

1 Q. And so can you -- do you see where it says  
2 Daniel Webster Highway?

3 A. Yes.

4 Q. And that is Route 3?

5 A. Yes.

6 Q. And Route 93?

7 A. Yes.

8 Q. And the Pemigewasset River?

9 A. Yes, it's a developed area.

10 Q. Yes. And how do you -- what do you see in  
11 the picture that makes you conclude that it's  
12 a developed area? Or are you --

13 A. There's an interstate highway, a state  
14 highway and several structures shown on this  
15 aerial.

16 Q. Okay. And I would agree with you that  
17 there's no denying that there's development  
18 here.

19 Are you familiar with this location?

20 A. Yeah, that appears -- is this in -- this  
21 appears to be near the Ashland line. Is that  
22 correct?

23 Q. Indeed. It is pretty much the same location  
24 we've been looking at, except now we're on

1 the street instead of in the air.

2 A. It's an industrial area.

3 Q. It is definitely an industrial area. What do  
4 you see in the red circle?

5 A. Transmission lines.

6 Q. And what do you see in the purple circle?

7 A. A steam power plant that is the Bridgewater  
8 facility.

9 Q. So that's a biomass --

10 A. Yes.

11 Q. -- generator?

12 A. Yes.

13 Q. Okay. And there it is in case you hadn't  
14 recognized it. And yes, it's very  
15 industrialized. There seems to be some  
16 excavation, and there are some -- oh, it's  
17 not in the picture. Never mind.

18 I believe -- would you accept that  
19 immediately north of this there are a set of  
20 storage lockers?

21 A. Yeah, I believe they're orange, bright orange  
22 storage lockers that are there. I'm very  
23 familiar with this area and once lived  
24 nearby.

1 Q. Pretty ugly orange, I would confess. No  
2 doubt about it.

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

7 A. Yes, I assume so.

8 Q. I would assume so, too.

9 Okay. And do you recognize this view?

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

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

16 A. Okay.

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

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

23 Q. Okay. I believe there is. It may only be  
24 when you're traveling in the opposite

1 direction on the road.

2 And do you recognize this location?

3 (Witness reviews document.)

4 Q. Could I help?

5 A. Yeah, could you?

6 Q. It's the same location. Again, an aerial  
7 view this time.

8 A. I'm just trying to orient myself here. So  
9 this is the bridge from Ashland here. Yes.  
10 Yes, I know exactly where this is. And the  
11 rail line is there as well.

12 Q. And is it likely that the circle is in the  
13 proximate location of the transition station  
14 that would be introduced if the Project were  
15 developed?

16 A. I can't recall the exact location. But if  
17 you're suggesting that this is accurate, then  
18 I would accept that.

19 Q. Well, I'm certainly not going to rely on it  
20 for construction, but it's roughly there.

21 And the four or five blue stars are  
22 probably new transition towers?

23 A. Okay.

24 Q. Okay. Did you study -- did you include an



1 analysis of the impact of transition stations  
2 in your report?

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

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

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

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

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

24 Q. And that means that this is probably a pretty

1 busy road.

2 What does a biomass plant operation  
3 involve?

4 A. It's burning of wood chips.

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

9 Q. Would you like to join me tomorrow morning?  
10 Oh, wait. It's Saturday.

11 MS. CRANE: That's enough.

12 CHAIRMAN HONIGBERG: Right.  
13 We're going to need to break for the day. We  
14 are back on Monday; correct? Or is Mr. Varney  
15 going to be able to be here on Monday, or are we  
16 doing something else?

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

19 CHAIRMAN HONIGBERG: Ms. Monroe.

20 MS. MONROE: Yes, the plan is to  
21 finish up with Mr. Varney Monday morning. My  
22 understanding is he's available. And then we've  
23 got the lineup of the additional witnesses, the  
24 IBEW, Mayor Grenier from Berlin. And Mr.

1           Bouthillier will be here in the afternoon. So  
2           the plan is to get all of those witnesses done  
3           after Mr. Varney is done.

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

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

12                      MS. CRANE: Why is that?

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

16                      (Discussion off the record).

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

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

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed  
Shorthand Court Reporter and Notary Public  
of the State of New Hampshire, do hereby  
certify that the foregoing is a true and  
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place and on the date hereinbefore set  
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I further certify that I am neither  
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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  
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Susan J. Robidas, LCR/RPR  
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